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# Emergency Meeting on First Nations, Inuit and Métis Nation Child and Family Services

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## Statements

**Jane Philpott - January 25, 2018**

Good Morning.

I would like to thank Claudette Commanda for her welcome, and the Elders for their blessings. I acknowledge that we are gathered on Algonquin Territory. Merci et bienvenue. Je suis heureuse d'être ici ce matin.

I would like to extend a warm welcome to National Chief Perry Bellegarde of the Assembly of First Nations, President Natan Obed of Inuit Tapiriit Kanatami and President David Chartrand who is speaking on behalf of the Métis Nation. I would also

like to extend my thanks to my colleague and friend, Minister Carolyn Bennett, who walked this path before me and has been an example in her leadership. Finally, I would like to thank my staff and officials for organizing this critical meeting at such short notice.

Recently, Senator Murray Sinclair published an opinion piece in which he said that:

The child welfare system... function(s) from the inherent fundamental belief that we as parents in our own communities do not have the right to birth, raise, educate, discipline and protect our children from Canada's inherent racism.

He called on Indigenous and non-Indigenous Canadians alike to change our ways – for the sake of the children. It should be no surprise that Senator Sinclair, chair of the Truth and Reconciliation Commission, should highlight the importance of change for Indigenous child welfare. He notes that it is no coincidence that the first five Calls to Action of the TRC are related to child welfare. These Calls to Action are intended to be top priorities for us.

So I am thankful that each of you has come here today for this important meeting. I want to acknowledge the presence of Métis Nation and Inuit partners alongside First Nation partners.

Let me say from the outset: today is not about assigning blame. It is about acknowledging the severity and importance of the crisis and determining how each of us can be part of the solution, part of the urgent need for reform – to keep children and families together.

We already know the facts. The severe over-representation of Indigenous children in foster care is well documented. Census 2016 data indicate that Indigenous children aged 0 to 14 make up 7.7 per cent of all Canadian children. But they represent over 52 per cent of children in foster care in private homes.

So why was this issue prioritized by the TRC? Well, for one thing, the link to residential schools has been noted by many – including the final report of the TRC which states:

*The doors are closed at the residential schools but the foster homes are still existing and our children are still being taken away... Canada's child-welfare system has simply continued the assimilation that the residential school system started.*

Experts have noted that the trauma caused by residential schools was not only the physical abuse that children suffered – but the breaking apart of families and homes. Many of you in this room could tell stories about how you or your family members have been impacted because children as young as five years old were taken from their communities – separated from their language, their land, and their traditions.

To the extent that this continues to happen with the over-representation of Indigenous children in the child welfare system, we have a responsibility to take action. As the first Truth and Reconciliation Commission's Call to Action states, we are all called upon to reduce the number of Indigenous children in care. This is a shared responsibility.

That's why I'm thankful for the accumulated expertise in the room. I've only been in my current position for five months. I have lots to learn. But let me share some of the concerns I've

heard from people like you about how the current approach is not working.

We've all heard poignant stories of the separation of children and families. Unfortunately, many children are removed from their homes when they could have remained at home if more prevention services were available. I have heard time and again that the current focus is too much on protection and not enough on prevention. I hear concerns about the need for cultural competency in social workers and administrators – about the need for better methods of assessing families and making decisions that take culture into account.

We are acutely aware that there are concerns about funding – that it is insufficient, inflexible and incentivizes apprehension. Many have talked to me about how current funding policies don't permit financial support for kinship care. Simply put, funding based on the number of children in care is apprehension-focused and not prevention-focused. The underfunding of prevention services while fully funding maintenance and apprehension expenses creates a perverse incentive.

Another big challenge is the lack of reporting and available data. It's very hard to understand a problem if you can't measure its extent at the outset. No one actually knows how many Indigenous children are in care across the country. No one has good data about the rates of apprehension, where those children are going and why. The TRC devotes two Calls to Action to the matter of better data on child welfare. This is a critical element towards successful reform.

The good news is that many of you have been working tirelessly to find solutions to all of these challenges. Today is about sharing your knowledge and examining what is already working in order to lay out the pragmatic steps we need to take to disrupt the status quo.

Without a doubt, we need a strong focus on prevention. This encompasses a whole range of measures – including poverty reduction and making sure parents are well supported to care for their kids. That support for parenting starts from before children are born and needs to continue as they age. It includes better access to childcare, respite care and early learning. Prevention includes better resources to recognize, treat and heal psychological trauma and problematic

substance use in families – but also to expand trauma-informed training for teachers, police, judges, lawyers, social workers and government officials.

Beyond better prevention, it seems clear that there must be major system reforms. There must be a policy shift from automatic apprehension to investments in prevention and family reconciliation. We must find ways for the removal of children in such extraordinary numbers to be stopped. Effective approaches to family reunification should be expanded. Children should remain with their families and their kin whenever it is humanly possible.

Many have noted that the US has done better than we have on reforming child welfare for Indigenous peoples – in part due to federal legislation. I am told that in their systems tribal courts play an important role. They have exclusive jurisdiction over custody proceedings, leading to greater tribal authority over the placement of children, as well as expansion of family preservation programs.

One of the issues on which I'd like to hear your views over the next two days is on the matter of federal legislation on child

welfare. This is one of the Calls to Action of the TRC. Many of you have indicated your interest in pursuing jurisdiction and there may be a role for legislation to facilitate the recognition of the right to self-determination in this sector. I encourage you to speak up if that is a priority for you.

These are a few potential solutions that we can discuss together. I know you are aware of more. I hope that you will share every bold and creative solution you can imagine. Please be as concrete and practical as possible in your recommendations about the way forward.

I assure you that we, as a federal government, are firmly committed to being part of the solution. So I am pleased to announce today our government is committing to six points of action we will undertake – together with our partners – to address the over-representation of Indigenous children and youth in care in Canada. These include:

1. Continuing the work to fully implement all orders from the Canadian Human Rights Tribunal;
2. Shifting the programming focus to prevention and early intervention;

3. Exploring the potential for co-developed federal child welfare legislation;
4. Supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform;
5. Developing a data and reporting strategy with provinces, territories and Indigenous partners; and

Accelerating the work of trilateral technical tables that are in place across the country.

As our discussions begin, I want you to know that we have Rapporteurs in each session. They will sum up the lessons and recommendations. All of these will be provided to the leaders for tomorrow's sessions.

We recognize that many of the issues to be discussed today are difficult to speak about and painful to hear – and may resurface your own trauma. We are grateful to be joined by several Elders and healers who will be available throughout the day to provide support as needed.

I look forward to our time here today. The children of today

and tomorrow need us to be successful in this work of reform – to keep children and families together. Let us pursue justice to that end.

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