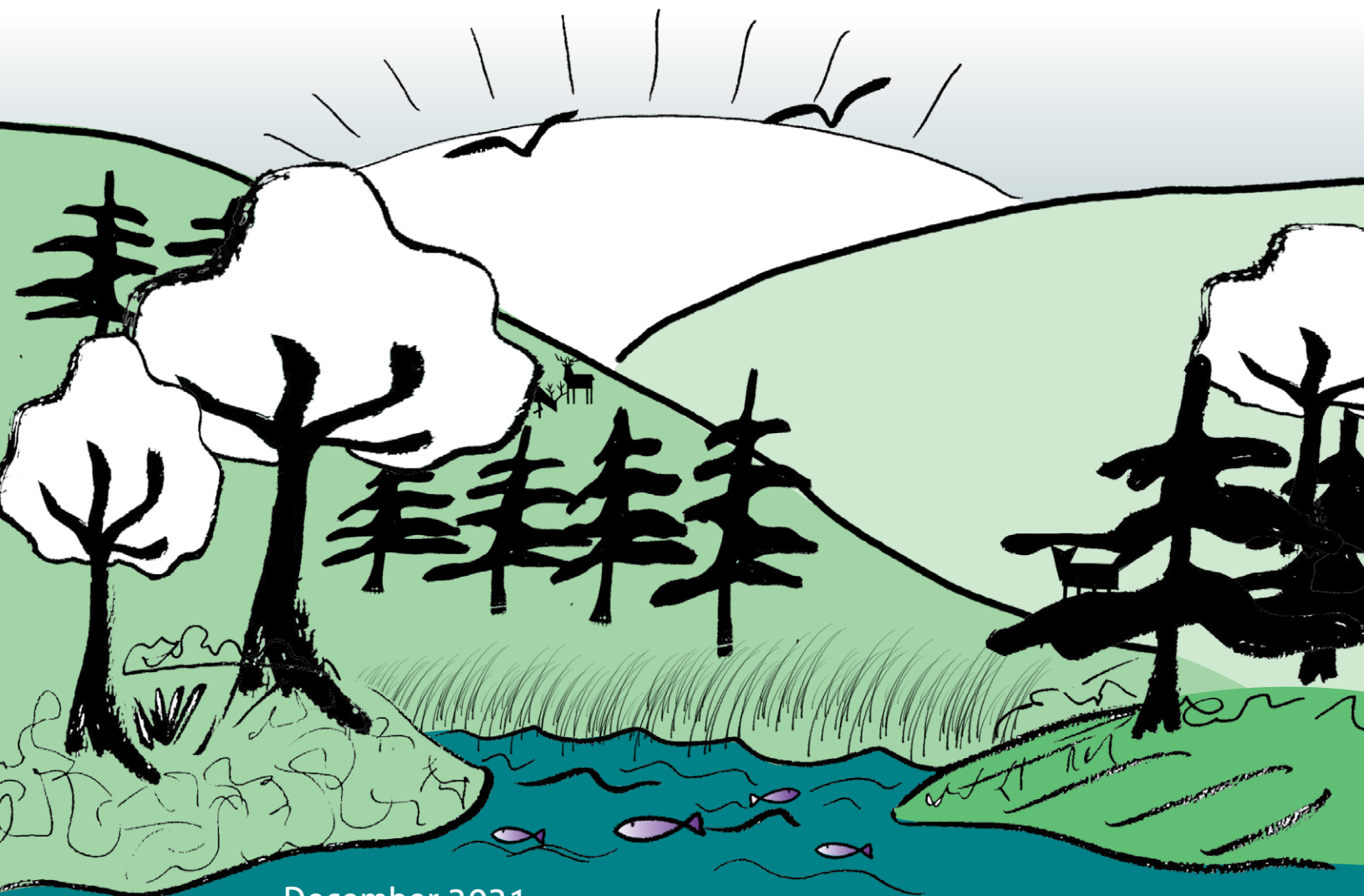




CHILDREN BACK, LAND BACK: A Follow-Up Report of First Nations Youth In Care Advisors

Gabrielle Fayant and Ashley Dawn Bach



December 2021



WE WANT TO GIVE THE BIGGEST THANK YOU to all survivors who took time out of their days to share with us their stories and guidance in our survey and/or focus groups. It is not easy to share these stories and many survivors have not been able to share their stories yet. We hope that this report and the work of survivors and allies of children and youth in/from care will bring us closer to a day where child welfare is no longer a reminder of trauma or violence. Your commitment to see accountability and justice will not be in vain.

We also want to give a big thank you to Cindy Blackstock and the Caring Society for their years of advocacy and determination to see justice for all Indigenous children and youth. A special thank you to Brittany Mathews who worked tirelessly on many reports throughout the years so that children and youth voices could be honoured. As well, we greatly appreciate Youth in Care Canada for promoting our focus groups and survey.

We want to thank the youth from A7G who supported the development of this report through note-taking and facilitation. Thank you Harmony Eshkawkogan, Jordyn Hendricks, Cedar Iahtail and Stephanie Regimbal. And a special thank you to Kakeka Thundersky for facilitating both focus groups and offering guidance from her lived experience to ensure the focus groups were done in a good way.

Thank you to knowledge keepers Elaine Kicknosway and Harry Snowboy who supported us through the process through ceremony, kindness and encouragement.

From Ashley Dawn Bach and Gabrielle Fayant

TRIGGER WARNING – Violence, Death, Suicide, Genocide, MMIWG2S+, Residential Schools, Child Welfare, Abuse, Racism

Before beginning to read this report, we want to warn readers that the information may be difficult and challenging to read and accept, especially for Indigenous folks who have been directly impacted by Child Welfare, Residential Schools and/or the Crisis of Missing and Murdered Indigenous Women, Girls and Two-Spirit People.

This report is not necessarily a read for Indigenous peoples, as we know firsthand that our experiences with colonization and Canada have been violent and devastating. We want to acknowledge that once again we have to create reports in order to prove to Canada that the mistreatment and violence that Indigenous peoples have experienced is real and can no longer be ignored.

PLEASE NOTE THE FOLLOWING RESOURCES IF YOU ARE FEELING TRIGGERED OR NEED SUPPORTS:

Kids Help Phone (toll free): **1-800-668-6868** | kidshelpphone.ca

Residential School Survivor Support Line: **1-866-925-4419**

NAN Hope Line: **1-844-626-4673** | nanhope.ca

Hope For Wellness: **1-855-242-3310** | hopeforwellness.ca

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Glossary

Accountability: the fact or condition of being accountable; responsibility.

CHRT Decision: The Canadian Human Rights Tribunal (CHRT) has a statutory mandate to apply the *Canadian Human Rights Act*¹ (CHRA) based on the evidence presented and on the case law.

Created by Parliament in 1977, the Tribunal legally decides whether a person or organization has engaged in a discriminatory practice under the *Act*. The purpose of the CHRA is to protect individuals from discrimination. It states that all Canadians have the right to equality, equal opportunity, fair treatment, and an environment free of discrimination.

The CHRT applies these principles to cases that are referred to it by the Canadian Human Rights Commission (CHRC). The Tribunal is similar to a court of law but is less formal and only hears cases relating to discrimination.²

A CHRT decision is made by the Tribunal after a case which determines whether or not a person or organization is engaging in discriminatory practice. The CHRT has since issued 21 non-compliance and procedural orders since the landmark ruling in 2016.

Compensation: something, typically money, awarded to someone as a recompense for loss, injury, or suffering.

Discrimination: the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.

Disparity Index: An index of the disparities between First Nations children and youth in care and non-First Nations. The index shows the great difference between the two groups and other groups.

First Nation Child and Family Services: According to Indigenous Services Canada (ISC), “ISC provides funding to First Nations child and family services agencies, which are established, managed and controlled by First Nations and delegated by provincial authorities to provide prevention and protection services. In areas where these agencies do not exist, ISC funds services provided by the provinces and Yukon but does not deliver child and family services. These services are provided in accordance with the legislation and standards of the province or territory of residence. As of January 1, 2020, service providers delivering child and family services to Indigenous children must comply with the

1 <https://laws-lois.justice.gc.ca/eng/acts/h-6/FullText.html>

2 <https://www.chrt-tcdp.gc.ca/index-en.html>

national principles and minimum standards set in *An Act respecting First Nations, Inuit and Métis children, youth and families*.³

In other words, a federally funded program where First Nations agencies receive funding from the Canadian government for service delivery to on reserve children and families. First Nations agencies must follow provincial/territorial child welfare laws.⁴

Jargon: special words or expressions that are used by a particular profession or group and are difficult for others to understand.

Jurisdictional Disputes: Jurisdiction is the legal term for the authority granted to a legal entity to enact justice. In the case of Jordan River Anderson, the province of Manitoba and Canada disputed over who was legally and authoritatively responsible to pay for his medical care.

Metis Settlements: Metis Settlements are land-based Metis communities in Alberta that extend across 1.25 million acres and make up eight communities (Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie and Peavine). These eight settlements form a constitutionally protected Métis land base in Canada that are self-governed by the Metis Settlements General Council (MSGC). Learn more at msgc.ca.

3 <https://www.sac-isc.gc.ca/eng/1100100035204/1533307858805>

4 <https://fncaringsociety.com/publications/models-first-nations-child-family-service-delivery-canada-info-sheet>

Background

This report is coming at a very important time in Canadian history and for the justice of First Nations youth that have experienced child welfare. This report is a follow-up to the *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors* report. This report will clearly state solutions and recommendations from First Nations children and youth themselves because who else would know the problems and solutions better than those that have experienced child welfare first-hand.

The first gathering of First Nations Youth in Care Advisors produced several recommendations, including developing a collective of advisors. Further gatherings, continuing communication between Indigenous youth advisors and sharing opportunities is essential to support the development of a collective of First Nations Youth in Care Advisors. Furthermore, the ongoing discussions and negotiations around the Canadian Human Rights Tribunal (CHRT) orders among the Assembly of First Nations (AFN), the First Nations Child & Family Caring Society (Caring Society), Chiefs of Ontario, Nishnawbe Aski Nation, and the federal government make this second gathering of First Nations Youth in Care Advisors even more relevant and timely. It is imperative voices of First Nations youth in/from care are amplified and brought to these discussions and negotiations which will intimately affect their lives.

The full list of recommendations from the *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors* report is listed below.

Recommendations for Compensation and Future Settlements

Most of the Youth Advisors said that they did not want to form an uneducated or rushed position on the 2019 CHRT 39 compensation, noting that Canada and the Crown have rushed or imposed major decisions on Indigenous Peoples throughout colonial history. Examples include treaty-making, the scrip system, the *Indian Act*, etc. Instead, Indigenous ways of decision making, consensus-building and holistic approaches should be applied this time.

The Youth Advisors want more time to learn about the 2019 CHRT 39 decision. They have much lived experience from being in care but little experience or knowledge of individual compensation settlements and how trusts or foundations could be utilized. Their lived experiences led the Youth Advisors to make the following recommendations:

1. There must be safety around compensation.
 - a. Healing circles, sweat lodge ceremonies, support for counselling or therapy, etc.

2. There must be mental health supports and navigational assistance to help youth apply for compensation.
 - a. Talking to lawyers and government employees can be very triggering for First Nations youth; therefore, having support to apply and fill out forms is essential.
 - b. Getting access to files and birth certificates, for example, can be very challenging and trigger stressful emotions.
 - c. Along with navigational support, youth also need mental health supports to help with their experiences and challenges.
3. There must be continued support after compensation.
 - a. For example, at least one year of counselling or therapy must be covered. Indigenous Services Canada's Non-Insured Health Benefits coverage is limited and some First Nation youth do not have government-recognized status or access to their status cards.
4. There must be restitution for children and youth who have died while in care or due to their experiences in the child welfare system.
 - a. Compensation should go to parents, grandparents or a trust fund.
5. Financial training for youth receiving compensation should be offered.
 - a. Youth Advisors said this shouldn't be mandatory but rather an option for individuals receiving compensation.
 - b. Recipients should be offered awareness training about predatory banks and financial institutions, like those that swindled compensation from residential school survivors.

Next Steps

This was the first national level gathering of its kind for First Nations youth in and from care. The Youth Advisors said they want to continue to have the time and space they need to discuss important and pressing issues, including the following.

1. Become a collective of First Nation Youth Advisors in and from care
 - a. share best practices
 - b. share updates
 - c. continue advocating for reform
 - d. host more policy round tables across the country
 - e. advise on court rulings, contribute to policy development, share testimonies, etc.
2. Continue to meet about compensation and settlements
 - a. learn more about options such as trusts, individual pay-outs, hybrid approaches, etc.
 - b. keep learning about trust funds, scholarships, pooling compensation, etc.
 - c. learn about best practices regarding settlements from other Indigenous communities

The entire report can be found at https://www.a7g.ca/uploads/9/9/9/1/99918202/38228_chrt_compensation_report_v5_final.pdf.

Doing a follow-up gathering with First Nations youth in/from care was also important because of the grave disparities in overrepresentation of First Nations youth in the child welfare system. Overall, ISC reported from 2016 Canadian census data that 52.2 percent of children in foster care under the age of 14 are Indigenous.⁵ As shown in Table 1 by Sinha et al. (2011), in most Canadian provinces Indigenous (Aboriginal) children are substantially overrepresented in the child welfare system compared to non-Indigenous (non-Aboriginal) children. Manitoba has the greatest disparity, with Indigenous (Aboriginal) children experiencing placements at 19 times the rate of non-Indigenous (non-Aboriginal) children.

TABLE 1: Disparity in representation of Aboriginal non-Aboriginal children in care for Canadian provinces^{*}**

Provision of Ongoing Services	% of Children in Care		% of Total Child Population ^h		Disparity in Representation of Aboriginal and Non-Aboriginal Children in Care
	Aboriginal Children	Non-Aboriginal Children	Aboriginal Children	Non-Aboriginal Children	
British Columbia ^a	52%	48%	8%	92%	12.5
Alberta ^b	59%	41%	9%	91%	14.6
Saskatchewan ^c	80%	20%	25%	75%	12.0
Manitoba ^d	85%	15%	23%	77%	19.0
Ontario ^e	21%	79%	3%	97%	8.6
Quebec ^f	10%	90%	2%	98%	5.4
Nova Scotia ^g	16%	84%	6%	94%	3.0

* Data for New Brunswick and for Canadian territories were not publicly available.

** Data in this table reflect definitions and data collection protocols which differ by province. (For example, data from some provinces may include children in the care of relatives.) The data demonstrate overrepresentation of First Nations children within jurisdictions, but data for different provinces are not directly comparable.

Based on data from: ^aBritish Columbia Ministry of Children and Family Development, 2009; ^bAlberta Children and Youth Services, 2009; ^cSaskatchewan Ministry of Social Services, 2008; ^dManitoba Family Services and Housing, 2007; ^eOntario Ministry of Children and Youth Services, 2010; ^fBreton, 2011; ^gMulcahy and Trocmé, 2009; ^hStatistics Canada, 2008

Source: Sinha et al. (2011). *Kiskisik Awasisak: Remember the Children. Understanding the Overrepresentation of First Nations Children in the Child Welfare System.* Ontario: Assembly of First Nations. <https://cwrp.ca/publications/kiskisik-awasisak-remember-children-understanding-overrepresentation-first-nations>

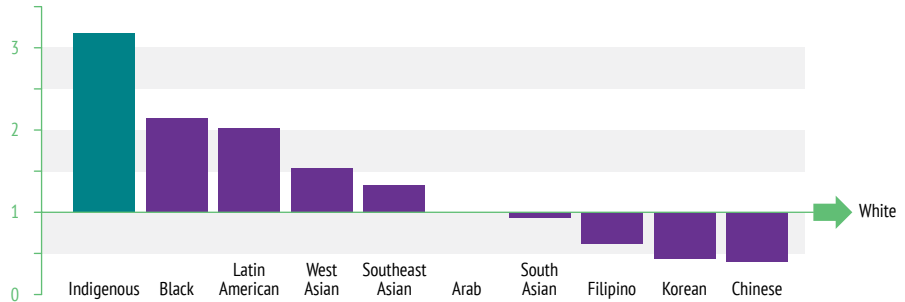
Youth and children in and from care deserve to have a voice and deserve to be heard. The CHRT found that the federal funding formulas for the First Nations Child and Family Services Program incentivized the removal of First Nations children from their families and communities “as a first resort rather than as a last resort.”⁶ It was in this landmark ruling that the CHRT found that Canada is discriminating against First Nations children and young people due to its inequitable child welfare funding and failure to properly implement Jordan’s Principle.

5 <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>

6 2016 CHRT 2, para. 344. <https://fnaringsociety.com/publications/2016-chrt-2-2016-tcdp-2>

The following graph illustrates the disparity of Indigenous children in child welfare in Canada.

FIGURE 1. CIS 2019 Findings – Disparity Index by Ethno-racial Category for Investigated Children (0–15 years) in Canada in 2019



Source: Fallon et al. (2021). *Denouncing the continued overrepresentation of First Nations children in Canadian child welfare: Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect-2019*. [PowerPoint slides].

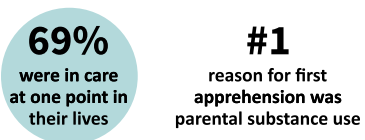
This longstanding discrimination and failure to redress the legacy of the residential school system has led to an overrepresentation of First Nations youth being placed into the child welfare system. These young people are also experiencing severe mistreatment and abuse even leading to death. In Manitoba, a special report was conducted by the Manitoba Advocate for Children and Youth to investigate the deaths and suicides of 45 boys. The investigation found that 82 percent of the boys were either First Nations or Metis and 69 percent of the boys were in care at one point in their lives. This data does not include information about deaths and suicides Canada-wide and it does not show the experience of girls or gender-diverse children but it demonstrates the fact that Indigenous children and youth in care are in dire need of systemic changes and long-term efforts to support their well-being.

WHO WERE THE BOYS?

INDIGENOUS STATUS



WITH CHILD WELFARE



Adapted from: Manitoba Advocate for Children and Youth. (2021). *Finding the Way Back: An aggregate investigation of 45 boys who died by suicide or homicide in Manitoba*. Winnipeg, MB. <https://manitobaadvocate.ca/wp-content/uploads/MACY-Special-Report-Finding-the-Way-Back.pdf>

It is not understated to say that amplifying First Nations youth voices in and from care and committing to the changes they need is a matter of life and death.

Overview of Child Welfare

Canada's child welfare system is multifaceted and takes different approaches based on First Nations status, residency on-reserve, and residency in each province and territory. Each province and territory has their own Child and Family Services Act. In 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families* was passed at the federal level, which affirms First Nation, Inuit, and Métis rights to care for their children and sets out principles for Indigenous child and family services provision. Implementation of the Act began in 2020.⁷

Most survey respondents and focus group attendees were from Ontario and British Columbia so a short overview of each of these systems is presented here. The Institute for Fiscal and Social Democracy (IFSD) has described child welfare systems for children living off-reserve, with the exception of Ontario, Manitoba, and Quebec, as “decentralized, with responsibility falling under provincial and territorial jurisdictions” (2018).⁸ In Ontario, child welfare services are delivered by Children's Aid Societies (CASes) which are provincially licensed and receive transfer payments from the Ontario government. There are also Indigenous child and family well-being agencies in Ontario. In British Columbia, the Ministry for Children and Family Development (MCFD) provides child welfare services and recognizes “Aboriginal child welfare agencies” across the province, many of which fall under the First Nations Child and Family Services (FNCFS) program.

For First Nations children on-reserve and in the Yukon, Indigenous Services Canada (ISC) provides funding for FNCFS. However, ISC does not actually deliver these services. Instead, these services are delegated by provincial authorities and delivered by FNCFS agencies. If there are no FNCFS agencies in a region, ISC will provide funding to the province and/or the Yukon for them to provide those services.

7 <https://www.canada.ca/en/indigenous-services-canada/news/2019/06/an-act-respecting-first-nations-inuit-and-metis-children-youth-and-families-has-received-royal-assent.html>

8 http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf

Overview of Jordan's Principle

In 1999, Jordan River Anderson was born in Winnipeg, Manitoba. He was originally from Norway House Cree Nation, a northern First Nation that does not have access to comprehensive medical supports and services. Jordan was born with complex medical needs so continued to live in the hospital. At the age of two, Jordan's doctors said he could live in a specialized medical foster home in Winnipeg. Unfortunately, the province of Manitoba and the federal government (Canada) argued over who would pay for his home care. He passed away at the age of five while still living in the hospital. Jordan's Principle was established in 2007 in response to this tragedy. Jordan's Principle is a child-first principle to ensure First Nations children get the services they need when they need them. Functionally, this means that the government which is first contacted will cover the costs of services and Canada, the Provinces, and Territories can sort out their "jurisdictional disputes" later.



What is Happening Now

The Caring Society and AFN filed a complaint against Canada for discriminating against First Nations children living on reserve and in the Yukon with the Canadian Human Rights Tribunal (CHRT) in 2007. In 2016, the CHRT found that First Nations children and families on reserve and in the Yukon are being unnecessarily removed from their homes, families, and communities because of this discrimination.

Further, the CHRT found that Canada is discriminating against First Nations children by not implementing Jordan's Principle. The CHRT has since issued 21 non-compliance and procedural orders since the landmark ruling in 2016.

In September of 2019, the CHRT ruled that First Nations children and their parents or grandparents should receive compensation of \$40,000 for the discrimination they experienced from Canada with regards to First Nations child and family services and Jordan's

"Doing everything could result in economic payback.

Investments in wellness, prevention and least disruptive measures (LDM) would pay for themselves within 28 years. This economic payback is in child welfare terms only and does not account for the significant benefits that would result from having healthy children grow into healthy and independent adults who would be less likely to access the services of justice, health, drug and alcohol, mental health and unemployment insurance."

—Wen:De: *The Journey Continues?*

⁹ <https://fncaringsociety.com/publications/wende-journey-continues-wen-de-nous-poursuivons-notre-route>

Principle. Just after that compensation ruling, the very first Gathering of First Nations Youth in Care Advisors took place. Canada then filed a judicial review (like an appeal) of this compensation ruling to the Federal Court. That appeal was set aside by the Federal Court on September 29, 2021. On October 29, 2021, the Federal government again filed a judicial review of the Federal Court's decision to set aside their appeal.

After filing the judicial review, Canada requested, and the Parties agreed, to pause legal proceedings for a very short time to allow for focused and intense negotiations to try and reach an agreement to end the Federal government's discrimination and prevent its recurrence in the provision of child and family services and Jordan's Principle, including compensation. Feedback from the youth advisors has been synthesized into recommendations that will be shared with the government and all parties who are negotiating.

Methodology

The following report and findings were collected using several methods including focus groups, surveys and literature review of existing reports on child welfare.

Two focus groups were held during the month of November 2021. First Nations Youth Advisors from the first YICC Gathering of First Nations Youth Advisors were invited to participate in focus groups. Youth were also invited to respond to a public call for participants. A national survey was sent out among multiple social media platforms. Over the course of three weeks, the focus groups and survey heard from over 100 respondents.

Information for this report was also collected by honouring the multiple existing reports and findings from First Nation youth in and from care and their advocates. These reports include:

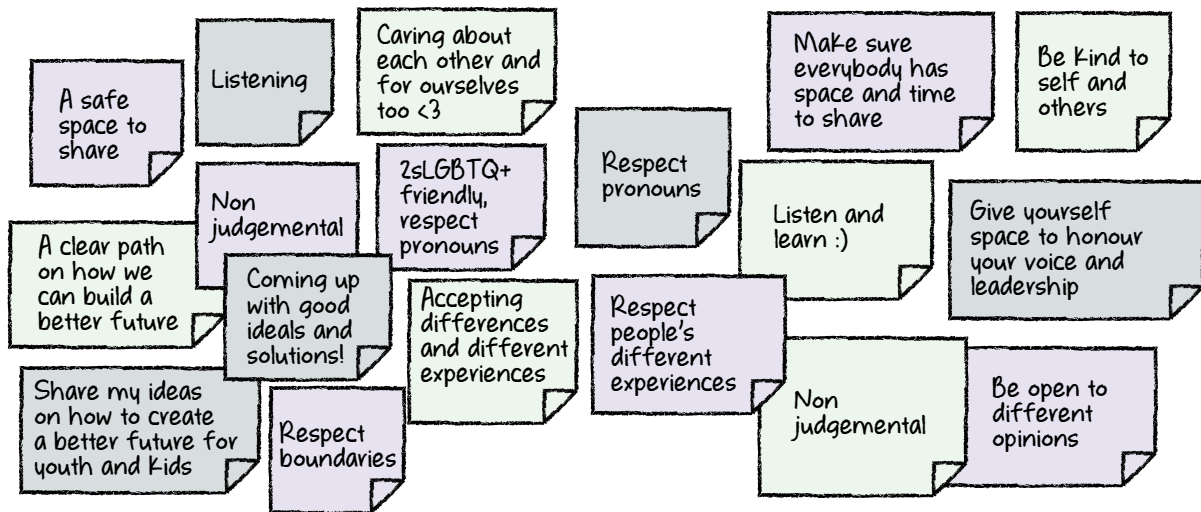
- *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors* (YICC, 2019);
- *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth* (A7G, 2021);
- *Indigenous Youth Voices Report: A Way Forward in Conducting Research With and By Indigenous Youth* (Indigenous Youth Voices, 2019);
- *A Roadmap to the Truth and Reconciliation Commission Call to Action #66* (Indigenous Youth Voices, 2018);
- *Finding the Way Back: An aggregate investigation of 45 boys who died by suicide or homicide in Manitoba* (Manitoba Advocate for Children and Youth, 2021);
- *Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare* (First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect, 2019);
- *The National Household Survey* (NHS-2011);
- *Wen: De: The Journey Continues* (First Nations Child & Family Caring Society of Canada, 2005);
- *An Act respecting First Nations, Inuit and Métis children, youth and families* (Canada, 2019).

This report and research followed A7G's Ethical Research Engagement Requirements.¹⁰

¹⁰ <https://yellowheadinstitute.org/resources/ethical-research-engagement-with-indigenous-youth-seven-requirements>



Youth who participated in the focus groups also led the discussions and expectations of the research, further ensuring that data was collected for this report in an ethical way. Some of the group accountability and ethics for this report are identified as the following:



Source: Participant survey.

The survey questions were developed and reviewed by Indigenous youth. Throughout the survey, background information and definitions of words such as “discrimination,” “ethical,” and “Jordan’s Principle” were provided.

The survey began by asking demographic questions in the “Tell Us About Yourself” section, for example whether the respondent identified as First Nations, Inuit, or Metis, if they were from a remote or fly-in community, and the province or territory they were in care in. The survey then moved into the “Ending Discrimination” section, which provided a number of mostly open-ended questions asking if youth had experienced impacts of discriminatory underfunding, what was needed to end and prevent such discrimination, and what youth personally wanted or needed to address the impacts of discriminatory underfunding.

Finally, a section on the “Experiences and Needs of Youth in/from Care” asked youth how they felt about cultural safety while in care, developing or maintaining community connections while in care, and experiences transitioning from care into adulthood. Some of the questions in this section, for example about the role of a potential foundation and mechanisms for accountability, were also intended as follow up to the previous Gathering of First Nations Youth in Care Advisors. At the end of the survey, respondents were given the option to leave their contact information to receive a small honorarium.

Limitations

While this research is a step in the right direction, there was not enough time or capacity to fully hear from youth in and from care that may be experiencing homelessness, vicarious living conditions, lack of access to Wi-Fi or internet or living in remote or rural communities. Folks that needed accessibility accommodations and/or language interpretation were also not able to participate in this research as much as we would have liked.

Youth that we spoke with also reminded us that they have to be a part of the decision making and for many, that means having information written and worded in a way that is accessible. This looks like limiting legal jargon from conversation with folks who have no legal background, avoiding acronyms and using closed captioning to name a few.

Lastly, COVID-19 continues to create a huge limitation by creating barriers from cultural ceremonies and safety to be honoured while having these conversations as well as the limitation of not being able to form closer bonds and relationships during our time together.

“Jargon is not revolutionary.”

“I cant comment on this because I have no idea even how to”

—Participants

Who We Heard From

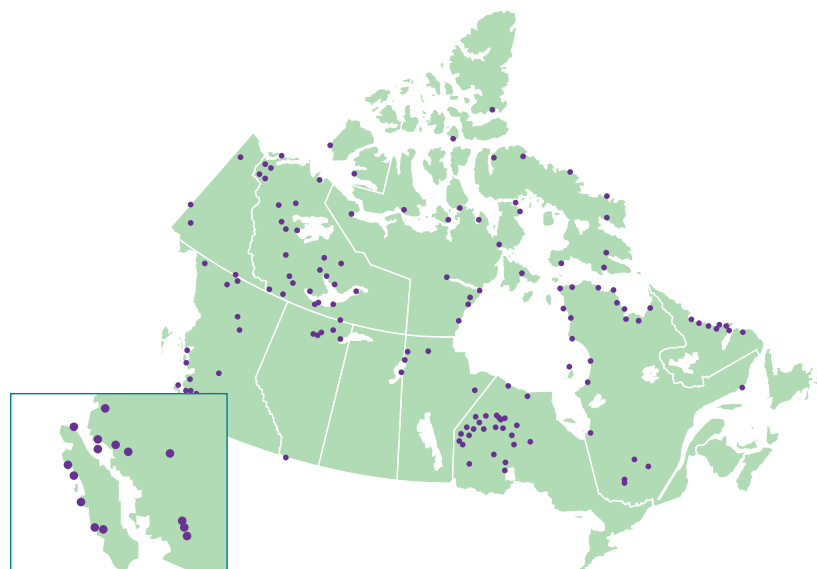
While this report was created with the mandate to hear from First Nations youth and children in and from care, we also left some room for Metis and Inuit to share their stories because we see Child Welfare Reform as an opportunity to improve the lives of all Indigenous youth. Of the survey respondents, 88 percent identified as First Nations and the majority of those stated they had First Nations status. Another 13 percent of respondents identified as Metis or Inuit. Two percent identified as non-Indigenous and were disqualified from the remaining questions. It is important to note that this total is greater than 100 percent because many Indigenous youth identify as First Nations/Metis or First Nations/Inuit. Forcing Indigenous peoples to fall into only one part of Section 35 of the Canadian Constitution can further isolate an Indigenous youth or child.

Of the survey respondents, 86 percent were under the age of 30 (0–29 years old) and 14 percent were over 30 years old. While it is important to hear from children and youth currently living in and from care it is also important to acknowledge the long term impacts of child welfare. Further, youth in their 20s may still be interacting with the child welfare system, though not necessarily in a foster home or group home, depending on their province or territory as well as the children's aid society they were under the care of.

“According to Census 2016, Indigenous children represent 52.2% of children in foster care in private homes in Canada, despite accounting for only 7.7% of the overall population of children under 15.

—*Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families receives Royal Assent – News Release*¹¹

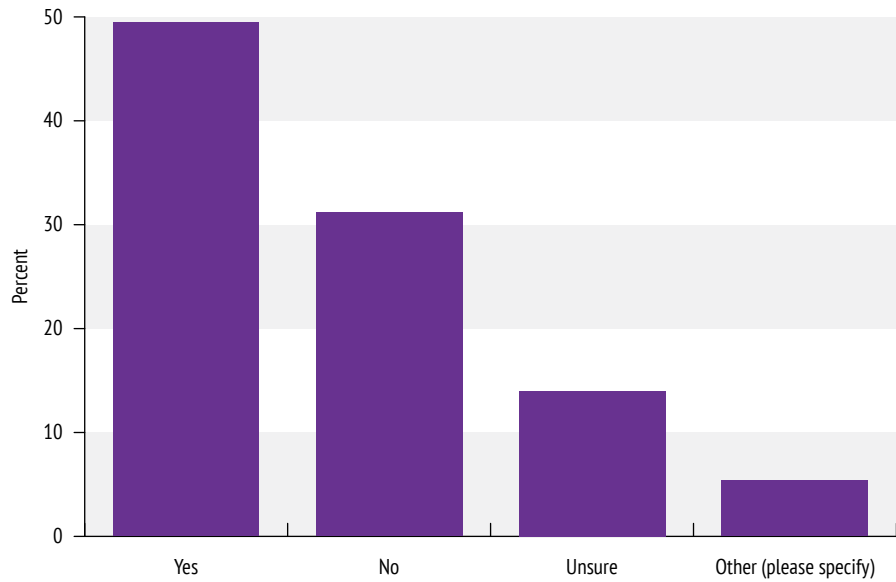
FIGURE 2. Map showing remote and fly-in communities across Canada



Source: https://www.researchgate.net/figure/Remote-aboriginal-communities-in-Canada-a-Weis-Maissan-2007-power-generation_fig5_252326166

11 <https://www.canada.ca/en/indigenous-services-canada/news/2019/06/an-act-respecting-first-nations-inuit-and-metis-children-youth-and-families-receives-royal-assent.html>

FIGURE 3. Is your community fly-in or do you consider it remote?



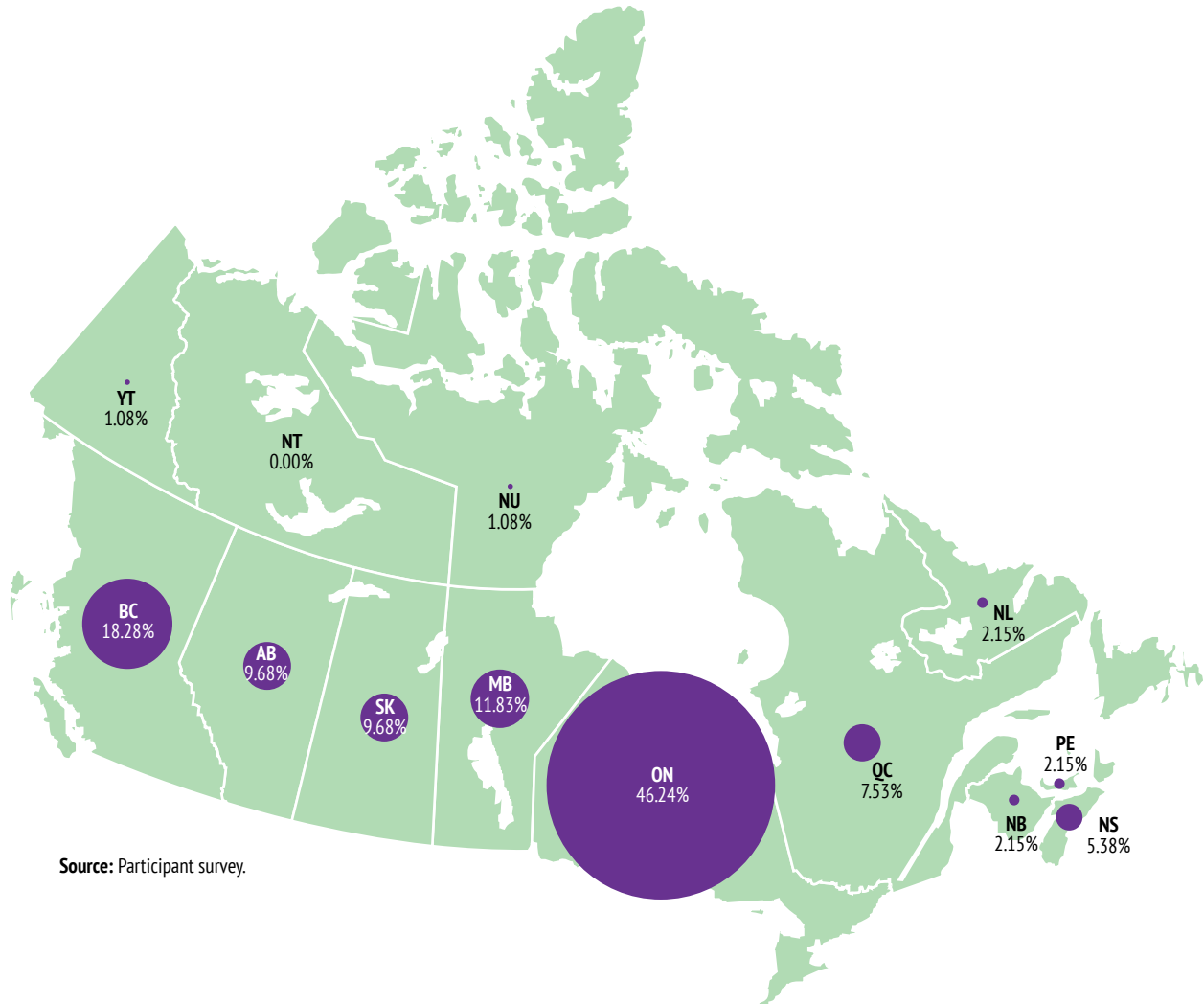
Source: Participant survey.

Though a definition of remoteness is not universally agreed upon, a First Nation that is not accessible by all-season roads is often considered to be remote or fly-in. Communities that are remote or fly-in tend to face unique challenges and needs on top of the existing inequalities and inequities most First Nations face. Figure 2 identifies 160 remote communities across Canada which were considered to be under the mandate of the former Indian and Northern Affairs Canada (INAC) department in 2005. These include First Nations reserves and communities as well as Inuit communities and certain other Northern communities. Half of respondents (50 percent) considered their community to be a fly-in or remote community. Thirty-one percent said their communities were not remote or fly-in and another 14 percent were unsure. Six percent responded to the “other” category and their answers included being from a rural community or that they have lived in the city but never on-reserve.

The survey received responses from across the country. Forty-six percent of respondents were from Ontario, which indicates Ontario is over-represented in the survey. This over-representation may come from the authors’ location and community connections in Ontario. On the other hand, only 12 percent of respondents were from Manitoba despite the largest number of First Nations foster children living in that province. Another 18 percent of respondents were from British Columbia, 9.68 percent from Alberta, and 10 percent from Saskatchewan. Only 8 percent of respondents were from Quebec, which may reflect the survey being only available in English. Respondents from Nova Scotia were represented the most out of the Maritimes at 6 percent while New Brunswick, Prince Edward Island (PEI), and Newfoundland and Labrador each

represented 2 percent of the respondents. Lastly, 1 percent of respondents were from the Yukon and Nunavut each.

FIGURE 4. What Province or Territory were you in care in?



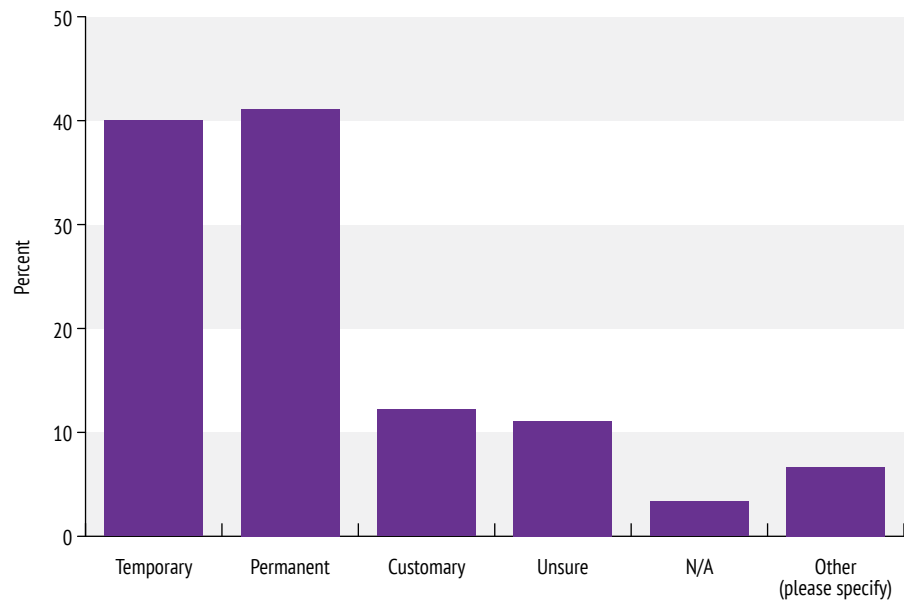
Source: Participant survey.

Location of residence has implications for children who are apprehended into the child welfare system. Indigenous Services Canada’s (ISC) First Nations Child and Family Services (FNCFS) program applies to First Nations children and youth whose parents or guardians are ordinarily resident on-reserve or in the Yukon. Further, each province and territory has their own child and family services act which may impact Indigenous child and family services provision, including delegation of First Nation or Aboriginal agencies or children’s aid societies (CAS). Forty-two percent of respondents indicated being born or raised on a First Nations reserve and 9 percent in the Yukon.

Fourteen percent of respondents said they were raised on a Metis Settlement, an amount that is higher than the percent of respondents who indicated they were Metis. This may be because respondents who grew up on a Metis Settlement identified as First Nations and/or First Nations and Metis or respondents were confused about what a Metis Settlement was.

Thirty percent of respondents said they weren't raised on reserve, in the Yukon, or on a Metis Settlement and 3 percent were unsure. Another 3 percent selected "other" and elaborated that they live in the city.

FIGURE 5. What type of care agreement were you or are you under?



Source: Participant survey.


Youth can experience multiple types of care agreements. For example, many youth are placed in temporary care when they are apprehended before moving to a permanent care agreement.

The most common types of care agreements experienced by respondents were temporary, with 40 percent of respondents experiencing this, and permanent, with 41 percent of respondents experiencing this. Twelve percent of respondents indicated being in customary care. Customary care means the care of an Indigenous according to the customs and traditions of their community, by someone other than their parents. Further, 11 percent of respondents were unsure what sort of care agreements they were/are under, 7 percent listed another sort of care agreement, including being a crown ward and being adopted, and 3 percent responded this was not applicable to them.

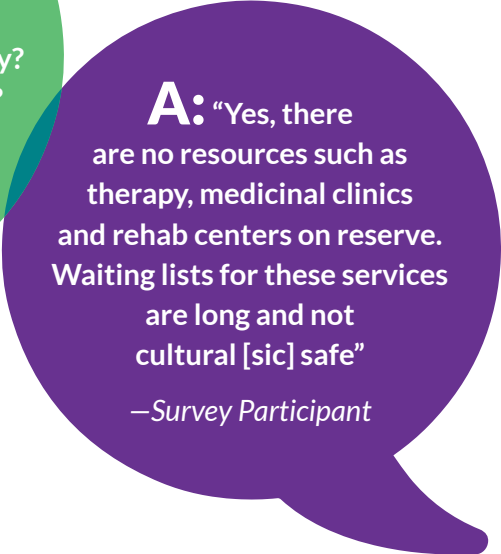
What We Heard

Indigenous youth in and from care that participated in the focus groups and survey told us about major concerns they experienced stemming from their experiences in child welfare. The main themes can be categorized in the following: Systemic Discrimination and Racism, Proper and Ethical Implementation of Solutions and First Nations Youth In and From Care are the Experts.

Systemic Discrimination and Racism



Q: Do you believe this discriminatory underfunding has impacted you or your family? If yes, how so? If no, why not?
—Survey Question



A: “Yes, there are no resources such as therapy, medicinal clinics and rehab centers on reserve. Waiting lists for these services are long and not cultural [sic] safe”
—Survey Participant

When speaking to respondents in the survey and in focus groups, there was an overwhelming number of participants that spoke to the need for proper services for Indigenous youth and children. The systemic racism that has constantly underfunded First Nations youth and children within child welfare contributes to the high rates of incarceration, mental health concerns and high rates of death in First Nations families and communities. If funded equitably from the beginning, many traumas could be prevented and avoided.

The cost of doing nothing: “the choice is to either invest now and save later or save now and pay up to six to seven times more later.”¹²

—Wen:de: *The Journey Continues*

From the survey, 70 percent of respondents said that believed that discriminatory underfunding impacted them or their family, 17 percent were unsure or could not answer and 10 percent said the non-Indigenous families they were placed into had enough resources but some of these respondents also mentioned not knowing anything about their Indigenous identity while living in these homes.

In addition, respondents from the survey and participants in the focus groups also shared how underfunding impacted their childhood and adolescence as well as long-term impacts. These impacts included the following but are not limited to:

- Removal from birth, biological or blood family
- Lack of support for birth, biological or blood family – money instead flows to foster families. In this vein, there are minimal supports to be able to cover the cost of living
- Lack of resources for child and family services as well as related services which have a major impact on child and family well-being, for example health clinics, therapy, and rehab centers on reserve.
- Youth believe underfunding caused them to be shifted from temporary to permanent wards of the state and even resulted in being adopted to non-Indigenous families
- Attending services and placements not culturally safe therefore resulting in experiences of microaggressions and racism
- Struggling with addiction and mental health with no proper supports
- Experiencing homelessness and poverty especially after aging out of care
- Increased vulnerability of experiencing human trafficking
- Increased interaction with the criminal justice system (for the youth in care as well as their families)
- Lack of supports to succeed in school, resulting in high school dropouts and undiagnosed learning disabilities

When asked “What can Canada do to stop the discrimination in the system of First Nations child and family services?”, 91 percent of folks that participating in the survey responded to this question and provided input on what they believed was necessary to stop discrimination in child welfare. The remaining 9 percent of respondents to this question said they were unsure what was needed. It is not responsibility of the survivor of the policies to create the solution but it is up to those in power to listen and accept the wrongdoing and make the systemic changes needed to improve the lives of these young people however it is very encouraging to see so many young people wanting to be involved in

12 <https://fncaringsociety.com/publications/wende-journey-continues-wen-de-nous-poursuivons-notre-route>

the solutions. Respondents most often suggested family-based solutions, with anti-racism and decolonizing training plus access to information and education following. Here is what they had to say:

- **Family Based-Solutions:**
Youth strongly recommended that a family-based approach is fundamental for FNCFS. Instead of breaking up families, there must be support to keep families together as well as uphold more “traditional” social safety nets like aunties, uncles, and grandparents. For example, access to therapy, sufficient income assistance, legal support, reunification homes, transition homes, and more need to be provided in community and support youth with access to family. The option to remove children from their families should not be so readily available in the system. There needs to be support for First Nation community members to take in other First Nations children if their families are unable to.
- **Anti-Racism and Decolonization Training:**
Anti-racism and decolonization training was another necessary recommendation from the youth who replied to this question. Everyone involved in the system, from foster parents to policymakers, need to learn about Indigenous history, attend anti-racism training and be actively anti-racist everyday, participate in decolonizing the system, and understand, uphold, and improve the laws and regulations against racial discrimination. The broader public also needs access to this sort of training so they can understand what’s occurring too.
- **Access to Information and Education:**
Several forms of information sharing and public education are necessary for all this to be achieved too. This includes ensuring information on child welfare is made publicly available, supporting research to access, compile, and interpret that information and data, raising general awareness of Indigenous issues, child welfare, racism, and disabilities, amongst other topics, providing Nation-sensitive cultural training for future child welfare professionals and caregivers, and community-level education to support families and holistic well-being.

“First and foremost, by ensuring that the future of the First Nations child and family Services Act is an anti-assimilation policy.”

—Participant

Other ideas raised included: accountability, capital (like infrastructure and buildings), culture, equality and equity, First Nations rights, policies, and resources.

- Accountability mechanisms to address issues of discrimination and poor services, plus to ensure First Nations are included.
- Increased capital, including funding for buildings and other infrastructure.
- Incorporation of culture into design and provision of FNCFS, from both a worldview standpoint and ensuring youth have access to their cultures, territories, languages, and communities.
- Equal and equitable treatment for Indigenous youth in care plus respect for their rights
- Recognition of First Nations rights, sovereignty, treaties, and territories as well as support for First Nations to move to self-governance, take back their children, and protect their lands and reserves.
- Creation of, amendments to, reassessment of, and/or better implementation of policies including but not limited to strengthening and expanding laws against racial discrimination, reassessment of existing child and family services laws and policies, and incorporation of preventative measures.
- Improved and expanded resources, including service navigators, specialized workers, employment opportunities and a basic income, mental health support, access to foods, support kids who age out of care, support parents by implementing Jordan's Principle, increase on reserve funding, access to appropriate housing, creation of healthy healing environments for youth in care and their families, ensuring security for families and youth (social, economic, mental/addictions, physical, and housing), and overall listening to communities needs. All these resources need to be provided in a non-judgmental, non-discriminatory way.

Proper and Ethical Implementation of Solutions

In 2017, the federal government of Canada was forced to implement Jordan's Principle, here is an excerpt from the Government of Canada's website:

The CHRT issued a set of compliance orders on May 26, 2017 (2017 CHRT 14), later amended on November 2, 2017 (2017 CHRT 35), that Jordan's Principle is based on the following key principles:

- applies to all First Nations children, on and off reserve
- ensures there are no gaps in government services
- government or department of first contact will pay without case conferencing or other similar administrative procedure before the recommended service is approved and funding is provided
- needs are evaluated on the basis of substantive equality, culturally appropriate services and to safeguard the best interests of the child
- a dispute among departments or government is not necessary
- provides services within a 12- to 48-hour timeframe and publicize funding

However despite these promises, over half of the respondents we spoke to had never heard or accessed Jordan's Principle despite sharing many stories of having no access to mental health supports, cultural and basic needs. Jordan's Principle could be a lifeline for many First Nations children however it must be implemented properly and gaps in services must be remedied.

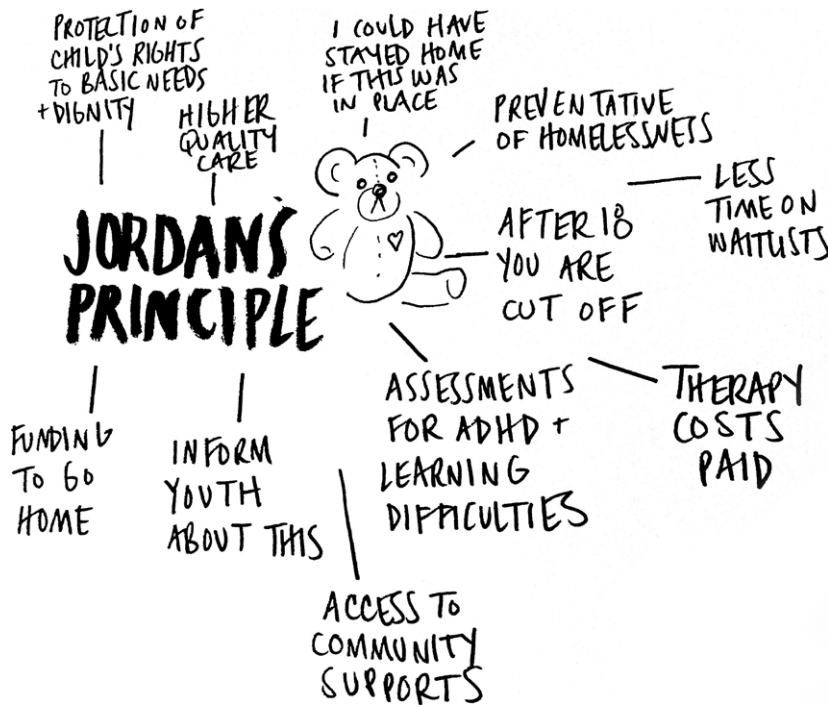
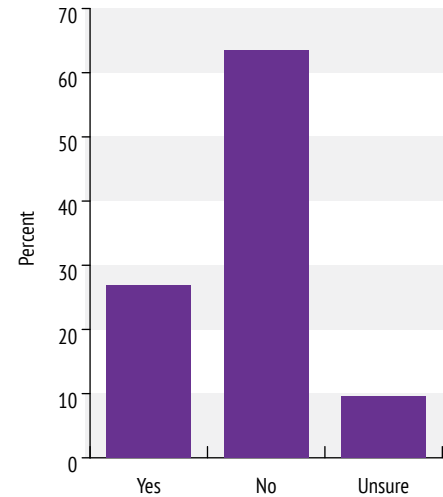


FIGURE 6. Have you ever accessed Jordan's Principle?



Source: Participant survey.

The following is a list of how Jordan's Principle can be better implemented. These solutions continue to echo solutions for Child Welfare Reform as well.

- Funding to go back home to visit
- Therapy costs paid
- Having assessments for learning difficulties and ADHD
- Continued access past 'aging out'
- Less time on waiting lists, quicker access to services
- Receiving higher quality services and resources
- Informing youth and youth workers about JP
- Protection of child's basic rights to dignity and basic needs
- Advocating for children's rights and needs
- Access to community (supports)
- A number they can call to talk to someone about their specific situation and if it can be helped
- Need to know what services and supports exist

An infographic created by Cindy Blackstock and the Caring Society highlighting the ongoing patterns perpetuating discrimination that harm Indigenous children experiencing Child Welfare and must be addressed:

Patterns perpetuating discrimination

- **Systemic discrimination** (too complex, be patient, incremental approach, can't change overnight, diminishing/disregarding First Nations experts, codifying inequality at community/family level etc.)
- **Dehumanization of children and families** (i.e.: acronyms, file)
- Intervention in systemic racism **not proportionate to the harm**
- **Reform everywhere but within**
- **Defending versus appraising critique**
- **Mistaking process for an outcome**
- **Overstating and diminishing First Nations involvement (engagement, partners, discussions).**
- **Rewarding conformity to bad ideas and punishing moral courage**

Remoteness – a Distinct Experience for First Nations Youth In and From Care

Of the 49 percent of respondents who indicated they're from a remote or fly-in community, 46 percent indicated they were from Ontario and 31 percent indicated they're from British Columbia. Note that some of the respondents indicated they were in care in both provinces. A few respondents indicated they were from a remote or fly-in community in Alberta, Saskatchewan, Quebec, Newfoundland and Labrador, and Nova Scotia. Most respondents who indicated they were from a remote or fly-in community identified as First Nation, and a majority of those respondents identified as having First Nations status. Only two respondents who indicated they were from a remote or fly-in community identified as only Metis and not First Nation.

“Definitely funding to visit my home community. I have never visited my home community once. (It is a fly in remote community and costs on average \$1,200 for a round trip).”

–Participant

Many of these responses in the “Ending Discrimination” section of the survey highlighted similar issues, wants, and needs to First Nations youth from non-remote communities, for example keeping families together, social service navigators, support accessing housing and when aging out, and funding to visit or reconnect to communities, families, and traditional territories, amongst other ideas.

However, some unique responses were also given. The words “equal” and “equality” were used by several respondents from remote communities in their responses across all the questions in this section. Respondents wanted to be equal to everyone else, to have equality in child and family services provision, experience equal access to services, and ensure equal rights are recognized and upheld.

“They should start showing more about the [realities] of how we get treated in care... They should show how much we get taken and separated from [our] land into bad places”

—Participant

When asked what Canada could do to stop discrimination in FNCFS, a respondent from a remote community indicated that Canada needs to “increas[e] capital,” for example more and/or improved infrastructure like clean water systems and more and/or improved buildings like houses, service centres, and community centres. Another respondent from a remote community stated that realities that First Nations youth in and from care face must be shown to the public.

When asked what youth personally want or need to address the impacts of the discrimination, several respondents indicated in addition to various supports discussed earlier and elsewhere in the report, they needed funding for recreational and material needs (like hockey equipment, a laptop for school, desk and chair, etc.) as well as to be able to be considered by their band for supports available to those who weren’t removed from their communities, like post-secondary education funding and certain financial supports.

First Nations Youth In and From Care Are the Experts

Lastly, what we heard was a lot of solutions!

Despite surviving child welfare and the many traumas that First Nations youth have experienced at the hands of Canada, there is still so much hope for themselves and the future generations. These young people took time out of their days to clearly express to Canada how they want to be treated and what the solutions to seeing a future of thriving First Nation communities and youth looks like. We had put their solutions and visions for the future directly into the next section: What Needs to Happen.

What Needs to Happen

Past (Prevention)

While we cannot turn back time to undo the harm and abuse that Indigenous youth and children have experienced in child welfare, we can use the lessons of hindsight and the generations of reports, recommendations and solutions to prevent harm and abuse from happening to another generation of Indigenous youth and children.

“Acknowledging colonialism and trauma. Understanding negative impact and discrimination against Ind [sic] people”

—Participant

“Nothing for us without us”

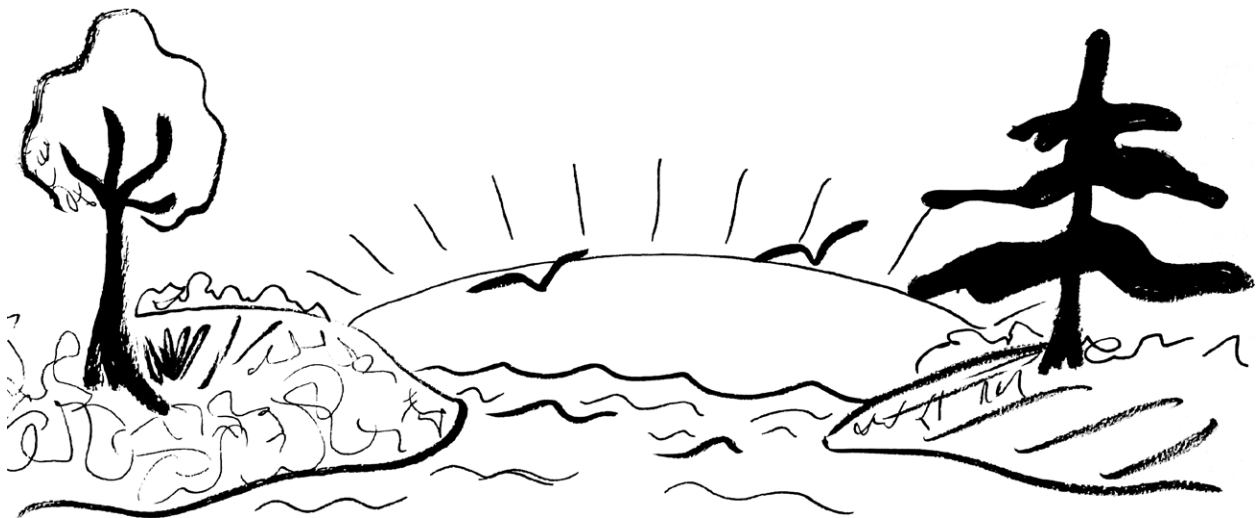
“for Indigenous, by Indigenous”

—Participants

1 Acknowledgement Followed by Action

Canada and its provinces/territories must acknowledge and be honest about the violence they have caused to Indigenous youth and children and their families through their policies and legislation. This acknowledgement of past and ongoing violence must be followed up with actions and systemic changes.

Within this acknowledgement, Indigenous rights as well as distinctions-based rights, treaty rights, and inherent rights must be recognized. Indigenous peoples must be involved in every aspect of these systems that impact them **alongside evaluation of these systems to ensure ideologies are remedies**. Furthermore, First Nations must be supported to move to self government with culturally based and equitable funding if they want to go that path.



“Recognizing that these are children they’re dealing with, not just a number in the system. I am a human and need to be treated like one. I feel that their [sic] needs to be more supports for these children. Most of these kids are going to live with so many psychological problems because of the system.”

—Participant

Canada must fully implement the Truth and Reconciliation Commission 94 Calls to Action and the Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls. The Survivors who bravely gave their testimony in the course of the Commission and Inquiry gifted Indigenous peoples and Canadians the Calls to Action and Calls to Justice to ensure that not one more generation of Indigenous young people have to experience what they experienced. Indeed, the findings of both the Commission and Inquiry found that the ongoing overrepresentation of Indigenous child in the child welfare system is the legacy of the residential school system, 60s Scoop, removal from land, and other forms of colonialism.

The Spirit Bear Plan is also an important guide to fulfill this much needed work.



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 of 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 @CaringSociety
-  **CONTACT YOUR MEMBER OF PARLIAMENT** and ask them to support the Spirit Bear Plan
-  **CONTACT US** to learn more at info@fncaringsociety.com



First Nations Child & Family
Caring Society of Canada

fncaringsociety.com/spirit-bear-plan

2 Creation of Youth in Care Accountability Mechanism

It is an understatement to say that the relationship between Indigenous youth, children, families and communities and Canada is tense and strained. Trust has been broken. Those that have been impacted by child welfare want to see justice and accountability. Canada cannot be trusted to make the best decisions for Indigenous youth and children and Canada's promise to do better cannot be trusted. Until trust can be rebuilt, there must be a mechanism in place that can hold Canada accountable. This mechanism must be led and designed by Indigenous youth as mentioned in *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth*:

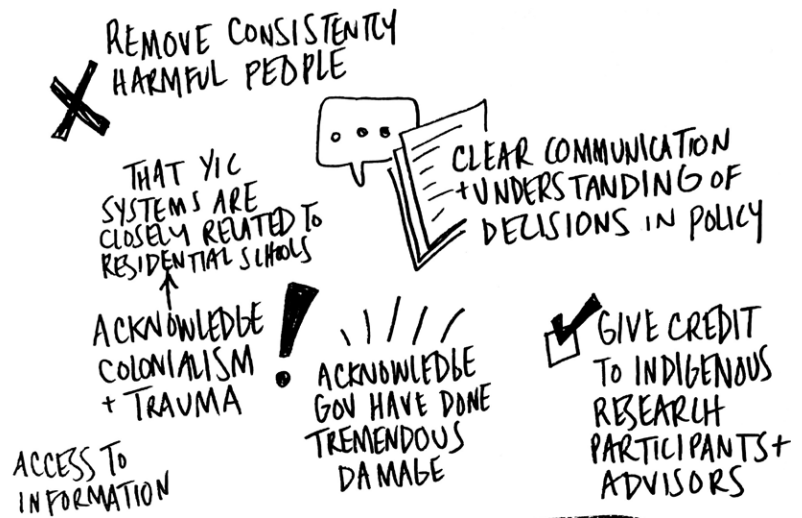
Prior to establishing a National Children's Commissioner, Indigenous youth must be ethically engaged in the decision making process. This looks like:

Holding regional gatherings with Indigenous youth.

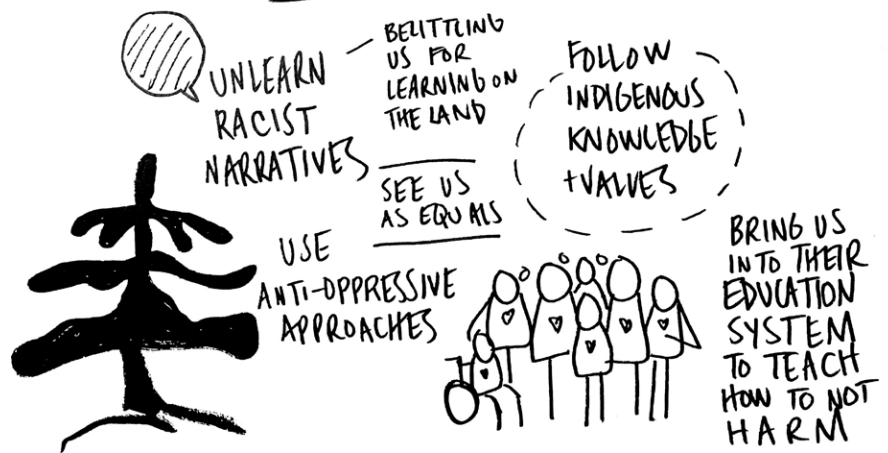
Discussions regarding a National Children's Commissioner are not predetermined.

Research following the guidelines from A Way Forward: Ethical Engagement with and by Indigenous Youth.

Indigenous youth and children need space to determine what the best Youth Accountability Mechanism will look like.



ACCOUNTABILITY



An accountability mechanism would have functions such as responding to complaints from Indigenous youth and families, supporting access and navigation of Jordan’s Principle, evaluating and reviewing child welfare services and upholding a standard of ethics (see Recommendation 3). Such a mechanism would need to be inclusive of all Indigenous youth, not just those age 18 and under. It would need the ability to make binding orders that address the systemic reforms required as well as any other powers that the youth may have described.

All forms of abuse, especially physical and sexual abuse, must be taken very seriously. Survivors must be prioritized and perpetrators must be held


accountable. Survivors of abuse while in care should be provided mental health and survivors' supports immediately and throughout their life as long as needed.

There needs to be a “measuring stick” for the ongoing need for mental health, physical health, preventative supports, access to material needs and other important needs and outcomes.

3 *Ethical Indigenous Youth Standard Accompanied by Accountability and Reviews*

Public servants, such as social workers, policy makers, and police officers, as well as group home workers and any person in close proximity to youth in care must be properly trained in anti-racism, the history of colonization, the impact of child welfare on Indigenous families and communities and cultural competency in relation to the Indigenous territory they are operating on and the Indigenous nations they are working with. Anyone working with Indigenous youth and children must have a reliable security clearance and vulnerable persons check.

Indigenous youth, children and families must have access to complaints procedures regarding any type of inappropriate behaviours, abuse and/or racism made by social workers, group home workers, etc. Service providers that are working closely with Indigenous youth and children such as foster homes, group homes, etc. must be evaluated regularly by Indigenous youth in/from care.



“You have the right to food, clothing, a safe place to live, and opportunities to do what others can. The government should help families and children who cannot afford this.”

– Article 27, *United Nations Convention on the Rights of the Child*

4 *Keeping Families Together*

The biggest reason for the amount of Indigenous youth and children in care is due to underfunding for basic needs that all families should have access to.

In order to address to the overrepresentation of Indigenous youth and children in care, families must have access to culturally relevant services and supports, including but not limited to the following:

- Training and resources for parents with children with diverse types of disabilities (learning, visual, physical, illness, etc.)
- Therapy and mental health supports
- Trauma-informed, comprehensive social services
- Peer-to-peer supports
- Kinship Care
- Employment, Trades and Skills Development opportunities
- Safe and proper housing
- Clean water
- Access to food and clothing
- Post-secondary schooling
- Addictions counselling
- Access to land and ceremonies
- Cooking classes
- Daycares and nurseries
- Doulas and midwives
- Coping skills
- Hobbies for children (e.g., swimming classes, dance classes, etc.)
- Access to sports
- Emergency fund for families and youth (e.g., to prevent eviction, respond to family emergencies, etc.)

5 *Fair and Equitable Funding*

There must be a transition of funding from reactive measures to preventative measures. Many participants recall being removed from their families due to poverty while being placed in a non-Indigenous family who was offered compensation to look after them. If there is funding to cover the removal of Indigenous youth and children from their families, there is funding to keep families together. The existing funding models must be adjusted to put the well-being of Indigenous youth and children first before investing into institutionalization.

Canada and its provinces must come to the realization that the longer Indigenous youth and children are underfunded and harmed through systemic

abuse, the more it will cost taxpayers in the long run. This has been described in terms of the child welfare to prison pipeline, hospitalization and health care costs, class action lawsuits, etc. **Funding needs to be equitable, culturally relevant and tied to the well-being of young people. Funding must aim towards the thriving of Indigenous peoples and not bare minimal survival and often time less than survival.**

This looks like providing funding for services and supports recommended in #4 as well as committing to the creation of a foundation for youth in care (#11).

“The anticipated economic, social and cultural benefits of fully implementing the recommended reforms are substantial, benefiting First Nations children, families, Nations and Canadian society at large. The social benefits are significant—the cost is minimal representing 1.25% of the 8 billion dollar surplus budget that Canada reported in 2004/2005.”

—Wen:De: *The Journey Continues*¹³

“First and foremost, by ensuring that the future of the *First Nations child and family Services Act* is anti-assimilation policy. Specifically, scrapping the ‘best interest of the child’ policy. This policy fails to recognize that the unfortunate living circumstances Indigenous children find themselves in is a direct consequence from the Indian Residential School system. But how is it ever a good idea to place children from one bad situation into another?”

—Participant

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Present (While in Care)

There are currently thousands of Indigenous youth and children in care that are in need of proper and ethical services immediately.

6 Commitment to Restoring and Preserving Indigenous Cultures and Languages

“I remember being a teenage [sic] and connecting the dots between my own lived experience and colonialism. I was so hurt and entered a deep state of depression and lashed out by including in drugs and alcohol. I definitely would say at the time I needed trauma informed mental health services, financial support to visit my community and access to land-based activities.”

—Participant

Community and cultural connections while in care is absolutely integral for the well-being of Indigenous children and young people. Over half of respondents identified access to culture as a fundamental support. Steps to revitalize and preserve to safeguard Indigenous cultures and languages can include, but are not limited to:

- Maintaining family connection (each family may have their own traditions, knowledge of the land on their trapline, etc.)
- Access to Native youth groups, especially those led by fellow native youth
- Access to culture including ceremony, language, elders/knowledge keepers, and other cultural mentors

- Visits to community
- Land-based activities and visits to traditional territory
- Safe spaces when visiting community, learning about culture and land-based activities, including space to live, eat, hang out, etc.

7 A Moratorium and Evaluation of Discriminatory or Problematic Programs and Policies:

Policy is one of the most significant methods for the government to take action. Government programs and policies that have a close proximity to Indigenous children and youth must undergo an evaluation to identify any discriminatory mindsets, policies, practices, and remedy them. This includes but is not limited to strengthening and expanding protections from laws against racial discrimination, addition of funding and anti-discrimination clauses to existing child and family services laws and policies, and incorporation of preventative measures. The Indigenous children and youth impacted by these programs and policies must be closely involved in this evaluation.

Future (After Experiencing Child Welfare)



8 Family Reunification Services

While the decision to reconnect with family and community should be fully up to the person who experienced child welfare, the systems that removed the youth or child need to be responsible for reuniting the youth and their families.

Reconnecting with family and community should not be at the expense of the youth who were placed in child welfare. There must be supports which fund youth to visit their communities and traditional territories, (re)connect with their families, and manage the mental impact of this reunification.

- Some examples of what services and supports that must be covered include but are not limited to:
- Services that help find birth family and records or files
- Services that mediate and facilitate contact with initial meetings and going home
- Access to potential mental health supports when going through the reunification
- Travel and accommodations to visit community and family that include supporting people and family.

9 Supports to Transition into Adulthood

Presently, supports to “age out” of child welfare vary by province and territory.

The First Nations Child and Family Services program ends care at age 18, though there is an ongoing moratorium on “aging out” of care due to the COVID-19 pandemic. The Federal 2021 Budget promised to “permanently ensure that First Nations youth who reach the age of majority receive the supports that they need, for up to two additional years, to successfully transition to independence.” It is essential to listen to and incorporate feedback from the youth who will be impacted by this policy change. The decision to formally transition into adulthood must also be made in consultation with the youth leaving care – including based on their own readiness level. Supports must be provided to help youth transition into adulthood.

These supports include but are not limited to:

- A “social safety net” of community, workers, resources, and supports. This includes multiple specialized workers (e.g., transitional workers, housing worker, youth support worker, employment support worker, and cultural connections worker), peers-to-peer supports, Indigenous youth organizations, Indigenous community, family (including chosen), healthcare

“It has impacted my whole family. I’m 25 now and I struggle more than I did as a child in care. As I get older the more I realize things that happened in the foster homes I was placed in were not right, racial slurs, verbal/mental/physical abuse...”

—Participant

providers, auntie/uncle supports, Elder supports and others as identified by youth. This safety net must include readily available information on important community resources and culturally based and equitably funded social programs.

- Safe, appropriate, accessible housing and other infrastructure (water, transportation, etc.)
- Life skills training and assistance (how to cook, do taxes, access to SIN number, getting drivers' license and other IDs)
- Financial support, including a Registered Education Savings Plans (RESP) with contributions from the government and financial management education and access to an emergency fund (to tap into when, for example, facing eviction, family emergencies, etc.)
- Trauma-informed, accessible, and continuous healthcare. It is important health services, including mental health, sexual health, gender affirming care, and harm reduction care, are not cut off once Indigenous youth in care transition to adulthood
- Supporting community and cultural (re)connection, including funding to move to or visit community, participate in land-based activities, and spend time with cultural and language mentors
- Support to finish education at both highschool and postsecondary levels, without age or time limits

10 *Establishing a National Network of Indigenous Youth In/From Care*

This is an ongoing recommendation from the first Gathering of First Nations Youth in Care in 2019. Youth that attended the 2019 and the 2021 gatherings both indicated that they want to stay connected and share their experiences with each other. They also indicated that they want to be involved in decision making that will affect child welfare because they are the experts of this experience.

This was the first national level gathering of its kind for First Nations youth in and from care. The Youth Advisors said they want to continue to have the time and space they need to discuss important and pressing issues, including the following.

1. Become a collective of First Nation Youth Advisors in and from care

a. share best practices

c. continue advocating for reform

d. host more policy round tables across the country

b. share updates

e. advise on court rulings, contribute to policy development, share testimonies, etc.

2. Continue to meet about compensation and settlements

a. learn more about options such as trusts, individual pay-outs, hybrid approaches, etc.

b. keep learning about trust funds, scholarships, pooling compensation, etc.

c. learn about best practices regarding settlements from other Indigenous communities

11 Creation of a Foundation

The creation of a foundation is not in place of compensation that will justly be offered to survivors of the child welfare system but should be complementary to funding reform as stated in recommendation 5.

Canada must invest in an endowment towards the creation of a foundation that would be led by Indigenous youth and children in care and their allies. The foundation would also be able to receive donations from private and public donors. The foundation would be able to offer Indigenous youth and children in and from care the opportunities to do community-based programs and projects working on healing and cultural restoration as well as create a fund which young people in urgent situations can access. The Aboriginal Healing Foundation is an example of a best practice.

Source: Indigenous Youth Voices. (2018). *A Roadmap to the Truth and Reconciliation Commission Call to Action #66*. https://www.a7g.ca/uploads/9/9/9/1/99918202/final_2_-_indigenous_youth_voices_-_roadmap_to_trc_66_-_compressed.pdf

CASE STUDY

ABORIGINAL HEALING FOUNDATION

About the Foundation

In 1998, the Aboriginal Healing Foundation (AHF) was established as a direct outcome from *Gathering Strength: Canada's Aboriginal Action Plan*, released in 1997. The Government of Canada provided an initial \$350 million towards a healing fund to address the legacy of physical and sexual abuse in the Residential School System. The Aboriginal Healing Foundation managed this healing fund and by the end of its run, dispersed over \$27 million (Aboriginal Healing Foundation, 2014) in funding to 4,000+ community-based initiatives (CTV News, 2016) across Canada as part of its mandate to encourage and support Indigenous-directed healing initiatives and research.

The Aboriginal Healing Foundation was a unique model of a national agency designed and run by Indigenous people, focused on consciousness-raising, public education, restitution, and reconciliation. The Foundation's initial 10-year mandate was extended multiple times before it eventually closed in 2014 after the federal government stopped funding the foundation.

"Our vision is of all who are affected by the legacy of physical, sexual, mental, cultural, and spiritual abuse in the Indian residential schools having addressed, in a comprehensive and meaningful way, unresolved trauma, putting to an end the intergenerational cycles of abuse, achieving reconciliation in the full range of relationships, and enhancing their capacity as individuals, families, communities, nations, and peoples to sustain their well-being."

Our mission is to provide resources which will promote reconciliation and encourage and support Aboriginal people and their communities in building and reinforcing sustainable healing processes that address the legacy of physical, sexual, mental, cultural, and spiritual abuses in the residential school system, including intergenerational impacts."

We see our role as facilitators in the healing process by helping Aboriginal people and their communities help themselves, by providing resources for healing initiatives, by promoting awareness of healing issues and needs, and by nurturing a broad, supportive public environment. We help Survivors in telling the truth of their experiences and being heard. We also work to engage Canadians in this healing process by encouraging them to walk with us on the path of reconciliation" (Aboriginal Healing Foundation, n.d.)

Leadership and Representation

Leadership of the Aboriginal Healing Foundation took a distinctions-based approach and was taken up by the five national Aboriginal political organizations: the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Tapiriit Canada (renamed Inuit Tapiriit Kanatami in 2001), the Métis National Council, and the Native Women's Association of Canada (Spear, 2014, 48).

Its Board of Directors represented, in fixed proportion, all three respective Indigenous groups. First Nations, Inuit, and Métis; there were 17 board members in total (Spear, 2014, 23). Nine members were appointed by the five national Aboriginal political organizations and the Government, and eight additional members were chosen by the existing board members from candidates nominated by the public-at-large (Spear, 2014, 53).

The Foundation and the board conducted itself based on recommendations and guiding principles developed by attendees of one of the first major events the Foundation held in Squamish, BC: a three-day Residential School Healing Strategy Conference (Spear, 2014, p. 58).

Main Activities of the Foundation

1. FUNDING
As a funding agency, the Aboriginal Healing Foundation funded community-based initiatives addressing the legacy and impact of Residential Schools. Examples of funded activities included healing activities out on the land, counseling, parenting skills workshops,

Closing

“I’m really hoping, that people can see us as people.”

—Focus Group Participant

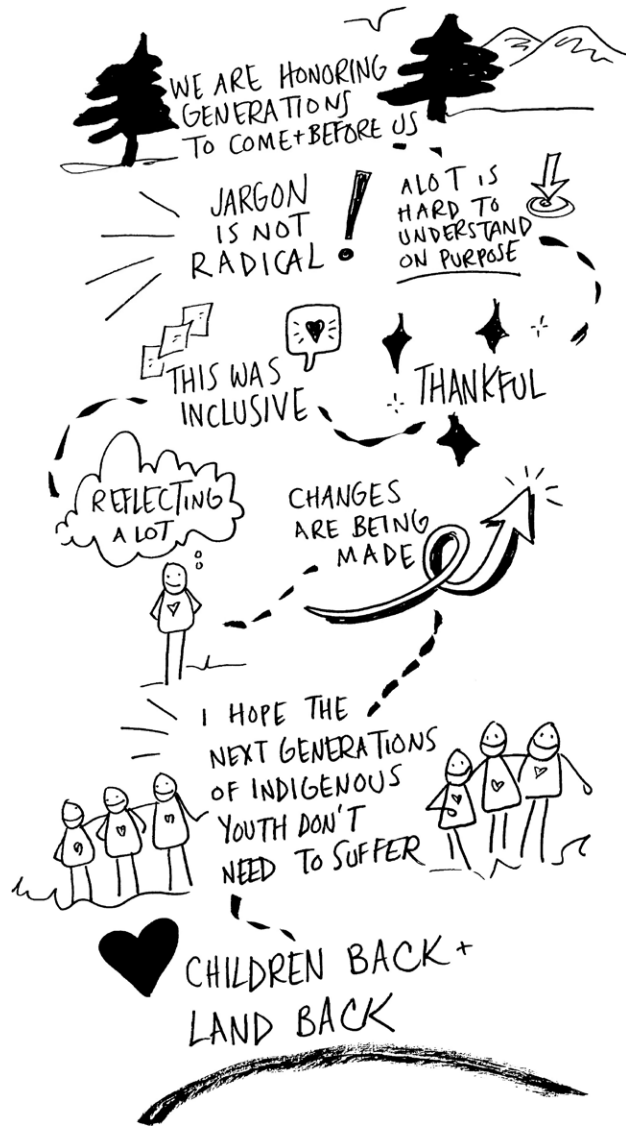
The overrepresentation of children and youth in care would not exist if it was not for the underfunding or lack of funding for basic needs such as proper housing, clean drinking water, employment opportunities and unresolved trauma from discriminatory programs and policies such as the residential school system. Canada must admit to these acts of genocide and commit to working towards the solutions as indicated by Indigenous children, youth, families, communities and their allies.

The irony is that discriminating against Indigenous children and youth is an unnecessary expense for Canadians. Underfunding basic needs of Indigenous children and families actually costs governments more money in the long term than investing in the solutions. Canada has ignored the red flags for far too long by ignoring Indigenous voices and in some cases, directly invested in the discrimination against Indigenous children and youth. It is painful for survivors to imagine how their lives could have been if their well-being was honoured and respected but Canadians now have an opportunity to correct the inequalities and invest in bright and beautiful futures of all First Nations children and youth. It is not too late and hope is still alive that First Nations children and youth can not only survive but they can thrive.

“Children and youth with complex needs face multiple, interconnected challenges which require formal collaboration among departments/agencies, including but not limited to, child welfare, schools through sporadic attendance, the youth justice system, emergency departments dealing with violent injuries, and mental health/addiction crisis and treatment services. The most complex children and youth are estimated to cost the province between \$1 and \$2 million per child per year and with limited positive life outcomes (2018, p.41).”

—Finding the Way Back¹⁴

14 Manitoba Advocate for Children and Youth. (2021). *Finding the Way Back: An aggregate investigation of 45 boys who died by suicide or homicide in Manitoba*. Winnipeg, MB. <https://manitobaadvocate.ca/wp-content/uploads/MACY-Special-Report-Finding-the-Way-Back.pdf>



Appendix

This appendix contains short notes which compile answers from several of the key questions asked in the survey. This appendix should not be used as a limiting factor for services, supports, and funding which go beyond the wants and needs identified by youth in/from care here.

Q10: What can Canada do to stop the discrimination in the system of First Nations child and family services?

- Support families to stay together, including through improvements to other social programs like income assistance and reunification homes or transition homes.
- Provide preventative supports that strengthen families like addictions treatment and supports, fostering healthy environments for families, and ensure “security” for children and families (social, economic, mental, and physical)
- Uphold “traditional” social safety nets like aunts, uncles, and grandparents.
- Support youth who age out
- Implement Jordan’s Principle
- Increase on-reserve funding
- Support self-government, recognize First Nations rights, listen to communities and involve in every aspect of these systems and changes
- Recognize trauma, provide mental health supports
- Service navigators for youth
- Employment and income support for families and youth in/from care
- Cultural events
- Culturally appropriate approach to child and family services (CFS)
- Adequate resources and funding
- Professional, non-discriminatory workers
- Anti-racism education and laws
- Ensure basic human rights, equal rights, etc. are met and upheld
- Access to information, public awareness, public education, and research
- Increased capital, including infrastructure like housing and clean water
- Proper policies
- Accountability methods to address discrimination, poor services, and ensure First Nations are included

Q11: What must Canada do in order to prevent discrimination from ever occurring again in this way?

- Safe homes
- New and/or revised policies, laws, and regulations at all government levels
- Unpack and address systemic racism and biases. Decolonize. Provide anti-racism training and reparations
- Accountability mechanism(s)
- Accessible resources and organizations which provide them
- Cultural and traditional knowledge incorporated into systems of care
- Fair evaluations from band councils for customary care
- Family support without needing to be reported to CFS. Combined child and parent supports and programs, so they don't need to be separated to heal.
- Education (anti-racism, about the system, etc.) and information made public.

Q12: If you have experienced negative impacts from the discriminatory underfunding, is there anything you personally would want or need to address these impacts? (e.g. family reunification services, funding to visit your traditional territory/community, housing supports (note these examples are based on feedback received from the Youth Advisors at the Fall 2019 gathering))

- Reunification services
- Housing access and supports (for youth alone, as well as families, as well as safe new housing), credit and co-signer, damage deposits, etc.
- Educational supports for completing high school, university, etc.
- Counselling, therapy, and other mental health supports (including addictions support from a harm reduction approach)
- Parental supports for both parents whose children may be apprehended and youth in care who are also parents
- Reparations for suffering
- Comprehensive, equitably funded social assistance and case management services
- Accountability
- More funding while in care, including for stuff considered "extra" like recreational activities, laptops, clothing, supports (tutors, etc.)
- Greater support from band for everything
- **NOTE:** a couple of respondents said they'd give their resources to others because they're doing mostly okay and know others aren't. They might be coming from the understanding (and current reality) that funds and supports are limited and therefore believe they need to reduce their rightful supports or minimize their needs so others in greater need can have access. It shouldn't be like this!

Q19: Please share what supports you believe could be helpful to maintain connection (e.g. financial support to visit community, access to land-based activities (note these examples are based on feedback received from the Youth Advisors at the Fall 2019 gathering))

- Native youth groups
- Maintaining family connections
- Indigenous workers
- Cultural access including ceremony, language, and elders/knowledge keepers
- Safe spaces
- Infrastructure like water and housing on reserve
- Accountable CFS
- Life skills (getting a bank account, getting a SIN, doing taxes, etc.)
- Land-based programs and access
- Visits to community
- Adequate funding for all this

Q20: As an Indigenous youth in/from care, what supports did you or do you need to transition to adulthood?

- Housing (safe, proper, etc.), phone and internet plans, furniture, and laptops
- Workers for transitions, youth support, housing, cultural connections, etc. – case management and service navigators
- Peer support programs
- Community resource list and accessibility
- Cultural mentors and language mentors
- Mental health support – trauma informed too!
- Transportation that is accessible and available
- Financial support, education, and management (including RESP)
- Employment access and support
- Life skills development (help getting license, filing taxes, etc.)
- Healthcare access (culturally appropriate, continuous, 2SLGBTQIA+ friendly)
- Access to land-based activities
- Funding to visit or move to community
- Fair funding for all social programs
- Harm reduction services and rehab options
- Education support
- One respondent said: “I cant comment on this because I have no idea even how to”