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The Invisible Children of Child Welfare: Legislation, Policy and Governance Models for Métis Child Welfare

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ABSTRACT

A review of child welfare legislation and policies in Canada reveals a disturbing story: the judicial obligation to represent the rights and needs of Métis children are not acknowledged. This lack of mandate influences how child welfare policy is taken up by front line child welfare practitioners who can use discretionary measures to represent the interests of Métis children such as identifying who they are and consulting with Métis agencies to best serve them. Governance structures for Métis services depend on legal frameworks that recognize the importance of Métis child wellbeing. In order for Métis agencies to develop Métis specific services to children and families the legislative frameworks that support this infrastructure must exist. We have a context in Canada where this has not been the case yet we have a recent Supreme Court decision that recognizes and affirms the Aboriginal rights of Métis people in this country.

This chapter will deconstruct some of the legislative barriers that exist in Canada as it pertains to Métis child welfare. We will additionally examine how the Manitoba Métis Child and Family Services Authority have succeeded against all odds to establish themselves as a model for Métis child welfare governance in Manitoba and in Canada. The chapter concludes with recommendations for reform that uphold the inherent rights of Métis children and their families to receive culturally safe and relevant child welfare services in Canada.

Having now completed a review of the files, the Chairman now states unequivocally that cultural genocide has been taking place in a systematic, routine manner”.

Justice Edwin Kimelman, 1985

The Aboriginal Justice Review (1988) in Winnipeg declared publically that “child welfare practices in Manitoba had a major destructive force on Aboriginal families,” and recommended that culturally appropriate service delivery be stipulated in legislation (in Mayer & Schibler, 2013, p. 10). Although this demand was articulated almost thirty years ago by Justice Kimmelman, a review of 2016 child welfare legislation and policies in Canada reveals that there is still no legislation to guide child welfare and protect the rights and identity of Métis children.

What is Legislation?

According to the Duhaim.org (n.d), the first peoples had their own laws on this land since 28,020 B.C. The present system in Canada is derived from the English (common law system influenced by the Ancient Romans) and the French (civil system - the Napoleonic Code) and was imposed as part of the colonial project. Today, laws enacted at either the provincial or federal level take the form of statues, legislation or acts. The term legislation can also refer to the process of making the law. A legislative mandate addresses how interventions, such as child welfare procedures, shall inform front-line child welfare practice. The absence of legislative guidance means there is no legal imperative for child protection workers to identify and support Métis children or how that might be achieved. Since child protection is a highly legalistic and regulated field, the profession focuses on what it must do, rather than what it might do which is attend to the specific context and needs of the children who come into its jurisdiction. Even though the general purpose of child welfare legislation is to protect children, there is much research that suggests that a grand, generalized overlay of regulations cannot meet the safety needs of each child, which are unique, contextual and situation-dependent. Acts of omission can be as problematic as acts of commission. As such, Métis children have become phantoms within the system: they are bodies with outlines without nuanced attention to the inner substance of their lives. Child protection workers are bound to acknowledge and protect the unique rights of Aboriginal children, but how will this be done when there are no systemic identification practices regarding Métis children.

A ground-breaking recent Human Rights Tribunal ruled that the federal government must address the funding inequalities experienced by First Nations on-reserve children (Fontaine, 2016). But while the federal government has been found guilty of under-funding First Nations children on-reserve (by 38%), Métis children continue to receive strikingly low levels of funding for

child welfare and family service. These inequities are by no means new. Leading up to 1982, The Métis along with First Nations and Inuit groups, fought for recognition in the newly repatriated constitution. The *Constitution Act* (1982) recognized three distinct Aboriginal groups in this land that includes the Métis. Indigenous peoples and activists hoped that this recognition would promote the acknowledgement of Indigenous people, and their rights and history while interrupting erasure and cultural genocide. Nonetheless, assimilation remains the most predictable outcome of child welfare once Métis children are part of an unpredictable journey through the system. In situations where cultural plans are poorly conducted (Carrière, 2010; Carrière & Richardson, 2009), the child's sense of self, culture and belonging may erode with each negative experience. Having been deprived a sense of belonging, worth and connectedness to family and culture, the downward spiral is sadly predictable (Carrière, 2005; 2008).

Further, despite the codified recognition as one of Canada's three Aboriginal people's in the *Constitution Act* (1982), which was upheld by Daniels decision of the Supreme Court of Canada in 2016 which recognized the rights of Métis and non-Status Indians, Métis children remain unrecognized in child welfare. In this chapter, some of the main legislative barriers in Métis child welfare will be explored. We also examine how the Manitoba Métis Child and Family Services Authority have succeeded, against all odds, to establish themselves as a model for Métis child welfare governance in Manitoba and in Canada. The chapter concludes with recommendations for reform that will continue to elevate the inherent rights of Métis children and their families. This includes being offered culturally safe and relevant child welfare services in Canada.

Legislative Void

In 2013, Sinha and Kozlowski wrote an article describing child welfare legislation in Canada as inconsistent as it pertains to Aboriginal children in that:

It does not reflect alternate legislation, standards, or protocols, and it excludes provisions that do not specifically refer to these keywords, but which may have important implications for Aboriginal child welfare. The most common Aboriginal-specific provision included in legislation for all provinces and territories, except New Brunswick and Quebec, is a requirement to notify Aboriginal bands of court hearings involving Aboriginal children. Legislation in some jurisdictions also includes provisions for Aboriginal involvement in provincial or territorial child welfare services for Aboriginal children; suggested forms of involvement range from engagement in individual child protection cases to participation in service design and delivery. For example, Ontario legislation states that Aboriginal people are entitled to provide culturally appropriate services to Aboriginal children and their families and that Aboriginal represen-

tatives should be involved in decision-making related to protection services for Aboriginal children. Similarly, British Columbia legislation states, “Aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children” (“British Columbia Child, Family and Community Service Act,” 1996, Part 1, Service delivery principles, 3b). In addition, Prince Edward Island, Manitoba, Saskatchewan and Alberta legislation suggests consultation with Aboriginal representatives in cases involving Aboriginal children. (p. 8)

This description exemplifies how Métis children are not specifically acknowledged in child welfare legislation in Canada. It is not enough to state that Métis children are acknowledged by describing ‘Aboriginal’ categories of statements and consultation mechanisms. Carrière, Charbonneau and Richardson (2015) observed:

There is scant literature on Métis experiences in child welfare systems, no national data is collected on the number of Métis children involved with child welfare systems, and there has never been a national study of these realities. Indeed, the lack of Métis-specific data on a wide-range of topics is lamented throughout the literature. (Canada 2012, p. 45; Kumar et al. 2012, p. 23; Bourassa 2011, p. 1; Dyck, 2009, n.p; Barron-Mcnabb 2009, p. 24; Lavois et al. 2008, p. 4)

The little research that does exist paints a very troubling picture: the misidentification of Métis children as simply “Aboriginal” or “White” and the mass movement of Métis children outside of their birth communities (Manitoba Métis Federation 1999; Canada 2012). As Métis peoples we know that is simply not acceptable and to develop this chapter it seemed critical to re-examine the legislation to look for any glimmer of improvement through a Métis lens. Here, we present some Métis demographics in Canada that should be kept in mind as we take a tour of the Canadian child welfare legislative landscape:

The majority (84.9%) of people who identified themselves as Métis lived in either the western provinces or in Ontario. The largest population was in Alberta (96,865) where 21.4% of all Métis in Canada lived. The next largest was in Ontario (86,015), where they represented 19.0% of all Métis. This was followed by 78,830 Métis in Manitoba (17.4%), 69,475 Métis in British Columbia (15.4%) and 52,450 Métis in Saskatchewan or 11.6% of all Métis in Canada. About 41,000 Métis lived in Quebec, representing 9.1% of all Métis in the country. Moreover, 5.1% of Métis lived in the Atlantic Provinces and about 1% lived in the territories. Métis represented the largest shares of the total population of the Northwest Territories, followed by Manitoba and Saskatchewan. In the Northwest Territories

Métis represented 8.0% of the total population, followed by 6.7% of Manitoba's, and 5.2% of Saskatchewan. (Statistics Canada, 2011)

The review begins in Atlantic Canada. Nova Scotia has one line in their child welfare act (which they refer to as the *Children and Family Services Act* and *Children and Family Services Regulations* that refers to "Indians"). They are currently in the legislative process of updating the Act, which has not been updated since 1991. A legal framework involving Nova Scotian Indigenous children is described in the Nova Scotia Partnership Framework for Enhancement Focused Approach (July 2008) that outlines the funding agreements and outcome measures between Mi'kmaw Family & Children's Services, INAC and the Nova Scotia Department of Community Services. Métis children are not acknowledged as Indigenous children in Nova Scotia. In Prince Edward Island, Aboriginal children are clearly viewed as members or descendants of First Nations or as the Act states, "is 12 years old or more, a descendant of an aboriginal person and considers himself or herself to be aboriginal". There is no mention of Métis ancestry as being part of the Aboriginal definition.

An article by Anna Kozlowski, Vandna Sinha, & Judy Levi in 2011 entitled *First Nations Child Welfare in New Brunswick* details the history of Indigenous child welfare in that province. The authors provide some context as to why and how references to Indigenous children are omitted from the NB *Child and Family Services Act* because the First Nations sign on to agree to the primary Act and then go from there to their own agreed upon standards described as follows:

The New Brunswick government has not proposed any changes to the Child and Family Services and Relations Act that give special considerations to Aboriginal children and families (Child and Family Services and Relations Act, 1998). However, standards included in the MicMac and Maliseet First Nations Services Standard Manual reflect Mi'kmaq and Maliseet values, the two largest First Nations groups in New Brunswick. (Office of the Ombudsman and Child and Youth Advocate, 2009)

In Newfoundland/Labrador the child welfare legislation refers to Inuit children and also to Land Claims settlement. Again, there is no mention of Métis although the NunatuKavut Community Council was formerly the Labrador Métis Nation previously representing Métis peoples (NunatuKavut, n.d.) and there exists a Labrador Métis nation who describes their membership as "granted to people of " Métis " ancestry"... Métis " means an Aboriginal person of Labrador who has lived in Labrador prior to 1940 and their descendants who are recognized by the Association as an Aboriginal person of Labrador" (-Virtual Museum of Labrador, n.d.). This representation of Métis peoples and their rights discounts the argument by some that there are no Métis people in

Atlantic or Maritime Canada. By discounting their existence we encourage the colonial reality of how contact and settlement occurred east of the prairies. The lack of support to Métis children and their families in these locations becomes a continuation of colonial policies.

The province of Quebec is also silent as it pertains to Métis child welfare legislation and, although Métis Nation Quebec exists as a political organization, there is no legislative mandate to encourage a larger accountability in child welfare legislation to serve the Métis citizens of Quebec. In Ontario, Indigenous or Aboriginal children are referred to as 'Indian' or 'Native' and the *Child and Family Services Act* has not been updated since 1990. A recent review of the Act suggests that, "The majority of participants in the review suggested that it is time for Ontario to consider substantial changes to the legislation that governs many of its programs and services for children, youth and their families." (Ministry of Children and Youth Services, 2015, p. 9). An encouraging section in the report addresses the needs of Indigenous children as follows:

There was consensus that increased Aboriginal control over the design, delivery and governance of child and youth services is key to improved outcomes for First Nations, Métis, Inuit and urban Aboriginal youth in Ontario. The mechanisms proposed as means to increasing Aboriginal control ranged widely. Although the majority of submissions suggested that greater control could be achieved through a broader interpretation of Part X (Indian and Native Child and Family Services) of the CFSA as it currently exists, others stated that an entirely new and separate piece of legislation specific to indigenous children and youth is required. (p. 26)

As one would expect, there might be more relevant sections to child welfare legislation in western Canada especially Manitoba. However the *Child and Family Services Authorities Act* of Manitoba refers the reader to the Manitoba Métis Child and Family Services Authority as the legal representative for Métis children and families in Manitoba receiving child welfare services. The *Child and Family Services Authorities Act* (2003) created four authorities (First Nations Authority of Northern Manitoba, First Nations Authority of Southern Manitoba, Métis Authority and General Authority) that oversee services, disperse funds and ensure that culturally appropriate services are delivered by their respective agencies consistent with the *Child and Family Services Act* and the *Adoption Act* (1999). The Authorities are empowered by the *Child and Family Services Authorities Act* to mandate agencies to exercise the powers and duties of The *Child and Family Services* and other Acts. Further in this section we examine the Métis Child and Family Services Authority. While the *Child and Family Services Authorities Act* provides broad powers to both police and child protection agencies, it is unclear how individual Métis specific services are to be developed or provided.

Saskatchewan focuses on First Nation or as cited in the *Saskatchewan Child and Family Services Act* ‘Indian’ and ‘bands’ are the only Indigenous group that are mentioned. Funding and agreements with First Nations appears to be the priority in a province that we know has a large number of Métis citizens or 5.2% of the population of Saskatchewan. Many of our Métis ancestors re-located to Saskatchewan following the assaults on their life in the Red River Settlement. After all this is where our leader Louis Riel was hanged. Perhaps the province of Saskatchewan would rather forget its Métis citizens and their history.

In the *Alberta Children and Family Services Act* there is a section on Indian, Métis and Inuit citizens. While this section describes services to Indian children, no reference is made about how to work with the Métis.

Alberta’s Ministry of Human Services oversees the delivery of child intervention services provided by 8 regional Child and Family Service Authorities (CFSAs), one of which is a Métis Authority, under the *Child, Youth and Family Enhancement Act* (CYFEA). Seventeen Delegated First Nations Authorities (DFNAs) also provide services under CYFEA through agreements between the First Nations, the Government of Canada and the Government of Alberta. The *Child and Family Services Authorities Act* (2000), regulated in 2004, was the result of a series of policy initiatives designed to increase services to families before they reach crisis, establish permanent homes more quickly for children in government care and strengthen the involvement of First Nation, Métis and other Aboriginal communities in planning for their children (Canadian Child Welfare Research Portal, n.d.). As per a recent decision on behalf of Alberta Children’s Services, the Métis Settlements Authority is closing and services to Métis children living on Métis settlements will be returned to the jurisdiction of the Ministry. There is no other Métis agency in Alberta that provides statutory services to Métis children and families however there are Métis services that provide supportive and early intervention services. Given that Alberta has the highest Métis population in Canada according to the 2011 National Household Survey (Canada, 2011), some might say that this oversight is a travesty.

In British Columbia there is a section that refers to Aboriginal children as follows:

“Aboriginal child” means a child

- (a) who is registered under the *Indian Act* (Canada),
- (b) who has a biological parent who is registered under the *Indian Act* (Canada),
 - (b.1) who is a Nisga’a child,
 - (b.2) who is a treaty first nation child,
- (c) who is under 12 years of age and has a biological parent who
 - (i) is of aboriginal ancestry, and

- (ii) considers himself or herself to be aboriginal, or
- (d) who is 12 years of age or over, of aboriginal ancestry and considers himself or herself to be aboriginal; “aboriginal community” means an aboriginal community designated by the minister; *Child, Family and Community Service Act* [RSBC 1996] Chapter 46.

In British Columbia there is a Métis Commission for Children and Families of BC (MCCFBC), a non-profit organization working on behalf of the Métis community of British Columbia in matters related to Métis children and their families involved in the child protection system. Their website description states that, “Currently there are over 800 Métis children in the child welfare system in BC. We are working to reduce these numbers through cultural connection and Métis community caring options rather than government sponsored care. We work with Métis agencies and associations across the province to ensure that children in the care of the Ministry for Children and Families have connections with the community where they live” (Métis Commission for Children and Families of BC, n.d.). MCCFBC also has the mandate to review adoption applications for Métis children and make recommendations to the Ministry of Children and Family Development. To date the legislation in BC does not specifically address Métis children.

In Northern Canada such as Nunavut the legislation appears complicated as it pertains to Aboriginal children and Métis children are not centered as important citizens of that territory. Inuit people represent the majority of Nunavut’s population, and there is no separate child and family service system or specific federal funding for Aboriginal child and family service agencies. Traditional Inuit beliefs, values, and practices are widely understood and respected and the territorial government is committed to integrating Inuit societal values (Inuit Qaujimajatuqangit) into its programs and services. Aboriginal community councils (councils of municipal corporation or settlement corporations) and Aboriginal not-for-profit corporate bodies can enter into an agreement with the Minister of Health and Social Services to form a Child and Family Services Committee. These committees are made up of appointed community volunteers who participate in the case planning for Aboriginal children and families involved with child and family services. The provisions of these agreements vary but may include the establishment of community standards for determining the level of care adequate to meet a child’s needs and when a child needs protection (Gough, 2007, p. 3).

Gough describes the jurisdictional issues in the NWT as unique in that, “Unlike many provincial jurisdictions in Canada, the NWT does not currently have a separate child and family services program for the Aboriginal population or receive specific federal funding for separate Aboriginal child and family service agencies” and further that the “NWT’s *Child and Family Services Act* states that the best interests of the child must include consideration of the

child's cultural, linguistic, and spiritual or religious upbringing and ties. If a child is Aboriginal, the child's Aboriginal community must be notified of any application for a child protection court order, under the CFSA" (2007, p. 3).

In the Northwest Territories where Métis represent 8% of the population, The Northwest Territories' *Child and Family Services Act* came into effect in 1998. During the fiscal year of 2013/14, "approximately 95 percent of children who received services (child welfare) were Aboriginal." Services are delivered through regional authorities and there is no specific mention of Métis children in the NWT child welfare legislation. The *Auditor General Report* in 2014 "recognizes that children have a fundamental right to protection from abuse, harm, and neglect" Their report concludes however that the Department of Health and Social Services:

Does not have an adequate accountability framework in place to support the delivery of child and family services, and neither the Department nor regional authorities have adequate mechanisms in place to ensure that key responsibilities for children, youth, and families are being met. (Auditor General, 2014)

A recent land claim by the NWT Métis Nation has been controversial (Bird, 2015) however points to the fact there are obviously Métis children and families in that geographic area. In the current revisions to the NWT child protection system the intent is to develop a comprehensive plan to notify Aboriginal organizations when children are being apprehended (McMillan, 2014). Hopefully there will be some notification as it pertains to Métis children.

This section can be summarized by stating that without legislated recognition of Métis children in child welfare legislation across Canada we are not promised a better system of caring for our children. The words of one Métis Auntie who lost a custody battle for care of her sister's child to a White family express the otherwise undocumented experience of Métis people in the child welfare system, and remains as relevant today as it was then of how the child welfare system has dismissed Métis children:

I think this sends a strong message to Métis families that our concerns for our children are going unmet. I think it shows us how much harder that we have to fight for our children I think it shows us that we need our own services and I think this is strongly needed in our communities... The future of Métis families is threatened today and it will be for many years to come until we become strong enough to fight for the right to take control of our children. (Manitoba Métis Federation 1999, Appendix A, p. 8)

Her words remind us that we have much to do in Métis child welfare across

Canada. What is it that holds us back in a current supposed context of de-colonization, resurgence and reconciliation? It is important to begin with a neo-liberal analysis of what we are facing.

Sorry - You're Not High on Our Priority List!

After two terms of Prime Minister Stephen Harper's conservative leadership alongside ideologically similar governance in the provinces, the dismantling of Canada's social safety net has created increased inequality and blocked many social justice projects. In the context of neo-liberalism and efforts by the business class to channel society's wealth into corporate profits and thus the pockets of shareholders, more and more citizens are falling into poverty. DeFinney, MacKenzie, Loisele and Saraceno (2011) remind us that, "Within the dominant neoliberal, neocolonial apparatuses, the success of the helping relationship is contingent on the individual's or family's choice to work either "with us or against us" (p. 375). Blogger Susan Rosenthal believes "the myth of scarcity" was invented to justify expenditures that benefit the profit margins of the wealthy, writing "the myth of scarcity was invented to justify the growing gap between what is possible – a world of plenty for all – and what exists – fabulous wealth for a few and declining living standards for the rest (Rosenthal, 2016). Canadian Indigenous writer Thomas King touches on the individualizing and obfuscating processes that increasingly blame the victims of injustice for the injustice itself:

In our gated, modern world, fault now gets deflected. Ruinous incursions such as Cuba, Vietnam, Iraq, and Afghanistan are no longer assigned to one individual. Rather, we have, through a well-developed, propagandistic sleight-of-hand, made the people and the places we attack responsible for our aggression. (King, 2012, p.12)

Researchers at The Centre for Response-Based Practice assert that similar victim-blaming mechanisms are at work where individuals are held accountability, in individualized ways, for the violence directed at them (Coates & Wade, 2007). Canada however articulates self-congratulatory rhetoric for attending to peace and social fairness at the same time as being condemned by the United Nations on a number of issues ranging from poverty in the North to the high levels of violence against First Nations, Métis and Inuit women (Amnesty International, 2004).

Whether it's the impact of neo-liberalism or the entrenched belief that there is not enough money for social services, Métis child welfare services are being deprived needed and necessary funds in their attempt toward providing a continuum of preventative and statutory services. While First Nation agencies get their funding from the federal government for protection services, Métis agencies are funded through provincial governments predominantly for

family support programs while statutory services are provided mostly through provincial ministry offices. Métis child welfare advocate Deborah Canada's research showed disparities in saying:

While I was on the First Nation, Métis and Urban Aboriginal Early Childhood Development Committee with the MCFD (3 years) 5 million dollars was tagged for ECD. Out of the 5 million, a mere 300 thousand was allotted to Métis. Now 5 million is not a huge amount of money when we look at the needs however, Métis are the least funded. In fact, Friendship Centres received core funding from the province and we don't.

This inconsistency in funding models entrenches neo-liberal notions of compliance and worth existing on "an uneven institutional landscape." Furthermore "the pressure to 'do more with less, to encourage and operate with fiscal responsibility is well established within the Canadian social service and education sectors" (Janzen, Jeffery, & Smith, 2015 p. 13).

In addition to having to give more with less, McDonald (2013) states that, "Indigenous communities will have to make the most use of funding granted by the province while simultaneously dealing with some of the most difficult and extensive caseloads." Indigenous movements must constantly re-position themselves in response to the state's concessions in order to bring their unresolved concerns out of the de-politicized spheres created through devolution and into public political spaces of contest, debate and accountability" (McDonald, 2013, p. 14). Slowery (2008) appears to agree with McDonald in cautioning us in our striving for self-governance:

In general, neoliberal logic suggests that the well-being of First Nations in the new economic order is a function of their ability to compete as autonomous, self-governing, and self-sufficient entities in the global marketplace, rather than as wards of the state. (p. 13)

These discussions certainly parallel the above findings in legislation in that while self-determination and self-governance in child and family services may be encouraged as a step away from state dependency, the end results are often skewed by the fact that funding models are federally developed to encourage a certain level of service and for Métis agencies who depend on provincial funding, the dependence on regionalization and de-centralization can provide a climate of uncertainty and a myth of independence in decision making.

Colonial Policies and Métis Child Welfare

A report on Aboriginal child welfare to the Premiers of Canada in July, 2015 describes that "many of the factors that lead to children being placed in child welfare systems are rooted in events that have had devastated Aboriginal in-

dividuals, families, and communities. This includes the structural violence and economic marginalization that perpetuate poverty and social challenges for Aboriginal people. Work to address the overrepresentation of Aboriginal children in child welfare systems needs to recognize that these past events are closely associated with today's family and child welfare problems" (p. 10). Indeed a historical context is important as it pertains to Métis child welfare and more importantly that historical context must include how colonialism has impacted our children and families.

Given that land was so important to the foundations of the political economy of the Métis, what occurred in Manitoba throughout the decades of the 1870's and 80's led to the dispersal of the Red River Métis, severely disrupting their way of life" (p. 10). Richardson (2015) states that, "much of Métis suffering is a result of disruption to their lives caused by colonial violence and White settlement into Canada" (p. 146). Smith (1999) describes colonization as the "securing and subjugation of Indigenous populations" under European control (p. 21). Smith further notes that colonization "can be viewed as a stripping away of *mana* (our standing in our own eyes), and an undermining of *rangatiratanga* (our ability and right to determine our destinies)" (p. 173). Indigenous people lost control of their lives, lands and resources.

In other historical accounts of Métis land dispossession and colonial attempts to eradicate Métis peoples we encounter the legacy of residential schools on our peoples and the damaging impacts of day schools. The Truth and Reconciliation Final Report Volume 3 informs us that:

The Métis experience of residential schooling has been overlooked for too long. It is important to recognize that Métis children attended residential schools both in southern and northern Canada. Federal government policy on Métis attendance was never consistent or consistently applied. (p. 55).

The residual effects of residential school have been well documented in the child welfare literature with the exception of Métis children and their families. With the final report of the Truth and Reconciliation Commission we have some critical documentation to expose some important facts about Métis people and residential schools. It is unfortunate that we often need to turn to the 'grey' literature such as government and other reports to expose this fact however as our people become more vocal in scholarly work and research we have a resurgence of Métis voices in the literature that is critical and important. Carrière, Charbonneau and Richardson (2015) discuss the displacement of Métis families that has occurred over generations through residential schools yet is relatively unknown outside of the Métis community. We need to include this context in designing child welfare services to Métis children and families.

An important question to consider therefore is what are the best strategies

to support a culturally relevant and sustainable approach to Métis child welfare in Canada? Richardson (2015) reminds us of our collective lives before colonization and encourages us to adopt a “collectivist, family-oriented vision” to expand a child focused mandate to Métis child welfare (p. 141). Models of resistance and resurgence are encouraged in order to preserve our Métis family life as it was and as it exists in Métis communities throughout Canada. The Manitoba Métis Child and Family Services Authority give us hope as a model of Métis child welfare governance and services delivery. Its development and governance model can serve as an example of how we can achieve the goals to uphold a Métis ‘child-focused’ mandate and Métis community-driven model of child welfare service delivery.

The Manitoba Métis Child and Family Services Authority: Hope for the Future

In August 2000, as a result of child welfare recommendations in the Aboriginal Justice Inquiry Report, the Manitoba Metis Federation, Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and the Province of Manitoba began working together on a plan to restructure the child and family services system. (Metis Child and Family Services Authority, MCFSA, 2016). This became known as the Aboriginal Justice Inquiry-Child Welfare Initiative. Since then, the restructuring of Manitoba’s child and family services system has seen Metis and First Nation peoples reclaim their rightful role in the creation and delivery of services to Aboriginal families. MCFSA is an incorporated entity with an independent Board of Directors, responsible to administer and manage service delivery for Métis and Inuit people in Manitoba. Through the *Child and Family Services Authorities Act*, the MCFSA Authority has the power to grant mandates to affiliated service providers and receives funding from the government to carry out such tasks. In order to fulfill its mandate, the MCFSA manages and monitors the provision of services to Métis and Inuit children and families by developing policy, setting priorities and assessing the needs of Métis and Inuit communities in consultation with its service providers, the Métis Child, Family and Community Services Agency (which supports the Winnipeg, Interlake, Eastman, Western and Central regions) and the Michif Child and Family Services Agency (which supports The Pas, Thompson and Parkland regions Agencies) (MCFSA, 2016).

In this section, we discuss how this organization became an entity and the strengths and challenges of this model. The model itself was developed as a result of the Aboriginal Justice Inquiry Child Welfare Initiative(AJI) a process to examine the state of child welfare in Manitoba. Set up by the Manitoba government in 1988, the AJI was developed to examine the relationship between the Aboriginal peoples of Manitoba and the justice system. The AJI report was released in 1999 that included recommendations for changes to the child welfare system.

In 2000, the provincial government created the Aboriginal Justice Implementation Commission (AJIC), and tasked the AJIC with making recommendations to the government for the implementation of the AJI recommendations. The AJIC recommended that the AJI child welfare recommendations be prioritized for implementation which resulted in the AJI-CWI when, in April of 2000, the Province of Manitoba announced its intention to proceed with the recommendation of the AJIC that Manitoba should enter into agreements with the Assembly of Manitoba Chiefs (AMC) and the Manitoba Métis Federation (MMF) to develop a plan that would result in First Nations and Métis communities developing and delivering Aboriginal child welfare services. On November 24, 2003, the *Child and Family Services Authorities Act* was proclaimed. The *Authorities Act* and its regulations created the legislative base of the new system (AJI-CWI, 2000).

Upon first glance we imagine that a Métis child and family service ‘Authority’ would be a great step forward and inspired much hope and excitement for the Métis peoples of Manitoba and elsewhere. Bourassa (2010) describes this excitement as changes made to the system were ‘unprecedented’ however, she also notes that “changes occurred quickly, and some would say without adequate planning and consultation. Therefore, given the enormity of these changes, and the existing problems in the system that was devolved it is not surprising that certain issues would arise” (p. 7). The mandate of the MCFSA is to perform all responsibilities and have all powers and rights for administering and providing for the delivery of child and family services to the following persons: Metis and Inuit people of Manitoba; Persons in Manitoba who identify with Metis and Inuit people; and Other persons as required by the law (MCFSA, 2016). This broad mandate is complex in itself however the funding model can exasperate this complexity. For example MCFSA receives no provincial funding for prevention services however First Nation agencies receive some financial support for prevention programs. This disparity between provincial and federal funding models has created some challenges for Metis agencies yet the expectation for levels of service to meet provincial standards are the same for both. In spite of these challenges the MCFSA and Métis agencies in Manitoba have provided some unique and culturally relevant services.

Some examples include the LIFE program where children are in a foster home placement that welcomes the parents to live there too. The parents must agree to working with parent mentors and the children are safe in an approved home setting. Another program that has made a positive difference is The Métis Spirit Program. Here a worker organizes a celebration for permanent guardian kids when they turn 18. Family, friends and support people come together and do a celebration in an evening of activities and acknowledgements. It is important to note here that the Manitoba Metis Federation which is the Metis government in Manitoba has to supplement this program that is not funded by the provincial government. This demonstrates that financial support from

the province is not adequate to deliver child welfare differently, and MCFSA delivers this unique service through the generosity of their political organization. (MCFSA, 2016). There are a number of other programs offered for Métis children and families in Manitoba. Due to political will and community advocacy the Métis Authority stands as a culturally safe and strong organization for a number of Métis children, youth and their families in a child welfare landscape that can often be harsh. These programs were developed with a consistent theme of the importance of community involvement and leadership that maintains the kinship values of Metis ancestral and cultural rights.

Across western Canada we have had three models of service delivery and governance to draw from in Métis child welfare services. The Métis Commission in BC is one model that plays more a liaison role between the BC Ministry of Children and Family Development and Métis agencies. The Alberta Métis Settlement Council Region 18 during its existence (it closed its doors within the last year) was able to provide a range of statutory and non-statutory services to Métis children and families living on the eight Métis settlements in Alberta. The Manitoba Métis Child and Family Services Authority is the largest and most unique Métis governance structure for child welfare in Canada administering the continuum of services and working with a number of Métis agencies to provide these services. This Authority has demonstrated how a community can dismantle a system that has failed our children. There were some challenges but to date the Authority maintains its connection to the Métis community as one of its strongest characteristic.

Other models have been proposed. For example Harris and Cyr (2016) are examining alternative models that are based on cooperative enterprise for Indigenous peoples. They conclude “that there are common observations on the delivery of services to the Indigenous community – everyone agrees that the community should be in control but no one knows how this can effectively be accomplished. What is needed is a more integrated system; continuity of care; multi-level involvement of the family, the community, government and community-based organizations; an asset-based community approach that builds on existing strengths, values and commitment” (p. 6). This cooperative model is economically sound and perhaps gets out from under the neo-liberal concepts of funding discussed earlier. What is clear however is that child welfare services remains as provincial legislative responsibility and until Métis children are acknowledged in the legislation and have their rights affirmed we can be assured that implementing best practices and service delivery options for Métis children in need of child welfare services will be extremely challenging.

Recommendations

Based on the review of child welfare legislation, policies and governance we propose that we begin with revising child welfare legislation across Canada as it pertains to Métis children. We also propose that we look closely at culturally

relevant Métis child welfare practice in every jurisdiction where Métis people reside and where Métis children and their families may require child welfare services. Cultural safety planning for Métis children is essential. We recommend that Métis leaders across Canada stand up for our children and advocate a move away from dependency on generic Aboriginal policies and standards toward Métis specific best practices. According to the Truth and Reconciliation Commissions final report *Call for Actions*, child welfare requires our attention. Social work education programs levels need to include curriculum that reflects the reality of Métis peoples in Canada with best practices framed from a Métis epistemology.

Conclusion

The Métis are one of Canada's founding nations and according to recent statistics, there are over 451,000 self-identified Métis in Canada, and have been described as having "the highest growth rate of all Aboriginal identity groups with their population nearly doubling between 1996 and 2006" (Statistics Canada, 2015).

This chapter highlighted several important factors that have influenced Métis child welfare in Canada. Legislation as the over-arching framework for practice requires a complete review in every jurisdiction, as most provinces are blatantly absent of referencing the inherent rights of Métis children and their families in regard to best practices to support them. Through the absence of culturally relevant policies, Métis children are being impacted by ineffective and irrelevant practices that erode their rights to life-long connections to their culture, family and community. Carrière and Thomas (2014) conclude that, "settler identity and national citizenship in Canada has occurred on the backs of Indigenous people and their inherent rights to land and resources" (p. 123). The recent Supreme Court ruling on the rights of Métis peoples will hopefully impact Canada's child welfare legislation as it pertains to Métis children. However, the need for ongoing decolonization of the child welfare law and ensuing practice frameworks is apparent. Richardson (2006) points out that Métis tactical resistance shows itself in the various ways in which Métis people have worked to preserve their dignity and culture during times of oppression and racism. She writes, "These tactical responses were, and are, performed by Métis people who are trying to balance their need for safety and inclusion with a need to lie as cultural beings in a European Canada" (p. 56). As Métis peoples we have remained vigilant to take action to bring social justice to our Métis children and families. We invite you to do the same whether you are an ally or a Métis person. We can all use our voice to share this information.

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