



First Nations Children Investigated in the Quebec Youth Protection System in 2014: A Portrait of the Situation



FIRST NATIONS OF QUEBEC
AND LABRADOR HEALTH
AND SOCIAL SERVICES
COMMISSION



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Note to readers

Please note that the masculine gender is used as a generic for the sole purpose of brevity.

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GLOSSARY

Communities (Indian reserves): In Quebec, the term “community” is used by First Nations and Inuit to designate a place inhabited by a group of people who identify themselves as part of a family, culture, or history. Communities differ from one another in several respects, and what they have in common is that they were established during waves of enforced sedentarization and, for the most part, were legally instituted by Canadian government authorities.¹ The term “Indian reserve” is defined in the *Indian Act* (revised 1985) as “a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.”² The terms “reserve” and “Indian” continue to be used by the federal government in some legislation, but are strongly contested by First Nations and Inuit in Quebec, who associate them with colonialism and racism.

Difficulties in caregiver functioning: When completing the Quebec Incidence Study on the situations investigated by child protective services (QIS) form, caseworkers are asked to indicate the presence, at the time of a report, of any issues, confirmed or suspected, that can affect the ability of the caregiver(s) to function. These problems include alcohol abuse, substance abuse/solvent inhalation, cognitive impairment, mental health issues, physical health issues, few social supports, victim of domestic violence, perpetrator of domestic violence, and a history of living in foster care/group homes. It is also possible to choose the “other” option and describe one or more other problems observed in a caregiver.

Hazards in the living environment: When filling in the questionnaire of the QIS, caseworkers must indicate whether the following elements pose a risk to the child’s physical safety or health at the time of the report: mould, broken glass, inadequate temperature, accessible weapons, accessible drugs or paraphernalia, other accessible hazardous products, fire or electrical hazards, and pest infestation. It is also possible to choose the “other” option and describe another element of risk to the safety or health of the child being assessed.

In need of protection: During a child protective investigation, the caseworker’s work involves verifying the reported facts (concerning an incident or risk), analyzing the child’s family and social situation, and deciding whether the child’s safety or development is compromised. In this report, investigative decisions of the “in need of protection” type refer to situations where the child’s safety or development has been deemed to be compromised. This decision is made on the basis of a preponderance of evidence (not proof beyond a reasonable doubt). As stipulated in section 38.2 of the *Youth Protection Act* (YPA),³ the decision to determine whether a child’s safety or development is compromised must take into account the following factors: the nature, gravity, persistence, and frequency of the facts reported; the child’s age and personal characteristics; the capacity and the will of the parents to put an end to the situation in which the safety or development of the child is in danger; and the community resources available to help the child and the child’s parents. This decision leads to the orientation stage for the choice of regime (voluntary or court ordered) and the measures to be taken to put an end to the compromised situation.

1 Institut national de santé publique du Québec. *Les populations autochtones au Québec*. (2023). www.inspq.qc.ca/rapport-quebecois-sur-la-violence-et-la-sante/la-violence-vecue-en-milieu-autochtone/les-populations-autochtones-au-quebec#:~:text=Au%20Qu%C3%A9bec%2C%20le%20terme%20%C2%AB%20communaut%C3%A9%20autochtone%20%2%BB,se%20reconnait%20une%20appartenance%20familiale%20culturelle%20et%20historique.

2 Government of Canada, “*Indian Act*”, Justice Laws Website, 1985, laws-lois.justice.gc.ca/eng/acts/i-5/FullText.html.

3 Gouvernement du Québec, “*Youth Protection Act*”, Publications Québec, 2023, www.legisquebec.gouv.qc.ca/en/document/cs/p-34.1

Indigenous (First Nations, Inuit, Métis): In Canada, the term “Indigenous” refers to the peoples recognized by the 1982 Canadian constitution:⁴ First Nations, Métis, and Inuit. The Powley decision, issued by the Supreme Court of Canada in 2003,⁵ established criteria for determining whether a person belongs to a Métis community. However, the provinces take a different stance on this definition, and in Quebec, Métis status is not legally recognized. While the term “Indigenous” is used throughout Canada, the term “First Nations and Inuit” is preferred in Quebec. It is important to note that Inuit do not fall within the application of the *Indian Act* and are not included in the term First Nations; rather, they are considered a distinct Nation.

Mainstream youth protection system: This term refers to the youth protection services usually offered in Quebec by youth centres, which are now part of the CISSS and CIUSSS, under the YPA.

Overcrowding: When completing the QIS questionnaire, caseworkers are asked to indicate whether the number of people occupying the housing seems excessive, given the number of rooms or space available.

Quebec Incidence Study on the situations investigated by child protective services (QIS): This study is carried out periodically within youth protection services, in order to quantify and describe situations investigated according to their severity, clinical profiles, and living conditions. It provides a better understanding of family needs and youth protection practices. The QIS was first carried out in 1998, then in 2003, 2008, and 2014. For each edition of the QIS, a sample of children investigated over a three-month period in Quebec youth protection services is selected. Caseworkers responsible for evaluating the situation of the children sampled must complete a questionnaire describing the situation, the child, and his or her living environment at the time of the investigation.

Substantiated and unfounded facts: During a child protective investigation, the caseworker’s work involves verifying the reported facts (concerning an incident or risk), analyzing the child’s family and social situation, and deciding whether the child’s safety or development is compromised. If the reported facts are verified, the investigation decision will indicate that the facts are substantiated. If the reported facts are not verified, the investigation decision will indicate that the facts are unfounded.

4 Government of Canada, “Rights of the Aboriginal Peoples of Canada”, The Constitution Acts - 1867 to 1982, 2021, laws-lois.justice.gc.ca/eng/const/page-13.html.

5 Supreme Court of Canada, “R. v. Powley”, Supreme Court Judgments, 2003, scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do

INTRODUCTION

When it comes to youth protection and **First Nations**,⁶ it is essential to consider the past and present effects of colonialism on the lives of children, families, and communities, including socio-structural inequalities, discrimination, and systemic racism. Therefore, when reading the results presented in this report, the contextual elements that contribute to the over-representation of First Nations children in Quebec's **mainstream youth protection system** must be taken into account. These include the intergenerational transmission of trauma, often related to residential schools or the youth protection system, which can lead to very complex family problems in some environments; the lack of funding for preventive social services in First Nations **communities** until 2008;⁷ and the persistent fear of many parents to use preventive social services due to discrimination. For a more in-depth discussion of this context, see Chapter 2 of the First Nations/Quebec Incidence Study of Child Maltreatment and Serious Behaviour Problems Investigated by Child Protection Services in 2019.⁸

The data presented in this report was collected in 2014. Since then, many changes have been made to the child and family services available to First Nations. For example, *An Act respecting First Nations, Inuit and Métis children, youth and families* (C-92)⁹ came into force in Canada on January 1, 2020. In particular, this Act puts forward national principles, such as the priority of preventive care, the best interests of the child, and substantive equality, which take precedence over the provincial principles set out in the *Youth Protection Act* (YPA). The YPA itself has been amended a few times in relation to issues affecting First Nations and Inuit, notably with the coming into force of provisions concerning customary adoption in June 2018, and provisions aimed at preserving the cultural identity of **Indigenous** children and fostering the involvement of Indigenous communities in January 2019. In addition, a chapter containing specific provisions for Indigenous people came into force in April 2022, incorporating some recommendations made by the Special Commission on the Rights of the Child and Youth Protection in its final report published in 2021.¹⁰

6 Words or expressions in **bold and red** are defined in the glossary.

7 First Nations of Quebec and Labrador Health and Social Services Commission, *Implementation Evaluation of the First-Line Social Services Pilot Project in Four Quebec First Nations Communities*, 2011, cssspnql.com/en/produit/implementation-evaluation-of-the-first-line-social-services-pilot-project-in-four-quebec-first-nations-communities/.

8 Sonia Hélie, Nico Trocmé, Delphine Collin-Vézina, Tonino Esposito, Sophie Morin and Marie Saint-Girons, *First Nations/Quebec Incidence Study of Child Maltreatment and Serious Behaviour Problems Investigated by Child Protection Services, Report FN/QIS-2019*, Institut universitaire Jeunes en difficulté, 2022, iujd.ca/sites/iujd/files/media/document/FN-QIS-2019-final-report.pdf.

9 Government of Canada, "*An Act respecting First Nations, Inuit and Métis children, youth and families*", Justice Laws Website, 2019, laws.justice.gc.ca/eng/acts/f-11.73/FullText.html.

10 Gouvernement du Québec, "*Instaurer une société bienveillante pour nos enfants et nos jeunes*" [Creating a caring Quebec society for our children], 2021, www.csdepj.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport_final_3_mai_2021/2021_CSDEPJ_Rapport_version_finale_numerique.pdf.

RESEARCH METHODS AND QUESTIONS

This study is based on data from QIS-2014.¹¹ The QIS documents the characteristics of the situation being investigated, certain features of the history of youth protection services, as well as the characteristics and risk factors of the children, their caregivers, and their living environment.

QIS-2014 did not deal specifically with First Nations children, but rather with all children who underwent a youth protection investigation—including First Nations children—during the study period. For the 2019 edition of the QIS, a specific First Nations component was created¹². Despite the QIS-2019 having a number of strengths, it is based solely on administrative data and does not document a significant portion of the characteristics and risk factors of children, their caregivers, and their living environment, aspects generally documented in previous versions of the QIS. The First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) wanted the QIS-2014 data, in particular that collected from caseworkers on the characteristics and risk factors of children, their caregivers, and their living environment, to be processed and used by First Nations to document the situation. For methodological reasons, it is currently impossible to make comparisons between the 2014 and 2019 QIS results.

For the purposes of the analyses in this report, we have retained only the investigations of children who, according to the information available in the QIS-2014 questionnaire and in the data extracted from the administrative system, were identified as First Nations, whether registered or not, and those of children who were not identified as being Indigenous.¹³ The sample studied was made up of 3,977 children, including 156 First Nations children (3.9%) and 3,821 non-Indigenous children. The average age of this sample was 8.5 years (standard deviation: 5.0 years), and 52.6% (n=1,886) were boys.

11 Sonia Hélie, Delphine Collin-Vézina, Daniel Turcotte, Nico Trocmé, and Nadine Girouard. *Quebec Incidence Study on the situations investigated by child protective services (QIS-2014): Final Report* (in French). Institut universitaire Jeunes en difficulté (2017). cwrp.ca/publications/quebec-incidence-study-2014-eiq-2014-final-report.

12 Sonia Hélie, Nico Trocmé, Delphine Collin-Vézina, Tonino Esposito, Sophie Morin and Marie Saint-Girons, *First Nations/Quebec Incidence Study of Child Maltreatment and Serious Behaviour Problems Investigated by Child Protection Services, Report FN/QIS-2019*, Institut universitaire Jeunes en difficulté. 2022. iujd.ca/sites/iujd/files/media/document/FN-QIS-2019-final-report.pdf.

13 Children identified as **Métis** or **Inuit** were excluded, as were children for whom it was not possible to validate whether or not they were Indigenous.

THE QUESTIONS THE ANALYSES WERE INTENDED TO ANSWER ARE THE FOLLOWING:

1. In 2014, was the situation of First Nations children investigated in youth protection different from that of non-Indigenous children?
2. In 2014, were First Nations children more, less or equally likely to be subject to one of three possible investigation decisions?

The three types of decisions studied were as follows:

- “without substantiated incident or risk” (**unfounded facts**)
- **“in need of protection”**
- out-of-home placement

3. In 2014, what factors seemed to explain the differences between the decisions made for First Nations children and those made for non-Indigenous children?

Please note that only the most significant results are presented in this report.¹⁴

¹⁴ For more details on methodology or results, contact the FNQLHSSC at info@cssspnql.com.



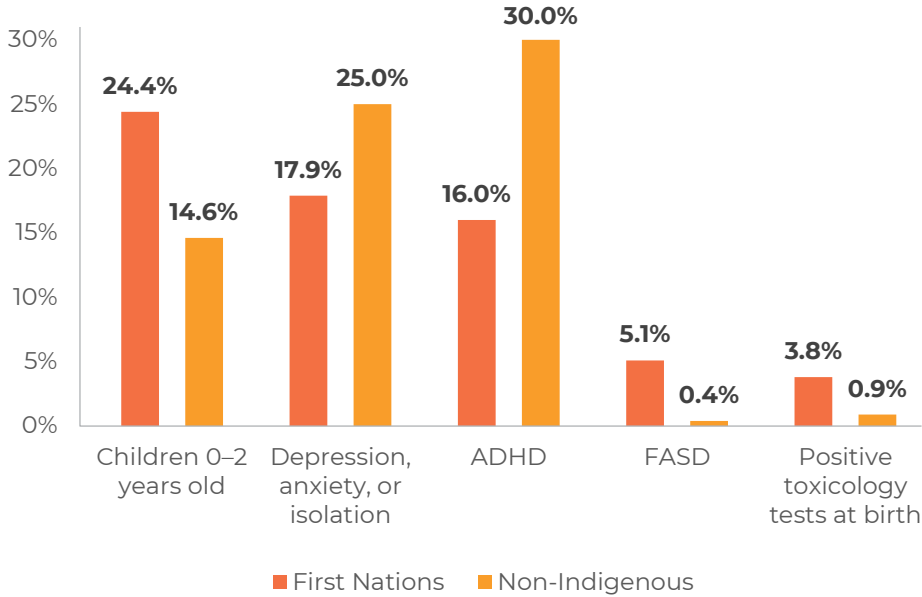
INVESTIGATION CHARACTERISTICS

With regard to certain characteristics of the children and their caregivers, their living environment, and their history with youth protection services, the situations investigated in 2014 were different for First Nations and non-Indigenous children. Only the elements showing a statistically significant difference between the groups of children investigated are presented in this report.

Children’s characteristics (see Figure 1):

- Among the First Nations children investigated, nearly one in four (24.4%) was under 3 years of age.
- Some functional difficulties were more often observed in non-Indigenous children (e.g., depression, anxiety, isolation, attention deficit disorder with or without hyperactivity [ADHD]).
- Other functional difficulties were more often observed in First Nations children (e.g., Fetal Alcohol Spectrum Disorder [FASD], positive toxicology tests at birth).

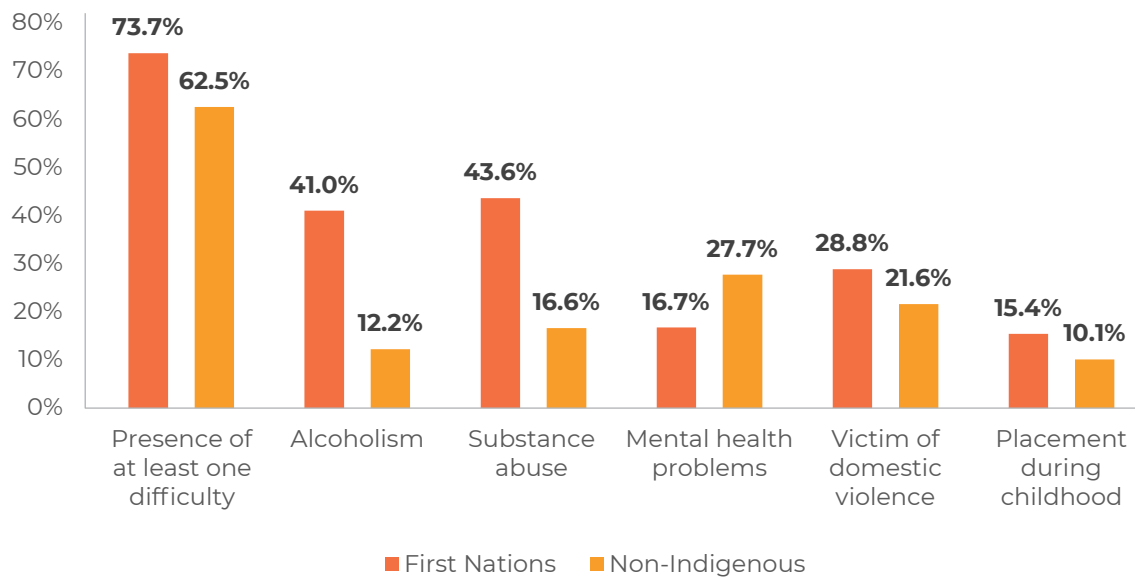
Figure 1 – Children’s characteristics



Caregiver characteristics (see Figure 2):

- Nearly three out of four (73.7%) First Nations children had at least one caregiver with one or more observed **difficulties in their functioning**.
- Mental health problems were identified more frequently in the caregivers of non-Indigenous children.
- Four functional difficulties were noted more often in the caregivers of First Nations children: alcoholism, substance abuse, having been a victim of domestic violence, and having been placed outside the family environment during childhood.

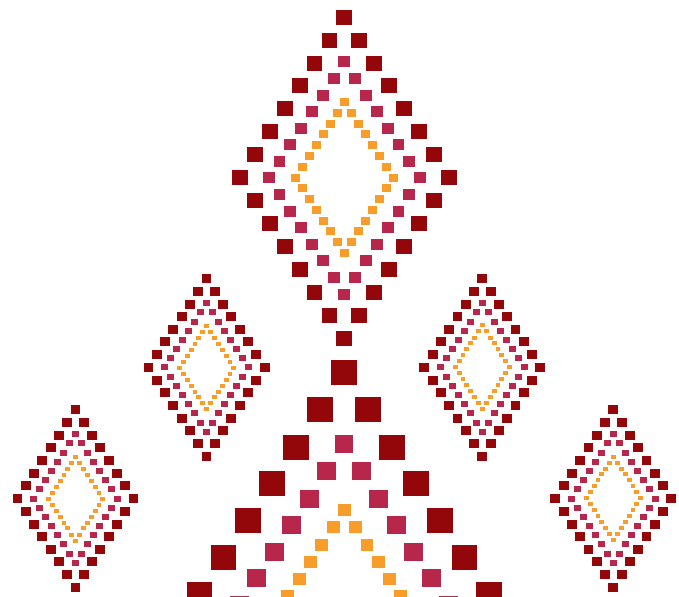
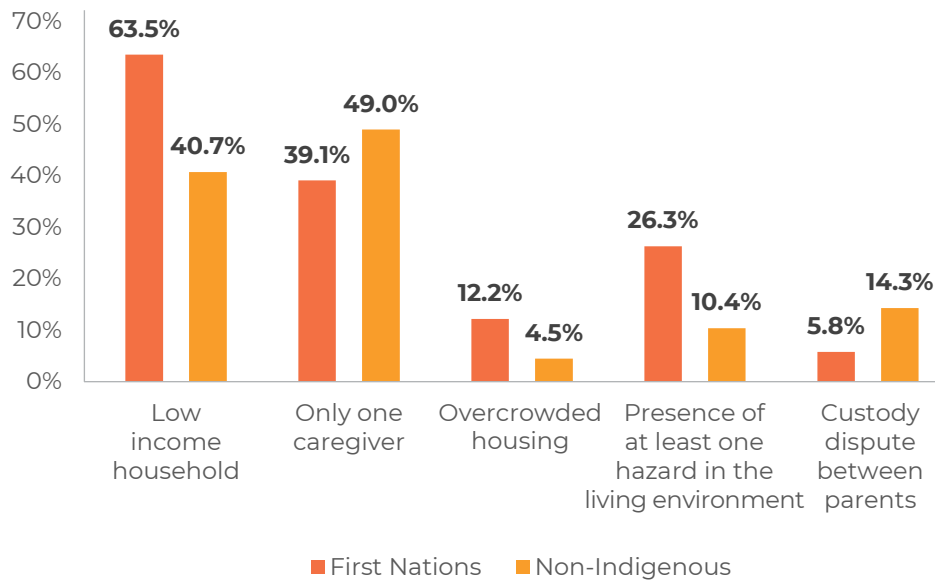
Figure 2 – Caregiver characteristics



Characteristics of the living environment (see Figure 3):

- The majority of First Nations children lived in low-income environments (63.5%).
- Slightly more than one in four First Nations children (26.3%) lived in a housing where at least one **hazard in the living environment** had been identified.
- About one in eight (12.2%) First Nations children lived in **overcrowded** housing.
- More non-Indigenous children than First Nations children had a single caregiver or experienced a custody dispute between their parents.

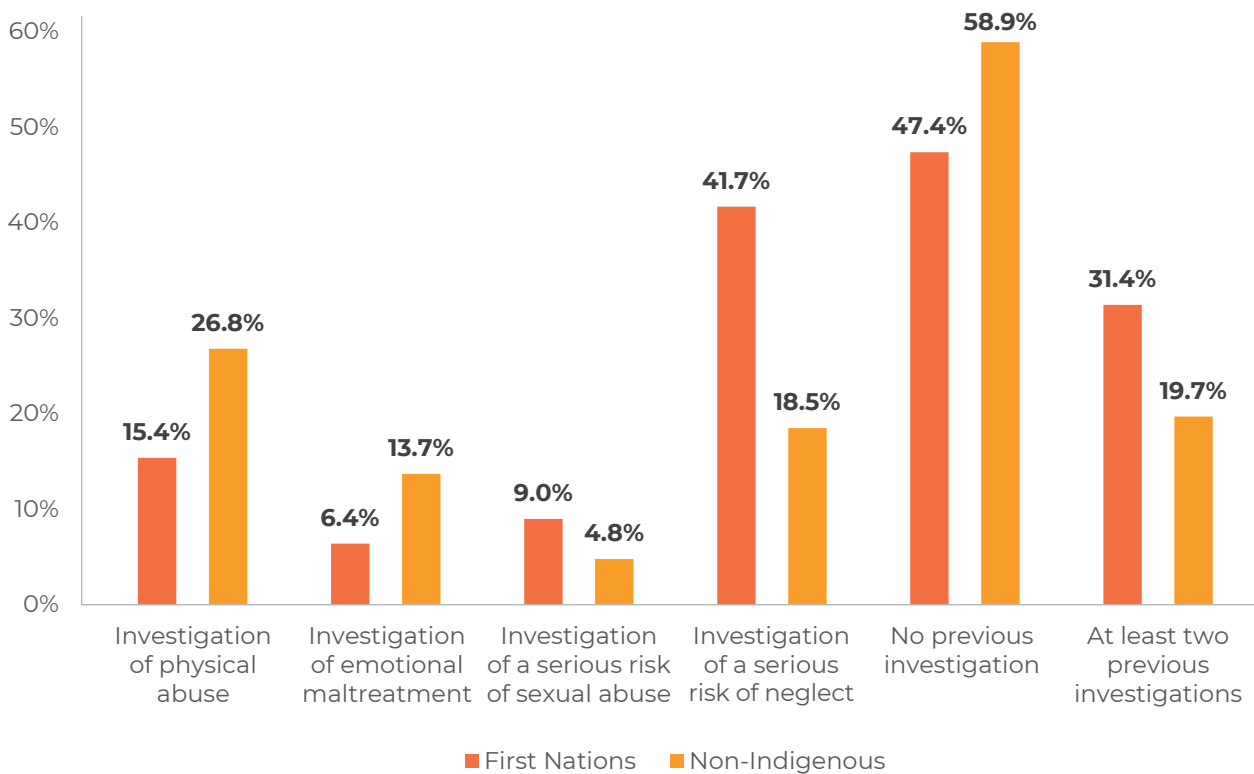
Figure 3 – Characteristics of the living environment



Characteristics of the investigation and history of child protective services (see Figure 4):

- Just over two out of five First Nations children (41.7%) were investigated for serious risk of neglect, a percentage more than twice as high as that of non-Indigenous children (18.5%).
- First Nations children were less often investigated for physical abuse and emotional maltreatment than non-Indigenous children, and were more often investigated for serious risk of sexual abuse.
- More non-Indigenous children than First Nations children had never undergone a youth protection evaluation.
- Nearly one in three (31.4%) First Nations children had been investigated at least twice prior to the investigation included in the QIS-2014.

Figure 4 – Characteristics of the file

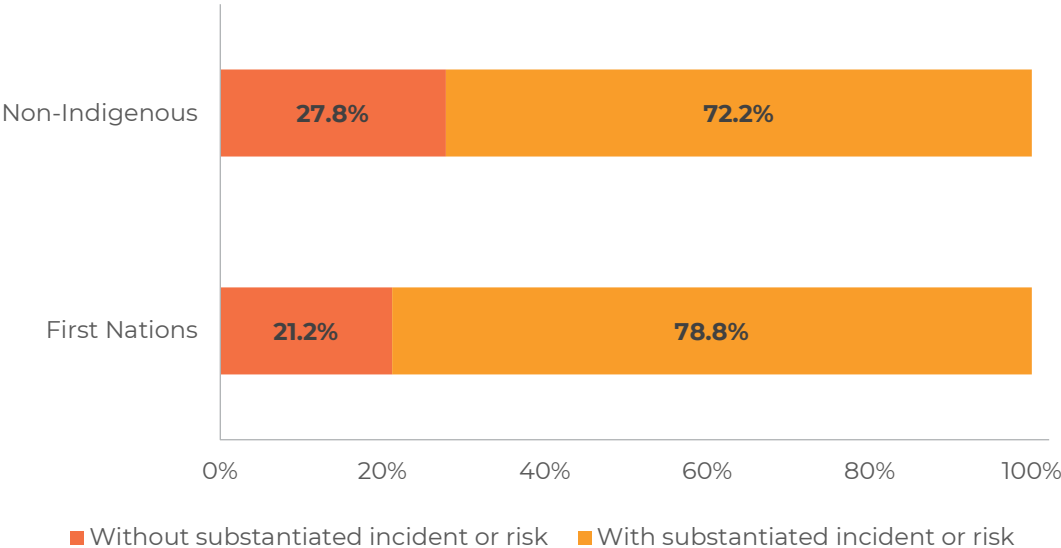


INVESTIGATION DECISIONS

INVESTIGATION DECISIONS OF THE “WITHOUT SUBSTANTIATED INCIDENT OR RISK” TYPE (UNFOUNDED FACTS)

Figure 5 shows the breakdown of decisions according to whether or not the investigated facts were substantiated. While among the non-Indigenous group, 27.8% of reports investigated were considered unfounded, this proportion was 21.2% among the First Nations group. This difference is not statistically significant. When an investigation establishes that the facts are unfounded, the youth protection file is closed. If the family or child has certain needs, they can be referred to first-line services or community organizations.

Figure 5 – Decision: substantiated or unfounded facts



What the multivariate analyses reveal¹⁵

In 2014, were First Nations children more, less, or equally likely to receive a “without substantiated incident or risk” investigation decision than non-Indigenous children?

- First Nations children were **as likely** as non-Indigenous children to receive an investigation decision of the “without substantiated incident or risk” type.

What factors seemed to explain the differences in “without substantiated incident or risk” decisions made for First Nations children compared to non-Indigenous children?

The only factor identified was low income.

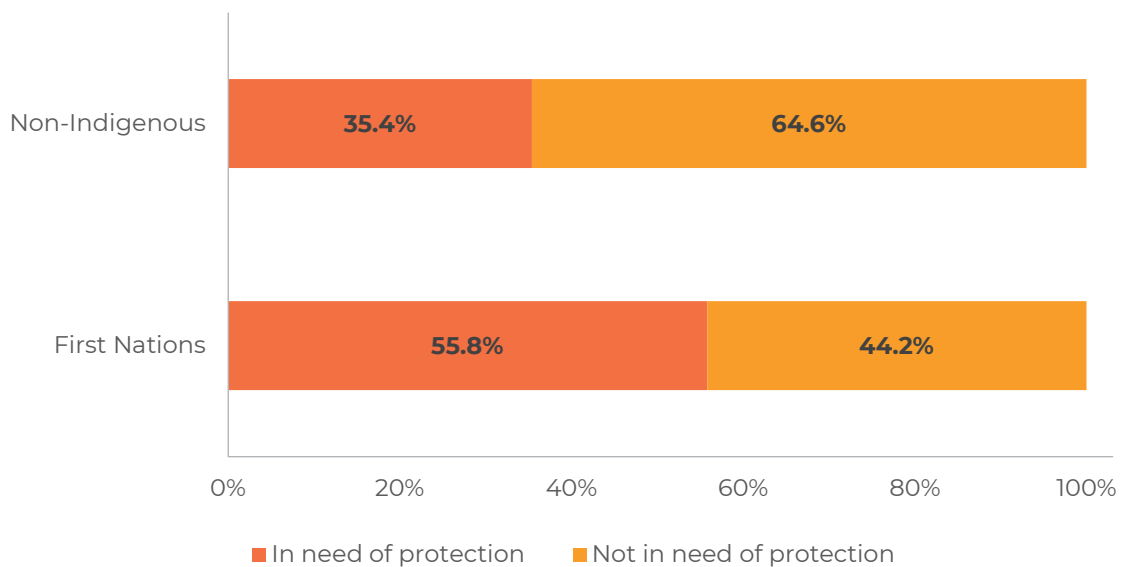
- For First Nations children, income level (low or not) had an impact on the “without substantiated incident or risk” investigation decision, which was not the case for non-Indigenous children.
- Among First Nations children from families whose economic status was above the low-income criteria, the likelihood of the facts being unfounded was estimated to be 2.9 times higher than among those from families considered to have low incomes.
 - This means that among families who were above the low-income criteria, youth protection cases were more often closed at the investigation stage because the facts were unfounded.

¹⁵ Multivariate analysis is a statistical method used when several factors potentially influence a result. It allows several variables to be considered simultaneously to identify the importance of each factor and the interactions between them.

“IN NEED OF PROTECTION” INVESTIGATION DECISIONS

Figure 6 shows the breakdown of decisions according to whether or not the situations investigated were of the “in need of protection” type. Just over half (55.8%) of First Nations children’s investigation decisions were deemed “in need of protection,” while only just over a third (35.4%) of non-Indigenous children were in the same situation. This difference is statistically significant.

Figure 6 – Decision: in need of protection or not



What the multivariate analyses reveal

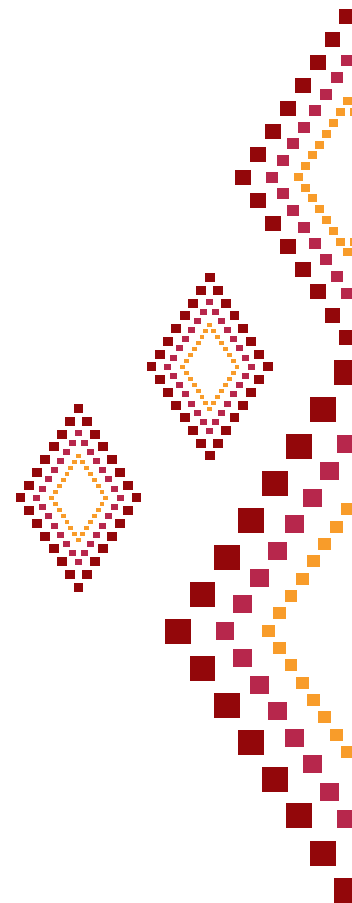
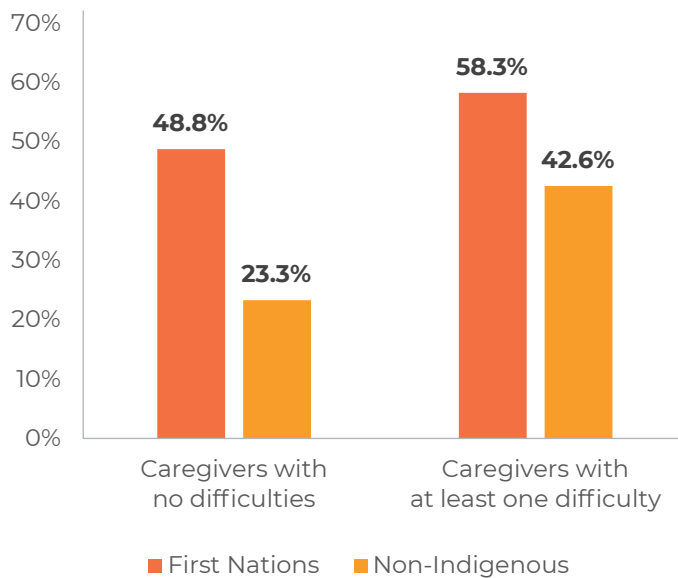
In 2014, were First Nations children more, less, or equally likely to be the subject of an “in need of protection” investigation decision than non-Indigenous children?

- First Nations children were **more likely** than non-Indigenous children to be assessed as “in need of protection.” The estimated value of the risk depends on the presence or absence of certain characteristics. The separate and combined effects of these characteristics are detailed below.

Identifying difficulties in caregiver functioning

Figure 7 shows that the percentages of situations in which the investigation decision was of the “in need of protection” type were higher for First Nations children than for non-Indigenous children, whether or not there were difficulties in caregiver functioning (see glossary for more details). It is important to remember that at least one functional difficulty in the caregiver was identified in around two thirds of non-Indigenous children and around three quarters of First Nations children (see Figure 2).

Figure 7 – In need of protection, according to the presence of difficulties in caregivers functioning



What the multivariate analyses reveal

What factors seemed to explain the differences between the “in need of protection” decisions made for First Nations children and those made for non-Indigenous children?

The first factor is the presence of difficulties in the caregivers functioning.

Influence of functional difficulties within each group of children:

- Among the non-Indigenous population, it is estimated that children whose caregivers presented at least one functional difficulty were 1.6 times more likely to be assessed as “in need of protection” than those whose caregivers did not present any functional difficulties.
- Among First Nations, whether or not the caregivers presented difficulties in functioning did not seem to influence the risk of children being assessed as “in need of protection.”
 - Practically speaking, this means that, unlike non-Indigenous children, the absence of functional difficulties among the caregivers of First Nations children is not statistically significant in reducing the risk of their being assessed as “in need of protection.”

Influence of population group in relation to the presence or absence of caregiver difficulties:

- When no caregiver difficulties were observed, it is estimated that First Nations children were 16.6¹⁶ times more likely to be assessed as “in need of protection” than non-Indigenous children.
- When at least one caregiver difficulty was observed, it is estimated that First Nations children were 5.5¹⁷ times more likely to be assessed as “in need of protection” than non-Indigenous children.

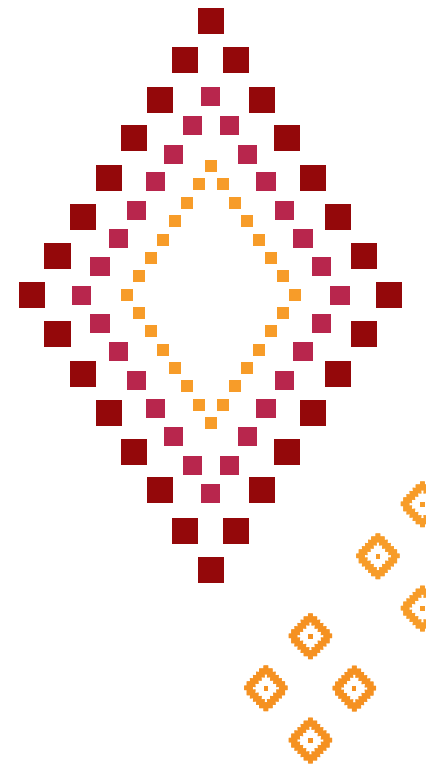
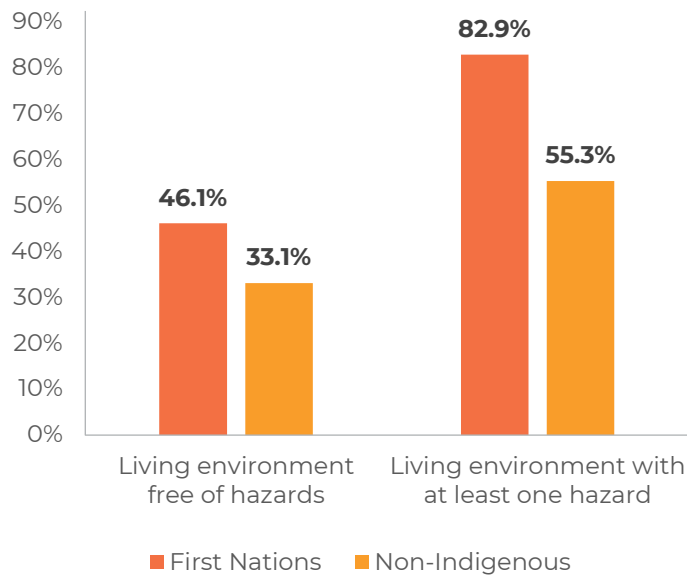
16 Even if this value is statistically significant, it must be interpreted with caution, as the range between the estimated limit values is wide.

17 Even if this value is statistically significant, it must be interpreted with caution, as the range between the estimated limit values is wide.

Identifying hazards in the living environment

Figure 8 shows that the percentages of children who received an investigation decision of “in need of protection” were higher for First Nations children than for non-Indigenous children, whether or not there were hazards present in their living environment (see glossary for more details).

Figure 8 – In need of protection, according to the presence of hazards in the living environment



What the multivariate analyses reveal

What factors seemed to explain the differences in “in need of protection” decisions made for First Nations children and those made for non-Indigenous children?

The presence of hazards in the living environment is a second factor.

Influence of hazards in the living environment within each group of children:

- Among First Nations, it is estimated that children for whom at least one hazard was identified in the living environment were 9.6¹⁸ times more likely to be assessed as “in need of protection” than those for whom no hazard was identified.
- This was estimated at 1.4 for non-Indigenous children, i.e., the influence of this factor on the decision was much lower.

Influence of population group in relation to the presence or absence of hazards in the living environment:

- When at least one hazard was identified in the living environment of First Nations children, it is estimated that they were 24.9¹⁹ times more likely to be assessed as “in need of protection” than non-Indigenous children.
- When no hazards were identified in the living environment of First Nations children, they were as likely as non-Indigenous children to be assessed as “in need of protection.”

The combined effect of the two factors is also significant.

- When at least one hazard and at least one difficulty were identified among the caregivers, First Nations children were 4.0 times more likely to be assessed as “in need of protection” than non-Indigenous children.

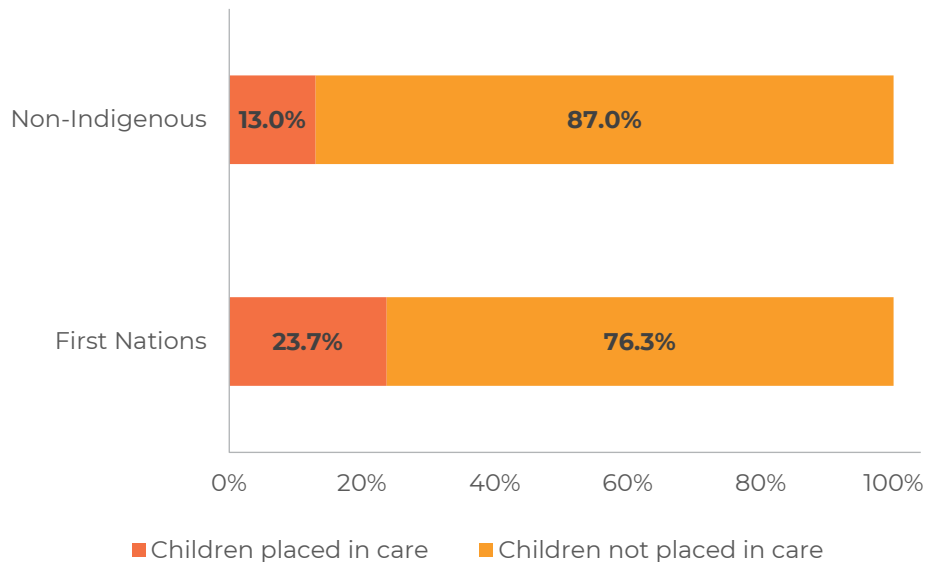
18 Even if this value is statistically significant, it must be interpreted with caution, as the range between the estimated limit values is wide.

19 Even if this value is statistically significant, it must be interpreted with caution, as the range between the estimated limit values is wide.

OUT-OF-HOME PLACEMENT DECISIONS

Figure 9 shows the breakdown of out-of-home placements. Just under a quarter (23.7%) of First Nations children were placed in care, compared to about one in eight (13.0%) non-Indigenous children. This difference is statistically significant.

Figure 9 – Decision whether or not to place children in care



What the multivariate analyses reveal

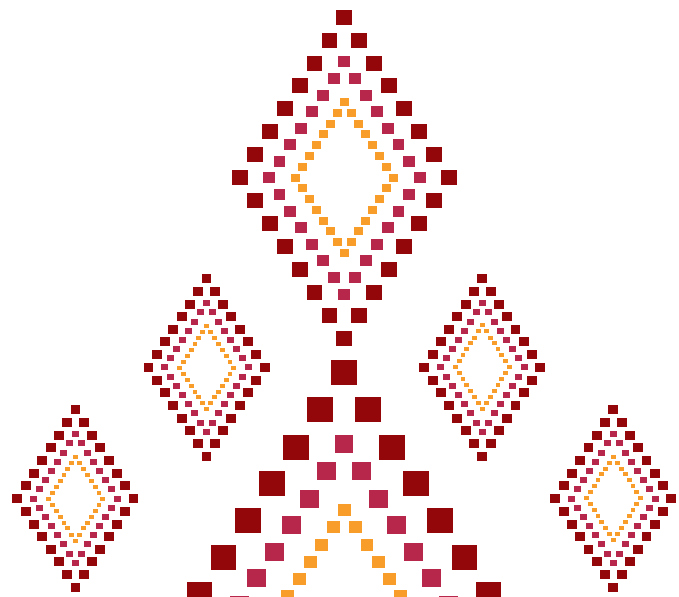
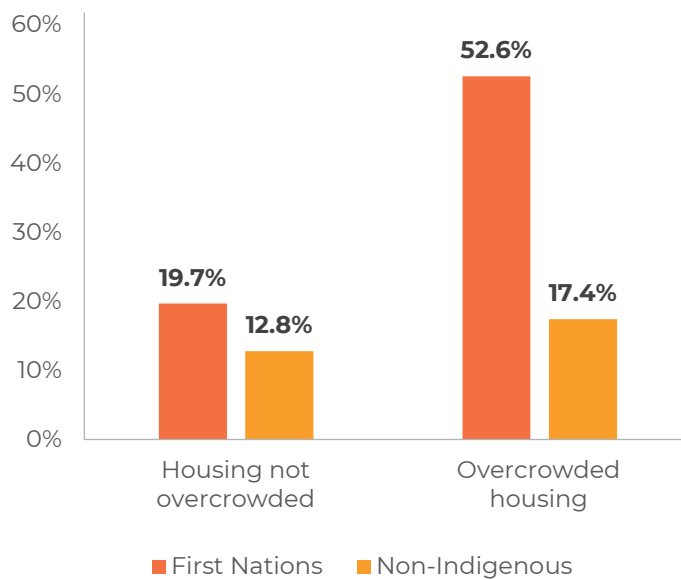
In 2014, were First Nations children more, less, or equally likely to be placed in out-of-home care than non-Indigenous children?

- First Nations children were more likely than non-Indigenous children to be placed in out-of-home care due to overcrowding. The estimated risk values for overcrowding are shown below.

Overcrowding

Figure 10 shows that the percentages of First Nations children that were placed in care were always higher than those of non-Indigenous children, whether or not their housing was overcrowded. More specifically, the percentage of placements among First Nations children whose housing was not overcrowded (19.7%) was higher than among non-Indigenous children living in overcrowded housing (17.4%).

Figure 10 - Children placed in care as a function of overcrowding



What the multivariate analyses reveal

What factors seemed to explain the differences in placement decisions for First Nations children compared to non-Indigenous children?

The only factor identified was overcrowding

Influence of overcrowding within each group of children:

- Among First Nations children overall, those living in overcrowded conditions were 4.5 times more likely to be placed in care than those not living in overcrowded conditions.
- There was no significant difference in the placement of non-Indigenous children based on whether or not they lived in overcrowded housing.

Influence of overcrowding on the risk of placement for First Nations children:

- Overcrowding explains the placement risk gap between First Nations and non-Indigenous children.
 - If we disregard the differential influence of overcrowding on each group (First Nations and non-Indigenous), the analyses indicate that, overall, First Nations children are more likely to be placed in care than non-Indigenous children.
 - When we take into account the influence of overcrowding on the decision to place First Nations children in care, we find that, statistically, they are no more likely to be placed in care than non-Indigenous children.

Thus, to the question, “In 2014, were First Nations children more, less, or equally likely to be placed in out-of-home care than non-Indigenous children?” there are two possible answers:

- First Nations children living in housing that are deemed overcrowded by the caseworker are more likely to be placed in care than First Nations children living in housing that are not deemed overcrowded.
- First Nations children living in housing not deemed overcrowded are as likely to be placed in care as non-Indigenous children, whether or not the latter live in housing deemed overcrowded.

TO SUMMARIZE: RISK REDUCTION FACTORS AND RISK FACTORS

Risk reduction factors

The analyses highlighted factors likely to reduce risks among First Nations children whose situation was investigated by child protective services:

- coming from a family whose financial status is above the low-income criteria means a higher likelihood of having an investigation decision of the “without substantiated incident or risk” type;
- living in a housing where no hazards have been detected means a lower probability of having an investigation decision of the “in need of protection” type;
- living in a housing that is not overcrowded means a lower probability of placement.

Risk factors

The analyses identified a risk factor that may play a greater role for First Nations children than for non-Indigenous children in determining the need for protection:

- at least one hazard in the living environment identified by the caseworker.

The present analyses also showed that all First Nations children were more likely to be assessed as “in need of protection,” and that the extent of this risk varied depending on the identification or not of at least one difficulty in the caregivers functioning. It should not be forgotten that this probability was higher among First Nations children when no difficulties were identified among the caregivers. Thus, it seems that the factors considered by the QIS failed to explain the higher risk of First Nations children being assessed as “in need of protection.” In this light:

- being part of a First Nation seems in itself to be a risk factor for the investigation decision to be of the “in need of protection” type.



RESULTS AND RECOMMENDATIONS

The QIS documents the presence of characteristics considered to be risk factors. For some of these, First Nations people may have little or no control, as they reflect the effects of colonialism such as discrimination, systemic racism, and socio-structural inequalities.

The Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec²⁰ (CERP) ruled that First Nations and Inuit were subject to systemic discrimination in their relations with the public services investigated, notably health and youth protection services. This raises the question of whether certain documented elements could have been influenced by this reality, and their possible impact on the results put forward by the analyses (i.e., do the results denote a difference in the practices used to identify certain problems, or a difference in the very existence of these problems?).

Descriptive data show that more First Nations children have a caregiver who was placed outside the family environment during childhood. Given the legacy of residential schools, day schools, the Sixties Scoop, and the over-representation of First Nations children in youth protection services—documented since the 1980s (dubbed the “Millennium Scoop” by Raven Sinclair)²¹—it is not surprising that this situation is more common among the caregivers of First Nations children.

All the characteristics that, in this study, had a differential effect on First Nations children or when compared with non-Indigenous children (low income, difficulties in caregivers functioning, hazards in the living environment, and overcrowding) can be understood through the prism of colonialism. Moreover, some of these characteristics are now governed by An Act respecting First Nations, Inuit and Métis children, youth and families (Bill C-92), and cannot be the sole reason for a decision to take a child into care.

20 Gouvernement du Québec, “Public Inquiry Commission on relations between Indigenous Peoples and certain public services – Final report”, 2019, www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf.

21 Raven Sinclair, “Identity lost and found: Lessons from the sixties scoop”, *First Peoples Child & Family Review* 3, n°1(2007), doi.org/10.7202/1069527ar.

Taken together, the results lead to a number of important findings that should be considered in future research, youth protection practice, and social policy.

To be considered for further research: The importance of asking which characteristics are included in the QIS and which are not.

The QIS does not take into account the many contextual and protective elements in the environment of First Nations children. Future editions of the QIS will need to collect variables that more accurately reflect the circumstances of First Nations children and families. Furthermore, First Nations children often have more than two caregivers, and in this sense, the QIS limits the consideration given to a support network that plays a central role in the development and wellness of these children.

To be considered for further research: The importance of considering how child protection caseworkers document or record the characteristics of children, caregivers, and the living environment.

Given our sample size for these analyses, a characteristic was considered to be present if it was confirmed or suspected (i.e., the caseworker did not personally observe the problem, but noted enough indicators to create doubt in his or her mind). On the other hand, the characteristic was not considered to be present if it was invalidated, or if the answer was not known by the caseworker.

In future research, it would be necessary to determine whether certain characteristics, particularly those associated with stereotyping or prejudice towards First Nations, are more often suspected than confirmed in First Nations children or their caregivers, and the effect this may have on the decisions made by caseworkers. In addition, future research should look at the proportion of situations involving unknown elements, and determine whether this proportion is greater or lesser in the case of First Nations children, and whether this has any impact on the decisions made, if any.

To be considered for further research: The importance of continuing to document the situation of First Nations children receiving services under the mainstream child protection system, in order to determine whether the legislative changes that have been put in place, as well as the changes they imply in practice, are having an effect on the portrayal of the situation.

Among the legislative changes to consider are the national principles set out in Bill C-92. According to the socio-economic conditions principle, which may be reflected in poverty or overcrowding, these conditions cannot be the only reason for taking a child into care. Given that low income translates into fewer unfounded situations, and that overcrowding explains the higher risk of placement among First Nations children, it seems possible that these elements played a role in the decision-making of caseworkers in QIS-2014. It is therefore essential to document the situation since these national principles came into force.

Practice implication: The need to implement practices that respect the basic principles and standards set out in Bill C-92.

These principles include the best interests of the child, substantive equality, priority to preventive care, reasonable efforts, and priority for placement, as well as the principles set out in Chapter V.1 of the YPA, which deals with provisions specific to Indigenous people.

Practice implication: The need to offer training to caseworkers to ensure they have the best possible knowledge and are better equipped to work with First Nations children and families.

These training sessions must help strengthen the people skills and know-how of caseworkers, and focus on First Nations identity and culture, colonialism and its effects on the youth protection system, stereotypes and prejudices towards First Nations, and cultural safety.

Practice and social policy implication: Implementing the Declaration of the Rights of First Nations Children²² and the recommendations of the Special Commission on the Rights of the Child and Youth Protection for Indigenous children.²³

These include:

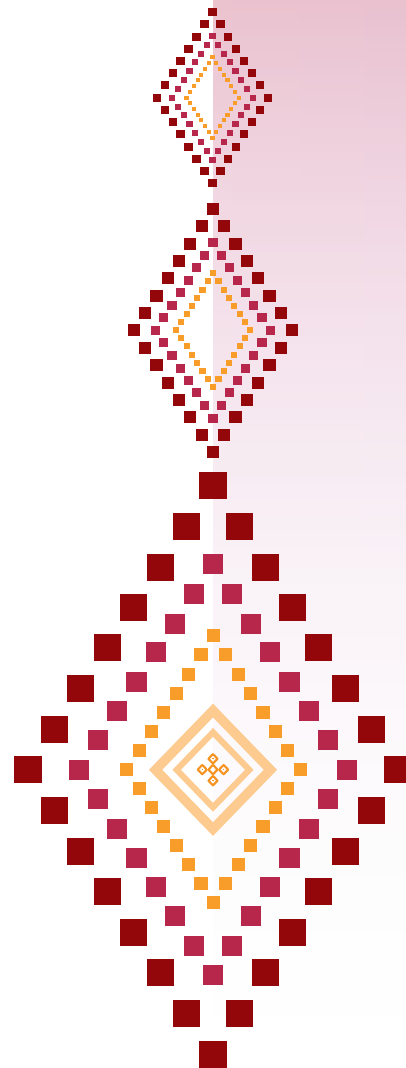
- implementing recommendations from previous initiatives (e.g., CERP, National Inquiry into Missing and Murdered Aboriginal Women and Girls);
- supporting the right to self-determination and self-government in matters of youth protection;
- ensuring the well-being of all Indigenous children in the application of the YPA.

22 Assembly of First Nations Quebec-Labrador - AFNQL, Assembly of First Nations – AFN, Declaration of the Rights of First Nations Children, (Wendake: 2015), cssspnql.com/en/produit/declaration-of-the-rights-of-first-nations-children/.

23 Gouvernement du Québec, *Instaurer une société bienveillante pour nos enfants et nos jeunes [Creating a caring Quebec society for our children]*, (2021), www.csdepj.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport_final_3_mai_2021/2021_CSDEPJ_Rapport_version_finale_numerique.pdf.

CONCLUSION

The results of these analyses suggest that certain characteristics of caregivers and living environments may play a different role in child protective decision-making for First Nations as opposed to non-Indigenous children. While this report cannot determine whether there is systemic discrimination or racism against First Nations in youth protection, the results do raise serious questions about possible biases against First Nations children and families, especially “in need of protection” decisions.



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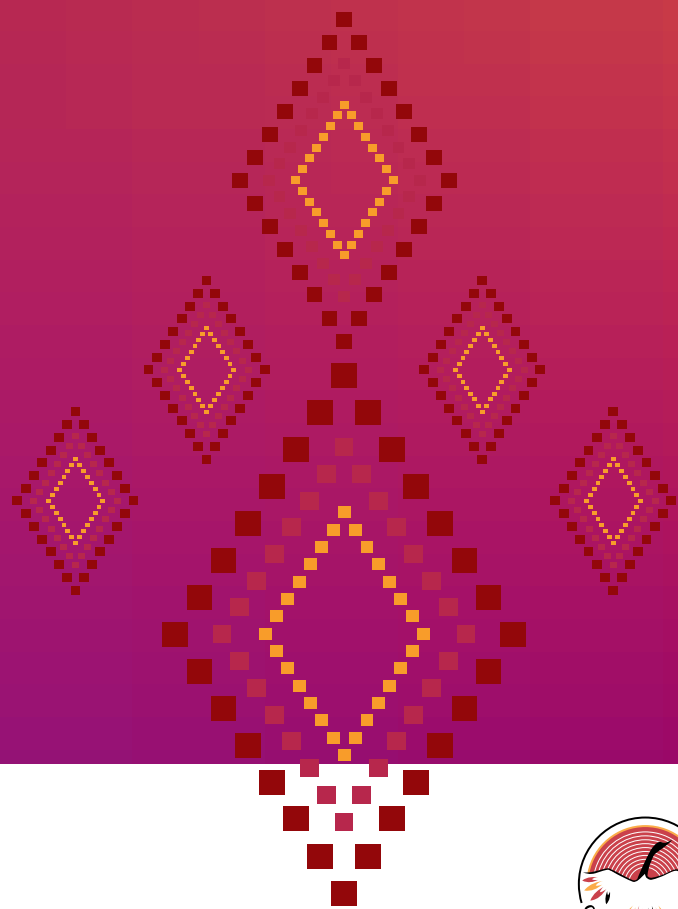
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