



# First Peoples Child & Family Review

2016

## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

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## Foreword

Andrea Auger

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Dear *First Peoples Child & Family Review* Community,

On behalf of the *FPCFR*, I am proud to present this special issue devoted to the “Sixties Scoop” and Indigenous child welfare in Canada, in collaboration with the Thunderbird Circle (Indigenous Social Work Educators’ Network) of the Canadian Association for Social Work Education (CASWE). I was overjoyed by the positive response to our Call for Papers and we received a large number of submissions. Thank you to all of those who submitted their manuscripts for this issue. The *FPCFR* team went forward with eight manuscripts, ranging from creative submissions to academic publications to personal stories. Thank you to all of the peer reviewers who provided thoughtful feedback and to the authors for sharing their knowledge, experiences and stories.

In the coming year, we look forward to working on 12(1), a general call for papers, and 12(2). Since many people in the country will be celebrating Canada’s 150<sup>th</sup> birthday, we have an opportunity to reflect on what 150 years means to each of us in Canada. As we all advance our own worldviews, we invite submissions for 12(2) that focus on what we have accomplished for Indigenous children in the past 150 years. We hope to receive many more submissions and look forward to another fantastic year with the *FPCFR*!

In good spirit,

Andrea Auger

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## Editorial

Raven Sinclair

Associate Professor, University of Regina (Saskatoon Campus), Saskatchewan, Canada

This special “Sixties Scoop” and Indigenous child welfare edition of the *First Peoples Child & Family Review* came about through a discussion with Cindy Blackstock at the 2<sup>nd</sup> Indigenous Adoptee Gathering that was held in the summer of 2015 at the University of Manitoba. We were honoured that Cindy was the keynote speaker. I pushed my way through the crowds that were flocking around her after her talk with an agenda of getting her involved in Sixties Scoop research that I had been working on developing for over six years. She agreed and is now a co-Investigator of a 5-year project funded by the Social Science and Humanities Research Council entitled “A genealogical study of Indigenous adoption in Canada: A multifaceted examination of the removal of Indigenous children with a concentration on policy shifts between the years of 1950 and 1985.” The informal name of the project is the “Pe-kīwēwin Project.”<sup>1</sup> Cindy suggested that we launch our research collaboration with this special edition and I am pleased to present six articles and two creative submissions by students and academics across the country. While it is true that the history, the ideologies, and the apparatus’ underpinning the Indigenous child welfare system are disheartening, it is my hope that readers will also see the common themes in these submissions – strength and resilience, and a collective will to work towards positive change.

The special issue begins with a creative piece by Denali YoungWolfe, MA student in Indigenous Studies at the University of Saskatchewan. As a former foster kid, and a traditional adoptee, Denali has a strong grounding in her adopted *nehiyaw kiskeyihtamowin* (Cree knowledge). She has an intricate understanding of the anguish of familial loss and the joy of discovering a home. Her brief but poignant piece give us insight into how traditional adoption practices have worked since time immemorial, and also how Indigenous knowledge can provide a lifeline for survival and for hope. As an adoptee, works like Denali’s provide me with moments of healing to continue my work. My own contribution, which is much less poetic, but perhaps as profound, “The Indigenous Child Removal System in Canada,” provides a brief historical context of residential schools and colonial assimilation policies that have led to the disproportionate statistics of Indigenous children in state care. I focus on how legal precedents and bias in decision-making contribute to the ongoing removal of Indigenous children from families and culture. My intention in this article is to highlight key problematics of child welfare legal decision-making and to call for an overhaul of the child welfare system.

In the article “You’re Native but you’re not Native Looking,” Munira Abdulwasi, Marilyn Evans,

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<sup>1</sup> Interested readers can learn more about the research at [www.pekiwewin.ca](http://www.pekiwewin.ca)

and Lillian Magalhaes capture the adoption outcomes of Aboriginal veterans in Canada. These themes are echoed in virtually every dissertation and thesis written on the topic. Belonging, racism, and resilience represent the adoptee experience. Many adoptees have gone into the Armed Forces (myself included) and this article provides a bird's-eye perspective of the military experience for adoptees in addition to their adoption related identity and mental health issues. Barb Nahwegahbow, a highly respected Anishinaabe journalist, focuses on a single family and provides an insightful and compassionate rendering in "Transracial Adoption: One Family's Journey." The story would be considered a successful adoption because of the positive outcome, however, it also educates the reader about the harsh reality that even positive adoption experiences were fraught with emotional and psychological challenges. Barb's article spotlights the critical point that adoptive families must recognize that when they adopt a child of another culture, the whole family becomes bi-cultural, not just the child. The Lee family, who strove to "Indigenize" themselves long before Indigenization became popular, and their adoption story should be an exemplar for future adoptions and fostering of Indigenous children.

The second creative piece in this special edition is Celeste Pedri-Spade's poem "Our Time to Dance," which evokes the themes of loss, grieving, resilience, and hope. In some ways, this poem is an emotional interlude as we move into some challenging topics of parenting assessments, human rights, and trauma recovery.

Turning our attention toward the cultural relevance of Aboriginal parenting assessments, Gabrielle Lindstrom and Peter Choate, in "Nistawatsiman: Rethinking Assessment of Aboriginal Parents for Child Welfare Following the Truth and Reconciliation Commission," draw upon the knowledge and expertise of Blackfoot Elders to educate us about traditional Blackfoot perspectives on children and families, and to argue that current parenting assessment models are based on western child-rearing perspectives. This uninterrogated bias puts Aboriginal parents at a disadvantage because of cultural disparities and cultural disruption. We can understand these disparities better through theoretical articles like Clara Filipetti's "The Treatment of Aboriginal Children in Canada: A Violation of Human Rights Demanding Remedy" that analyze Canadian child welfare through a human rights lens. Clara teaches us the difference between universal, natural, and legal rights, and suggests that an integrated human rights framework will redress the current disparities in Indigenous child welfare funding and other services.

Lastly, Autumn Varley captures a theme that will resonate with adoptees far and wide in her title "You Don't Just Get Over What Has Happened to You: Story Sharing, Reconciliation, and Grandma's Journey in the Child Welfare System." Autumn provides an autoethnographic account of her family's history and experience with the Sixties Scoop, reminding us that the Indigenous child welfare era has been in operation for generations and each family's journey merits recognition. Her article is a perfect conclusion to this collection, by reinforcing that despite generations of trauma, many Indigenous families have survived through resilience, healing, and reconciliation with the past.

In closing, I will speak for all of us when I say that we write these words with love and respect for those who could not tell their own stories and we acknowledge and honour all those who did not survive the child welfare system.

*Ekosi. Kinanaskomitinawaw kahkiyaw niwahkomakanak.*

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## How I Came to be Raised by Wolves

Denali YoungWolfe

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My experiences have given me a foundation from which to understand the confluence of blood and magic in my origin story. I would like to share two parts of that story with you now.

### Mistik Ayisiniwak – The Tree People

The mistik ayisiniwak are my spirit protectors. When I was very little I learned to run from the blackout violence that left blood on our walls and bruises in our hearts. I remember hiding in the woods, crying out in silent desperation, and hearing the mistik ayisiniwak answer; they called to me and I climbed to safety in their highest branches. They cradled me and sang to me, they provided healing and protection and for many years were the only physical touch I knew that was not violent. I spent years nestled safely in their branches and could sleep without fear of falling. In that sleep, in the arms of the tree people I came to know a place, a language, and a people that exist in the fullness of time.

The mistik ayisiniwak sing - like a vibration - each one has their own voice. I learned that many of them have roots that see like echolocation, which is why it is important to walk gently on the earth. They have different dialects and some are very social while others are not. They taught me to ask permission because not all trees want you to climb them. When you are exposed to a language long enough you understand the words, even if you can't speak them. The mistik ayisiniwak have cared for me since I was very young and in my silence I hear the deafening softness of their song; it is a vibration that could separate all the atoms in your body if you listen too long. Asleep in their branches, wrapped in the vibration of their song I hear them say they are my relations, my origins and my future.

### Mahihkanwak - The Wolves

My kokum used to say I was born to my family; it just took some time for me to find them. After years of existing invisibly on the edge of everything, in and out of foster homes and empty apartments, not fully alive or dead, I met Wannetta Wolfe. She came to my house (to steal from me) and when she saw that I had no furniture and ate out of cans she invited me to her house, fed me and befriended me.

That winter, when the snow began to fall I had no jacket and was wearing broken sandals that I had stolen in the summer. The heels had worn away and I would curl my toes over the front to keep my feet off the snow. Wannetta saw this and invited me to go to the store with her after school; she had \$5 – a big deal. At the store she led me to a bin of \$3 tennis shoes. I cried. She showed me the first human

kindness I had known in a long time.

She showed me I was worth shoes.

One day soon after, we were beading our powwow outfits at her house when she announced to her family, “She has nothing, her mum beat’s her; we’re keeping her.” Her mum looked up from beading and said, “You girls do the dishes, and eat something.”

That was that, I was theirs. Years later I was adopted traditionally at our annual powwow and that is how I came to be raised by Wolves.

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# The Indigenous Child Removal System in Canada: An Examination of Legal Decision-making and Racial Bias

Raven Sinclair

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## Abstract

*This Indigenous child removal system in Canada has been in operation since the 1950s and has created unprecedented Indigenous child overrepresentation in the child welfare system. While five generations of residential schools and disastrous socio-economic conditions often warrant child welfare involvement, the statistics for Indigenous children in care are so disproportionate that we are called to examine key factors that have created and sustain the system. While history provides a contextual frame for these statistics, examining legislation and legal decision-making in Indigenous child welfare cases sheds light on how legal and racial factors contribute to ongoing Indigenous child removals from families and culture. This article is a call for the Indigenous child removal system to be overhauled and suggests that the recommendations of the Truth and Reconciliation Commission final report can guide us in how that can be achieved.*

## Introduction

This article presents a focused critique of the Indigenous child removal system in Canada to provide an historical overview as well as to examine some of the key factors that sustain Indigenous child overrepresentation in the child welfare system. The statistics for Indigenous children in care are so disproportionate and the apparatus' that underpin Indigenous child welfare so complex, that we have to examine how the system developed as well as asking what are the factors that sustain this system? The article begins with brief historical framing to contextualize the alarming, Indigenous child welfare statistics and to provide the backdrop for a discussion of how legislation and legal decision-making buffer and serve to justify ongoing State removal of Indigenous children. To this end, the legal precedent established in the Supreme Court of Canada case *Racine v Woods* (1983) is critiqued, and the legal test of "the best interest of the child" is also scrutinized. The article concludes with a challenge regarding how culture is assessed in Indigenous child welfare cases. The goal of this article is to disrupt the Indigenous child removal system by analyzing how legislation and policies, and cultural/racial bias play out in the removal of Indigenous children in Canada.



## Historical Context

In Canada, federal and provincial policies and legislation evolved to deal with the “Indian Problem” through assimilation as a necessary precursor to land and resource acquisition. Programs and policies that furthered the ongoing assimilation project included the reserve system, the residential school system, and the child welfare system. According to O’Shaughnessy (1994), “[w]ardship was the legal arm of the assimilative-genocidal policy of forced removal of Aboriginal children from their families and nations” (p. 70). The consequences of successive assimilation schemes, exacerbated by inequitable funding for health and social services to First Nations people, have been devastating to Indigenous populations in Canada, resulting in a legacy of social chaos that is evident in cities and First Nation communities. Over a decade ago Bennett, Blackstock and De La Ronde (2005) summarized Indigenous conditions this way:

As a result, the socio-economic problems today are so pervasive for First Nations peoples that a 1996 internal Department of Indian and Northern Affairs study found that if the United Nations Human Development Index were applied to First Nations living on reserve they would rank 79th and 80th in the world while at the same time, Canadians as a whole, are ranked number one in the world. (p. 7)

Although the authors were reporting on the UN Index from 1996, the disparities remain. The Community Well-being Index (INAC, 2011) revealed that of the “bottom” 100 communities in Canada rated on dimensions of education, income, labour force participation, and housing, 96 were First Nation communities. Similarly, the UN Special Rapporteur James Anaya (2015) observed that there had been no reduction in disparities between Indigenous people and other Canadians since 2004 (p.7).

## The Scope of Indigenous Child Welfare

The intense involvement of the child welfare system in Indigenous life emerged concurrently with the deterioration of Residential Schools in the 1950s. The transfer of responsibility for child welfare from federal to provincial control and the introduction of federal funding transfers through the Canada Assistance Plan in 1966 (Graham, Swift, & Delaney, 2008) allowed provinces to invest more resources into child welfare matters, leading to exponential growth in the Indigenous Child Welfare (Sinclair & Grekul, 2012).

By the 1970s, one in three First Nation children was separated from their families by adoption or fostering (Fournier & Crey, 1997), with Indigenous children making up 44% of all the children in care in Alberta, 51% in Saskatchewan, and 60% in Manitoba (McKenzie & Hudson, 1985, p.126). Currently, child in care statistics are even more alarming. Although Aboriginal children make up just 7% of the child population in Canada, they account for 48% of all foster children (Statistics Canada, 2013). Further, according to Turner, “three-quarters (76%) of Aboriginal foster children lived in the four Western provinces... In Manitoba and Saskatchewan, 85% or more of foster children were Aboriginal children” (Turner, 2016).

The high levels of children-in-care in the four western provinces skew the national data, which suggests that Indigenous children comprise 30-40% of children in care (Bennett et al., 2005). Gough, Trocmé, Brown, Knoke and Blackstock (2005) observed that assimilation policies led to higher incidents

of child removal and the overrepresentation of Indigenous children in care because Indigenous children were placed at twice the rate of non-Indigenous children, primarily due to socioeconomic conditions, alcohol abuse, neglect, criminal activity, and cognitive impairment.<sup>2</sup> The increase in children in care continues unabated with First Nations children spending over 60 million nights, or the equivalent of more than 180,000 years, in foster care between 1989 and 2012 (Blackstock, 2016).

The exact numbers of Indigenous children placed in permanent alternative care during the 60s Scoop is not yet known, although research is currently underway (see Sinclair, 2016). In 1996, Indian Affairs (INAC) statistics (the A-list or Adoption List) tell us that 11,123 First Nations children (Canada, Erasmus, & Dussault, 1996, p. 48) were apprehended and subsequently adopted, primarily into non-Indigenous homes in Canada, the United States, and around the world between the years of 1960 and 1985 (Sinclair, 2007b). The list does not account for children who were not Status Indians according to the Indian Act, or who may have been status but were not recorded as such in the interests of promoting their “adoptability” by non-Indigenous families. “Métis” and “non-Status” Indigenous children may have been considered more socially desirable by potential adoptive parents (Sinclair, 2007b).

The intense increase in Indigenous child welfare apprehensions and relinquishments caused alarm in Indigenous communities and raised an outcry by Indigenous political leaders who argued that the removal of Indigenous children constituted genocide as per the Convention on the Prevention and Punishment of the Crime of Genocide, to which Canada is a signatory. The convention notes that genocide refers to “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” including item 2(e) which is “[f]orcibly transferring children of the group to another group” (UN General Assembly, 1948). A public inquiry on the mass adoption of Indigenous children was conducted in Manitoba and a report was released in 1985. The report author, Justice Edwin Kimelman, condemned adoption practices in Manitoba, highlighting the fact that incomplete, inaccurate, and misleading information in child welfare files was the order of the day. The report stated, “...the Chairman [Kimelman] now states unequivocally that cultural genocide has been taking place in a systematic, routine manner” (Kimelman, 1985, p. 51).

Kimelman’s report led to an immediate moratorium on Indigenous adoption in Manitoba, which was followed, albeit informally, in other provinces. Ultimately his report altered adoption practices, and in Saskatchewan, for example, policies were developed that required the consent of families and First Nation band leadership to the adoption of Indigenous children. At that time, “best interest of the child” evolved to include cultural considerations for Indigenous children. The “best interest of the child” is a legal construct used to guide child welfare decision-making.

## The Best Interests of the Child

The “best interests of the child” criteria are set out by each province’s legislation in assessing situations for Indigenous children in alternative care and for custody cases. Manitoba, for example, requires that consideration be given to the child’s “cultural, linguistic, racial and religious heritage,” (The Child and Family Services Act of 1985, 2013) while BC has a comprehensive list of “special Indigenous

<sup>2</sup> See also Trocmé, Knoke & Blackstock, 2004.

considerations” (Family Law Act of 2011, 2016). Saskatchewan, by contrast, has no specific Indigenous or cultural consideration requirements.<sup>3</sup> Compounding the generally cursory attention given to culture in “best interest of the child” policies in the legal arena, precedence is being given to the notions of attachment and bonding over cultural considerations, to the detriment of Indigenous children and communities. The context of the attachment argument appears to have taken a foothold with Justice Bertha Wilson’s finding in the leading case on Indigenous adoption, *Racine v. Woods* (1983), which implied that there is an inverse correlation between attachment and the importance of culture in a child’s life. Justice Wilson stated,

In my view, when the test to be met is the best interests of the child, the significance of cultural background and heritage as opposed to bonding abates over time. The closer the bond that develops with the prospective adoptive parents the less important the racial element becomes.

Park (2003) observed that the case has been criticized for its lack of cultural relevance and “for producing an unfair result that is dismissive of First Nations culture” (p. 53). Nevertheless, the argument is currently being applied to children in foster care situations and the assumption that bonding (or attachment) supersedes culture is being relied upon in case after case with increasing regularity and without challenge to the veracity of the argument.<sup>4</sup> For example, Justice L’Heureux-Dube, in *Catholic Children’s Aid Society of Metropolitan Toronto v. M. (C.)* (1994), summarizes this notion in the interest of the child:

In considering the question of “the best interests of the child,” the child’s psychological attachment to her foster family may be, in our case and probably many others, the factor most important. (2 SCR, 165, p. 201)

However, Justice Wilson made two problematic assumptions in her decision. First, she assumed that bonding supersedes cultural background and gave “longevity of placement” primacy where Indigenous children have been in non-Indigenous care for long periods of time. The inference she made is that bonding occurs on a correlational scale of closeness that is linear and can be measured over time, i.e. the more time in the placement, the closer the bond. However, there is no evidence in research that bonding and attachment increase with time and no research that quantifies bonding levels. In fact, a 2003 study of children of divorce observed that attachment, as an *idea*, is an evolving representation dependent upon the nature of the family environment (Lewis, Feiring, & Rosenthal, 2003). Further research indicates that attachment is actually dependent upon mothering style and can be disrupted or enhanced depending upon the nature of the interaction between mother and child (Egeland & Farber, 1984). Other studies show that securely attached children can transition to insecurity over time. The correlations between attachment “continuity and discontinuity” hinge upon multiple factors including maltreatment, depression, family functioning, and most significantly, *chaotic life experiences* (Weinfield, Sroufe, & Egeland, 2000). Those authors found that attachment is vulnerable in high risk groups, and racial factors as intervening factors could affect family functioning. The research combines to assert the notion that

<sup>3</sup> See The Child and Family Services Act of 1989-90 (Saskatchewan). Chapter C-7.2 of the Statutes of Saskatchewan. §§ 1-83 (2014) at <http://www.qp.gov.sk.ca/documents/english/statutes/statutes/C7-2.PDF>

<sup>4</sup> See *Tearoe v. Sawan* (1993), *Catholic Children’s Aid Society v. A.V.W.* (2002), *Adoption* (2009), *Adoption* (2012), and *J.G. and R.G. v. Awasis Agency of Northern Manitoba* (2012).

attachment is neither static nor linear. Attachment is very much dependent upon the intrafamilial (within family) context. In a healthy family where maternal interaction with the child is healthy and trustworthy, attachment is strong. In vulnerable contexts where family strife and other risk factors occur, attachment can shift over time. In retrospect, it is interesting to observe that the original attachment to birth parents and family and subsequent removal of children into foster care is not considered. It is very likely that bonding and attachment were already disrupted at the initial removal but this argument is yet to be used to return children their original source of attachment - birth families.

The second assumption in Justice Wilson's statement is that the significance of cultural background and heritage abate over time. However, the literature on transracial adoption indicates that the significance of culture and heritage actually increase over time for foster and adoptive Indigenous children, whether their experiences were positive or negative. Over 98% of the adoptee narratives examined between 2002 and 2007 articulated that the repatriation to Indigenous heritage was an essential and critical aspect of reconstructing identity as young adults (Sinclair, 2007a; see also Carriere, 2010; Carriere, 2005; Maurice, 2000; Kulusic, 2005; Sindelar, 2004). Park (2003) asks the salient question, "do racial needs abate with time?" (p. 56). She points out that racial and cultural needs may actually increase with time as children navigate their identities into adolescence. For children who are members of racialized minorities, the insulation of same-race siblings, families, and communities cannot be underestimated in terms of belonging and a sense of safety in the world. Fogg-Davis (2002) terms the learning of how to navigate the world in a racialized context as *racial navigation*: a skill that is learned within same-race contexts by children who model their coping skills from siblings, parents, and extended community. A theory that racial elements become less important than attachment over time is erroneous in the sense that racialized children carry their "racial element" with them through their lives and culture forms a critical aspect of an individual's identity. According to Wensley (2006):

...no authority is required to make a convincing argument that culture and heritage are significant factors in the development of a human being's most fundamental and enduring attributes... they are the stuff from which a ... person's identity and sense of self are developed. (Wensley 2006 citing *EJT v. PMVP and TVP* (1996) Man. C.A.)

In sum, the literature contradicts Justice Wilson's statement because Indigenous adoptees and foster children who were adopted during the 60s scoop, with very few exceptions, invariably repatriate to their Indigenous families, communities, and culture (Sindelar 2004; Sinclair, 2007a; Native Child and Family Services of Toronto, Stevenato and Associates, & Budgell, 1999). The finding in *Van de Perre v. Edwards* (2001) that *race is a factor in determining the best interests of the child* and should be assessed on a case-by-case basis, augments the challenge to Justice Wilson's findings. Given that identity is a lifelong process and that the majority of adoptees repatriate as young adults, our attention needs to be directed to the fact that "best interests of the child" determinations, for Indigenous and racialized children, should actually consider the "best interests of the child *as adult*." More specifically, since cultural identity takes on increasing significance with adulthood, considerations need to be made so that cultural realities are given consideration when making child welfare decisions for Indigenous and racialized children. Unfortunately, when we examine who is making best interest decisions, we encounter key problematics of bias and ethnocentrism.

## Who Determines Best Interests?

An essential consideration is whether, in a racialized, socio-political milieu, the “best interests of the child” can be determined fairly and equitably by non-Indigenous people. If stereotypes and negative social constructions of Indigenous people are normative, and racism is deeply and unconsciously rooted in the collective Canadian psyche, can a white judge who is tasked to determine a child’s best interest be objective and judicially neutral? More than likely, “best interests of the child” determinations favouring the Euro-Canadian, white, nuclear family as the one most “fit” to raise a child will naturally dominate. In terms of the relevant legislation, this particular concern is confirmed in *R. v. Williams* (1998):

Judicial directions to act impartially cannot always be assumed to be effective in countering racial prejudice. Where doubts are raised, the better policy is to err on the side of caution and permit prejudice to be examined.

Back in 1989, Patricia Monture argued that the judicial system was racist and biased against Indigenous families. Crichlow (2002) cites Monture who stated:

child welfare law is racist in that it applies standards that are not culturally relevant to Aboriginal peoples and which serve to reinforce the status quo. She applies this analysis to the racist bias from which judicial interpretations of the best interests of the child test are reached. (Child Welfare Ideologies section, para. 2)

The challenge we still contend with is to raise awareness of bias where people do not believe bias exists. Here, the aphorism “absence of evidence is not evidence of absence,” can be applied to racism; that is, just because someone says they are not racist or biased, does not mean they actually are not. People who do not experience racism or are blind to it because they do not have direct experience of it may argue that it does not exist. Similarly, if people do not have an intricate understanding of the depth and breadth of Indigenous culture, how can they possibly assess its importance? More than likely, culture would be dismissed and minimized. White privilege and racial prejudice persist unabatedly in racialized societies because those who benefit from that normative racial advantage, often based on racial biases and ethnocentrism, have no cause to interrogate their own or systemic/institutionalized privilege or racism and hence, no cause to engage in any actions that would counter it. Crichlow (2002) highlights just how ingrained Canadian white, middle class normativity is by citing Quebec Family Justice Barakett’s findings in *Isaac v. Lavoie* [sic]: “Life on the reserve is not part of the real world.” Thus, it is not surprising that Justice’s suggestion in *R. v. Williams* (1998) to “err on the side of caution and permit prejudice to be examined” is substantially ignored in Indigenous child welfare cases.

Although the ruling *Racine v. Woods* (1983) has been frequently adopted in child welfare cases as a means to quantify attachment and dismiss cultural background, and is being used repeatedly and successfully in court to permanently place Indigenous foster children into non Indigenous families, the literature and research do not support a notion that attachment/bonding increases with time, nor do they support that cultural significance fades with time. In actuality, the literature and research indicates that the opposite is true in both respects.

Attachment is dependent upon multiple factors and can increase or decrease over time. However, because the courts have set precedents in giving more weight to perceived strength of “bonds” over culture, cases where foster families decide that they want to keep their Indigenous foster child are ending

up before the courts. Indeed, recent discussions with a foster parent and a social worker provide an example that social service agencies and foster families are well aware that the courts can be used to legally acquire Indigenous children. Given the legal precedents that have been set, Indigenous families and communities remain at risk for losing their children because courts are ruling in favour of foster families. The most recent cases indicated that Justice Wilson's assumption about the relationship between length of placement and attachment has been reified and accepted as truth, to the advantage of non-Indigenous foster families who decide they want to adopt their charges; observe the recent Quebec Court of Appeal statement of Bich, JA in 2009 (Adopted, 2009), who casually stated that "*the more time passes, the more the child becomes attached to the foster family.*"

Interestingly, however, it appears that the courts will use whatever argument works to remove Indigenous children from their families. Park (2003) highlighted the case of *H.(D.) v. M. (H.)* (1999) where the Supreme Court ruled that the trial judge had given sufficient consideration to the child's Indigenous heritage and reinstated the previous decision. This had the effect of *removing the Indigenous child from his Indigenous grandfather with whom he had lived for three of his four years* (emphasis added). This case reveals that the attachment argument is obviously a tenuous one and malleable to certain purposes (p. 61).

## The Indigenous Child Removal System

The Indigenous child removal system has an unprecedented scope. If we reflect upon the cultural, language, and family disruption that over 180,000 years of foster care, exacerbated by five generations of residential school trauma, potentially inflicts upon Indigenous children, families, and communities, we should be very alarmed. When these statistics are juxtaposed with the reality that Indigenous people comprise between 4 and 17% of provincial populations and yet up to 85% of all the children in care, our concern should increase exponentially because these numbers are statistically improbable. It may well be true that generations of residential school trauma created the conditions for increased child apprehensions, but it is also likely that systemic and institutionalized structures have emerged that are enabling and encouraging overrepresentation. Critics are arguing that provinces are fostering Indigenous overrepresentation because the financial benefits contribute to income security for those involved in the child welfare system. From speaking with many people working in Indigenous child welfare agencies across the country, I have learned that Provincial Ministries benefit through per capita transfer payments for Indigenous children in care and also receive the per capita child tax benefits for any child who is in the care of the system. An economy, once built, will perpetuate itself. If the Indigenous child welfare system has become an economy and is operating to the benefit of foster parents and mainstream social work infrastructures, the will to disassemble that system will be limited and, indeed, actively resisted. We have to ask ourselves if such a system honours the nation to nation relationship between Canada and First Nations people, entrenched in the Treaty process. More pointedly, we have to ask if such disparate numbers reflects the governments fiduciary relationship with Indigenous people as well as respects the Charter right to protection from discrimination based on ethnicity.

## Conclusion

In 1985, Justice Edward Kimelman stated that the systematic placement of Indigenous children

into non-Indigenous homes amounted to cultural genocide, and this was reiterated by Justice Murray Sinclair in the summary report of the Truth and Reconciliation Commission (2015). Indeed, the first four of 94 Recommendations of the TRC Final Report pertain to Indigenous child welfare reform. The Sixties scoop, it appears, has not come to an end; it has merely taken different forms in the intervening years. Kimelman's 1985 moratorium is being circumvented through permanent guardianship and adoption orders, and perpetuated in a justice system that utilizes the "best interest of the child" test in whatever manner best serves non-Indigenous interests. The quantification of attachment as a strategy for dismissing the significance of Indigenous culture is questionable given the research findings to the contrary and especially the racialized normative context in which "best interest" determinations are made. If the continued scooping of Indigenous children through legal and child welfare agency policy channels is not challenged, the Indigenous child removal system will continue to perpetuate the same cultural genocide that has confronted Indigenous communities since contact and the Indigenous child removal system in Canada will continue unfettered. The Indigenous child removal system must be dismantled immediately and a system put in place that deliberately disrupts the racist and colonial ideological foundations upon which the current system has been built. We can use the Truth and Reconciliation Commission recommendations to create a new system that more accurately reflects equitable nation-to-nation relationships and honours Indigenous children, families, and culture.

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## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

# “You're Native but You're not Native Looking”: A Critical Narrative Study Exploring the Health Needs of Aboriginal Veterans Adopted and/or Fostered During the Sixties Scoop

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## Abstract

*This study employed a critical narrative approach to examine the experience of Aboriginal Veterans in Canada adopted and/or fostered during the Sixties Scoop. The objectives of this study was to: 1) understand lived experiences of Aboriginal veterans adopted and/or fostered during the Sixties Scoop, 2) investigate health needs articulated by this population, and 3) provide suggestions for the creation of health services to aid Aboriginal veterans adopted and/or fostered during the Sixties Scoop with their health needs. Individual interviews were audio-recorded and conducted with eight participants from across Canada. All interviews were transcribed verbatim and analyzed using the holistic-content model (Lieblich, Tuval-Mashiach & Zilber, 1998). Data analysis of the interviews uncovered three overarching themes: a) sense of belonging, b) racism: experienced and perceived, and c) resilience: not giving up in the face of adversity. Two main health needs conveyed by the participants included mental health care and support to fight substance abuse. More awareness regarding the historical realities experienced by this population and the impact this may have on their overall health is needed. Increased coordination between Veterans Affairs Canada (VAC), Royal Canadian Legion (RCL), National Aboriginal Veterans Association (NAVA), Aboriginal Veteran Autochthones (AVA), and Aboriginal agencies is needed to address the mental health needs experienced by this group of veterans.*

**Keywords:** *Aboriginal, Adoption, Canadian Forces, Critical Narrative Inquiry, Health, Foster Care, Sixties Scoop, Veteran*

## Introduction

The term “Sixties Scoop” was first introduced by Johnston (1983) to refer to a period from the

1960s to the late 1980s where an excessive number of Aboriginal children in Canada were removed from their biological families and placed in non-Aboriginal homes. Many Aboriginal children adopted and/or fostered during this period lost all contact with their biological families (Sinha et al., 2011). Some Aboriginal children were also adopted outside of Canada, such as to the United States and other international countries (Bagley, Young, & Scully, 1993; Johnston, 1983; Sinha et al., 2011). The Sixties Scoop has been viewed as a failure of social workers to fully understand the significance of Aboriginal culture on Indigenous families and communities (Fast & Collin-Vezina, 2010), and as an extension of colonialism. Others have described it as cultural genocide culminating in the deterioration of the Aboriginal family, kinship, and community networks (Johnston, 1983; Sinclair, 2007).

A recent secondary analysis conducted by Ray and Abdulwasi (in press) on data obtained from a national study examining homelessness amongst Canadian Forces (CF) and Allied Forces (AF) veterans (Ray, Ta'an, Bamford, Forchuk, & Acosta, 2011) found that all the Aboriginal veterans had been either adopted and/or fostered out to non-Aboriginal families during the Sixties Scoop. Many reported being physically and emotionally abused as children and having feelings of loss and lack of connection and belonging to the Aboriginal culture and their families due to their childhood upbringing and considered these as contributing factors to their homelessness (Ray & Abdulwasi, in press).

Canadian Aboriginal peoples' contribution to the Canadian military spans over many generations (Moses, Graves, & Sinclair, 2004; Summerby, 2005). For example, approximately 4000 and 3000 Status Aboriginal individuals enlisted in the First World War and Second World War respectively (Gaffen, 1985; MacFarlane & Moses, 2005; Sheffield, 1996; Summerby, 2005). Many Aboriginal people continue to enlist in the Canadian military serving in various military assignments and divisions. In 2013, 2.11 percent of Canadian Armed Forces members (CAF) were Aboriginal (Government of Canada, 2013). Despite Aboriginal peoples' past and continued military involvement, very little is known specifically about Aboriginal veterans' wellbeing other than historical and anecdotal records of Aboriginal military service (Gaffen, 1985; Sheffield & Lackenbauer, 2007; Summerby, 2005). Further, there is limited information available regarding Aboriginal transracial adoption during the Sixties Scoop (Nuttgens, 2013; Sinclair, 2007). Nuttgens (2013) indicates that further research is needed to understand the experience of Aboriginal transracial adoptees since they are a "distinct racial and cultural group" with "unique sociocultural experiences" (p. 2). Aboriginal veterans adopted and/or fostered during the Sixties Scoop constitute a group with unique experiences and health needs as both military veterans and as Aboriginal individuals transracially adopted and/or fostered out as children. Increased knowledge of the unique sociocultural experiences of Aboriginal veterans adopted and/or fostered during the Sixties Scoop can inform and enhance veteran services, programs, and policies regarding Aboriginal veterans' health needs.

## Purpose

This study was set out in order to: 1) understand the lived experiences of Aboriginal veterans adopted and/or fostered during the Sixties Scoop, 2) identify health needs of this population, and 3) provide recommendations regarding health services and policies to effectively meet the health needs of this unique group of Aboriginal veterans. The term "Aboriginal" is used in this study to refer to the First Peoples of Canada and their related descendants. According to the Canadian constitution, Aboriginal peoples are comprised of three key groups: First Nation, Métis, and Inuit (Communication Branch Indian

and Northern Affairs Canada, 2002).

## Methodology

This study was guided by the cultural wisdom and knowledge of a traditional Aboriginal elder and narrative inquiry informed by critical social theory. A central aspect of critical theory is a “focus on realities that are mediated by power relations that are socially and historically constituted” (Ponterotto, 2005, p. 130). Through a critical methodological framework, we acknowledged the past and continued adverse impact of colonialism and discriminatory government policies on the health and wellbeing, traditional ways of life, and self determination of Aboriginal peoples (Browne, Smye, & Varcoe, 2005; Reading & Wien, 2009). Narrative inquiry is focused on the meanings expressed and associated with an individual’s experiences (Clandinin, 2006) and aligns well with Aboriginal epistemology (Barton, 2004). Oral traditions such as teachings, storytelling, ceremonies, and song, are used by Aboriginal peoples as forms of knowledge and have been passed down from generation to generation (Absolon & Willet, 2004). These oral forms of knowledge allow individuals “to remember authentic realities” (Absolon & Willet, 2004, p. 8) and to connect with their “inner selves” (Carriere, 2005, p. 545).

Following ethical approval from the local ethics approval board, verbal permission to recruit potential participants was obtained from organizations, such as the Royal Canadian Legion (RCL), Aboriginal services and organizations, and community outreach services. Those eligible to participate were Aboriginal, Canadian, veterans of the Canadian Forces (CF), Special Duty Areas (SDA’s) or the American Forces, adopted or fostered out as children during the “Sixties Scoop” to non-Aboriginal families with no or limited connection to their Aboriginal communities, and fluent in English. Snowball sampling was used by Aboriginal CF veteran leaders of the Aboriginal Veteran Autochtones (AVA) in coordination with the elder guiding this study by distributing information about the study to potential participants (Marshall, 1996). The recruitment process occurred from February to July 2014 and ended when it was determined that no new themes were identified and data saturation was achieved (Marshall, 1996).

A purposive sample of seven males and one individual who self identified as a transgender male participated from across Canada. Their ages ranged from 30 to 54 years. Four participants were single/never married, three participants were separated/divorced, and one participant was married. Five participants had children. All participants had completed high school and five participants had postsecondary education. Seven participants had served in the Regular Forces and one participant served in the American Forces. Three participants were deployed overseas. The participants had served an average of 5.72 years in the military.

## Data Collection

Individual, in depth, semi-structured interviews were conducted by the first author with the participants. The interview script was advised by the elder to ensure that it was inclusive of Aboriginal knowledge and beliefs surrounding health and wellbeing. All the interviews were audio-recorded and transcribed verbatim by the first author and lasted approximately 20 to 80 minutes. Six interviews were conducted face-to-face with participants in Ontario, at locations such as coffee shops, community shelters, and Aboriginal Friendship Centres. Two interviews were conducted using Skype with participants in

Vancouver and Winnipeg. A demographic questionnaire was used to collect demographic data, such as age, gender, education, ethnicity, marital status, number of children, military service and deployment. All participants received an honorarium of \$20 for their participation.

## Data Analysis

All of the transcripts were analyzed using the five stages of the holistic-content model (Lieblich, Tuval-Mashiach, & Zilber, 1998). After the first round of analysis, steps three to five of Braun and Clarke's (2006) phases of thematic analysis was utilized to see if these themes were representative of the whole data set (Braun & Clarke, 2006, p. 91). In the final step of analysis, definitions for each theme were created as we distinguished the "essence of what the theme represented and what aspect of the participants stories the theme portrayed" (Braun and Clarke, 2006, p. 92).

## Ethical Considerations

The elder guiding this study helped ensure that the study abided by the ethical principles of Ownership, Control, Access, and Possession (OCAP). This study may have posed potential risks to participants involved in this study as they disclosed traumatic experiences relating to their upbringing and military service. All of the participants were informed that they could terminate at anytime if they experienced any pain, stress, or discomfort. Following their individual interview, all of the participants were debriefed and encouraged to contact myself or the principal investigator if they experienced any discomfort and undue stress. Participants were given a list of available local community mental health services, Aboriginal cultural and health services, and referrals to qualified mental health professionals.

## Stories

### Overarching Themes from the Participants' Stories

Three main themes were uncovered in the narratives: a) sense of belonging, b) racism: experienced and perceived, and c) resilience: not giving up in the face of adversity. The first theme "sense of belonging" represents the veterans' positive feelings of belonging, their search to belong, and their struggle/s to fit in at different points in their lives. The second theme "racism: experienced and perceived" conveys the participants' personal experiences with racism and/or their perceptions of racism towards Aboriginal peoples. The third theme "resilience: not giving up in the face of adversity" describes how the participants were able to overcome adversities in their lives. Pseudonyms were used to protect the confidentiality of the participants.

#### *Sense of belonging*

In telling their story some participants relayed positive feelings of belonging as they expressed how they "fit in" and were "a part of" different contexts in their lives. These participants were positively impacted by their feelings of belonging, which was reflected in their positive recollection of these experiences on their self-esteem and identity.

Akrittok began his story by recalling his memories in foster care as a child, "from one home to another. From this one...At this time, I didn't know what was home." Adopted into his last foster home in

1963, his narrative detailed his feelings of belonging to his adoptive parents who were also of Aboriginal descent. Adoption brought Akrittok not only a loving family but stability, belonging, and an understanding of the meaning of home:

...You could say it was a gift, a blessing. I went to a very good home, family.... clothed me, fed me a while. You know, I wasn't a rich kid or anything. It was just... they tried to teach me what when I lived back in the reserve the way they grew up...

Amanqjuaq described his childhood experiences in foster care as “hit or miss” and in some cases even traumatic. He believed the marines offered him a way to be successful as a minority and was motivated to join the military as a way of “being something, part of something...better bigger.” In the military, Amanqjuaq learned the significance of belonging to a group in times of combat, and connected this lesson to his own belonging in society:

It was strange how it dawned on me but I was, you know, after so long but I was so happy to be part of the group [inaudible] in that environment and stuff that... And we, we overcame that it was...you know, the whole thing about the Sixties Scoop is... They just made some of these, these things up, you don't belong here type of thing. Like well no, I belong everywhere. Look how great of a people we are; we can go anywhere.

Several participants disclosed their struggles fitting in as a result of their bicultural identities and experiences with transracial adoption and/or foster care. Although they were raised and had adopted non-Aboriginal cultural values and norms, they felt like they did not belong to their non-Aboriginal (predominately Caucasian) adoptive/foster families and in society in general due to their racial differences as Aboriginal individuals. They described their struggle to fit in amongst other Aboriginal people who were not adopted and/or fostered due to their limited cultural knowledge having been adopted and/or fostered transracially as children. Two participants used the analogy of different worlds to describe their sense of belonging amongst non-Aboriginal people (Caucasian) and Aboriginal people.

Animkii spoke about his experiences in foster care, which included a series of abusive homes. He ran away from his last foster home at about twelve or thirteen years of age to return back to his reserve. Animkii lived there for a year but was kicked out by his family because they felt like he did not belong since he was raised off reserve. He has tried to return to his reserve again as an adult but described the process as a “fiasco” because he did not belong. He disclosed a past suicide attempt and turning to drugs at the age of thirty to help him cope with the loss in his life. Currently homeless, Animkii described how his foster care experiences have alienated him as an adult:

You're not an Indian, you're not, you're not in the world, you know the acceptance there. You are not accepted by your own people. You're basically, you're all alone. It's like what foster care did to me - it put me in my own little world where you're not native. You're native but you're not native looking by your native people cuz you grew up in their world.

Adopted to a Caucasian couple in northern Canada, Tunerk discussed how he strived to belong growing up due to what he described as the “gender barrier” as a transgender individual. Like Animkii, Tunerk articulated his struggles to belong amongst Caucasian and Aboriginal people:

We straddled the Aboriginal world. We straddled the White world. So there is...you know, that area where we sit and stand and umm... and in that world like until we find another person like

us we struggle with where do we belong. And we question that like daily, you know...

### *Racism: Experienced and perceived*

Racism was evident in their stories and had become a reality for the participants at an early age. Some participants recalled incidences in which they had personally experienced racism, such as: stereotypes, derogatory racial slurs, social exclusion, physical abuse, bullying, and differential treatment in their adoptive and/or foster homes. Others discussed their awareness and perceptions of the history of racism towards Aboriginal peoples in Canada, such as residential schools and the Sixties Scoop.

Miigwaans spoke about his experiences in his first adoptive home. He used the words “rough” and “traumatic” to describe his experiences in this home, noting racism and differential treatment in the form of physical and emotional abuse compared to his adopted brother and sister because they were “blood” and he was not. Adopted to a Caucasian couple at birth, Migiziins described his upbringing as mainly positive, but painfully remembered situations in his life where he experienced racism and stereotypes as an Aboriginal person.

I remember getting kicked out of a party once because they thought I was going to steal...Steal stuff, which was a White guys party so I was like...And the guy later apologized to me years down the road so...Yeah, leaves an impact on you.

In the military, Migiziins revealed that, “some people were not very kind” about his Aboriginal heritage, as he was referred to as a “dirty Indian.” He also disclosed his difficulty in breaking away from racial stereotypes in the military: “Yeah, that’s, that my whole thing with the military too though. It’s I’ll be like, but then they’ll always say just make sure Migiziins doesn’t get into that alcohol.”

In addition to sexual assault (rape) and homophobia, Tunerk experienced racism in the military when he was deployed to assist with the Oka crisis in 1990. The Oka crisis involved a land dispute between the Mohawk community and the city of Oka, Quebec. Tunerk remembered racial tensions during his deployment between the Mohawk community and police after a police officer was shot in the back and killed during this dispute. He recalled the situation, “Being in the military, being queer. Being queer and umm then being native with all this you know Oka thing happening... I ended getting out of the military.” He revealed that he has been diagnosed with post-traumatic stress disorder (PTSD), which his psychiatrist has been able to pinpoint to some of his experiences in the military.

### *Resilience: Not giving up in the face of adversity*

Participants expressed pride that they were independent and had learned how to survive various adversities in their lives, such as: childhood and military trauma, abuse (physical, mental, verbal, and sexual), substance abuse, and homelessness in which they did their best to overcome in light of these challenges in their lives.

As a result of his foster care experiences, Amanqjuaq noted that he had learned to adapt to different situations in his life. Having seen so many different types of environments, he explained how he was able to leave his career in construction and adapt to a new career:

... I realized, I...this is not the life I want so I ended up going back to school.



[inaudible] Learning that programming getting all of MTS [inaudible]. They call adaptability, working in construction to two years later working in a MTS office doing programming for a phone company. It's the ability to change like that, it's...you know, it takes not just the smarts of it but the social adaptability to do that.

Adopted in 1967 to an affluent Caucasian couple living in Ontario, Giniw's narrative detailed a turbulent childhood where he was always in trouble and disciplined. Diagnosed with PTSD and major depressive disorder (MDD), he spoke about his early memories running away from home and surviving on his own in the bush at the age of six as a way to avoid getting in trouble. Giniw conveyed how he was able to survive on his own again at the age of sixteen when he was homeless:

...I mean I've eaten out of dumpsters. I've robbed people for money. Did second story work. Breaking into people's houses. Driven stolen cars across the border for cash. You know, just things that you got to do to live on the streets. So, by the time I was eighteen, I've been around the block a time or two. Okay, but I was still surviving.

Like Giniw, Animkii was able to survive on his own with no support system at a very young age. "I was kicked out and I joined the railway after that. Finished high school on my own. And I joined the railway. And I have been on my own, I've been on my own..." He worked for the Canadian Railway (CN) for fifteen years.

Five participants relayed their struggles with substance abuse (primarily alcohol abuse), of which four have been able to recover from their addictions. The majority of these participants indicated that their addiction to alcohol began during their military service. Miigwaans explained how the military contributed to his substance abuse:

I learned how to drink really heavily there...umm. It seems that their way of thinking if you're older to serve your country you're old enough to drink. And umm it just went hand and hand. And I dealt with drinking for a lot of years...Well actually it dealt with me. But it did...it did turn me into an alcoholic at that time too because there was nothing else to do but drink, sleep, and drink and that was it...

All participants discussed having some unmet mental health needs and the majority expressed the need for counselling and community based mental health resources. Three participants noted using traditional Aboriginal healing methods to address their health needs. Miigwaans noted why he turned to Aboriginal healing methods to help him overcome his addiction following his service in the military:

...It was drug and alcohol free and I knew at that when I left the military that I needed to make myself healthy again. Umm and a group of guys within the [location not disclosed] community here asked me to come out and sing with their drum and it went from there...It was singing, sweats, dancing, everything all in one.

The participants' discussed their desire to not give up in light of struggles in their lives. Their stories revealed not only their adversities but also their personal strength.

## Discussion

A major theme in the participants' narratives was their decision to focus on the basic need to belong. Cognizant of their unique transracial adoption and/or foster care experiences during the Sixties

Scoop, the participants spoke about their search to belong, their struggle(s) to belong, and their positive feelings of belonging in their adopted/foster homes, the military, school, amongst other Aboriginal people, and in society.

Compared to same-race adoptees, the transracial adoption literature indicates that individuals adopted transracially are more likely to possess a "weaker ethnic identity" compared to those adopted by individuals of the same race (Boivin & Hassan, 2015, p. 1085). According to Bagley, Young, and Scully (1993), the poor adjustment of Aboriginal transracial adoptees may be the result of "identity conflicts" resulting from the confusion of Aboriginal adoptees who perceive themselves as Caucasian but who experience prejudice and racism as Aboriginal people (p. 226). This did not appear to be the case for the participants in this study, because most of the participants (except for Giniw) were aware of their Aboriginal ethnicity growing up.

Social identity theory suggests, "a social identity is a person's knowledge that he or she belongs to a social category or group" (Stets & Burke, 2000, p. 225). Individuals develop a social identity through processes of "self categorizations" and "self comparisons" as they perceive similarities with other individuals of the same in-group and differences with individuals of another group (Stets & Burke, 2000, p. 225). The participants' development of their social identity was influenced by various factors associated with their bicultural identities, transracial adoption/foster care experiences, and their overall sense of belonging in social groups/categories. Although they had attained their ethnic identity automatically at birth, their upbringing impacted their feelings of inclusion and exclusion and their sense of belonging in their ethnic group (Manzi, Ferrari, Rosnati, & Bennet-Martinez, 2014). The results of this study confirm the findings of previous research on Aboriginal transracial adoptees which show a lack of belonging of Aboriginal transracial adoptees amongst Aboriginal and White racial groups (Arsenault, 2006; Nuttgens, 2004; Sinclair, 2007; Sindelar, 2004; Peterson, 2002; Westermeyer, 1977).

The participants' narratives revealed a common experience of racism, regardless of their adoption and/or foster care outcomes. Several of the participants' stories included their encounters with "relational racism" (Reading, 2013, p. 4). Reading (2013) indicates that, relational racism, "occurs when a person experiences discriminatory behavior from people he/she encounters in his/her daily life" (p. 4). This form of racism was described by the participants in this study as extremely damaging to their sense of belonging. The participants' experiences with racism were congruent with the available literature on the topic of racism amongst Aboriginal transracial adoptees (Arsenault, 2006; Carriere, 2005; Sinclair, 2007; Sindelar, 2004; Nuttgens, 2004; Peterson, 2002).

Resilience is defined by Kirmayer, Dandeneau, Marshall, Phillips, and Williamson (2011) as, "the ability to do well despite adversity" (p. 84). When faced with personal struggles, the participants' narratives conveyed their ability to overcome, adapt, and survive difficult circumstances in their lives, such as trauma, military sexual abuse (rape), addiction, homelessness, childhood abuse, and racism. Very little information is available regarding the topic of resilience of Aboriginals adopted and/or fostered during the Sixties Scoop. According to Sinclair (2007), resilience among Aboriginal adoptees "is an area that beckons inquiry" (p. 75). More research is needed examining the resilience of Aboriginal veterans in general, given their possible exposure to traumatic events in the military.

According to the Aboriginal health literature, chronic health conditions, such as heart disease,

type 2 diabetes, arthritis and obesity are the primary causes of death amongst Aboriginal people in Canada (Barton, 2008; Joseph et al., 2012; Short, Mushquash, & Bedard, 2014; Waldram, Herring, & Young, 2007; Wilson & Cardwell, 2012; Thurston et al., 2014; Young, 2012). The health needs expressed by the participants in this study differed in that they focused on mental health issues. Mental health is a significant health need for many Aboriginal peoples across Canada. Kirmayer, Tait, and Simpson (2009) relate a history of colonization and discrimination of Aboriginal peoples to the elevated rates of violence, depression, alcoholism, and suicide in many Aboriginal communities.

The health needs expressed by the participants in this study also coincide with previous research on veteran health, which associate military service with an increased risk of PTSD, substance abuse, and depression (Ray & Heaslip, 2011). According to VAC, mental health disorders are experienced by about one-fifth of Canadian veterans at some point in their lives (Government of Canada, 2015).

## Implications

Our findings highlight the importance of veteran health services to be constructed with an understanding of the unique historical realities of Aboriginal veterans adopted and/or fostered during the Sixties Scoop. Similar to the residential school era, the Sixties Scoop is a “historically situated phenomenon” and a period in Canadian history that was directly impacted by amendments to the Indian Act (Menzies, 2006; Smith, Varcoe, & Edwards, 2005, p. 40). Health program service providers need to be aware and knowledgeable of the unique sociocultural experiences of Aboriginal veterans adopted and/or fostered during the Sixties Scoop and the impact this has on their health and wellbeing.

Despite the majority of the participants indicating a preference for Western biomedical approaches to health, it should be noted that some participants articulated a need for traditional Aboriginal medicine. Therefore, health care approaches for this population of veterans should be flexible and include both Western and Aboriginal ways of healing (Vukik, et al., 2011). As part of their transition to civilian life, Aboriginal veterans should also be provided with options to access services to: elders, traditional Aboriginal healers, Aboriginal counselors, Aboriginal social workers, Aboriginal health centres, and other Aboriginal community based health resources. Lesbian, gay, bisexual, transgender, two-spirit, and queer (LGBTQ) veterans should be provided with accessible services and referrals to health care professionals competent in LGBTQ veteran issues and health needs.

Mental health professionals working with Aboriginal veterans adopted and/or fostered during the Sixties Scoop need to address their health needs using holistic and community based approaches. Addiction disorders in Aboriginal communities have shown to be successfully treated with community based approaches (Jiwa, Kelly, & Pierre-Hansen, 2008). More research is needed exploring the efficacy of culturally appropriate community based approaches to substance abuse disorders experienced by this population.

Many participants in this study disclosed their memories of childhood abuse and the continued negative impacts it has had on their lives. A “life course perspective” needs to be incorporated in the mental health assessments of this population of veterans (Elder & Rockwell, 1979, p. 1). Through this perspective, mental health professionals are able to address topics such as childhood abuse, and examine the development and/or contextual impacts on their client’s health and wellbeing.

## Limitations

Absolon (2010) states that Indigenous knowledge "...is lived knowledge, experiential knowledge and enacted knowledge" (p. 81). Although measures were taken to ensure quality and rigour, we are limited in our understanding of Aboriginal knowledge due to our lack of lived and cultural understanding as non-Aboriginal researchers. We are cognisant of our limitations in this regard and grateful for the contribution and cultural wisdom of the elder guiding this study.

This study is also limited to the experiences of Aboriginal veterans identifying as male residing in predominately urban areas in Ontario. As a result, it is not inclusive of the lived experiences of female Aboriginal veterans and/or Aboriginal veterans living in other provinces, reserve, rural, or remote areas.

## Conclusion

The participants' stories revealed three major themes: sense of belonging, racism: experienced and perceived, and resilience: not giving up in the face of adversity. The first theme "sense of belonging" describes the participants' search for belonging, their positive feelings of belonging, and their struggles fitting in throughout their lives. The second theme "racism: experienced and perceived" represents the participants' direct experiences with racism and/or their perceptions of the history racism and colonialism of Aboriginal peoples in Canada. The third theme "resilience: not giving up in the face of adversity" displays how the participants' were able to overcome struggles and difficulties in their lives. The health needs discussed by the participants included mental health care and support to fight substance abuse. More research is needed examining holistic, Aboriginal, and life-course based treatments for the participants' mental health needs. Veteran health services should include traditional Aboriginal medicine and worldviews. The participants' narratives revealed their personal strength and the significance of belonging in their lives as Aboriginal veterans adopted and/or fostered transracially during the Sixties Scoop.

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## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

## Interracial Adoption: One Family's Journey

Barb Nahwegahbow with Jeff Lee, Bill Lee, Cecelia Lee and Barbra Lee

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### Abstract

*A crucial concern regarding the adoption of Indigenous children into “white” families is the separation of the child from her/his Indigenous community and the struggles for the children involved. This paper examines the struggles faced by one Anishinaabe child and his family, the Lees, to come to terms with this dynamic when they adopted him in the early 70s. After the adoption they came to understand themselves as a family that was no longer “white”, one that faced unique challenges as well as opportunities. The initial strategy of the parents was to maintain his contact with the Indigenous community and culture. However, it became apparent that they had to find a way to Indigenize themselves as well. This was accomplished with the assistance of the Indigenous community. This story, unfortunately, does not reflect the majority of transracial adoptions. It is a hopeful one but also raises questions for the role of Indigenous communities, adoptive parents and in particular for policy makers.*

### Introduction

The journey of the Lee family, Jeff, his father Bill, his mother Cecelia and his sister Barbra, is told through their individual voices. They were interviewed by the author, a cultural activist, community organizer and former social worker who then structured the paper around their voiced experiences. The family members have given their permission for their names to be used in this paper.

Jeff Lee is very positive about his experience of transracial adoption. At the same time, he is very clear on the challenges and the amount of work that is required to make it a success. He believes that, “[i]f you’re thinking about adopting a child from an Indigenous community, you gotta do your homework! You gotta know the historical context, the social conditions...” Jeff, who’s now forty-six years old, was adopted by a non-Indigenous Catholic family when he was three months old. He reflects:

“There’s a lot more literature out there today than there was 40, 50 years ago. Back then, it wasn’t necessarily taboo, but a lot of it wasn’t written. A lot of parents just came in wanting to adopt. ‘Oh, there’s a cute Aboriginal kid, yeah, let’s grab him or her.’ After the fact, some stories that I read, ‘Oh, we didn’t actually know what we were getting involved in.’

So I’m saying, you’re taking on a commitment. Let’s hope it’s lifetime and it’s something beautiful, but part of that is knowing who you’re bringing in and where they’re from. And that’s not just preparing for things that come up, but it’s also the positive things, you know. The



celebration of that culture.

In adopting inter-racial, you definitely want to pick up on that culture and all that it encompasses, both good and bad.”

## The Journey

This advice would have been helpful to Bill and Ceil Lee when they adopted Jeff. But it was 1970. The importance of sustaining the Indigenous child's attachment to their culture and community wasn't something that was considered important, at least not to the majority of non-Indigenous workers working within the dominant culture's child welfare system. Jeff's advice comes from his own positive adoption experience with parents who had an intuitive sense about the importance of culture:

“Over the years, Ceil and I rarely talked about it,” said Bill, “but I thought Ceil said it best. Something like, it was because being Indigenous is who he is...So, since we believed that, or maybe more accurately, we intuited it (because we never had a big conversation about it), what does it mean? Well, culture is important, it is part of the environment we take sustenance from to learn who we are and how to be the best person possible. So, my sense is we kind of figured that out, but it wasn't something we had in our heads before his coming to us. It just seemed natural.”

Bill Lee and his American-born wife Ceil were living in north Toronto with their two daughters - Barbra who was four and Mary Jo who was three. Bill had moved back to Canada with his new bride in 1964 when he discovered he was eligible for the U.S. draft even though he was a Canadian citizen. He didn't want to end up in Vietnam fighting a war he didn't believe in.

It was Bill's work that led to the conversation about adopting, and specifically adopting an Indigenous boy. A social work position with the Catholic Children's Aid Society (CCAS) had opened up for Bill shortly after his arrival back in his hometown. After a couple of years, he left to pursue a teaching career. After some practice teaching, he concluded that teaching wasn't for him. It was back to social work and after completing his Masters degree, he returned to CCAS in 1969 for his second stint there, first as a case worker and then as a supervisor in their satellite office.

Ceil was acclimatizing to Canadian winters and was, for the most part, a stay at home mom to their two little girls. When Bill got home from work, she'd listen as he talked about the high number of Indigenous kids going into CCAS care. “There were lots more Indigenous kids in terms of the percentage of the whole population of kids in care,” she said.

Bill began to introduce the subject of adopting an Indigenous child, “because there were so many of them not being adopted because of prejudice,” Ceil remembers him saying. Bill recalls it this way:

“I think our thinking had something to do with zero population growth. It was a way of having kids without adding to the population. And we were very interested in an Indigenous kid and that was partly because I was aware from my work that a number of Indigenous kids became Crown wards, but they often weren't adopted. At least in the Toronto area.”

“The other thing - it's very prosaic and dumb when I look back on it,” he says somewhat sheepishly, “we thought, I know I did, that Indigenous people were really beautiful looking...and

particularly the kids I thought were really cute. That's really kind of a dumb reason," admits Bill, "pretty superficial, but at the time we had no idea of the challenges and opportunities we were going into."

Ceil's admission that she didn't think about any of the challenges that might come with adopting an Indigenous child is accompanied by a quick laugh. It's almost as if she can't believe she was so naïve. "You get a child, a baby, you put him in a family setting and they're fine," she said, a soft Texas drawl still evident even after fifty-some years in Canada. "It never even occurred to me. I was thinking about this yesterday and thinking, I lived in the U.S.A., I grew up in the U.S.A. and went to school in the U.S.A. all my life. Never heard the words Indian or Indigenous person in school ever. Never. And it was populated by Indigenous people first, there were tons of them around. I just didn't know any."

For Bill, exposure to the Aboriginal community and issues faced by Indigenous people had been through his work at CCAS. He'd become quite concerned about a couple of things. The CCAS had a lot of Indigenous clients in the satellite office, mainly women, and "they'd come to Toronto and they were just lost. Culture shock, racism, the whole thing," he said. Problems finding housing often resulted in their children being taken into care, voluntarily, for short periods of time.

There was another issue that concerned and puzzled Bill. "They would place the child in care, say for a three-month period, then they would often disappear," he recalled. "The kids would be there and we didn't see any reason for them to become Crown Wards. But the parents would disappear, or would be hard to find."

"So we were puzzled because they seemed like really nice people, not that they didn't have problems, but none of these kids ever came in as abused, for example." Bill started looking at the statistics and saw, "an awful lot of kids in care...of all the kids in care, they were the greatest percentage of one ethnic group."

He decided that CCAS needed to connect with the Indigenous community, a novel concept for that time in Canada, especially for a child welfare institution. "We went literally through the phone book looking for Indigenous organizations in the city because we didn't know anything," he said. "Nothing!"

Through help from the Union of Ontario Indians whose offices were then located in Toronto, they found the Toronto Concerned Native Citizens Committee. The key players on the Committee, Pauline Shirt and Vern Harper, would also later become important to the Lee family. The Committee met every two weeks to discuss how things were going in the Indigenous community and they would try to come up with solutions for problems and needs.

Three CCAS staff including the very nervous branch head attended the first meeting with the Committee. "They messed around with us a bit and sometimes really raked us over the coals," said Bill. "They pretty much gave us a history lesson and in very tough and personal terms. But they were giving us good information about the kind of fears Indigenous folk would have about a big white agency."

"One of the things they were saying was, people don't know anything about Children's Aid. It looks scary, it is scary, you've done a lot of bad things in your time. Whether it's you personally, it doesn't matter." Bill and the rest of the staff took the heat. One of the things the CCAS and the Committee worked

towards was hiring an Indigenous social worker. This occurred in 1972 shortly after Bill left the agency to go back to school.<sup>1</sup>

The relationships that Bill forged in the Toronto Indigenous community would help with the raising of their son. While no one had told them about the potential challenges in adopting an Indigenous child, one of the things they did know was the need to make a personal commitment to keep their child connected with his birthright.

Ceil said their application to adopt was relatively painless. “Maybe it was selfish,” she said, “but we asked for a child at least three months old so I didn’t have to get up at night.” She had her hands full with two toddlers who were fifteen months apart. “We asked for an Indigenous boy because we already had two girls,” she said, “but gender wasn’t really an important issue; what was important was that the child had been given up voluntarily and not apprehended.”

She remembers: “All of a sudden they called up one day and said we have a kid for you, come in tomorrow. I guess they were just waiting for him to get to three months but we didn’t have any warning.”

Jeff’s sister Barbbra recalls that time as “the day he came home.” Her voice holds the excitement of the memory: “...we were just really excited, just antsy all day it seemed like...Finally they came home and Mom was holding him and he was wearing a blue sleeper, a onesie and he was so cute and we were just so happy to see him. It was so exciting. We were so glad.”

“Both Barb and Mary Jo loved him,” said Ceil. “He could have been any race. It didn’t matter except that he was a baby.”

Indigenous culture and its importance as an essential element in the life of an Indigenous child was never discussed by the adoption worker. “Not a word,” recalls Ceil. “But immediately,” she said, “because of Bill’s experience, we started getting Indigenous artists’ prints and sticking them up on the walls, getting Indigenous-themed books though there were not very many.”

Their first attempt at exposing their son to his culture was less than successful. When Jeff was about three or four, they took him to the TD Centre downtown. They had a gallery with an exhibition of Indigenous artifacts and pictures. It’s an outing the whole family remembers.

“I laugh and I cry at the same time,” when I remember this story, Ceil said. The five of us, we looked at the artifacts, and we said to Jeff, “this stuff belongs to your ancestors. He said, “who are my ancestors?” I said, “they’re all dead now, but this is stuff they’ve left behind. And he started to cry because they were dead. We felt awful.”

Jeff has a memory of the outing: “We went downtown underneath the high rises, under the TD Centre specifically, and there was an Aboriginal exhibit on in the underground walkway. [It was] to support me, saying, hey Jeff, you’re adopted and this is who you are and this is what your culture is.”

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<sup>1</sup> As a result of the connections formed during this process, the author was hired in the fall of 1972 as the Indigenous social worker for the CCAS west end office.

“When we got there, and the interesting part was, I remember going to the glass, almost like literally put my hands on the glass and I don’t know if I started crying, but I certainly got emotional and I said, they’re all gone. Those were your people. The context of which must have hit me because I was like, oh no, am I the only one left? I got emotional, anxious. I don’t know what happened, but I kind of got the feeling of sadness, anxiousness. And they’re like, no, no, no, we didn’t mean it like that. We didn’t want this, we were trying to make this positive.”

Listening to his son sobbing, Bill thought, “[o]h, God, what did we do? Out of that, we said to each other, this isn’t the way to do it, and out of that, we started looking around for living, breathing Indigenous folks.”

“We learned by doing,” said Bill, “and often by mistakes.”

Their search led them to the local friendship centre where they learned about the Little Beavers Program, a children’s social, cultural and recreational after-school program that ran in most friendship centres across the province. The woman running the program at the time, Bill said, was very positive when they took Jeff there. He’d go to the program once a week where they did crafts and things, “so that was the beginning of things,” said Bill.

Jeff never felt his parents forced him to participate in cultural activities: “I would say they were very well balanced because my experience was things were always offered to me. I always tell folks around my adoption, around our family, is that they did it very well. They didn’t overdo the things around the house, the illustrations, books, paintings and all that,” he said. “Nor did they force me to look a certain way, either clothing or grow my hair long. When I got a bit older, they offered if I wanted to go to the after-school program at the friendship centre. I said yes. They offered if I wanted to go to the First Nations School and I said yes. And we went to things, gatherings around town, Pow Wows, large events at the friendship centre.”

Bill and Ceil had just the right touch when it came to culture, Jeff feels: “How did they acknowledge and support my Aboriginal side? By just offering and making it available. Say yes or no and not be critical of that, or not try to force that.” Jeff never felt his parents were saying to themselves, “[h]e’s not being Indigenous enough. He’s not engaging in his own culture enough.”

If they had forced him, Jeff said, “I think it may have actually had a negative impact, [I’d have] been probably a little defiant – you turn me right off completely and now I’m taking a sabbatical from my culture just to wind you up.”

“It was done tastefully and I’d say appropriately and not in large quantities,” he said.

After they enrolled Jeff in the Little Beavers Program, both Bill and Ceil started to feel they needed a way of being indigenized. It was one thing to have Jeff connected with his culture, said Bill, but they also needed to expand their own understanding of what that was and what it meant.

“We didn’t really get an opportunity to do that seriously until we sent him to Wandering Spirit Survival School,” said Bill.

Ceil said they broached the subject of the school when he was nine years old and going into grade five: “We just suggested, would you like to go? It might be a good idea to meet some Indigenous people,

get to know some of the – I didn't use the word culture, but that's what it was about."

When they took Jeff to the school, they were told, "one of the things that's really important is that you guys become part of the community." The school had a Parents Council and they were told membership was mandatory. Jeff's grandmother, Bill's mother, also became part of the community. They took her to the lunches, feasts and potluck dinners at the school and Bill remembers, "she loved it."

Ceil said, "That's when we really started connecting more with the Indigenous community as a family, when he was going to school there."

Jeff's sister Barb said there was a feast or two that she went to but that was it. Her parents, she said, "tried to help him connect to the Aboriginal stuff, but I guess now it would make sense if you have an Aboriginal child to take all of the family to it, but this was the 70's."

The founders of the school, Pauline Shirt and Vern Harper were acknowledged leaders in the Toronto Indigenous community. Bill had first met them when he was working for Catholic Children's Aid. They complimented Ceil and Bill for their commitment to the school and said, "you guys have been really faithful, it's been really great to have you."

"It was pretty much the beginning of our Indigenizing experience," Bill said.

Bill remembers talking to Vern, "way before the school" about their adoption of an Indigenous child: "He just looked at me - I wasn't sure what he was going to say - this is after we worked together for a while - [and Vern said] 'I'm not really in favour of white people adopting Indian kids, but if somebody's gotta adopt them, you guys are one of the people I'd say is okay.' I think it's because we seemed to have a sense of, I guess solidarity is what we would call it now, were interested in Indigenizing, and he accepted us."

One thing emerged for Jeff during his time at the School and to this day, he still can't explain it: "It was a weird experience because for some reason I carried shame or guilt of having white parents only when they came to the school. When we as a family were anywhere else, out in the community with other families, going to the mall, going to a sports game, I had no shame or embarrassment. And I don't know to this day why that is, and it was just a weird thing and it wasn't the entire time. It was just when they initially showed up for the feast or something, I got a little embarrassed and felt that separation thing." There were other students who'd been adopted by non-Indigenous parents, he said, and he doesn't remember the other kids making any disparaging remarks to him.

"I don't know what it was," Jeff said, "but it didn't lessen my bond with them. It was just something in the back of my quirky head here. Something set that off. I'll probably have to put a little more thought into that." He probably mentioned it to his parents, he said, but neither Bill nor Ceil made mention of it.

Jeff, however, was very definite that he never mentioned racism that he experienced, not at the Wandering Spirit School, but at other schools he attended. It wasn't something that was discussed openly in those days, he said. It happened in the schoolyard, lasted for two or three minutes, and that's where it stayed: "I'm sure it definitely left an impact. It left a layer on you, but in the moment, you said, okay, it's over and done with...Bell rings and you go inside. As a child, you just kind of dusted it off. The effects

came through probably over the next several years.”

Reports in the media about kids getting hurt because of racism can act as triggers later on, he said. You make a connection based on an experience you had, and, “it gets you right in the stomach with the little moment of how it felt. You’re just like claustrophobic, you’re like fearful, anxious, you wanna escape. I never got to the point where I felt cornered in so much to where you would physically fight back.” This made him think that maybe he did mention it to his parents once or twice, “because I remember, this memory’s coming to me of them probably sitting down and saying, still be proud of who you are...they’re saying not to fight back...defend yourself but don’t retaliate...”

Bill wishes he’d been more aware of the racism that Jeff was experiencing. It wasn’t something they talked about although Bill and Ceil knew he was subjected to anti-Indigenous slurs when he played hockey, and that he was carded several times walking up their street. “It’s not that we denied the idea of racism, but we didn’t prepare him,” he said. A good approach might have been to reach out to someone in the Indigenous community to share their experience of racism with him and Ceil, and, more importantly with Jeff, and how to deal with it.

They told Jeff about his adoption early on. “It was so obvious he was different from the rest of us,” said Ceil. “I was walking down the street one day with him in a stroller and the two girls beside me and some lady stopped and wanted to look at the baby, and she said, oh, he’s very dark, looking at all the fair people. Very dark.”

Jeff’s features are stereotypical of what some expect of North American Indigenous people – jet black hair, dark brown almond-shaped eyes and dark copper skin. His family is fair-skinned with fair hair, except for his dad who has black hair. There were several other incidents that reinforced this physical difference from the rest of his family.

Ceil worked at Jeff’s school and she remembers one little boy in the classroom who said, are you his mother? “I said, yes I am, but he didn’t believe it.”

His sister Barb remembers being out with Jeff, and “people would ask what ethnicity he was, or whatever they said back then. At the time, the answer was Canadian Indian and so that’s what we would tell people.”

There’s another time in particular that stands out in Barb’s mind for obvious reasons. She was nine and Jeff was five: “Someone said, ‘who’s that?’ I said ‘that’s my little brother.’ So they said, ‘but he’s so different from you.’ I said, ‘he’s adopted.’ Then Jeff asked what that meant and I said, ‘it’s time to go and have a talk with Mom and Dad.’”

Barb didn’t think about the adoption much, “in between when he came home and that day [when he was five]. He’s my brother and that’s always just the way it’s been. He’s just my brother who’s a pain.”

“I’ve heard of situations,” Barb continues, “where people would say, these are my children and this is my adopted child and I just think that’s appalling because they’re your child. Why would you separate them out like that? Of course my parents, they never did that...Just, these are our kids, which is the way it’s supposed to be.”

“The adoption story evolved in a sense,” said Bill, “but again, we didn’t know what we were doing.

At that time, there were two kinds of myths. One, that the adopted kid was 'not your own' (not born to you), and the other was, 'there is really no difference.' We, I think, were in the second, but a lot of folks were in the first and it hurt and angered us. In either case, there was certainly no instruction manual that we knew of. We were just on our own and I think it was only bloody-minded love that kept us going!"

Both Bill and Ceil said they used positive terms when they told Jeff he was adopted. "We chose you' or something like that," Ceil recalls.

Taking him to the Indigenous exhibition at the TD Centre gallery was easier, Bill and Ceil thought, and a way of trying to say, "you're here, we love you, but you have this other identity, though we didn't use that term."

"The difference of colour was certainly there," Jeff said, "but the bond, I should say, of a real mother and son, of a real father and son was never in doubt in my heart space. Maybe that's why I can't specifically remember [being told I was adopted]. Because we already had the actual bond connection. To me, it wasn't a big impact to say, you're adopted and you have parents. What're you talking about? You are my parents."

By far, the biggest challenge for Bill and Ceil was understanding and dealing with Jeff's anger, anger that stemmed from his sense of abandonment, first by his birth mother and then later, by his First Nation community.

The anger started to show up around the time that Jeff was 7 or 8 years old, Bill remembers, or maybe even a bit earlier: "About every four months although it wasn't like clockwork, he would get really, really angry, not at us in particular, just angry. And what it was – it was the feeling of abandonment. It was always, why was I given up?"

Bill remembers one day that was particularly heartbreaking. Jeff was around 11 to 13, and, "...after we had spoken a bit about Viki having to give him up because she was young and had no way of caring for him like he needed, he said, 'I was a mistake. She didn't really intend to have me.' So it was all really around that. Ceil got the brunt of it being the mom, so she got it more than I did."

"That whole abandonment feeling, which we found out about much later, it must be in every adopted kid's head," Ceil said. "Why did they give me up?"

"We didn't really understand abandonment issues," said Bill. "The anger and not really understanding the cause – we didn't really get it." They spoke to a psychiatrist friend who told them, not everything has to do with adoption. Maybe it's some other issues, "[s]o he didn't think about abandonment issues...and in a sense, it's not all about adoption. It's about abandonment and about Jeff (and all Indigenous folks) being 'othered' by Canadian society. But of course, you can't exactly tear them apart. And in any event, we were so up to our ears in it, we didn't much think of it."

In his periods of anger and sadness when he was little, Jeff would tell his parents, "I hate you." When they'd give him time out in his room, he'd throw his toys out, not at anyone, just out of his room. "He was big at throwing his toys down the hall," said Bill. "Interesting his son does the same thing now when he's angry. He's a toy thrower when he's angry like his father. We think it's kind of cute, but for Jeff, the anger was coming from a different place than simply not getting his own way in something."

Before Jeff had even reached his teens, when he was around 10 or 11, he'd stay out late, recalls Bill. "He was relentless about it." This behaviour coupled with his periodic rages, "we just couldn't figure out what it was about."

"But invariably, he would break down after maybe a day or two and say, "I'm sad about my mom...it always involved a version of, why did his mom give him up. And that's when we tried to explain, Jeff, she didn't have a place for you...and that's when he said, and just laid there and sobbed, I'm just a mistake. And that just tore the guts out of us. Oh God, it was awful," said Bill. "Why couldn't I have said something different?"

In his mid-teens, he started skipping school more and, "he got into alcohol and some weed, and he got into a number of scrapes with the law," Bill said. He got involved with an Indigenous gang in the neighbourhood, cutting ties with them only when a gang member was killed. Things would turn around from time to time, and he'd go back to school and do really well, Bill said. But then he started stealing cars and getting involved with other illegal activities. Fortunately, even though he got caught, Bill said, he got off.

When Jeff turned 18, he decided to find his birth family. This was initiated by him with support from Bill and Ceil. He called the Adoption Registry and was told there was a seven year wait:

"To ask an adoptee who's been waiting 18 years and now they're age of majority, for you to say, you have to wait – to me it was almost insulting...it wasn't a rejection, but it almost felt like that. That feeling in your gut. It's like, oh my God, I'm not important."

He and his dad got the adoption papers and managed to figure out Jeff's birth name. Jeff wrote to Indian Affairs in 1990 - the letter "... a long story of who I thought I was." He received a reply letter from them with the name of his First Nation, telling him to contact them to register his membership.

Another long autobiographical letter went to his Band and six weeks later, "I got all excited," he said. "Something from my Band in the mail. I opened it and all it had was a blank sheet of paper with a status card, non-laminated, that said, please sign and return. THERE'S NOTHING ELSE IN THE ENVELOPE! What happened to my big long, I'm adopted, I think this is my reserve letter?" He didn't receive the expected confirmation of his family and a welcome back to the community.

Jeff said: "That was a huge letdown. It was just like I'd gone through another system like the government even though it was my own Band."

He asked his dad to handle any calls from his family. He wasn't sure he was ready to talk to them. One of his aunts called and spoke to Bill, sharing some of Jeff's family history, including the fact he had three siblings. A couple of months later, Jeff was home alone when his older sister phoned. She had also been taken into care and adopted.

She told Jeff that their mom, Viki had died in Toronto several years previous after getting some sort of beating. Recalls Bill, "[h]e wasn't devastated, but he sure was shaken. We went out for a very long walk (I remember it was damned cold and there was a lot of ice on the streets), and we talked back and forth, both of us processing it all."

"It was horrible," Ceil said. "He was doing really well in school, it must have been Grade 11, and



then after that...everything went downhill and he eventually quit.” Jeff started drinking and staying at his girlfriend’s, not bothering to tell his parents his whereabouts.

The death of his sister Mary Jo in 1994 would prove to be a turning point for Jeff: “Though her death hit us all hard, for Jeff it was quite a particular blow. They had always had a strong relationship and he kind of went off the rails for a while,” said Bill, “he did have a relapse. He had been really progressing with his life, interested in getting his education. When he came out of that though, there was no stopping him.”

During Mary Jo’s illness, Jeff had been, “a tower of strength,” said Bill. He’d made arrangements for his sister to see a Traditional Healer in Minnesota and travelled there with his mom and Mary Jo who was by then, quite ill. After a few days of healing ceremonies for her, they returned home. When she passed, Jeff lit a sacred fire and kept it going for her.

He returned to Mohawk College in Brantford for his second year in the Social Services Program. One night he came home and told his parents, “I need to get treatment.”

“By this time,” said Bill, “he had a child, he and his girlfriend...so that means he was about 25. But he did it. That’s the important thing and all we could do is say, okay, you’re gonna go to treatment. Okay.”

There was, “pretty much no looking back,” said Bill. “He became much more comfortable in his Indigenous self, became very seriously involved in a number of aspects of the culture, became a Pow Wow dancer, all sorts of stuff. So it took that long.”

One of the things that causes Jeff to get emotional is the cold reception from his home First Nation. He’s had subsequent visits with family there and he describes the visits as a, “non-item...It wasn’t like, sit down and tell me your life story. We’ve known all about you and we were hoping you’d come home one day, or at least come back to the Band and make contact. It wasn’t any of that elaboration and excitement. Oh yeah, just another one of the family members who’s come back, who were adopted out.”

“I know that our community was affected by Residential School and those intergenerational effects,” he said, and he has an intellectual understanding of the dysfunction and behaviours in Indigenous communities. He tells other adoptees, if going back to your community doesn’t go well for you, “hey, it’s not you. It’s a reflection of your community and the damage they’re still going through.”

Jeff is particularly concerned for adoptees, “...coming back to the community after being hurt and damaged and they’re just given not exactly the cold shoulder, but a flat non-response. They’re almost going through that trauma, reliving it to a similar degree,” he said. “Me, I coped with it okay,” he said. “I have a loving family and we all got through it just fine.”

Communities should have a Welcoming Back Ceremony, Jeff suggested, “to honour that member coming back, either through their annual Pow Wows or through a specific event once a month or year where they say, hey now, we’re gonna bring in the community, invite everybody, feast, ceremony, whatever else is entailed in that, basically to complete a rite of passage [...] I’m tearing up right now visualizing it, to see what it would bring for somebody. What that would bring for me.”

There was never any question that Bill and Ceil loved him, said Jeff, no matter the challenges he presented: “I never felt like they thought, he’s too hard a case and we can’t handle it.”

“When I got to the cognitive level, 10, 11 or 12, they said, ‘Jeff, it doesn’t matter how angry you get at us, or what you say to us out of anger and frustration, we’re still gonna love you’...they would just come back with unconditional expression of, we’re gonna love you no matter what. Nice try, we’re still gonna love you. You can try again next week. We’re still gonna love you.”

It’s what Bill called, his and Ceil’s “bloody-minded love.”

“I’ve never regretted a moment of our adoption of Jeff,” Bill said. “I understand the complexities of it in terms of community, I understand why somebody would look sideways at us, but I think we did the right thing. We could have done better of course.”

“But I still think the issue’s not so much the adoption issue per se,” continued Bill. “It’s the crappy racism and colonialism of the state that puts Indigenous kids in the system. Many, many just should never have been taken in the first place, and those that were taken, they and their adoptive families should have had some particular help available.”

“One thing that Ceil and I gradually figured out over the years,” said Bill, “was that our family was not a white family. We had started out as a white family, but with Jeff as part of our family, we couldn’t be white. I think that was part of what led us to being open to becoming part of the community as much as we could.”

A final note to this story that is, of course, not finished, is that Jeff lives out west. He originally moved there to be near a daughter who moved to her mother’s reserve. His first child who has significant disability issues lives in a group home near her mother in Akwesasne Territory. Jeff is now happily married, has two children with his wife and works as a social worker with the government.<sup>2</sup>

*Bill is a retired associate professor from McMaster University and continues to be involved in community development particularly with Indigenous communities. Ceil is a retired editor and researcher. Barb is an editor and researcher and lives with her husband and family. They all live in Toronto.*

*Barb Nahwegahbow began her career as a community organizer and cultural activist in 1972 with the Catholic Children’s Aid Society in Toronto. Her focus there was working with Indigenous families and developing culturally-specific services for them including foster homes and a group home. Since those beginnings, Barb has worked with and in the Toronto Indigenous community as a vocational rehabilitation counsellor, policy analyst, and Executive Director of the Native Canadian Centre of Toronto and Anishnawbe Health Toronto. She now works as an independent consultant, writer and photojournalist and continues to be based in Toronto. She is Anishinaabe and a citizen of Whitefish River First Nation in northern Ontario.*

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<sup>2</sup> The interviews took place in July 2016 when Jeff and his family were in Toronto visiting his parents and sister.

## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

## Our Time to Dance

Celeste Pedri-Spade

*Celeste Pedri-Spade is Anishinabekwe and a member of Lac Des Mille Lacs First Nation. She is a mother, wife, regalia maker, professor, dancer, writer, and visual artist. She holds a Ph.D. in Visual Anthropology and a tenure-track position at Laurentian University. Celeste is an intergenerational survivor of systemic colonial violence (including Indian Residential Schools and racist child welfare policies). In her art and academic work she focuses reclaiming her family history and carrying forward her people's long legacy of fighting colonialism in creative, caring and respectful ways.*

*\* This piece is dedicated to all the beautiful, strong Anishinabekwegwag who were separated from their children and in many cases permanently forced to give up their rights to parent their children and to the vision that they will someday get hold, kiss and dance with their grandbabies and great-grandbabies.*

*Nin kokum*

You stand there so beautiful  
embracing life as a commitment to future  
Your vision seen through my eyes

*Nin kokum*

You stand there so innocent  
yet familiar with the agony to follow  
The theft of life felt radiates through my bones

*Nin kokum*

You stand there so strong  
grounded in our gifts  
Your spirit is my belief

*Nin kokum*

You stand there so resilient  
ancestral wounds are your relational intelligence  
Your blood carries code  
And your tears interpret

*Nin kokum*

You stand there prepared

You can see behind and beyond  
the veil of violence  
the rope the wraps

rapes

rob

my/your  
future/past

*Nin kokum*

I know you can see me  
I exist only as a promise  
your extension  
your prayer

sustained through ceremony  
fed by faith

We have always lost lives and lived loss

*Nin kokum*

I stand here now  
carrying our future/past

loving

reclaiming our stolen

tearing at the tight threads of lying order

un binding  
un learning  
un becoming

*Nin kokum*

because of your life  
because you stood  
so beautiful  
so strong

*Nin kokum*

Now is our time to dance

## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

# Nistawatsiman<sup>1</sup>: Rethinking Assessment of Aboriginal Parents for Child Welfare Following the Truth and Reconciliation Commission

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## Abstract

*The Truth and Reconciliation Commission report has challenged Canada to alter the relationship with Aboriginal peoples across the country. They have specifically identified child protection as one area that requires a significant reconsideration around how agencies charged with this responsibility interact with Aboriginal people both on and off reserves. The legacy of Residential Schools, the Sixties Scoop and other policies of assimilation and cultural genocide are found in a number of existing social policy and practices, including child protection. This work examines the depth of change that will be needed in child protection methodologies by challenging the current assessment practice which seeks to determine, from a Western child-rearing perspective, if parents are 'good enough' to raise their children. The project shows the depth of disparities between present and historical practices and Aboriginal culture, using reference to the Blackfoot Confederacy in southern Alberta. The project draws upon a broad literature review as well as an expert consultation with six traditional Blackfoot Elders.*

**Key words:** Residential Schools; Sixties Scoop; First Nations parenting; Aboriginal parenting; parenting assessment; parenting capacity assessment; child protection

**This work could not have been done without the contribution of a group of Blackfoot Confederacy traditional Elders: Leonard Bastien, Kathy Breaker, Stewart Breaker, Evelyn Good Striker, Wilton Good Striker and Audrey Weasel Traveller.**

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<sup>1</sup> Nistawatsiman is a Blackfoot word which means rearing children with all the traditional teachings of our people that include compassion, harmony, trust, respect, honesty, generosity, courage, understanding, peace, protection, and knowing who your relatives are. The word was gifted to this project by the Elders working with us from the Blackfoot Confederacy.

## Introduction

As a result of the Truth and Reconciliation Commission Report (TRC) (2015), Canada has begun an expanded conversation on the results of cultural genocide related to attempts at forced assimilation of Aboriginal peoples. The conversation arises following the Royal Commission on Aboriginal Peoples (Canada, Erasmus, & Dussault, 1996) as well as the apology issued by the Government of Canada (Canada, Harper, 2008). However, the roots of the conversation really come from the ongoing efforts of survivors of the Indian Residential Schools (IRS), their families and communities, who urge that their stories not be forgotten as they continue to press for systemic change.

The TRC report (2015) articulates, in great detail, the ways in which the cultural genocide affected all aspects of Aboriginal people's lives. They have shown that reconciliation, done in partnership between Aboriginal and non-Aboriginal peoples of Canada, is going to be complex, difficult and as a result of significant, committed effort. There are many aspects of Canadian infrastructure, policy, legislation, practices and methodologies that will need to be reconsidered.

In this project, one feature of child protection practice, Parenting Capacity Assessments (PCA) will illustrate the nature of the challenge confronting Canada's child welfare systems and also shows how it will take many forces within the fabric of the country to work with a clear purpose of reconciliation.

The TRC (2015) has identified the importance of addressing child protection for quite a number of reasons. Perhaps most obviously, Aboriginal children remain significantly over represented in child protection cases across Canada. This began during the era of the residential schools later evolving into the Sixties Scoop (Blackstock, 2007) and then to present day child welfare practices. For example, in Alberta, 69 % of children in care are Aboriginal (Mann-Johnson, 2016).

One of the most critical decisions that child protection workers must make, is whether a parent is 'good enough' to raise their children. We sought to unpack the underpinnings of that decision making process to determine if present practices are appropriate to Aboriginal families and, if not, what that would mean in terms of adopting new approaches. An expert consultation was conducted with six traditional elders from the Blackfoot Confederacy in Alberta to explore the practice issues that would need to be addressed if assessments were to become appropriate for use with Aboriginal peoples.

## Literature Review

### Good Enough Parenting

The term 'good enough,' while poorly defined, has been widely adopted as a measure to determine whether or not to keep a child in parental care. It is a term that appears in the assessment literature and courts use the term as well (Choate & Engstrom, 2014). 'Good enough' has also been called Minimal Parenting Competence (Budd 2005; 2001).

There are quite a number of factors that make up 'good enough,' but as Choate and Engstrom (2014) show, they are broad concepts that are not drawn from a particular cultural place. Rather, they are based upon a notion that there is some sort of widely accepted group of factors that might be used with all parents, regardless of their cultural position.

History is told from the hegemonic voice which, in the Canadian context, tells a story of an Indigenous parent who fails, cannot bring children up in a 'good enough' manner, thus requiring that the children be removed from parental care by child protection. This thinking has been prominent in child protection. The Sixties Scoop is the quintessential example when large numbers of Aboriginal children were scooped up from their families and placed in mainly non-Aboriginal foster and adoptive homes away from culture and family connection (Blackstock, 2007). The TRC (2015) has shown that child protection story was not only incorrect but also culturally destructive.

## Assessing Parents

In the same vein, there is a literature that shows how social workers, psychologists and other mental health professionals go about completing PCAs. This literature places a heavy emphasis on understanding family from a Euro-centric perspective (Budd, Clark, & Connell, 2011; Choate, 2009; Pezzot-Pearce & Pearce, 2004; Budd, 2005; White, 2005; Reder, Duncan, & Lucey, 2003; Budd, 2001).

There has been some recognition that specific sub-populations may require unique or modified approaches, such as those affected by Fetal Alcohol Spectrum Disorder (Choate, 2013); parents involved in drug manufacturing (Choate, Harland, & McKenzie, 2012); parents with intellectual disabilities (Feldman & Aunos, 2010; Tymchuk & Feldman, 1991) and those with mental illnesses (Jacobsen, Miller, & Kirkwood, 1997).

In our extensive review of the literature, we found no systemic approach showing how an Aboriginal parent might be assessed as 'good enough' within a cultural context. The existing approaches to assessing parents have not been validated with Aboriginal peoples as well as other non-dominant cultures throughout the western countries. There has been criticism of this. A parent cannot be validly assessed in that role if the cultural standards used as a base of comparison are not relevant to the parent (Drew, Adams, & Walker, 2010; Mushquash & Bova, 2007).

Blackstock (2009) has gone further, noting that the basic concepts of social work, theoretical and methodological, have not been developed from within Aboriginal contexts. Rather, they have been drawn from Euro-centric approaches with attempts being made to adapt them to Aboriginal situations. Even Maslow's Hierarchy of Needs (Maslow, 1943) which was based on his research with people from the Blood Reserve in Alberta has failed to accurately reflect the cultural reality in which it was developed (Blackstock, 2009).

Other vital theories of social work and psychology have challenges in their application to Aboriginal peoples, such as Attachment Theory (Bowlby, 1969). This does not sustain applicability in Aboriginal cultures because there is a system of inter-connected caregivers along with the natural world (Carriere & Richardson, 2009). An Australian study noted that Indigenous attachment might also be thought of in a collective sense (Yeo, 2003). Yet, courts across Canada are making decisions regarding Aboriginal children involved with child protection based upon the assessment of parents using these Euro-centric definitions, tools and assessment approaches (Choate & Hudson, 2014). Social work must incorporate Aboriginal perspectives into its teaching, practice and methodologies (TRC, 2015: Harris, 2006). To do otherwise is to sustain oppression, deny the inherent validity of Aboriginal worldview and fail to reverse the current trend of over representation of Aboriginal children in the care of child protection. This paper responds to this necessity by not only illuminating the underlying philosophies and

approaches that require an overhaul of current child protection assessment practices, but also providing a direct correlation to the TRC's Calls to Action (2015); specifically, those related to the consideration of culturally appropriate and culturally informed parenting approaches.

## Aboriginal Views of Family

Our review of the academic and clinical literature revealed a dearth of material specifically considering how family is defined within Aboriginal cultures. For example, the relational worldview of Aboriginal cultures entails a perspective in which all people and things are related, and the notion of relationship “is the cornerstone of tribal community” (Cajete, 2000, p.86). This leads to an understanding that the notion of family extends beyond nuclear, or even immediate kinship to include the larger community. The community, therefore, plays a significant part in the parenting or raising of children in a way that is quite foreign to Euro-centric definitions that focus on immediate caregivers.

The TRC (2015) urges redefining how child protection is done and the framework in which it is done. This involves incorporating a serious acknowledgment of the intergenerational traumas arising from cultural genocide into the relationship child protection has with Aboriginal peoples. It requires a change in the assessment tools and methodologies as well as the definitions used. McCaslin and Boyer (2009) state that healing and “transformation require new patterns of thinking, acting and behaving that honour and respect Aboriginal cultures as traditions” (p.62). Child protection processes such as assessment should be part of the healing process rather than the root of ongoing fracturing of the community.

This transformation leads to a shift in perspective. Indigenous scholar Castellano (2002) offered insight into how the shift might be considered, stating, “the [Aboriginal] family instills values, the sense of what is important, what is worth preserving, protecting and, if necessary, fighting for” (p.15). In the Euro-centric view, the family acts as the foundation from which the child will eventually separate and establish an independent nuclear unit. In an Aboriginal context, family responsibilities are shared with social institutions such as education and extra-curricular social interests along with a variety of kinship and community connections which “parent” and for which long term connection is anticipated (Neckoway, Brownlee, & Castellano, 2007). Community and tribal membership is an ongoing and cross generational part of the Aboriginal identity providing a support system for raising a child. As Simard and Blight (2011) describe, Aboriginal development is conceptualized from within family contexts that include nuclear, extended, clan, community, nationhood, and cultural families and is integral to the development of the child. From an Aboriginal perspective, the natural world is also seen as part of a relational alliance that transcends human connections.

If the Aboriginal perspective of family is included in child protection practice, then there is a need to alter definitions not just in social work education and practice, and also within the jurisprudence of family courts in Canada. For example, from a Euro-centric perspective, the notion of the best interest of the child is conceptualized from the stance that a child is an independent being. Alternately, an Aboriginal worldview would see supporting the needs of the child within a broad relational system to which the child belongs. Thus, rather than turning to parents or immediate caregivers as the focal point, the court would consider best interest from a communal perspective (Kline, 1992). Such an approach can also help to support inter-generational transmission of the specific cultural values of the nation and clan where the



child's identity belongs which acts as a counter to impacts of colonization (Long & Sephton, 2011).

## Defining Parenting

In many Aboriginal cultures, child autonomy and independence are fostered along with unconditional adult affection. Extended family connections serve important parenting roles. Who is included in an extended network is broadly defined and transcends blood lines. Children experience this larger network as part of the parenting and caregiving system (Benzies, 2013). Spiritual connections, crucial to the culture, also come from a variety of people throughout the community (Muir & Bohr, 2014). Muir and Bohr (2014) identified different approaches to discipline, although there is not a homogeneous pattern. Mothers tended to use less harsh discipline which would include lesson or teaching connected to it that would benefit the child overall.

Muir and Bohr (2014) identified there was less verbal interaction and direction with Aboriginal approaches in comparison to Euro-centric approaches where language is a central tenant to parenting. This could mean certain milestones around language might occur differently in many Aboriginal family systems that, when compared to Euro-centric standards, would show the child as delayed. Instead, assessment would see the child as developing on a different trajectory based upon cultural approaches.

Other examples of difference in parenting approaches can be seen in the work of Cheah and Chirkov (2008). They found Aboriginal mothers to place a greater importance in the autonomy and agency of children as a way to foster competence in specific life tasks. Reliance on community and family connections is used to support growing specific competencies and mastery. There is an emphasis on learning by doing (GFellner, 1990). Aboriginal mothers placed a greater emphasis on retaining cultural and spiritual traditions. Socialization is different in that Euro-Canadian mothers view as personal gain of the child whereas Aboriginal mothers view it as being more connected to the collective good. Aboriginal mothers place value on respecting elders, whereas Euro-Canadian mothers were more parent-focused, often for self-serving motivations (Cheah & Chirkov 2008).

The value placed upon children has also been found to be different and is shared by the Aboriginal community as gifts from the Creator. People within the extended family system play different roles. For example, in some Aboriginal systems, grandparents are teachers while aunts and uncles disciplined the child. This drew upon the wisdom of elders and, by having aunts and uncles discipline, allows a stronger bond to form between parents and child (LaFrance & Collins, 2003). Children are viewed as equals, and they deserve individual freedom and significant autonomy, which is a significantly different approach from Euro-centric beliefs, which have greater restrictive and controlled approaches (GFellner, 1990).

This article does not allow room for an in-depth exploration of comparisons between Aboriginal and Euro-centric parenting beliefs. These examples help to illustrate how Euro-centric approaches to assessing parental capacity would miss key elements of Aboriginal worldview, thus causing the Aboriginal parent to be seen as deficient.

## Indian Residential Schools (IRS)

Assessing Aboriginal parents involved with child protection cannot be done without considering

the impact of the IRS, which the literature on parenting capacity assessment does not address. We know from the TRC (2015) that the impact was dramatic, genocidal, and has long standing intergenerational impacts. Chrubini (2008) identified the IRS also changed the way in which Aboriginal people and cultures were valued within the larger Canadian culture. In particular, traditional Aboriginal educational perspectives and approaches are misrepresented and misunderstood in mainstream Canadian society. As well, Aboriginal standpoints are degraded by national perspectives because they are seen as coming from a place of disadvantage and deficit.

Blackstock (2009; 2007) maintains that this has led to the high rates of intervention by child protection in Aboriginal families across Canada. Even with the closing of IRS, the belief system that underpinned the IRS remained and child welfare took up the mantle with the Sixties Scoop. Neglect is the most common reason for child protection intervention with Aboriginal families (Blackstock, 2009; Sinha et al., 2011; Trocmé, Fallon, MacLaurin, Daciuk, Felstiner, Black et al., 2005). This links to poverty, which arises from the impact of the IRS in areas such as family, culture and individual self worth impacting mental health, substance use and interpersonal violence (Fontaine, Forbes, McNab, Murdock, & Stout, 2014; Bombay, Matheson, & Anisman, 2011). These IRS impacts act as a cycle to reinforce negative stereotypes within the larger Canadian society.

Despite the IRS, some research indicates that traditional parenting practices continue to be utilized (Muir & Bohr, 2014).

Our contention is that the present approach to PCAs fails to consider the connection between IRS, child protection and the outcomes on parenting as well as the ongoing efforts of communities to reverse the trend. This is further compounded by the lack of significant educational content in social work programs across Canada, and impacts how such issues are considered by those entering the profession (TRC, 2015).

Assessments need to take into account the effects of IRS which include inter generational trauma, community and cultural disconnects, loss of parental and caregiver modeling as well as loss of cultural identity. Our review of the literature indicates that these factors are not included within the present PCA models. Thus, there would be reliance upon the unique knowledge of these issues that a particular assessor possesses and a willingness by courts to accept that these factors are essential to an assessment of an Aboriginal parent. Equally, care must be taken to ensure that the reverse position is not taken where IRS is seen as having been so destructive that effective parenting is not probable.

## Systemic Issues

Carriere and Richardson (2009) note the system is now structured around a colonial view of Aboriginal parents that has institutionalized parenting of Aboriginal children within the child protection system. Many apprehensions occur within the first year of life or even right after birth. Such early apprehensions deny many mothers the opportunity to show that they can parent with community, family, informal and formal supports which promote changes from the impacts of IRS.

While many of the provincial and territorial child protection statutes in Canada see protection of Aboriginal culture as vital, children are removed from their culturally based support systems through foster and group care or adoption (Sinha & Kozlowski, 2013). When assessments do not include IRS and

other intergenerational trauma concerns, then Aboriginal parents are being assessed against standards that are not consistent with their identity and risk being seen as non-conforming to colonial determinants of what a 'good enough' parent is (King, 2012). Addictions and mental health can be assessed within parenting capacity assessments utilizing structural health determinants that are not inclusive of Aboriginal issues (Nygaard, 2012).

However, efforts in specific areas suggest assessment can be modified or adapted to determine the needs and capacities of various populations such as those affected by Fetal Alcohol Spectrum Disorder (Choate, 2013), parents involved in drug manufacturing (Choate, Harland, & McKenzie, 2012), parents with intellectual and other disabilities, (Feldman & Aunos, 2010; Tymchuk & Feldman, 1991) and those with mental illness (Jacobsen, Miller, & Kirkwood, 1997). No such efforts were found in the literature for assessing Aboriginal parenting capacity, although we believe such an outcome is possible. The lack of efforts to address populations that do not fit into the Euro-centric model has received criticism in the United States in reference to non-Caucasian populations (Lee, Goplan & Harrington, 2004) and in Australia in respect of the Aboriginal population there (Drew, Adams, & Walker, 2010). Mushquash and Bova (2007) have raised some criticism about the Canadian approach. Choate and McKenzie (2015) have noted that many of the standardized assessment tools used in parenting assessments have not been normed on Aboriginal populations in Canada and only marginally in the United States.

## Conversation with Elders

*"We can't wait for anyone else. We have to do it."*<sup>2</sup>

Six traditional elders from the Blackfoot Confederacy met with us for conversations about parenting and child welfare. They indicated readers must understand that although they present their understanding of the issues and worldview, they do not speak for Aboriginal peoples whom they believe must find their own way to address these concerns: "You have to be careful not to use a pan-Indian approach because there is very specific teachings that Blackfeet have, that Lakota people have, that Anishnaabe people have, and I think we have to respect those instead of saying you all do this."

The elders identified six predominant themes in their discussions. As Figure 1 shows, the elders saw parenting as interconnected to six domains.

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<sup>2</sup> All direct quotations are from the elders.

**Figure 1 – Interconnected Domains for Developing the Child**

The elders explained the themes in the following ways.

### *Family cannot be defined homogeneously*

Aboriginal families are seen as part of a larger network that is not bound by specific relationships or role definitions. Primacy of parenting does not necessarily rest with the biological parents as those who perform parenting duties, including not only the biological parents but also other family and community members. This means that cousins, for example, may be seen more as siblings. The Elders emphasized that a nuclear family is not a presumed element within Aboriginal.

### *The child is a gift*

The child is a gift from the creator and belongs to the larger community. The child has a meaning that is rooted within this spiritual domain along with the larger community and culture. The spiritual sense of the child connects to how a parent should act. One Elder stated, “[i]f your children are raised with love and understanding, patience, they’ll have that belonging and the trust, and the consistency of home and love, and bonding and belonging.”

### *Caregiving is seen broadly*

Consistent with the prior two themes, caregiving can be carried out by different people as the child has differing needs that can best be met by a variety of people. As an example, an elder may be seen as the best to offer a specific teaching. The family welcomes a variety of community members to perform

roles that, in a Euro-centric situation, would be seen as belonging to family.

Another example is the notion of nurturing, which is seen as belonging to the community as whole. The child is meant to be the pathway to ongoing generations so the community ensures the child has presence in the culture.

The parent is but one source of nurturance and modeling. Traditions are brought to the child through knowledge keepers in addition to parents. This accesses pre-colonial knowledge bringing it into the present but ongoing colonial period.

### *Relational grounding within culture*

The development of a child is linked to a relationship that is rooted in trust, grounded in culture, place and community as well as family. This allows the child to know who they are. There is strength in cultural connection, which is counter to the pattern of colonial ideas about separation and isolation.

*“[O]ur cultural ways, traditional ways, when you ground somebody like that, they can tackle just about anything.”*

Recent advances in neurobiology affirm that optimal neurological development in children is dependent on healthy and robust caregiving relationships that extend beyond one or two caregivers (Britto, Lye, Proulx, Yousafzai, Matthews, Vaivada, Perez-Escamilla et al., 2016). The elders noted that the neurobiological effect of traditional parenting practices foster relational safety or, as seen slightly differently, these cultural pathways are in sync with the neurobiology involved with developing healthy and loving relationships. Different relationships within family, community and clan offer that.

### *Healing is done in a broader context*

Intergenerational impacts must be considered in discussions about family. As one elder put it, the legacy of IRS can mean that people can be “afraid of even our own ways.” As the TRC (2015) pointed out, traumas have occurred across generations. An understanding of trauma is crucial to include in any PCA. Healing must also occur across generations and child protection needs to hold space for that to occur. In doing so, the PCA must understand the structure of Aboriginal family and community:

And I think our people are also beginning to realize that the clans are really important, the families are really important. And in our language we didn't have a word for aunt or uncle, they were your parents, your aunts and your uncles were also your mom and dad. We didn't have a word for cousins, those people were your brothers and sisters. So I think people are again realizing I do have a big family, and I do have a support network out there that I can reach out to.

In this broader context cooperation is needed by child protection, and with the other institutions working with families, such as health care and education, from an Aboriginal perspective. An elder indicated some institutions have changed their relationships in the community, “as time has gone on it has become that the school is not the enemy so much anymore, and this is where the positive is coming from.”

Changes within Aboriginal cultures are breaking down the barriers with institutions, which have

historically been connected with the inter-generational traumas. Child protection must also support the cultural connections and healing believing that they can be part of the healing process. The elders feel changing the PCA process matters, but they caution:

[I]t frustrates me when I come to these things... we can develop the best model but once it's done will those workers will they practice it? One thing is... you can say all of the right things, write all of the best things so you can get proposal money, but then when you do... and then you're trying to implement it, it's over their heads, so how are these people or children going to benefit if they refuse our traditional ways.

### *Reconnection*

Elders spoke frequently about the power of reconnection with traditional ways of knowing, ceremony and spirit. This is part of the child yearning for knowing self. The child must come to know their place and identity which PCAs must factor into the analysis. As one elder stated, “[t]hey get connected to their heritage, their ancestry, and it's just like they wake up and it gives them self-esteem. It's like all of the sudden they have identity and they have pride.”

The parent may be searching for cultural identity, as well. Becoming familiar with tradition and culture guides their role as parents including the connection to community and family in the broad context:

[W]hen the mother knows that we're going to have a child, there's a group of grandmas and mothers that will surround the mother, and guide and direct for a healthy birth, and at the same time the father will be getting guidance from the Elders... they're all fathers, they're all grandmothers, grandpas.

Elders form an important part of the reconnection. They provide the teaching, guidance and understand the oral history and teachings across the generations. Their influence and impact counters the effects of colonization and may help to reverse the assimilation process. Elders act as a conduit to overcome the fear that permeated communities as a result of the various assimilation efforts. This gives families a different way to interact with each other as well as the support systems for children. According to one elder, “[i]t wasn't until we overcame fear, and we really realized what was happening to us because of the oppression and that was all part of colonization, that we understood that there's nothing wrong with this. We're going to go to a ceremony, and we're going to participate.” Such reconnection changes the life pathways for children that may add to positives within the family helping to counter the impact of deficits.

### *Success existed and continues to exist*

Colonization and the effects it has had on Aboriginal peoples across Canada is a dominant story and the elders emphasized these are not the only stories. The elders emphasized that there have been stories of success and resilience, as a foundation for safety, nurturance and cultural connections: “But my saving grace for myself, and my two other brothers was our grandparents. They didn't buy into it, they didn't go to residential schools, they didn't go to industrial schools, and so that nurturing was always there.”

The elders felt it is vital to show the successes not only as a way to counter the dominant narrative of deficit within the Canadian collective but to also show to Aboriginal people that success is part of the fabric of their history:

[W]e have in our communities, and right now I have to use the term thousands of us within the Blackfoot confederacy that are professionals, university graduate professionals, they came from that place of being in poverty. They came from that place of being in distress... There's educators, there are lawyers... we have every profession covered.

## Implications for Assessments of Parenting Capacity

This paper has identified several implications for PCAs, which range from activities that need to be discontinued, and explore new directions. It is worth noting that this work draws on the knowledge of elders from the Blackfoot Confederacy. Other Aboriginal peoples will find value in the work but will need to consider the issues from their own perspective. There is no universal approach being suggested.

### Activities That Should be Discontinued

- i. The use of Euro-centric definitions of family as they do not capture the reality of Aboriginal peoples.
- ii. The use of psychometrics as they are not culturally appropriate nor are they representative of the population being assessed (Choate & McKenzie, 2015).
- iii. Based upon the input from the Elders, it is apparent that present methodologies used in assessing Aboriginal parents are not appropriate data gathering tools.

### Activities That Need Exploration

- i. Introduction of wider assessment parameters that include the “extended family” support systems.
- ii. Use of “family” mapping tools that would replace such tools as the genogram and would consider linkages that serve family type purposes without being biological.
- iii. Use of community support mapping that considers how such linkages can add strengths and also diminishes the impact of identified deficiencies.
- iv. Addition of resiliency based approaches.
- v. Finding ways to include cultural connection (which might include spirituality) within the assessment data as a source of meaningful and informative to the case formulation.
- vi. Consider the impact of inter-generational trauma and the ways in which the present generation is addressing or mitigating the impacts.
- vii. The inclusion of an Elder in the assessment conversation.
- viii. Expanding home visits to include the primary support system.

## Conclusions and Limitations

This paper has outlined many concerns regarding the utilization of the continuing use of assessment approaches that are based upon assumptions that, what has been developed for a dominant culture can be used with Aboriginal cultures. We have suggested that this extends colonial practices placing Aboriginal parents in a disadvantaged position when interacting with child protection. New methodologies and assessment approaches are required, but they should be developed by or in partnership with Aboriginal groups.

A significant limitation of this work is that Aboriginal parents who are not connected to their culture may find the existing approaches better fit their understanding of parenting. Future endeavors might seek to explore this concern. Another limitation is that families still need an individualized approach as they may be connected to Aboriginal culture but not spirituality as they draw upon non-Aboriginal belief systems in that area of their lives. This work drew upon knowledge from the Blackfoot Confederacy. We encourage other Aboriginal, Métis and Inuit peoples to explore this within their own communities, as there is no “pan Indian” approach that would be valid.

Future research should attempt to establish culturally appropriate methodologies for assessment of Aboriginal parents while also considering the larger recommendations of the TRC.

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## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

# The Treatment of Aboriginal Children in Canada: A Violation of Human Rights Demanding Remedy

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Clara Filipetti is a bilingual, Level 12, 17 year-old senior in high school. Clara has been interested in First Nations issues since elementary school and has organized and participated in several fundraisers to raise awareness. She is a dancer, a sister, an ultimate frisbee player and believes deeply in human rights. She dreams of being an engineer, and wants all children to pursue their dreams.

## Abstract

*This article examines two problems faced by the Canadian population: the current conditions of Aboriginal children and the lack of concrete course of action established to improve the dire conditions and lack of access to basic resources. This article proposes that a human rights framework can be utilized to address the disparities between Aboriginal and non-Aboriginal children in Canada. An integrated human rights framework acknowledges the complexity of the relationship between universal, natural and legal rights and provides a system of accountability to track the quality and success of the improvements made by the government of Canada. Due to the complex and systematic nature of the problem, a human rights framework provides a way to supplement the treaties and agreements that the government of Canada has often used as reasons for not taking responsibility. This paper concludes that an integrated human rights framework is an effective way to address the significant gaps between Aboriginal and non-Aboriginal children in terms of access and funding for social, health and educational services.*

**Keywords:** Human Rights, Framework, Aboriginal Children

## Introduction

For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments, ignore Aboriginal rights, terminate the Treaties, and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious and racial entities in Canada. The establishment and operation of residential schools were a central element of the policy, which can best be described as "cultural genocide" (Truth and Reconciliation Commission, 2015, pg v).

The release of the report from the Truth and Reconciliation Commission (TRC) in December 2015 was a call to action for all Canadian people to begin a comprehensive healing process with Aboriginal

peoples and to immediately redress the impact of colonialism, specifically residential schools. The TRC represented an important historical moment for Canada's relationship with Aboriginal people. There have been other reports written about the importance of a fundamentally different approach to the treatment of Aboriginal people including the Royal Commission on Aboriginal Peoples in 1991 and in 1995, an acknowledgement by the Conservative Federal Government of the Aboriginal right to self-government (Parliament of Canada, 1999). The release of the TRC is seen as a seminal moment in Canadian history. The Calls to Action from the TRC which took over 6 years and spoke to over 6,700 residential school survivors, are opportunities for redress and reconciliation (TRC, 2015).

This article addresses whether a human rights framework constructed from existing knowledge about human rights theories, can be used to remedy inequities in social, health and education services in Aboriginal communities. It argues that Canada, through its treatment of Aboriginal children, is in violation of two UN conventions: the UN convention on the Rights of the Child and the UN convention on the Rights of Indigenous People. This article will: (1) review theories of human rights; (2) review Canada's current human rights commitments nationally and internationally; (3) provide a brief history of the treatment of Aboriginal children in Canada post colonization; (4) provide an overview of the social, economic, and educational conditions currently faced by Aboriginal children in Canada; and (5) propose an integrated framework which links a human rights framework to the concrete outcomes for children called for by the TRC to address the economic, social and health disparities experienced by Aboriginal children. This is accomplished by exploring a landmark human rights ruling for the First Nations Child and Family Caring Society (FNCFCS) and the Assembly of First Nations (AFN) that found that the Federal Government does not provide fair funding for child welfare services on reserve. As a nation that embraces freedom and tolerance for all, it is important that we lead by example and that all Canadians be treated equally under the law.

The references for this article were limited to published literature; unpublished literature was not accessed. In addition, primary data was not accessed, which means the article used data collected using other hypotheses. The literature in this article is primarily Western; Aboriginal sources were used when possible.

## Definition of Aboriginal People

Aboriginal people in Canada include distinct populations: First Nations (includes Status and non-Status) Métis and Inuit. According to the National Household Survey in 2011, there were 1,400,685 Aboriginal people living in Canada (4.3% of the population) (Statistics Canada, 2013). There are over 600 First Nations communities. First Nations people were the Aboriginal peoples who were forced to live on reserve during the process of colonization when Europeans began to settle in North America. Aboriginal people are not homogeneous in their culture or history and should be recognized as a rich and diverse culture. For the purposes of this article, the broader term Aboriginal is generally used when arguing for the need for a human rights framework for Indigenous peoples.

## Human Rights Theories

There are various definitions of human rights, but in general a right is a natural or legal entitlement to have or obtain something or to be able to behave in a certain way (Wenar, 2005). A theory

is a set of rules or hypotheses that work together to predict an expected outcome. A human rights theory provides a way to understand how people around the world have access to basic rights and freedoms that can transcend laws and culture. There are several dominant theories of human rights, each offering a unique and important perspective: universality of human rights, legal and natural rights, and negative and positive rights. Each should be considered in the development of a human rights framework for the treatment of Aboriginal children in Canada.

The universality of human rights purports that universal human rights are part of being a person – they are absolute. Universal human rights can be defined as liberties, freedoms and entitlements that every person would agree are fundamental to the human condition (Fagan, 2015). If there was a public discussion about what these rights were, where all the participants were from different cultures and countries with different assumptions and world views, and were given equal access to unbiased information and allowed to debate, anything agreed upon in that discussion would be considered a universal human right.

The universality of human rights has been the cornerstone for the creation and foundation of several nations. The United States Declaration of Independence in 1776 declared that everyone was “endowed by their Creator with certain inalienable rights” (para. 2). Several years later in 1789, the rallying cry for the French revolution was the principle that “men are born and remain free and equal in rights” (Jellinek, 2016). These political, social and economic revolutions against being ruled by monarchies approximately 250 years ago were based on the belief that by being human, people were afforded the right to self-determine and these beliefs are still fundamental in our thinking about human rights in 2016.

Legal Rights are those rights that are given to individuals by a legal system in a country; these are rights that can be changed and modified by the government (Fagan, 2015). Natural rights are not dependent on the legal system or the government of the country; and they cannot be repealed or changed by the government (Hart, 1955). Legal rights include citizenship, which leads to the right to vote or obtain services from the government are examples of legal rights. A natural right is a right that applies to everyone, no matter their citizenship status and is fundamental to human nature (Hart, 1955). The right to life and the right to food and drink can both be considered natural rights.

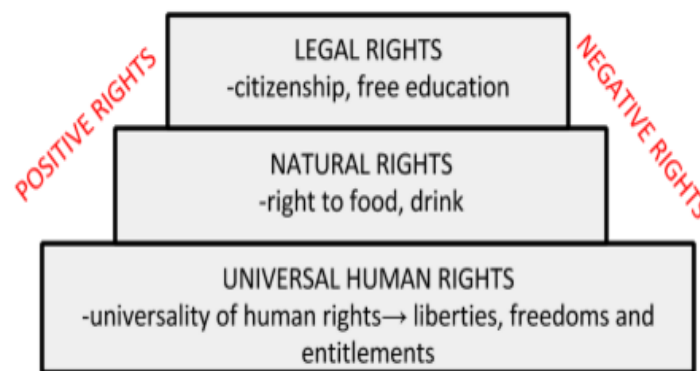
Negative rights imply inaction; whereas positive rights imply action. A negative right means that an individual cannot be subjected to the actions of another individual or the government. A positive right means that an individual is entitled to the actions of another individual or the government (Levin Institute, 2016). An example of a negative right would be the right to not be subjected to abuse, and an example of a positive right would be the right to receive aid from the government in a time of need.

## Proposed Human Rights Framework

If Canada consistently applied an integrated human rights framework towards every decision involving Aboriginal people, and in particular Aboriginal children, it would help Canada to remain accountable in ensuring that significant progress is made towards the TRC’s Calls to Action. Figure A describes a human rights framework. The foundation in the figure acknowledges the universality of human rights; it forms the basis for any other type of right that is bestowed upon an individual. Its key

considerations include liberty and freedom. The next systems of rights are natural rights which include basic rights to food, water and housing. At the top of Figure A are legal rights which reflect the commitment to universal and natural rights for all citizens. Positive rights and negative rights can be interpreted as part of all the components of the figure. Each system of rights can act to ensure a right through proactive measures (positive rights) and defend against the infringement of rights (negative rights). This framework of rights incorporates positive and negative rights at all levels.

**Figure A: Integrated Human Rights Framework**



## United Nations Conventions

The Convention on the Rights of the Child which was ratified by 193 countries (including Canada) in 1989 built upon the United Nations *Universal Declaration of Human Rights* which was ratified in 1948 (United Nations, 1948). This is an example of a convention that is legally binding which stipulates that all countries are required to present themselves before the United Nations General Assembly and detail the status of children in their countries. The United Nations General Assembly is the policymaking part of the UN and the Convention on the Rights of the Child is one of The United Nations' six legally binding agreements.

The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly in 2007 with only four countries voting against its ratification; one of them being Canada (United Nations, 2007). Canada had concerns about treaties, resources and self-government but in 2016, the Liberal government removed its objections to the Declaration. Unlike the Convention on the Rights of the Child, this declaration is not legally binding but can be used as a useful tool for eliminating human rights violations, and providing a basis for the treatment of Indigenous peoples.

## Canadian Context -- Canadian Charter of Rights and Freedoms

In 1982, the Canadian Charter of Rights and Freedoms was signed into law by Queen Elizabeth II as part of the repatriation of the constitution and represents an example of both natural (guaranteed rights which cannot be altered by law) and legalistic rights (rights given legally, however they can be subject to changes). By guaranteeing certain rights and freedoms (except when there are reasonable exceptions), the Charter recognizes basic rights and freedoms of all Canadians which echo those defined

in the US Constitution and the French revolution. Most importantly, the Charter recognizes the right of all Canadians to equal treatment (Section 15) and the rights of Aboriginal peoples (Constitution Act, 1982).

## History of Canada's Treatment of Aboriginal Children

In 1763 there was a British proclamation that claimed the right to “purchase” land through treaty (Borrows, 1997). Just prior to Canadian confederation, the 1960s Indians Land Act was the beginning of a system that the Government of Canada would develop to force Aboriginal people to live on reserves. These reserves were often pieces of land that were remote without access to resources. In 1885, the Indian Act was amended to make any Aboriginal ceremony or dances illegal. It was amended again in 1914 to force an Aboriginal person to seek permission before wearing “Aboriginal” clothing (Indian Act, 1997). Aboriginal people struggled to obtain an education on reserve. If a person managed to leave the reserve for an educational opportunity, they lost their Indian status on the reserve and were unable to return to their home.

Residential schools became the enforceable policy of the Federal Government. Schools were largely not an institution of learning but rather an environment that was abusive, isolating and oppressive. Residential school was used as a tool of assimilation so that Aboriginal children would adopt the dominant culture. Duncan Campbell Scott, who was head of the Department for Indian Affairs from 1913 to 1932 stated:

I want to get rid of the Indian problem. Our objective is to continue until there is not a single Indian left in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian department, that is the whole object of this bill (In MacDonald & Hudson, 2012, pg. 428).

In the 1960s, thousands of Aboriginal children were apprehended and placed for adoption in non-Aboriginal homes through the child welfare system. This policy, in combination with the practice of residential schools, resulted in a lost generation of people who were not raised by their parents. The current treatment of Aboriginal children cannot be understood or addressed without acknowledging their history of oppression. It also provides a strong argument for the need for a human rights framework and the need to redress the fundamental mistreatment of Aboriginal people through a framework that acknowledges the right to equality and dignity to guide all governments in Canada towards reconciliation with all Aboriginal people.

The TRC was a Commission formed in 2008 as the result of the Indian Residential Schools Settlement Agreement which was the largest class action settlement in the history of Canada. Its members spent six years listening to Aboriginal people describe the forcible removal of their children from their home and their experience of placement in residential schools (TRC, 2015). One of the clearest instructions from the TRC was the need to immediately remedy the current treatment of Aboriginal children by all governments in Canada. Between 1840 and 1996, when the last residential school closed, approximately 150,000 Aboriginal children were removed from their homes under duress and placed in a school whose sole purpose was to remove children from their “savage” parents so that every Indian child, in the words of Canada's first Prime Minister “would acquire the habit and modes of thought of white men” (TRC, 2015, p.2). Today, there are more Aboriginal children in the care of the Canadian child welfare system than at the height of the Residential School period (Blackstock, 2016).



The results of colonialism are the current social, economic, educational and health conditions that Aboriginal children and their families face. One in four First Nations children live below the poverty line; approximately one in eight Aboriginal children are disabled, double the rate of non-Aboriginal children in Canada; an Aboriginal youth is five to eight times more likely to commit suicide than other youth and nearly half of all children in foster care are Aboriginal; the rate of high school graduation is half that of other Canadian children (Rothman, 2007). The Auditor General of Canada (2004) estimated that it would require an additional 28 years to close the educational gap between Aboriginal and non-Aboriginal learners.

## The Need for a Human Rights Framework

The treatment, history and current living conditions of Aboriginal children in Canada are in direct contradiction to a universal, moral or legal understanding of human rights. The well documented and longstanding poor outcomes for Aboriginal children and their families means that Canada stands in violation of its own Charter of Rights and Freedoms as well as the UN Convention on the Rights of the Child and in principle, the UN Declaration of the Rights of Indigenous Peoples. Aboriginal people are not given the same access and funding for education, housing, health and social services (King, 2012). Access to equal funding for First Nations children on reserve and children off reserve is a basic human right that the past governments of Canada have fundamentally failed to respect and reconcile.

A human rights framework has been used successfully in a landmark case about the treatment of 163,000 Aboriginal children living on Reserve across Canada. In 2007, the First Nations Child and Family Caring Society (FNFCS) and the Assembly of First Nations (AFN) filed a human rights case against the Department of Indigenous and Northern Affairs Canada, arguing that the funding provided to First Nations children on reserve was inequitable and therefore a violation of the Canadian Human Rights Act. A Human Rights Tribunal listens to complaints about violations of human rights and can order remedies accordingly if the Tribunal finds that there has been an infringement of human rights.

In response to this complaint, the Federal Government argued that child welfare services for First Nations people living on reserve cannot be compared to other services as they do not provide services but are only a funder, and therefore the service cannot be considered under a human rights framework. The Tribunal also heard evidence about Jordan's Principle, which ensures that "First Nations children do not experience denials, delays, or disruptions of services ordinarily available to other children due to jurisdictional disputes" (Jordan's Principle Working Group, 2015, p.4). After nearly a decade, on January 26, 2016, the Canadian Human Rights Tribunal ruled that the Federal government had indeed violated the human rights of 163,000 Aboriginal children and ordered INAC to take action for immediate relief of the inequality. On April 26th, 2016 the Tribunal released another decision on the case finding that there were several instances where Jordan's Principle had not been honoured since the original ruling and ordered the government to show how immediate relief for on reserve child welfare services was being undertaken (First Nations Child & Family Caring Society, et al, 2016).

Although the remedies ordered have yet to be implemented, the ruling's success in acknowledging the unequal treatment of Aboriginal children provides evidence that a human rights framework would be beneficial to inform the continual redress other issues of inequity such as education. This ruling is also an important step forward in reconciliation; the Federal Government was found guilty of discrimination.

If an integrated human rights framework (see Figure A) was used for the implementation of the recommendation of the TRC and the judgment of the Human Rights Tribunal, significant, immediate gains for Aboriginal children could be made across the nation. The TRC developed, through thousands of interviews, documents showing the systematic oppression of universal, natural and legal rights of Aboriginal people in Canada. The remediation of hundreds of years of colonialism undoubtedly begins with the truth but must follow with equitable treatment.

The remedies for health, education and social service disparities for Aboriginal children should be judged by the system of human rights. Specifically, many Aboriginal children live on reserves without sufficient water, housing, educational facilities and social services (National Council of Welfare & Mann, 2007). Aboriginal youth who want to attend secondary education often have to leave their home to pursue these goals. We must hold the Federal and Provincial governments accountable so that all children who live in Canada have the universal right to freedom and liberty as do other non-Aboriginal children in Canada. The right to food, housing and clean drinking water is a natural right that has been denied to many Aboriginal children. The education system which is a legal right for every child in Canada is not equally accessible to Aboriginal children and in most systems does not provide educational material that is culturally-relevant and incorporates indigenous knowledge systems which is of critical importance. That type of curriculum would be consistent with the Convention on the Rights of the Child, Article 29.1.c:

States Parties agree that the education of the child shall be directed to: The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own (UN, 1989).

Aboriginal children should be entitled to a government that acts to ensure their freedom, the right to basic needs and a society that allows for their full participation in all of the nation's resources and benefits. Aboriginal children also have the right *not* to be subjected to conditions that are intolerable.

## Conclusion

This article recommends that an integrated human rights framework be adopted in order to address the inequities that Aboriginal children experience in Canada today. The history of colonialism and Canada's treatment of Aboriginal people has left Aboriginal children without equal access to basic human rights. This has resulted in significant gaps in access to resources, health, education and social service funding. Two recent initiatives, the TRC and the Canadian Human Rights Tribunal, have resulted in both a moral and legal need for action to address human rights inequities that are currently experienced by Aboriginal children. Each action taken by all governments in Canada as we remedy these inequities should ensure order that it articulates how it addresses and relates to human rights.

While this article proposes a solution to the inequities faced by Aboriginal children, it is untested. The framework must be sanctioned by Aboriginal people. The remedy for Aboriginal children lies in the Federal Government's willingness to understand these issues as a fundamental human right and the current situation as a national emergency. All Canadians must hold the Government accountable to equitable treatment of all people. There are many people who argue that children are a country's most important resource and they must be treated as such.

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## An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

# “You Don’t Just Get Over What Has Happened to You”: Story Sharing, Reconciliation, and Grandma’s Journey in the Child Welfare System

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## Abstract

*This article ‘You Don’t Just Get Over What Has Happened to You’: Story Sharing, Reconciliation, and Grandma’s Journey in the Child Welfare System highlights the memories of the strong Anishinaabekwe, or Indigenous women, in my family circle, most notably my grandmother, mother, aunt, and sister. My maternal grandmother, Marie Brunelle, lived through the child welfare system in the late 1940s and became part of what is known today as the “Sixties Scoop.” This article emphasizes the legacies and the intergenerational impacts of the child welfare system in our family through storytelling. By examining our stories of resilience, healing, and reconciliation, we can understand our family’s history, our displacement from Anishinabeg traditional territory, and the strength and resilience of the women in my family.*

I remember we were driving to Honey Harbour, Ontario. My grandmother was driving the Cadillac and my sister, Maya, and I were in the backseat. We were going to Honey Harbour to celebrate the naming ceremony of a family friend. We were bringing food, as we were going to feast once we arrived at our destination. We arrived in Honey Harbour with some time to spare, so Grandma drove us around a little bit. At one point, she turned down a road and stopped in front of a house. “This was my first foster home,” she said matter-of-factly. She showed us where she had lived and talked about how cruel the foster mother was to her. My sister and I didn’t know what to say after Grandma finished sharing this story with us, and so we stayed silent. After a moment or two, Grandma put the Cadillac back into drive and we continued back out on our way.

This is one of my many childhood memories that remind me of the intricate relationship between the child welfare system and the story of my family. Our family’s history in the Georgian Bay area begins with the house we saw in Honey Harbour. Grandma never hid her upbringing from my sister and me. In fact, this history plays such an important role in my life that it became the center of my graduate research.

My work centered on the stories of the women in my family, specifically my grandmother, mother, aunt, and sister. Our stories revealed our relationships to identity, family, and community, as well as the intergenerational impacts of the child welfare system for our family. Importantly, our stories also demonstrated the various ways our family negotiated healing and reconciliation for themselves. The research started by acknowledging and honouring my Grandma's story. I honour her story by not only making it the starting point in considering our family history, but also the framework to understand the experiences of Indigenous youth in the child welfare system. Growing up in various Euro-Canadian foster homes away from Anishinabeg traditions, Grandma did not establish a relationship to the territory, language, or traditions of Anishinabeg at Kitigan Zibi Anishinabeg. As an adult, she nonetheless anchored her family to the land of southern Georgian Bay and, over many years, began her own journey of (re)connection and healing as an Anishinaabekwe. Indigenous stories carry with them teachings that circle back to time immemorial. Our family's stories, and the teachings they carry, point powerfully to the complicated ways that Anishinaabekwe stories of displacement, resurgence, and healing play out against a backdrop of colonialism and reconciliation.

The story of our family's involvement with the child welfare system begins in 1947. That year, my great grandmother Anne Chaussé ran away and left her children unattended, while my great grandfather John Chaussé was away working as a guide in the bush near Kitigan Zibi Anishinabeg. My great grandfather's work often took him away from the family home for a few weeks at a time. My great grandmother's absence went unnoted until his return. At that point, my great grandfather, concerned for the wellbeing of his three children - Joseph, Lorraine, and Marie - placed them with different community members. This strategy of community care was not uncommon among Anishinabeg people. Yet, it is also important to remember that my great grandparents lived in a world where traditional roles had already been profoundly disrupted. My great grandfather had no choice but to work for wages and he could not keep his children with him to do so. Further to this, my great grandmother's own history of colonial violence made it difficult for her to stay with her husband and children. My Grandma was placed with a woman named Joyce who lived in Maniwaki, a neighbouring town community of Kitigan Zibi Anishinabeg. Joyce relocated to Montreal, approximately four hours away from Kitigan Zibi. In Montreal, the police apprehended Grandma after they were called to a domestic disturbance between Joyce and her partner. The police placed Grandma into the care of the child welfare system and she was sent to the southern Georgian Bay area, over six hundred kilometers away.

My grandmother's story and our family's history is part of what has become known as the "Sixties Scoop," a term used to describe the period during which Indigenous children were literally being scooped up in high numbers from their homes and communities. Grandma, along with many other Indigenous children, were placed in non-Indigenous homes away from their traditional territories and families. The Truth and Reconciliation Commission of Canada found that in some instances, Indigenous children were even adopted out of country (Truth and Reconciliation Commission of Canada, 2015). In fact, as Kenn Richard, Executive Director of Native Child and Family services notes, Indigenous children were being adopted out for profit (Richard, 2016). The mass scooping and adoptions of Indigenous children continued into the 1990's, which some scholars refer to as the "Millennial Scoop" (Sinclair, 2007, p.67). We are beginning to see and hear more about the stories of Indigenous children placed in the care of the child welfare system. In Jackie Traverse's short animated film *Two Scoops*, ladles on wheels resembling shopping carts make their way through the community and into the houses. When they

reappear, they are filled with little Indigenous children, literally scooping them out of their homes and communities (Crossing Communities Art Project & Traverse, 2008). This imagery is powerful, and demonstrates the ways in which Indigenous children were being apprehended at alarmingly high rates.

The impacts and effects of the child welfare system are deeply felt, both in our own family and in the wider Indigenous community. The effects are not only multilayered, but are intergenerational as well. Recently, Maya and I were at an antique store with Grandma. We were marveling at various pieces of furniture, clothing, and dishware. Grandma described what things were and remembered them being used frequently on the farm, her last foster home. At one point, we came across an antique watercolour paint set. She picked it up and grinned, "I had one of these as a little girl." Then, as we kept browsing, she commented, "Sometimes I like remembering, and other times I don't." This is the challenge of stories; they are not always easy to share. Grandma had plenty of difficult experiences in foster homes. As Lee Maracle notes in her recent work, *Memory Serves: Oratories*:

Listening is an emotional, spiritual, and physical act. It takes a huge emotional commitment to listen, to sort, to imagine the intent, to evaluate, to process and to seek the connection to the words offered so that remembering can be fair and just. (2015, p.21)

This explanation of the journey of the sharing and listening to stories reaffirmed the feelings I often had throughout the research process. Maracle explained to me why this process was hard, why writing about it was hard, but also reminded me of the importance of why I was doing this. For Kenn Richard, truth telling is part of reconciliation; hard stories included (Richard, 2016). The stories of Sixties Scoop and Millennial Scoop children, as well as the stories of those who have been adopted out come through in many forms. When I was a little girl, the stories of Grandma's life in foster care often came through as lessons. For many years, I was a difficult child. I fought with Mom and didn't always appreciate the strong circle of family that I had. I remember one instance when we were fighting, I told Mom that I wanted to go live with my Dad. Not long afterwards, I had a phone call from Grandma. Although she listened to why I was upset, she reminded me, "Well, at least you have a mother. I never had a mother growing up." Despite how upset I may have been, Grandma would not allow me to be ungrateful for my family, particularly my relationship with my mother. She shared part of her story with me to make me appreciate the many gifts in my life.

As Grandma says, "you don't just get over what has happened to you." However, as Indigenous people, this is often what we are told to do. When we are told, "it is in the past, move on," we are denying the truth of the intergenerational effects of colonial systems. Although healing and reconciliation with self can happen, it does not mean that we forget. Grandma's assertion that "you just don't get over what has happened to you" reflects this process of healing. As a family, we live with the effects of a system that disrupted Indigenous communities, families, and children. Other families also feel the effects and damages of the child welfare system. As Traverse states, "[m]y children feel the after effects of not having aunties, uncles, cousins, or family" (Crossing Communities Art Project & Traverse, 2008). Our family is lucky to have reestablished connections with Kitigan Zibi. Other adoptees and fostered children have not been so fortunate to make their way back to their communities. Richard Cardinal and Danny Francis are two young Indigenous men who took their own lives while in the care of the child welfare system. Tina Fontaine, a fifteen-year-old Anishinaabekwe, was murdered while in the care of the child welfare system. These youth, as well as their families, have been failed by the child welfare system. As filmmaker Alanis

Obomsawin remarks, "[Richard] never got what he needed most, to go home" (Obomsawin, 1986). These stories, and many others, are the ones we need to hear.

While our family history often demonstrates the ways in which Grandma's child welfare experiences impacted our family, our stories also reflect the strength and resiliency of the Anishinaabekwe in our family. Reconciling with loss, colonialism, and trauma is not easy; it is an ongoing process. However, I learned a great deal about resiliency, strength, and reconciliation through the research process. Earlier in the year, after reading one of the first drafts for my graduate research, Grandma said: "This paper is about us, as a family. You can include this in your paper if you want, but I had a love/hate relationship with my mother" (M. Brunelle, personal communication, February 17, 2016). I had never truly heard Grandma speak about her relationship with Grandma Anne before. Now, Grandma explained to me how she understood her relationship with her mother, one that I have understood as complicated. At one point, she told me about a trip that she had taken a few years back to Curve Lake. She drove with someone who knew Grandma Anne. She remembers:

All of a sudden, he looked over and said 'You've never forgiven your mother.' That really took me by surprise, because I thought I had. But he said, 'You've forgiven her in here [head], but not in here [heart].' I didn't know what to say. And it bothered me, you know? Because I kept thinking about it. I thought I had forgiven my mother for what had happened to me. But maybe I haven't. (M. Brunelle, personal communication, February 17, 2016)

When Grandma told me this story, it was clear to see the impact that losing a mother had on her life experiences. I understand now more than ever the strength it takes to put down your burden and to set a new path for yourself. Healing is an important part of a life journey. It does not always come easily, and it can be an on-going process for some people. For Grandmother Shirley O'Connor, "[i]t is necessary to share your experience[s] to be able to find the beauty in yourself and in others" (O'Connor, Monture, & O'Connor, 1989, p.39). Sometimes, healing is understood through storytelling. This was what Grandma and I were doing. As we strengthened our relationship by story sharing, I understood more about the relationships she held with many people and places. In addition, the stories she shared with me also helped me understand my relationship to her. For both Maya and I, Grandma plays a pivotal role in our lives. We grandkids have always had a close and special bond with Grandma. Now, she told me why:

I never wanted my kids or my grandkids to feel unwanted or abandoned the way I felt from the time I was taken to when I arrived at my last foster family. That is why I babysat Maya when your Mom went back to work and you went to school. (M. Brunelle, personal communication, February 17, 2016)

I always assumed that Grandma looked after my sister and me out of necessity. Mom is a single mother, and Grandma lives a few minutes from our house. It made sense that Grandma looked after us to help her out. Stories of grandparents caring and providing primary care for their grandchildren are well documented in Anishinabeg traditions (McNally, 2009). Maya and I are lucky that we spent time with and learned from Grandma in line with these traditional teachings. Some of our fondest memories are of spending time with her. While Grandma certainly took on her role as a grandmother, she had many reasons for wanting to be a part of our lives. What came across the strongest to me in her story were her own childhood experiences. Grandma made the conscious decision to keep us from feeling the same loss that she experienced in her childhood. By taking on the role of teacher, caregiver, and nurturer, she



ensured that we felt loved and wanted. I was humbled to hear about this part of Grandma's life story. I also felt a deep respect for Grandma's story of reconciliation. From this conversation, I gained a deeper appreciation for Grandma's healing journey and the efforts she makes every day to ensure that the cycle has ended.

Art is also an important and powerful way through which we can understand identity, relationships, loss, healing, and reconciliation. Sometimes, art can imitate life. Simply listening to story can be a way of finding ourselves and healing. This has been true for our family. While researching for my graduate work, I read the play *Someday* by Drew Hayden Taylor. This play centers on the experience of a family separated by the Sixties Scoop reuniting again. I phoned my Aunt Jennifer one night and I asked her, "[d]o you remember there was a play once at Sainte-Marie and they interviewed Grandma about it?" "Oh yeah" she replied. "I don't remember what it was called, but I do remember it was in the Sainte-Marie foyer and it was put on by the De-ba-jeh-mu-jig group." I asked "[w]as it called *Someday* by Drew Hayden Taylor?" to which Aunt Jennifer replied "[t]hat's it, that was the play" (J. Brunelle, personal communication, June 18, 2016). When I asked Grandma about the play she said "[i]t was like watching my whole life on the stage" (M. Brunelle, personal communication, June 18, 2016).

It is not only through plays that stories of loss and reconciliation can be examined. Indigenous artists express these themes in the form of film, novels, and art installations. Some of these artists are also family members. Grandma's art form is crafts. She established her own business, and is well known for making moccasins. I am privileged to have her work on my regalia, particularly my beaded moccasins and my leggings. When I visited my Uncle Joe in Kitigan Zibi earlier this summer, I noticed that some of Grandma's moose hair tufting was hanging proudly on his wall. For Grandma, this art not only represents an assertion of her identity as an Anishinaabekwe, but is also a testimony to her strength and resilience insofar as building this kind of identity for herself. It is also her expression of respect for our ancestors.

A powerful story that Mom shared with me about Grandma's moose hair tufting speaks volumes about the connections between art, identity, and healing. As part of her work in the community, Mom sat on the Aboriginal child welfare advisory circle. At the end of her work with this committee, she presented them with a framed sample of Grandma's moose hair tufting. For Mom, this gift represented the essential work that they were doing as a committee, as well as the healing journey Grandma took on for herself, her children, and her grandchildren. For visual artist and fellow adoptee Paul Whittam, his art reflects, "visual healing through colour, shape, and form, as well as storytelling" (CBC, 2015). Grandma's art demonstrates her resistance of colonial systems and the strength to reconnect with herself. As Tara Williamson notes, "art is a method of resistance; art is debwewin, or truth" (Williamson, 2016). However, art is also a way we give to the next generations. Grandma has given Maya and me a great deal over our lives. One of these is the gift of crafting. I remember the first time Grandma showed me how to make a pair of moccasins. She came to see me with the material necessary and sat me down to show me how to measure your foot, how to make the gathers properly, and how to thread your needle with sinew. No matter how many times my gathers fell apart or how long it took me to figure out how to do it, she sat patiently by my side, showing me and reshaping me how to make them. It felt so special that she shared this knowledge with me. As we grew up, Maya and I often assisted Grandma with some of the smaller crafting and beading projects. However, Maya is a much more accomplished artisan than I am. She is very talented at sewing and beading. In fact, Grandma includes some of Maya's artwork alongside her own at craft shows and pow

wows. Grandma's cultivation of Indigenous art, and her passing on of these traditions, powerfully demonstrates relationship building through art.

When I think about my relationship with Grandma, I see the teachings that my family gifted me over the years of my life: a strong sense of identity, deep family relationships, an understanding of community, the importance of cultural tradition, and love. These themes not only find themselves intertwined for research, they are connected because this is how they play out in our lives. The strength and resilience of the women in my family makes it possible for the importance and value of traditional teachings to be passed down, despite the disruptions of the child welfare system. Our family, particularly Grandma, works tirelessly to ensure that the younger generations not only develop a strong Anishinabeg identity, but also feel loved and wanted. Grandma gifted to us grandchildren what she needed when she was growing up.

Grandma's story, and our family's story, is important to understand in its current context. When the Truth and Reconciliation Commission of Canada released its final report in late May 2015 on the residential school system, the organization also listed ninety-four recommendations (Truth and Reconciliation Commission of Canada, 2015). Of these numerous recommendations, several include serious and immediate reforms to the child welfare system, as there are staggering numbers of Indigenous children in the care of Child and Family services. In some places, such as Manitoba, there is one Indigenous child a day apprehended by Child and Family Services (Monkman, 2015). For advocate Dr. Cindy Blackstock, "reconciliation means not saying sorry twice" (Blackstock, 2016). Truth telling and learning about these legacies of colonialism is part of the process of healing relationships and reconciliation (Wilson, 2016). Our family's voice contributes to the growing number of Indigenous voices who are sharing their experiences, specifically with the child welfare system. Of course, our stories are not the only ones that are being told. Through the work of strong Indigenous women such as Cindy Blackstock and Raven Sinclair, we see scholarships examining the impacts of the child welfare system on our Indigenous families and communities. Additionally, we find the stories of those who have experienced the child welfare system in memory, film, novels, plays, and visual art. Now, more than ever, it is imperative that we understand the intergenerational impacts of the child welfare system on Indigenous children, families, and communities.

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