Self-determination + Equity = Success for First Nations children and families

by Cindy Blackstock, PhD
November 18, 2021
Let's talk

THE HARMS WERE IN PLAIN SIGHT
THERE WERE FREQUENTLY SOLUTIONS
WE HAVE NOT LEARNED FROM HISTORY

THE INJUSTICES CONTINUE
WE MUST STAY AWAKE
"In that Canada fails to obviate the preventable causes of death it brings itself into unpleasant nearness with manslaughter" SH Blake (1908)
2016: Canada discriminates against over 165,000 First Nations children

“Similar to the Residential Schools era today, the fate and future of many First Nations children is still being determined by the government”

2016 CHRT 2 para. 426

Causing unnecessary family separations

Contributing to the deaths of some children
Canada v. First Nations Children in the post-TRC era

2015
- TRC lists child welfare equity and reform as top Call to Action and Jordan’s Principle as the 3rd Call to Action

2015
- Prime Minister commits to implement all TRC Calls to Action

2016
- CHRT rules Canada is discriminating against First Nations kids and orders it to stop.

2019
- Canada’s discrimination found to be “wilful and reckless in a worst case scenario” by CHRT.

2021
- Parliament passes unanimous motion requiring Canada to stop litigating against First Nations kids

2021
- Canada takes First Nations children to court to deny compensation and Jordan’s Principle off reserve.

2021
- Tribunal issues 19 non-compliance and procedural orders since 2016
What changed for kids because of the CHRT case?

Over one million services, products and supports provided to First Nations children via Jordan’s Principle.

First Nations child welfare budget doubled with an annual increase of about 600 million. Some First Nations agencies in BC received their first increase in the prevention budget in 28 years.

First Nations not served by agencies receive 100+ million in prevention funding.

Capital for Jordan’s Principle and CFS at actual cost.
C-92- real self-determination or an escape hatch for Canada from CHRT orders?

<table>
<thead>
<tr>
<th>Consideration</th>
<th>CHRT</th>
<th>C-92 Interim Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legally enforceable</td>
<td>✓</td>
<td>?</td>
</tr>
<tr>
<td>Capital at actuals</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Prevention/legal/bldg. repairs, intake/assessment and maintenance at actuals</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>First Nations evidence based</td>
<td>✓</td>
<td>X (CIRNA developed)</td>
</tr>
<tr>
<td>Jordan’s Principle</td>
<td>✓</td>
<td>?</td>
</tr>
</tbody>
</table>
FN/CIS 2019 Findings

Indigenous Identity of Child Investigations in Canada in 2019

- **19%** Indigenous
- **81%** Non-Indigenous

- **15%** First Nations
- **2%** Inuit
- **1%** Métis
- <1% Other Indigenous

Trocme, Fallon and Richard, 2021
Families living On and Off Reserve in Investigations Involving First Nations Children

FN/CIS 2019 Findings

Families living on reserve: 28%
Families living off reserve: 72%

Trocme, Fallon and Richard, 2021
Overrepresentation Builds Across Service Dispositions Made During Investigation

FN/CIS 2019 Findings

Formal Out-of Home Care

17.2x higher

Court Application

10.5x higher

Transferred to Ongoing Services

6.6x higher

Substantiation

4.7x higher

Investigation

3.6x higher

Substantiation

4.7x higher

Investigation

3.6x higher

Trocme, Fallon and Richard, 2021
### FN/CIS 2019 Findings

**Caregiver Risk Factors Among Investigated Families**

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>First Nations</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol abuse</td>
<td>9%</td>
<td>34%</td>
</tr>
<tr>
<td>Drug/Solvent abuse</td>
<td>3%</td>
<td>10%</td>
</tr>
<tr>
<td>Cognitive impairment</td>
<td>6%</td>
<td>9%</td>
</tr>
<tr>
<td>Mental health issues</td>
<td>4%</td>
<td>19%</td>
</tr>
<tr>
<td>Physical health issues</td>
<td>24%</td>
<td>34%</td>
</tr>
<tr>
<td>Few social supports</td>
<td>28%</td>
<td>34%</td>
</tr>
<tr>
<td>Victim of IPV</td>
<td>8%</td>
<td>11%</td>
</tr>
<tr>
<td>Perpetrator of IPV</td>
<td>11%</td>
<td>19%</td>
</tr>
</tbody>
</table>

At least one caregiver risk factor identified: **74%** First Nations child investigations, **57%** Non-Indigenous child investigations.

Trocme, Fallon and Richard, 2021
<table>
<thead>
<tr>
<th>Child Functioning Concerns Among Investigated Families</th>
<th>Non-Indigenous Children</th>
<th>First Nations Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive toxicity at birth</td>
<td>1%</td>
<td>5%</td>
</tr>
<tr>
<td>FASD</td>
<td>1%</td>
<td>5%</td>
</tr>
<tr>
<td>Failure to meet developmental milestones</td>
<td>5%</td>
<td>11%</td>
</tr>
<tr>
<td>Intellectual developmental disability</td>
<td>9%</td>
<td>12%</td>
</tr>
<tr>
<td>Attachment issues</td>
<td>6%</td>
<td>11%</td>
</tr>
<tr>
<td>ADHD</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Academic/learning difficulties</td>
<td>14%</td>
<td>17%</td>
</tr>
<tr>
<td>Depression/anxiety/withdrawal</td>
<td>12%</td>
<td>14%</td>
</tr>
<tr>
<td>Self-harming behaviour</td>
<td>3%</td>
<td>6%</td>
</tr>
</tbody>
</table>

At least one child functioning concern identified
37% First Nations child investigations
32% Non-Indigenous child investigations
Enabling First Nations children to thrive
Spirit Bear Plan

End Inequalities in Public Services for First Nations Children, Youth and Families

First Nations children and families living on reserve and in the Territories receive public services funded by the federal government. Since confederation, these services have fallen significantly short of what other Canadians receive. This injustice needs to end and Spirit Bear’s Plan will do just that.

Spirit Bear calls on:

1. **CANADA** to immediately comply with all rulings by the Canadian Human Rights Tribunal ordering it to immediately cease its discriminatory funding of First Nations child and family services. The orders further require Canada to fully and properly implement Jordan’s Principle (www.jordansprinciple.ca).

2. **PARLIAMENT** to ask the Parliamentary Budget Officer to publicly cost out the shortfalls in all federally funded public services provided to First Nations children, youth and families (education, health, water, child welfare, etc.) and propose solutions to fix it.

3. **GOVERNMENT** to consult with First Nations to co-create a holistic Spirit Bear Plan to end all of the inequalities (with dates and confirmed investments) in a short period of time sensitive to children’s best interests, development and distinct community needs.

4. **GOVERNMENT DEPARTMENTS** providing services to First Nations children and families to undergo a thorough and independent 360° evaluation to identify any ongoing discriminatory ideologies, policies or practices and address them. These evaluations must be publicly available.

5. **ALL PUBLIC SERVANTS**, including those at a senior level, to receive mandatory training to identify and address government ideology, policies and practices that fetter the implementation of the Truth and Reconciliation Commission’s Calls to Action.

SHOW YOUR SUPPORT!

- **SPREAD THE WORD ON TWITTER** using #SpiritBearPlan and copy @CaringSoc
- **CONTACT YOUR MEMBER OF PARLIAMENT** and ask them to support the
- **CONTACT US** to learn more at info@fncairngsociety.com
fncaringsociety.com

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