

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

FINAL SUBMISSION OF THE CHILD AND YOUTH ADVOCATE

Introduction:

1. The loss of any child is a tragedy for parents, siblings, extended family, and community. The pain, trauma, and grief associated with the loss of a child has lifelong impacts. The Office of the Child and Youth Advocate (“OCYA”) offers its sincere condolences to all participants in this inquiry who have experienced such a loss. A fundamental principle of this inquiry has been to do no further harm and hopefully the recommendations flowing from this inquiry will not only bring some closure to grieving families and communities but will also improve the lives of Innu children and youth now and in the future.
2. The impacts of colonialism, intergenerational trauma, and discrimination have had an undisputed, continuing impact on the health and safety of the Innu. These impacts are particularly evident in vulnerable children and youth who have experienced first-hand the impacts that colonialism and intergenerational trauma has had on their families and communities. The colonial approach has failed to recognize the rights of Innu children and youth to live safe, happy, and healthy lives. The OCYA supports an Innu led approach to

child protection, grounded in the Innu Care Approach and Innu Healing Strategy¹, for the best interests and rights of all Innu children and youth in the future. However, as will be addressed herein, there remains significant challenges for a successful transition to an Innu led child protection system and the rights of Innu children and youth must be recognized, upheld, and supported throughout this transition process. This submission concludes with several considerations to address the childhood rights holders in the Innu communities consistent with their best interests.

The Office of the Child and Youth Advocate:

3. The OCYA is an independent statutory office of the House of Assembly established pursuant to the *Child and Youth Advocate Act*, SNL 2001 c. C-12.01². The mandate of the OCYA is set out in s.3 which states:

3. The Office of the Child and Youth Advocate is established

- (a) **to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;**

- (b) **to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;**

- (c) to provide information and advice to the government, agencies of the government and to communities **about the availability, effectiveness, responsiveness and relevance of services to children and youth;**

- (c.1) to review and investigate matters affecting the rights and interests of children and youth; and

- (d) generally, **to act as an advocate of the rights** and interests of children and youth. **(Emphasis added)**

4. OCYA's statutory mandate operates from a child's rights perspective and is in concert with United Nations Convention on the Rights of the Child³ which was ratified by Canada on December 13, 1991. (UNCRC)

¹ The Innu Healing Strategy – ICCI Exhibit P-016

² Child and Youth Advocate Act, SNL 2001 c. C-12.01, s.3

³ United Nations Convention on the Rights of the Child – Tab 1

5. The mandate of the OCYA is also consistent with the United Nations Declaration on the Rights of Indigenous Persons (UNDRIP)⁴.
6. The OCYA has had the benefit of reviewing the submission of the Newfoundland and Labrador Human Rights Commission which has reviewed the treatment of Innu children and youth from a human rights perspective in accordance with the *Human Rights Act, 2010*⁵. In the context of human rights and the analysis therein the OCYA acknowledges the expertise of the specific human rights analysis set out therein and is supportive of its submission.

Role of the OCYA in this Inquiry:

7. The Commission of Inquiry into the Treatment, Experiences, and Outcomes of Innu in the Child Protection System was established by Order-In-Council 2022-013⁶ and is governed by the *Public Inquiries Act, 2006*⁷ and its terms of reference. In addition to the systemic issues the inquiry examined, it conducted 6 death investigations.
8. The OCYA applied for full standing at the outset of this inquiry. Full standing would have provided the OCYA with enhanced disclosure and would have greatly increased its participatory rights throughout the process. Given the OCYA's mandate is child and youth focused, its experience in conducting investigations, and its history and expertise with respect to the child protection system, the OCYA was surprised and disappointed with this limited role. This limited role of the OCYA was a missed opportunity for the Inquiry, and more importantly, for meaningful independent advocacy for the rights of Innu children and youth.
9. Given the foregoing, the OCYA views its role in this Inquiry as an advocate for the protection of the rights of Innu children and youth. This advocacy is fundamental to the OCYA's statutory mandate and provides an independent perspective to what the Inquiry

⁴ United Nations Declaration on the Rights of Indigenous Persons – Tab 2

⁵ Human Rights Act, 2010, SNL 2010 c. H-13.1

⁶ Order-In-Council 2022-013 – ICCI Exhibit P-02

⁷ Public Inquiries Act, 2006, SNL 2006 c. P-38.1

should consider in preparing its final report. While the OCYA will continue to monitor compliance and implementation with recommendations and policy changes flowing from this inquiry and calls for immediate action by government to address systemic issues, it is hoped that any recommendations made by the Inquiry be assigned to an entity for formal compliance monitoring and annual reporting.

The United Nations Convention on the Rights of the Child:

10. The mandate of the OCYA is guided by the UNCRC. Compliance with this international convention is mandatory, not discretionary, and signatories to the UNCRC have acknowledged their obligations with respect to protecting the rights of children. While all provisions of the UNCRC are important, in the context of the current inquiry, the OCYA highlights the following Articles:

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, **include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.**

Article 20

1. **A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.**

2. States Parties **shall** in accordance with their national laws **ensure alternative care for such a child.**

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 24

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a

minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.⁸ (Emphasis added)

11. The focus on the rights of Innu children and youth is of paramount importance to the OCYA. State actors have an obligation to ensure that Innu children and youth are given a voice, are safe, have access to health and social programs, and access to treatment with respect to physical and mental health. Reasonable and timely access to such services is the right of these children and the Commission should be guided by the UNCRC in any recommendations it makes.

Current Context:

12. In recent history, in the context of child protection, the cooperation and communications between government and the Innu have improved and provides a starting point for the future creation of an Innu led child protection system. The Memorandum of Understanding signed by the province and the Innu on November 6, 2012⁹, the Working Relationship Agreement dated September 30, 2015¹⁰, and the Innu-CSSD Protocol signed June 10, 2021¹¹, are examples of the parties cooperating to find a path forward consistent with the Innu Care Approach.

13. Legislatively, there have also been improvements and a recognition of the uniqueness and importance of indigenous culture and values with respect to child protection. Provincially, on May 31, 2018, “An Act Respecting Children Youth and Families¹²” received Royal Assent. This was significant for the indigenous groups in the province as it:

- Recognized the Indigenous child, and specifically 2 (1) (n)(iii) an Innu, Mi'kmaq or other First Nations child;
- required that a cultural connection plan for an Indigenous child or Indigenous youth who is removed from his or her family be included in the plan that is filed with the court for the Indigenous child or Indigenous youth;

⁸ Supra, Note 1

⁹ Memorandum of Understanding dated November 6, 2012 – ICCI Exhibit P-037

¹⁰ Working Relationship Agreement dated September 30, 2015 – ICCI Exhibit P-050

¹¹ Innu-CSSD Protocol signed June 10, 2021 – ICCI Exhibit P-049

¹² Child and Youth Families Act, SNL 2018 c. C-12.3

- established the ability for Indigenous representatives of prescribed Indigenous governments or organizations to be heard in court;
 - required specific placement considerations for Indigenous children and Indigenous youth who are in the care or custody of a manager;
 - required that notice of hearings relating to the supervision and custody of an Indigenous child or Indigenous youth be served to Indigenous representatives;
14. Federally, there has also been significant progress. On June 21, 2019, “An Act respecting First Nations, Inuit and Metis children, youth and families¹³” received royal assent. This Act affirmed the right to self-determination of Indigenous peoples, including the inherent right of self-government, which includes jurisdiction in relation to child and family services and provides a framework for transition of child protection systems to indigenous groups.
15. On February 6, 2020, the Innu provided notice pursuant to s.20(1) of the federal legislation of its intention to exercise its authority in relation to child and family services.
16. The Innu Round Table Secretariat (“IRTS”) have been actively engaged in the planning for Innu control of child protection services, operating under Innu jurisdiction and Innu law. Its efforts have been positive particularly in the areas of prevention and early intervention, however even the IRTS noted that “it is a big transition”¹⁴.
17. The OCYA supports an Innu led, Innu control of child protection services. This transition is for the Innu to lead, develop, and implement consistently with the best interests and rights of the child being the focus. However, as there is a tremendous amount of work to be done prior to this transition, necessary supports and funding must be provided during this transition phase to ensure the health, safety, and protection of Innu children and youth. While focusing on the future is a positive goal, the current rights of Innu children and youth must remain at the forefront while this transformation is occurring, and immediate action is necessary to assist them.

¹³ An Act respecting First Nations, Inuit and Metis children, youth and families, S.C. 2019 c. 24

¹⁴ Report on Innu Services – ICCI Exhibit P-441 at p.5.

Voices of Children and Youth:

18. During the transition phase it is imperative that the voices of Innu children and youth be heard. While families and communities will play an important role in shaping the child protection system during the transition, children and youth have rights and meaningful consultation should occur with them to determine what services they require to allow them to thrive in their own communities and have their needs met. This approach is consistent with Articles 12 and 13 of the UNCRC which state, in part, as follows:

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.¹⁵ **(Emphasis added)**

19. Articles 12 and 13 of the UNCRC entrench the rights of the child to express their views freely in all matters that affect them, and to seek, receive, and impart information in a form of expression they choose. State parties “shall” assure these rights and therefore the voices of Innu children and youth must be heard in shaping their communities now and in the future. Innu children and youth of today are its leaders of the future, and it will be for them to govern child protection in accordance with Innu law.

¹⁵ Supra. Note 1

Right Services at the Right Time:

20. Despite the reference to child protection in the inquiry's title, it is clear the inquiry, given its broad terms of reference, addressed issues beyond what would typically be considered the traditional "child protection system". While the issues of Innu children and youth being removed from family, community, and culture were addressed, the issues of the availability of prevention and early intervention services were key themes throughout the inquiry. In particular, the lack of mental health and addictions supports in both communities played significant roles in tragic outcomes. The availability of these supports is a right of every child, and the lack thereof must be immediately addressed.
21. The decision in 2001 to amend the *Child, Youth and Family Services Act* to remove family services from the legislation and to return to the core mandate¹⁶ of protecting children and youth has negatively and disproportionately impacted the rights of Innu children and youth. While the intention of returning to the core mandate of child protection may have been objectively justifiable in principle, this change significantly reduced the options available in Innu communities to support their children, particularly since the department's sole focus was now the protection of children.
22. The *Children Youth and Family Services Act*¹⁷ is currently undergoing a statutory review. The OCYA made submissions to the province with respect to updating its legislation and its recommendations are directly relevant to the rights of Innu children and youth to ensure any gaps in the right to access services are appropriately addressed. The OCYA's submission with respect to treatment and early intervention should be seriously considered by the Commission and put into action by government. In its submission the OCYA stated:

When a child's physical, psychological or intellectual development is affected by the action or inaction of a parent, the CYFA and its accompanying policies and frameworks are engaged. **The best interest principle; however, is not contingent on the parent(s)'s actions. Factors largely beyond a parent's control, such as genetics, poverty, housing conditions, stress, family illness and**

¹⁶ Affidavit of Mark Griffin, ADM – Child and Youth Services – see paras. 24-27

¹⁷ Supra. Note 11.

peer relationships, can also impact a child's well being (National Research Council Institute of Medicine (US), 2004.) When parents are unable to ensure children have access to all services they have a right to receive, the government has an obligation to fill this void.

Poverty Reduction strategies can be beneficial to specific populations but they cannot replace early intervention and prevention programs that are individualized to meet the specific needs of children and their families. Effective early intervention would not target existing child protection clients and would require policies separate from those used for child protection and in care programs. Family preservation support, assistance with childhood behaviours, counselling and parenting support and education are some examples of preventative services that have the potential to prevent and mitigate problems from occurring, or to deal with them before problems get worse. A focus on early identification and intervention for families, and the overall wellness of families must be part of this review. (Emphasis added)

The benefits of early intervention are not only social but cost effective (Rand Health Quarterly, 2018) as they can reduce the need for more intrusive measures such as removal. According to Finance Minister Siobhan Coady "The costs of children in care are skyrocketing (CBC, 2025)." This is a vulnerable population with very high needs.¹⁸

23. The absence of readily available prevention and early intervention services to Innu families was evident throughout the inquiry. Left with nowhere else to go Innu families turned to what was essentially their only viable option for assistance, the government department responsible for child protection. However, this department's mandate is limited, focuses on risk, is reactive, and was an inefficient portal to triage and resource the culturally sensitive services Innu children and youth had a right to receive. To improve this system, with a focus on early intervention and prevention, the response from government must not occur through the silo of the department of child protection but must be a coordinated intergovernmental response to address the needs of Innu children and youth. The IRTS is

¹⁸ OCYA Submission to the Department of Families and Affordability regarding the Children, Youth and Families Act Review – July 2025 – Tab 3

well positioned for the expansion of their mandate. We would urge the Commission to further expand the role of the IRTS in Innu communities, for children and youth.

24. The OCYA shares the concern of Mark Griffin, Assistant Deputy Minister, Child and Youth services, at paragraph 33 of his Affidavit which states:

33.SSWB recognizes the importance of availability of services, and the importance of prevention and early intervention to mitigate risks and safety threats as soon as possible. **SSWB also recognizes the concern with changes to its core mandate of child protection services and the stress it may have on an already overworked system that struggles with maintaining its workforce, if additional services such as prevention and early intervention were added to the workload of front-line social workers. (Emphasis added)**

25. Given the complex and stressful nature of child protection work, tasking those same social workers with additional duties and responsibilities for prevention and early intervention is not in the best interests of social workers, Innu families, and most importantly, Innu children and youth. The system in the Innu zones already faces challenges and prevention and early intervention services should be provided collaboratively through government departments and agencies such as the Department of Health and Community Services, the Department of Justice, and Newfoundland and Labrador Health Services, in conjunction with the IRTS and Innu communities. By proceeding in this fashion social workers with expertise in child protection can still focus on their core mandate, the assessment of risk and protection of children, while other more appropriately focused entities can provide the supports necessary for children, youth, families, and community to thrive.
26. Another significant issue that continues to impact access to services for Innu children and youth in their communities is human resources. While it is recognized that human resource issues are providing significant challenges in the health and social work sectors, children and youth are vulnerable and immediate priority must be given to addressing this shortfall.

27. The best evidence regarding the current limitations of access to social work services in Labrador is the Affidavit of Mark Griffin dated April 2, 2026, which confirms the following:

In 2020 the vacancy rates for Innu zones was 18%, or 23 out of 28 permanent and temporary social worker positions filled. In 2026, the vacancy rate for Natuashish and Sheshatshiu has doubled, at 36%, or 18 out of 28 permanent and temporary social worker positions filled.¹⁹

28. It is clear the current program of providing incentives to social workers to reside in community is not effective. While Social Supports and Well Being continues to explore ways to reduce the vacancy rate, ready access to a social worker is a right of Innu children and youth and must be rectified sooner rather than later.

29. The “rotational model” used to staff the Innu zone also has its challenges. This model, sometimes referred to as the fly-in / fly-out model is not a permanent solution to the social work vacancies. In paragraph 39 of the Affidavit of Mark Griffin dated April 2, 2026, he states, in part, as follows:

The Department has had to move to a rotational model to fill these positions, with **social workers completing two weeks working 11.25 hours a day in community** and two weeks off outside of community. This has allowed increased staffing compared to historical rates of staffing, which sometimes saw only one social worker in community at a time. **(Emphasis added)**

30. While properly resourced and managed the “rotational model” may provide some benefits to the current vacancy problem. However, social workers having to work 11.5 hour days is not optimal and issues arise with file transfer and continuity of care. In addition, given the hours each social worker is expected to work while in community, there is little time to establish roots within the communities and build trusting relationships. The OCYA is concerned that the model, despite the best efforts of social workers, leaves gaps in the system which may result in negative outcomes for Innu children and youth and a violation of their rights. Steps must be taken by all parties to ensure resources are “in community”

¹⁹ Supra. Note 15.

for all to access. In fact, in 2025 the OCYA recommended to the Department of Families and Affordability that the fly-in / fly-out model undergo an evaluation to ensure it was meeting its mandate and effectiveness. To date this evaluation has not occurred.

31. The right services being available at the right time also extends to Innu children and youth who return to community. Upon return from a placement, transitional services designed to address mental health and addictions prevention should be readily accessible to these youth. Otherwise, those who return to community are at risk of being exposed to the same problems which resulted in their removal at first instance.
32. In addition, transitional supports should not be limited to services provided to children and youth. It is in the best interests of all children to live in a safe environment, and families and community members should have access to counselling, health services, and housing supports to help prepare families for the eventual return of their children. While it is recognized that such supports will be costly and difficult to resource, such services would likely enhance the timeline of the Innu assuming jurisdiction over child protection while at the same time respecting the rights of Innu children and youth to reside in a safe environment.
33. In 2019, the OCYA completed an independent comprehensive review of child protection services to the Inuit children in the province²⁰. While recognizing that all indigenous communities are distinct, the OCYA identified themes and trends with respect to the provision of child protection services to the Inuit children of Labrador similar to the experiences of the Innu. Many of the recommendations in that report have influenced the considerations set out herein.

²⁰ A Long wait for Change – Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador – Tab 3

Considerations:

34. In its role as the Advocate for Children and Youth in the Province the OCYA calls for immediate action to respect, uphold, and advance the rights of Innu children and youth until the Innu are in a position to assume jurisdiction over an Innu led and Innu created system responsible for child protection, early intervention, and treatment services:

- While the transition planning to self government is occurring, ensure that current rights, needs, and supports to Innu children and youth remain at the forefront of service delivery.
- The Department of Social Supports and Well Being take immediate steps to fill the vacancies of social workers providing child protection services in the Innu Zones.
- The Department of Social Supports and Well Being revisit its incentive program and develop a recruitment and retention strategy for Innu communities which includes best practices in innovative approaches to recruitment, with consideration for incentives including continuing education, travel allowance, housing support, remuneration, and staff wellness and workplace practices reflecting Innu knowledge and values to reduce the reliance on the rotational model.
- That the Federal Government and Provincial Government, in partnership with the Innu, take steps to promote and ensure the availability of early intervention and prevention services to the Innu communities consistent with those services available in other regions in Newfoundland and Labrador.
- That Innu children and youth be provided with opportunities for meaningful consultation with respect to the services and resources they wish to see in their communities.
- That the Provincial Government establish a collaborative approach between departments and agencies to provide early intervention, prevention, and treatment services to Innu children and youth.
- That transitional planning occurs and supports be made available immediately to Innu children and youth who are removed and then return to their communities, to promote continuity of care and a safe transition to adulthood.

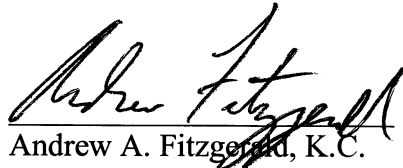
- That transitional planning occurs and supports be made available to families in Innu communities while a child or youth is in care so that upon their return to community Innu children and youth are safe and can thrive in a safe family environment and community.
- That the Government of Newfoundland and Labrador work with the Innu communities to establish and support activities and programs supporting Innu youth leadership opportunities and celebrating Innu youth role models.
- The Department of Social Supports and Well Being, in collaboration with the Innu, ensure traditional Innu values and healing practices are integrated into services, program options, safety plans and intervention plans for children, youth and their families.
- The Department of Social Supports and Well Being, in collaboration with the Innu, ensure all access visits are designed for the maximum benefit of the child, and that they take place in a child-friendly and culturally appropriate environment that promotes parent-child interaction and fulfills the child's or youth's rights.
- The Department of Social Supports and Well Being consistently develop cultural continuity plans for children and youth and ensure these plans are meaningful, authentic and are enhanced by Innu community resources. Plans must include measurable steps ensuring the child or youth in care is provided with opportunities for Innu cultural activities, ceremonies, celebrations, practices, lifestyle, family and community contacts and access to Innu language.
- The Department of Social Supports and Well Being, in partnership with the IRT continue discussions toward the establishment of a permanent Innu cultural training program for foster parents, that is developed and delivered by Innu resource personnel and delivered on an annual basis.
- The Department of Social Supports and Well Being work to increase kinship care options.
- The Department of Social Supports and Well Being, in partnership with the Innu, ensure professionals and caregivers working with traumatized Innu children and families receive mandatory education in caring for traumatized children and youth.
- The Government of Newfoundland and Labrador work with the federal government to access available Jordan's Principle resources to help address immediate and continuing needs.

- The Department of Social Supports and Well Being ensure that frontline social workers in Innu communities are supported with immediate access to quality clinical supervision and mentoring.
- The Government of Newfoundland and Labrador work with the Federal Government and Innu to address inadequate housing, food insecurity, and safe shelters for vulnerable Innu children and their families.
- The Department of Justice and Public Safety engage justice system service providers to explore ways to improve access and timeliness of advice, services and decisions for family law matters in Labrador and ensure appropriate supports are available to implement the plan.
- The Department of Social Supports and Well Being provide opportunities to build Innu community capacity in preparation for transition to Innu responsibility for child welfare services.
- The Department of Social Supports and Well Being monitor, evaluate, and report on annually the state of Innu children and youth involved in protection-related services in Newfoundland and Labrador, and report this annually to the Legislature.
- That the final recommendations resulting from the Inquiry Respecting the Treatment, Experiences, and Outcomes of Innu in the Child Protection System be assigned to an entity for formal compliance monitoring and annual reporting.

Conclusion:

35. The UNCRC applies to Innu children and youth, and their voices must be heard as the Innu plan to assume jurisdiction over child protection. To ensure a successful transfer there must be support and cooperation from all levels of government. It takes a village to raise a child, and the Innu were successful in doing this prior to the colonial policies and views being forced upon them. There is no reason to doubt, with the proper supports, cooperation, and hard work that reconciliation can continue and Innu children and youth can thrive and prosper in their own communities consistent with their rights as set out in the UNCRC.

DATED at St. John's, in the Province of Newfoundland and Labrador this 9th day of July 2026.

A handwritten signature in black ink, appearing to read "Andrew Fitzgerald". The signature is written in a cursive, flowing style.

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