

CHILD CENTERED, FAMILY FOCUSED, COMMUNITY DRIVEN.

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# **INTRODUCTION**

The statistics are well known and persistent. Indigenous children make up seven per cent of Canada's population, but represent about fifty per cent of youth in care. There are more Indigenous children in care now than were in the care of the state at the height of the residential school era. Indigenous communities continue to draw urgent attention to the fact that the cultural genocide of residential schools and the Sixties Scoop is continuing now, as Indigenous children continue to be brought into care at rates 10 times that of the mainstream population.

Former Indigenous Services Minister Jane Philpott called the continuing overrepresentation of Indigenous children and youth in government care a "humanitarian crisis". This was the first time a federal minister had declared Indigenous overrepresentation a humanitarian crisis despite the government being responsible for the current child welfare model, mandate, outcomes and funding apparatus. In the history of colonialism in Canada, the chief mechanism of genocide and forced assimilation, whether through residential and day schools, or the actions of child welfare authorities since the 1960s, has been the removal of children from family, culture and community. We therefore realize that as an intervention to ensure a child's safety, child removal must be the focus of reform for an Indigenous agency whose primary responsibility is the safety and wellbeing of children.

Urgent calls to transform child welfare services for Indigenous communities have been accompanied by a parallel recognition in mainstream child welfare systems that the broader systems are also broken. Ontario's Child Welfare Sustainability Commission, reports of the Auditor General, and numerous reports of provincial Child Advocates' Offices across the country have repeatedly drawn attention to a system mired in bureaucracy that chronically fails to meet service standards. Devastating outcomes for youth growing up in care and tragic failures to ensure the safety of children in the community have been confirmed in the findings of numerous inquests into child death that have been a recurring feature of child welfare review across the country.

In Ontario, the Commission to Promote Sustainable Child Welfare established in 2009 and funded by the then Ministry of Child and Youth Services as a thirdparty review of the child welfare system echoed much of the public conversation that continues today. At the end of its three year mandate, the Commission's report included conclusions under the heading, 'Advancing Aboriginal Approaches to Child Welfare'. The Commission researched Aboriginal child welfare in Canada and other jurisdictions, compiled substantial data and information through visits to agencies and remote communities, conducted literature reviews, attended assemblies and other events, met with leaders of Indigenous communities and reviewed hundreds of documents. The Commission's findings are still valid today as many if not most have not been discharged by the provincial government.

- Indigenous children and youth are dramatically overrepresented in the child welfare system and they are in crisis.
- There needs to be recognition of historical trauma and its negative impact on Indigenous communities.
- Without resolution of the underlying conditions that lead to child maltreatment and neglect the circumstances for Indigenous children are worsening.
- Some current policy requirements and standards, as written and interpreted, are impractical or culturally inappropriate and impede effective quality service.
- Indigenous communities and leaders assert their commitment to implementing Indigenous approaches to child welfare.
- Services to Indigenous children are much more expensive and rising demands and costs outpace the capacity of agencies delivering those services.
- The small size and scale of Indigenous family and children's services agencies present significant challenges to cost-effectiveness, resiliency and capacity building.
- The sustainability of the child welfare sector as a whole is in jeopardy if Indigenous child welfare issues are not addressed successfully.
- Fundamental changes are needed in Indigenous child welfare, including changes to the governance, funding, accountability and performance management framework and delivery of services to Aboriginal children, youth and families.
- The state of affairs for Indigenous children in Ontario demands that action be taken immediately
- Child maltreatment and neglect are consequences of a wide range of conditions in Indigenous communities that extend well beyond the scope of child welfare

The scope of the Sustainability Commission mandate was child welfare in the Ontario provincial context and within the framework of the provincially mandated child welfare system. At the time, there was no contemplation of a legislative framework at either the provincial or federal levels that would provide for government-funded child welfare services pursuant to Indigenous mandates.

A decade later, the federal government has moved to transfer greater authority over child welfare to Indigenous communities through Bill-C92, the

Act respecting First nations, Inuit and Métis children youth and families, now in effect since January, 2020. The Act is intended to permit Indigenous authorities to administer child welfare autonomously through an Indigenous paradigm. Many logistical matters need to be resolved including development of Indigenous laws, regulations, funding, jurisdiction and operational guidelines before Bill-C92 can actualize its full potential. However, Bill-C92 has the potential to transform Indigenous child welfare, even if alignment of resources is not achieved in the shortterm, by its potential to eradicate harmful and bureaucratic processes that detract from core family wellbeing work. The transformation of Indigenous child welfare is inevitable as all stakeholders are demanding reform to produce the common outcome of fewer Indigenous children in care and there is broad agreement that child welfare services must be devolved to Indigenous authorities. However, there is recognition that the journey will be challenging as complex questions about alignment of resources (funding responsibility), the legal basis and scope of Indigenous child welfare authority (Indigenous mandates) and self-determination for off reserve Indigenous child welfare services remain unresolved.

# WHY WE DO WHAT WE DO AND THE IMPERATIVE OF CONTINUING REFORM

When Native Child and Family Services of Toronto began its struggle to obtain a provincial child welfare mandate there was no Bill C-92. Indigenous agencies in northern Ontario had been established in the 1980s to provide provincially mandated child welfare services to First Nations members on and off reserve. However, no provincial mandate had been extended to an agency to provide Indigenous child welfare services in an entirely off-reserve urban setting.

The Indigenous community in Toronto has its origins in many Indigenous cultures and communities from across the province and from across the country. One of the largest Indigenous populations in Canada by the 1990s, the community had developed a mature network of agencies to provide a wide array of community services to Indigenous peoples living, or accessing services, in Toronto. This included Native Child and Family Services' range of family and children's culturebased services and programs offering support to the whole Indigenous community in Toronto. The community was keenly aware, however, that in the crucial area of child welfare services, with all the authority in relation to Indigenous families it entails, service continued to be provided by the two large, non-Indigenous child welfare agencies in the city.

The community was also painfully aware that in Toronto, as across the country, Indigenous families and children were heavily overrepresented in child welfare systems. Indigenous children were being estranged from their families and culture and lost through adoption to non-Indigenous families. Consequently, Indigenous community leaders and Elders, through the agency's board of directors,

asked the agency to seek a provincial mandate to take control of child welfare services for the diverse community of Indigenous families in the city. This imperative was, and remains, rooted in our passion for the wellbeing of children, a recognition that only in coming home can the wellbeing of future generations of Indigenous children and families be secured. Every child matters and every child at the doorstep of child welfare needs an urgent response with every tool at our disposal.

Getting the mandate was not a matter of simply asking and having it handed to us. The mandate was granted only after a long fight with years of lobbying, activism and, ultimately, a threat of legal action.

Since gaining its provincial mandate in July, 2004, operating within the significant constraints of mainstream child welfare regulations, standards and tools, Native Child and Family Services has worked to evolve strong, culturally grounded Indigenous Child and Family Wellbeing services. Having now provided service to a generation of Indigenous children in the country's largest urban setting, NCFST has been committed to innovation to mitigate the continuing harm of colonial child welfare policies. This has been accomplished by focusing on evolving integration of holistic, prevention-focused child and family wellbeing services in collaboration with Indigenous communities and service providers in Toronto.

NCFST's progress has been built, in part, on the agency's commitment to building its prevention services by capitalizing on program funding opportunities outside the core provincial child welfare allocation. As a multi-service agency, NCFST has been able to creatively offset and mitigate the harmful impact of child welfare mandates that require the agency to divert resources from family engagement (direct services) to resource-heavy bureaucratic accountability and monitoring activities. As noted by numerous child welfare studies and reports, including Ontario's Sustainability Commission noted above, this is a common failing of mainstream child welfare systems. As an urban Indigenous

agency administering a provincial mandate, NCFST enjoys no exemption from the power of these constraints and imperatives.

NCFST has developed an Indigenous service approach that has achieved demonstrable results focused on strengthening families and keeping children at home. Within the framework of the provincial mandate, NCFST has focused its service provisions on prevention, family preservation and Kinship and Customary care. Our aspiration has been to build these programs by fostering a service approach that empowers relationships and integrates interdisciplinary practices to promote holistic decisions that recognize the wellbeing of the child and family from a holistic healing perspective. The approach has established a foundation for moving away from the child-removal based strategies of the past and current mainstream practices.

Native Child and Family Services of Toronto (NCFST) is the largest multi-service Indigenous agency with a child protection mandate in Canada. NCFST strives to provide a life of quality, well-being, caring and healing for children and families in Toronto's Indigenous community by delivering a broad range of programs and services that are culture-based and respect the values of Indigenous people, the extended family, and the right to self-determination. NCFST delivers pre and post-natal services, a walk-in medical clinic, in-home supports, children's mental health, childcare centers, EarlyON centers, Aboriginal Head Start centers, education and employment training, youth services (youth outreach, youth justice, housing and employment navigators); transitional housing, a healing lodge, healing and clinical services, cultural services, and child welfare delivered as Indigenous Child and Family Wellbeing services. NCFST has put into practice a holistic approach to child welfare through preventionfocused Child and Family Wellbeing interventions and integration with our array of support and healing services. Today the organization is comprised of some 350 staff working across 20 locations delivering more than 100 programs and services to 8,000 unique individuals annually.





# SO, WHY REFORM?

## The heavy legacy of child removal

There is an agreed recognition, as there has been since before 2004, that the journey to decolonization must be driven from the perspective of an Indigenous worldview. In this regard, redesign and reform must be informed by a view that the best interests of the child are rooted in culture, language and connection to family and community. We recognize the challenge of reconciling the exercise of authority for the safety of children in the Indigenous context. We know that to do this, we are on an ongoing journey to build community ownership and self-determination in the delivery of our services and to continually strengthen the community and cultural connections that inform our approach to practice. The obligation to do so was inherent in the communitydriven decision to accept a provincial, colonial, child welfare mandate in 2004.

However, 2022 is not 2004. Indigenous governments are making groundbreaking progress in exercising their inherent right to selfdetermination in a broad range of legal, social and economic spheres. In a rapidly changing political context, the government of Canada has committed to delivering on all ninety-four of the Calls to Action of the Truth and Reconciliation Commission. In child welfare, Bill C-92 provides imperfect but evolving opportunities to build pathways for applying Indigenous child welfare law. The potential of initiatives under the legislation is just beginning to be explored and developed.

It is in this new context that, on September 30th 2021, NCFST made commitments respecting decolonization of child welfare and accountability to community. Recent developments have brought us to recognize that we are in an unprecedented position to leverage new legal tools, structures, relationships and a changed political environment to launch a comprehensive exploration of possibilities that were not available eighteen years ago. What new options for



reform are possible in the current environment? What reform possibilities are available within the context of the provincial mandate? Is continuing to exercise the provincial mandate our best option, or is there now another way forward?

We have also heard and considered the proposition, adhered to by some that "decolonization" of child welfare is not possible; that child welfare is inherently colonial as long as it contemplates child protection by way of child removal for **any** reason, regardless of how rare that intervention may be. In the rhetoric of the day, the system cannot be reformed, and it would simply be better to just "blow it up". The rhetoric is easy, but leaves unanswered the inevitable questions, "what do you do with the rubble, and what, if anything, do you build in its place?" If nothing, we need to be able to answer the question, "what are the risks and consequences for Indigenous children?"

We acknowledge that at this moment in time, our approach is woven into colonial structures. However, the unweaving, we believe, must be done with care, thread by thread, to be sure that no harm is done as we weave a new pattern of Indigenous alternatives

together with community, partners and Indigenous governments. Further, we believe that our approach is consistent with the Truth and Reconciliation Commission's first five *Calls to Action* demanding reform of Canada's child welfare systems for Indigenous children and families. What we do next must be determined with reference to current family and community needs and aspirations, and seen in the context of historic and contemporary policies and practices of systemic racism and genocide. To honour survivors and address the intergenerational impact of colonial violence, child safety interventions must be accepted as required services by the communities they impact.

In the same spirit that moved our leaders and Elders a generation ago, our passion for the wellbeing of every child, we are in a position to create a new and bolder road map for our continuing journey to decolonize Indigenous child welfare in our community. Intended as a living document that will evolve in consultation with community, it is this road map and framework for reform that is presented here.

# **CURRENT CONTEXT**

On September 30th, 2021, Canada's first National Day for Truth and Reconciliation, Native Child and Family Services of Toronto (NCFST) launched an initiative to continue the work of decolonizing Indigenous child welfare services in the city of Toronto. This initiative was launched in the context of the ongoing broader national movement for Indigenous child welfare reform. The Calls to Action of Canada's Truth and Reconciliation Commission, and the First Nations Child and Family Caring Society's fifteen-year legal struggle with the federal government over the findings of the Canadian Human Rights Tribunal respecting discrimination against Indigenous children in the funding and provision of child welfare and prevention services on reserve, have driven the movement for reform over the past seven to fifteen years.

The National Day for Truth and Reconciliation commemorates the history and legacy of residential schools and honors First Nations, Inuit and Métis Survivors of residential schools, their families and communities as part of the ongoing process of reconciliation. The **Calls to Action** of the Truth and Reconciliation Commission foregrounded the critical importance of change in the delivery of child welfare services to Indigenous children and families. Of the ninety-four Calls to Action, the first five call for change to Indigenous child welfare. Further, the first National Day for Truth and Reconciliation was held in the wake of the discovery of thousands of unmarked graves of Indigenous children on the grounds of residential schools. The day was therefore held in a new political context, long overdue, in which the Canadian public consciousness of the genocide of the residential schools had been awakened.

In the week leading up to the first Day for Truth and Reconciliation the Federal Court upheld the

findings and Orders of the Canadian Human Rights Tribunal regarding the discriminatory underfunding of First Nations child and family services. That ruling led to the Agreements-in-Principle on compensation and long-term reform of First Nations child and family services and Jordan's principle. These Agreements include 20 billion dollars in compensation for First Nations children and families who were injured by discriminatory treatment and another 20 billion dollars (over the next 5 years) for long-term reform of the federal First Nations Child and Family Services program to end the discrimination. The important principles, on which the Tribunal's findings are based, upheld by the court and now accepted by government, will shape the evolution of Indigenous child and family services, particularly over the next five years.

The direct harm done to Indigenous children and families by mainstream child welfare systems are at the basis of the decisions of the Federal Human Rights Tribunal and the Calls to Action of the Truth and Reconciliation Commission. They have led directly to Bill C-92, the federal **Act** respecting First Nations, Inuit and Métis children, youth and families, now in force since January 1, 2020. NCFST's current initiative is unrolling in the important context of the application of this federal legislation that entrenches the rights and jurisdiction of Indigenous peoples to provide child and family services in accordance with the principles of self-governance. The Act accomplishes this by giving force to Indigenous law as federal law, and by stipulating that where the Indigenous law is inconsistent with provincial law, the Indigenous law will prevail. Accordingly, NCFST has committed to conducting its decolonization work in this new legislative context, in partnership with First Nations and Indigenous communities, to achieve the ultimate goal of self-determination in the delivery of child welfare services to the Indigenous community in the city of Toronto and Greater Toronto Area.

In October of 2019, Native Child and Family Services of Toronto published a position paper, A Call for the Inclusion of Urban Aboriginal Service Providers in the Federal Transformation of Aboriginal Child Welfare. The position paper emerged from an agency-initiated forum, held in September of 2019, of Indigenous child and family wellbeing organizations providing services in urban settings across the country. The position paper concluded with a call to action based on the forum's examination of the potential impacts of Bill C-92. The paper decried the exclusion of urban Indigenous service organizations from the development of the Bill and their exclusion, to date, from federal processes developing the regulations and procedures related to implementation. Recognizing that Bill C-92 holds the potential to radically transform Indigenous child and family wellbeing services, the paper called on Indigenous Services Canada, the Assembly of First Nations, the Métis national Council and the Inuit Tapiriit Kanatami to include urban Indigenous service organizations, as experts in the delivery of culturally grounded service provision to Indigenous children and families, in all federal processes related to implementation of the legislation. For context, the 2016 census reports that 1,673,785 Aboriginal people comprised 4.9% of the national population. The 2016 census also reports that 51.8% of Aboriginal peoples now live in a metropolitan area of at least 30,000 people, and that just over three guarters (76.2%) of the First Nations population had registered or treaty Indian status in 2016, meaning that nearly a quarter of them do not. Further, this varies by province and region: for example, in Ontario, it is said that more than 80% of Aboriginal people reside off-reserve.

The announcement this year of the federal government's \$40-billion-dollar agreement-in-principle for compensation and long-term reform

of on-reserve First Nations child and family services prompted this group to reconvene in 2022 and to invite others to join the discussion. On Feb 8th 2022, NCFST organized a second National Forum on Urban Indigenous Child and Family Wellbeing, drawing representatives from thirty-eight First nations, Inuit and Métis (FNIM) child and family service agencies, advocacy organizations, community leaders, Knowledge Keepers, youth and representatives from Ontario's Ministry of Children, Community and Social Services. All gathered virtually to discuss the potential impacts of the recent Agreements-in-Principle (AIP) authored by the Assembly of First Nations, First Nations Child and Family Caring Society, the Chiefs of Ontario, the Nishnawbe Aski Nation, and counsel for the Moushoom and Trout class actions and the Canadian government. The primary purpose of the forum was to:

- Promote united support for on-reserve compensation and reform (pursuant to settlement of CHRT litigation);
- Discuss substantive equality within the context of provincial/territorial funding for urban/off-reserve mandated Aboriginal child and family services agencies;
- Understand how funding for Bill C-92 coordination agreements can support the offreserve implementation of Indigenous laws;
- 4. Share resources for the analysis of urban Aboriginal child, family and community needs (demographics and needs assessment); and
- To discuss and share ideas related to the reform and implementation of services and funding to enable a holistic cross-jurisdictional service framework to support the safety, wellbeing and prosperity of Aboriginal children, families, and communities across Canada.

The session was informative with the group wanting to reconvene to continue the journey of reform together. The forum's findings inform many of the ideas presented in this report. The deliberations of the Gathering reflected a consensus that provincial authorities are likely failing to provide substantive equality in the provision of child welfare services to both on-reserve and off-reserve Indigenous child populations. There was general agreement that in pursuing decolonization goals, there may well be a sound legal basis for demanding substantial reform of Indigenous child welfare services, including funding arrangements, at the provincial level. The National Gathering thus has become an important inflection point in NCFST's reform leadership and consultation goals.

More recently, in June 2022, the Federal Court of Canada certified a class-action lawsuit against the federal government on behalf of off-reserve children who were taken from their families and placed in non-Indigenous care in the period between January 1, 1992 and December 31, 2019, the time frame often referred to as the "Millennium Scoop". The plaintiffs in the case are asking for damages, restitution and recovery of particular costs on behalf of affected children and families whose Charter rights may have been breached and who may have been harmed by systemic negligence. The case will apply to status, non-status, Inuit and Métis children and families who were living in off-reserve locations and will, in part, focus on the inequity of federal compensation for children and families living on reserve (the recent Federal Human Rights Tribunal settlement) while ignoring children and families living off-reserve. The time frame of the certified class action includes the time frames in which Indigenous agencies in Ontario have been exercising their provincial mandates. While the outcome of the action may eventually lead to the equity in the treatment of children and families living off reserve that NCFST has been calling for, it may also entail having Indigenous agencies, like NCFST, account for their own child welfare practices under provincial mandates. The process may therefore present both a challenge and an opportunity to demonstrate the extent to which the choice to accept a colonial mandate has made a positive difference for Indigenous children and families.

Just as exercising a provincial mandate entails accepting contemporary colonial accountabilities, NCFST has also not been exempt from the stigma and distrust inherent in taking on a mandate to exercise authority in a community for whom child welfare, like residential schools, has historically been an instrument of family destruction and genocide. There can certainly be no doubt about the immediate positive impact of assuming the provincial child welfare mandate in 2004. Through transfers to our agency, children were brought home to community and reconnected with family and culture. These children have been kept in the embrace of community and culture for a generation since the agency began exercising its mandate. But the provincial mandate is still a colonial mandate. The stigma remains. Some Indigenous service partners prefer to distance themselves from the agency because of the mandate it carries and some members of the community continue to express concerns about the agency's intervention in families on behalf of vulnerable children, notwithstanding our strong focus on family preservation and keeping children connected with culture and community.

In 2016 NCFST sat with community to take it upon ourselves to critically examine our work. We had asked community members, the people we work with and for, to participate in a reflective moment. Since receiving our child welfare mandate in 2004, we decided it was time to determine if we were behaving in a manner that respects our community and demonstrates that respect through sound culturally competent, safe, and accountable practices. In addition, because our work must be, in accordance with our cultural base, both collaborative and inclusive of other Indigenous stakeholders, we further explored with our sister agencies how they have experienced our work and asked them how we could work better together toward improved outcomes for our families and children; the full report including recommendations can be found on our website.

The need to continue and strengthen engagement and dialogue with the Indigenous community in relation to NCFST's role in delivering child welfare services remains critical.



# TRANSFORMATION AGENDA TO HEALING AND WELLBEING

# **Bill-C92 Opportunities**

Bill C-92, the federal Act respecting First Nations, Inuit and Métis children, youth and families, provides both the legislative imperative and historic opportunity for Native Child and Family Services to build on its past successes and radically transform the provision of Indigenous child welfare services in a large, off-reserve urban setting. The **Act** entrenches the rights and jurisdiction of Indigenous peoples (pursuant to Section 35 of the Canadian Constitution) in relation to self government, including the provision of child and family services. As noted earlier, The Act accomplishes this by giving force to Indigenous law as federal law, and by stipulating that where the Indigenous law is inconsistent with provincial law, the Indigenous law will prevail. Bill C-92 both imposes an obligation and provides an unprecedented, historic opportunity for NCFST to use its expertise to selectively free its service model from provincial regulations and standards that are not consistent with Indigenous approaches to child welfare or necessarily relevant to the best interests of the child, viewed through an Indigenous lens.

The Act presents as much of a challenge for NCFST as it does an opportunity. NCFST called for the inclusion of urban agencies in the development of C-92 in the position paper discussed above, news articles, and direct correspondence to the major parties involved and at the National Child Welfare Advisory Table in Ottawa (which our Executive Director attended in person). These requests to include agencies as helpers, technical experts and sources of knowledge and experience regarding the urban Indigenous communities that the Act would impact fell on deaf ears. Because of this,

agencies who serve diverse urban populations are left with no clear pathways to move beyond colonial provincial mandates towards Indigenous ones. The Act covers both child protection and prevention services (maintaining a colonial dichotomy that is not helpful within the Indigenous worldview of holistic services). NCFST serves 8,000 unique individuals every year from over 80 First Nations across Canada, as well as Inuit and Métis children and families. Is NCFST then to use 80 different pieces of legislation under the Act in delivering services? Which services are funded by the province and which by the Indigenous governing bodies who have created those laws? This is further complicated by the fact that the history of colonization, residential schooling and mainstream child welfare, has resulted in broken family and community connections for many of the children and families served by NCFST. What laws apply to these individuals if not the provincial mandate? The Act gives no consideration to how diverse urban Indigenous communities can achieve self-determination and Indigenous models of child and family wellbeing independent of registration in the Indian Act - which is perhaps Canada's most defining piece of colonial legislation.

Not withstanding its stated aim to promote self-determination for Indigenous child welfare, Bill C-92 is still a colonial statute and some of its precepts can be expected to present barriers to replacing mainstream child welfare imperatives with Indigenous approaches. For example, the first enumerated principle of the *Act* is that it must be interpreted and administered in accordance with the best interests of the child. The *Act* makes an explicit exception to the application

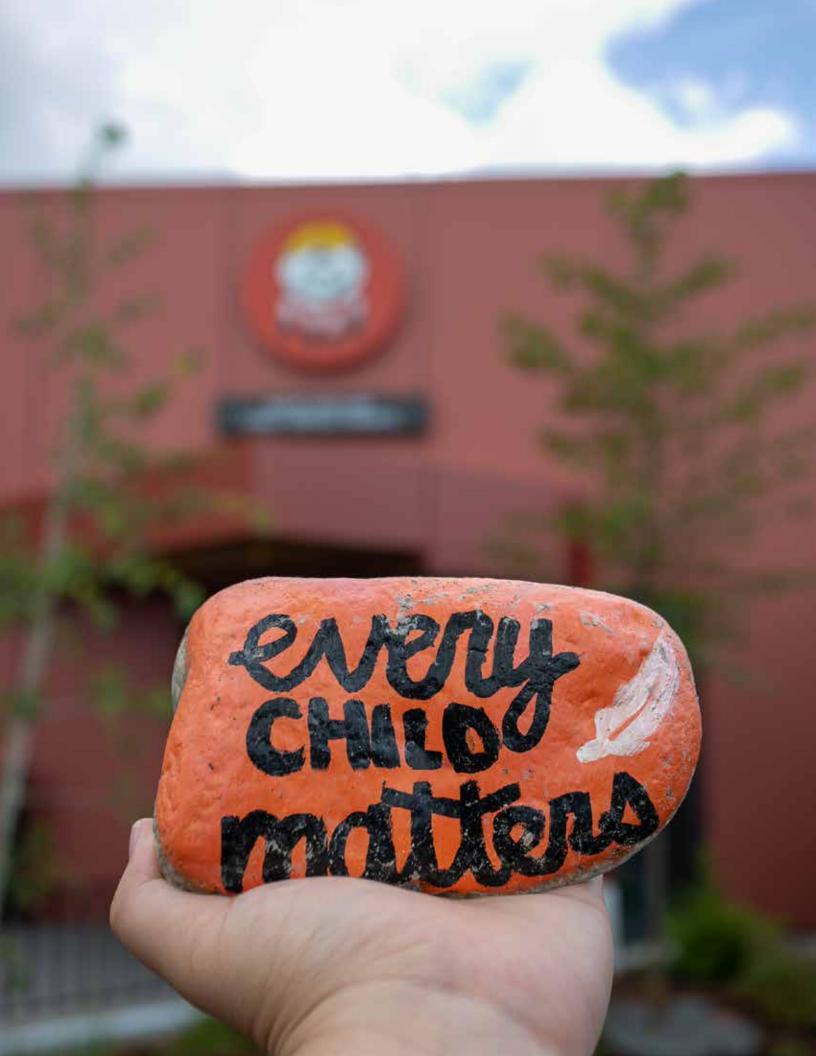
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of an Indigenous law where its application would be contrary to the best interests of the child. The Act (Section 10) sets out "best interest" considerations that have overriding force in cases where a mandated child welfare authority determines that its interventions are in a child's best interests, regardless of any Indigenous law that might otherwise require an intervention that would be inconsistent with that determination. NCFST recognizes that many Indigenous communities will understandably view the "best interests" provision as the colonial tool of assimilation and oppression that it has always been – used to justify residential schools, the Sixties Scoop and the continuing overrepresentation of Indigenous children in provincial child welfare systems.

NCFST recognizes the legitimacy of the principle of Indigenous autonomy. Delivering child welfare services, through our Child and Family Wellbeing programs, in the country's largest urban setting, we will have an indispensable role in using our established expertise and relationships to ensure that decisions respecting the best interests of Indigenous children are made in collaboration with Indigenous communities. We are actively pursuing and entering into protocols with Indigenous governments that require the application of their laws in relation to their respective members residing in our jurisdiction, whether or not these laws are established pursuant to or independently of the provisions of Bill C-92.

NCFST now has over eighteen years of evolving expertise in delivering culturally appropriate

Indigenous child and family wellbeing services in collaboration with First Nations, Inuit and Métis communities from across the country to twenty per cent of Ontario's Indigenous population. We worry about the impact in and outcomes for Indigenous children and families if Indigenous child and family wellbeing agencies continue to be excluded from the development of the regulations needed to implement the Act. If viewed as partners with valuable technical and experiential knowledge and expertise, Indigenous child and family wellbeing agencies across Ontario could strengthen the regulations and implementation of the act in ways that support the majority of Indigenous children and families - including those who are not registered - either by choice or by virtue of not yet making connections to their home communities because of the complexities of colonial history. Given the demographic reality, this is especially important if we are to fully understand the overrepresentation of Indigenous children in care that Bill C-92 purports to address. Data from the most recent Ontario Incidence Study of Reported Child Abuse and Neglect-2018 revealed similar patterns as in its 2013 iteration: for children 15 years of age and younger, First Nations children were three times more likely to be the subject of a child maltreatment related investigation (172.32 per 1,000 children); neglect and risk of future maltreatment were the most often the primary concern. In eighty-five percent of investigations conducted for First Nations children, the family resided off reserve (tables calculated by Barbara Fallon, September 25th, 2019).



# OUR DECOLONIZATION PROJECT

### **Notes on language**

Over recent decades many terms have been used to describe the change needed within the child welfare system: transformation, redesign, indigenization, decolonization, and many others. None of these terms please everyone, and each is understood in different ways by different audiences. NCFST has chosen to use *decolonization* as an umbrella term for its change journey. The term is not preferred by everyone, but fulfills the need of a concept to describe the change process we are undertaking. For those who may not like the term, we hope you will join us in the real focus of this work: driving change to better achieve health, wellbeing, prosperity and cultural connections for Indigenous children, youth, families and communities.

The idea of decolonization is imprecise, needing considerable work and diligence to define how it is to be operationalized in specific reform implementation plans, particularly in the context of an urban Indigenous agency delivering services under a provincial mandate. We have considered the merits of the proposition that child welfare cannot be decolonized. But, if so, the work to mitigate the harms and build the power and impact of Indigenous approaches still remains to be done. We therefore believe that the concept of decolonization best embraces the spirit and passion that fuels our desire for change. In some areas of our journey the concept is directly relevant, such as our engagement with Indigenous governments to ensure that, to the furthest extent possible, Indigenous child welfare law is applied to our work with their members, their children. This work may be undertaken, as noted above, either pursuant to Bill C-92, the federal legislation respecting Indigenous child welfare, or pursuant to Indigenous law created outside of the purview of the federal legislation.

In other areas, where we operate in a context where mainstream structures remain in place, our reform work will focus on delivering service from an Indigenous perspective, informed by an Indigenous worldview and with the aspirations of the Truth and Reconciliation Commission top of mind... to eliminate the over representation of Indigenous children in care and to keep Indigenous children in the embrace of their families, communities, and culture. Our intent is that this report, and the Vision and Framework presented here, will establish actionable structure and objectives for our decolonization aspirations.

When referring to our decolonization work we will sometimes refer to **child welfare** and sometimes to Child and Family Wellbeing. Like other agencies, NCFST moved away from using the traditional terms used to name child welfare or child protection services to reflect the emphasis that our agency places on the importance of bringing prevention and healing services to families and children, well beyond the narrow focus of forensic investigation, monitoring and short term protection. There is nothing inherently wrong with the term "child welfare". In fact, the terms "child welfare" and "child wellbeing" are synonymous. However, the stigma of the association of "child welfare" with the history of child removal and trauma in Indigenous communities means that the term is objectionable as one that should be used to refer to services that aspire to address the harms done by traditional child welfare services to Indigenous communities. Consequently we may frequently discuss reform of "child welfare" services when referring to mainstream systems or government programs in general. The term is used by the Truth and Reconciliation Commission in its Calls to Action dealing with the need for reform of child welfare systems. However, with respect to change efforts applied to our own agency, we will refer to our "Child and Family Wellbeing" services.

As we move forward, our language may change as our conceptual framework for reform evolves.

# PROGRESS ON COMMITMENTS OF SEPTEMBER 30, 2021

As noted above, on September 30, 2021, approximately 1,200 people joined us in a virtual event where three commitments were made: 1) the launch of a learning series on decolonizing Indigenous child welfare in the City of Toronto; 2) the creation of a community advisory on child welfare reform; and 3) annually community report backs on Sept 30<sup>th</sup>. To guide the work of our decolonization project we established an agency Steering Committee comprising a Knowledge Keeper, the agency's Executive Director, agency service leaders from both Child and Family Wellbeing and our Holistic Healing programs and key members of the Quality Assurance and Decolonization team.

# **Community Advisory Circle**

NCFST committed to invite representatives of Indigenous people in Toronto who have worked with the agency as recipients of services to join a Community Advisory Circle to help examine the agency's practices and identify priorities for child welfare redesign. This commitment contemplated taking the advice and guidance of those with wisdom and lived experience to co-develop our redesign priorities for our Indigenous child and family wellbeing services in the city of Toronto.

The commitment to consult with community members with lived experience, as recipients of NCFST services, represents one component of a broader commitment to co-develop our service approach with community at multiple levels. However, the commitment to hear from community members who have been or are currently users of service is particularly crucial in a context where criticism of the agency's Child and Family Wellbeing practice and outcomes remain persistent among some in the community. Drawing on

our current relationships with community members and some who have constructively engaged in dialogue in previous engagement efforts related to transformation, NCSFT brought together a small circle of youth and other representatives to bring new voices to our continuing dialogue with community about our future directions. The circle began meeting in October, 2021 and has been meeting approximately monthly.

The initial approach to the Advisory Circle was to begin with a small group of community members to whom we would present our description of our service model and practices. Our intention was to hear back from the Circle regarding the extent to which our own view of our practices was consistent (or not) with their lived experience, and to hear their ideas about how our practices, tools and decision making structures might be reformed to promote our decolonization journey.

Our approach was to develop our Learning Series (see Learning Series below) in tandem with the Community Advisory Circle, as a tool for presenting our service model. We asked the Circle to hear the Learning Series Webinars and then to provide feedback regarding what they heard.

At the mid-point of the year, feedback from Decolonization Steering Committee based on observation of both the Community Advisory Group and the Learning Series presentations pointed to the need for greater tangibility and focus in the dialogue that we had been having with the group. Partly due to the evident limitations to relationship building that virtual meetings (necessitated by the pandemic)



following modifications to improve the quality of our engagement with the Community Advisory Circle:

- 1. We brought staff presenters in the Learning Series directly into the conversation by bringing them into circle with the Community Advisory Circle
- 2. We sought to re-focus the conversation on the experiences of circle members as opposed to seeking reaction to the more technical aspects of our presentations
- 3. We sought to expand membership of the circle to bring a greater range of experiences and views into the conversation
- 4. As pandemic conditions allow, we will begin face to face meetings to facilitate developing richer relationships

As part of our report back to community for 2022, our Quality Assurance and Decolonization team has prepared a separate report on the activities, reform and discussion ideas provided by both the Community Advisory Circle and various Staff consultation processes, including the Staff Advisory Group (discussed below). That report, **Decolonizing Child Welfare: Transformation in Action at NCFST** is being released simultaneously with this report and a link to the report can be found on our website.

## **The Learning Series**

Decolonizing Indigenous child welfare in the city of Toronto through a process of co-development with community, partners and Indigenous governments requires a shared understanding of the current system. To support the work of the Community Advisory Circle, as well as to provide easily accessible information about the agency's Child and Family Wellbeing services and our prevention and healing services for our community service partners and public, the agency committed to launching a Webinar Learning Series. The intent was, and remains, that the Learning Series would present the agency's core services in the voices of the staff members who are directly responsible for delivering our services week in and week out. The Learning Series includes explanations of the assessment tools, standards and key decision-making structures that community might choose to make the focus of future redesign and decolonization. Recordings from all of our Learning Series can be found on our website

As noted above, the role of the Learning Series in our co-development process has evolved over the year. Six Learning Series Webinars have been produced and published. An introductory webinar reviewed the history of NCFST, the beginning of the provincial mandate in 2004 and a presentation of the agency's journey and accomplishments in its decolonization journey so far. The introductory webinar was grounded in the recognition that, as the agency moves ahead with reform, it is important to build on past and current success as we work to find the optimal way forward. The subsequent webinars presented the Child and Family Wellbeing department's work in Intake and Assessment, Ongoing Services and Family Finding before the mid-point of the year. In the last half

of the year webinars included presentations from our Prevention and Holistic Healing programs and, finally, our Child and Family Wellbeing program's work with our children in care.

An important feature of the Learning Series is the intent to transparently present the assessment tools, standards of practice and decision making structures in our service approach that remain connected to colonial (primarily provincial) government structures and imperatives. These are the tools and standards connected with delivering our Child and Family Wellbeing services pursuant to the provincial mandate. Explicitly describing these tools and standards is essential to giving our service recipients, community service partners and the community in general an opportunity to identify which of these tools, standards and decision making processes may be inconsistent with an Indigenous approach to engagement with Indigenous children and families. The Association of Native Child and Family Services Agencies of Ontario (ANCFSAO) and its member agencies have accomplished much in revising assessment tools and standards in some crucial areas of child welfare practice for Indigenous communities and the work of ANCFSAO has been adopted by NCFST. However, much more examination of existing tools, standards and decision making processes remains to be done, particularly in the areas of Intake, Investigation and Assessment and in Ongoing services.

For this reason the Learning Series may be most useful with respect to initiating conversations with government, our professional service partners across the City of Toronto, ANCFSAO and with Indigenous governments. Our goal is to successfully engage our community service



partners and government in a conversation about Indigenous child welfare services in the city of Toronto and to include them as active, collaborative partners in the project of reform and decolonization.

# Staff and Community service partner consultation (professional input)

It is important to note that co-development with the Community Advisory Group is just one component of our decolonization strategy and process.

Consultation with staff is crucial both because of their status as members of the community (some with experience as agency service recipients) and because of their expertise in how our service model is actually implemented on the ground. A comprehensive process for consulting with staff has been implemented over the year including:

- Establishing a Staff Advisory Group that will be a standing feature of the consultation and planning process for the project going forward
- Conversations about the current state of the agency's services and possibilities for reform have been held with most of the agency's teams across all departments
- Virtual Drop-in sessions have been held and will continue to provide opportunities for staff to provide feedback and ideas
- A survey to draw on staff members ideas and knowledge respecting reform possibilities was conducted through the month of May

In the early part of our second year, we will be reaching out further to our community service partners to begin a process for presenting our work to date and formally initiating conversations regarding our decolonization journey. Ultimately these consultations will include presentations and conversations with government and the broader Canadian child welfare services community continuing from the National Forums organized by NCFST in 2019 and in February 2022. However, our beginning consultations will focus on our Indigenous service partners both locally in Toronto (such as members of the Toronto Aboriginal Support Services Council and other Indigenous agencies) and with the community of Indigenous Child and Family Wellbeing agencies in Ontario (ANCFSAO). The hope is that the Indigenous services community in Toronto will collaborate to bring people together to support a collective transformation towards an integrated system that keeps Indigenous families together and creates safety, health, wellbeing and prosperity for Indigenous children and families.

#### **Annual Report Back to Community**

Our September 30, 2021 commitments included an annual report back to community on the progress of our decolonization work. This report represents our delivery on that commitment for September 30<sup>th</sup>, 2022.

In addition to service highlights and key service data presented in Appendix A, this report, perhaps more importantly, presents a beginning vision for change, a plan for collaboration and codevelopment with community going forward, and a multiyear action plan that identifies priorities for reform in the coming year and a number of other reform initiatives for implementation in future years. It should be noted that the work over the past year has deeply influenced the development of NCFST's most recent strategic plan- which will also be announced on September 30th, 2022, alongside this report

# INDIGENOUS CHILD WELFARE REFORM

#### Vision and Framework

This report proposes a vision and framework for NCFST's child welfare decolonization journey. But let's begin with reflection on the values that inform our proposed road map for reform.

#### Values and Reflection

The mission and aspirations of Native Child and Family Services of Toronto and the reform vision and framework presented here, are rooted in the culture, values and history of the community we serve. Our values are rooted in the traditions of many Indigenous cultures. Included in these are the Seven Grandfather Teachings of Love, Respect, Bravery, Truth, Honesty, Humility and Wisdom. These teachings are the foundation of the work we do and guide us in our relationship with the families and community we serve. While the teachings are most powerful when used as a collective bundle of values, from time to time particular values need to be emphasized to focus on what is most needed in a given moment. For Native Child and Family Services of Toronto, in this moment, it is the moment for **Bravery**, Humility and Truth, as we seek a conversation grounded in Respect, Honesty and Wisdom.

The Truth is that a provincial child welfare mandate is a colonial mandate. When NCFST accepted its provincial child welfare mandate in 2004, we also implicitly accepted a mandate to carry responsibility for reconciliation and decolonization by co-developing child welfare services with our community.

A child born in 2004 turns 18 years of age in this year. We have served a generation from infancy to adulthood. In this moment, it is time to reflect, celebrate our successes, and to have the bravery and humility to acknowledge our shortcomings. It is time to honour our duty to reconcile, and to move forward with our community, to decolonize Indigenous child welfare in the city of Toronto.

#### Seven Year Vision Statement

The following Vision statement articulates where we want to be in seven years. The statement implicitly acknowledges that there is reconciliation work to be done and was informed, in strong measure, by input from staff members as both community members and as experts in how our service model is delivered. There is more to do to reduce the stigma of child welfare in the community and improve the experiences of families and children who engage with services. The statement also acknowledges that there is more to do before the community can feel full ownership of our agency and its services.

- Within seven years, Child and Family Wellbeing services will be understood by Toronto's Indigenous community as a needed and valued resource for families on their healing journeys.
- Child and Family Wellbeing will be accepted as a service designed, owned and governed by Indigenous communities, rooted in Indigenous culture and delivered from an Indigenous world view.

# Service Impact Vision: A caregiver's experience of service reform

There is no more important measure of the extent to which our services are accepted by community than the experiences of service recipients who engage our services. Our Community Advisory Circle provided invaluable feedback about their own past experiences and their concerns about what it's like to be on the receiving end of service. The service vision presented below is informed by that input. To understand the impact our interventions have, the agency needs to be continually engaged with service recipients to hear about their experiences. What will a caregiver who has received our knock on the door say about their experiences with Native Child and Family Services of Toronto?



A caregiver who opens the door to our Child and Family Wellbeing team will recognize our workers as members of their community, there to help and support. Rather than react with fear or shame, they will know that they will be supported and have an opportunity to proactively address problems with community at their side rather than in isolation. From that first visit, throughout their healing journey, for as long as their Child and Family Wellbeing team remains involved, a caregiver will feel listened to, partnered with and respected as the expert in their own life. They will clearly understand why Child and Family Wellbeing has become involved and will clearly understand their right to be supported. They will know that their relationship and connection with their child will never be ended because of imposed legislative guidelines.

#### Reform Framework

Pending further co-development with community and service partners, we have built a tentative framework for developing reform propositions over the past year. This framework proposes three broad categories as focuses for reform. Reform in all three categories is needed to make progress on our journey to decolonization and self-determination. We are proposing three major areas of focus for our reform framework.

- Building community programs as a collaborative service system across the city of Toronto that collectively ensures the safety, health, wellbeing and prosperity of Indigenous children, youth and families.
- 2. Activating **family networks** and, once activated, facilitate strengthening of networks until they can function as healthy, thriving, and sustainable family systems able to independently ensure child safety and wellbeing
- 3. Initiating **redesign of Child and Family Wellbeing services** from an Indigenous perspective, focusing on six inter-related components grounded on the principle of Indigenous self-determination:
  - a. Revision or replacement of colonial/provincial child welfare Assessment tools
  - b. Reform of decision making processes and structures
  - c. Working with Staff to ensure they have the resources and time to provide optimal service to community members (staff wellbeing)
  - d. Transformation of practice approaches to track and improve the experiences of service recipients in their engagement with Child and Family Wellbeing services
  - e. Improving accountability tracking and outcomes for families and for youth growing up in long-term care
  - f. Enhancing the effectiveness and value of Child and Family Wellbeing Services as a prevention program in itself through innovations in service integration (both internal and external)

It's important to note that these components are closely inter-related and the success of reforms in one area will be, at least in part, dependent on progress in the other areas. With respect to improved integration, for example, we have come to the realization that child welfare, as a service with a unique and specialized role, can potentially be re-focused. From an Indigenous worldview, the safety and wellbeing of children is the collective responsibility of the community. While one agency holds the mandate for Indigenous child and family wellbeing, the success of this mandate relies in part on a coordinated and integrated system of service providers working together to meet the diverse needs of the community. Integration may mean that responsibility for some tasks currently carried by the child welfare system can be reallocated. The redesign of child welfare services on their own cannot succeed unless there is a coordinated system of community services ready to assume responsibility for those tasks, focused on supporting service recipients in those areas of challenge that drive their involvement in child welfare services. What all reforms have in common is that they will aim to,

- Minimize the need to remove children to places of safety (by mitigating risk through culturally grounded wraparound services delivered by multiple Indigenous agencies working together as partners)
- Minimize the time a child spends in care when removal is necessary for child safety, and
- Minimize the trauma and risk associated with child removal and the trauma associated with spending extended time in care (The history of colonization means that trauma is an inevitable part of the healing journey. This trauma can be minimized through a coordinated and integrated service network)

Further, the intent here is not that these decolonization efforts will be time limited, but that they will be endeavours that become permanent features of agency management practice and a culture that promotes continuous improvement.

### Reform Categories **Family** Indigenous Community Networks to Child Welfare Programs as a Reform System **Thrive** Reducing Children in Care **Reducing Crisis Reducing Trauma** (Improving Community Level Outcomes) (Empowering Families & Natural Supports) (Maximizing opportunities to provide Child Welfare services on a collaborative Basis)

Community

# **Reform Categories Explained**

#### **Family Networks**

Healthy, well-functioning and self-sustaining Family Networks are the first line of defense against the need for involvement in child welfare systems. Most families will raise their children without ever engaging with child welfare (each year, about 6.1% of children residing in community come to the attention of our agency for a concern about their well-being or safety that needs to be assessed). Some will have brief engagement arising from reported concerns that are investigated and quickly dismissed, and some will be involved with child welfare on a voluntary basis to get access to specialized resources which, for systemic reasons that also need to be addressed, can only be provided by child welfare.

Reforms in the Family Networks Category will focus on developing a service approach that prioritizes building Family Networks that function autonomously to ensure child and youth safety and wellbeing. With a focus on building self-sustaining relationships of extended family, kin and community, service reforms that help families to build or rebuild their own support Networks are well aligned with Indigenous values and world view.

#### Community Programs as a System

The second line of defense against the need for involvement in the child welfare system is the array of community programs that serve to help families with healing and prevention services including concrete supports such as housing, food security and childcare. These programs include NCFST's own Holistic Healing and other support services and external services used by families. Families will use community programs at various points in their lives, more or less frequently depending on the health of their Family Networks or to meet specialized needs.

Families struggling with greater levels of trauma will depend more on the particular services that address the challenges that drive involvement in the child welfare system - poverty, housing, mental health issues, substance addictions and intimate partner violence. The extent to which children in care can be reduced will be dependent on the success of community programs in helping families address these challenges, including help to build and strengthen their own Networks of support.

Reforms in the Community Programs as a System Category will focus on developing community programs as a coordinated system that provides effective prevention and intervention in collaboration with Family Networks to address the challenges that drive families into child welfare services. Reforms will also focus on structural and procedural changes that improve collaboration (integration) with child welfare services.

#### Child Welfare Reform

We believe that the greatest impact on outcomes for families and children and the greatest impact on involvement in child welfare, numbers of children coming into care and the duration of involvement in child welfare will come from reforms and capacity building within the first two Reform Categories, discussed above. When the health and capacities of family support networks increases, and when responsive, properly focused and coordinated community programs are in place, the need for child welfare services is reduced.

As noted above, most families will raise their children without ever touching or being touched by child welfare systems. Child welfare is intended as a last resort service that activates interventions to ensure a child's safety when Family Networks have not done so, and Community programs and supports have not been available or sufficiently effective to mitigate circumstances that place children at risk. The powers of child welfare authorities can be far-reaching and intrusive. In relation to Indigenous people, colonial systems of child welfare have been used to remove Indigenous children from their families and communities, destroy Indigenous families and inflict generations of trauma. Reconciling the role of child welfare within Indigenous communities will therefore remain an enormous challenge. For Indigenous agencies responsible for providing child welfare services, this means a relentless focus on delivering on substantive, meaningful and bold reforms that will earn the trust of community.

Reforms in the Child Welfare Category will serve to build on the work of Indigenous community service agencies to minimize unnecessary child welfare involvement and optimize the extent to which services are provided on a voluntary basis with consensus from caregivers and their extended family Networks. Reforms to our Child and Family Wellbeing programs will also focus on decision-making structures, tools and processes to ensure that they build in the right checks and balances so that, in every case, services are delivered in a manner consistent with Indigenous law, culture, and perspectives on the best interests of the child. They will focus on innovations that reduce the time families spend in the child welfare system, reduce the time children need to remain in care, and optimize families' and children's experiences of child welfare services as positive engagements that support them on their healing journeys.

#### **Child Welfare Reform Details**

The graphic below represents key categories for change specific to our Child and Family Wellbeing services. Any particular reform implemented from within one category may have impact in one or in several of the categories represented.

# Indigenous Child Welfare Reform Details





# CHILD WELFARE REPORM DETAILS EXPLAINEL

# **Prevention in Child and Family Wellbeing and Task Allocation**

The first category in the previous graphic involves reforms that deal with the way that prevention, healing and our Child and Family Wellbeing (child welfare) systems are integrated. Reforms might involve changes with respect to who does what in service delivery to a family and children. Many of the tasks currently performed by Child and Family Wellbeing workers could be done outside of the child welfare system, either by services internal to NCFST or other external prevention and support services. Reforms that re-allocate tasks to services outside of child welfare would need to ensure that funding arrangements are realigned to ensure services continue to be funded to the same level or better, as they are currently within the child welfare system.

The large majority of children whose families become involved with child welfare services never come into care (Our agency places approximately 38 children each year in out-of-home care. This number represents 8% of all children we assess and less than 1% of the Indigenous child population of Toronto; 10 Answers). The initiation of Child and Family Wellbeing services presents an opportunity to bring community-based programs together. Child and Family Wellbeing staff primarily provide prevention-focused support, services, referrals, and system navigation. Most cases open and are closed without child in care services ever being needed (About 146 families, or 5.5% of the Toronto Native child population, are provided with ongoing services after assessment each year). However, reforms are possible in this category that would serve to enhance and strengthen wraparound services to make prevention within child welfare even more effective. Reforms in this category would ensure that First Nations, Inuit and Métis agencies and mainstream services are actively involved in providing wraparound services with families.

System integration will be crucial to transforming child welfare, ensuring that child welfare is not an island by itself; that it is integrated with services for all stages of life such as Early Years programming, child care, youth services and elder services. System integration should be built around the recognition that when we support a child or parent at the stage of life they are at now, we are supporting the whole person, present and future – the child at ten years of age, the youth she will be at sixteen and the adult she will be at twenty-five, forty-five, sixty-five and ninety.

#### **Tools and Process**

Another category for reform will focus on changes to tools and Child and Family Wellbeing processes. We know that the only way into or out of the child welfare system is through the application of a tool. In Ontario, for example, the application of the *Eligibility Spectrum* is used to determine whether a family is eligible for, or must be provided with services and to later determine whether a family's file can be closed. In addition we use safety assessment tools, initial and ongoing risk assessment tools, as well as recording and service planning formats that are mandated by government. We also know that none of these tools have been validated by the Indigenous community. They are both embedded with assumptions and values that have discriminatory impact on Indigenous families and have been interpreted differently when applied to Indigenous families and children. Reforms in this category will see Indigenous products and tools designed and validated by community.



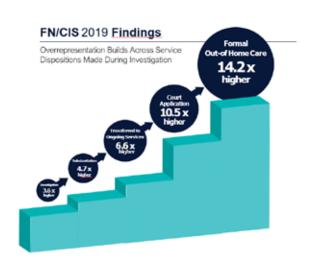


Figure 1 First Nations Component of the Canadian Incidence Study 2019

#### Staff Wellbeing

Services in both our Prevention and Holistic Healing programs and our Child and Family Wellbeing programs are, of course, delivered by people. Reforms in this category will focus on ensuring our staff members are providing services in a supportive environment and conditions.

We want to ensure that our staff members have the resources and time to provide the services our families require. We want our staff members to feel valued and fairly treated so that they can, in turn, provide optimal service to our community. This includes ensuring they have the right training and supports grounded in culturally based approaches.

#### **Decision Validation**

Decisions made in child welfare have a profound impact on families and children. Whether it is an initial decision to open a file, decisions about how to intervene to ensure a child's safety, and possibly even to bring a child into care, our Child and Family Wellbeing teams know that the decisions they make will have an immediate and lasting impact on the lives of the families and children we serve. These decisions need to be supported by Indigenous values and world view, Indigenous ways of knowing and supported by Indigenous families. Decision-making processes need to be transparent, informed by best practices from an Indigenous perspective and validated by community. Are decisions made by a worker and supervisor sitting in isolation in their offices, or could, for example, a process for involving our Elders, or a Grandmothers' Council be created to have important decisions validated? Or, could processes be developed that would delegate decision making to family networks sitting in circle? We believe our current practices need to be examined and all these possibilities need to be explored.

#### Family, Child, and Youth Experiences

It is in this category that we will imagine reforms that will help us realize our Service Impact Vision. Specific reforms related to any of the child welfare reform categories have the potential to have a positive impact on family and youth experiences. An Indigenous agency delivering child welfare services must make the experiences of families, children and youth our priority. Through multiple and continual processes, we will hear and collect our families' stories and use them to inform our innovations and approaches. We will use these stories to initiate reforms intended to ensure our families and youth feel listened to, partnered with and respected as the experts in their own lives.

#### Outcomes for Families and Children and Youth in Long Term Care

Ultimately, what all reform initiatives must contribute to, are those key desirable outcomes identified by Indigenous leadership, communities and the Truth and Reconciliation Commission. These include the goal to eliminate the overrepresentation of Indigenous children in care, to reduce and shorten the extent to which Indigenous families are involved in child welfare or that children remain in care when they are removed for their safety, and to ensure that effective prevention and support resources are made available to families when they need them. We also have a special accountability to those children and youth who are in long term care, whose success and long term wellbeing depend so heavily on our interventions. Reforms within the child welfare system can contribute to achieving the outcomes we desire for these members of our community.

### Self-Determination/Indigenous Mandates

Underpinning all categories of reform within the child and family wellbeing system is the belief that Indigenous self-determination and community mandates govern the child removal intervention as well as the entire holistic array of services that are provided to individuals, family, and community. Without Indigenous self-determination as the basis for reform all intentions to reduce the number of children in care will not be achieved. Indigenous communities must come together and provide clear direction, authority and monitoring of the modern-day child removal intervention and supporting infrastructure that will see families move from resilience to thriving.

# Alignment with our Strategic Plan and Supporting Activities

With this report, NCFST is also simultaneously releasing its Strategic Plan. The Strategic Plan identifies four key *principles* that will guide our actions over the coming years. The *Supporting Activities* detailed in the Strategic Plan align with those of our decolonization work, and are reflected in the Action plan presented here.

#### Principle 1:

#### **SELF-DETERMINATION**

Our work is committed to self-determination. We are committed to freeing ourselves from colonial legislation, where child and family wellbeing will be accepted as a service designed, owned, and governed by Indigenous communities, rooted in Indigenous culture and delivered from an Indigenous worldview.

#### Principle 2:

#### **ALL OUR RELATIONS**

Our work is committed to develop relationships and services that are owned and governed by "All Our Relations" (families, staff, community, and our non-human relatives) and prioritize Indigenous cultural connections.

#### Principle 3:

#### **CHILD-CENTERD**

We are committed to delivering programs and services that center the safety, wellbeing, health, and prosperity of children.

# Principle 4:

#### **COMMUNITY CAPACITY**

We are committed to strengthening the collective through the individual and the individual through collective supporting the success of the community and its individual members through mentorship, innovation, resourcefulness, and strategic alliances for connective healing.

# **ACTION ITEMS**

This September 30th NCFST is announcing the following action initiatives to accelerate our progress towards decolonization. Reform ideas such as the action items listed here, have been formulated by our Quality Assurance and Decolonization leadership and Steering Committee in consultation with NCFST service leadership and the agency Executive. These ideas have been informed by our experience and expertise, staff and community feedback, our review of existing research on child welfare reform and with reference to the agency's evolving Strategic Plan. These ideas have been generated both to prepare our Learning Series Webinars and refined in response to stakeholder feedback that the Learning Series has generated. While reform ideas are continually being generated and revised as conversations take place, we have grouped our initiatives into these action categories:

- 1. Self-determination
- 2. Community Collaboration
- 3. Service Improvement Based on Indigenous World view
- 4. Agency Learning, Accountability and Community Engagement

# Action toward Self-determination

#### Action Item #1

NCFST has used its provincial mandate to take control of child welfare services for Indigenous families from mainstream agencies. In doing so, NCFST has significantly mitigated the harms of mainstream child welfare by bringing Indigenous values and culture into our decision making, providing holistic culture-based prevention services, and bringing children and youth back into the embrace of the Indigenous community. However, winning the mandate was just the beginning of a long journey to self-determination. Colonial systems are not designed to be easily changed. Our journey has not been easy and it is not complete. Ultimately, an Indigenous child welfare mandate must come formally from Indigenous nations and Indigenous governing bodies and pursuant to Indigenous law and authority. Accordingly, NCFST adopts the following over-arching Action:

A provincial child welfare mandate is a colonial mandate. Indigenous people never signed away their inherent right to care for their children.

NCFST will begin discussions with community, partners, Indigenous governing bodies, and the provincial and federal governments to explore replacing our provincial child welfare mandate with an Indigenous one.

#### **Discussion**

The shape of self-determination in child welfare services will be community – determined and may take years to be fully formulated. The critical discussion about the path to self-determination and the form that an Indigenous mandate will take must begin. Interim solutions such as those that are evolving pursuant to Bill-92 may have some staying-power, but ultimately, rights and authorities bestowed on Indigenous communities by federal or provincial statutes remain rooted in colonial legal authority. The drafters of Bill C-92, as discussed above, were unable or unwilling to cede determination of what is in a child's best interests to Indigenous communities and their governments. Indigenous law applies... but not on that crucial point. The goal of Indigenous self-determination in child welfare may lie in building new systems and models independently of colonial statutes, and work to win legal recognition of those systems as constitutionally protected and therefore eligible to be resourced on the basis of the principle of substantive equality, as a right.

In the meantime, NCFST is committed to working through protocols with First Nations and Indigenous governing bodies to apply Indigenous law created by Indigenous governments whether or not those laws are enacted under Bill C-92 or independently of that statute. However, we recognize that, in an urban setting, not all of the community we serve will be covered by those protocols. There are many questions to be addressed regarding how Indigenous authority will work. How will Indigenous self-determination evolve for those who are not connected to a First Nation or other formal Indigenous government? Will our community be subject to a patchwork of different Indigenous rules and expectations depending on First Nations affiliations? Could an Urban Indigenous Charter provide the basis for an Indigenous agency to exercise self-determination in child welfare service delivery? Would such a mechanism be truly rooted in valid Indigenous authority?

Ultimately, the form that Indigenous autonomy in child welfare takes must be decided by community, in consultation with formal Indigenous bodies. While working towards this goal, NCFST will use its current mandate to make bold reforms for families and children to remove practices, rules, standards and tools that are in tension with Indigenous values, culture and world view and, where necessary, replace them with Indigenous practices, Indigenous tools and Indigenous law. Our goal will continue to be to reduce harm, reduce the number of children brought into care and shorten the time children remain in care through practices and reforms that are grounded in Indigenous ways of knowing.

#### Action Item #2

Mainstream legal frameworks impose limits on the time families may need to prepare to resume care of their children. Under Ontario's legislation, final plans for permanency must be in place for children when they have been in state care for a year for children under six and for two years for older children. Understanding the impact of colonialism, genocide and intergenerational trauma on Indigenous people, time limits on family healing when a child is in care will not be supported by NCFST. Subject to endorsement by Indigenous authority, decisions on "permanency" will not involve the termination of parental rights or a child's inherent right to relationship with family.

#### Action Item #3

Child-in-Care reviews (currently conducted by external Ministry review teams) will be performed only by an Indigenous authority with accountability back to Indigenous communities using Indigenous wellbeing perspectives and tools. Within this year, NCFST will notify the Ministry of our intent and initiate engagement with Indigenous governments and Child and Family Wellbeing Service agencies in Ontario to co-develop an Indigenous entity for oversight of children in care and resource homes. Indigenous services need to be accountable to Indigenous authorities.



# **Action to Build Community Collaboration and Service Co-development**

#### Action Item #4

NCFST will continue its collaboration and seek to accelerate our work with other Indigenous Child and Family Wellbeing Services agencies in Ontario to review and revise all tools used in child welfare services to ensure they reflect an Indigenous view of risk evaluation and the best interests of the child. The tools proposed for review will include the Eligibility Spectrum, Safety assessments and Risk Assessment tools, as well as family service plans and children's plans of care. This review will be conducted with reference to the legal framework of Bill C-92, with reference to Indigenous child welfare law where it currently exists, and in collaboration with First Nations leadership and agencies with expertise in delivering culturally appropriate Indigenous services.

#### Action Item #5

NCFST will convene a new community table to focus on the transformation of Indigenous child and family wellbeing services and the integration and coordination of Indigenous support services in the City of Toronto. This table will not be led or owned by NCFST, but will be collectively led and managed by the participants at the table.

#### Action Item #6

With our service partners and community representatives in the GTA, NCFST will propose codevelopment of a coordinated "knock at the door" intake service from referral to initial assessment to ongoing Child and Family Wellbeing services. Topics we will propose for discussion include,

- Development of a statement of rights for community members at the point of first engagement with our Child and Family Wellbeing services (building on our previous work with community to develop our client "bill of rights")
- The validity and appropriateness of the Duty to report requirement for the Indigenous community
- The validity and appropriateness of unannounced visits as a feature of practice in the Indigenous context

# Action to Improve Service Based on an Indigenous World View

#### Action Item #7

A child coming into care is an urgent situation requiring a whole-agency and community urgent response. While a child remains in care, the resources provided to the family and level of engagement with prevention services will be reviewed by the service teams in circle, with management participation, every 90 days. With consent, and at the direction of the family, notifications and consultations will be renewed with the family's affiliated First Nation, Elders and Extended family. Families with children in care will be prioritized for service so that they are never left waiting for needed supports.

#### Action Item #8

NCFST will review the average time a child spends in care and will work with community and partners over the next year to enhance our case conferencing model. While a child remains in care, an integrated case conference including all internal services will take place. With consent, and at the direction of the family, external service providers and the family's First Nation, Elders and Extended family will also be invited to participate.

#### Action Item #9

NCFST will acquire and develop the knowledge, skills and capacity to make facilitating the building of Family Networks for child and youth safety and wellbeing a core focus of the agency's services.

NCFST will ensure that the existence of a sustainable Family Network for child and youth safety and wellbeing is a central consideration in our service eligibility and assessment tools. Families will continue to be eligible to receive services until they have established a well-functioning, sustainable Family Network for child and youth safety and wellbeing.

#### Action Item #10

NCFST will initiate discussions with government and other funders to ensure that kin families who step forward to care for children are resourced to a level equal to the support given to families of children formally admitted to agency care.

# Action to continue and enhance Agency Learning, Accountability and Community Engagement

Our decolonization efforts will not be time limited. They will be endeavors that become permanent features of agency management practice and a culture that promotes continuous improvement. Agency Learning and Accountability are inextricably linked with the agency's relationship with community. The intent here is that engagement with the community will be ongoing. The Community Advisory Circle, initiated in the fall of 2021 will remain as a standing agency advisory circle to be consulted continuously as decolonization reforms evolve. In like manner, the Staff Advisory Group will meet continuously to provide advice and feedback as the work proceeds.

Yet to be initiated, are a monthly Community Drop-in and a table of external professional service partners. The Community Drop-in will provide an opportunity for the broad community to learn about agency services and reform efforts and to provide feedback. External reform advisory tables will provide an opportunity for us to get input from our professional service partners from both Indigenous service agencies and mainstream service providers. More than one table may be needed to facilitate learning opportunities with service partners at both the local and provincial levels.

These advisory bodies will not be consulted in isolation. Instead, the agency will continue to create opportunities for these respective Advisories to hear and respond to each other's ideas.

Since October 2021, NCFST has produced a **Learning Series** of Webinars that explain the array of child welfare, prevention and Holistic Healing services offered by the agency, with a particular focus on their relationship to child welfare services and service recipients. These Webinars will remain available on the agency website for future reference and learning for our various audiences and stakeholders.



#### Action Item #11

NCFST will review its Child and Family Wellbeing accountability, decision-making structures and processes to ensure we have the right checks and balances so that, in every case, services are delivered in a manner consistent with Indigenous law, culture, world view and from an Indigenous perspective on the best interests of the child.

#### Action Item #12

NCFST will initiate Community Sharing Circles, inviting community to sit in circle to begin a conversation about Indigenous child welfare and its appropriate role in the life of our community and to provide input into our continuing journey toward self-determination and reform

#### Action Item #13

NCFST will establish a model of service that provides families and youth with lifetime access to all Holistic Healing programs without multiple or repeat intake procedures (family doctor model). The roles of Holistic Healing and Prevention teams and our Child and Family Wellbeing teams will be reviewed to determine the most appropriate allocation of responsibilities. In particular, this review will enquire into whether tasks and authorities associated with case management and service planning currently allocated to Child and Family Wellbeing could be re-allocated to Prevention and Healing services in a new model of Integration.

#### Action Item #14

NCFST will begin the work of collecting Service Experience Data, gathering stories from community members who engage with our services, to inform our efforts to build services that are connected with culture and support service recipients on their paths to healing.

#### Action Item #15

NCFST will begin the work of collecting Service Outcome Data to inform our annual report back to community, with special focus on gathering outcome data regarding the wellbeing of our children and youth in long term care.

#### Action Item #16

NCFST will conduct a Caseload Review to identify workload thresholds that support workers to deliver optimal service to community members (Generic Model)

Finally, the agency will organize and support the ongoing consultations and develop an **Action Plan** for realizing the reform initiatives eventually adopted by the agency Board and Executive. The work of collecting and interpreting the data needed to inform new initiatives will need to be planned. The Quality Assurance and Decolonization Department has collected data questions from the agency's senior staff. These data questions can be used to identify what questions it will be important for us to answer as we prepare to take concrete steps on our decolonization journey. It will be particularly important to develop a plan for collecting data about the experiences of families and youth after they have engaged with our services to inform our goal to ensure that Child and Family Wellbeing involvement is felt as a positive contribution to families and youth on their healing journeys.

# CONCLUSION

It was stated at the outset of this report, but it bears repeating here at the conclusion. Child removal has been the weapon of choice in colonial systems of assimilation and genocide from residential schools to contemporary child welfare. We therefore realize that as an intervention to ensure a child's safety, child removal must be the focus of reform for an Indigenous agency whose primary responsibility is the safety and wellbeing of children.

As also noted, we have considered the proposition that "decolonization" of child welfare is not possible; that child welfare is inherently colonial as long as it contemplates child protection by way of child removal for any reason, regardless of how rare that intervention may be. However, Indigenous people have had structure and governance in place for as long as there have been communities. Governance in some contexts could be a clan system or other style of leadership (councils, grandmothers, etc.) that support community safety and wellbeing. Structure, leadership, and community standards for behaviour are not inherently colonial. As it is for child welfare, there is no current system of Indigenous government that is not entwined with colonial systems and legal frameworks. Further, there is no formal, legitimized system of Indigenous governance in the urban context. Urban Indigenous agencies are therefore all susceptible to questions of legitimacy. Do Indigenous agencies exercising provincial mandates have the consent of their communities? If an agency has community members coming to it for service, is there implied consent? Does that legitimize an agency? These are the questions that make it imperative that the community turn itself to tackling the problem of mandate, and legitimate Indigenous authority.

Going back to traditional (pre-contact?) Systems of Indigenous governance, why do communities choose to be governed? Why do individuals agree to live codes of conduct, shared values and leadership that guides communities in their growth, development, and decision-making? We propose that much of why we gather in community comes down to safety for the most vulnerable members of a society, which in large part are children. Indigenous people share a common view that decisions must be weighed out carefully for impact on today's generation and then seven generations to come. That cornerstone teaching is about the wellbeing of the child and by extension the family and community that are responsible for raising the child to adulthood. For communities to thrive, children need to be raised in ways that equip them with the knowledge and skills needed to survive in the physical context (hunting skills, gathering skills, bush craft etc.) and equip them with the relational skills to work co-operatively in community, to ready and willing to contribute their strengths and gifts to the community as a whole. They need to be provided examples, to be taught how to be in healthy intimate relationships and ultimately be able to ready to raise the next generation of children in safety and with the capacity to thrive.

We daresay that throughout history, there have been times when it was recognized by Indigenous communities that individual families were not doing well, that particular parents were not able to raise children that could become the healthy adults the community needed to thrive. In a healthy and robust, thriving community, free from outside influence, extended family could care for these children in formal and informal ways as well as for children orphaned or outright abandoned. The

reality is our urban lives as Indigenous people are entwined with mainstream society, capitalism, and government structures that continue to be imposed upon Indigenous communities. Add to that the legacy of genocide and the very real statistics that demonstrate in equal parts the enormous resiliency of Indigenous people, and also the terrible effects of generations of people marginalized, institutionalized, discriminated against, and we can see that in spite of resiliency, many of us are not thriving.

A system for intervening to protect vulnerable children is not inherently colonial; however the current child welfare system has been weaponized against Indigenous peoples. Community needs to heal from their individual and collective experiences with the system, and then engage in work together to create a system grounded in Indigenous values that emphasize child and family safety and validate decisions in more traditional ways (clans, grandmothers, elders.) Between "here" and "there", the opportunity to move the needle towards more holistic decision-making can happen: first to do better at listening to family and their voice when it comes to decisions and their experiences of our service and recognize that there is a pronounced power-imbalance between the child, the family, and the agency. As an agency our responsibility is clear: uphold community safety, think seven generations ahead and focus our attention on child safety and quickly finding a path to wellbeing. If a child is not safe, we have a responsibility to remove them to a place of safety. This responsibility is not because we decided to ask the colonial government for the power of a mandate. It's a responsibility that we have as human beings, intent on building a world that sees Indigenous people thriving, to ensure that no child is left behind. We say "Every Child Matters", and if we are aligning our actions with those powerful words then we know there is a collective responsibility to protect children from harm.

There is the potential harm that could be caused to a child by their caregivers and conditions in is caused by a life in care, removed from family, identity and culture. That's our work – not just of NCFST but of all Indigenous service agencies smoothing the edges, using prevention based tools where we can, using protection based tools when called for, focusing on family healing and having children placed with kith or kin whenever possible, for the shortest time possible. And we need to be honest and recognize that not every parent will be "successful" on their healing journey. Not every parent even wants to heal or wants to be a parent. In short, there will always be a need for alternative caregivers. If Kokums and grandmothers are empowered by community to take a drum or a bundle item back from a member who isn't caring for the item with the appropriate level of respect for the spirit of the item, would we not seek to have them empowered to protect our children in the same way?

Recognizing these truths motivates us, indeed obliges us, to focus on the power of what a modern Indigenous system could look like; what children need to thrive, and how to bring this to fruition in the complex landscape of the Greater Toronto Area, where we have diverse Indigenous nations, with differing views on clans, governance, and leadership and where we have community members who are in different places on the spectrum of surviving to thriving. It will take years for issues of governance and Indigenous authority to be settled. In the meantime, we call on our community to act together to reduce the need for children to come into care, to shorten the time children need to stay in care and to bring our grandmothers into the center of our work.

# **APPENDIX A**

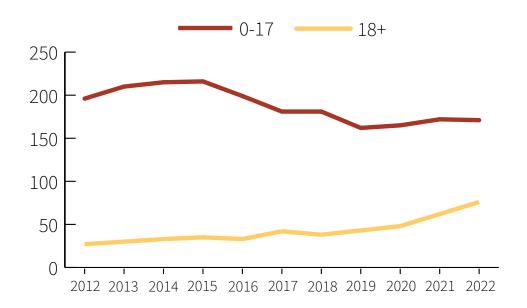
### **SERVICE DATA REPORT**

# **Child and Family Wellbeing Service Data**

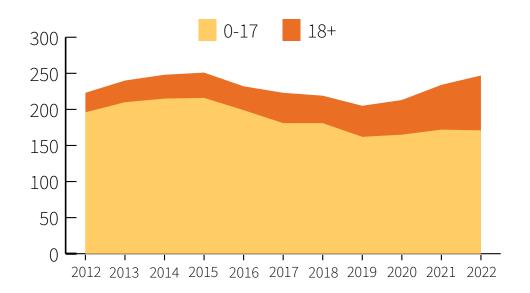
#### (SERVICE DATA FOR THE PERIOD APRIL 1, 2021 - MARCH 31, 2022)

- 302 Investigations completed
  - o 86 Investigations transferred to ongoing protection
  - o 26 cases transferred to ongoing protection from other agencies
- 157 Ongoing cases open as of March 31, 2022
  - o 113 Protection cases opened during the year
  - o 122 Protection cases closed during the year
- 247 Children and Youth in Care (Includes CCSY) as of March 31, 2022
  - o 88 Youth with CCSY and VYS Aggreements
  - o 77 Children admited to care during the year
  - o 64 Children discharged from care during the year
- 50 Children with customary care agreements in place as of March 31, 2022
- 51 Children in kinship service (out of care) placement as of March 31, 2022

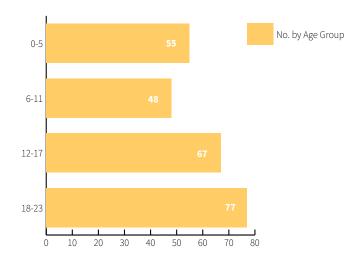
# **Children in Care Ten Year Chart**



### **Children and Youth in Care**

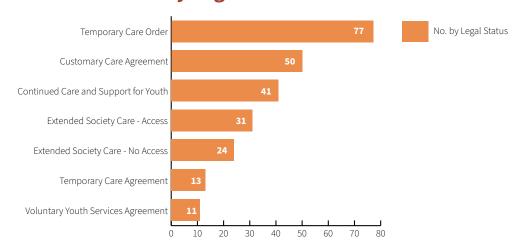


# **Children in Care by Age**



Note: The number of children 'in-care' includes 88 youth served through CCSY and VYS Agreements (36%)

# **Children in Care by Legal Status**



Continued Care & Support for Youth; Customary Care Agreement, Temporary Care Order; Extended Society Care With Access; Extend Society Care No Access; Temporary Care Agreement; Voluntary Services Agreement;

## **10 Answers Community Should Know**

#### 10 Answers Every Child Welfare Agency Should Provide

Fallon, Trocmé, Black, Chan & Sawh

The mandate of every child welfare agency in Ontario is to ensure the safety and protection of children, to promote child well-being and to improve family functioning. Each day, child welfare workers assess any concerns expressed by professionals or non-professionals about the safety or well-being of children, provide in-home services to children and their families and in very rare cases will place children in out of home care.

The following descriptions of the services we provide are based on information that is readily available, non-identifying and is aggregate client data. These numbers are intended for use by child welfare managers and policy-makers to inform decisions about programming and policy development and also to provide basic information on a regular basis about our work in the community.

**Agency:** Toronto Native

1. How many children are in our community?

There are just under 5,000 children 15 years of age and under in the Toronto Native Catchment area. (Include 16 & 17 years olds post Bill 89.)

The median household income is \$58,264, and 48% are lone parents.
These numbers were based on Census 2016

4. Why do families return to

investigation file has been

Families who return to our agency

after receiving investigations return

cases and for a more chronic need in

for an urgent need in only 4.1% of

our agency after their

closed?

15.5% of cases.

2. What proportion of children from our community do we assess each year?

Each year, about 6.1% of children come to the attention of our agency for a concern about their well-being or safety that needs to be assessed.

3. How many families are assessed for a concern each year?

Each year, approximately 161 families are assessed for a concern about their children.

7. How many children do we

Our agency places approximately 40

children each year in out-of-home care. This number represents 8% of

all children we assess and less than

1% of the child population of

Toronto Native.

place in out of home care?

8. How long do these children remain in the care of our

Within 36 months, 86% of children in our care have been discharged from care.

5. How many families after assessment are provided with ongoing child welfare services each year?

About 143 families (or 5.4% of the Toronto Native child population) are provided with ongoing services after assessment each year.

9. What is the average number of days that children spend in out-of-home care?

The average number of days that children spend in our care is 234.

6. How many families return to our agency after receiving ongoing child welfare services?

After receiving ongoing services from Toronto Native, 20% of the families return to our agency within 12 months.

10. Do the children in care stay in the same placement during their time in care?

About 70% of children stay in the same placement for the duration of their care. 22% of children move once. 5% of children move twice. 3% of children move three or more times.

# **Publicly Reported Performance Indicators**

Indicator			at Time Period								
			2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	
PI 4: Recurrence of Protection Concerns in a Family after an Investigation		%	23.4%	19.9%	23.7%	19.4%	25.6%	25.3%	14.6%	24.3%	
PI 5: Recurrence of Protection Concerns in a Family after Ongoing Protection Services were Provided		%	11.1%	24.0%	21.5%	19.0%	16.0%	15.5%	21.1%	22.3%	
PI 9: Days of Care by Placement	Family based care	%	76.9%	77.3%	77.4%	83.2%	88.4%	87.2%	81.5%	85.2%	
Туре	Group care	%	15.0%	14.5%	14.1%	11.8%	7.7%	5.8%	5.0%	7.4%	
	All other days of care	%	8.1%	8.2%	8.5%	5.1%	4.0%	7.0%	13.5%	7.2%	
PI 10: Time to Discharge	Within 12 months	%	50.0%	53.6%	53.4%	44.6%	56.3%	64.3%	59.0%	71.7%	
	Within 24 months	%	71.2%	63.7%	62.7%	70.7%	67.8%	76.7%	74.2%	81.1%	
	Within 36 months	%	79.7%	72.4%	74.4%	83.0%	78.1%	83.5%	84.8%	83.5%	
PI 15: Quality of the Caregiver-	10-15	Mean	5.6	7.1	6.6	6.8	6.7	6.7	6.9	7.5	
Youth Relationship for Children in Care	16-17	Mean	n/a	6.0	6.0	5.5	5.5	5.5	7.4	5.6	



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