



House of Commons
CANADA

Standing Committee on Aboriginal Affairs and Northern Development

AANO • NUMBER 013 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Monday, June 19, 2006

—
Chair

Mr. Colin Mayes

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Aboriginal Affairs and Northern Development

Monday, June 19, 2006

• (1535)

[English]

The Chair (Mr. Colin Mayes (Okanagan—Shuswap, CPC)): I open this meeting of Monday, June 19, 2006, of the Standing Committee on Aboriginal Affairs and Northern Development.

Committee members, you have the orders of the day in front of you. We have today some witnesses. The first witness we'll hear, between 3:30 and 4:30, will be the First Nations Child and Family Caring Society of Canada. We have with us Cindy Blackstock, who is the executive director, and Rachel Levasseur, who is a summer student. Welcome to the committee.

We will have a presentation, and then we'll have an opportunity to ask questions.

You can commence your presentation.

Ms. Cindy Blackstock (Executive Director, First Nations Child and Family Caring Society of Canada): Thank you, Chair, and thank you, honourable committee members, for taking this time to learn about a great opportunity that's before us as Canadians—that is, to make a difference for this generation of first nations children and young people.

I understand that when Canada comes before an issue, it really wants to know if the problem is well defined. It wants to know if there's an evidence base around it. What are the solutions or options, and have they been well researched? Do we have the resources and the jurisdiction necessary to redress it? The answer in this particular case to all those questions is yes.

We have before us an opportunity to respond well to the needs of first nations children, based on an evidence package of well over 500 pages, done by some of the best researchers in the country. You might ask, how does this relate to education? Well, bilingual and holistic education, in the best of all worlds, needs to go beyond the great honour that we have for French and English in this country. It needs to honour on equal footing traditional ways of knowing, alongside of academic teaching. It also needs to look at the child, himself or herself, who is attending school.

Many of you may be aware that academic success for children is quite highly tied into their own sense of personal well-being and care. It makes sense, doesn't it? If the child is well cared for at home, he or she is going to be able to pay much more attention at school and profit by the type of learning that is before him or her.

We know, for example, in regard to children who are in the care of the child welfare system, not only fewer of them graduate, which is

true, but even when they attend school, according to a study done by the Casey Foundation of the United States, they perform at about 15 to 20 percentiles less than their peers.

The other issue is that they'll have higher rates of absenteeism. Why, might you ask, would this be the case? Children in care typically will not only just experience one placement, the trauma of having gone through the child maltreatment and being placed once; it's not unusual for children in care to have upwards of 10 to 15 different placements during the time they're in child welfare care. So that type of mobility really infringes on their ability to stay in care.

Now why would a committee such as yours give any consideration at all to children in child welfare care? How much of a percentage do they make, the children that you're particularly concerned about? Well, according to a study that we completed last year, aboriginal children have long been known to be over-represented in the child welfare system of this country. But our data systems did not tell us specifically by what amount those children were overrepresented. We thought baseline projections of about 30% of the 67,000 children in child welfare care were aboriginal.

What we found last year, out of sources of four sample provinces, is that 10.23% of first nations status Indian children were in child welfare care in those four provinces, compared to just over 0.5% of non-aboriginal children.

You may ask about Métis children. They too were over-represented, at about 3.31% of all Métis children in those constituencies.

So we're not just talking about a small number; we're talking about over 10% of the population of status Indian children in four sample provinces being in child welfare care as of May 2005. That number is higher than the number of children in care at any other time of our history in this country, three times the number that were attending residential schools at the height of their operations in the 1940s.

According to John S. Milloy, the historian, in the 1960s, which we now look back and call the "sixties scoop" because of the mass removals of first nations children into child welfare care, 10% were in care as of then. We're now at 10.23%. So on any measure, there are more status Indian children in child welfare care right at this moment.

Why are these kids in care? That was a question we were unable to answer until 1998. But with two cycles of *The Canadian Incidence Study of Reported Child Abuse and Neglect*, we can now report to the committee that first nations children are less likely to be in child welfare care for sexual, physical, or emotional abuse than their non-aboriginal peers. They are more than twice as likely to be in care because of neglect.

Neglect can mean many things. For aboriginal children, what we found were the key factors were not at the level of the child, but rather, family poverty, the family's poor housing, and parental substance misuse were the key issues.

• (1540)

All these, according to Dr. Nico Trocmé and his researchers, really demand child welfare interventions of a preventative nature, which brings us to the question of what Canada can do.

You see, for child welfare services on reserve, the provinces have legal jurisdiction. But with the exception of Ontario, which is funded under a separate funding agreement, Indian and Northern Affairs Canada provides funding for the child welfare services. There's no link between the provincial statute and the level of funding that's provided by the department, and that has given rise to a number of concerns.

The current funding methodology provides money in two large envelopes. The first envelope is unlimited, and it's called "maintenance". There is an unlimited amount of funding to bring first nations children into child welfare care and to put them in foster homes. The next batch of funding is called "operations", and it is for taking care of all the operating mechanisms of the agency. But it's also for funding these preventative services, which are legally required by child welfare statutes to be exhausted before we consider removal.

In a review done in 2000 jointly by the Assembly of First Nations and Indian and Northern Affairs Canada, it was found, even as of 2000, that there was 22% less funding in the federal envelope than there was for children being served by the average province, despite the overrepresentation of status Indian children.

There were 17 recommendations tabled in that report, authored by McDonald and Ladd, and none of those recommendations, which I would argue specifically impact the well-being of children, including providing enhanced funding for prevention services, were ever implemented.

In 2004 we were asked, as the First Nations Child and Family Caring Society, to undertake a large multidisciplinary research report, which we did, which was called the *Wen:de* series of reports, which you have before you in both official languages. The key in these research reports is that we were able to determine, using an evidence base, that the level of underfunding by the federal government in the current child welfare area is \$109 million per year. And where is that critical gap? It's in services intended to keep status Indian children safely in their homes, a statutory range of services known as "least disruptive measures".

The other shortcoming is for inflation. There has not been an inflation adjustment since 1995, resulting in the very limited funds that are currently available falling further and further behind. As we

show in the *Wen:de* series of reports and in all the economic charts we have there, that means that really, there is a shortfall of a minimum of \$21 million on inflation losses alone.

The other thing we came up with was jurisdictional disputes. And in terms of dealing with those, we found that first nations children fall into the gaps between jurisdictions many times, and I'm just going to share with you one example.

There was a young boy by the name of Jordan, and Jordan was born in Manitoba to a first nations family. His family placed him in child welfare care, not because he was abused or neglected, but because on reserve there weren't sufficient services for children with disabilities. The only way to get services was to place him in child welfare care. For the first two years of his life, he remained, necessarily, in hospital, until his medical condition stabilized. But the community and the family fundraised \$30,000 to refit a van so he could go to his appointments and visit family, and they also found a medically trained foster family. So after the doctor said he could go home, there was an approved plan, and he was to be cared for in his community.

If he had not been a status Indian, on his second birthday or shortly after the doctor had said he could go home, he would have gone home. But because he was a status Indian, the province said they would not fund it, that it was a federal responsibility. And Indian and Northern Affairs said that these were health issues, so Health Canada should fund it. Health Canada said no, the child is in care, so Indian and Northern Affairs should fund it.

The end result was that the collective bureaucracies decided to leave Jordan in hospital, at twice the expense it would have been to keep him at home, not for one month, not even one year, but for two years, while they argued over itemized expenses for Jordan. It wasn't until legal proceedings reached a point where the Government of Canada decided it would put Jordan's interests first that the issue was resolved, but not in time, sadly, for Jordan and his family. Jordan passed away in hospital, never having spent a day in a family home, unnecessarily.

And in our study in the *Wen:de* reports, 393 of these incidents had happened in 12 sample first nations agencies across the country.

• (1545)

We were diligent and we asked if first nations were responsible for these jurisdictional disputes, because we wanted to know who was. Our bottom line is making sure these children get what they need. In well over 90% of the instances, it was federal or provincial governments alone.

We asked for the adoption, with the support of Jordan's family, through something called "Jordan's Principle". It's very simple. Where governments provide services that are otherwise available to Canadian children, and a jurisdictional dispute arises, the government of first contact must pay for the service without delay or disruption, and then they can figure out the jurisdictional dispute later. If that had been adopted, then Jordan would have gone home on his second birthday.

Keep in mind that some people have said there's no authority for this. Well, someone has authority. Some level of government must have authority for these services, because they are otherwise being provided to other Canadian children. We're simply saying include first nations children in that suggestion.

We have been at this work—and by we, I mean collectively as first nations agencies in Canada—of trying to get the evidence base and get the support necessary to deal with this inequality for well over ten years now. We feel very confident that we have a solution here that could make a fundamental shift in the number of first nations children in child welfare and therefore really help them in their social success, including in education. It will take political will.

We have costed this out as a package, and it would cost less than 1% of the entire federal surplus budget to do the right thing for these kids. Going forward, the cost savings to Canadian society would be significant. Not only would we have fewer draws in terms of the maintenance budget for the Department of Indian Affairs, in that the cost of keeping children in care would go down over time, but we'd also see savings in the justice system, where children in child welfare care are much more likely to be. We'd see savings in social assistance and those types of things.

I am going to ask that this committee request of the Department of Indian Affairs, the Honourable Minister Jim Prentice, to immediately and fully implement the recommendations of the Wen:de report, including the \$109 million needed in full. The \$109 million represents the base amount that would ensure first nations children on reserve get equitable child welfare treatment. Anything less than that would mean they would continue to receive second-class service. Without it, we can only expect that the numbers of status Indian children will continue to rise.

When this generation looks back at us, let them say of all of us that we had a solution, we had the opportunity to make a difference, and we did. It's what we would have hoped to have done with the children in residential schools, and it's the opportunity we have before us right now.

Thank you, Honourable Chair.

• (1550)

The Chair: Thank you, Ms. Blackstock.

We'll start the questioning on the Liberal side first, for seven minutes.

Madam Keeper, go ahead, please.

Ms. Tina Keeper (Churchill, Lib.): Thank you very much.

Thank you for your presentation.

I am a bit familiar with Jordan's story. I am the member of Parliament for the Churchill riding in Manitoba. I've worked with many people on these issues and in particular on the issue you've talked about, the number of children who are in care with complex medical needs.

I wonder if you could elaborate a little on that. You had mentioned that 393 children were in this situation. I don't know what period of time you're talking about. Maybe you could talk more about the

period of time and elaborate a bit more on what these situations entail. Perhaps you could clarify that.

Thank you.

Ms. Cindy Blackstock: For the report, we asked first nations agencies to report on jurisdictional disputes that had happened within the last calendar year, between May 2004 and May 2005. It's also important to understand that was in 12 sample first nation agencies. There are over 115 in this country, so you can imagine that if we did a sample of the large collective of agencies, the situation would get far worse.

We also asked which parties were involved. I've already implied that those were primarily federal and provincial governments, but how much time do first nation social workers spend trying to mediate these disputes? What we found is that on average they're taking 54.25 hours per dispute to try to sort it out, to get the child's needs met. In terms of what those children's needs are, in the vast majority of cases they're simple things that are otherwise available to Canadian children. Simply put, with status Indian children there's an opportunity for one department to say they don't have to pay for it and that another department can pay for it; and doing that takes priority over that child's needs.

Ms. Tina Keeper: So in Jordan's case, then, it was the fact that he was under provincial care and the province would meet his needs if he stayed in the hospital. Is that right?

Ms. Cindy Blackstock: In Jordan's situation, had he been non-status, he would have gone home at his second birthday and the province would have picked up the tab.

Ms. Tina Keeper: But off reserve, right? That's the issue? Right? We're talking about off reserve and on reserve?

Ms. Cindy Blackstock: Right, off reserve and on reserve.

And because he was resident on reserve and because he was in child welfare care, that's where the piece stepped in where this started to really be a buck being passed between the respective levels of government.

Ms. Tina Keeper: I want to highlight that you said there are 393 children in these types of complex medical needs situations, which are jurisdictional battles to meet their best interests. And this was just 12 agencies and this was just one fiscal year.

We know that this issue has been going on for the last two decades at least, right?

Ms. Cindy Blackstock: That's right.

And also an important note is that in that 2000 report there was a recommendation to resolve those types of disputes and it was never implemented. Had it been implemented, Jordan would never have found himself in this situation.

Ms. Tina Keeper: Right.

And in terms of the jurisdictional issues, I know that in Manitoba they are currently undergoing a process to have first nations and the Métis nation administer their own child welfare, but as you've stated, it comes under provincial law still.

One of the problems that's happened there as well has been that there is not a mechanism in place to pick up their deficit as there was for child welfare under provincial jurisdiction. So could you maybe talk a little bit about that kind of impact as well and whether you've seen that across the country?

Ms. Cindy Blackstock: Yes, it's a large concern, and I'm just going to lay out a little bit more landscape for people.

Off reserve, in general, child welfare services to aboriginal children are delivered by the provinces in most cases. There is some development of aboriginal services for child welfare off reserve but they're mostly limited to urban centres.

We have Native Child and Family Services of Toronto. We also have one in Vancouver and one in Victoria, and Mi'kmaq Family and Children's Services of Nova Scotia, but now there is this new innovative model in Manitoba that holds a lot of promise.

But the issue—

• (1555)

Ms. Tina Keeper: But Treasury Board is not going to pick up their deficit, as has been done in the past.

Ms. Cindy Blackstock: That's right.

And the other piece is that our data from Dr. Nico Trocmé show that first nations children are in far greater need of child welfare services than non-aboriginal children. In fact, they're overrepresented by a factor of two at every stage of the assessment process, so right from the report, to substantiating reports, to going into child welfare care.

He would argue that if you're a province and you're going to transfer the program to an aboriginal community, transferring the existing envelope is insufficient because these are all high-needs children. What you need to do is take into account their higher needs, augment that envelope, and build in the safety nets that government already has available to itself.

We've done that a bit in the *Wen:de* report where we've asked for national pools to be established so that agencies do have some relief from unexpected costs. But that has been a real problem across the country, ensuring that when aboriginal communities take control over child welfare there are actually adequate and flexible enough resources to help them do a good job of what they want to do.

Ms. Tina Keeper: Do I have any more time?

The Chair: We're at six minutes, so one minute.

Ms. Tina Keeper: I want to ask one more question and that would be around culturally appropriate service delivery. You talked about the challenges in terms of the insufficient funding, but then we're also talking about the culturally specific service delivery that is required and the kind of development that is needed for this. Could you talk about what you saw in terms of your study on that?

Ms. Cindy Blackstock: One of the key pieces we saw is that many first nations agencies would like to enact their own traditional laws in keeping with child welfare, and many are actually beginning that particular road. The value system underpinning child welfare law as a provincial entity really is informed by a British and French value base. It's also informed by the social conditions confronting

most non-aboriginal children, which are very different from those informing aboriginal children.

With culturally based services, it requires a culturally based and framed law that supports the assumptions of that distinct community, and from there, standards and policies and programs that are culturally consistent. What we found in the *Wen:de* report is that most first nations agencies said that on the current level of inequitable funding, they were not doing the type of job they wanted to do on culturally based services. They said it's not enough just to have first nations folks deliver the service; they want to do more that's in keeping with their communities. One of the founding things about first nations culture is to build up families to support the child in his or her environment, and this formula goes right to the other side.

Off reserve, as you probably well know in your area, many social workers.... I did child protection at a line level for 13 years, and I never received any training on how to work with aboriginal people. Many child protection workers receive maybe half a day to one day. In many universities in this country it's possible to graduate with a bachelor of social work degree never having taken a course in child welfare or a course on aboriginal peoples.

So we must work diligently with the aboriginal communities on and off reserve to ensure culturally based services, because they have the best impact for kids.

The Chair: Thank you.

We move to the Bloc, Mr. Lévesque.

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chairman.

Welcome, Ms. Blackstock. Thank you for joining us here.

Early on in your testimony, you mentioned a study involving several thousand children. You stated that 30% of all children in care were aboriginal and that over 10% of aboriginal children were placed in care. You also stated that some of these children were placed in as many as 10 to 15 different foster homes and that as a result, their intellectual abilities were somewhat affected.

You cited the example of a Manitoba youth who was forced to go on social assistance in order to get treatment. You also said that you would like to control overall health care for First Nations, both on and off reserves.

I have two very important questions for you. First of all, is there some way for you to control the number of First Nation members and Inuit who live off reserves? Secondly, how does the First Nations child and family services funding formula compare to the funding formula for education on reserves?

•(1600)

[English]

Ms. Cindy Blackstock: Just to clarify, the number at the beginning was from four sample provinces, comparing what proportion of children were in child welfare care by cultural group. So what we were able to find out is that 0.67% of non-aboriginal children in those four sample provinces were in child welfare care as of May 2005, compared to 10.23% of status Indian children.

With respect to the data, you raise a very important question. In fact, that's something we wanted to find out with first nations child welfare agencies—what data they collect and what their capability is to collect data—because it's so important in informing progressive policy changes and good practice.

Well, the formula was developed in 1989, before many computer systems were used; therefore, it has no money in the formula for any computer hardware or software. Thus we have many first nations agencies on reserve still using pen and paper as their administrative systems.

Off reserve we have provinces collecting data on children in child welfare care in very different ways. Some provinces are very good at collecting disaggregated data on and off reserve—first nations, Métis, Inuit. Others don't collect that data at all. So we can't answer some of the most fundamental questions in child welfare today, questions such as how many children are in child welfare care? We cannot give you a national figure for that, but it's something we're recommending in Wen:de. We said there needs to be a national data centre. Surely, if the state has the power to remove children from our home, we also have an equal and probably heightened responsibility to ensure that we know what's happening for these children and that we're doing the best possible job to do it. And we can only do that with national data collection systems.

[Translation]

Mr. Yvon Lévesque: Do you have a clear idea of the number of families that live off reserves? I believe you provide services to these families as well.

In point of fact, you're seeking funding for families both on and off reserve. Do you have some way of knowing how many children live on reserves and how many live off reserves? This would give you some idea of service requirements, since you are requesting funding for services.

[English]

Ms. Cindy Blackstock: The \$109 million would apply to children on reserve only. Unfortunately, we do not have good data in all regions on the level of funding that is necessary and on how it should be distributed for child welfare services off reserve at this particular point in time.

In terms of the numbers, we can only go by the same data that you have access to as a committee, which is the census data. AFN would suggest that about 60% of all first nations people live on reserve and about 40% are off reserve at the current moment.

We are working with the provinces to try to get a better identification of the numbers of first nations children off reserve, as well as to help them work through how to appropriately fund

culturally based services for children off reserve, but those are in the beginning stages.

The Chair: Thank you.

Madam Crowder.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you, Ms. Blackstock, for coming before us.

There are a couple of things I wanted to talk to you about.

I didn't bring both reports, but in "We are Coming to the Light of Day" there was an impact statement in the report that talked about the cost of doing nothing. It says:

The analyst has estimated the intergenerational effects of child abuse on the criminal justice system and other social services at roughly \$511,500 per child.

If I understand this, the cost of not providing adequate support to children and their families means that in the longer run it's going to cost the educational system, the criminal justice system, the social services system, and probably the health care system over half a million dollars. Do I understand that correctly?

Ms. Cindy Blackstock: You understand it correctly.

There was actually a great study done by Bowlus and McKenna on the costs of child maltreatment to the Canadian taxpayer, which suggests the immediate costs of the child maltreatment, as well as the costs due to things like over-involvement in justice and poor educational outcomes, etc., is \$16 billion per year.

The World Health Organization suggests that if you invest \$1 for child welfare services now, it will pay off \$7 in savings to the taxpayer over the term of that child's life. It really does make good economic and moral sense to invest now in these kids.

•(1605)

Ms. Jean Crowder: We tend to resort to measuring everything in dollars and cents. Is the actual economic spinoff of having a child grow up into an economically productive person included in this? I don't know if that's factored in.

Ms. Cindy Blackstock: No, we weren't able to get into those things in this study.

I think the savings would be astronomical if we really looked at it in those terms, especially when we know that aboriginal young people are the fastest-growing segment of the population. If we were to collectively as a society really prioritize to ensure they grow up with the optimal kinds of conditions that other Canadian children enjoy, then we would have a generation of young adults and leaders of tomorrow. They will be well positioned to make economic and social gains for all Canadians.

Ms. Jean Crowder: I want to touch briefly on the Hughes report from British Columbia. I'm sure you're familiar with it. For committee members, the Hughes report was in response to a young aboriginal child who was killed.

I think Mr. Hughes' recommendations are in sync with many of the things you're talking about in terms of consultation, cultural appropriateness, the ongoing engagement of communities, and providing adequate support to children and their families, ongoing support to the foster parents, and ongoing support to social workers who are dealing with that.

Are there things about the Hughes report that are different from what you're recommending?

Ms. Cindy Blackstock: No. There is a lot of cohesiveness in that report.

One of the things that's important to understand though is that the Province of British Columbia, in that particular instance, said they're going to make an investment in aboriginal children in the child welfare system, which is something that's very welcome, of course.

But it would not have made a difference to Sherry Charlie, because she was one of those children who were on reserve. Without adopting Jordan's principle, and without saying that her needs come first and we'll work out who pays later on, she would not have benefited from those services.

Ms. Jean Crowder: The jurisdictional issue still needs to be sorted out.

Ms. Cindy Blackstock: Exactly.

Ms. Jean Crowder: You're probably well aware that Grand Chief Edward John has worked long and hard on the devolution of children and family services to first nations communities, but also recognizing that the supports have not always been in place to support that devolution.

I want to come back to funding for a second. Many of the communities that could benefit are rural and remote, whether they're on or off reserve. My understanding is that in many cases funding is allocated on a per capita basis, which does not take into account the circumstances in more remote communities.

Although I live on the east coast of Vancouver Island, many of the communities there do not have access to transportation and other mechanisms that allow them to take advantage of services. So they need additional funding beyond the per capita. I wonder if you could comment on that.

Ms. Cindy Blackstock: Yes, it's an important point. There is a remoteness adjustment in the current formula, but we're recommending that be changed somewhat. The part that is population-sensitive is the operations portion, which funds prevention services.

So if you happen to be in a small community, your envelope for prevention services is almost nil. It's on the basis of exceeding population thresholds of 251 status Indian children, then 501, 801, and 1,001. In our research we wanted to find out what was the logic, the evidence base supporting these different population thresholds. We were unable to identify any documents that provided the evidence base for those thresholds.

What we had recommended with our economic team, and after consulting with first nations agencies, was let's pick thresholds of 25 children. That was more in line with the Child Welfare League of America's recommended caseload, and it would round out this edge. So instead of being like this in terms of levels of prevention funding,

there would be more of a curve, and it would augment the capacity of small communities to provide levels of support.

In addition, we set up what's called an extraordinary circumstances fund, because remote communities with less access to services, in particular, will find themselves in extraordinary circumstances that the current funding envelope does not provide for. We're allowing them to appeal to this extraordinary circumstances fund to get the cost relief to make sure that those children in remote communities don't get less because things cost more or are less available.

• (1610)

The Chair: Thank you.

We move to the government side. Who would like to ask a question?

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thank you for appearing here today.

I noticed on page 4 of the report we received today, *The Struggle for Equal Rights for First Nations Children in Child Welfare*, that you have a strong section there about the Indian Act. I think all of us are certainly aware that this act has been around for a long time and needs major change, or to be completely removed.

For my purposes of learning, I would be interested in how you would proceed in eliminating some of these discriminatory principles that certainly apply here. So I'd like some input from you on that. How you would proceed with it?

Ms. Cindy Blackstock: With regard to Indian status, I think there has been a reluctance to move on that, because the question has been: if Canada lets go of its criteria for who's an Indian and who's not, will that mean there will be an erosion of aboriginal rights and title? Will that mean a lot of non-aboriginal people will suddenly be lining up to be Indians?

Those same types of circumstances were before the people's governments of Australia and New Zealand. Many years ago, they found a solution that works quite well, which is that they respect self-identification as one of the criteria for classifying whether you're indigenous or not.

The criteria are twofold: do you consider yourself as being indigenous, and does your community recognize you as being one of the community members? It's that simple. It has not eroded aboriginal rights and title in those jurisdictions. It has also provided people with the elemental dignity of being able to define their own culture and race.

To me, it is just one of the fundamental freedoms that children should have. Government needs to move away from feeling the need to hand out these status cards, or to say to some children, you know what? From our point of view, you're a non-status Indian child.

It's not the type of messaging we should be putting out in 2006.

Mr. Harold Albrecht: I'm wondering, Mr. Chair, has any type of survey or read been done in part of the aboriginal community to get their input on those kinds of changes? I'd be interested to hear that.

Ms. Cindy Blackstock: That would be a better question to ask groups like the Assembly of First Nations. I know that there has been a study on what if you hold onto the status quo. So what if we don't change anything? I'm a status Indian. I have sufficient blood quantum to be status. That's the reality: you need to be able to prove that you have blood quantum. My sister is also status, but she married a non-aboriginal man, so her sons are non-status Indians. The Native Women's Association has said that if Canada persists with this definition, there will be no status Indians left over a period of time. To me, that is really one of the big repercussions we have ahead of us. We really need to move to something different if we're really going to respect aboriginal rights and title. In the very first instance, that means self-identification.

Mr. Harold Albrecht: On page 6 as well, you mention that there is a 22% lack of funding as it relates to most provinces spend this much and all of Canada spends 22% less than that. Am I understanding that correctly?

Ms. Cindy Blackstock: That's correct in terms of the average province, and the more specific figure is really the \$109 million shortfall. That's dated as of 2005, and it's fully supported by all economic evidence, as well as research evidence, for each one of the figures. That's contained in the *Wen:de* report.

The Chair: Thank you.

Mr. Blaney.

[Translation]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you for meeting with us. You have come well prepared and you express your views quite eloquently. You've made it very clear that in your view, too many aboriginal youth turn to social welfare services. Was the study to which you alluded commissioned by your organization or was it done in conjunction with Indian and Northern Affairs Canada?

[English]

Ms. Cindy Blackstock: Thank you for the question.

We were commissioned by a joint committee known as the national policy review advisory committee, which is co-chaired by the Department of Indian and Affairs and the Assembly of First Nations. Participating as well on that committee are representatives of first nations child and family service agencies from across the country. We were commissioned to coordinate the study. We engaged about 25 independent researchers, some of the best academic researchers in the country. There were people like Dr. Nico Trocmé, who is the Philip Fisher chair and the principal investigator of the *Canadian Incidence Study of Reported Child Abuse and Neglect*; Dr. John Loxley, who is a member of the Royal Society of Canada and a former dean of economics at the University of Manitoba; and Dr. Fred Wein, who is a former dean of social work at Dalhousie University.

• (1615)

[Translation]

Mr. Steven Blaney: The study focused on communities. It found that needs existed both on and off reserves. Have you observed any

differences between the youths on reserves and those living off reserve, for example, in terms of placement rates?

[English]

Ms. Cindy Blackstock: This specific study was targeted by the Department of Indian Affairs to be on reserve only, but we do have data through the Canadian incidence study that does a comparative analysis on and off reserve. What we find is that the removal rates are still very high off reserve. This gets to the point made by the honourable member Keeper earlier, that we would like to look at the issue of access for culturally based services to aboriginal people off reserve because they are far less likely to have access to those services.

The Chair: Now to the Liberal side for questions.

Mr. Regan.

Hon. Geoff Regan (Halifax West, Lib.): First of all, thank you to our witness. Thank you for appearing today.

I note that just about a year ago, a year ago tomorrow, you were in my home province of Nova Scotia at my alma mater, St. Francis Xavier University, for a conference. The conference website, you'll be interested to know, is still up and it indicates that you are one of Canada's leading and most eloquent spokespersons for the promotion and strengthening of first nations cultures and knowledge. You reinforced that image today, I must tell you.

You talked about some of the challenges on reserve in terms of family poverty, poor housing, and family substance abuse, and I want to focus for a moment on housing. You talked about, obviously, the optimal conditions that are the norm outside of reserves. Can you talk some more about the situation in terms of housing standards on reserves, and the difficulty first nations have in meeting those challenges, and what measures ought to be taken to deal with that?

Do you feel that the measures proposed in the Kelowna accord were adequate, or not adequate? What's your view on that?

Then could you go from there perhaps and tell us more about your sense...? Help me understand more and give me some examples of the way you would think a better system would work where first nations would have their own laws that are culturally sensitive on reserve and perhaps elsewhere.

Ms. Cindy Blackstock: With housing, substance misuse, and poverty being key drivers for aboriginal children being over-represented in child welfare, it really suggests that investments need to be made at two levels. One is investments in the core housing budgets of first nations communities.

In *The Canadian Incidence Study of Reported Child Abuse and Neglect*, we found aboriginal families way overrepresented in terms of overcrowding and unsafe housing—that was the perception of social workers, that they'd walk into the house and the house was not safe for children—for reliance on benefits, and substance misuse services. But we also know, for example, that we need to be cautious about just saying to ourselves, “Well, we don't need to invest in child welfare; we'll just strictly invest in the housing issue.”

I'm going to provide an example. We're very honoured right now to be working closely with the Innu Nation of Labrador. As you know, in their relocation from Davis Inlet, housing was one of the key issues that needed to be resolved. But along with it, the community was very clear that there needed to be a concordant investment in children's programs, including addiction services.

The housing investment happened and the community was relocated to much better housing, but the concordant investment in children in addictions programs did not happen. So the situation now is that we have people relocated in a community and they're still really suffering. It needs to be a “yes and” investment proposal.

In terms of the Kelowna accord, I can say, just as kind of an educated bystander, that I feel that it went in the right direction. We had aboriginal communities around the table feeling that this was a good first step in trying to relieve some of the housing deficits on reserve. I certainly was very encouraged to see government taking that type of progressive action, and it's really essentially required across the community. Whether it's enough or not enough, that piece I'm not too sure about.

The other thing about the laws is that we know from first nations communities, and native American communities as well, that the definitions of child maltreatment, culturally based, are very similar to those you'd find in any child maltreatment area today. Where there is a lot of difference is around neglect. Nobody disputes that a child shouldn't be physically abused or sexually abused, but neglect can be an outcome of poverty.

As I said, in many aboriginal communities, children should not be removed because they're poor. That's in keeping with the United Nations, which said that the state party's first obligation is to relieve the poverty, not to remove the child.

In terms of first nations acting under their own laws, the first example of that will be Kahnawake First Nation, where it has developed in consultation with its community its own legislation, which is about to be enacted in that community. It goes far beyond, in my experience, what is provided in provincial law, in that as a community member, under normal child welfare law, as a child protection worker I'd arrive at your door and we'd do an assessment of any risks posed to the children, and then I might suggest services to you to resolve that.

Under the Kahnawake system—and I'm very humble in describing this, because I know it's going to be an oversimplification—in their community, we'd undergo that same process: I would arrive at your door, we'd do the assessment together as a family and I might recommend some services, but before the tribal court.

The tribal court actually has the power to say to another citizen, “You know what? You have a particular gift that you can give to this

family.” You might have a great garden and this family needs fresh vegetables. So you are required by the tribal court to provide that service as a citizen. If you fail to do that, you and your family will be held accountable for explaining why you were unable or unwilling to do that.

That does two things. It engages all of us in the question of child maltreatment, and we need to in this country. Sadly, today the most unsafe place for Canadian children is still in their family homes. Child protection workers can't do it alone. We have to engage Canadians in responding to child maltreatment, and Kahnawake is one example of where that's going, in that direction.

● (1620)

The Chair: We'll go to the government side now, please. Mr. Albrecht.

Mr. Harold Albrecht: Mr. Chair, I would like to follow up.

I certainly concur with your initiative of trying to, wherever possible, keep children within their family home, safely at home with the support services that they need there.

If we were to somehow get this \$109 million that you're referring to, could you give me a practical outline as to how that would be implemented at the level of each home?

Ms. Cindy Blackstock: What we've done with the *Wen:de* report is, given the great diversity of first nations communities, not only in terms of cultural diversity, but also, as the honourable member Crowder has already pointed out, some are in remote rural and urban areas, we have suggested that communities build on something that's already in the current funding formula, which is a needs assessment, which must be done before you develop an agency.

What is not done in the current formula is helping communities develop services on the basis of what those needs are. We have a number of examples already identified in the *Wen:de* report of where some communities have had access to prevention moneys, and what a difference that made. I'll just cite one very quickly: the West Region Child and Family Services. They had more flexibility through a pilot program from the Department of Indian Affairs to invest their dollars differently. As a result, they were able to develop community-based prevention programs that reflect the culture of their communities.

Over a period of ten years, they held the numbers of children in care constant, despite population growth, which really means the numbers went down. More than that, they feel that the economic savings to the Government of Canada was about \$1.5 million a year, and of course the social savings, in terms of these children being much better off, were really uncountable.

Mr. Harold Albrecht: Could you just give me an example of what kind of service these prevention services were?

Ms. Cindy Blackstock: In one program that they did, they actually combined early childhood, an employment program, substance misuse, and a parenting program all as one particular program. That makes all kinds of sense, right? It addresses all those types of issues. What they found—and these were all high-risk families that were placed in this situation—was there was a great deal of success, in that very few of these families, after completing this two-year program, came back to the attention of child welfare; many of the parents were now gainfully employed, had a lot of pride in their ability to care effectively for their children; and because of the early childhood development component the kids themselves had moved along in their developmental markers in a much more progressive way.

• (1625)

The Chair: Mr. Blaney.

[Translation]

Mr. Steven Blaney: Thank you.

I listened carefully to what you had to say. You recommend a number of measures that would allow children to remain in their community in order to attend school. Do you feel that pilot projects would be interesting option to pursue? If we were to start assessing the needs of all communities, some may be left to fend for themselves. Wouldn't it be better to target specific projects in each region and gradually take steps to implement them? That way, we could take pains to ensure that these projects were effective and properly administered.

[English]

Ms. Cindy Blackstock: You raise an important point. In fact, we built that into the design of the *Wen:de* recommendations. If you look closely on how we allocated the funding for least disruptive measures, it is actually lowest in year one and then ramps up for about seven years. The reason for that is in year one we would suggest to those agencies who may not be at a point where they have a ready “here we go” research design or program design for their community to do that consultation, to do the research, to set up and design the programs that have the most meaning for their community members; then in year two they would begin operating those particular programs and in years three, five, and six they'd evaluate them and expand those programs. So that type of learning process has already been embedded.

The other thing we've been doing as an organization, concurrently, is a whole celebration of best practices in first nations child welfare across the country. If you go onto our website, you'll see where some first nations programs, despite the limited restrictions on the funding level, are sharing with their colleagues some of their best practices. So that particular piece is already out there available for agencies to inform their progress going forward.

The Chair: Monsieur Lessard.

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Mr. Chairman.

I'd also like to welcome you and thank you for joining us this morning.

I have a question for you of a general nature. However, I'll explain what I'm getting at later. Is the government really doing the right thing, in terms of our obligations toward aboriginal communities?

Let me explain what I mean. When I was young, I worked in close proximity to aboriginal communities, the Algonquin nations in particular, and other communities in Northern Quebec. I also worked side by side with aboriginal people in the hospital system. If I compare the situation today with conditions approximately 45 years ago, I'm left with the impression that the social inequities between aboriginals and non-aboriginals persist. I'm not saying that there hasn't been any progress in terms of their living conditions, but since living conditions of non-aboriginals have also evolved, the gap has remained the same as before. For example, the incidence of poverty today among aboriginals is higher than among non-aboriginals. Housing problems are also more marked among this group, as are alcohol and addiction problems.

The inequities remain. Some appear to have adopted a fatalistic approach. They have resigned themselves with working with the status quo and continue to take sensible action when it comes to government bureaucracy and programs. What position do you currently occupy? You seem to take a more global view of things. Am I right?

In conclusion, I've always found that aboriginal and non-aboriginal parents are not that different. They want what is best for their children. I have eight or nine aboriginal godchildren. In years past, aboriginal parents tried to designate non-aboriginals to act as godparents because if ever they were unable to care for their children, a non-aboriginal would assume responsibility for them. I think that we often tend to harbour some prejudices, particularly when we claim that aboriginals cannot successfully organize their own affairs. We fail to take into account their living conditions and the fact that they are different from those of non-aboriginals. Would you care to share your views on this subject with me?

• (1630)

[English]

Ms. Cindy Blackstock: My experience is really informed by my own lived experience and the great honour that I have working with first nations children and families and the communities that serve them.

If I can humbly suggest, Canada funds some programs that it rolls out nationally, but the one thing it does not fund is perhaps the thing it needs to do the most, and that is to fund first nations and aboriginal communities to dream.

In my work I've done some analysis of this question of what's available on reserve and off reserve. The voluntary sector accounts for \$115 billion in social supports to Canadians. In a research report we did in 2003, we could only find six individual instances in which a child on reserve had received any services.

As we have already seen, aboriginal children on reserve are less likely to receive any provincial services, they are underfunded by the federal government in child welfare by \$109 million, and there are very few municipal equivalents.

Many of you who have been on reserves will find few examples of a library being open—other than one that is attached to the school—or of facilities where children with disabilities and their families have access to everything. From a family income point of view, Campaign 2000 said the family income for a person off reserve is about \$37,000, compared to about \$9,000 for a person on reserve.

I say that if we applied the same conditions to every other Canadian that we do to status Indian children, we would have many thousands of children in child welfare care.

What we need to do is fund first nations to do what CIDA already does internationally—develop sustainable community development plans that put children and young people at the centre, and then fund those services to make those dreams happen adequately. That is my view about what needs to happen.

Government does not need to find the solutions; they need to recognize that many of the communities already have their solutions. They just need to get behind them and celebrate them.

The Chair: Thank you.

Mr. Blaney.

Mr. Steven Blaney: I think you raise a point that goes far beyond just the rights of children. I think you show a nice vision of community development.

You talked about sustainable community development. I think we have the same challenge, because all communities are asked to implement, at this time, those types of plans, and it might be a mistake, because they are not given the tools. They have not necessarily been prepared. So it turns more into a bureaucratic exercise than a real exercise that reaches the people and takes their future in hand.

You've mentioned that first nations have to dream, and you talk about building capacity and enabling people to believe in their own power to change their future.

Concerning that, my question would be quite simple. You've talked of the need for additional funding to improve child welfare, but is money the only issue? If not, what else could be done as a legislator, as a government, as an agency, or as a department, to improve that?

Ms. Cindy Blackstock: We've actually included a number of broad, sweeping recommendations, along with the increments in funding. One is to try to modify spending authority so that there can be cross-ministerial collaboration and cross-disciplinary collaboration. Instead of having money coming into first nations in silos, allow for a substance misuse worker to be on a child protection team.

Allow for there to be the pooling of money between programs so it can optimally benefit communities.

The other piece we're looking at is how to support the voluntary sector. Much of that \$115 billion in annual funding that goes to the voluntary sector is funded by governments. I'll just give you an example.

In the province of British Columbia in 2001, the entire budget for children with disabilities and child welfare was \$1.5 billion; and \$1.1 billion of that was going to the non-profit sector to implement those services. We're suggesting, why not amend some of those funds to target specifically that it be used by aboriginal communities for the benefit of their children, so that we ensure that those dollars are going to those who most need it?

Those are some of the recommendations that go beyond child welfare that would make a big difference.

• (1635)

The Chair: Are there any further questions?

Madam Crowder, please.

Ms. Jean Crowder: I have a couple of brief questions.

My colleague across the way referred to pilot projects. I always get a little bit nervous when I hear “pilot projects”, simply because what we have often seen in the past is that somebody runs a pilot project and then determines that this is the way that something is going to be implemented from coast to coast to coast, and it doesn't recognize the diversity or the differences in communities.

I know you talked about best practices. It seems to me that there's already a substantial amount of information out there around best practices. Could you talk about why we wouldn't look at those best practices and make funding available for people in various communities to choose what they would like to implement?

Ms. Cindy Blackstock: The issue with pilot projects is that it can work if you've already dealt with the equity question, but it shouldn't be the choice that we are going to have pilot projects instead of providing equitable child welfare funding.

One of the things we were very clear about when we designed the Wen:de solution was that it should not be implemented piecemeal, because we felt that it would not be effective in that way.

One of the things I should bring to your attention is that the Department of Indian Affairs has announced publicly in its budget—that was under the Liberal government—a \$125 million investment, \$25 million each year for five years in additional first nations child welfare funding. That was in 2005.

For many of us in first nations child welfare, that provided some level of assurance, but since then the Honourable Jim Prentice has just confirmed in a letter that \$14.7 million of that is going to go back into the department to relieve their costs of additional children coming into child welfare care and to hire staff. They provided some more money for evaluation, but that's not one of the priorities for agencies. They want to see the money go to kids first, and then evaluation maybe down the line.

Of that amount, \$8.6 million will go to inflation adjustments, but we recommended a minimum of \$21.1 million just to catch up for all that has been lost.

So doing things in steps really doesn't work, because what we need here is a large change. We want to see an amount of first nations children in care that is proportional to non-aboriginal kids. We don't need just a little change; we need a big change. What we're asking for is the same level of resources that other Canadian children get, in order to do that. So it's really critical.

Ms. Jean Crowder: Do you have a breakdown on the amount of federal money that actually ends up in direct delivery of service?

Ms. Cindy Blackstock: I can probably get that to you. The 22% less from 2000 was per-child expenditure. The author of that report, from Blue Quills Consulting, was very clear that it was on a per-child basis that it was less.

When we look at that \$109 million and talk about the \$62 million, for example, for least disruptive measures, those would be direct benefits that currently are not being provided.

Ms. Jean Crowder: Right now, though, is it your feeling that this consulting group would be able to tell us exactly how much ends up in direct delivery of service out of whatever money the federal government does provide? I ask because I think a lot of times money ends up being spent supporting bureaucratic processes; that may be valuable, but it's not direct delivery of services to children and families.

Ms. Cindy Blackstock: Right.

What we're able to do already is to say that these services are currently being delivered under the formula—for example, the Department of Indian and Northern Affairs provides a lot of money to remove kids from their homes—so it's not only a question of how much is going in dollars, but where it is going. If we invested this money differently, could these children be at home more safely? That's the solution we're outlining in *Wen:de: The Journey Continues*.

We're not finding, by the way, any over... When we analyze first nations agency costs in terms of their running agencies, they're far below what a province would have. Just to give you an example, provinces have huge policy infrastructures. In the province of British Columbia, the province itself has an aboriginal policy infrastructure that costs about \$33 million to operate per annum. That is probably just over the whole budget for all services for on-reserve children in that province from the Department of Indian and Northern Affairs.

The Chair: Thank you very much.

I'm going to close this off.

I first met Cindy Blackstock on a flight from Toronto to Ottawa. It was my second flight to Ottawa. I never thought I would ever be chair of this committee and have the opportunity to influence her.

She let me know on the flight about some of these issues, and I thought it was very important for this committee to hear. I'm very glad that I have had the opportunity to influence by having Cindy here. As you can tell, she is very knowledgeable.

I also feel that this issue needs urgent measures and needs to be forwarded by this committee, so I would be looking forward to some sort of a motion from this committee as soon as possible. I know we need a 48-hour opportunity to submit it, but I would ask that the committee consider that option.

Thank you very much, Madam Blackstock, for the information you've given this committee. Hopefully we can resolve some of these issues and bring at least equality in child care to first nations on reserves.

Thank you.

• (1640)

Ms. Cindy Blackstock: Thank you very much, honourable chair and honourable members.

The Chair: I'll suspend for five minutes, please.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.