
**FINAL SUBMISSIONS OF THE
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR**

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INTRODUCTION

1. On April 28, 2022, the Provincial Government of Newfoundland and Labrador (hereinafter “the Province”) established an inquiry respecting the treatment, experiences and outcomes of Innu children, youth and families in the child protection system via *Order* under Part II of the *Public Inquiries Act, 2006*, which set out the inquiry panel, the terms of reference, the conduct of inquiry, and reporting timelines. In a news release published on the same day, the Province spoke of the importance of reconciliation between the Province, the Sheshatshiu Innu First Nation, and the Mushuau Innu First Nation. The terms of reference reflect a shared commitment to reconciliation, not only in accordance with western values, but by incorporating Innu traditions and ways of seeking truth. These included healing circles and community meetings where individual Innu who had been touched by the child protection system could make their voices heard.
2. The Province would like to thank all Innu who came forward and shared their story with the Inquiry. We acknowledge that it was not always easy for people to speak about their past experiences, but we hope that in sharing their experiences, the Innu found some level of healing in having their voice heard. The Province has heard these voices and is committed to ensuring their experiences continue to inform its work moving forward.
3. The Province remains committed to the truth-seeking process and has participated fully in the Inquiry, including by providing relevant documents and statistical data, attending all hearings, and offering financial and logistical resources necessary to support the Inquiry’s work.
4. Throughout the circles for the death investigations, the Province encouraged and supported the participation of all employees contacted by the Inquiry. For witnesses who remained employed within provincial government departments, arrangements were made to ensure coverage of shifts and work duties so they could attend. The Province also made independent legal counsel available to staff members upon request. Consistent with the “do no harm” principle set out in the Terms of Reference, participation in the circles was voluntary. Nevertheless, a large number of current and former social workers attended the circles of their own volition, sharing their own stories. The participants left the circles feeling more humbled, with an expanded awareness of others, and a quiet gratitude for being witnessed or participating without judgment. The Province would also like to thank every employee, past and present, who participated in the Inquiry, in particular with the death investigations.

PURPOSE OF SUBMISSION

5. In our written submissions, the Province will provide an overview of the legislative framework governing child protection in Newfoundland and Labrador, with particular attention to how it has evolved over time to better respond to the needs, circumstances and priorities of the Innu. We will also describe the policies, programs and supports implemented by the Department of Social Supports and Well Being (hereinafter “SSWB”) to assist Innu children and families involved in the child protection system. In addition, we will consider evidence presented throughout the Inquiry by experts, families, community members, provincial employees, and representatives of the Government of Canada, and will discuss how the Province intends to move forward. The Province does not intend to advance detailed recommendations. Rather, it seeks to learn from the Inquiry process and will carefully consider any recommendations made by the Inquiry and other parties.

6. The Province acknowledges that the conclusion of the Inquiry will not mark the end of this work. Child protection is a continually evolving field, and as understanding of the impacts of colonization, intergenerational trauma, and systemic inequities grows, so too must the approaches used to support Innu children, families, and communities. The Province remains committed to ongoing learning, reflection, and adaptation to better meet these challenges.
7. The Province welcomes the Final Report of the Inquiry and anticipates that it will lead to a better understanding of the issues facing Innu children in care, and more importantly how services for Innu children and families can be improved in the future.

RECENT LEGISLATIVE HISTORY (Provincial)

8. For the purpose of these submissions, we will focus primarily on legislative developments from approximately 2007 to present day that are most relevant to the Inquiry's Terms of Reference. This timeframe was selected because the Terms of Reference require that children who were the subject of death investigations must have passed away on or after September 30, 2007 (*Terms of Reference*, s. 4(2)(a)), and much of the evidence provided at the Inquiry including the *Richard and Petti Report*, relates to this period. The Province is also of the view that an examination of the more recent legislative and policy landscape will be of greater assistance in identifying lessons learned and informing future improvements to child protection services and supports.

Terms of Reference, s. 4(2)(a)
Richard & Petti Report, ICCI Exhibit P-453, page 3

9. This is not intended to diminish the importance or relevance of the broader historical context, including the impacts of settler colonialism and intergenerational trauma. Rather, with respect to the legislative framework, the Province submits that focusing on developments over the past two decades will provide the most useful foundation for understanding current practices, identifying areas for improvement, and informing meaningful recommendations for the future.

Child, Youth and Family Services Act
assented to December 1998, proclaimed January 2000

10. The *Child, Youth and Family Services Act* ("CYFSA"), which was in force in 2007, established the legislative framework governing child protection services in the Province. The CYFSA was broad in scope, addressing not only core child protection functions but also prevention, including prevention for children who were not in need of protective intervention services. These principles are stated in sections 7 and 8 of the CYFSA:

General Principles

7. This Act shall be interpreted and administered in accordance with the following principles:

- (a) the overriding and paramount consideration in any decision made under this Act shall be the best interests of the child;*
- (b) every child is entitled to be assured of personal safety, health and well-being;*

- (c) the family is the basic unit of society responsible for the safety, health and wellbeing of the child;*
- (d) the community has a responsibility to support the safety, health and well-being of a child and may require assistance in fulfilling this responsibility;*
- (e) prevention activities are integral to the promotion of the safety, health and wellbeing of a child;*
- (f) kinship ties are integral to a child's self-development and growth and if a child's safety, health and well-being cannot be assured in the context of the family, the extended family shall be encouraged to care for the child provided that a director can be assured that the child's safety, health and well-being will not be at risk;*
- (g) the cultural heritage of a child shall be respected and connections with a child's cultural heritage shall be preserved; and*
- (h) in the absence of evidence to the contrary, there shall be a presumption that a child 12 years of age or over is capable of forming and expressing an opinion regarding his or her care and custody.*

Child, youth and family service principles

8. The following principles apply to the provision of services under this Act:

- (a) families shall be provided, to the extent possible, with services which support the safety, health and well-being of their children;*
- (b) services shall be provided using the least intrusive means of intervention;*
- (c) wherever possible, having regard to a child's age and level of development, the views and wishes of the child shall be sought and considered in providing services;*
- (d) families shall be informed of the services which may be available to them to assist them in supporting a child's safety, health and well-being;*
- (e) families shall be encouraged to participate in the identification, planning, provision and evaluation of services available to them; and*
- (f) services shall be provided in a manner that acknowledges a child's overall needs for safety, health and well-being.*

CYFSA, ss 7 & 8, ICC P-058

11. The *Children and Youth Care and Protection Act* ("CYCPA"), which came into force in 2011 and was later amended in 2014 and 2015. Enacted in the wake of the *Turner Report (2006)* and informed by its recommendations, the CYCPA placed a stronger emphasis on the protection of children. This focus is reflected in the principles set out in the CYCPA:

General principle

9. (1) *This Act shall be interpreted and administered in accordance with the principle that the overriding and paramount consideration in a decision made under this Act shall be the best interests of the child or youth.*

(2) *In determining a child or youth's best interests, all relevant factors shall be considered, including*

- (a) the child or youth's safety, health and well-being;
- (b) the child or youth's physical, emotional and developmental needs;
- (c) the child or youth's relationship with family or a person significant to the child or youth;
- (d) the child or youth's identity and cultural and community connections;
- (e) the child or youth's opinion regarding his or her care and custody or the provision of services; and
- (f) the importance of stability and permanency in the context of the child or youth's care.

12. The shift in focus from the CYFSA to the CYCPA was frequently discussed throughout the evidence gathering portion of the Inquiry, in particular the Report of Dr. Ken Barter, *Straight to the Point: A Call for Action in the Interests of the Health, Well Being, and Protection of Children and Youth in Newfoundland* (hereinafter the "Barter Report"). Dr. Barter wrote:

"The... CYCP reduced the fourteen principles related to serving children, youth, and their families in the CYFS Act to one. Principles related to the significance of family and community supports; least intrusive means of intervention; and prevention are absent from the CYCP Act... To suggest that prevention is not a dimension of best practices in child welfare suggests a fundamental flaw in thinking. With it's one principle being the best interests of children and youth, the CYCP was not a move forward in the best interests of children and youth. Rather, it took the child welfare system in Newfoundland and Labrador back several decades"

Barter Report, ICCI Exhibit P-438, page 50

13. The Province respectfully disagrees with this characterization and submits that it is important for the Inquiry to understand why this legislative shift occurred. In his affidavit dated April 2, 2026, Mark Griffin described the context and policy considerations that led to the shift as follows:

26 *At the time the decision was made to remove this provision from the legislation, several reviews had been completed such as the Minister's Advisory Committee (2005), the Turner Review and Investigation (2006), and the Clinical Services Review (2008), which highlighted the lack of development and funding for Family Services (how the section 16 provisions were referred to at the time) as well as the serious concern that child protection was not meeting the core mandate of protecting children. Additional reports, such as the Auditor General Report (2016) and numerous Office of the Child and Youth Advocate (OCYA) reports mentioned the need for the Department to improve compliance with policies and standards and strengthen service delivery to protect children.*

27 *In June 2011, the CYCP Act was proclaimed and the Family Services provision was removed to address these concerns and to return to a focus on the core mandate of protecting children and youth. Child protection would continue to provide tertiary prevention services where maltreatment has already or is likely to occur to address child maltreatment and prevent recurrence.*

Affidavit of Mark Griffin, ICCI Exhibit to be entered the week of July 16, 2026, par. 26 & 27

14. The intention in removing prevention from the CYCPA was not to deprive families (including Indigenous/Innu families) with preventative supports, but to spread those supports through other departments so that child protection workers had the resources to focus on their primary mandate: the protection and care of children who meet the legislation's definition of children in need of protective intervention. Thus, the needs of families who did not fall under the *CYCPA* would be met in other ways: programs including addictions supports, psychiatric supports, pre- and post-natal care (for example) would be provided through the health authorities. It is the primary role of child protection social workers to work with children, youth and families to assess and reduce risk factors, and refer clients to these other services.
15. The current legislation in force is the *Children, Youth and Families Act (CYFA)*, which came into force in 2019 and was subsequently amended in 2021 and 2024. Building on the foundation established by the *CYCPA*, the *CYFA* recognizes the importance of preserving a cultural connection between Indigenous (including Innu) children and their communities. This commitment is embedded in the General Principle of the *CYFA* which provides as follows :

General Principles

9. (1) This Act shall be interpreted and administered in accordance with the principle that the overriding and paramount consideration in a decision made under this Act shall be the best interests of the child or youth.

(2) In determining a child's or youth's best interests, all relevant factors shall be considered, including...

(f) the importance of preserving an Indigenous child's or Indigenous youth's unique cultural identity;

CYFA, ss. 9(1) & (2)(f)

16. The *CYFA* also introduced specific measures aimed at preserving Indigenous children's cultural connections. It requires the development and filing of cultural connection plans for Indigenous children and mandates that Indigenous Representatives be notified if court proceedings are started, whether the child has been removed (s. 27(2)(c)) or remains with the family of origin (s. 25(3)(c)). In addition, a Cultural Connection Plan must be filed with the court (s. 29(3)(iv)) as part of those proceedings. Importantly, the obligation to notify Indigenous Representatives extends beyond the commencement of proceedings and continues throughout the Court process.
17. It should also be noted that these provisions were enacted before the coming into force of the *Federal Act respecting First Nations, Inuit and Métis children, youth and families* (the "Federal Act"), The Federal Act, Canada's response to the findings of the Canadian *Human Rights Tribunal* in *First Nations Child and Family Caring Society et al. v. Attorney General of Canada* 2016 CHRT 2, and the Truth and Reconciliation Commission of Canada: Calls to Action, affirms the right of certain defined Indigenous Peoples to exercise jurisdiction over child protection, and sets out conditions which must be met by child protection authorities.
18. The *CYFA* did not reinstate broader prevention into its mandate but continued its focus on the safety and well-being of children and youth in need of protective intervention. These services are still the responsibility of the other governmental agencies, but the Innu have begun the process

of assuming jurisdiction and are taking a lead role in providing specialized prevention services to the Innu, as will be seen below.

RECENT POLICY INITIATIVES

19. The *Protection and In Care Policy and Procedures Manual* (“Manual”) outlines the policies and procedures that guide SSWB’s delivery of child protection related programming. The Manual includes policy statements that provide general direction, as well as procedural guidance that provides general or specific direction (where possible) on the policy requirements. The Manual is publicly available on the SSWB’s website and regularly reviewed and updated to reflect feedback from SSWB staff and partners, including the Innu Nation. Updates can occur to address emerging issues, incorporate evolving and best practices in the field, or respond to identified issues, consistent with SSWB’s commitment to continuous quality improvement.
20. The following policy changes and additions have been incorporated into the Manual to strengthen service delivery for Innu children, youth, and families. These changes reflect ongoing collaboration among the Province, Innu governments, and Innu service providers, and are intended to ensure services are delivered in a manner that respects Innu culture, traditions, community connections, and the unique rights and interests of Innu children and families.
 - **Working with Indigenous Children, Youth and Families Policy Manual Preamble (June 2019).**
 - This portion of the policy manual was developed through collaboration with Indigenous partners, including the Mushuau and Sheshatshiu Innu First Nations, and was intended to provide an Indigenous lens through which policies, standards, and procedures that impact Indigenous children, youth, and families must be viewed.
 - **Policy 1.4.1 Services to Expectant Parent(s)**
 - In relation to engaging an Indigenous expectant parent, social workers are directed to follow the Innu-CSSD Protocol to guide work with Innu expectant parents. This includes referring the Innu expectant parent, with their consent, to the Innu Prevention Services agency, offered by both Sheshatshiu Innu First Nation and Mushuau Innu First Nation, to support the Innu expectant parent in advance of the baby’s birth.
 - **Policy 1.36 Information sharing, Collaboration, and Coordination under the Innu-CSSD Protocol**
 - This policy was implemented with the Innu-CSSD Protocol in June 2021 when the Protocol was signed. It guides information sharing and collaboration between Child and Youth Services staff, Innu Prevention Staff and Innu Representatives in accordance with the Innu-CSSD Protocol.
 - The policy outlines principles that underpin the importance of proactive information sharing, collaboration, and coordination under the Protocol as follows:
 - Innu governments and the Province all have a role in standing up for the best interests of Innu children and youth.
 - An Act respecting First Nations, Metis children, youth and families requires the Department to give priority to prevention services, which requires full coordination between the Department and Innu Prevention Services.

- The CYFA supports information sharing in the best interests of a child or youth, as well as for case planning or integrated service delivery purposes, including disclosure to Indigenous Representatives.
 - Timely information sharing is important to the ability of Innu Service Providers to provide their services effectively in the best interests of Innu children and youth.
 - The work of Innu Service Providers is beneficial to Innu children and youth and essential for good case planning and service delivery.
- **Policy 3.11.1 Supporting Connections with Relatives or Persons Significant to a Child or Youth in Care**
 - This policy was implemented on June 13, 2024 to support and facilitate ongoing connections between children and youth in the care or custody of a manager and their relatives or other individuals who are significant to them. This policy is intended to promote and maintain relationships that contribute to the child or youth's well-being, cultural identity, and sense of belonging.
 - **Policy 3.17 Cultural Connection Planning for Indigenous Children and Youth**
 - The policy outlines the process to ensure a Cultural Connection Plan is developed and included in, or attached to, the Plan for the Child when an Indigenous child or youth is removed from a parent(s). This also includes ongoing development, review, and monitoring of the plan. In response to a recommendation from the Innu Round Table Secretariat ("IRTS"), SSWB and IRTS co-developed a distinct Cultural Connection Plan for Innu children and youth with an implementation date of October 21, 2021.
 - **Policy 3.41 Registration, Membership and Enrollment for Indigenous children and youth in care**
 - This policy was implemented on March 11, 2026. SSWB implemented feedback provided by the IRTS in the development process of this policy.
 - The policy outlines expectations for registration, membership and enrollment with Indigenous governments or organizations for Indigenous children and youth in care who are in interim, temporary or continuous custody.
 - The policy specifically notes where the child is identified as being Innu, in accordance with the Innu-CSSD Protocol, the social worker shall contact the Innu Representative, who can provide assistance with registration processes for Innu children and youth.
 - The Innu-CSSD Protocol was signed on June 10, 2021, and is in Appendix E of the Manual.

EVIDENCE AT INQUIRY

COMMUNITY MEETINGS

21. The Inquiry committed to engaging directly with the communities of Sheshatshiu and Natuashish through community meetings that provided individual Innu community members with an opportunity to share their experiences in an informal, trauma-informed setting. In addition to these community meetings, some individuals chose to share their stories in private with the Commissioners, ensuring that those who were not comfortable speaking publicly could still

contribute their perspectives and experiences to the process. The Province appreciates the strength demonstrated by all participants who came forward to share their stories.

COMMUNITY LEADERS

22. The Inquiry also heard testimony from respected Innu leaders and Elders, including Apitet (Ben) Andrew and Mary Pia Benuen. These witnesses shared not only their personal stories, but also their knowledge. Mary Pia Benuen has been recognized for her dedication and her determination in bringing culturally grounded healthcare services to her fellow Innu community members. She provided the Inquiry with testimony on the delivery of medical services to Innu Communities. The Province is grateful for her invaluable contribution to the Inquiry. Ben Andrew provided evidence about the history of the Innu and the impacts of colonialism on his people.
23. The Inquiry also heard from numerous other Innu community members, including Gregory Rich, George Gregoire, Penote Antuan, Joachim Nui, Elizabeth Penashue, Kathleen Benuen, Helen Aster, Janet Bellefleur, Nykesha Gregoire, and Jack Penashue. The Province has listened to these witnesses and acknowledges their testimony is an important step towards learning, healing and reconciliation.

DEATH INVESTIGATIONS

24. As part of its mandate, the Inquiry conducted investigations into the deaths of six Innu youth who passed away on or after September 30, 2007, and produced individual reports for each case. All six youth had been in the care of the department at some point in their lives, although only one youth was still in care at the time of his death. For the purposes of these submissions, the Province will focus on the final report, which identified common themes across the individual investigations and examined broader systemic issues. To quote the final report, “While each child’s experience is unique, the findings demonstrate that these harms are not isolated or accidental, but systemic, predictable, and preventable”.

Terms of Reference, section 3(2)(b)
Richard & Petti Report, ICCI Exhibit P-453, page 2

25. The Province thanks the families who participated in this stage of the Inquiry. It is hoped that the opportunity to share their experiences provided healing to the family members, and to the community.
26. Throughout their investigation, the investigators, Kenn Richard and Tara Petti, spoke to family members of the deceased youth, as well as community members, social workers, caregivers, and other professionals who had been involved in the lives of the children, both within Newfoundland and Labrador and outside.
27. In their final report, Dr. Richard and Ms. Petti identified a number of systemic issues that emerged across the death investigations. The report defines a systemic issue as “a problem embedded within the structures, policies, practices, and culture of the system itself”. These issues highlight broader challenges within the child protection system, especially in Indigenous communities. The Province will discuss each issue in turn.

Colonial Legacy of Intergenerational Trauma

28. The Inquiry heard evidence regarding this issue through the report of Dr. Richard and Ms. Petti, as well as through the testimony of community members and expert witnesses, including Dr. Amy Bombay.
29. The impacts of colonialism and intergenerational trauma on the Innu communities in Labrador are not in dispute. The Province is grateful for the testimony of all witnesses who shared their perspective of settler colonialism.
30. As Dr. Richard and Ms. Petti observed, “The investigations consistently demonstrate that the experiences of the youth, their families, and their communities cannot be understood outside the legacy of colonialism and its ongoing structural effects”. The Province agrees that this context cannot be ignored.

Disempowerment of Innu Families and Youth

31. The Investigators concluded that families felt disempowered and that their voices were not heard when decisions about case planning, treatment, and placement were being made. SSWB witnesses at the circles acknowledged that social work, at that time, was far too crisis driven, and that greater engagement with Innu families could have been possible had circumstances allowed.
32. SSWB has made great efforts to strengthen communication and engagement with Indigenous children, families and communities, including through increase collaboration with Indigenous representatives to ensure that Innu families are more involved in the process. The Province also notes that some of the recommendations in the *English Report*, including those relating to enhanced translation services and expanded access to Legal Aid NL, may further support family participation and help address this particular systemic issue.

Persistence in Gas Sniffing

33. The Province acknowledges that gas sniffing has been a blight on the community, and that it was a factor in the lives of each of the six youth whose deaths were examined by the Inquiry. As noted by the investigators, “preventative, culturally grounded community-based interventions were limited or absent”. The Province agrees that this approach is critical and is committed to assisting the IRTS and Federal Government in any way we can.

Service Gaps and Crisis-Driven Interventions

34. The Province does not dispute the investigators’ finding that much of the child protection service delivery provided in Sheshatshiu and Natuashish was crisis driven. The impacts of intergenerational trauma in the community, combined with the gas sniffing crisis, contributed to high caseloads. In these circumstances, long-term case planning often took a backseat to short term emergency interventions.

35. While the Province agrees that this is not ideal, the safety of the child is always paramount. At times, when children were in crisis, the focus of social workers and families alike was to remove the child from the source of immediate danger. The Province agrees that the better solution would be for in-community treatment options. The Province notes that significant progress has been made in reducing the number of Innu children placed outside their homes and communities. The Fallon and Black evidence, which was an independent analysis of provincial data, noted in slide 7 of their presentation that out of home placements decreased by 82%.

See also Fallon and Black Report, ICCI Exhibit P-448, page 24

36. The Province agrees that expanding the options available in community is critical and will continue to advocate the Federal Government for funding to implement services.
37. The Investigators also commented on the current practice of fly in/fly out social workers, noting concerns about continuity of care. The Province acknowledges that a model based on full-time in-community workers, fluent in Innu-Aimun would be ideal. However, recruiting and retaining qualified professionals in remote communities continues to present significant challenges. Similar workforce realities have also affected other service providers, including the IRTS. The Province is committed to working with the IRTS as it advances the assumption of jurisdiction for child protection to seek ways to reduce reliance on this practice.

Over-Reliance on Out-of-Province Placements

38. The Province agrees that in the past, Out-of-Province placements (OPPs) were frequently used, and that these placements often led to feelings of loneliness, and cultural isolation, despite the best efforts of social workers both within Newfoundland and Labrador and outside the Province. As stated above, this practice has been significantly curtailed. Today, there is limited use of these placements. In 2025-2026, and in collaboration with IRTS, only two Innu children were placed in an OPP, and a total of four Innu children resided in an OPP. The Province's stated goal, consistently emphasized by provincial witnesses during the circle hearings, is to reduce OPPs for Innu, other Indigenous and non-Indigenous children.

The Lack of, the Irrelevance to, and the Inappropriateness of CSSD Services to the Needs of Innu Families and Children

39. The Investigators state that their discussion of this systemic issue is based on the provincial legislation as it existed at the time. The Province submits that the current *CYFA*, together with recent policy changes, has sought to address a number of the concerns identified in the report, including through a greater emphasis on cultural connectivity and collaboration with Indigenous representatives. The Province remains committed to making ongoing legislative, policy and practice improvements in consultation with Innu leadership.

Mental Health and Clinical Care Efficiencies

40. The Investigators identified problems with provision of mental health services in Natuashish.
41. Social workers with SSWB do not have the ability or the jurisdiction to provide mental health services; rather, they have the training to refer children at various stages of involvement with child

protection to the appropriate mental health professionals. Responsibility for the delivery of mental health services rests primarily with the Provincial Health Authority ("NL Health Services").

42. Investigators also pointed to the lack of trust on the part of some community members towards the Western medical approach. This was evident in at least one of the circles, where family members voiced their suspicions about their child's prescribed medications. The Province believes that appropriate education, when delivered by the IRTS, would be an effective way to bridge the gap and foster greater understanding of how Western medical approaches and traditional Innu land-based practices can work together and be beneficial to children and families.

Governance, Oversight, and Accountability Failures

43. Provincial social workers who participated in the circle hearings acknowledged that case planning and communication was often lacking, due to the emphasis on crisis management. As set out in the Policy Manual, the Province now tries to limit OPPs; however, where they do occur, the Province has implemented a new policy to bridge communication gaps. SSWB works closely with other jurisdictions to ensure OPPs are licensed and monitored by local child welfare organizations in the receiving jurisdiction and works with the child welfare organizations to ensure that proper case planning and monitoring are occurring. The Province would like to highlight the following relevant policy initiatives:

- **Policy 3.32: Out of Province Placements: Placement and Monitoring**

- Ongoing monitoring of the child/youth's needs and progress is required to ensure their needs are being met by the OPP. This assessment cannot be completed without contact and open communication with the OPP staff, as well as the assigned case worker in the receiving jurisdiction.
- The child/youth's social worker is required to have at minimum, private monthly telephone contact with the child or youth while placed in the OPP.
- The social worker from this province is required to have, at minimum, one private in person visit with the child or youth every three months. This would typically involve the social worker connecting with the OPP and case worker in the receiving jurisdiction to plan for the in person visit.
- An Interprovincial Placement Agreement (IPPA) is required, as per the Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories for children and youth placed in OPPs. IPPAs are developed collaboratively with the child welfare organizations in both the originating and receiving jurisdictions, thus communication and collaboration are required. In accordance with the Protocol, the originating social worker must work with the receiving social worker to develop a case plan, which will outline the responsibilities of each social worker.
- SSWB would be required to request that the receiving social worker monitor the child or youth in the OPP placement.

- It is the responsibility of the social worker to provide the OPP with relevant information about the child or youth.
 - The originating social worker shall maintain on-going collaboration with the receiving social worker and the child or youth's primary social worker or lead staff person at the OPP.
 - The originating social worker must work collaboratively with the out of province placement and the receiving social worker to arrange and coordinate monthly case conferences to discuss the child or youth's treatment and/or progress.
 - Visitation with parents or significant others should be arranged by the originating social worker in consultation with the receiving social worker and the OPP.
 - When transitioning back to Newfoundland and Labrador, SSWB must consult with the OPP and the receiving social worker, to develop a discharge plan to facilitate the child or youth's transition back to this province.
- **Policy 3.17: Cultural Connection Planning for Indigenous Children and Youth**
 - Cultural connection Plans are required to be completed and reviewed at minimum every 6 months. Where an Indigenous child or youth is placed in an OPP, the OPP, as well as the case worker in the receiving jurisdiction, are required to be involved in this process as members of the child/youth's in care planning team.
 - To support the child/youth's Cultural Connection Plan, SSWB and the out of province placement are required to be in contact for planning for visits and the implementation of other plans outlined in the Cultural Connection Plan.
- **Policy 3.5: Sharing of Information Relevant to the Care of a Child or Youth**
 - The SSWB social worker is required to ensure the person(s) responsible for the care of a child/youth are provided with information relevant to the care of that child or youth.
 - On the day of placement, the social worker is required to provide the foster care placement (including an OPP) with a copy of the child or youth's placement card, In Care Progress Report, and Cultural Connection Plan.
44. SSWB works closely with Indigenous partners through ongoing engagement, collaboration, and regular communication to strengthen placement resources and supports for children and youth. Overall, the number of children placed out of province has significantly decreased, and SSWB continues to work in partnership with, and provide support to, two Innu licensed residential placement providers for Innu children and youth remaining in their communities.

- Shushepeshipan Ishpitemtamun Mitshuap Inc. (SIM Inc.)
Licensed July 1, 2021; currently operates one group home, two Emergency Placement Homes (EPH) and one individualized living arrangement (ILA) in Sheshatshiu.
 - Mushuau EPH and Group Home Inc. (Megh Inc.)
Licensed June 9, 2025; currently operates one EPH in Natuashish and one Hybrid Home in Happy Valley-Goose Bay. A Hybrid home aims to support both emergency and longer-term placement needs.
45. SSWB regularly reviews and updates placement monitoring policies and legislation, prioritizing child safety and well-being. Requirements include annual and monthly inspections of residential placements, ongoing contact, and at least one monthly site visit by a social worker.
 46. In collaboration with Indigenous Governments and Organizations, the Province has revised a number of policies to strengthen culturally responsive service delivery. These changes include expanding the definition of “kin” to include members of a child or youth’s Indigenous community, revising the foster home approval process to reduce barriers, by permitting verbal references where language, literacy, or cognitive challenges may exist; allowing exceptions to medical assessment requirements for relative or significant-other foster homes where access to medical providers is limited; and considering exceptions related to sleeping arrangements where doing so supports the preservation of family, community, and cultural connections. While the Province recognizes that more work can be done in this area, these initiatives reflect ongoing efforts to make policies more responsive to the realities, needs, and cultural circumstances of Indigenous children, youth, and families.

Communication Breakdowns

47. This systemic issue was identified by the Investigators after hearing from family members who reported dissatisfaction with communication from SSWB professionals. Cultural differences were also highlighted as a factor. Additionally, families reported that they would consent to SSWB clinical decisions without fully understanding what they were consenting to.
48. The Province acknowledges that cultural differences can have an impact on how families interact with, and understand, SSWB. Moving forward, we would see this as a role where IRTS can assist all parties in bridging these gaps. This has already started, as Indigenous Representatives are playing an important role in advocating for Innu families in Court, and throughout the process.
49. The Province also agrees that enhanced access to legal services through Legal Aid NL would help ensure that Innu families are informed of their rights and have meaningful access to representation. Legislative amendments to support this objective are currently being pursued. Additionally, the Inquiry heard from families who were unaware that legal representation was available to them. The Province submits that this issue warrants further attention and may be addressed, in part, through education and awareness with the assistance of the IRTS.
50. The Province further recognizes that effective communication depends on access to appropriate translation services. Federal funding to enhance translation services within the community would

be one suggestion, or exploration of the use of technology to ensure effective communication when translators are not available.

51. The Province agrees that the best solution for this may be the use of Innu social workers.

Reintegration, Aging Out, and Aftercare Failures

52. Legislative changes have already addressed some of the concerns identified by the investigators, children no longer age out of care at the age of 16, as was the case for several of the youths whose circumstances were examined by the Inquiry. Instead, children remain eligible for services until age 18 and have the option to voluntarily enter into a Youth Services Agreement, allowing them to continue receiving services, including financial support, from SSWB until the age of 21.
53. With respect to the Investigators' observation that children often return from care and are not sufficiently housed or supported, the Province acknowledges that this is too often a problem. When the mandate for child protection ends, it does not mean that the SSWB does not have a role in case managing and transitioning youth to services offered by other departments and agencies. A particular challenge arises when Innu children age out of care and no longer wish to engage with services. In one of the death investigations, for example, a young person had aged out of care. Despite efforts by social workers and family members to maintain engagement and offer support, the youth chose not to participate in available services.
54. While circumstances such as these are not unique to Indigenous communities, they may be compounded by factors including lack of trust and intergenerational trauma. There are no simple solutions to these complex issues. The Province believes that this is another area where the IRTS can play an important role in supporting families through programming and support. This work is underway through the Innu-led Post Majority Support Services ("PMSS") program. In April 2025, SSWB and the Innu developed a formal partnership under which SSWB policy staff provide support to Innu colleagues in policy and program development for PMSS. Since the program's inception, SSWB and IRTS have maintained regular communication as the program continues to grow. SSWB remains committed to supporting Innu colleagues as they expand programs and support for Innu children and families.

Cultural Disconnection and the Absence of Land-Based Healing

55. The importance of land-based treatment approaches was emphasized by many witnesses throughout the Inquiry. The Province agrees with the efficacy of traditional land-based treatments for Innu youth and families and supports any programs that IRTS wish to implement. The Province supports any relevant applicable legislation or policy changes that can be made to improve access to land-based programs for the Innu, including education and training for SSWB workers.

Fiscal and Ethical Issues Related to For-Profit, Out-of-Province Placements for Innu Youth

56. Legislative and policy changes have been implemented to address the issue of Innu children being placed out of province for care. While the Investigators suggested that cost was a factor in OPPs, the Province does not agree with that conclusion. There is no evidence before the Inquiry to indicate that clinical decisions regarding placements were driven by financial considerations, nor

will cost be a barrier going forward. The Province will continue to advocate for federal funding that meets the needs of Innu children, youth and families.

57. With respect to the “ethical” concerns identified by the Investigators, the Province notes that legislative and policy changes over recent years have substantially reduced the number of children going out of province for treatment. The Province recognizes the significant contribution of the IRTS in achieving this outcome as their programs have been effective and are expected to continue delivering positive impacts. However, it is important to consider the context in which these clinical decisions were made. At the time, SSWB workers were responding to children in crisis and were focused on securing interventions that would address immediate risks to their safety and well-being. Social workers and families alike were very concerned with the prevalence of gas sniffing in the community and sought solutions that would remove the children from situations of immediate danger. While the Province has learned from these experiences, it emphasizes that decisions to place children outside of province were made out of a genuine concern for their safety and well-being, under conditions of significant stress and urgency, rather than out of malice or a desire to reduce costs.

Labrador Group Home

58. While the preceding sections have addressed the systemic issues identified by the investigators, the Province considers it important to specifically address the death of one child, who was the only youth, who died while in the care of SSWB.
59. This death occurred in 2020. In the immediate aftermath of the death, the group home was immediately closed and SSWB initiated an internal review. As a result of that review, new policies were put into place to avoid this happening in the future.
60. During the circle hearing, witnesses expressed concerns that nothing had changed in the group home, and understandably, the family of the deceased are advocating for the closure of the home. Before the circle concluded, the participating SSWB Assistant Deputy Minister, Zone Manager, and Program and Policy Development Specialist (PPDS) conducted an in-person visit to the group home so that they could report their observations back to the circle. Both the Assistant Deputy Minister and the PPDS had been involved in the original internal review following the death. They reported that a number of improvements had been implemented since 2020, while also acknowledging that further work was needed to ensure adequate service provision for children and youth residing in the group home. The Province is committed to continuing that work.

VARIOUS REPORTS

Report of Richard & Petti

61. The Province agrees with many of the observations made by the Investigators in their report. The social workers who shared their experiences – whether through interviews with investigators or through the circles with families and community members – demonstrated a genuine commitment to listening, learning and improving outcomes for Indigenous children, youth and families.

62. Social workers involved in the Inquiry agreed that the inherent challenges in child protection work were exacerbated by the near constant state of crisis management.
63. At the same time, the Province submits that the Inquiry should also consider that changes that have already been implemented since the passing of the youth.
64. Most notably, the number of children who are placed outside of the Province for care has declined dramatically. It was always known that sending children outside of the province was not ideal, and the Investigators rightly noted that the severing of the ties between children and their Innu culture was detrimental to their health in many respects. However, many factors led to children (including all six of the children who were subjects of death reviews) being sent outside the province. As social worker [REDACTED] stated during one of the circle hearings, workers often prioritized physical safety, but that this came at the expense of cultural safety. Important clinical decisions were driven by the urgency felt by social workers to remove children from the perceived dangers in the community, such as gas sniffing. In some instances, this urgency was shared by parents, who also feared for their children's safety in community.
65. Another theme highlighted by the investigators was the inadequacy of reunification planning when children returned to the community. This reunification planning often fell victim to the crisis-driven practice in the community, as well as challenges in communication between workers and families. In addition, the impacts of intergenerational trauma and lack of trust made it difficult for some youth to engage voluntarily in transition planning. In recent years, legislative changes, including requirements for the involvement of Indigenous Representatives, have helped to bridge the cultural divide between families and SSWB.
66. The Province wishes to thank the Investigators for their reporting. The Province also extends its gratitude to the families for sharing deeply personal experiences that undoubtedly caused them pain. It is hoped that the circle hearings and the opportunity to be heard has contributed, in some measure, to healing from the trauma of losing a loved one.

IRTS Report on Innu Led Services

67. The IRTS Report provided valuable evidence for the Inquiry. The Province's continued partnership with the Innu will be essential moving forward.
68. The Report highlights that things began to change in 2015, with the implementation of the Working Relationship Agreement between the Province and the Innu. Momentum for change continued with the 2016 decision of the Canadian Human Rights Tribunal which "vindicated equality rights for first nations children in relation to child and family services".

Report on Innu Services, ICCI Exhibit P-444, pages 3-4

69. Further changes came in 2017. Innu prevention services began operating through the IRTS, and the Innu launched the "Bring our Innu Children Home" initiative. Federal and Provincial Governments committed to supporting Innu placement facilities in community, which led to the establishment of staffed residential placement homes beginning in 2018. As of 2025, five such homes are operating within Innu communities. The Innu also developed the *Guide to the Innu*

Care Approach, a teaching document provided to Innu service providers. These initiatives have changed how child protection is delivered in Innu communities.

70. The IRTS Report also highlights the importance of legislative changes introduced in 2019 at both the federal and provincial levels, which represented meaningful progress in giving the Innu a voice in child protection matters.
71. The Federal Act recognizes the inherent jurisdiction of the Indigenous Peoples over child protection. In 2020, the Innu formally gave notice that they intend to assume the jurisdiction for child protection services within their communities. The IRTS Report states that the Province and the Federal Government responded positively to this intention. The Province remains committed to supporting this important work.
72. The Province agrees with the IRTS conclusion that the 2019 *CYFA* also represents meaningful change and gives the Innu a voice.
73. The IRTS has identified other areas where devolution to the Innu has been successful, including Income Support and the ongoing midwifery program.
74. In their Report, the IRTS outlines the Innu Care Approach, and gives a detailed analysis of the work they are doing in the community in areas such as prevention services. The Province supports this important work.
75. The Report also discusses the importance of future funding. It highlights that future funding will be negotiated directly with the Federal Government and the Province in accordance with tripartite coordination. The Province has advocated for increased federal funding in the past and will continue to do so.
76. The Report's discussion of future relationships notes that the Innu need positive support from Federal and Provincial partners. It notes that ten years ago these supports were not always present, but now they are more frequent. The Innu want this trend to continue, and the Province is confident it will.
77. The Report also provides a detailed overview of the community-based services currently being delivered by the IRTS in both Sheshatshiu and Natuashish. The Province believes that the success of many of these services is tied to the fact that they are designed and delivered by Innu.
78. The IRTS concludes by noting its report represents a 'snapshot' in time. The Province agrees with that characterization. At the same time, the Report contains some of the most current and relevant information available to the Inquiry regarding the progress that has been achieved for this Inquiry to consider. The Province therefore submits that the Report should be given significant consideration.

Report of Drs. Fallon and Black

79. The Province would like to highlight some of the findings of the Report compiled by Drs. Fallon and Black at the University of Toronto. Using data provided by SSWB, they were able to provide

the Inquiry with data tables intended to “examine historical trends and changes over time, analyze present-day data, identify data gaps, and support Innu assertions of jurisdiction in Child and Family Services”. A *Report for the Inquiry Respecting the Treatment, Experiences, and Outcomes of Innu in the Child Protection System* (for brevity, the *Fallon and Black Report*) analyzed data spanning the fiscal years 2018/19 to 2024/25. The Province would like to express its thanks to Drs. Fallon and Black and the OCANDS research team for their invaluable contribution.

Fallon and Black Report, ICCI Exhibit P-448, page 4

80. The findings of the *Fallon and Black Report* confirm that Innu families were, as a rule, the subject of more investigations per capita than non-Indigenous families throughout that period, and that Innu families were more vulnerable during times of crisis such as the COVID-19 pandemic, when recurrence incidents peaked at 16.6% - double that of non-Indigenous families.

Fallon and Black Report, ICCI Exhibit P-448, page 21

81. On a positive note, the *Fallon and Black Report* also captured improving trends, such as a significant decline in out of home placements (from 713.18 per 1000 children in 2018-19 to 129.31 per 1000 children in 2024-25). While the decision-based disparity ratio for Innu children remains higher than for non-Indigenous children, the trend is positive. Similarly, the time frame covered in the report reflects a convergence in statistics between Innu and non-Indigenous families in terms of screening specificity; while the numbers are still higher for Innu families, the ratio has dropped from 40-43% in 2018/19 to 11% in the last fiscal year. The Province is committed to continuing to improve these numbers, as child protection practice, policy and legislation continue to evolve.

Fallon and Black Report, ICCI Exhibit P-448, page 23

82. Drs. Fallon and Black describe the overall picture as that of “a child protection system in transition” but stress the continuing challenges of over-representation in the child protection system (*Fallon and Black Report*, page 6). At page 7 of their report, Drs. Fallon and Black conclude that “These findings underscore the critical importance of continued monitoring, ongoing reform efforts, and Innu jurisdiction over child and family services”. The Province agrees with this conclusion.

Fallon and Black Report, ICCI Exhibit P-448, page 6

Report of Dr. Ken Barter

83. Dr. Ken Barter tendered a report titled *Straight to the Point: A Call for Action in the Interest of the Health, Well Being, and Protection of Children and Youth in Newfoundland and Labrador* (“Barter Report”). Dr. Barter’s professional background includes front-line social work practice in Newfoundland from 1965 to 1978, although he acknowledged this did not include work in Labrador. He also practiced front-line social work in Prince Edward Island until 1995. Prior to his retirement in 2015, Dr. Barter was teaching at the Memorial University School of Social Work.
84. The Province wishes to address certain aspects of Dr. Barter’s report with which it disagrees. In particular, Dr. Barter expressed his opinion on several occasions, both in his direct and cross examination, that the Government of Newfoundland and Labrador lacked “commitment” when it came to providing child protection services for the Innu.

85. The Province does not agree with this conclusion. It notes that Dr. Barter arrived at this conclusion without speaking to any current provincial government employees, including front-line social workers. The Province submits that many of his conclusions were based on his own opinions, many of which came not from personal experience, but from the media (Testimony of Dr. Ken Barter, page 24), some of which were dated, relying on statements made by government officials decades in the past. The Province further notes that, when presented with evidence from members of the IRTS – both Innu and non-Indigenous participants –that the relationship between the Government of Newfoundland and Labrador and the Innu had improved, Dr. Barter referred to his own preconceived notions:

“I don’t have the trust in confidence in the Newfoundland government to look after the best interests and the health and well being of children. And that’s based upon what I’ve seen over the last several decades. In fact, I would say the Danny Williams government took the child welfare system in Newfoundland and Labrador... back 25 years when they replaced the [CYFSA]... I’m not sure what’s happening there now, politically, but from what I’ve gathered, from a quick review yesterday, there’s been three ministers in 2025 alone... Where’s the leadership? Where’s the investment? Where’s the commitment?”

Testimony of Ken Barter, December 3, 2025, page 24

86. Dr. Barter suggested that one factor contributing to distrust of the Government of Newfoundland and Labrador was the frequency of changes in ministerial leadership. Changes in ministers are an inherent feature of a democratic system, particularly in periods surrounding elections, such as 2025. The Province notes that Dr. Barter did not identify specific evidence demonstrating that ministerial turnover adversely affected the delivery of child protection services to Innu children and families. Nor did he interview current or former ministers, or SSWB staff, in forming this conclusion. The Province submits that this analysis does not fully account for the work of the many dedicated employees within CSSD and SSWB—at the executive, management, policy, and front-line levels—who have contributed to legislative, policy, and operational improvements over many years and across changes in political leadership.

Testimony of Ken Barter, December 3, 2025, page 24

87. Dr. Barter also suggested that the Province had failed to adequately consider the Federal Act. He states at page 7 of his report:

“With such an important step in providing child welfare/protection services to Indigenous peoples, it would be expected that the NL Government and its CSSD department would be taking steps to honour the federal Act and integrate its principles into practices, policies and procedures in working with Indigenous children, youth, families and communities. Yet, in the mandate letter from the NL Premier to the Minister of CSSD, dated April 15, 2021, the federal Act was not mentioned as a consideration in improving services to Indigenous children and youth. Nor was there any mention of the notifications provided to the Federal Minister of Indigenous Services by the Innu Round Table Secretariat dated

February 6, 2020, and the Miawpukek First Nation dated July 20, 2020, of their intentions to exercise their legislative authority in relation to child and family services. Acknowledgement of these intentions is fundamentally important in terms of child welfare services to Indigenous people in Newfoundland and Labrador. Although CSSD's Protection and In Care Policy and Procedure Manual, revised on December 10, 2024, references the Act, there is no reference to the Act in the CSSD Annual Report for 2023-2024 in terms of objectives to improve delivery of services to children and youth. (emphasis added)

Barter Report, ICCI Exhibit P-438, pages 7-8

88. Dr. Barter chose to focus on two executive documents in drawing his conclusion that the Province had failed in recognizing the Federal Act. However, it is the submission of the Province that the Manual, the document used by front-line workers working directly with Indigenous families, ought to have been given more emphasis by Dr. Barter. The Manual includes the following references to the Federal Act:

- 1.35 Notice of Significant Measure in Relation to an Indigenous Child (specific to s.12 of the Federal Act)
- 1.36 Information Sharing, Collaboration, and Coordination under the Innu-CSSD Protocol (discusses the Federal Act's focus on prevention services which is reflected in the philosophy of the Protocol)
- 3.11.1 Supporting Connections with Relatives or Persons Significant to a Child or Youth in Care (this policy references s.10 Best Interests of the Federal Act) relating to the importance of social workers to identify, develop, initiate, support and maintain connections between the child or youth in care and their relatives and significant others.

Department of Social Supports and Well-Being (2025). Protection and In Care Policy and Procedures Manual (June 28, 2019; last updated November 19, 2025). Government of Newfoundland and Labrador, pp. 186, 191 and 324

89. While the Barter Report provides some useful information about the academic theories underpinning child protection, the Province submits that its conclusions are limited by the absence of consultation with individuals currently involved in the delivery, administration and governance of child protections services. Dr. Barter acknowledged this limitation in his evidence. The Province questions the extent to which any witness can speak confidently to the intentions and goodwill (or lack thereof) of the Province without having consulted a single member of government, front-line service providers, or any Indigenous stakeholders who actively engage with the Provincial Government in child protection matters.
90. In considering the current relationship between the Provincial Government and Innu stakeholders such as the IRTS, the Province submits that the IRTS Report provides a more direct and contemporary assessment of existing practices, partnerships, and communication. The Province further submits that a focus on the current state of relationships and service delivery will be most helpful in information practical and meaningful recommendations for the future.

Report of Drs. Ninomiya and Ward

91. Drs. Melody Ninomiya and Leonor Ward provided the Inquiry with their report, *A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes* (“Ninomaya and Ward Report”).
92. One of the key themes emerging from the Ninomiya and Ward Report was the importance of land-based programs to Innu children, and the community at large. The Report explains that *Nutshimit*—an Innu-aimun word meaning “place of well-being” and is used to refer to the land. Ninomiya and Ward observed that “Participation in Nutshimit continues to profoundly and positively impact well-being and community cohesion” and that “Nutshimit is considered a form of medicine that facilitates healing and overall wellness”.

Ninomiya and Ward Report, ICCI Exhibit P-437, page 4

93. Another point emphasized by the authors is that the Innu have a very distinct worldview and way of thinking. The Province recognizes the importance of understanding this perspective as well as the importance of land-based healing. Moving forward, the Province will continue to support land-based programs. The Province also agrees with the conclusion reached by Drs. Ninomiya and Ward at page 24 of their Report, namely that such programs are most effective when led by Innu community members.

Ninomiya and Ward Report, ICCI Exhibit P-437, page 24

94. The authors identified several key challenges, including attracting, training, and retaining qualified staff, securing funding for land and culture-based program and service development, and providing physical spaces to deliver the services. These challenges are, at their core, funding challenges. The Province remains committed to working with the Innu and Federal Government to help the Innu seek funding for these services.

Ninomiya and Ward Report, ICCI Exhibit P-437, page 24

95. Drs. Ninomiya and Ward also highlighted the importance of the family unit to Innu society, and the importance of prevention services and wraparound supports and the Province agrees with this conclusion.

Ninomiya and Ward Report, ICCI Exhibit P-437, page 24

Report of Dr. Amy Bombay

96. Dr. Amy Bombay, in her report titled *“Direct and Multigenerational Trauma: A contributing factor to high rates of child welfare involvement among Innu and other First Nations in Canada”* outlines some of the ways in which the impacts of intergenerational trauma have affected Innu communities.
97. Dr. Bombay found that multi-generational trauma represents itself in many ways, all of which have led to a high rate of children in care.

98. Policy changes relating to education for social workers have already been implemented. However, addressing the effects of intergenerational trauma is a long-term process. The Federal Government, the Provincial Government, and Innu leadership all have a role in addressing the impacts of intergenerational trauma within Innu communities. The Province recognizes that this work extends well beyond the scope of this Inquiry.
99. Insofar as intergenerational trauma relates to the experiences and outcomes of children in care, the Province acknowledges the importance of a trauma-based approach to service delivery. Education and awareness are two short-term and accessible measures that can support this approach and the Province is committed to advancing these efforts. Current and emergent training initiatives for SSWB staff and leadership are intentionally designed to incorporate trauma-informed research and best practices.

Report of William English

100. William J. English submitted "*A Report on Aspects of Legal Representation and Court Process in Labrador As They Affect Parents of Innu Children*". Mr. English is a retired judge of the Provincial Court of Newfoundland and Labrador who served in Goose Bay, from 2000 to 2014. One of the matters specifically identified in the Inquiry's Terms of Reference was "the availability and quality of legal representation for parents of Innu children and youth involved in the child protection system and barriers to effective legal representation"; Mr. English was retained to examine and report on this matter.

101. In his Report, Mr. English made the following recommendations, which we will discuss in turn:

Legal Aid eligibility should be expanded for Innu parents in child protection cases, and provision must be made for state funded counsel to help Innu parents who are unrepresented.

102. The Province agrees that access to legal representation is an important safeguard for families involved in the child protection system and does not take issue with the view that Legal Aid should be broadly accessible. Under the current legislative framework, any person may apply for legal aid, and representation is generally provided to individuals who meet the financial eligibility criteria and whose children have been removed from their care.
103. The difficulty highlighted by Mr. English is that the financial eligibility process can be challenging for Innu families to navigate. The process requires applicants to provide significant financial disclosure, which can be difficult for Innu families (who often lack both access to the financial disclosure and to the means of getting it to Legal Aid). Addressing this issue through an exemption from the financial eligibility assessment for Indigenous applicants would require amendments to the *Legal Aid Act*, and the Province notes that legislative changes in this area are currently under consideration.
104. Mr. English also notes, at page 50 of his report, to Innu clients feeling "isolated and fearful" when required to proceed without legal representation after being denied Legal Aid. The Province agrees that legal representation is highly desirable in child protection matters. As the system currently operates, individuals who meet the financial eligibility requirements are generally provided with representation in child protection matters. Removing or modifying the financial qualification

requirements for Innu and other Indigenous applicants would further reduce barriers to access and could facilitate more consistent access to counsel.

105. In his examination by counsel for the IRTS, Mr. English confirmed that, among the recommendations contained in his report, the most effective would be to waive the financial eligibility requirements for Legal Aid in order to improve access to experienced legal counsel for Innu families. The Province agrees that amending the *Legal Aid Act* represents the most effective means of ensuring access to legal representation. By contrast, state-funded counsel, appointed upon application to a judge, would likely result in Legal Aid counsel being appointed in any event, and the process would be slowed down because the Innu party would have to wait until their court date before having counsel appointed. Under the current framework, an application for Legal Aid can be made and counsel appointed before the first Court appearance.

Thorough Review of Child Protection Hearing Timelines should be Carried Out, and Alternative Timelines Considered

106. The timelines established under the CYFA are, in practice, often waived. This can occur for a variety of reasons, including constraints on available court time. The Province agrees that the timelines are important. The Government of Newfoundland and Labrador has recently announced the hiring of seven additional provincial court judges. The Province is hopeful that this increased judicial capacity will improve access to court time and support the timely progression of child protection proceedings in Labrador.
107. The Province is also undertaking the five-year legislative review of the CYFA. As part of this process, SSWB engaged IRTS through several means, including an engagement session, a written submission provided by IRTS, and follow-up discussions to obtain additional feedback and clarification. The Province values the perspectives shared through this engagement process, and this feedback will inform recommendations aimed at strengthening the legislation as SSWB advances the review and legislative amendment process.

A Program for the Improvement and Professionalization of Innu Interpretation Services must be established

108. The Province agrees that access to qualified interpretation services is an important component of ensuring that families understand the child protection process and are able to participate meaningfully in decisions affecting them. The Province notes that interpreters have historically been made available through the Provincial Court in Goose Bay to assist Innu-speaking participants in court proceedings.
109. Mr. English also proposed a pilot project, to be administered by the IRTS, to train and employ translators from within the Innu communities. The Province agrees that this initiative would be a worthwhile project but notes that its implementation would require funding and support from the Federal Government.

Full Time Innu Social Workers be recruited and trained for both Innu communities

110. Mr. English made two recommendations in this section: first, that Innu social workers be hired, and second that all social workers reside in community on a full- time basis rather than working under the current fly-in/fly-out rotational model.
111. The Province does not disagree that increasing the number of Innu social workers and establishing a permanent, community-based workforce would be desirable goals. However, as other evidence before the Inquiry—including the evidence of Dr. Kenn Richard—demonstrated, recruiting and retaining qualified and experienced social workers in remote and rural communities presents significant challenges.

Testimony of Dr. Kenn Richard, March 31, 2026, page 140

Innu parents must be fully seen and heard during Court appearances in child protection matters

112. Mr. English makes several recommendations regarding the use of technology and the provision of private spaces so that Innu can have adequate access to Court. The Province supports the use of technology to facilitate participation in court processes and often utilizes technology for remote court appearances. The Province also agrees that Innu people in community should have access to safe spaces from which to participate in court proceedings. The Province is prepared to work with the IRTS to identify suitable spaces for this purpose.

Absent full consent of the parties, substantial hearings in child protection matters must be held in their home community

113. The decision whether to hold hearings in person, or by other means is up to the Provincial Court. The Chief Judge is responsible for determining court circuits and modes of attendance, while individual judges retain discretion to decide whether a particular matter should proceed in community or remotely. These decisions are informed by a variety of considerations, including weather considerations, challenges associated travel to remote communities, particularly Natuashish, security concerns; and the preferences of the families involved, some of whom may prefer not to have proceedings conducted in their own community. Courts must also consider logistical factors, including transportation and availability of accommodation in remote locations.
114. The Province generally supports holding hearings in community wherever feasible and appropriate. It is hoped that the recent announcement of seven additional Provincial Court judges will increase the availability of judges to travel on circuit. However, decisions concerning the location and format of court hearings ultimately fall within the jurisdiction of the Provincial Court.

Dispute resolution methods must be expanded and employed in Child Protection cases

115. One of Mr. English's suggestions was the increased use of Judicial Case Conferences ("JCCs" as a means of resolving child protection matters without the need for a full hearing. The Province agrees that JCCs and similar forms of dispute resolution can be very effective and is open to exploring opportunities to make greater use of them where appropriate. It is hoped that the expansion of the provincial court judiciary and the resulting increase in court time will improve

access to JCCs and other case management processes. Case conferences involving parents, SSWB social workers, and counsel are already a common feature of child protection hearings.

116. At the same time, while JCCs and mediation can be valuable, the Province emphasizes that the safety and well-being of the child must remain the paramount consideration in all child protection matters. Social workers are required to act in accordance with this principle, and there may be circumstances in which child safety concerns limit the scope for negotiated resolutions.
117. With respect to Mr. English's suggestion that mediators from the private bar be utilized to assist in resolving disputes between SSWB and parents, the Province has some concerns regarding the practical challenges associated with this approach. In particular, the limited number of qualified mediators, most of whom are located on the Island portion of the Province, could create additional scheduling and logistical difficulties. If mediation were to occur within community, travel requirements and availability of mediators may result in delays.

EVIDENCE OF INQUIRY WITNESSES

FEDERAL GOVERNMENT WITNESSES

Kelly Bower

118. Kelly Bower gave a pre-taped Interview with Inquiry counsel on July 16, 2025, and provided pre-taped evidence on August 5, 2025. She testified before the Inquiry on September 11, 2025.
119. At the time of her testimony, Kelly Bower was serving as Acting Regional Executive Officer for First Nations Inuit Health Branch (FNIHB), a position she had held since February 2025. She also serves as the First Nations and Inuit Health Branch representative at the Innu Roundtable.
120. Ms. Bower provided evidence regarding the Labrador Innu Comprehensive Healing Strategy (LICHHS), which is a "pot of funding that came out of mental wellness funding nationally at First Nations Inuit Health Branch" (Testimony of Kelly Bowers, page 4, line 21) and other Federally funded initiatives. She also explained the role of the FNIHB, a funding body providing resources for public health initiatives, such as immunization drives and the successful midwifery program. Ms. Bower was candid in acknowledging she was not involved with child protection services. Nevertheless, her evidence was valuable in outlining some of the Federal funding initiatives available to Innu.
121. During her testimony, counsel for the Inquiry asked Ms. Bower whether increased communication between the Federal Government, Indigenous Services Canada ("ISC") and provincial child protection authorities would be helpful in ensuring that services are available to children in care.

Interview with Kelly Bower, Page 65, line 11

122. In response, Ms. Bower expressed the view that it would be paternalistic for the federal agencies to interfere too much in this area. "The Innu know their communities the best. You know, they need to develop plans that fit with their models, their way of knowing... it's something that if

communities wanted that type of support, it would be something that we would be open to doing. But it is something we're very conscious about, you know, the historic harms by being in charge".

Interview with Kelly Bower, Page 66, line 19

Leila Gillis

123. Leila Gillis gave a pretaped Interview with Inquiry Counsel on July 10th, 2025, and provided pre-taped testimony on August 5, 2025. She testified at the Inquiry on September 11, 2025.
124. At the time of her testimony, Ms. Gillis was serving as Acting Director General and Chief Nursing Officer for the Health Sector of ISC.
125. Ms. Gillis was asked by Inquiry Counsel to comment on the options available to a child in an Innu community who required treatment for addictions issues and whether this would be addressed as a medical issue and treated within the community or as a child protection issue (Testimony of Leila Gillis, page 15, line 2). While Ms. Gillis acknowledged that this was not her area of specialty, she indicated that there would be access to programs, including land-based treatments.
126. The Province notes that responsibility for addictions treatment and related health services rests with NL Health Services, regardless of whether a child is involved with the child protection system. Access to these services is not contingent upon a child being found to be "in need of protection" under the CYFA. Children and youth may access health services through the health care system whether or not they are receiving child protection services. Where a child is involved with SSWB, social workers may assist in identifying needs, coordinating services, and facilitating referrals, but the availability of treatment is not dependent upon a child's status within the child protection system.

Annie Randell

127. Ms. Randell provided a pre-taped Interview with Inquiry Counsel on July 18th, 2025, and provided pre-taped evidence to the Inquiry on August 5, 2025. She later testified before the Inquiry on September 11, 2025. She has held various positions with the Federal Government including ISC and the First Peoples Development Corporation. She was also present at several of the Death Investigation Circles as a representative of the Federal Government. She has a long history of working with Indigenous communities in the province.
128. One aspect of Ms. Randell's evidence that the Province wishes to highlight is her statement at page 44 of her Testimony, in which she was asked by Inquiry Counsel about the relationship between the Government of Canada and the Province in terms of how funding decisions were made. Ms. Randell noted that the Province "often brought up that this – [GNL didn't] want to sign this agreement because it don't reflect, you know, what we're actually doing or it needs to be more language there. But it was the issue of it being a federal template for an agreement is the reason it didn't reflect that".

Testimony of Annie Randell, August 5, 2025, page 44, line 7

129. For clarification, the “agreement” referenced by Ms. Randell was a funding “comfort letter” provided by the Federal Government that outlined funding allocations for the year (see exhibit P-419). The Province’s concern with the letter was that it did not adequately reflect the funding required to meet the needs of the Innu. Ms. Randell went on to say, “It takes substantial effort to get that done, especially when you’re trying to fit all circumstances across the Country into one template”. The Province submits that this evidence highlights the importance of flexible funding arrangements that are responsive to the specific needs and realities of Innu communities.

Testimony of Annie Randell, page 45, line 3

130. On cross examination, Ms. Randell confirmed that the “template” agreement would be the same for any Indigenous Community, whether that community was in Labrador, BC, or Quebec. She stated that “From a National standpoint, we weren’t able to adjust the agreement language for the communities, ‘cause there are the other 600 communities across the country that all have different circumstances”.

Cross-examination of Annie Randell, September 11, 2025, page 4

131. The Province continues to have concerns with this approach. In its view, Indigenous communities across Canada, including the Innu, are not well served by a “one size fits all approach”. The needs and circumstances of the Innu communities of Sheshatshiu and Natuashish differ from those of Indigenous communities in other regions of the country, and funding arrangement should be sufficiently flexible to reflect those unique realities. While the Province acknowledges that tailoring agreements to individual circumstances is more complex than relying on standardized templates, it submits that given the critical nature of the funding to communities, the extra effort is necessary.
132. Ms. Randell’s testimony also highlighted some of challenges faced by Innu communities in accessing funding for prevention services. The Province did not have jurisdiction for ‘prevention services’, therefore funding had to be obtained from the Federal Government. However, the federal funding mechanisms often required funds to be provided through an authorized agency, for which the Innu did not meet this requirement. This created practical barriers and delays in securing necessary funding. Although interim arrangements were developed and funding for prevention services is now provided directly to the Innu, the evidence illustrates how bureaucratic processes can impact communities.

Steve Joudry

133. Steve Joudry gave a preliminary Interview to Inquiry Counsel on July 15, 2025. He subsequently provided pre-taped testimony on August 6, 2025, and testified before the Inquiry on September 12, 2025. Mr. Joudry testified in his capacity as a long-serving federal public servant and representative of the IRTS. He described some of the earlier challenges associated with the provision of programs and services to the Innu. Mr. Joudry also confirmed that the Labrador Comprehensive Funding Strategy was a “unique funding mechanism to provide funding to the Innu”.
134. Mr. Joudry also spoke to his experiences working with the Province. He described a time when the relationship between the Province and the Innu was much poorer than it is now, including several

interactions with provincial officials, both at the ‘front-line and executive levels, that he viewed as negative and counterproductive. At the same time, Mr. Joudry also testified that the relationship has improved significantly over time:

“Certainly... the last five years have been – and maybe a little beyond that... the transformation in the Province on that level would be nothing short of a miracle, in many respects... Not only did they become our supports and helpers, I think they probably became many of our cheerleaders in some of the work that has been going on in Child and Family Service”.

Testimony of Steve Joudry, August 6, 2025, page 38, line 24

135. Mr. Joudry also confirmed that in his opinion, the Province supported the Innu in their goal of assuming jurisdiction for child protection.

Cross-examination of Steve Joudry, September 12, 2025, page 21

Conclusion on Federal Government Witnesses

136. The summary of the federal evidence suggests that funding was often difficult to access and was administered through processes that relied heavily on standardized templates incorporating a ‘one-size fits all’ approach that was not well suited to the unique circumstances of the Innu. While federal and provincial officials worked hard to develop temporary ‘workarounds’, these solutions were never ideal. The Province submits that the supportive services provided and available to the Innu are not similar to other jurisdictions, and while a one-size fits all funding model may be easier to administer it does not acknowledge regional differences and the way service delivery is provided in this province. Support for a needs-based funding approach that reflects the priorities of the Innu and provides flexibility to support the delivery of prevention services and, ultimately, Innu-led child protection services will be essential to ensuring that the transformation that has begun is not hindered by restrictive policies.

PROVINCIAL GOVERNMENT WITNESSES

Wanda Lundrigan, Jennifer Barnes, Michelle Shallow

137. Michelle Shallow was a Policy and Program Development Specialist and was Division Manager of CYS in 2006 before later becoming Provincial Director. She retired from the Department in 2019.
138. Wanda Lundrigan served as an Assistant Deputy Minister following the establishment of the Department as a stand-alone government department. She started in her ADM role in 2011 and retired in 2014.
139. Jennifer Barnes was the only witness who remained a provincial government employee at the time of the hearing, although she left SSWB in 2021. Her final position with the Department was that of Provincial Director.
140. Ms. Shallow, Ms. Lundrigan, and Ms. Barnes provided an overview of the history of service provision in Innu Communities from 2006 to 2021. While their evidence did not encapsulate the

current situation, it provided important context regarding the evolution of child protection practice in Labrador.

141. Their testimony reflected an increasing recognition within the Department of the overrepresentation of Indigenous children and youth in the child protection system and the need for a different approach. Department officials described concerted efforts to work collaboratively with Indigenous Governments and Organizations to improve data management to identify Indigenous children, youth and families in receipt of services, and implement changes aimed at improving outcomes for Indigenous children and youth. At the same time, these witnesses note that these efforts were often hampered by the almost constant state of crisis on the ground, including the impacts of gas sniffing, which took hold amongst the Innu youth.
142. Jennifer Barnes was the most recent serving provincial employee to provide evidence. She spoke to the legislative changes introduced in 2019 which placed a greater emphasis on Innu and Indigenous representation and participation. Her testimony reflected a continuing evolution within the Department toward a more collaborative approach.
143. Collectively, the evidence of Ms. Shallow, Ms. Lundrigan, and Ms. Barnes demonstrated that the child protection system at the time was not designed with Innu realities at its centre and did not adequately account for the cultural, historical and community impact of its interventions. Over time, however, government officials increasingly recognized those shortcomings and moved toward partnership, cultural continuity, capacity-building and support for devolution of services to the Innu.
144. All three witnesses also spoke to the significant operational challenges that existed at the time, including limited supportive services available through health services, a shortage of placement options, and recruitment challenges. Their evidence demonstrated that many of the outcomes experienced in the community were not just shaped by policy decisions but also by limitations in infrastructure, workforce capacity, and community capacity. These challenges predated the establishment of the IRTS and the availability of Innu-led prevention services.
145. Jennifer Barnes testified that Indigenous Child Welfare approaches has resulted in a number of important changes, including the incorporation of Indigenous-specific legislative provisions, cultural planning, legislative changes and policy changes that provide for the involvement of Indigenous Representatives, and enhanced information sharing with Indigenous partners.

Conclusion on Provincial Government Witnesses

146. In conclusion, the evidence of the three provincial witnesses illustrates the evolution of the child protection system in the province. The witnesses acknowledged that earlier approaches failed to adequately recognize the cultural, historical and community realities of Innu children and families. They described a system focused primarily on protection, risk and compliance, and which often lacked the tools, capacity and understanding necessary to support Innu children within their own communities. Their evidence also demonstrates increasing recognition of those shortcomings and a deliberate shift toward cultural continuity, partnership with Innu leadership, community capacity-building, and ultimately Innu self-determination in child and family services. The common theme throughout their testimony is the importance of empowering Innu communities to play a

leading role in determining how services are developed and delivered. The Province submits that this evolution toward more collaborative, culturally grounded, and community-led approaches represents an important step in improving outcomes for Innu children, youth, and families.

CIRCLE WITNESSES

147. Those who participated in the healing circles did not leave unchanged. Government representatives emerged with a greater sense of humility, a broader understanding of the lived experiences of others, and a profound appreciation for the privilege and responsibility of bearing witness to stories shared with courage and vulnerability. The circles offered a space where participants could listen openly, without judgment, and reflect on the realities faced by Innu children, youth, families, and communities.
148. The impact of these experiences extended beyond the circles themselves. The reflections and insights gained through the process continue to shape how participants understand their roles, approach their responsibilities, and engage with the people they serve. The lessons learned have fostered a deeper commitment to empathy, respect, and thoughtful action, reinforcing the importance of ensuring that lived experience remains at the center of service delivery and decision-making.

AFFIDAVITS OF MARK GRIFFIN AND JENNIFER SULLIVAN

149. The Affidavits of Mark Griffin and Jennifer Sullivan were provided by the Province to assist the Inquiry in understanding the current state of child protection in Labrador. Mark Griffin is the ADM of SSWB with responsibility for Child and Youth Services. Jennifer Sullivan currently serves as Provincial Director of Adoptions, Youth Services, and Community Corrections and, throughout her career with the Province, has been involved with the IRTS and has participated in quarterly meetings of the Innu Round Table.
150. Mark Griffin's Affidavit describes the current regional service delivery policy and information-sharing process between SSWB and the Innu since 2019. In particular, he outlines the Innu-CSSD Protocol, which was implemented in August 2021. The Protocol "further formalized the interactions between IRTS and CSSD in their daily clinical/client work with Innu children, youth and their families on protective intervention program caseloads, kinship placements, in care, youth services, IRTS prevention and other caseloads."

Affidavit of Mark Griffin, paragraph 6

151. Jennifer Sullivan's Affidavit describes the implementation of the *CYFA following its enactment in 2019*. Her evidence reflects that a "a significant focus of the CYFA was to strengthen service delivery to Indigenous children, youth, and their families." Ms. Sullivan further explained that the "Innu were engaged in the review of the previous child welfare legislation and feedback received through these consultations contributed to the provisions included in the CYFA."

Affidavit of Jennifer Sullivan, paragraph 6

152. Ms. Sullivan also outlined other initiatives, including the introduction of the Cultural Connection Plan for Innu children and youth, in October 2021. Developed and initiated by the IRTS, the

Cultural Connection Plan represents an effort to address the needs of Innu children and youth in relation to their cultural connections with the Innu community.

Affidavit of Jennfier Sullivan, paragraphs 11 and 12

153. The Province submits that this evidence warrants great consideration by the Commissioners in determining what recommendations are appropriate to move forward. The Province acknowledges that there were issues in the past, and policies and procedures which, in retrospect, did not work as intended. However, in order to make meaningful changes to the outcomes and experiences of Innu children in care today, the Province believes it is important to look at the current state of child protection and the progress that has already been made. Recommendations grounded in the present landscape will be best positioned to improve the experiences and outcomes of Innu children and youth going forward.

PREVENTION

154. The issue of prevention services was raised time and again at the Inquiry. The Province therefore wishes to provide further clarification as to why prevention services were removed from child protection legislation.
155. Through the affidavit of Mark Griffin, the Province has explained the rationale for this decision. CSSD (at the time) was struggling to fulfill its core mandate of protecting children in need of protective intervention. The Province remains of the view that families are best served by a narrower focus in the child protection legislation.
156. Preventative supports should be, and are, made available to Innu, as well as to families throughout the province. The Province submits that other service providers are better equipped to provide these supports, including health and education.
157. The Province further submits that the IRTS has led evidence that they are providing preventative services, and that they are performing well. As noted throughout our submissions, it is often better for supports to come from within the community, than to be seen as coming from SSWB. The Innu did not wait for the Federal and Provincial Governments to act. Rather, the Innu started their own services in 2017, and the Province strongly believes that this approach works best and represents an important step toward self-determination and improved outcomes for Innu.
158. The Province recognizes that no one is better positioned to understand the needs, strengths, and challenges of the Innu than the Innu themselves. Evidence heard throughout the Inquiry, particularly from families who participated in the death investigations, highlighted a mistrust of government and Western ways of thinking amongst Innu families. The continued delivery of services by the IRTS would help to address these challenges by providing culturally relevant supports, thereby reducing barriers for Innu families to access assistance when it is needed.

RECOMMENDATIONS

159. The Province will carefully consider the recommendations arising from this Inquiry. While it does not advance any specific recommendations of its own, it identifies the following priorities moving forward:
- a) Continue to support and collaborate with the Innu as they advance the assumption of jurisdiction of child protection matters in their communities;
 - b) Continue to work with the IRTS in child protection matters until such time as jurisdiction is assumed by the Innu;
 - c) Continue to advocate for appropriate levels of federal funding to support the implementation of programs that fall outside the SSWB mandate; and
 - d) Continue to consult with Innu leadership in the development of legislative and policy changes that affect Innu children, youth and families.
160. The Province thanks the Commissioners, Inquiry staff, witnesses, families, community members, and all participants for their contributions to this Inquiry and for their commitment to advancing understanding, healing, and reconciliation.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 10th day of July, 2026.

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