



*Alliance nationale pour les enfants*

*National Children's Alliance*

## **Policy Statement on Aboriginal Children**

There are more than 320,000 Aboriginal children in Canada. First Nations children living on reserve have a quality of life that measures only 78<sup>th</sup> on the United Nations Human Development Index (similar to Peru and Brazil), when Canada was at the top. As the United Nations Committee on the Rights of the Child has repeatedly noted, the majority of Aboriginal children are not enjoying the benefits of living in one of the richest countries in the world.

Aboriginal children, on and off reserve are not doing nearly as well as non-Aboriginal children. Over half of Aboriginal children live in poverty. Twice as many Aboriginal babies will be born prematurely, underweight or die within the first year of life. Three or four times as many babies will die of Sudden Infant Death Syndrome. Three to four times as many children will die by injury, poisoning or violence. Five times as many of Aboriginal young people will commit suicide. All this in a country reporting repeated surplus budgets and having signed the UN Convention on the Rights of the Child giving children first call on the nation's resources.

Community programs that support Aboriginal children, youth and their families are critical to turning the tide. Research has demonstrated over and over again that sustainable socio-economic outcomes for Aboriginal peoples pivot on community based decision making and equitable access to resources. The effectiveness of culturally and community based services is evidenced by

innovative programs such as the Yellowhead Tribal Services custom adoption program in Alberta or Manitoba's Child Welfare Initiative. Both of these programs are being cited internationally for their efficacy and innovation, celebrations of the success that can be achieved when funding is directed to local agencies. In Canada, we know that funding levels for services for Aboriginal children on and off reserve is almost exclusively less than that provided to non Aboriginal children. The commitment of the current federal government to make a contribution to the lives of our Aboriginal peoples provides an opportunity for equalizing the investments targeted to Aboriginal children and youth. It is time to put resources into the hands of community agencies that already have the knowledge and expertise to make a difference.

Aboriginal children in Canada need access to community-based and designed services that are responsive, co-coordinated and integrated. Language and culture need to be critical components of all programming. Community agencies need funding to build upon their existing capacities in order to meet these needs. Research evidence is clear that the introduction of responsive community services and supports improves the outcomes of children, youth and their families. The federal government has supported the delivery of effective programs for 0-6 through the Aboriginal Head Start and CAP-C initiatives, yet, there are many children not able to access these excellent programs due to lack of funding. Aboriginal children in their middle years have even fewer supports. "Throughout the 1990's, federal and provincial governments slashed program budgets for those programs dedicated to urban Aboriginal children aged 6-12 years" <sup>i</sup> We know what works, it is time to make substantive investments in service delivery on successful programs such as Li'l Beavers delivered by the Friendship Centres. Lack of services and supports to children and their families has serious consequences for child welfare.

In five years (1996 – 2001) the number of First Nations children resident on reserve in the care of the state increased by more than seventy percent. Today,

there are more children in the child welfare system and not with their families than there were children in residential schools at their height. “In three sample provinces one in ten Status Indian children were in care as of May 2005 as compared to just one in 200 for other children”.<sup>ii</sup> These are shocking statistics. The situation of other Aboriginal children in child welfare care is not well documented as the quality of provincial data collection systems vary widely. Evidence suggests Aboriginal children are also drastically over represented in the child welfare system off reserve. Residential schools may have closed but, at best estimate, we are raising between 22,500 and 28,000 Aboriginal children in state care today.

The primary reason why Aboriginal children come into care is neglect. When researchers looked closely at the definition of neglect – poverty, inadequate housing and substance misuse are the key drivers. It is important to note that two of the three factors are largely outside of parental control. Under-investment by the federal government in child welfare services for children on reserve is contributing to the large numbers of children entering child welfare care. Initial indications point to a pattern of under-funding services for Aboriginal children off reserve in some provinces as well.

Overall child welfare services for Aboriginal children and families are inadequate with significant gaps in funding for First Nations child and family service agencies. Compounding this are problems with jurisdiction documented in a recent research study, “The First Nations child and family service agencies in the study sample reported an aggregate of 393 jurisdictional disputes that took an average of 54.25 person hours to resolve.”<sup>iii</sup> This same study found that jurisdictional disputes within and between federal and provincial governments routinely result in Status Indian children being denied services that are otherwise available to other Canadian children. In effect governments put their needs before the needs of vulnerable children. The consequences can be tragic as demonstrated by the case of Jordan.

Jordan was a young First Nations child with complex medical needs who lived in Manitoba. His family made the difficult choice to place him in foster care because there were so very few supports for families to care for special needs children at home on reserve. Jordan remained in hospital for the first two years of his life while his medical condition stabilized. His family and the First Nations child welfare agency worked during this time to find Jordan a medically trained family home and to raise funds to refit a van for his special needs. Everything was in place for the day that doctors said Jordan could go home – shortly after his second birthday. If Jordan was not First Nations, on that day he would have gone home but instead he found himself in the middle of a dispute between two federal government departments who could not agree on who should pay for his at home care. While these departmental officials argued over who would pay for showerheads and special dietary needs – Jordan remained in hospital – for over two years. The community began trying to mediate the dispute but in the end turned to the courts and only then was the jurisdictional dispute between these two departments settled. But not in time – just a few days later Jordan accidentally pulled out his breathing tube and died in hospital – never having spent a day in a family home. This happened in 2005 – the year of Canada’s 8 billion dollar surplus – Jordan never had a chance because Canada put itself first.

In Jordan’s memory we are calling for all provincial/territorial and federal governments to adopt Jordan’s principle to jurisdictional disputes. Under this child first principle, if a jurisdictional dispute arises over payment of services to a Status Indian child for services that are otherwise available to other Canadian children – the provincial or federal government of first contact must pay for the child’s service without delay or disruption. The matter would then be referred to a dispute resolution mechanism.

Aboriginal children and youth can wait no longer to get what every other child in Canada already receives – Canada can do more and must do more.

**Recommendations:**

- **Canada and all provinces and territories to adopt Jordan’s Principle for Jurisdictional Disputes<sup>iv</sup> ensuring no other Status Indian child is denied or delayed services which are otherwise available to other Canadian children due to conflicts between governments. Put children first.**
- **Develop a cross-departmental strategy to address the complex policy issues for Aboriginal children and youth.**
- **Increase funding for community-based programs for Aboriginal children ages 6-12 to contribute to their health, well-being and success at school.**
- **Give First Nations children an equitable chance to stay safely at home. Develop a new and equitable funding formula for First Nations child and family service agencies.**
- **Compel provincial governments to ensure that funding levels for Aboriginal child welfare agencies off reserve are equitably funded.**

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<sup>i</sup> National Association of Friendship Centres, “The Impact of Aboriginal Friendship Centres Program on Increasing Canada’s Productivity”, Brief to the Standing Committee on Finance, October 2005

<sup>ii</sup> First Nations Child & Family Caring Society of Canada, Annual Report 2004/2005

<sup>iii</sup> *ibid*

<sup>iv</sup> First Nations Child and Family Caring Society of Canada, “Wen:De We are Coming to the Light of Day”, October 2005