Exploring Indigenous understandings of family, safety and care as they relate to Child Welfare: a literature review

A Report for the Ministry of Children and Family Development

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Figure 1: *Baby's first moccasins*

Note: By George, A, 2020, photograph, retrieved from *Unsplash*: https://unsplash.com/photos/9bmnaWqskyY

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I would like to acknowledge I have no family or ties to the Indigenous communities. I have been a settler in this place currently known as Victoria, BC since 2019, and before that, raised in the traditional and unceded territory of the Guarani, Kaingang e Charrua peoples in the south of what is now known as the country of Brazil.

I would also like to express my gratitude to my sponsor within the Ministry of Children and Family Development (MCFD), Rachel Treloar, to my course instructor, Alison Gerlach and to my course coordinator, Thais Costa Rabelo Amorim. My deepest appreciation as well to the BC-MCFD Aboriginal Policy and Practice Framework team for the continuous and dedicated guidance throughout this project. Finally, I thank my husband and son for understanding my absence and celebrating my presence throughout the several past months as I navigated this project.

Figure 2: *Purple Camas flowers*

Note: By Gaimard, 2022, photograph, retrieved from *Pixabay*: https://pixabay.com/photos/purple-flowers-common-camas-camas-7138284/

Executive Summary

Background

Social determinants of health as factors of exposure: the root of the problem

Colonialism and its devastating effects permeate the stories of the Indigenous Nations of Turtle Island (North America) in its interactions with child welfare systems (Ahuja et al., 2021; National Collaborating Centre for Aboriginal Health [NCCAH], 2017; West Coast LEAF, 2019; Edward, 2016; Benett et al., 2005). In Canada and within British Columbia (BC), a legacy of institutionalized discrimination continues to impact the lives of Indigenous peoples through structural and interpersonal power imbalances (NCCAH, 2017; West Coast LEAF, 2019; Edward, 2016). Risk factors used to justify the apprehension of children, commonly referred to as factors of exposure, are directly related to disparities in social determinants of health (NCCAH, 2017; West Coast LEAF, 2019). Neglect, the primary reason for child removal in First Nations communities, stems from structural issues such as poverty, poor housing, and domestic substance misuse, which, in turn, are direct results of colonialism and residential schools (NCCAH, 2017). It is history that repeats itself: "a self-perpetuating cycle of neglect" (Edward, 2016, p. 33) in which children and youth are removed from their homes due to aspects resulting from the intergenerational trauma fueled by the residential school system and the Sixties Scoop (Edward, 2016; West Coast LEAF, 2019; Ahuja et al., 2021). The resulting dynamic portrays extreme levels of disproportionality when comparing the rates of Indigenous children and youth in government care to their non-Indigenous counterparts (Turpel-Lafonde, 2013). For every non-Indigenous child brought into care, 15 Indigenous children are brought into care (Edward, 2016). Despite comprising less than 10% of the child population in BC (Edward, 2016), 3,288 Indigenous children make up approximately 68% of children in care in the province (Ministry of Children and Family Development [MCFD], 2022).

Focus on safety and the problem of assessment

Provincial models dominate the provision of child protection services in BC and are dictated by provincial legislation, specifically the *Child, Family and Community Service Act [CFCSA*] (1996). Child protection services should be centred in the rights of the children and

parents in domestic and international law (West Coast LEAF, 2019). In 2022, the United Nations Committee on the Rights of the Child published the combined fifth and sixth periodic reports of Canada through which they express deep concern for violations of children's rights across the country (United Nations, 2022). In the same document, the indivisibility and interdependence of all the rights of children are emphasized. While the rights of children to grow up within their families and communities is critical to many other rights protected by law, the authors of Pathways in a Forest argue that the MCFD in BC "may not be viewing their duty as extending beyond the enforcement of the child's right to be protected from harm" (West Coast LEAF, 2019, p. 32). With an emphasis on safety, children are often removed from their families before less intrusive measures can be explored and often based on culturally inappropriate assessments of safety based on westernized conceptions of family and care (NCCAH, 2017; West Coast LEAF, 2019). It appears that the disconnect lies in the focus that the current system places in legal permanency, overlooking that belonging and cultural permanency are at the centre of the notion of safety for Indigenous families (Ahuja et al., 2021). The separation and the consequent "unbelonging" to which Indigenous families have been recurrently exposed perpetuates colonial constructs and puts Indigenous children at further risk (West Coast LEAF, 2019; Ahuja et al., 2021).

Reconceptualizing family and neglect

While kinship, shared responsibility, and belonging have always been at the heart of Indigenous understandings around family and child safety, colonial structures and interventions have disrupted secular Indigenous child rearing practices and traditions (NCCAH, 2014). The current child welfare system, embedded in the socio-political and historical context that surrounds it, functions around an assessment of the best interest of the child that is likely to be "short-termed, Euro-centric and risk averse" (West Coast LEAF, 2019, p. 44). For instance, the *CFCSA* does not take into account the importance of community in Indigenous cultures as it relates to the complexity of familial networks and fails to recognize the holistic nature of children's "care", focusing on parental responsibility and physical control (Edward, 2016; *CFCSA*, 1996). The application of a system that fails to conceptualize family structures and child safety

within Indigenous perspectives is bound to perpetuate cyclical colonialism and extend trauma, hence the importance of this work.

Purpose and Methods

The purpose of this report is to address the short-termed and rigid conceptualizations of "family", "care" and "safety" in child welfare services by juxtaposing Indigenous perspectives to the current models in legislation and practice. Raised research questions were tackled through a literature review in reputable databases. The resulting 42 sources were analyzed in their entirety and findings were explored in the final sections of this report. An important limitation to the reported findings lies in the diversity of Indigenous groups and their perceptions within Canada and the province of British Columbia, making rigid definitions of "family", "safety" and "care" unattainable.

Findings

Family is the Heart, Children are sacred

In its series of national gatherings on children and families, the National Centre for Aboriginal Health explored secular understandings of family for Indigenous peoples, while examining themes such as the care and safety of children and the impacts of colonial interventions (NCCAH, 2009, 2011, 2012, 2014). Several speakers from across Canada brought up the notion that children are a gift from the Creator, being the role and responsibility of their families and communities to guide and nurture them in the good way. As explored throughout the meetings, it is through language, traditions, and ceremonies that one expresses and reclaims their identity and their sense of belonging. Family is at the heart of Indigenous culture, which is also described by speakers as a start point or a sanctuary. Holmes and Hunt (2017) explain Indigenous families as "networks of reciprocal responsibilities formed between Indigenous peoples and their non-human/animal kin, the land, and waters that comprise their territories, and the spirit world which forms their cosmology" (p.7). As Tomasso and de Finney (2015) note, children are made to know of their importance, being "objects of kindness and love from a large circle of kin and friends" (p.24). Euro-centric models of nuclear family, therefore, do not characterize the complexity of Indigenous familiar networks (Holmes & Hunt, 2017).

Kinship and the Community

Kinship and community-centred care have always been at the core of Indigenous cultures (Holmes, C. & Hunt, S., 2017). Since kinship is a long-standing tradition which involves relatives (blood related or not) caring for other relatives (NCCAH, 2017), it seems natural that customary adoptions form the centre of a complex network of alternative parenting arrangements in Indigenous communities (Tomasso & de Finney, 2015). As examined by Tomasso and de Finney (2005), Indigenous children are born into the community and are meant to be shared to promote tribal strength, bonding, and caring. It is important to note that while one's sense of belonging lies at the heart of Indigenous views around permanency, rigid family placements do not (Tomasso & de Finney, 2015). Fluidity in gender roles and caretaking arrangements are central to Indigenous cultures (Tomasso & de Finney, 2015; Holmes, C. & Hunt, S., 2017).

"Picking up the pieces" (NCCAH, 2014)

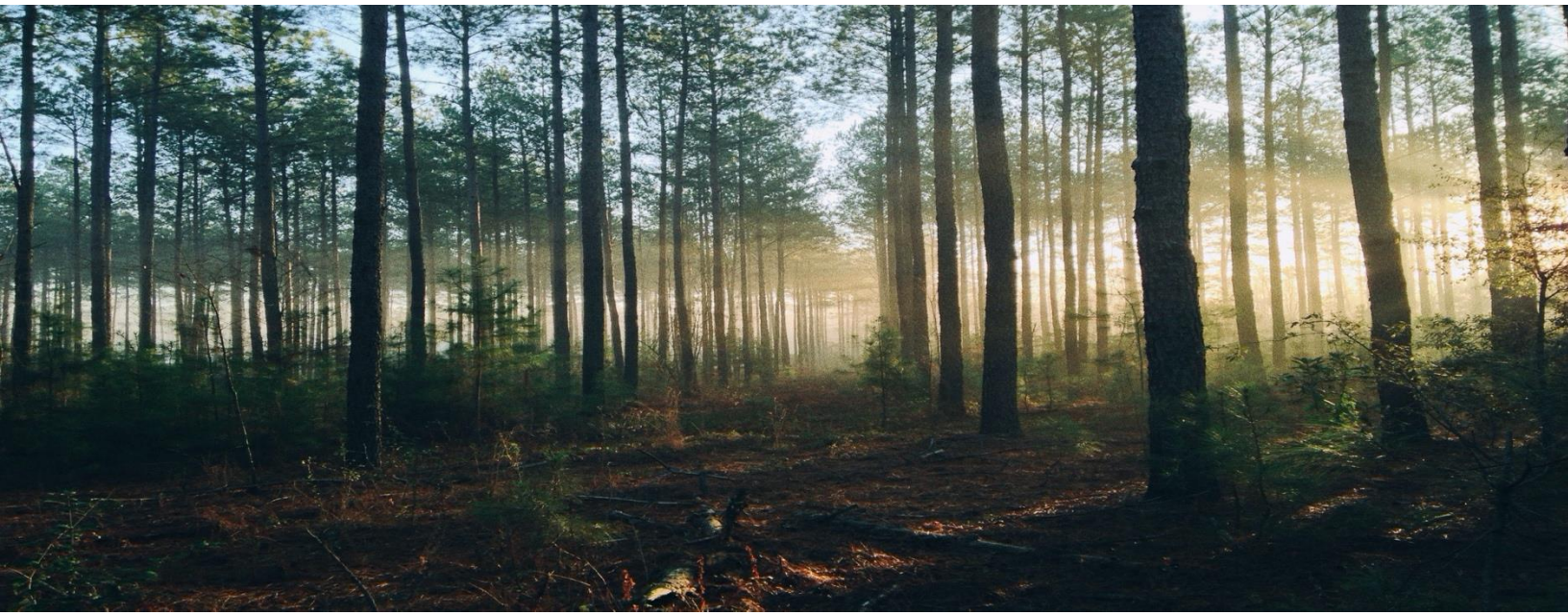
The removal of children from their home and roots has denied them the opportunity to learn the traditions of their people from their Elders, interrupting the passage of knowledge from one generation to the next (Benett et al., 2005). Elders had one of their key roles interrupted, that of "ensuring the sustainability of community and culture through the education and mentorship of children and youth" (Benett et al., 2005, p.18). Residential schools taught children to question their own value and that of their families and communities (NCCAH, 2011). By reinforcing the idea of superiority, religious figures instilled a sense of European supremacy in children, leading them to believe that their families and communities carried less wisdom and authority than the people who ran the Institutions (NCCAH, 2011). The clerical ways of raising children – "absolute obedience reinforced by shame, whipping, and harsh denial – infiltrated and contaminated the traditional Aboriginal childrearing traditions of modeling behaviour and never hitting a child" (Benett et al, 2005, p.18). As a result of these interactions, Indigenous communities and people were left with a lot of anger and weakened tools to cope (NCCAH, 2011, 2014, 2017; Benett et al., 2005; Holmes, C. & Hunt, S., 2017). Severed intergenerational relationships, weakened cultural traditions, and a disruption in parenting and grandfathering practices pushed communities into harmful coping mechanisms and ultimately

led to the continuity of child removal through the child welfare systems (NCCAH, 2011, 2014, 2017; Benett et al., 2005; Holmes, C. & Hunt, S., 2017). As explored in the several meetings promoted by the NCCAH (2009, 2011, 2012, 2014), the journey of healing revolves around removing shame, guilt, and trauma and reclaiming Indigenous ways of parenting.

Reconceptualizing Safety and neglect

When examining the literature for notions of safety and care from an Indigenous perspective, belonging, culture and ceremony seem to be at the centre of the discussion (Benett, 2015; NCAH, 2009, 2011, 2012, 2014; Ahuja et al., 2021, Edward, 2016). Culture is often portrayed as an anchor, the idea that one will always have a place to come back to (NCCAH, 2014). In the context of community-based care, it is important to note that the feeling of belonging and being at home within one's community is directly related to the notion of safety (Benett, 2015; Ahuja et al., 2021). Pat Makokis mentions that children are protected by a cultural shield, embraced and guided by their communities and braced by traditional and secular practices (NCCAH, 2014). It is through ceremony and ritual that Indigenous people of all ages find a safe channel to release emotions and cope with trauma (NCCAH, 2011), and it is also through them that generations can connect and heal (NCCAH, 2014). As offered by a speaker in a documentary film hosted by the NCCAH, the words sang to him by his mother "Come, my love, and sit beside me – we will speak the words of love… and you too will express that love to me" emphasize the collaboration, sharing and deep appreciation for the role involved in caring for Indigenous children (NCCAH, 2011). A vibrant sense of identity, belonging and cultural pride are protective and should be at the core of an Indigenous child's assessment of "best interest" (NCCAH, 2009). In light of these findings, it can be argued that the removal of children and the "unbelonging" to which they are often exposed when estranged from their communities is an insult to their own safety.

Figure 3: *Illuminated woods*



Note: By Kamenar, S., 2015, photograph, retrieved from *Unsplash*: https://unsplash.com/photos/MMJx78V7xS8

Background

Historical context

Turtle Island: A mother and baby in their connection to the land

While Turtle Island's creation story varies between Indigenous groups, Iriquois speaking people believe it begins with a pregnant woman who lived in a supernatural land in the heavens (Madigan, 2017). One day, while digging at the roots of the Sacred Tree, she fell down towards a large body of water and was rescued by large birds that gently placed her on the back of a sea turtle (Madigan, 2017). In generosity, animals brought mud and pieces of dirt for the woman to stand on (Madigan, 2017). As she walked, the earth grew until it became what we now know as Turtle Island, currently known as North America (Madigan, 2017). The turtle, a symbol of deep respect for the land and earth, embraces life. It is in the arms of a mother, safely anchored in nature, that the story of what we know as North America begins.

Indigenous approach to child protection, the interruption of secular systems and the beginnings of the cultural genocide

Historically, Indigenous peoples and their systems place deep value in family and children, rooted in respect to the land and all creatures. (NCCAH, 2014). Much before the

arrival of colonizers, First Nations, Inuit and Metis peoples in Canada were guided by traditional systems of culture, law, and knowledge that ensured the protection of children and families (NCCAH, 2017). Across a diverse array of cultures, the communal responsibility related to the care of Indigenous children has always been a constant (Tomasso & de Finney, 2015). Traditionally, when requiring alternative placement, children were embraced by the community and cared for within the extended family (NCCAH, 2017).

Interactions between Indigenous peoples and Europeans settlers began on good terms (NCCAH, 2017). Chiefs of the time, viewed the newcomers as welcomed guests and their relations to the land as one of mutuality (Christian, 2010). According to Christian (2010), some leaders expressed the willingness to accept the guests as family:

> "These people wish to be partners with us in our country. We must, therefore, be the same as brothers to them, and live as one family. We will share equally in everything—half and half—in land, water and timber, etc. What is ours will be theirs, and what is theirs will be ours. We will help each other to be great and good" (p.11).

It soon became clear, however, that the approach of settlers was not one of partnership, but of assimilation and ultimately, cultural genocide (Christian, 2010).

A mass assimilation tool: "to kill the Indian in the child" (Christian, 2010, p.11)

In 1920, through an amendment to the Indian act, governing bodies made it mandatory for Indigenous children to attend Residential Schools (Christian, 2010). In these institutions, children received inadequate education and nutrition, were forced to work, and endured several different forms of abuse (Benett et al., 2005). As explained by Benett and colleagues (2005) in a literature review of child welfare, "Residential schools were designed to kill the "Indian" in the children by converting them into civilized and Christianized "clones" of white society" (p. 18). Children were not only banned from engaging in spiritual practices and speaking their languages, but also punished by doing so (Benett et al, 2005). Abducted from their communities, they were denied the opportunity to learn about their cultures from the Elders (Benett et al., 2005). Elders, in turn, were deprived of one of their key roles, that of ensuring sustainability and maintenance of a vibrant culture through the education and mentorship of young people (Benett et al., 2005; NCCAH, 2009). Bare of their identity and filled

with shame and anger, children who eventually returned to their families were strangers to their own homes (NCCAH, 2009; Benett et al., 2005). The burdens carried by survivors included a disruption in parenting skills, interrupted traditions around coping mechanisms, and scars from having witnessed or directly experienced abuse (NCCAH, 2009; Benett et al., 2005).

As Residential Schools gradually closed its doors, a new model of child apprehension and assimilation took root in the form of the Child Welfare system (NCCAH, 2017). Starting in the 1950s and extending late into the late 70s, the belief that Indigenous children would be better off being raised by non-Indigenous families was widespread in the domain of social work (Christian, 2010). Between the 1950s and 80s, 67% of the Indigenous child population living in BC was apprehended, in what would later be known as the 60s scoop (West Coast LEAF, 2019). The mass removal of Indigenous children from their homes was the consequence of paternalistic assessments of safety and a lack of regard for Indigenous cultures in a system that focused on apprehension over prevention (West Coast LEAF, 2019). Children were often removed without consent of Indigenous families and Nations to be sent to live with non-Indigenous families, often in other provinces or countries (Ahuja et al., 2021; Benett et al., 2005). Once in foster or adoptive homes, some of which were dysfunctional, few would ever return home (Benett et al., 2005). Those who did find their way back, returned with the torment of the loss of identity (Benett et al., 2005). The resulting pain and suffering still manifests itself throughout many First Nations communities with a direct impact on substance abuse, suicides, incarceration, domestic violence and the general disarray of First Nation systems (NCCAH, 2009; Benett et al., West Coast LEAF, 2019; Holmes & Hunt, 2017).

Social determinants of health as factors of exposure: the Millennial Scoop

It is in the context of social dysfunction resulting from the residential and early child welfare eras that we embark into an analysis of the contemporary Canadian child welfare system. In Canada and within British Columbia, a legacy of institutionalized discrimination continues to impact the lives of Indigenous peoples through structural and interpersonal power imbalances (NCCAH, 2017; West Coast LEAF, 2019; Edward, 2016; Walkem, 2021; Greenwood et al., 2018). When compared to their non-Indigenous counterparts, social determinants of health gain layers of complexity in Indigenous populations (Greenwood et al., 2018). The

correlation between social determinants of health and involvement with child welfare systems is well documented in literature (West Coast LEAF, 2018; Edward, 2016). Concomitantly, the disarray imposed by colonial practices and legislation is directly linked to disfavourable status in the social determinants of health (Greenwood et al., 2018). To exemplify the latter, through the Indian Act and its amendments, the Government of Canada forbade ceremony, confined First Nations people to reserves across Canada, and restricted access to ancestral lands (Christian, 2010). These legal restrictions not only meant a significant disruption to subsistence-based activities, but also the interruption of spiritual practices and secular connections to the land (Christian, 2010).

In their book, *Determinants of Indigenous Peoples' Health*, Greenwood and colleagues (2018) explore how current conceptualizations of the social determinants of health perpetuate colonial structures and may act in disservice of Indigenous peoples. In their analysis, the group focuses on the emphasis in the "social" in the determinants of health, arguing that current short-termed definitions tend to "marginalize other types of determinants not typically considered to fall under the category of the 'social'" (Greenwood et al., 2018, p.22-23). This notion, for instance, seems to go hand in hand with the broad dynamic existent in the perception of 'health' for Indigenous individuals and communities (Greenwood et al., 2018). In this context, when speaking of determinants of Indigenous peoples' health, one should center around colonization and include aspects such as spirituality, connection to the land, history, culture, language, and knowledge systems (Greenwood et al., 2018). Recognizing that colonialism is at the centre of the discussion in regards to the disparities in social determinants of health (Greenwood et al. 2018), clearly emphasizes that a focus on preventative services is imperative for change in child welfare system.

Risk factors used to justify the apprehension of children, commonly referred to as factors of exposure, are directly related to disparities in social determinants of health (NCCAH, 2017; West Coast LEAF, 2019). Neglect, the primary reason for child removal in First Nations communities, stems from structural issues such as poverty, poor housing and domestic substance misuse, which, in turn, are direct results of colonialism and residential schools (NCCAH, 2017; West Coast LEAF, 2019). While disparities in the social determinants of health

puts Indigenous families on MCFD's radar, a history of contact with the government sets families at a greater risk of continued involvement with the child welfare system (West Coast LEAF, 2019). Once in government care, children tend to experience poorer outcomes in education, health, and well-being (West Coast LEAF, 2019; Turpel-Lafonde, 2013; Ahuja et al. 2021, Carriere & Richardson, 2009). The several disparities in determinants of health that Indigenous children are already exposed to are then compounded by their involvement with child welfare system (West Coast LEAF, 2019). It is history that repeats itself: "a self-perpetuating cycle of neglect" (Edward, 2016, p. 33) in which children and youth are removed from their homes due to aspects resulting from the intergenerational trauma fueled by the residential school system and the Sixties Scoop (Edward, 2016). In contemporary child welfare, this new generation of involvement with the system due to complex structural disparities is known as the "Millennium Scoop" (West Coast LEAF, 2019).

Figure 4: *The Iceberg behind child removal: a visual analysis*

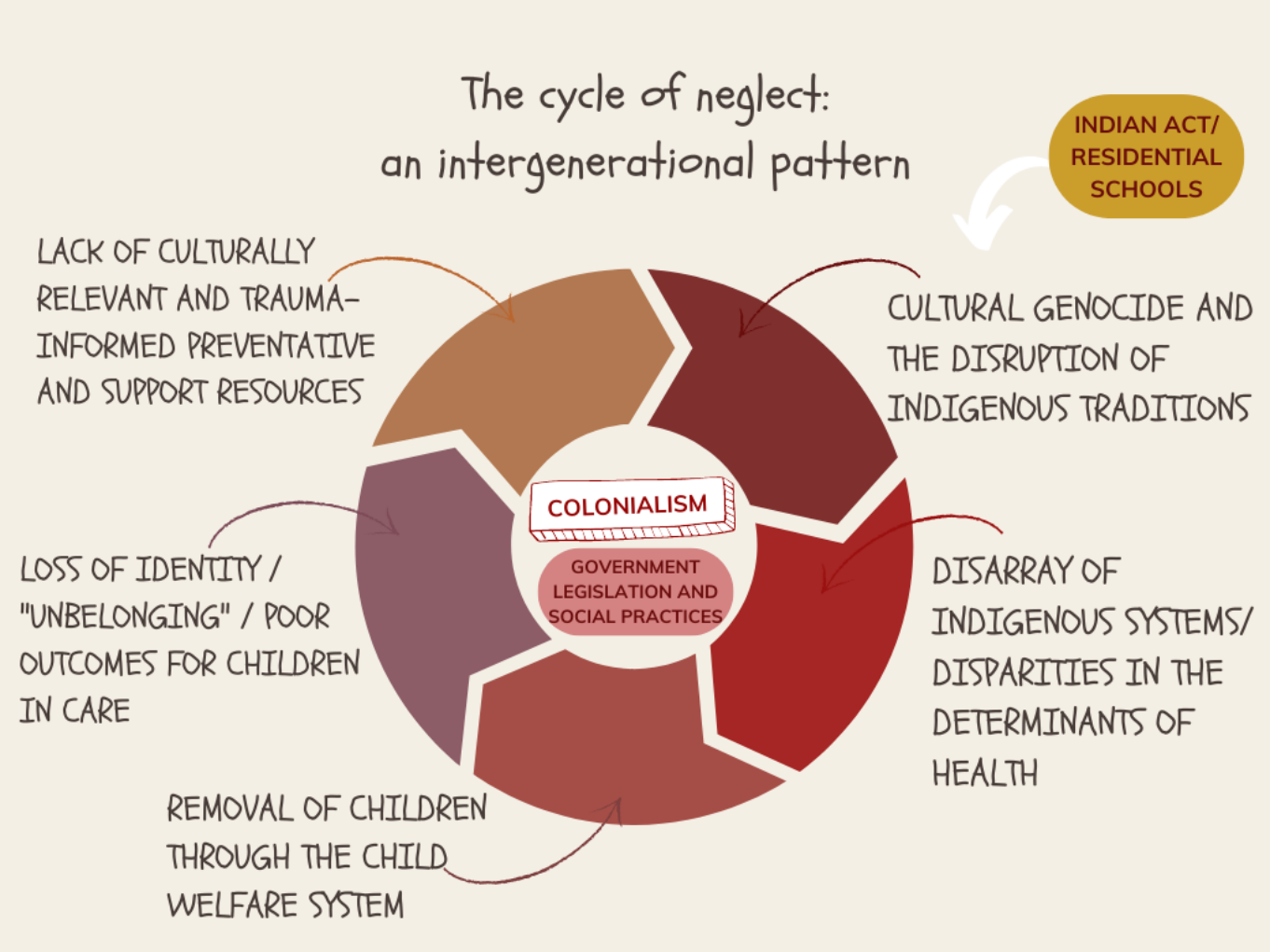
Note: By Hawrys, N. (2022), unpublished infographic

Reality in numbers

The resulting dynamic portrays extreme levels of disproportionality when comparing the rates of Indigenous children and youth in government care to their non-Indigenous counterparts (Turpel-Lafonde, 2013). In the province of BC, for every non-Indigenous child brought into care, 15 Indigenous children are brought into care (Edward, 2016). Despite comprising less than 10% of the child population in British Columbia (Turpel-Lafonde, 2013; Edward, 2016), 3,288 Indigenous children make up approximately 68% of children in care in the province (Ministry of Children and Family Development [MCFD], 2022). Although the number of Indigenous children in government care has declined over the past two decades, the proportion of Indigenous

children in care remains over 50% since 2006/2007 (Turpel-Lafonde, 2013; MCFD, 2022). In fact, as of 2020, there were more Indigenous children in government care than at any other point in the past (Walkem, 2021).

Figure 5: *The cycle of neglect: an intergenerational pattern*



Note: By Hawrys, N. (2022), unpublished infographic

Child Welfare System organization

Given that the structure of the child welfare system in the province of British Columbia has been examined in detail in other recent reports (Edward, 2016; Turpel-Lafonde, 2013), this section is not intended to be comprehensive. However, in moving forward, a brief overview of simple organizational concepts is pertinent.

For the purposes of this report, child welfare means the services mandated under the *Child, Family and Community Service Act* (*CFCSA*, 1996) and delivered by the MCFD (Turpel-Lafonde, 2013). The delivery of and funding for Indigenous child welfare services in BC functions around a complex network of responsibilities, depending on the child's status, where they reside, the existence of a delegated Aboriginal Agencies (DAA) in that community, and the agency's level of delegated authority (Edward, 2016; Turpel-Lafonde, 2013). Through the Child and Youth Safety and Family Support Policies and Child and Family Development Service Standards, the MCFD provides guidance for the delivery of child welfare services by social providers (Turpel-Lafonde, 2013).

Over the past decades, efforts have been made to address the overrepresentation of Indigenous children in government care (Ahuja et al, 2021; Walkem, 2021; Rousseau, 2015; Turpel-Lafonde, 2013; Walkem, 2002). Provincial legislation and policies have suffered numerous amendments in an attempt become more aligned with central aspects of Indigenous cultures (Ahuja et al., 2021; Walkem, 2015; Turpel-Lafonde, 2013). Since 1980s and extending into recent days, delegated agencies have continuously been created for the provision of provincial child welfare programs and enforcement of provincial laws (Walkem, 2002; Turpel-Lafonde, 2013). In the 1990s, the first version of the *Aboriginal Operational and Practice Standards and Indicators* [AOPSI] was conceived to develop operational and practice standards for Aboriginal Child and Family Service Agencies and to serve as the basis for measuring agency compliance in an audit and review processes (Edward, 2016; MCFD, 2009). Starting in 2009 and extending well into 2012, a review of AOPSI was conducted with the goal of ensuring better representation of Indigenous worldviews, beliefs, values and cultural traditions, while still respecting the guiding legislation (Turpel-Lafonde, 2013). Other recent movements towards reconciliation with Indigenous peoples are explored further in the subsequent sections of this report. Though arguably driven by the best intentions, these movements have had little effect in the rates of Indigenous children in care (Rousseau, 2015). To this day, policies and legislation, even in their amended models, form the basis for a system that is unable to guarantee cultural continuity and support Indigenous communities in self-determination (Walkem, 2015; Ahuja et al, 2021).

While delegated Aboriginal agencies are meant to play a key role in the return of responsibilities over child protection and family services to Indigenous communities, several challenges have posed difficulties in their operation (Turpel-Lafonde, 2013; West Coast LEAF, 2019). In practice, inadequate allocation of funds to DAAs and the maintenance of foreign laws to Indigenous peoples impact their ability to provide culturally relevant services, especially in the scope of preventative efforts (Turpel-Lafonde, 2013). Delegating protection authority while dictating the types of preventative services that are available to families and imposing metrics of evaluation on the work of social providers does not equal self-determination (West Coast LEAF, 2019).

In *Calling Forth Our Future*, Walkem (2002) manifested concern over what delegation efforts may represent, stating that

> "With the creation of delegated service delivery agencies, the federal and provincial governments have created an Indigenous civil service to deliver government programs and policies. Under delegated models, there is no recognition of Indigenous Peoples inherent jurisdiction, and no reflection of our own laws and traditions. Delegated models represent the imposition of self-administration under foreign laws and ultimately the institutionalization of neo-colonial policies" (p. 52).

Therefore, it can be argued that the designation of degrees of authority without a full transfer of jurisdiction of child protection services to Indigenous people tend to feed neo-colonial policies and perpetuate intergenerational trauma (West Coast LEAF, 2019).

A hierarchy of the rights of a child and the problem of safety assessment

According to *An Act respecting First Nations, Inuit and Métis children, youth and families [the Federal Act]* (2019) and as noted by Walkem (2021, p.23), "the international human right standards in the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Convention on the Rights of the Child (UNCRC) should guide how child welfare services are provided to Indigenous children and families". With a broad definition of family (and respecting Indigenous views around community-based arrangements), the Convention on the Rights of the Child (UNRC) identifies the family as "the natural environment for the growth and well-being of its members" and recognizes that children have the right to "know and be

cared for by their parents" (West Coast LEAF, 2019, p.33). Although the right of protection to family ties is warranted by the aforementioned documents, it is not absolute and can be challenged when available alternatives have been exhausted and a separation is proved to be in the best interests of the child (West Coast LEAF, 2019). However, the same documents recognize the obligation of the government to provide preventative services so that parents and legal guardians can fulfill their caregiving duties (West Coast LEAF, 2019).

In their recent report, the authors of *Pathways in a Forest* (West Coast LEAF, 2019) explore the historical focus placed on protection from harm across child welfare systems. They further explain that a significant component of child protection services is related to "enforcing the right of the child to be protected from abuse, neglect, or harm" (West Coast Leaf, 2019, p.32). While acknowledging that the evaluation of risk is inherent to the provision of child protection services, the authors of the same report strongly suggest that services should be centred in the protection of *all* the rights of the child. They argue that human rights are indivisible and, therefore, cannot be placed in a hierarchy. To illustrate this concept, one can elaborate that while the protection of children's rights may involve the assessment of a child's safety in their home environment, it may also warrant that the family receive support to care for their child and that the state provides resources to improve outcomes for vulnerable populations. While the rights of children to grow up within their families and communities is critical to many other rights protected by law, the authors of Pathways in a Forest argue that the MCFD in BC "may not be viewing their duty as extending beyond the enforcement of the child's right to be protected from harm" (West Coast LEAF, 2019, p. 32).

For instance, the *CFCSA* does not take into account the complexity of community in Indigenous cultures as it relates to the care of children and fails to recognize the holistic nature of children's "care" (Edward, 2016; *CFCSA*, 1996). As per the same act, "care" means "physical care and control of the child", a definition Eurocentric in the extreme. Similarly, while "parent" and "caregiver" are both defined, neither seems to grasp the complexity of Indigenous family ties, and a definition of family is not provided. Although the *CFCSA* does mention the shared responsibility of the Indigenous community in the care of children, it does so while building its principles around dominant colonial constructs. It is important to note that even though "the

safety and well-being" of children act as the paramount consideration, well-being seems to be vaguely addressed from an Indigenous viewpoint, giving safety a disproportionate emphasis.

Guided by the current legislation and with an emphasis on safety, children are often removed from their families before less intrusive measures can be explored and often based on culturally inappropriate assessments of safety based on westernized conceptions of risk, family and care (NCCAH, 2017; West Coast LEAF, 2019). The current child welfare system, embedded in the socio-political and historical context that surrounds it, functions around an assessment of the best interest of the child that is likely to be "short-termed, Euro-centric and risk averse" (West Coast LEAF, 2019, p. 44). The resulting dynamic is a crisis-centred approach through which removal is seen as the resolution of protection concerns (West Coast LEAF, 2019). A flattened analysis of what should be a nuanced exploration of children's best interests results in apprehensions of Indigenous children, based on short-termed and often racist evaluations (West Coast LEAF, 2019; Walkem, 2021)

It is now known that the harm in apprehensions can often exceed the harm caused in unsatisfactory home situations (West Coast LEAF, 2019). In line with this is the analysis of a service provider from a Delegated Aboriginal Agency, who understands that risk is inherent to the provision of child protection services:

> "We really endeavour to work in a different way. Child welfare work is inherently risky. There's always risks, and some social workers have in the past felt uncomfortable, some of the people that worked here, because they felt that we were leaving children at risk. And for myself […] it just seems that we're very committed to doing child welfare differently. And someone was saying if you do the same thing over and over and expect different results that's the definition of insanity. So, we are really trying to do it differently because [of] these unhappy stories we've heard. We're trying to do it differently because we have to balance the risk. But we feel that having children grow up within their family is always the best, and that's what we really strive for. We know there's circumstances, we've all seen them, when it's not possible, but we, at this agency, really, it's really our goal from the board level onward to minimize that. We

want the families to be together if at all possible, and we're trying to think outside the box and different ways of doing that to" (West Coast LEAF, 2019, p. 85).

Further to the problem of assessment, Jessica and colleagues (2021), state that there is "real cultural tension between many Indigenous child-rearing practices and Western beliefs about children that give rise to cultural biases at micro and macro levels of practice" (p. 51). Lindstrom and Choate (2017) explored implications of the application of parental capacity assessment to Indigenous populations, arguing that the methodologies available are not appropriate decision-making tools. Based upon input from Elders, they identified central pieces to parenting within Indigenous cultures. Mentioning differences in communication, discipline, familial ties and roles, identity, culture and caregiving activities; the authors provided practical examples of how these aspects could impact assessments. They went on to suggest modifications to standard assessments of parental capacity to include the extended family as well as the presence of an Elder. Other recommendations by the authors include the exploration of parental capacity in spiritual and identity guidance as well as consideration to intergenerational trauma and mapping of supported connections.

In summary, it appears that the disconnect lies in the focus that the current system places in narrow and risk-averse assessments, overlooking that belonging and cultural permanency are at the centre of the notion of safety for Indigenous families (Ahuja et al., 2021). The separation and the consequent "unbelonging" to which Indigenous families have been recurrently exposed perpetuates colonial constructs and puts Indigenous children at further risk (West Coast LEAF, 2019; Ahuja et al., 2021; Walkem, 2015). In this context, the alternative is a system that sees all rights of the child as interconnected, giving emphasis to cultural aspects to consider all rights as set in domestic and international law. This signifies a shift towards child protection services that embrace children as members of a larger population; a wholistic approach to child welfare that focuses on the complexity of each individual child's environment and underlying determinants of health.

Figure 6: *Illuminated tree*

By Jplenio, 2018, photograph, retrieved from Pixabay: https://pixabay.com/photos/trees-wilderness-nature-woods-3822149/

Keeping hope alive: reforms underway

During a national gathering highlighting the strength of Indigenous families, Dr. Jo-ann Archibald drew upon a traditional teaching to illustrate healing processes and efforts of Indigenous peoples across Canada (NCCAH, 2014).

> "She related the story about a character named Lady Louse, who tirelessly cleaned the community longhouse, only to become lost in the dust of her work. Dr. Archibald provided some takeaways from this story which circled back to bringing focus to the family: that Aboriginal people, families and communities have been lost in the dust that is the history of colonialism; that no one person can work in isolation from others, including families and communities; and that eventually dust settles and brings new opportunities to move forward" (NCCAH, n.d., par. 5).

In this context and empowered by the former analysis, we embark in an exploration of recent advancements within the domain of child welfare in the province of British Columbia

and beyond. It is important to note that the developments outlined below remain in progress. Although promising, lack of access to internal documents and to quality control data regarding the recent changes make the scope of this analysis limited in its practical application.

An Act respecting First Nations, Inuit and Métis children, youth and families [the Federal Act] (2019)

As Walkem (2021) explains in her recent report, "the Federal Act creates a process for Indigenous Peoples to pass their own laws and establishes national standards that all provincial and territorial child welfare providers must meet" (p.8). The same author states that according to the *Federal Act*, it is a requirement that "the Indigenous laws and traditions of a child's own community be reflected in all aspects of caring for that child, even when the Indigenous community has not entered (or may not enter) a process to officially pass their own child welfare law" (Walkem, 2021, p.20). Contrasting with the current system in BC and its guiding legislation, the *Federal Act* super-weights the protection of an Indigenous child's cultural identity and connection in the assessment of a child's best interests (Walkem, 2021). It asserts children's rights to integral access to their culture, including their traditions, customs, languages and community (Walkem, 2021). Furthermore, its principle of substantive equality means that removal itself is not to be determined without ensuring that their identity and connections are preserved (Walkem, 2021). In other words, to be *actually* protected, children need to have a plan in place to preserve their cultural connections and identity (Walkem, 2021).

Further to the analysis of changes relative to the *Federal Act*, Indigenous community involvement and the respect for Indigenous laws include identifying the role of extended families and communities in keeping children safe (Walkem, 2021). Examples of this in practice are the reassessment of placement on an ongoing basis to determine the return of a child to their family; and the priority of placement protocols that set precedent for extended family and the community of origin to act as placements (*Federal Act*, 2019; MCFD, 2020; Walkem, 2021). Additionally, as per the *Federal Act* (2019), Walkem (2021) explores that when making child welfare decisions, workers in the figure of the Director must be stripped of biases and stereotypes. This is directly linked to the creation of subsections that not only prevent apprehension solely on the basis of socioeconomic factors but also ensure the provision of

culturally safe preventative services, targeting disadvantages in the determinants of health for Indigenous Peoples (*Federal Act*, 2019; Walkem, 2021).

Finally, in contrast to the *CFCSA*, the *Federal Act* sets the best interests as the child as the paramount consideration regarding actions related to the apprehension of a child (MCFD, 2020; *Federal Act*, 2019). In doing so, it places

> "primary consideration […] to the child's physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child's connections to his or her culture" (*Federal Act*, 2019, s.2).

Conversely, the *CFCSA* considers "the safety and well-being of a child" to be the paramount considerations in services provided, using the concept of a child's best interest where it is specifically referenced and providing a list of equally weighed factors in the determination of what the best interests are (MCFD, 2020; *CFCSA*, 1996).

It is important to note that while factors related to the culture of an Indigenous child are considered in the evaluation of a child's best interests through the current guiding legislation, several authors question the application of such a concept from a top-down approach (Walkem, 2002; West Coast LEAF, 2019; Clark et al., 2020; Sinclair, 2017). It may be argued that

> "when the best interests of the child test is applied within the provincial child welfare context, the interests of Indigenous children are harmed because the province is not suited to know or assess any of the factors which come into play in terms of membership within an Indigenous Nation, or the ways in which this citizenship is fostered and benefits Indigenous children" (Walkem, 2002, p.51).

While this has be addressed by the *Federal Act* and can be achieved with the involvement of the Indigenous community in the decision-making process, attention must be given to the directions in which this occurs to honour Indigenous laws, practices and perspectives. It is pertinent to mention that the Aboriginal Policy and Practice Framework (MCFD, 2015), further explored in the subsequent sections of this report, is strategically placed to address this matter.

The MCFD in the alignment with the *Federal Act*

When considering changes encompassed in the *Federal Act*, what that means at the provincial level is that "provincial laws and policies continue to apply unless there is a conflict with Indigenous laws or the Federal Act itself" (Walkem, 2021, p. 9). As required under the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA) – a legislative framework focusing on the rights of Indigenous peoples, the MCFD BC has set the alignment with the *Federal Act* as a goal in the service plan document for the 2020/2021-2022/2023 fiscal years (MCFD, 2020). In January of 2020, the MCFD issued *Policy 1.1: Working with Indigenous Children, Youth, Families and Communities* [Policy 1.1] (2020) to direct service providers on how the BC *CFCSA* should be interpreted in light of the Federal Act. As a subsequent step, amendments to the *CFCSA* are currently being explored to align with the federal legislation in place in a movement referred to as the "*Child and Family Service Legislative Reform*" (MCFD, n.d; Walkem, 2021.). As of the time of writing of this report, a community engagement is taking place at the public level to involve Indigenous peoples, Nations, communities, and organizations (MCFD, n.d). People with lived experience of the child and family service system, as well as community and social sector advocates and organizations are also involved to participate (MCFD, n.d.).

Other important objectives as set in the MCFD 2020/2021-2022/2023 service plan are explored below as they relate to Indigenous children (MCFD, 2020). In this document, objective 1.2 provides a broad intention, with equally widened strategies. It reads: "in collaboration with Indigenous peoples, design and implement restorative policy, practice, and services with cultural humility and the intention to honour traditional approaches and better serve Indigenous children and families. Additionally, as per objective number 1.3, another goal is to ensure transparency and accountability to Indigenous children, families and communities. Key strategies for meeting this goal include transparency and accountability through tools and processes that provide information on funding, children in care and outcomes. Although the mention to the former goals is promising, one could argue that the goals are vague in their exploration and the means through which the Ministry intends to meet them are not included in the service plan. While service plans do not intend to be all-encompassing documents, goals should be specific and include processes of implementation and measures of outcomes.

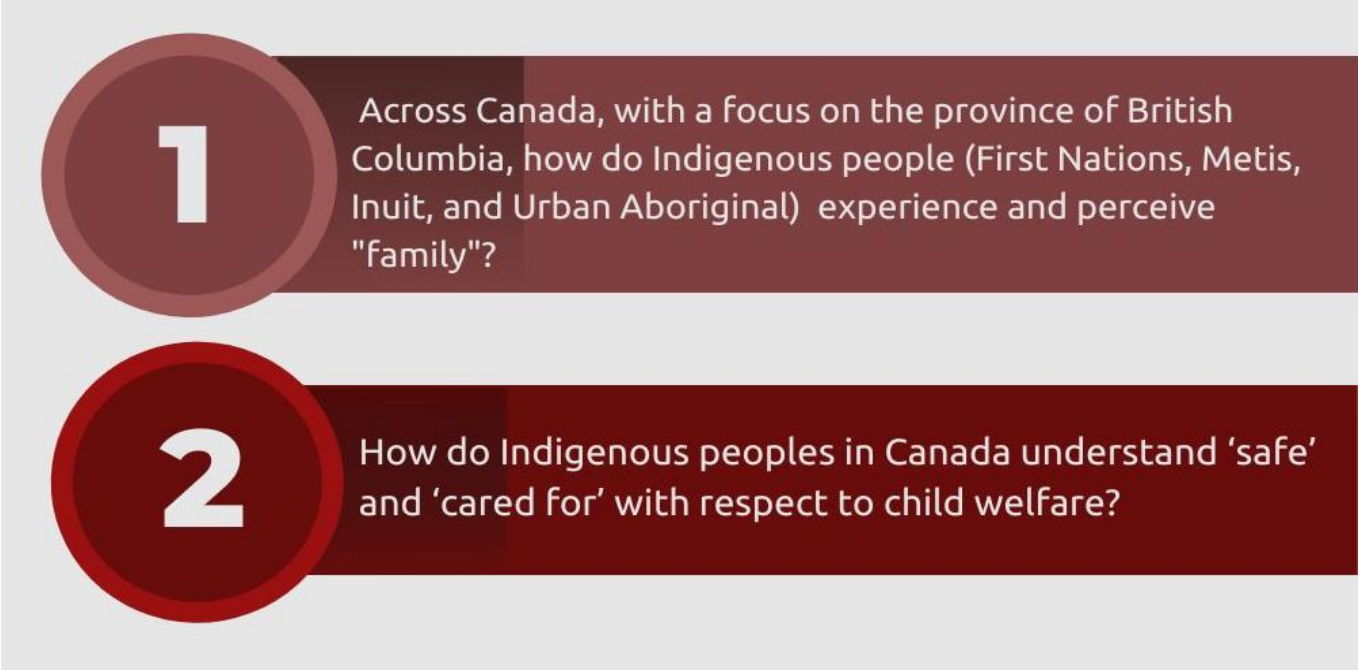
Figure 7: *Camas flowers under the sun*

Note: By MabelAmber, 2018, photograph, retrieved from *Pixabay*: https://pixabay.com/photos/camassia-leichtlinii-praire-lilly-3375413/

Purpose and Research Questions

The purpose of this project is to address the current deficient conceptualizations of Indigenous familial structures in child welfare policy and practice (West Coast LEAF, 2019). It aims to explore how Indigenous peoples see and experience "family", as well as how they perceive the terms "safe" and "cared for" in regards to the child welfare system, as pictured in the research questions below. In an exploration of familial roles in the protection of their children, I intend to broaden the ways in which Indigenous children's care and safety is understood. It is the hope that this project will help transform Child Protection policies and practice by ensuring increased representation of Indigenous voices around the role of families and communities in the care and protection of their children. With an emphasis on prevention-based practice and self-determination, this report will aid the Ministry in the fulfilment of its legal obligations to redress policies and practices to reflect Indigenous understandings of family and safety in the assessment of the "best interests" of a child (*CFCSA*, 1996; *Federal Act*, 2019). The importance of this work lies in the fact that the application of a system that fails to conceptualize family structures and child safety within Indigenous perspectives is bound to perpetuate cyclical colonialism and extend trauma.

Figure 8: *Research Questions*



Note: By Hawrys, N. (2022), unpublished infographic

Methodology

Searches

A literature review of journal articles as well as grey literature has been conducted to situate the issue at hand. The following search strings were used to locate academic literature (indigenous OR aboriginal OR "first nations" OR metis OR inuit OR "urban aboriginal") AND (Canada OR "Turtle Island") AND (family OR kinship OR kin OR "extended family") AND "child welfare", as well as (indigenous OR aboriginal OR "first nations" OR metis OR inuit OR "urban aboriginal") AND (Canada OR "Turtle Island") AND ("care of children" OR childrearing OR safety OR belonging OR safe). Searches were conducted on the Web of Science database as well as the First Peoples Child & Family Review journal. Google searches using the same terms in different combinations were also used, resulting in sources from grey literature. Where appropriate, citation mining was used to identify pertinent material.

Analysis approach

All 210 resulting reports, websites, journal articles and book chapters were compiled and abstracts were skimmed to determine eligibility for the review. A total of 54 sources were

selected for careful analysis. Of those, 42 sources were deemed relevant for the present report. Regular meetings with a team member within the MCFD, acting as a sponsor, have guided the author of this report in connecting with resources, discussing findings and keeping the discussion pertinent to the current setting.

The Aboriginal Policy and Practice

An important instrument in the implementation of restorative policy and practice is the Aboriginal Policy and Practice Framework [APPF] (MCFD, 2015). This framework applies to all policy and practice involving Indigenous children, youth, families and their communities by the Ministry, regardless if from DAAs or the MCFD (MCFD, 2015). It is a powerful tool guided by the values of Respect, Inclusion, Truth Telling, Wisdom and Belonging (MCFD, 2015; Ahuja et al., 2021). With the intention of improving outcomes for Aboriginal children, youth, families and communities, the APPF uses a strengths-based and holistic approach to support and honour historical ways of Indigenous peoples in care and resiliency (APPD, 2015). In this context, "the Circle process brings people together to collectively plan, make decisions and commit to action that will ensure the well-being of Aboriginal children, youth, families and communities" (APPF, 2015, p.2). As an essential network of support for the child, the Circle surrounds the family in a restorative approach (Ahuja et al., 2021).

It is important to note that the application of the APPF extends beyond the traditional delivery of services to guide efforts in restorative work. In the present report, the Circle was used as pictured below. Involved in all aspects of the circle, key informant consultations have been invaluable to ensure meaningful use of the Aboriginal Policy and Practice Framework (APPF) throughout this process (APPF, 2015).

Figure 9: *An overview of the Circle as it relates to this project* (APPF, 2015)

Note: By Hawrys, N. (2022), unpublished infographic

Limitations

First, an important limitation to the reported findings lies in the diversity of Indigenous groups and their perceptions within Canada and the province of British Columbia (APPF, 2015; Lindstrom & Choate, 2017), making rigid definitions of "family", "safety" and "care"

unattainable. While efforts were made not to use a pan-Indian approach in this report, there are intrinsic challenges associated with this as literature in the area is vastly interconnected.

Connected to this idea is the sense that the best way to reflect and strengthen Indigenous voices in the understanding of conceptualizations around family, care and safety is to hear them on this matter. While there are reports that explore the complexes experiences of Indigenous peoples across Canada, words often limit the representation of emotion and risk missing the essence. Since the nature of this report and its focus on the review of existing literature and an ethical approval was not involved in the scope of this work, it was not possible to undergo interviews in order to hear these perspectives directly from Indigenous families, communities and Nations.

Further to this section, the recent movements towards a reform of the child welfare system signify that many of the newest developments are still internal to the government and associated organizations. This imposes a limitation in access to documents and internal resources, which impacts both in extended time involved in bureaucratic matters involved in obtaining the tools necessary for a relevant analysis and in the recency of what is pictured in this report.

Lastly, a considerable limitation to this work is determined by time constraints in addressing the research questions grounded in a relevant review of the background context. Building knowledge and understanding the complex scene of the child welfare system is no easy feat and involves extensive research and dedication. As the scope of this work is limited in time due to the nature of its binding academic agreements, a more extensive discussion was not possible.

Findings

Family is the heart, children are sacred

In its series of national gatherings on children and families, the National Centre for Aboriginal Health explored secular understandings of family for Indigenous peoples, while examining themes such as the care and safety of children and the impacts of colonial interventions (NCCAH, 2009, 2011, 2012, 2014). Family is at the heart of Indigenous culture,

also described as a start point or a sanctuary (NCCAH, 2009). Several speakers from across Canada brought up the notion that children are a gift from the Creator, being the role and responsibility of their families and communities to guide and nurture them in the good way. A recurrent theme in the guidance of children and youth is the vibrant sense of belonging and identity, central to the well-being of Indigenous peoples (Ahuja et al., 2021; NCCAH, 2014; Carriere & Richardson, 2009). Surrounded by the community and empowered with communication, tradition and ceremony, families are in the best position to foster a rich sense of belonging and safety (NCCAH, 2014).

In its analysis of contemporary childrearing practices in Indigenous cultures, Muir and Bohr (2019) mention that a deep respect for children results in higher emphasis to their autonomy. There seems to be intrinsic respect and high regard for children, who are made to know their value from a tender age (Muir & Bohr, 2019; Tomasso & de Finney, 2015). In line with this, Indigenous parents are more likely to trust their children to decide how much to explore their environment. For the Inuit, parents look for indications from their children to guide their own responses to behaviour (Muir & Bohr, 2019). While language acquisition is highly valued in Euro-dominant groups, studies suggest that the communication between Indigenous adults and children follows patterns closely related to unspoken body language, relying heavily on nonverbal cues (Muir & Bohr, 2019). Similarly, the idea of developmental milestones is a foreign construct for the Inuit, who believe in an individualized and strengths-based approach to the uniqueness of each child (Muir & Bohr, 2019). In fact, across various Indigenous groups, respect to children's autonomy means a more flexible routine, not as dependent on western constructs around time and linearity (Muir & Bohr, 2019).

Further to the analysis of childrearing practices, the disciplining of children is another aspect in which Indigenous attitudes contrast to Euro-Canadian parenting (Muit & Bohr, 2019; Benett et al. 2005; NCCAH, 2011). The respect for autonomy explored previously transcends into a sense of non-interference that manifests itself through a resistance to giving instructions, correcting, coercing, or trying to persuade another to do something (Muir & Bohr, 2019). As discussed by Muir & Bohr (2019), Indigenous mothers in Canada were less likely to force the child to behave appropriately, threaten with negative consequences, or use punishment with

their children, when compared to Euro-Canadian mothers. Instead, the goal was to address aggressive behaviour with teachings about values and life lessons (Muir & Bohr, 2019). Physical punishment was rare and seen by many as harsh discipline, while patience, play, praise and affection were described as "good medicine" intended to strengthen the child (Muir & Bohr, 2019, p. 161).

This discussion strengthens the essence of Indigenous views on the sacredness of children. As highly regarded members of the community, children are respected in their uniqueness and guided to equal respect for their culture (Carriere & Richardson, 2009; Muir & Bohr, 2019). Because the preservation of a family is directly linked to tribal sovereignty (Carriere & Richardson, 2009), the separation of families can be a real threat to the continuity of Indigenous cultures (NCCAH, 2014). In a reflection of crucial elements to the task of child-rearing, Elders in a national gathering promoted by the NCCAH (2009) touched on elements such as connection to the land, teaching of traditional languages and an "open door policy" of welcoming and caring for the community's children. This message, along with the importance of belonging, form the basis for the care of Indigenous children (NCCAH, 2009, 2014; Tomasso & de Finney, 2015; Ahuja et al, 2021).

Kinship, fluidity and "networks of reciprocal responsibilities": Indigenous ways of caring for children (Holmes & Hunt, 2017)

As explored by several authors, kinship and community-centered care have always been at the core of Indigenous cultures (Holmes & Hunt, 2017; Tomasso & de Finney, 2015). Holmes and Hunt (2017) explain Indigenous families as "networks of reciprocal responsibilities formed between Indigenous peoples and their non-human/animal kin, the land and waters that comprise their territories, and the spirit world which forms their cosmology". As Tomasso and de Finney (2015) note, children are made to know of their importance, being "objects of kindness and love from a large circle of kin and friends" (p. 24). In their paper, the Na gantsi'i'stk Grandmothers describe their worldview, parents include aunts and uncles from the matrilineal side of the family while grandparents extend to the Elders in their clans and tribes (Johnson et al., 2015). They further explain that being connected to the children in their tribes is their responsibility to ensure that every child is taken care of, that their basic necessities are

met, and they are on the right path. As such, Euro-centric models of nuclear family do not characterize the complexity of Indigenous familiar networks (Holmes & Hunt, 2017; Carriere & Richardson, 2009).

In recent years, justified by evidence of the importance of bonding in the early years, the analysis of parental-child attachment has gained focus in child welfare decision-making processes (Carriere & Richardson, 2009). Contrasting to this theory, Sinclair (2017) offers that there is fluidity in attachment styles and, therefore, its use must be weighted accordingly in decision-making protocols. In their rich analysis, Carriere and Richardson (2009) analyze the particular problematic application of the attachment theory to child welfare decision-making with Indigenous families in Canada. They suggest the "term" connectedness as opposed to "attachment" in order to encompass an individual's environment rather than one or two central caregivers. Not surprisingly, as analyzed by Muir and Bohr (2019), attachment in Indigenous cultures may present differently from the mainstream population in the area of extended family response, secure base, and distress response. According to the authors:

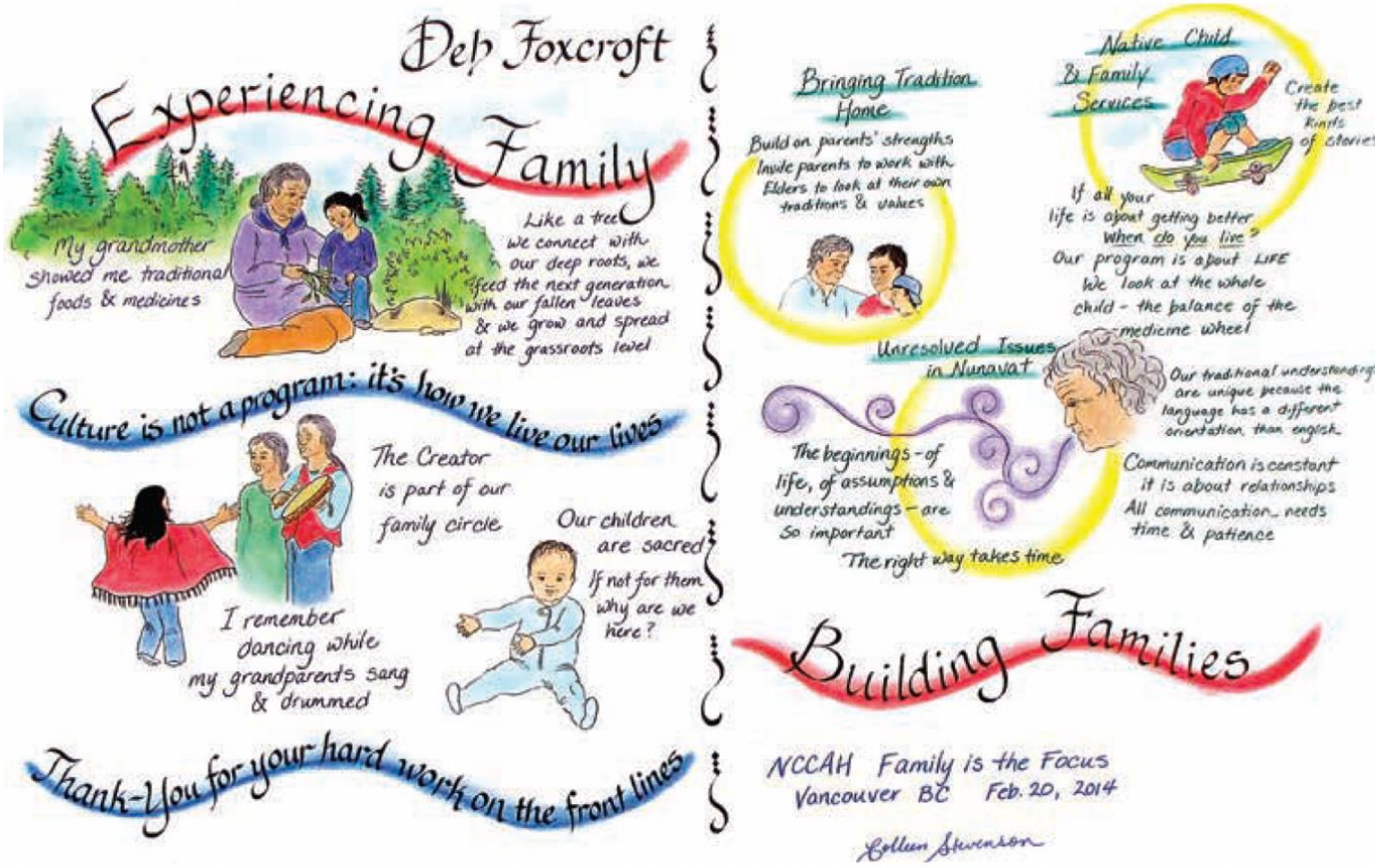
- when exposed to the cry of an infant within the extended family, all participating family members felt an urge to respond,
- the infant's secure base may extend beyond the two main expected caregivers, and
- the child may seek other caregivers other than the mother or seem indifferent to mother's absence.

Customary adoptions

Since kinship is a long-standing tradition which involves relatives, blood-related or not, caring for other relatives (NCCAH, 2017), it seems natural that customary adoptions form the centre of a complex network of alternative parenting arrangements in Indigenous communities (Tomasso & de Finney, 2015). Unlike Euro-Canadian models, custom adoptions occur for a plethora of reasons, ranging from spiritual to the commitment to tradition (Tomasso & de Finney, 2015). It is important to note that while one's sense of belonging lies at the heart of Indigenous views around permanency, rigid family placements do not (Carriere & Richardson, 2009; Tomasso & de Finney, 2015). Fluidity in gender roles and caretaking arrangements are central to Indigenous cultures (Tomasso & de Finney, 2015; Holmes, C. & Hunt, S., 2017). It is

important to note that alternative care placements in the community, do not displace original filiation and are meant to strengthen ties instead of severing them (Carriere & Rischarson, 2009). In fact, Tomasso & de Finney (2005) note that most Indigenous groups do not have a word for "adoption" and consider it to be a foreign concept as it fails to center in the communal responsibility embedded in the care of children. As examined by the same authors, Indigenous children are born into the community and are meant to be shared to promote tribal strength, bonding and caring.

Figure 10: *Experiencing Family & Building Families*



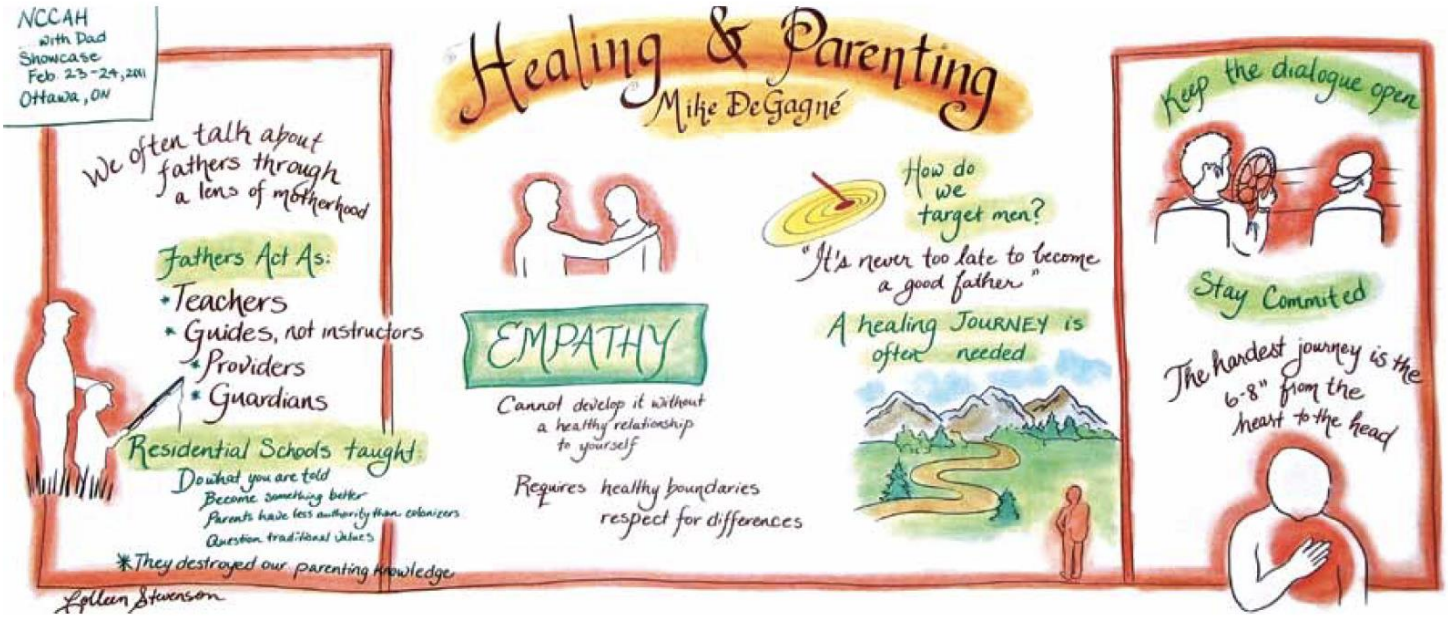
Note: Illustration by Stevenson, C., 2014, based on the teachings of Foxcroft, D. during the gathering *Family is the Focus* (NCCAH, 2014). Image retrieved from: https://www.nccih.ca/docs/health/RPT-FamilyFocus-EN.pdf and reproduced with permission

"Picking up the pieces" (NCCAH, 2014)

Residential schools taught children to question their own value and that of their families and communities (NCCAH, 2011). By reinforcing the idea of superiority, religious figures instilled a sense of European supremacy in children, leading them to believe that their families and communities carried less wisdom and authority than the people who ran the Institutions

(NCCAH, 2011). According to Benett and colleagues (2005), the clerical ways of raising children – "absolute obedience reinforced by shame, whipping and harsh denial – infiltrated and contaminated the traditional Aboriginal childrearing traditions of modeling behaviour and never hitting a child" (p. 18). As a result of these interactions, Indigenous communities and people were left with a lot of anger and weakened tools to cope (NCCAH, 2011, 2014, 2017; Benett et al., 2005; Holmes, C. & Hunt, S., 2017). Severed intergenerational relationships, weakened cultural traditions and a disruption of parenting and grandfathering practices pushed communities into harmful coping mechanisms and ultimately led to the continuity of child removal through the child welfare systems (NCCAH, 2011, 2014, 2017; Benett et al., 2005; Holmes, C. & Hunt, S., 2017).

Figure 11: *Healing & Parenting*

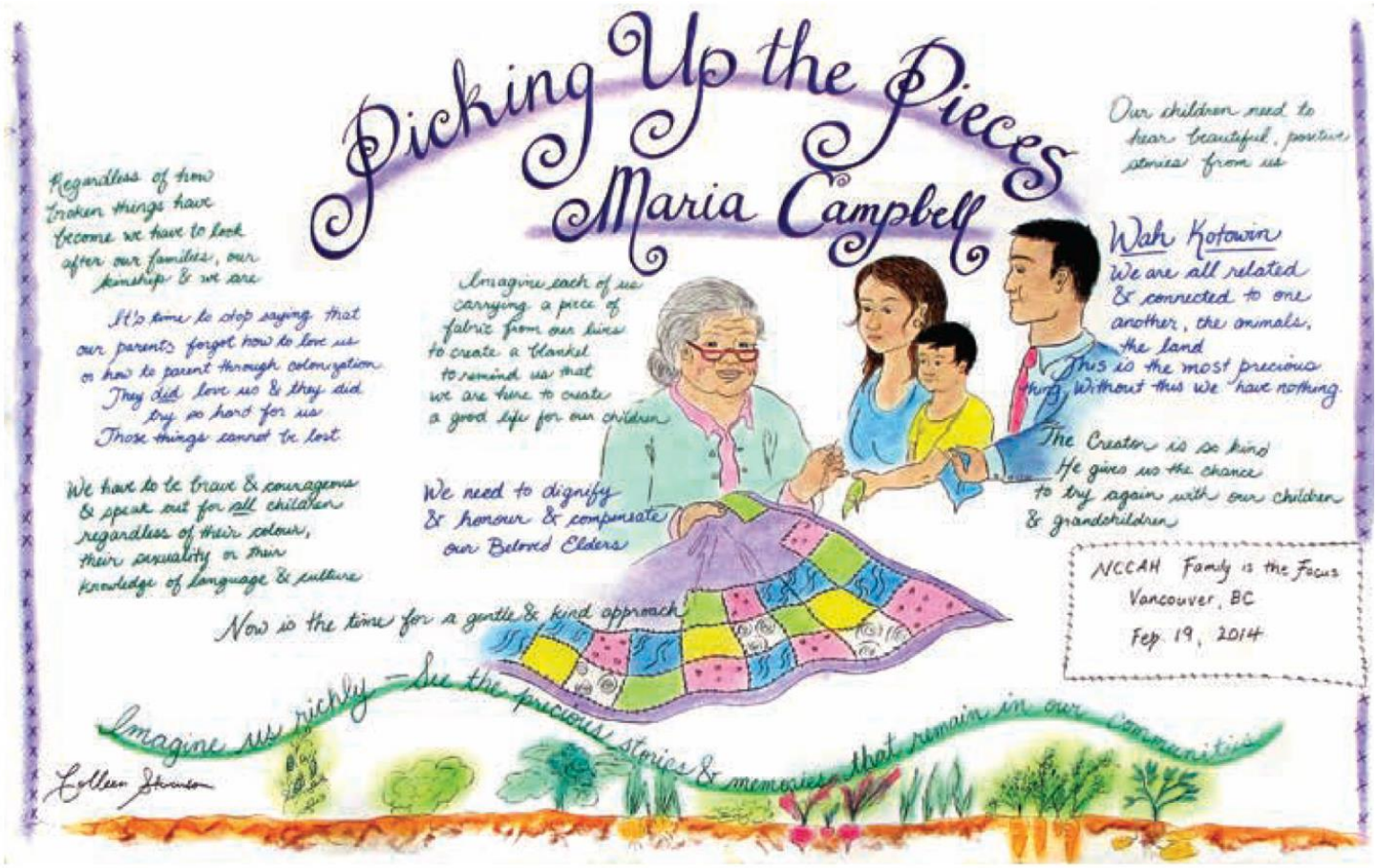


Note: Illustration by Stevenson, C., 2009, based on the teachings of DeGagné during the gathering *With dad: Strengthening the Circle of Care* (NCCAH, 2011). Image retrieved from: https://www.nccih.ca/docs/health/RPT-WithDad-EN.pdf and reproduced with permission.

According to the Truth and Reconciliation Commission, many parents impacted by the residential school system acknowledged the mistakes they made in the care of their children and regret projecting their trauma onto their children (Edward, 2016). Muir and Bohr (2019) explore the intergenerational transmission of trauma, suggesting that maladaptive behaviours may be transmitted to subsequent generations as socially learned patterns of conduct.

Furthermore, the removal of children from their home and roots has denied them the opportunity to learn the traditions of their people from their Elders, interrupting the passage of knowledge from one generation to the next (Benett et al., 2005). Elders had one of their key roles interrupted, that of "ensuring the sustainability of community and culture through the education and mentorship of children and youth" (Benett et al., 2005, p. 18). As explored in the several meetings promoted by the NCCAH (2009, 2011, 2012, 2014), the journey of healing revolves around removing shame, guilt and trauma and reclaiming Indigenous ways of parenting.

Figure 11: *Picking Up the Pieces*



Note: Illustration by Stevenson, C., 2014, based on the teachings of Campbell, M.. during the gathering *Family is the Focus* (NCCAH, 2014). Image retrieved from: https://www.nccih.ca/docs/health/RPT-FamilyFocus-EN.pdf and reproduced with permission.

There is safety in belonging: a tale of cultural permanency

When examining the literature for notions of safety and care from an Indigenous perspective, belonging, culture, and ceremony seem to be at the centre of the discussion (Benett, 2015; NCAH, 2009, 2011, 2012, 2014; Ahuja et al., 2021, Edward, 2016). Culture is

often portrayed as an anchor, the idea that one will always have a place to come back to (NCCAH, 2014). In the context of community-based care, it is important to note that the feeling of belonging and being at home within one's community is directly related to the notion of safety (Carriere & Richardson, 2009; Benett, 2015; Ahuja et al., 2021). Pat Makokis mentions that children are protected by a cultural shield, embraced and guided by their communities and braced by traditional and secular practices (NCCAH, 2014). It is through ceremony and ritual that Indigenous people of all ages find a safe channel to release emotions and cope with trauma (NCCAH, 2011), and it is also through them that generations can connect and heal (NCCAH, 2014). Similarly, Indigenous languages carry valuable teachings embedded in them in the form of traditional stories, phrases and ceremonial practices (NCCAH, 2009).

In their rich analysis of connectedness patterns in Indigenous families, Carriere and Richardson (2009) explain the protective nature of connectedness and belonging for Indigenous children and youth. They describe the term connectedness as "a feeling of belonging, of being an important and integral part of the world" (p.52). The same authors mention studies that found that belonging to a community of others was protective for a high range of high-risk behaviours, including suicide, while feeling disconnected is related to negative feelings, such as anxiety, depression and loneliness. Similar explorations have been suggested by Ahuja and colleagues (2021) in their recent analysis of a young girl's interactions with the child welfare system. In revisiting Skye's life story, the authors of the report examined how the child protection system contributed to her tragic death by overdose at the age of 17. They offer that a "systemic focus on legal permanency (adoption) resulted in significant loss, harm and instability, and ultimately contributed to her [Skye's] fate" (Ahuja et al, 2021, p. 38).

Ahuja and colleagues (2021) follow with a deeper exploration of all aspects of belonging – physical, relational, legal and cultural. They suggest a model where belonging replaces permanency and serves as the lens through which child protection services should be provided. Throughout their analysis, the authors tackle a detailed investigation of the importance of belonging and illustrate their reflections with an analysis of Skye's interactions with the child welfare system. They offer that "for Indigenous children, cultural connection is the glue that binds all the other domains of belonging and is a known protective factor." (Ahuja et al., 2021,

p. 64). Additionally, they mention the role of cultural continuity in the prevention of physical illness and suicide, being also a major predictor of overall mental wellness and stability. In their analysis of the other aspects of belonging, including the overarching notion of identity, similar protective factors are noted, suggesting that belonging is a central piece to the safety of Indigenous children and youth.

The feeling of being "cared for" is also closely linked to safety and, consequently, to belonging (Ahuja et al., 2021; Benett, 2015, NCCAH, 2014). As offered by a speaker in a documentary film hosted by the NCCAH, the words sang to him by his mother "Come, my love, and sit beside me – we will speak the words of love… and you too will express that love to me" emphasize the collaboration, sharing and deep appreciation for the role involved in caring for Indigenous children (NCCAH, 2011). In caring for Indigenous children and youth, a wholistic and strengths-based approach is taken (Muit & Bohr, 2019, Ahuja et al., 2021, NCCAH, 2014). In light of these findings, it can be argued that the removal of children and the "unbelonging" to which they are often exposed when estranged from their communities is an insult to their own safety (Carriere & Richardson, 2009).

Final Considerations

The present review of literature analyzed perceptions of family, care and safety for Indigenous Peoples across Canada with a focus on the province of British Columbia. Grounded in an examination of the historical background that surrounds the current scene of the child welfare system in BC, we embarked on an exploration of its interactions with Indigenous perceptions around the safety and care of their children.

Through this analysis, it is clear that the current guiding legislation does not represent the complexity of Indigenous understandings around family, "care" and safety. It is through a short-termed, risk averse and crisis centered system that children continue to be removed from their families and homes, hurting Indigenous cultures at its core. Indeed, it can be argued that the analysis of parental capacity and child safety detached from its cultural and historical basis can give room to racist interpretation of one's circumstances. Without a clear focus on belonging and meaningful efforts in the provision of preventative supports to keep families

together, the resulting separation perpetuates negative outcomes and structural disparities that act as factors of exposure for further severance of ties.

The resulting “unbelonging” and loss of identity to which Indigenous children and youth have historically and recurrently been exposed to is an insult to their own safety, predisposing them to poorer outcomes and long-lasting trauma. A vibrant sense of identity, belonging and cultural pride (NCCAH, 2014) are protective and should be at the core of an Indigenous child’s assessment of “best interest”. In order to honour Indigenous laws, traditions and systems, a full transformation of the current guiding legislation is needed, being full jurisdiction to Indigenous communities the ultimate goal.

Recommendations

1. Guarantee collaborative and meaningful plans of cultural permanency for the children in care by applying quality control measures to ensure that their Indigenous identity and its maintenance is preserved. Ensure the application of the Circle (APPF, 2015) throughout this process.
2. Increase incentives and amplify efforts to recruit and retain Indigenous child protection workers.
3. Amend the definition of "family" in the CFCS Act to encompass the complexity of Indigenous perspectives.
4. Amend the definition of "care" in the CSCSA to extend beyond physical "care and control of the child" in order to represent the essence of what being "cared for" means for Indigenous people.
5. Adjust the assessment of safety to include aspects of cultural identity and belonging for Indigenous children and youth.
6. Implement the use of the model suggested by Ahuja and colleagues (2021), replacing the term "permanency" with *belonging* and encompassing all of its domains in the provision of child protection services to children and youth. Ensure its application throughout the decision-making process and in development of plans of care in collaboration with a child's Indigenous communities and family, braced by the overarching APPF.
7. Reconceptualize neglect, ensuring a process that excludes racial bias and discriminatory practices from its assessment.
8. Ensure quality control services through the application of tools that can attest to the validity of the process, from the provision of preventative services to the continuous reassessment of care placement.

9. Ensure timely review of caseload through quality control processes in order to respect time sensitive repercussions of child protection interventions on the development of children.
10. Give full authority to Indigenous peoples on the types of preventative services that are funded and available to families in all forms of the child welfare system, both on-reserve and off-reserve.
11. Ensure that service providers have wide and vast knowledge of culturally relevant and safe preventative support programs for Indigenous children, youth, families and communities.
12. Ensure training opportunities and education to service providers in order to address biases and racial profiling.
13. Implement guidelines and work in collaboration with Indigenous communities and Nations in the path to self-determination, respecting the guiding sections in the Federal law that guarantee full jurisdiction to Indigenous Nations that wish to do so.
14. Closely monitor funding strategies and efforts, in collaboration with the Federal and Provincial government to ensure that full jurisdiction in Indigenous child welfare is possible through appropriate funding. Apply frequent and recurrent processes of evaluation of funding adequacy.
15. Provide opportunities and channels of complaint processes to challenge racial and systemic bias against Indigenous Peoples and their parenting practices.
16. Ensure that the future amendments, fruit of recent efforts to align with the Federal Act, fully represent Indigenous views and traditional laws in the care of Indigenous children.

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