



INQUIRY RESPECTING THE TREATMENT, EXPERIENCES AND OUTCOMES OF INNU IN THE CHILD PROTECTION SYSTEM

English Transcript

Volume 48

*Commissioners: Retired Judge James Igloliorte, Dr. Mike Devine and
Anastasia Qupee*

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COMMISSIONER IGLOLIORTE: Good morning, good morning, everyone.

We're so pleased to have Elder Penote Antuan with us this morning. And we're going to ask him to start our sessions with a prayer.

Elder Antuan.

Would you please stand.

ELDER ANTUAN: First of all, I want to say thank you to James Igloliorte for having here with us again. He's been missed by every Elder in the community, that – he was away for a while, and I'm very thankful to see him again.

Thank you.

[Sheshatshiu-aimun spoken.]

Thank you.

COMMISSIONER IGLOLIORTE: Thank you very much, Elder Penote Antuan.

At this time, we're going to allow some translation of our welcome that we gave yesterday as Commissioners. The message where we said that Nashtash is not well, but she's with us virtually. And we're going to ask Nympha – Nympha Byrne – if she would give us the message that we made yesterday.

You can come on up to the microphone please, Ma'am.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

Okay.

COMMISSIONER IGLOLIORTE: Thank you so much, Ms. Byrne.

Ms. Byrne and Anne Rich were going to do all the interpreting for us yesterday. Anne, unfortunately, was – had some medical

issues, so Ms. Byrne is on standby in case we need her to interpret for today, and we really appreciate it.

Thank you.

Ms. Urquhart, you can outline the day for us now.

C. URQUHART: Thank you, Commissioners.

So this morning we will have Lyla Andrew back testifying here in person, and counsel for the Innu Representative Organizations will be asking questions, and we expect that that will wrap up by lunchtime today.

And following our lunch break, we will be watching the pre-recorded evidence of Ms. Wanda Lundrigan and Ms. Michelle Shallow, and then the final of the three provincial witnesses, Ms. Jennifer Barnes's testimony will be played tomorrow morning. Following that, we'll have questions for those three witnesses.

So that is the plan for today, and with that, I will pass it over to my friends at – I believe Jolene Ashini will be asking questions. We'll ask Lyla Andrew to come up and proceed with her testimony.

Thank you.

J. ASHINI: Good morning. Thank you.

My name is Jolene Ashini and I will be doing the cross-examination for finishing up the testimony of Lyla Andrew today.

I represent the Innu Organizations and to note in the beginning, my questioning will look a little bit different than what people in the legal field may normally see, because I want to try to make this as accessible as possible for Nympha and Lisa to do the translations. If you wanna –

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

INTERPRETER RICH: Can you repeat that for me?

J. ASHINI: My name is Jolene Ashini and I represent the Innu Organizations. And I'm going to question Lyla a little bit different today to try to make translations easier for yourself and Nympha.

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

J. ASHINI: And also to note before I start that I will be asking the question to Lyla and then we'll pause for a translation and then, Lyla, you can answer. And some of my questions are just simple clarifications, so you can use yes and no.

So I'm gonna start off by asking you a couple of questions to clarify a bit of your career timeline spent in Sheshatshiu.

Do you remember what year you first arrived in Sheshatshiu?

L. ANDREW: 1977.

J. ASHINI: Thank you.

Do you recall in what year you started work with the Social Services Department here in Sheshatshiu?

L. ANDREW: 1979.

J. ASHINI: Thank you.

And so you worked as a social worker in Sheshatshiu until 1984, is that correct?

L. ANDREW: Yes.

J. ASHINI: So, sticking with that time frame in 1984, I want to bring you to a news article from 1984 which is in our books, Exhibit P-043. And on page 2, it's titled: MHA blasts Hickey for firing social workers.

Would you be able to read the second and third paragraphs, please, on page 2?

L. ANDREW: "These four workers have been dismissed, first of all, for daring to stand up to the Social Services fortress Mr. Hickey has built up in this province."

"These four workers stood up for the special conditions under which Aboriginal people in this province exist."

J. ASHINI: So in June, you talked at length about that policy change, which triggered your dismissal from the Social Services Department, and this article states that you and others took a stand against the Social Services fortress.

Can you please explain what you and others did to get terminated from this department; like, the actions that you took that led to your termination.

L. ANDREW: I just want to correct one element. Maybe that's not what I'm being asked to do, but one of the four individuals that was fired was the late Sebastian Nuna, who was working for Social Services in the same office with myself, Peter Bown and Dorothy Mills was the social worker in Davis Inlet.

Essentially what we did was – that resulted in us being fired – was we tried to see if we could bring about change to the policy that we thought discriminated against Innu people and the way they lived, and –

COMMISSIONER IGLOLIORTE: If we could just allow the interpreters.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

L. ANDREW: I said we tried to bring about change. As social workers, we were members of a union, the three of us as social workers. But the union wasn't particularly supportive of us. They weren't supportive of us. They – and we were

unable to bring about the change that we hoped to see and ... well, we were told to apply the policy as it was written, and we refused.

J. ASHINI: So I guess moving further into your career timeline, after your termination from Social Services in 1984, do you remember what year you started working with the Innu, under the Innu?

L. ANDREW: I don't exactly remember what year, no. Sorry. It probably was in the late '80s.

J. ASHINI: So sticking with that timeline from, say, the late '80s to the '90s, part of your work with the Innu was with the Innuwass Group Home, is that right?

L. ANDREW: Yes.

J. ASHINI: So in February you spoke a bit about the Innuwass Group Home, and so I'll have a couple of follow-up questions from that discussion and that testimony.

So the first one is, if you can, can you tell me a bit about how the group home was started, if you remember?

INTERPRETER RICH: Jolene, can you repeat that again?

J. ASHINI: It should be there on your question sheet. So starting in February, you spoke a bit about the Innuwass Group Home on page 2.

INTERPRETER RICH: Okay. [Sheshatshiu-aimun spoken.]

L. ANDREW: As I recall, there were a number of young Innu people from both Sheshatshiu and Natuashish who were coming into conflict, with mischief and other – you know, doing things that resulted in them being charged and I suppose convicted, under the then young offender's legislation.

I hope I'm accurate when I say I believe the funding for the Innuwass Group Home was provincial funding, and the house, as I remember it, the home was staffed with an Innu couple living in the home. The late Paul Rich Sr. and his wife Veronica Rich were the live-in parents in the group home.

I just want to add that I think the community was very, very concerned that these young people would not have had experiences travelling outside of the community of Sheshatshiu. They probably wouldn't even have been going regularly to Goose Bay at that point in time in this village. And these would've been young people who probably spoke almost entirely Innu-aimun. There would've been some English, obviously, they were going to school with an English-language school, but Innu-aimun was still their first language.

So the community felt very, very strongly that it was important to try and provide a service for children here. Otherwise, they would've been sent to, I guess – I think Whitbourne was – Whitbourne or Pleasantville were facilities for young offenders, I believe, at the time.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

Where's the other place?

J. ASHINI: Pleasantville.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

L. ANDREW: I just want to add one thing to the – sorry. I just would add also that I wasn't working for Social Services at that time, obviously. However, there were a number of strong Innu individuals who were working with Social Services at that time.

Certainly we've – I've spoken about Rose Gregoire – I can't date it exactly – I would say (inaudible) Andrew, at some point Edward Nuna was there, Greg Pastitshi. There were quite a number of community members through a period of time who were working in the role of community service workers, and they would've advocated very strongly for children to remain in the community and receive services in the community.

J. ASHINI: So this isn't on the question sheet for Nympha and Lisa, but I kind of wanted to follow up with that thought. So this was during the late 1980s, early 1990s, and you were saying that there was at that point, even then, a concern for keeping the Innu children in community and there were community members advocating for that.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

What was that again? The last part.

J. ASHINI: That there were Innu workers advocating to keep children in community.

INTERPRETER BYRNE: Okay.

[Mushuau-aimun spoken.]

[Dialogue between Interpreter Rich and Interpreter Byrne in Innu-aimun.]

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

L. ANDREW: I think it's very hard today to appreciate how different the communities of Davis Inlet and Sheshatshiu were from the large villages that they are today with – these were small – very small communities. People didn't travel outside of the communities.

And so I – there was an understanding on the part of Innu leadership and Innu adults that to send children away meant that they would be going to very foreign places. And I

think people understood that those circumstances would be very hard on children, to be sent to, in essence, what would feel like a foreign place.

I think there was one other element that stands out for me, which was that even though a number of the children and young people that were coming down from Davis Inlet – were coming down from Davis Inlet to Sheshatshiu – the Mushuau Innu were never happy about the fact that their children were coming down here.

And they – leadership and others talked about the fact that kids were coming down here and they would be drawn into the activities, say, of Happy Valley-Goose Bay, like the movie theatre or the shopping. And there was a very strong desire on the part of the Mushuau Innu that even coming to Sheshatshiu was like sending their children to, not so much a foreign place, but a place where the influences would be – there'd be less influence of, I guess Innu-ness and more influences because of the Happy Valley-Goose Bay being, you know, so close to Sheshatshiu.

And I think what Innu leadership was looking for was a balance. I think they wanted parents to address the issues that were impacting their children so the children were acting out. And so there were real efforts being made. I don't think anybody saw the Innuwass Home as the answer. But it was better than sending children away, outside of Labrador.

J. ASHINI: Thank you for that.

So in your February testimony and some of what we heard yesterday, you had read an excerpt on the training needs assessment that you wrote, and for reference, it's Exhibit P-108, and it's the Innuwass training needs assessment.

And so on the last paragraph of page 3, it says that "To this end it is absolutely necessary to view the Innuwass Home as

being completely unique from any of the other Group Homes within the Provincial Social Services system.”

So what, in your view, were those unique needs of that group home?

[Dialogue between Interpreter Byrne and Interpreter Rich in Innu-aimun.]

INTERPRETER RICH: Where are you? Which one is it? We’re kinda lost over here.

It’s that one.

[Sheshatshiu-aimun spoken.]

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

L. ANDREW: I guess the simplest way that I would describe what the needs were in relation to the training for the staff at the Innuwass Group Home and for the children who would be living there, were that they would all be about the fact that they were Innu children. And the hope was that most of the staff would be Innu staff.

And I can only – sometimes I can only think about: That sounds like a very simple statement. They’re Innu children, the staff would be Innu, the home would be in an Innu community. It sounds simple, but the practice then, as it has been to date, is that Innu children would go out if the resource wasn’t here. They would go out to non-Innu communities to be with non-Innu staff to receive resources. But the opposite would never be true.

So even if there was a space at the Innuwass Group Home, the provincial government would never have placed a Newfoundland child in the community of Sheshatshiu in the Innuwass Group Home, even though that home would have been functioning under provincial standards.

That would never have happened because people would say: Well, that’s not their

culture. You’re not gonna send them to a place where people – they can’t speak English, because the people that are the staff don’t – you know, they speak a different language.

I mean, I know it sounds kind of absurd, but in a way, it was kind of absurd. The fact that there’s always been the presumption that Innu should go out to where the resources are. That it’s better; that’s where they would get better services. And, yeah, so all the needs had everything to do with the fact that these were Innu children.

I want to add something that I can’t honestly claim I was taking into consideration at the time I wrote this report. But I think it goes to the way adults in – a number of adults in the community would have been feeling, and – about sending children away, and that would be fear. And I have spoken about the fear that I believe a lot of adults lived with. But at that time, there would have been adults in both Sheshatshiu and Davis Inlet – Utshimassits – who had been sent out, sent away, to Mount Cashel.

And I don’t know how – and other places – and I don’t know how many of those stories were told, but I suspect there was some sharing. And I would imagine that when those stories were shared by some of the individuals that came back from Mount Cashel, people would have understood that that was not a good experience.

They might not have known the details, but they knew that was not a good experience, that that was a harmful experience for those individuals. And I think they didn’t want to see that repeated with the next generation of children being sent away. I just – yeah.

J. ASHINI: Thank you.

So we’re gonna move a little bit further into your career in Sheshatshiu. So you spoke a bit about the gas-sniffing crisis during the 2000s in both your June testimony and also your February testimony, which we heard

yesterday. You said in a lot of instances, parents were coming and asking to take their children away. And then also that parents were turning to CYFS out of fear.

So my next couple of questions are going to sort of involve that gas-sniffing crisis, and the first one is: Do you remember if parents came to you with other suggestions aside from placing their children in out-of-province treatment centres during this time?

L. ANDREW: I think there's a two-part answer to your question.

The first part goes back to the mid-'90s when I was working at the Innu Nation in the area of social development. And at that point in time, leadership – both elected and in program areas – was trying to look at the root causes of why were – why was there so much substance misuse, whether that was, at that point in time, alcohol misuse; certainly in the mid-'90s, alcohol misuse was the focus.

There were a lot of efforts being made to address that issue, certainly focused mostly on adults; and people knew there had to be reasons, that the substance misuse both with alcohol and with solvents – which was seen a little bit later in large numbers – there had to be reasons why this was happening. And it felt like those were the symptoms that everybody could see. So program people, Innu program people, and leadership were trying to look at root causes. That's the first part of the answer, I think.

I think the second part is that Innu adults and leaders were facing really a crisis that in their history, they had never had to deal with to this extent. And I think there's a lot of information and evidence out there about the early 2000s, Davis Inlet, young people wanting to kill themselves, under the influence of solvents, that became an international story, and you had this very small group of people, the Innu, who had their children who wanted to die.

And I think that that was a crisis for the Innu in that this had never been something that they'd had to deal with on this scale. And that was so profoundly – I use the word confusing, but it's more than confusing, I mean – and so I think it was very, very hard for parents to see alternatives. Very, very difficult.

What I do know is that, again, this was happening in other Indigenous communities across the country. I don't think we knew very much about it here. People did reach out, as I said yesterday, to Wood's Homes in Alberta, where they were developing resources. And at that time, I believe there were six solvent abuse treatment centres nationally that had been developed. But I think that none were – certainly none were in Newfoundland and Labrador; I don't know if there were any in Quebec.

These were solvent abuse centres, predominantly out west, and I think elected leadership negotiated with the federal government and as a result, the Charles J. Andrew – what's now known as the Charles J. Andrew Family Treatment Centre, but at that time when it was funded and opened here, it was the first solvent abuse treatment centre for First Nations and Inuit children in Eastern Canada. And that was a significant effort made by leadership to try not to have to send children away when it was so clear that they needed help.

COMMISSIONER IGLOLIORTE: Ms. Ashini, about five minutes before we have a natural break for the interpreters.

J. ASHINI: All right.

I was wondering if it would be a good time to pause now, 'cause the next question might take a little bit longer.

COMMISSIONER IGLOLIORTE: That works. Thank you very much.

We'll have a 10-minute break.

Recess

[Inquiry in progress at start of recording.]

COMMISSIONER IGLOLIORTE: – proceed again now.

J. ASHINI: So we're gonna continue on now, and sort of sticking with the timeline of the gas-sniffing crisis in the early 2000s.

So in February – and we heard a bit about this yesterday as well, when we replayed the February recording – you mentioned parents turning to CYFS because they felt that they didn't have any options. And so I kind of wanna talk about that and I'm wanting to know if you recall at this time, so prior to Charles J., if there were any other options available to Innu parents at the time, when their children were struggling.

L. ANDREW: I think that's a difficult question, to know what options parents were facing in the '90s, what other options might they have had. I think for – one of the things that I've tried to describe is the context of the Innu communities and the importance of understanding the context of communities that are living out trauma, living out of trauma response. And in that chaos where children are struggling, the likelihood is parents are struggling.

What – and so the question is what – does parents struggling come before children's struggle? And when you think about intergenerational trauma, you know that this – the harm was passed down. Harm was passed down, parents were struggling, children struggled.

I think the one option that most parents would understand was: We should go to Nutshimit. We should take our family to Nutshimit. I think the older children got, the harder it would be to convince some young people to go to the country when they become, you know, teenagers in their mid-teenage years.

I'm talking for too long, I just realized. I'll stop.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

Brought back a lot of memories, to translate.

[Sheshatshiu-aimun spoken.]

COMMISSIONER IGLOLIORTE: Are you okay, Lisa?

INTERPRETER RICH: I'm okay. I'm okay, I'm just –

[Sheshatshiu-aimun spoken.]

J. ASHINI: I'm going to interrupt to sort of rephrase that question.

So I think the focus would be on: Do you know or remember if there were any other options offered through Social Services or CYFS at this point, offered to not only Innu parents, but also Innu parents seeking services for their children?

L. ANDREW: No. I don't think Social Services or CYFS or whatever the formal child welfare system was called at the time, I don't think it had options for parents. It was the Innu that were trying to develop programs and services to help themselves. That's my recollection and that's a very – you know, it's a very strong recollection. I haven't gone into detail about the NICHI programs that many Innu participated in.

Even when children were gas sniffing, I can remember vividly Innu inviting workers from Wood's Homes to come and just talk about – help us to understand what is going on. I remember them saying to community workers: Don't run after children who are gas sniffing. Because it was – that was sort of a natural response; people wanted to run after children, catch them, whether it was

the police, anybody, catch them before they can run away and hide.

And I remember we were told: Don't run after them because gas sniffing can affect their hearts, and this might be even worse for them if you chase them. It might impact – their heart may speed up, beating too quickly and they could collapse.

So Innu were seeking to understand what was behind all this behaviour, but that was in the context of the chaos that was already existing in the communities, that I think I've talked a fair bit about.

J. ASHINI: So in sticking with the options, or the lack of options, provided by Social Services and CYFS at that point, to the extent that you can remember, do you know what – in what language were these options communicated to the Innu? Were they in English or Innu-aimun?

L. ANDREW: At that point in time, there would have been no social workers who would have spoken Innu-aimun. So if social workers were trying to talk to families, they would have been – myself included – would have been talking to families in English.

J. ASHINI: So in trying –

L. ANDREW: I just wanted to add that I don't know how CYFS, the provincial government system – I don't know how they could have offered options to Innu parents, because I don't think there was an understanding of what the concern was, what the – what was the root of children sniffing gas, what was causing that, why would children do that?

And if you don't understand what the cause is, it – how are you going to come up with options? And the experience on – in Newfoundland and Labrador, I don't – I'm not aware that there would have been any experience whatsoever within the provincial system with addressing large numbers of children in any community sniffing gas.

So I just – I don't know what individual social workers would have been able to offer, and I don't know that the system as a whole had an understanding of what was going on and how they could help. They responded, you know, to say, sending the children out to the Grace or setting up the children in the barracks in Goose Bay as a crisis response.

But in terms of providing parents with meaningful opportunities to help themselves and/or help the children, I would say the answer is they didn't have meaningful resources for parents or children.

J. ASHINI: So I guess, sticking with that thought, during the peak of that gas-sniffing crisis, can you remember who reached out to who first, in the sense of: Did the Innu reach out to CYFS first, or did CYFS reach out to the Innu to provide a response for assistance?

L. ANDREW: I gave testimony that I have a very vivid, clear recall of the day that Innu reached out to the Labrador-Grenfell Health, to CYFS, to say: You have to do something. But I know that in advance of that, there would have been individual situations that CSSD might have tried to address within their mandate. You know, an individual child, a situation that might have been reported to them.

But this was on a different scale. This was not something – this was something that I think Innu understood that they could – that this couldn't be dealt with, sort of, one by one, that there were too many children who were – and they – again, as I've said, there was a five-year-old. And that just – that triggered a response to say: This is a problem that's affecting everybody. This is a concern that we all have and it just can't be addressed by looking at individual children's situations.

J. ASHINI: So trying to get a sort of placement as to where you were at the time, were you working with CYFS at this point, or

were you with the Innu during, I'd say, the rise and peak of this gas-sniffing crisis?

L. ANDREW: I was working for the Sheshatshiu Innu First Nation.

J. ASHINI: So in working with SIFN at this point, would you be able, or would you have been in the position to remember, what the response by the federal government was at this point in time?

L. ANDREW: I think my focus was more on front-line issues, supporting programming that was going on in the community to try and assist families to deal with this then. Obviously there – I think there was a great deal going on behind the scenes – the scenes that I – going on behind the scenes that I was aware of, because I remember being quite surprised, actually, that there had been agreement to build a solvent abuse treatment centre. That wasn't – you know, the plans for that. Like, I wasn't aware of that, but then again, that wasn't part of my job to have an awareness about that, really.

J. ASHINI: So I guess moving forward a bit in your career timeline, so talking about between 2004-2015 and your return back to CYFS as the zone manager. I'm gonna ask you a couple of questions about that period of time.

And I guess the first part is: Can you tell me what the working relationship was like between the Innu and CYFS at that point in time?

L. ANDREW: I think there was a relationship of – going on, on two different levels. So there was the relationship or what was going on in the community, between – focused on the day-to-day activities of CSSD and community members, and then there was this other relationship, I suppose, between the provincial government and the elected leadership.

And my experience through those years was very much around the relationship in the community, as opposed to the – being involved in the other bilateral relationship between Innu leadership and the provincial government.

I think at the community level at that – those earlier years, 2004, '05, '06, when it was still – when CYFS was still under the health authority, there was more of an opportunity, through building and having personal relationships with health authority individuals, to create programming or – programming and services – that were within the mandate, that made sense in the community.

The one example I would give is that we were able to develop what we called stay-at-home foster home situations. And the idea had come from those Ontario therapeutic foster homes, where instead of having volunteer foster parents who had no supports built-in to their home, the stay-at-home foster parent was compensated so that they could literally be available to a child whether that child was at the school and maybe was having a problem, or maybe the – they just needed the attention of the foster parent during the day. And so it was a relationship to create more support for a child that was struggling, and we were able to do that.

I think that was a unique set-up. I don't think that happened anywhere else in the province at that point in time. And we had, I would say at one point, maybe seven homes that were stay-at-home – considered stay-at-home foster homes here in Sheshatshiu, which kept children from being – likely kept children from being sent out of the community because of the extra attention that they were able to receive from their foster parent – their Innu foster parent.

I almost think I could best describe the relationship as being like a triangle, with the three points on the triangle. So you're asking about the Innu provincial

relationship, and one of those points on the triangle would be the local CSSD office, and that's a non-Innu led – then and now – a non-Innu led entity, obviously. It doesn't reflect Innu culture; it's of the province. But another point on that triangle is the province, and then the third point would be elected Innu leadership.

And I don't know that this is really a complex relationship, but Innu have learned that if they have a concern with a provincial policy law issue, they're going to go to elected leadership. They wouldn't come to the local office to deal – not likely – with an issue of concern from a member. Members would go to the elected leadership with the expectation that elected leadership would go to the provincial office. Sometimes directly to the minister, sometimes it might be to the regional director. But they wouldn't be talking to local social workers about issues.

And I don't – and so that, to me, is kind of a unique relationship, and that's because, you know, you wouldn't have the mayor of Gander – community members going to the mayor to be talking about – at least I wouldn't think you would, or in St. John's even – going and talking to issues with elected politicians. But this is a very different place and that's – the relationship is it's – between the people and the systems is different than I think it would be elsewhere in the province.

I wanna say a little bit more, but I'll stop there.

Does that make any sense? I'm sorry.

J. ASHINI: It does.

COMMISSIONER IGLOLIORTE: Okay, this looks like a good time for a short break. And, Ms. Ashini, you can speak with lead counsel and let us know how things are going.

Thank you; 10 minutes.

Recess

COMMISSIONER IGLOLIORTE: I'm asking Commissioner Devine to make a couple of announcements that will be translated.

COMMISSIONER DEVINE: Yes, just two quick announcements. The first one is our daily reminder that we have healing services here, and that's in the person of Edward Nuna, our liaison worker, and Sean Allen, who's our counsellor support service – clinical support.

The second announcement is just also a reminder –

COMMISSIONER IGLOLIORTE: (Inaudible.)

COMMISSIONER DEVINE: Oh, sorry.

INTERPRETER BYRNE: (Inaudible) what's your name again?

COMMISSIONER DEVINE: Mike.

COMMISSIONER IGLOLIORTE: Oh, Commissioner Devine.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

INTERPRETER RICH: [Sheshatshiu-aimun spoken.]

COMMISSIONER DEVINE: And the second announcement is to remind people who participated in the community meetings in the past to come and see any member of the Inquiry team, as we have a token of appreciation to present to you.

COMMISSIONER IGLOLIORTE: Thank you very much.

Ms. Ashini.

J. ASHINI: So I'm gonna move on a little bit here. I'm going to ask: So prior to 2012, do you remember if there were any committees in CYFS, I guess in which the Innu had an active voice, to sort of, voice their concerns

or Innu identity at this point? So – as your time in – as a zone manager.

L. ANDREW: I just want to add what – excuse me for the nosebleed, it just – but I wanted to add to the previous question, because I think you were asking me a question about a relationship which is very complex, I think, and significant to all of this. And I wanted to say that I think the relationship between the Innu and CSSD has always been characterized by mistrust and anger.

And that in 2004, '05, '06, through to 2015, that anger continued, and that mistrust. There wasn't anything to make – thank you – the mistrust any less, and there would be all sorts of things going on, some of them not even directly related to CSSD, which would make Innu angry, and CSSD could be – could or would be a target of that anger.

When you have something like the caribou ban in place, I mean, that's – you know, you might say how's that related to CSSD? Well, when the only provincial government office that exists in the community is CSSD, people – you know, they don't compartmentalize their anger. And so the relationship has been a very difficult relationship

And that doesn't mean that there have not been individual social workers who have had good, strong, working relationships with parents and children. That happens too. But overall, the relationship has been one of a great deal of mistrust and anger, and that can't all be laid at the feet of CSSD. I guess that would be my point. But it certainly impacts collaborative work between Innu and CSSD.

COMMISSIONER IGLOLIORTE: Lyla, we're not gonna force you to suffer through –

L. ANDREW: Oh I'm not suffering.

COMMISSIONER IGLOLIORTE: You're all right?

L. ANDREW: Oh yes.

COMMISSIONER IGLOLIORTE: (Inaudible.)

L. ANDREW: I look pretty (inaudible).

COMMISSIONER IGLOLIORTE: (Inaudible.)

L. ANDREW: Yeah, I'm good.

But I can't remember the question, so – the question, because I went back to the other question. So you'll have to repeat the question.

J. ASHINI: So I guess in repeating that question, at the time you were zone manager, do you remember if there were any committees within CYFS that allowed Innu to have an active voice, or to voice their concerns?

L. ANDREW: Certainly the – during these latter years when I was at CYFS, the committee process of the main table would have been the main way that Innu, through Innu leadership, would have been able to bring forth concerns to CYFS. And it used to be that those meetings would be completely about CYFS issues.

They were meant to cover all the issues that Innu Nation would be dealing with on behalf of its membership. But the meetings used to be entirely about CYFS issues. And they would be angry meetings; people would be expressing a great deal of anger and hurt at those meetings.

J. ASHINI: When you're referring to main table, are you talking about the Innu Round Table Secretariat or another committee?

L. ANDREW: No, when I refer to the main table, I'm talking about the time before the Innu Round Table Secretariat came into existence. There was a period of time, I'm not sure if it was 2012, 20 – when the main table came to a halt at the Innu request. The main table had a CYFS – if I remember correctly – committee, and in the years between 2005 and when the main table

ended, there was a great deal of discussion about both education and CYFS issues with a focus on devolution. And in that process, the Innu did – education was devolved to the Innu. There have been committee meetings subsequently with the IRT, but I didn't know if you wanted me to talk about that.

J. ASHINI: I'm gonna have – we have time for about one more question that I wanna try to get out of the way before.

L. ANDREW: Oh, okay.

J. ASHINI: So I'm gonna stop you there.

L. ANDREW: Okay.

J. ASHINI: So during your time as a zone manager, do you recall if policy development allowed for or took Innu voices into account at this time?

L. ANDREW: This is a short answer. I would say no.

Policy development was not something that as a zone manager, that I had any involvement in, and certainly the local office had no involvement in policy development. Policies were provincial policies, and they were meant to be applied provincially. And policy development was top down, passed from the provincial office down to the local offices.

I just wanted to add that earlier I gave the example of the development of stay-at-home foster homes, and I would say that when Labrador-Grenfell Health Authority was overseeing the delivery of child and family services in the Innu communities, that there seemed to be more of – much more of a flexibility around trying to respond. I don't know that there was a specific policy about stay-at-home foster parents. I don't think there was, in say 2005, '06. But certainly once the department was a line department of government, policy development is as I just described it.

J. ASHINI: All right. I think we're gonna pause here for lunch.

COMMISSIONER IGLOLIORTE: Okay.

Ms. Ashini, as long as you promise not to give her a nosebleed, we'll let you go one more hour. That'll be at 1 o'clock.

Thank you.

Recess

COMMISSIONER IGLOLIORTE: Welcome back, everyone. Our interpreter, Lisa, has other commitments, so it will be Nympha, and you may proceed, Ma'am.

J. ASHINI: Thank you.

Lyla, we have a bit less than an hour, so I'm gonna ask you a couple more questions. So we're gonna move on in time now to something that you said in February during your testimony. You had said that in and around 2007, there were about 40 to 50 foster homes in Sheshatshiu. So to get a bit of a clarification, would these foster homes be located in Sheshatshiu exclusively, or out of community?

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

Do I need to say this now? I just –

J. ASHINI: That's good.

INTERPRETER BYRNE: Okay.

L. ANDREW: The majority of that number was referring to foster homes physically located in the Innu community of Sheshatshiu. There are foster homes – a few foster homes in North West River, and a few in Happy Valley-Goose Bay, but the – that number would have been foster homes, foster children, for sure – that number of foster children living in the community in foster homes.

J. ASHINI: And so of those homes located in Sheshatshiu, those foster homes, would they have been registered foster homes, or

would they have been – or would that number also include informal foster homes like under the, sort of, child welfare allowance kinship homes, et cetera?

L. ANDREW: Provincially, a foster home is different from a kinship home. It's a different – slightly different program. A child in a foster home is normally a child in the custody of CSSD – in the legal custody of CSSD. And a child in a kinship home would usually be in that arrangement on a voluntary basis with – they would remain in the custody of their birth parent. Kinship homes would be in addition to foster homes.

J. ASHINI: So I guess to clarify then, the number 40 to 50 homes in Sheshatshiu wasn't necessarily the number of foster homes, but the number of children in foster homes in Sheshatshiu.

L. ANDREW: I'm trusting that at some point the Inquiry is gonna have this actually data in front of them. So with the rider that my numbers could be off a bit, I would say that that's the number of foster homes. There have been quite a number of foster – relatively speaking, a lot of foster homes – in the community of Sheshatshiu. They have not all been approved. They were not all, at that point in time – 2007, I believe you were saying – they would not all have gone through the policy – met all the policy requirements around being approved.

J. ASHINI: And so I guess sticking with that theme, but sort of moving on, also in your February testimony you talked about children being sent out of community, whether that was foster homes outside of community or out-of-province treatment centres. And so I kind of want to ask: Did you see a trend in the numbers of children being sent out of community from, I guess the time you arrived here in 1977 to, I guess, present day?

L. ANDREW: I would say in the early years it was rare for a child to be placed in a foster home outside of the community. It was – in

those very early years, it was – I don't remember children being placed in foster homes, even in the community of Sheshatshiu. Most of those arrangements were child welfare allowance arrangements with Innu relatives, so the children didn't come into care – legal care. Certainly I saw a trend when I came back to work for CSSD – CYFS in the mid-2000s with more children coming into foster care and I think – and being placed outside the community.

And being placed outside the community came about as a result of the capacity in the community to continue to provide foster care for children. And, you know, there weren't the supports and services that working parents required by way of daycare, child care, babysitters, those would – and same thing in Natuashish – very, very difficult to find babysitters, child care. And then with children who presented with behavioural challenges, that would be challenging for a volunteer couple or family. So that resulted in children starting to be placed away, even when all they required was a safe home.

J. ASHINI: Thinking about 2017 onward can you provide, I guess, a short summary of what exactly Prevention Services does?

L. ANDREW: I think Prevention Services is trying to begin to implement the vision that Innu have had for decades, that they should reclaim responsibility for the well-being of Innu children and families.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

Prevention, right?

L. ANDREW: Mm-hmm.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

L. ANDREW: So there's the big vision, which is covered by – there are three principles. One of those principles is that in

order for an Innu child to be raised up in a good way, they need one consistent, healthy, Innu adult in their lives; they need to know where they will always belong, the people to whom they're connected; and they need to have opportunities to experience culture, learning about their history, language, in Nutshimit – that they need to have opportunities for those Nutshimit experiences. Those are the three principles that underlie the work. Now there's been differences between 2017 and a few years later, but I'll leave it at that, for that point.

Prevention started off in a very reactive – from a very reactive place, reacting to the current caseload of children and families involved with CSSD. So that's where prevention started, was simply for the very first time ever, the Innu having an organized response to ongoing child – provincial child welfare work in the community, having an ongoing response to that.

And I would say that little by little, step by step, Prevention Services is trying to shift from being reactive to being more thoughtful, and I guess you – one would say proactive when it comes to delivering services to families before there's a crisis.

And there have been a number of factors that have had a significant impact on the ability of Prevention Services to – for the work to keep moving forward. One of those would be the provincial legislative changes in 2019. The other would be – another would be Bill C-92, the federal child welfare legislation and the opportunities that that has presented to the Innu. And another would be the Innu CSSD protocol. That was negotiated between the provincial Department of CSSD and Innu leadership. Those would be three significant elements, I suppose – factors.

J. ASHINI: So going back to Prevention and it shifting to being a more proactive service provider, can you tell us about what services in that proactive atmosphere – before a family needs crisis – can you tell us

about those services that Prevention Services offers?

L. ANDREW: I think the proactive services are tied to the opportunity that prevention workers have to receive any information that would otherwise go to CSSD – or does go to CSSD in the form of a child protection report – we have the opportunity now for that information to come to us. Now that's – that – in some ways, that's still part of the reactive work. But it also creates opportunities.

When we receive the same information that CSSD does, and we have the opportunity through that protocol to go and see a family, even before the CSSD social worker may go to that home, that gives Innu workers the opportunity to say to a family: How can we help you? This has come to our attention and do you want our assistance with these – dealing with these circumstances.

And that creates a lot of opportunity for Prevention staff to literally prevent a child from coming into care, to prevent a child from becoming – a child and family – from becoming even more involved in the child welfare – the formal child welfare system.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

When you say it comes to Innu first (inaudible)?

L. ANDREW: Mm-hmm.

INTERPRETER BYRNE: Okay.

[Mushuau-aimun spoken.]

L. ANDREW: There are two other areas of prevention work that we're doing, and one involves giving families – but in particular, women and girls – the opportunity to spend time in Nutshimit, to walk to places where their ancestors walked for generations. Most of those opportunities are taking place out of the Natuashish office. It's a very natural

way for the workers there to promote the health that they see is in the experience of being in the country, spending time in the country.

And the other area of prevention work that could be described as proactive as opposed – it's not reactive, it's trying to assist families before they reach a crisis – is work that is very new, that we have just started with a couple of families, and that is to be able to provide services to which there is often some sort of a cost, a financial cost. But they are eligible services for prevention funding, and I would give two examples – if I can remember the second example – but the first example is assisting a young mother to have a safe place to live.

So she's in a board and lodging arrangement with kin. She's under the – she's not eligible for Income Support because she's not old enough to receive Income Support. And, therefore, she's also not old enough to receive any of the other entitlements as a parent, such as child tax benefit, et cetera. And so her board and lodging and allowance for her, monies for the needs of her toddler, those are all being provided now by Prevention Services.

She's gotten her driver's licence because that was something that she wanted to do. She doesn't have a vehicle, but we are trying through Prevention Services to meet basic needs that may be going unmet or – so if someone may be in receipt of Income Support – the target would be families that are already involved with CSSD or families that we would consider vulnerable for whatever reasons. It might be that a grandmother is caring for grandchildren and she's going to dialysis three times a week. There's a vulnerability about that family situation.

And so we're in a position now that we are going to be able to provide respite a few hours a week to try and assist a caregiver – in this case it would be a grandmother – to be able to take some time. Maybe it's just

an hour where she goes to her sister's home child-free just to take a break from the parenting responsibilities. And these are services that we did not provide until this new year just starting in January, and it's a significant – sorry.

C. URQUHART: I'm sorry, we're gonna have to pause. We're having a brief technical difficulty.

L. ANDREW: Okay.

COMMISSIONER IGLOLIORTE: Just a couple of minutes until we're called back.

Thank you.

Recess

COMMISSIONER IGLOLIORTE: Thank you all very much. Let's continue.

J. ASHINI: So I'm going to move on.

L. ANDREW: She's gonna translate.

J. ASHINI: Oh, okay.

INTERPRETER BYRNE: [Mushuau-aimun spoken.]

J. ASHINI: So we have about 10 minutes or so left. I'm gonna move on a bit in time. And so in February, you spoke about the 2012 MOUs between both First Nations and CSSD, or CYFS at that time. Specifically – well, I guess these exhibits are P-037 and P-038 – and on page 5 of both of these MOUs, there's a section 5.2 and it's titled: Planning Circle.

Do you know if these Planning Circles were implemented or took place?

L. ANDREW: This was the 2012?

J. ASHINI: Yeah.

L. ANDREW: No, I don't think a Planning Circle ever took place. I don't think it was

because people said we don't wanna do a planning circle. I think it had more to do with the fact that it just – there never seemed to be time to get around to that.

I think that example and the rest of the MOU is the first concrete example of good intentions to try and do some collaborative work between CSSD and Innu workers. But remember in 2012, there was no Prevention Services. So there were no Innu staff that had any involvement in addressing issues or challenges or initiatives in the formal child welfare system. There were no Innu staff doing any work in that regard in 2012. So I think that was the challenge with the memorandum of understanding. There were no resources, there was no teeth, I suppose, to really chew at the issues that needed to be dealt with.

J. ASHINI: So moving ahead now, so in 2015, that was the signing of the Working Relationship Agreement, and this is Exhibit P-050 for reference, and for you, Lyla, I believe it's tab 12 in the other book.

I was wanting to know if you knew if the working relationship was negotiated between the Innu, the province or CYFS?

L. ANDREW: I'm not really sure how to answer that question. It wouldn't have happened if there hadn't been some sort of negotiation. But I just really don't know how to answer that.

J. ASHINI: Thank you; that's okay. We're gonna, sort of, move on.

So there's part 8 of this Working Relationship Agreement. It also has an area for a type of working committee, and in this instance, it's called a joint committee.

L. ANDREW: Mm-hmm.

J. ASHINI: Do you recall if this committee was implemented?

INTERPRETER BYRNE: Go ahead.

L. ANDREW: Oh.

INTERPRETER BYRNE: I'm just gonna –

L. ANDREW: Yes, the committee was definitely implemented. Again, this was September of 2015. I moved to the IRT, and I took on the responsibility to try and help implement this agreement. That was challenging in that no one else had the responsibility to implement the agreement.

But the joint committee did meet on a regular basis with a representative, say from the Health Commission in – among the Mushuau Innu, the Social Health Department, some front-line program people, program managers – Innu program managers – myself and the regional director. And we would meet on a fairly regular basis, and we would try to tackle operational issues, things that – you know, issues, concerns that would be coming up.

A genuine effort was made to do that at that point in time. It was a step further along. It was a step further along from the working relationship, from the MOU of 2012 to this. It felt like the working relationship was a bit more effective, but it still wasn't what Innu hoped for in terms of bringing about, you know, sustainable change.

J. ASHINI: So we heard yesterday your testimony on the protocol agreement, and I think you covered that quite well. So I have no further questions.

COMMISSIONER IGLOLORTE: Thank you very much. Thank you, witness. It looks like you can't retire yet for another eight or nine years by the sound of it. So keep up your spirits.

Thank you very much –

L. ANDREW: You're most welcome.

COMMISSIONER IGLOLORTE: – to Nympha for translating for us. And thank you, counsel – both counsel – for adhering

to the time schedule management that we have.

Caitlin, what's next?

C. URQUHART: We'll – unless the Commissioners have questions for Ms. Andrew, we'll take a brief break and then we'll turn to the video for Ms. Lundrigan.

COMMISSIONER IGLOLIORTE: Okay.

Sir, go ahead please.

COMMISSIONER DEVINE: No, I don't have – I had two questions and you've answered them. So kudos to you.

L. ANDREW: It's a miracle.

COMMISSIONER DEVINE: Thanks very much.

COMMISSIONER IGLOLIORTE: Thank you very much.

And what's next after that?

C. URQUHART: Then we will be watching the pre-recorded testimony of Ms. Wanda Lundrigan.

COMMISSIONER IGLOLIORTE: Okay.

It looks like you can have a break, Nympha. Thank you very much.

10 minutes please.

Recess

COMMISSIONER IGLOLIORTE: Thank you all very much for your patience. We're moving on to the next phase. I wanna say welcome to Chief Eugene Hart. It's nice to see you here, and I thank you for welcoming us here.

You may continue now, please, Ms. Urquhart.

C. URQUHART: Thank you, Commissioners.

So now we'll watch the video of Wanda Lundrigan's testimony.