

DOCUMENTS

Document One

Native Studies Review has published this 1982 Manitoba Metis Federation position paper because it shows that contemporary Native child care problems originate with economic underdevelopment. It also presents comprehensive solutions to remedy the well-publicized and universally condemned, out-of-province adoptions policy which was labeled as "Native Child Exports." This significant position paper provided the basis for the MMF's approach to the provincial "Review Committee on Indian and Metis Adoptions and Placements" (Kimelman Inquiry). This position paper is a major document concerning the ongoing struggle for greater Native influence over child and family support systems.

The well-founded recommendations outlined in this position paper are helping to change the direction of Manitoba's child care and family services. Success in effecting a shift in provincial government policy is evidenced by: the reform of the Child Welfare Act, the dissolution of the large Winnipeg Children's Aid Society and the decentralization of child care services. The MMF's involvement in training Natives for child care and family service positions is an example of the encouraging increase in the capacity of Native agencies to provide child and family support services. The Ma-Mawi-Chi-Itata Centre--Canada's first major urban Native child and family support agency--grew out of the efforts of the Winnipeg Coalition on Native Welfare (an organization which included MMF participation).

NSR acknowledges and appreciates the MMF's permission to publish this document and recognizes the important contribution the MMF has made in providing both a rationale and a model for increased Native control over child care and family services.

MANITOBA METIS FEDERATION INC. POSITION PAPER
ON CHILD CARE AND FAMILY SERVICES

Adopted by the MMF Board of Directors

May 15, 1982

Economics of Family and Community Strength

Family strength and child care has [sic] been weakened by the creation of economic underdevelopment and by the erosion of community bonds. In Manitoba the roots of this situation are three centuries old, but child care problems have become particularly apparent in recent years.

In part this is because economic conditions have continued to deteriorate for large numbers of people, especially in Native communities. Economic underdevelopment has meant increasing

restrictions on old forms of livelihood combined with the blockage of potential new opportunities.

One of the key manifestations of economic underdevelopment is excessive dependency on the export of raw or semi-processed commodities and on the import of finished commodities. This imbalance generally characterizes all of northern Manitoba as well as rural areas of southern Manitoba, and is a major reason for high levels of unemployment and "welfare" dependency in most Native communities. The imbalance applies not only to goods, or things, but also to people. The human "raw" exports include unskilled labourers, secondary and post-secondary students, patients, inmates, and children removed from their families. The "processed" imports include skilled workers, management, government administrators, teachers, social workers, medical workers, missionaries, police, juvenile probation workers, and child welfare officers.

Comprehension of this whole process is essential to an understanding of the removal of many children from their families, communities, regions and province. However, the prevalence of family crisis also reflects the fact that responsibility for family well-being has been shifting away from community and kinship networks, leaving individual parents or couples to shoulder the responsibility alone.

Government agencies respond to personal destitution with relief allowances and some other family services, but these are assigned on the basis of private, rather than collective needs. This individual dependency on government assistance helps to undercut shared responsibility within communities and within extended families.¹ The same can be said of individual wage payments, other conventional forms of commercial revenue, and property relations based on private ownership. Income and wealth are essential to family security, but when they are distributed inequitably and solely on the basis of individual title, they tend to weaken collective systems of support.

Family and community were essentially one and the same in pre-commercial, communal societies, such as those which prevailed in present-day Manitoba before the merchant fur trade came to dominate local economies. And in Manitoba today Native communities still stand out in terms of shared social obligations. However, the steady decrease of non-commercial production for community use has been accompanied by a corresponding weakening of group forms of support. At the same time, Metis and Indian communities have been particularly impoverished by commercially-generated underdevelopment, intertwined with racial inequality.

Problems associated with the care of Native children have been often splashed over newspaper pages. The general seriousness of the situation is also highlighted by available statistics on placements of Native children under government sponsorship.

Adoptions

Adoptions refer to cases where full guardianship of children who have become legal wards of the Province, or of designated child care agencies, under provisions of Manitoba's Child Welfare Act, is transferred to adoptive parents.

In 1981, 406 Manitoba children were adopted. Of these, approximately 114, or 28 percent, were Native children. In contrast, customary estimates of the size of the Native population of Manitoba range from 10 to 15 percent of the total population.

An estimated 72, or 63 percent of the adopted Native children were from Metis (58) or 'non-status' Indian (14) families. Forty-two had federal Indian status; i.e. they were registered as "Indian" with the Indian Affairs Branch in accordance with Canada's Indian Act.²

We do not yet know how many Native children were adopted by Native families, but it is evident that most placements of Native children by conventional child care agencies are in non-Native settings. This applies to adoptions and to foster and

institutional placements. It is borne out by the fact that these agencies have a harder time finding adoptive parents for Native children than for "white".

In March, 1980, provincial Child Welfare officials estimated that out of about 150 children waiting to be placed in adoption, between 125 and 135, or from 80 to 90 percent, were Native children.³ Furthermore, in Manitoba Native children who are adopted are much more likely than other adopted children to be placed in other provinces or in the United States.

Relevant data is currently unavailable as regards Metis children. However, in 1981 "Indian children" alone accounted for 20 out of 47 children adopted by parents in other provinces and for 37 out of 58 placed in the United States.⁴ Thus, Indian children (in this case, 'status' plus 'non-status') accounted for 43 percent of total adoptions to other provinces and for 64 percent of adoptions to the United States. In contrast, they were involved in only 14 percent of total adoptions, within and out of Manitoba.

The information which we have obtained on total adoptions in 1981 indicates that adopted children identified as "Metis" slightly outnumbered those identified as 'non-status' Indian and 'status' Indian, combined. Thus, as a whole, Native children may have made up all or nearly all of the 105 children sent out of Manitoba for adoption during 1981.

The difficulty which conventional child care agencies experience when seeking adoptions for Native children adds to the large number of Native children who become "permanent wards" of the state. The accommodation of such children is usually less secure and less permanent than that of adopted children. Continuing child care wards are likely to be moved from one set of foster parents, group home, or residential institution, to another, several or more times during their formative, childhood years.⁵ Apparently, this particularly applies to Native child wards.

Child Care Placements

When guardianship rights and responsibilities over a child are transferred from a parent or parents to the provincial Child Welfare Director or to a children's aid society acting on behalf of the Director, the child becomes a "ward" of that Director or child care agency. Effectively, this means that the child becomes a ward of the state, or province. Guardianship of a child may be assigned to the Child Welfare Director or to a designated agency on either a "temporary" or "permanent" (to age of majority) basis. Where a child is judged to be "in need of protection" guardianship privileges are removed from the parents by court order.⁶

Provincial child care statistics refer to Child Welfare wards plus a much smaller number of other children who are also placed by Child Welfare agencies, mainly on the basis of temporary contracts with their parents. At the end of 1981 child wards accounted for 87 percent of official child care placements in Manitoba.⁷ And over half of the child wards are permanent wards.⁸

On January 31, 1982 there were 3,012 children in child care in Manitoba. Of these, 1,436 or 47 percent, were in foster homes.

The remainder were mainly in group homes, in residential care institutions, or with prospective adoptive parents.⁹

All official child care placements are under legal authority of the Child Welfare Director or appointed agency, but only three quarters (about 2,300) of these cases involve funding under Child Welfare authority. Of these, nearly one quarter (24 percent in March, 1982) are 'status' Indian children.¹⁰ No figures pertaining to Metis or 'non-status' Indian children in this category are yet available. However, judging from the adoption estimates presented above, it is likely that the majority of Native child wards are Metis or 'non-status' Indian, and that in total Native children account for over half of all Child Welfare cases in Manitoba.

In a study published by the Canadian Council on Social Development, H.P. Hepworth estimated that in 1977 60 percent of all children in child care in Manitoba were of Native ancestry. In March, 1980 provincial Child Welfare officials estimated that 40 to 50 percent were Native and that Native children constituted from 40 to 60 percent of those in permanent wardship. In contrast, they also estimated that just 15 percent of Manitoba's total population consisted of Native people; 120,000 Metis or 'non-status' Indians plus 44,500 'status' Indians.¹¹

In short, Child Welfare removal of Native children from their natural families is drastically out of line with the extent to which Native people form a part of the total population.

Wardship and Native Identity

The knowledge that there must be well over 2,000 Metis and Indian children born in Manitoba who are currently separated from their natural families, and that the rate of Native child apprehension is far above that of non-Native children, is very alarming in itself. However, the seriousness of the situation is greatly aggravated by the fact that Native children seem to fare more poorly than other children once they enter the conventional Child Welfare system and also when they are adopted outside their home communities. They are likely to remain wards of the state for longer periods than other child wards, to be relocated more frequently, to have less contact with their natural families, and to more often wind up in trouble with the law.¹²

To a large extent, this situation reflects the cultural, racial and linguistic contradictions imposed upon Native children who are removed from their own kin and communities. There has been a long history of both unwitting and deliberate attempts by well-meaning, but ethnocentric, child welfare workers and 'white' substitute parents to remove the Native identity of Native children taken into their care.¹³

In fact, the cultural denial starts with assumptions which underlie the Child Welfare Act. These assumptions tend to

overlook the possibility of community solutions to family problems within Native communities and to be relatively insensitive to non-material evidence of parental care. Such narrow vision helps to explain the comparatively high incidence of outright wardship among Native children and the removal of such children from their communities.¹⁴

Local Control

The colonial pattern of external dominance of people and resources is fundamental to the underdevelopment of economies and communities. Therefore, just as renewed local control over resources and economic institutions is essential to a revival of economic development geared to local needs, the revitalization of local family support systems is essential to community re-development.

Accordingly, Metis and Indian communities must force the official Child Welfare system to become responsive to their wisdom and wishes. As part of this process, formal community child care services need to be initiated, expanded and strengthened. As soon as practical, external Children's Aid Societies and Child Welfare agencies should be replaced in Native communities by community-run family service agencies. In the meantime we need to monitor existing service agencies, to educate them as to community perspectives and possibilities, and to pressure them to comply with community judgments.

All of this will require considerable work and training at the community level. However, awareness of the collective loss and misery of many of our children, combined with the revival of Metis and Indian cultural pride, is a spur to a rapid progress. Moreover, major strides forward have already been undertaken by some of the Indian Bands of Manitoba and, earlier, by at least one Metis community in northern Saskatchewan.

Until very recently, the federal and provincial governments both continued to duck responsibility for the provision of child care services to 'status' Indian communities. In 1966 a precedent

was set when the two governments signed an agreement which extended the services of the Children's Aid Societies of Western, Central and Eastern Manitoba to Indian Reservations within their respective regions. The federal government agreed to pay, while the provincial government accepted responsibility for ensuring service delivery.

In July, 1981 the principle was extended to an agreement which launched the Dakota-Ojibwa Child and Family Service, the first Native child care agency to be officially designated under Child Welfare legislation in Manitoba, and the first independent Native child welfare authority, as opposed to a Band Council, to be fully accredited anywhere in Canada. The Dakota-Ojibwa Service is sponsored by the Dakota-Ojibwa Tribal Council but is administratively autonomous. It is mandated to provide all manner of child and family services with the exception of adoption services, which are expected to be added in the future, to the "on-reserve" populations of eight Indian Bands.¹⁵

The Dakota-Ojibwa precedent was followed by the Canada-Manitoba Indian Child Welfare Agreement, which was signed on February 22, 1982, by Canada, Manitoba and the Four Nations Confederacy. The Agreement provides for a full range of locally administered child welfare and family services, integrated with juvenile probation services, to eligible members of Indian Bands which opt to sign subsidiary agreements. The Southeast Tribal Council has just completed negotiations for a subsidiary agreement and the West Region and Interlake Tribal Councils are in the negotiation stage. Together the three Tribal Councils represent 26 Bands. Agreed-upon services may range from preventative programs, such as counseling, homemakers, day care and family planning, to temporary contract care or wardship in foster or group homes.¹⁶

All three Tribal Council groups are expected to follow the Dakota-Ojibwa example of establishing incorporated, full-service Indian child care agencies.

However, they have the option of simply contracting for judicial placement services while directly filling some or all preventative and advisory roles. Plans are already under way to hire 24 local residents to serve as child and family service workers. They will be provided with two-year, on-site training by the University of Manitoba's School of Social Work and, additionally, will be supervised by 20 professional social workers who are to be employed by the Tribal Councils to conduct statutory services.

Band members who are or will be eligible for services under the new agreements must "ordinarily" reside on a Reserve, or be the child of a parent who resides on a Reserve or on Crown Land. Thus there still is no provision for the inclusion of 'status' Indians residing in Winnipeg or other urban centres.

One model which people from the Dakota-Ojibway area examined prior to developing their own was the Child Care Centre at the northern Metis community of Sandy Bay, Saskatchewan. Following automation and lay-offs in the mid-1960's at a local hydro-electric facility run by Hudson Bay Mining and Smelting, social conditions deteriorated and many Metis children were removed from their homes by Child Welfare authorities. In the early 1970's the community established a local Child Care Committee which then planned and initiated the Sandy Bay Child Care Centre.

The Centre provided a varied child resource program which now attracts children from other communities. Meanwhile, the removal of children from the community, which previously reached as high as from 25 to 30 children per year, has been completely stopped. In addition, local jobs have been generated by the presence of the Child Centre. The Sandy Bay Child Care Committee is also involved in decisions on actions related to cases of neglect and applies sanctions to induce families to upgrade inadequate care. The committee is not in itself a provincially designated child care agency but it does exercise

limited legal authority on behalf of an official agency in Creighton.¹⁹

The main issues involved in local control over child and family services are better systems of child and family support and the preservation and strengthening of Native communities and culture. The most immediate concern is to end the separation of children from their families and communities. However, the Child Welfare system is also a service industry which directly employs service workers, support staff and administrators, and which provides payments to foster parents.

Ideally, the need for formal care services will progressively lessen as community economic development unfolds and as community and kinship support networks are revived. But, in the meantime, the employment and pay related to the care of Native children should be going to Native communities. This is particularly so in view of the fact that high unemployment rates and low income are routinely associated with child care problems.²⁰ Increased local purchasing power associated with locally run services can help to stimulate other local economic activity, thus further contributing to greater community and family strength.

Orientation and Range of Services

Local control of child and family services is necessary to ensure that such services will in fact meet the best interests of the child and the community. However, local control isolated from community involvement and innovation could end up just reproducing old systems and problems. Among the key concepts which need to be identified and then used as a basis for local program ingredients and delivery systems are:

1. Local perceptions of family and community.
2. Traditional child support networks.
3. Local criteria for evaluating the adequacy of child care, with an emphasis on emotional and cultural support related to self-identity.

Needed areas of child care and family services include:

A. Prevention of Family Breakdown

1. Reproductive choice education.
2. Parental guidance and counseling.
3. Community education as to available programs, methods of service delivery, service-user rights, etc.
4. Programs which stimulate economic and cultural cohesion within a community.
5. Homemaker assistance and instruction.
6. Day care.
7. Pre-school enrichment, particularly for children with special development needs.
8. Respite care homes.
9. Women's crisis relief centres.
10. Income support.

B. Protection of Children

1. Identification and investigation of situations which appear to require child protection services.
2. Parent and child appeal procedures.
3. Temporary care systems, including supervised parenthood, foster homes, group homes and parent support.
4. Adoption services.

C. Family Restoration

1. Assistance in removing the likelihood of recurring family crisis in order to facilitate family re-unification after a child has been removed for protection.
2. Encouragement of regular contact between children in care and their parents, siblings and other relatives.
3. Preparation of children in care away from home communities for family or community re-unification.
4. Identification of "lost" children in care and in adoption following by interaction with and recovery by, home communities.

D. Juvenile Probation Services

There is tragic irony in the fact that while Native communities have been deprived of badly needed family services and local child care accommodations, increased attention from established child welfare agencies is widely feared because of the threat of child removal and placement failures. This state of affairs is unnecessary and unacceptable, and there is no good reason why positive changes should not occur, even within the existing

framework of officially mandated service channels. Local support for, and work on, the community tailored approach and range of services outlined above can begin immediately and expand quickly. In some of our communities the work is already under way.

Need for Legislative Changes

In addition to program additions and changes, beneficial revisions to the Child Welfare Act and other, related pieces of legislation, need to be promoted. Changes to the Child Welfare Act should include the following:

1. Explicit provision for the incorporation of officially mandated, community controlled, Indian and Metis child welfare agencies.
2. Community rights of notification and intervention in instances of child apprehensions and wardship.
3. Native self-definition of family, community, and cultural group.
4. Explicit provision for the specification and prioritization of criteria for apprehensions and for placements of children by Native Child Welfare agencies.
5. Uphold the positive value of Metis and Indian cultural identity to Native children.
6. Emphasis on measures to facilitate family strength and reunification, rather than just apprehension, state guardianship, and adoption.
7. Foster care payments based on actual expenses and related to local costs of living.
8. Explicit income support as a service to be considered "for the prevention of circumstances requiring the protective placement of children".
9. Proclamation of the "subsidized adoption" section of the Act.
10. Explicit support for the principle of kin and community foster and adoptive parents.

MMF Staff Support and Initiative

Alongside the efforts of community residents, it is essential that the Manitoba Metis Federation quickly acquire full-time professional staff support in the area of child and family services at the provincial level. The person filling this role would work with regional and local Metis and 'non-status' Indian organizations to:

1. Develop a general model for the design and delivery of child and family services under independent, Metis

community child and family service authorities. This would include proposals for legislative authority, funding, program possibilities, staff training, and evaluation processes.

2. Initiate preparatory, community workshops and discussions.
3. Provide technical assistance to Metis representatives serving on government or other committees dealing with child care and family support.
4. Provide technical assistance to Metis communities attempting to develop, or further develop, local child and family service capacity and control.
5. Supervise Social Work students who may be assigned to work with the MMF on child care matters.
6. Assist MMF locals involved in the defense of parent or child rights.
7. Help the MMF collaborate with other Native organizations in support programs for Native children who have been removed from their families.
8. Co-ordinate MMF work with other Native organizations on all areas of child and family care.

The Manitoba Department of Community Services and Corrections should fund the required staff position. It also should cooperate with the MMF in the development of the abovementioned model for the design and delivery of child and family services, and in the preparation of a master agreement between the Province and the MMF which would facilitate the evolution of effective, locally controlled services in Metis and 'non-status' Indian communities.

'Status' Indians living in Winnipeg and in other off-reserve situations have been left out of the master, tripartite "Indian Child Welfare Agreement". They too should be included under provisions allowing for complete Native services. Where appropriate, Native child care agencies should be established jointly by Metis, 'non-status' Indian, and 'status' Indian groups.

Social Perspective

This position paper began by emphasizing the impact of economic processes on community and family cohesion. It is fitting to conclude with a reminder that to be fully effective, our efforts toward improved family and child care systems need to be integrated with all other aspects of social development; economic, cultural, health, education, housing, etc.

Reference Notes

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18. "Canada-Manitoba-Indian Agreement," 1 (j).
19. Hudson and McKenzie, "Child Welfare," p. 87; MMF discussions with McKenzie.
20. National Council of Welfare, "In the Best Interests of the Child: A Report on the Child Welfare System in Canada," December, 1979.

21. For a suggested model of local control allowing for alternative degrees of direct service provision, see: Report of the Indian Child Welfare Subcommittee to the Tripartite Committee, March, 1980. [This footnote was not located in the original].

