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Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

## Message from the Minister

On behalf of the Department of Children, Seniors and Social Development (CSSD), I am pleased to present the second annual Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21.

The Department is committed to the protection of children and youth from abuse and neglect, and leads the development of policies and programs to improve services in the province. The Department also continues to work with Indigenous Governments and Organizations to strengthen partnerships and improve services for Indigenous children, youth and families.

**The Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21** provides information to aid in understanding Indigenous client demographics and their reasons for child welfare involvement. Collaborative information sharing is a continuation of the positive changes we are making in how we engage and work with Indigenous children, youth and families, and is essential for working together to address the overrepresentation of Indigenous children, youth and families in the child welfare system.

The Department remains committed to a collaborative working relationship with Indigenous Governments and Organizations in a shared vision to improve service delivery and outcomes, and address the social issues that impact Indigenous children, youth and families.



Nakummek      Tshinashkumitin      Wela'lin      Thank you

A handwritten signature in black ink that reads "John G. Abbott". The signature is written in a cursive, flowing style.

**Hon. John G. Abbott**  
**Minister of Children, Seniors and Social Development**

Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

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## Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

### Background

Following the release of the previous Report on Child Welfare Services to Indigenous Children, Youth and Families, the world was met with the onset of a pandemic and worldwide lockdowns ensued. During these unprecedented times, staff pivoted to crisis intervention and continued to ensure the safety and well-being of children and youth across this province. While staff quickly adapted to a new normal and implemented innovative ways to work with families despite COVID-19 restrictions, many initiatives were impacted by the pandemic. CSSD has remained committed to working collaboratively with Indigenous Governments and Organizations (IGOs) to address the overrepresentation of Indigenous children and youth in care. This has been highlighted by the training on Jordan's Principle, ongoing engagement with Nunatsiavut's Family Connections program and the Innu Prevention Services Program, and other initiatives outlined in more detail in Part 3 of this report.

The overrepresentation of Indigenous children and youth in the child welfare system continues to be a significant issue across Canada, including in Newfoundland and Labrador (NL). Across Canada, 54% of children in foster care are Indigenous, however account for only 8% of the child population<sup>1</sup>. While efforts are underway to change this trend, including the implementation of the federal **Act respecting First Nations, Inuit and Métis children, youth and families** (Bill C-92), increased knowledge and awareness of how child welfare services are performing in regard to Indigenous children and youth and their families is needed to inform the ongoing collaborative work with Indigenous partners.

To better conceptualize and address the overrepresentation of Indigenous families involved in the child welfare system, it is important to understand the demographic breakdown of Indigenous populations in relation to growing birth rates and population data. In 2021, 1.8 million Indigenous people were enumerated during the Census

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<sup>1</sup> Indigenous Services Canada, "Reducing the number of Indigenous children in care," *First Nations Child and Family Services*, 2022, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

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conducted by Statistics Canada. This accounts for 5% of the total population in Canada. The Indigenous population grew by 9% from 2016 to 2021, surpassing the growth of the non-Indigenous population over the same period; although, this growth was not as rapid as evidenced in previous years.<sup>2</sup>

Statistics in Newfoundland and Labrador depict a similar picture. Among the 93,965 children in the province<sup>3</sup>, approximately 12,185 are Indigenous<sup>4</sup>, accounting for 13% of the provincial child population. Birth rate data reported by the Newfoundland and Labrador Statistics Agency further highlights increasing growth rates among Indigenous communities.<sup>5</sup> The total birth rate is the ratio of live births to the population expressed per 1,000. In 2021, Nunatsiavut communities reported the following birth data:<sup>6</sup>

- Hopedale (15 births; 24.6 birth rate);
- Makkovik (5 births; 13.2 birth rate); and,
- Nain (5 births; 14.6 birth rate).

The community of Natuashish also reported a total birth count of 40 and overall birth rate of 44.4, while the community of Sheshatshiu reported a total birth count of 35 in 2021 (birth rate data not available). Comparatively, the city of St. John's reported a total birth count of 960 and birth rate of 9.3 for the same year. When further analyzed by Regional Health Authority jurisdiction, birth rate comparisons between the Labrador-Grenfell Health Authority and the Eastern Health Authority also depict an increasing discrepancy in birth rate. The Labrador-Grenfell Health Authority accounted for 365

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<sup>2</sup> Statistics Canada, "Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed," *The Daily*, 2022, <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.pdf>.

<sup>3</sup> Statistics Canada, "Census Profile, 2021 Census of Population," *Census of Population*, Catalogue no. 98-316-X2021001 (Ottawa), 2022, <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/profil/index.cfm?Lang=E>.

<sup>4</sup> Statistics Canada, "Table 98-10-0264-01: Indigenous identity by Registered or Treaty Indian status and residence by Indigenous geography: Canada, provinces and territories," 2022, <https://doi.org/10.25318/9810026401-eng>.

<sup>5</sup> Community Accounts, *Newfoundland & Labrador Statistics Agency*, 2021.

<sup>6</sup> Community birth rate ratios accessible via Community Accounts, Newfoundland & Labrador Statistics Agency (2021) are not currently available for Rigolet or Postville.

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births in 2021, a 10.6% increase since 2020, and a birth rate of 10.3. In comparison, Eastern Health accounted for 2,505 births and a birth rate of 8.2. The total birth rate for the province in 2021 was 7.6.

With respect to children and youth involved in the provincial child welfare system during the 2020-21 fiscal year, of the total 1,200 children and youth in care in Newfoundland and Labrador, 35% were Indigenous. These statistics are further explored in Part 2 of this report, including a breakdown of Indigenous children and youth in care by Indigenous identity, removal reasons for Indigenous and non-Indigenous children and youth, as well as placement locations of Indigenous children and youth in care.

Both provincial and national organizations have identified the need for increased data collection, data analysis, and public reporting to increase government accountability, while also aiming to reduce the involvement of Indigenous families within the child welfare system. This includes calls from the Auditor General of Canada, the Truth and Reconciliation Commission of Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Ontario Human Rights Commission, the Canadian Coalition for the Rights of Children, and the Canadian Observatory on Homelessness. These organizations, among others, have highlighted the need for accountability mechanisms while also fostering open and honest dialogue with Indigenous communities in an effort to inform the delivery of anti-oppressive and anti-colonial practices.

Most recently, on August 9, 2021, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) completed a study on the Rights of the Indigenous child under the United Nations Declaration on the Rights of Indigenous People (UNDRIP). This study concluded with Advice No. 14, which puts forward measures government entities can take to implement the rights contained in the UNDRIP. This includes the effective

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collection, publication, and use of data related to Indigenous people in order to identify and remedy gaps in protection for Indigenous children.<sup>7</sup>

In the context of Newfoundland and Labrador, the Office of the Child and Youth Advocate (OCYA) published a review in 2019 entitled **A Long Wait for Change: Independent Review of Child Welfare Services to Inuit Children in Newfoundland and Labrador**. This review, completed upon request from the Nunatsiavut Government (NG), investigated Inuit experiences in the child welfare system.<sup>8</sup> Recommendation 33 called on CSSD to “monitor and evaluate the state of Indigenous children and youth involved in protection-related services in Newfoundland and Labrador, and report this annually to the Legislature.” Since the publication of the last report, the OCYA considered this recommendation to be partially implemented.

To measure success going forward, we must be evidence-based while also listening to the voices and experiences of Indigenous people. There is no reconciliation without truth. Sharing current data regarding the services provided to Indigenous children and youth, compared with non-Indigenous children and youth, is part of the reconciliation process as outlined by the Truth and Reconciliation Commission's Calls to Action. This data provides the public with an understanding of the reasons for involvement with Indigenous people, and the continuity of data collection and reporting outlined in these reports continues to assist the Department in creating baselines and measuring progress. CSSD is committed to working with Indigenous partners to enhance future data collection and analysis, provide more comprehensive information in the future, while also working to reduce the number of Indigenous children and youth in care and improving outcomes for those involved with the child welfare system.

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<sup>7</sup> Expert Mechanism on the Rights of Indigenous Peoples, “Study of the Expert Mechanism on the Rights of Indigenous Peoples,” *United Nations*, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/219/79/PDF/G2121979.pdf?OpenElement>.

<sup>8</sup> Office of the Child and Youth Advocate, Newfoundland and Labrador. “A long wait for change: Independent review of child welfare services to Inuit children in Newfoundland and Labrador,” 2019, <https://www.childandyouthadvocate.nf.ca/pdfs/IndependentReview2019.pdf>.

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This report is organized in three parts. The first section provides an overview of relevant child welfare programs, legislation, and policy. The second section analyzes data pertaining to Newfoundland and Labrador's child welfare services. More specifically, this section provides contextual information regarding services provided to Indigenous children, youth, and families compared to non-Indigenous children, youth, and families. The third section provides a summary of new initiatives that CSSD, in collaboration with IGOs, is advancing to improve service delivery for Indigenous families, as well as service delivery within Indigenous communities.

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## PART ONE

Well-being is realized when children and youth are physically and emotionally safe; have secure, healthy relationships; have connection to culture and community; and, have opportunities to grow and develop to their full potential. Well-being includes physical, cognitive, social, emotional, and spiritual health.

CSSD recognizes the need for change to the child protection system to ensure well-being is realized for Indigenous children and youth. CSSD supports culturally appropriate and sensitive approaches to the delivery of Indigenous child welfare services through legislation and policy development.

We remain committed to the provincial **Children, Youth and Families Act**, as well as **An Act respecting First Nations, Inuit and Metis children, youth and families**. These Acts outline provincial and federal priorities for improving services for Indigenous children, youth and families through ongoing cooperation and partnership with Indigenous peoples.

Most importantly, CSSD is committed to improving services to Indigenous peoples through a collaborative model. This means immediate and extended families of children and youth involved with the child welfare system are very important partners in the service delivery process, along with IGOs. Our collaborative service delivery includes promoting prevention and early intervention services, as well as the delivery of child welfare services, as outlined in this section.

Prevention programs help build protective factors to foster well-being while early intervention programs provide supports when risk factors are first identified, to reduce overall impact. Services and programs that promote child, youth, and family well-being help to prevent families from requiring more intrusive interventions later. While only a small percentage of families in the province may require intervention services, many benefit from a variety of prevention and early intervention services.

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Prevention and early intervention services are provided by a collection of community agencies and government departments. They range from the universal services available through the health and school systems to more targeted parenting and child development programs. CSSD is specifically focused on the prevention of poverty and fostering the well-being of all children, youth, and families. Some IGOs in the province are directly funded by the Federal Government to provide prevention services.

However, there are situations where prevention and early intervention services do not prevent a child or youth from becoming in need of protection. Child welfare programs and services are provided under the legislative authority of the **Children, Youth and Families Act (CYFA)** when the child or youth is or is at risk of maltreatment. The programs and services provided are considered “tertiary prevention”, meaning that they are designed to prevent future maltreatment to a child or youth. The Protective Intervention Program (PIP) is foundational for CSSD, and is the program through which other CSSD interventions, programs, and services may be offered.

- **Protective Intervention:** When there is a concern of maltreatment, social workers assess the safety and risk to the child(ren). Where a child is determined to be in need of protective intervention, the social worker, together with the family and other community partners, where applicable, develops a plan to reduce the identified safety and risk concerns. This may involve providing supervision in the home and ensuring the parent avails of supports and services that address identified concerns. These services may be provided by Departmental staff, other Departments or agencies of government, IGOs, or other service providers in the larger community.

When the safety and well-being of a child cannot be maintained or assured in the family home, the following programs and services are explored:

- **Kinship Services:** Supporting relatives or significant others who are identified by the parent(s) and approved by CSSD to provide care to a child with the agreement

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of the parent until the child can safely return home. In a kinship service arrangement, custody of the child remains with the parent.

- **Protective Care Agreement:** When a plan with a relative or significant other is not possible, entering into a voluntary written agreement with parents for CSSD to temporarily provide care to their child, through our in care placements, while the parent takes the time to seek help or resolve issues in the family home that impact the child's safety. The parent retains custody of their child.
- **In Care Program:** Transferring the care and custody of a child or youth to a manager of CSSD through an order from the court. Only the court can make a legal determination that a child or youth is in need of protective intervention and place the child or youth in the care and custody of a manager on a temporary or permanent basis. Placement resources for children and youth in care are approved by the Department.

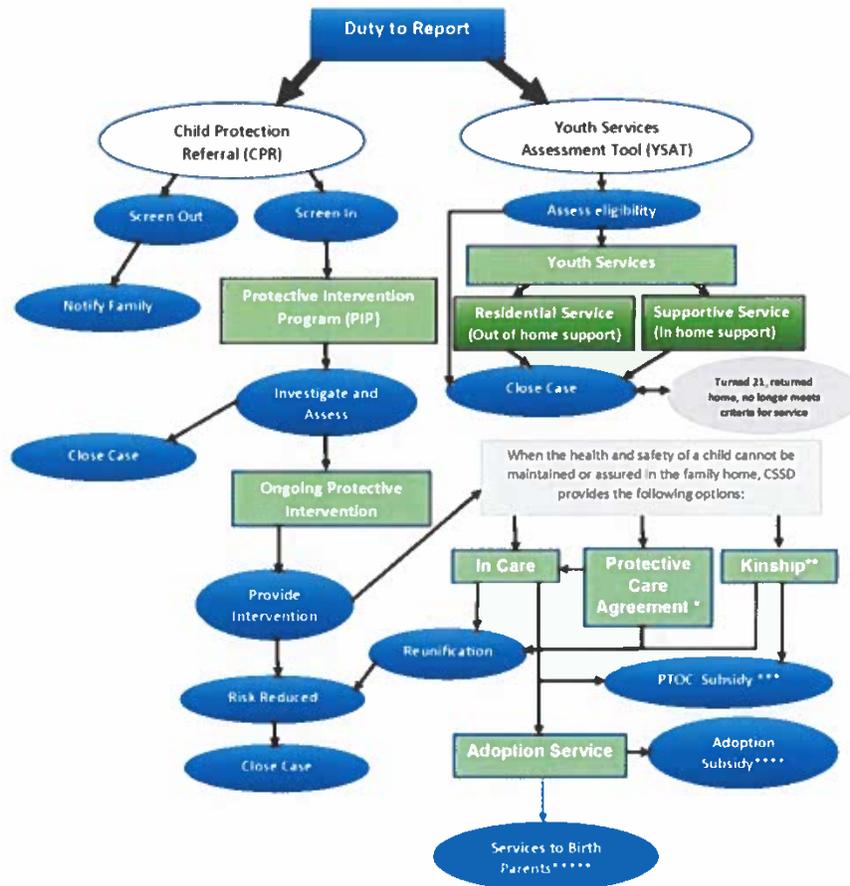
In addition to protective intervention and in care programming, services are available to support youth who are in need of protection.

- **Youth Services Program:** Voluntary program for youth aged 16 and 17 who are in need of protection, as well as youth transitioning from the In Care Program at age 18. Under a Youth Services Agreement and an individualized support plan, youth may receive residential and supportive services up to their 21<sup>st</sup> birthday.
- **Adoption Service:** Finds permanent homes for children and youth available for adoption. Adoption is the social and legal process by which a person is no longer the child of the birth parents and legally becomes the child of the adoptive parents. Children and youth who are legally available for adoption are matched with adoptive parents who have been approved through the adoption program. Applications to adopt a child from other provinces and territories or other countries are also approved through the Adoption Service.

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The following flow chart outlines the program and service areas available to children, youth and families in need of protective intervention and support services:

The Department of Children Seniors and Social Development (CSSD), Child and Youth Services  
Flow Chart



\* **Protective Care Agreement (PCA):** Parents enter into a written agreement that allows them to transfer care and supervision of a child to a manager of CSSD. A PCA does not transfer custody of the child to a manager.

\*\* **Kinship Service:** Kinship Services are provided to relatives or significant others who are willing and capable of providing care to a child who is in need of protective intervention and requires an out-of-home placement. The provision of Kinship Services does not transfer custody of the child to a manager of CSSD. Some Kinship arrangements may transfer to the PTOC subsidy program if the Kinship caregiver obtains custody of the child.

\*\*\* **Permanent Transfer of Custody (PTOC) Subsidy:** A PTOC subsidy is available to caregivers who obtain Permanent Custody of a child previously in care or kinship.

\*\*\*\* **Adoption Subsidy:** Adoption subsidy is intended to provide support to children in the continuous custody of a manager who are identified for adoption and have been determined to have a special service/special placement need.

\*\*\*\*\* **Services to Birth Parents:** This service is available through the Adoption Service only. Birth parents are required to be given information regarding adoption, the types of adoption and alternatives to adoption, this is essential for the birth parents to make a fully informed decision about the permanent plan for a child.

-----> Services to birth parents is voluntary and available via Adoption Service only.

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## **PART TWO**

### **Services to Indigenous Children, Youth and Families**

This section provides a demographic profile of how many Indigenous children, youth and families are being served by CSSD, including an overview of involvement by program area. In follow-up to the 2019-20 report, this data provides the basis from which outcome indicators and Departmental progress is monitored. As work continues with Indigenous partners on defining outcome indicators and monitoring data trends, information sharing and transparency remains a cornerstone of the Departments' collaborative relationship with IGOs.

The following demographic overview is broken down by program area for ease of reference.<sup>9</sup>

#### **Protective Intervention Program**

As previously described, the PIP program is the program to which referrals are made when there is a concern of maltreatment by a parent.

The table below depicts how many families were served in the 2020-21 fiscal year. Please note that some families may have been served more than once if the file opened, closed, and reopened within the 2020-21 year. In the last fiscal year, there were 4,615 Protective Intervention files open at some point during that year. As per the most recent Statistics Canada data, in 2020, there were 45,350 families with children under 17 years old in the province.<sup>10</sup> In 2020-21, there were 4,375 distinct families served in PIP, which is 10% of total families with children under 17 years old in the province.

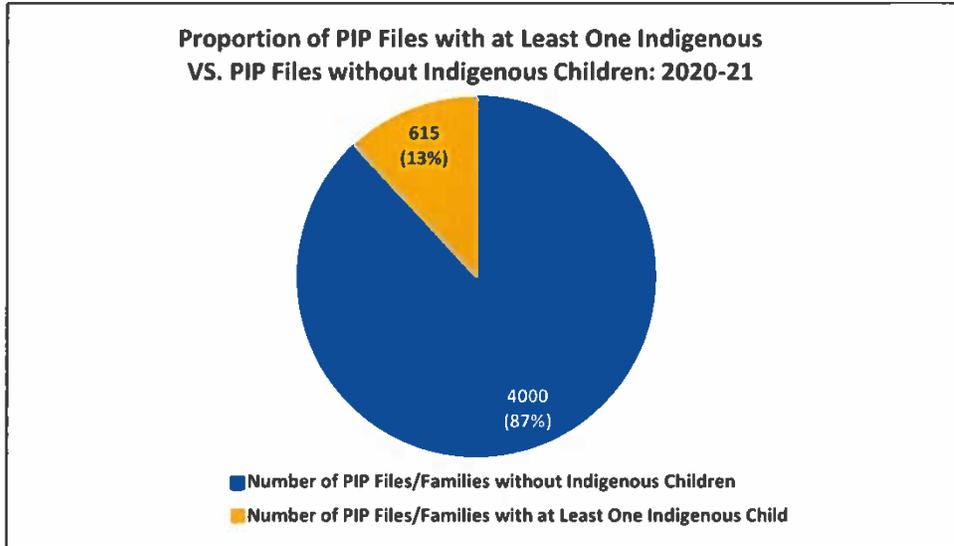
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<sup>9</sup> Program demographic statistics reported for the 2020-21 fiscal year are rounded values and may not sum to totals.

<sup>10</sup> Statistics Canada, "Table 39-10-0041-01: Census families with children by age of children by age groups," 2022, <https://doi.org/10.25318/3910004101-eng>.

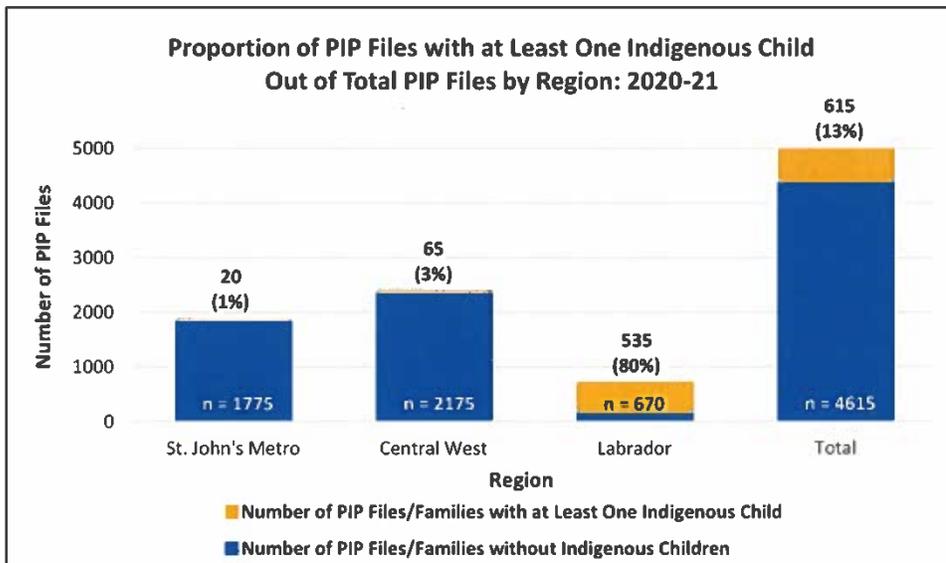
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Figure 1: Services to Protective Intervention Families



As the graph depicts, of the 10% of families in the province receiving PIP services, 13% had at least one Indigenous child, while 87% did not. For 2020-21, there were 615 PIP files open where at least one Indigenous child was a member of the family.

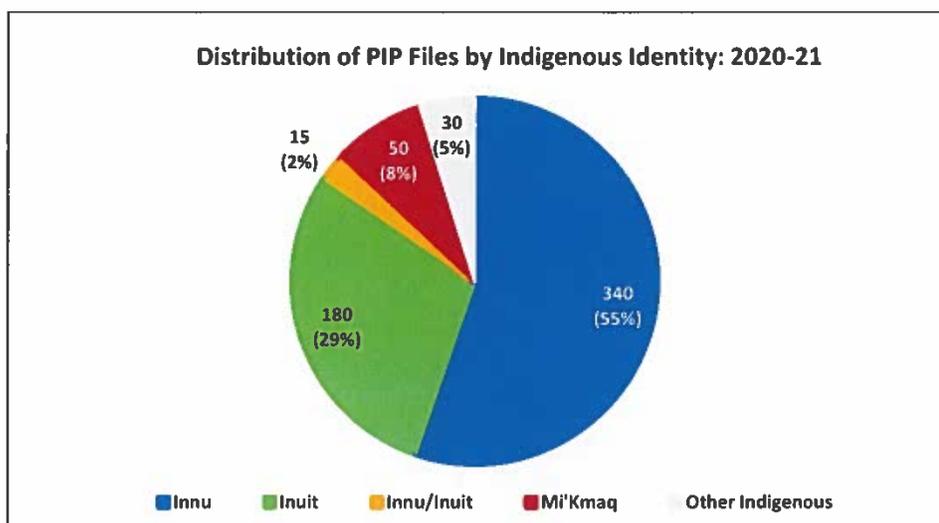
Figure 2: Services to Protective Intervention Families by Region



### Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

The majority of the 615 Indigenous PIP files are in the Labrador region (535 files; 87%). As noted in the above section on Indigenous peoples in the province, the Labrador region is home to the members or beneficiaries of four Indigenous Governments and Organizations: Mushuau Innu First Nation, Nunatsiavut Government, NunatuKavut Community Council, and Sheshatshiu Innu First Nation.

Figure 3: Distribution of Protective Intervention Files by Indigenous Identity



The graph demonstrates the breakdown of the 615 Indigenous PIP files by Indigenous Identity. As seen above, 340 (55%) are Innu, 180 (29%) are Inuit, 15 (2%) identify as Innu/Inuit, 50 (8%) are Mi'Kmaq, and 30 (5%) are identified as "Other Indigenous".<sup>11</sup>

<sup>11</sup> Other Indigenous is comprised of any Indigenous identity manually entered in the Department's Integrated Management System (ISM) as being different from Innu, Inuit, and Mi'Kmaq Indigenous identities. Departmental statistics representing Indigenous demographics in the province do not distinguish between LILCA beneficiaries and members of NCC. Due to the former self-identity of NCC members as "Labrador Metis", several provincial statistics continue to include NCC members identifying as part of the Labrador Metis Nation, which are captured under Other Indigenous in the present report.

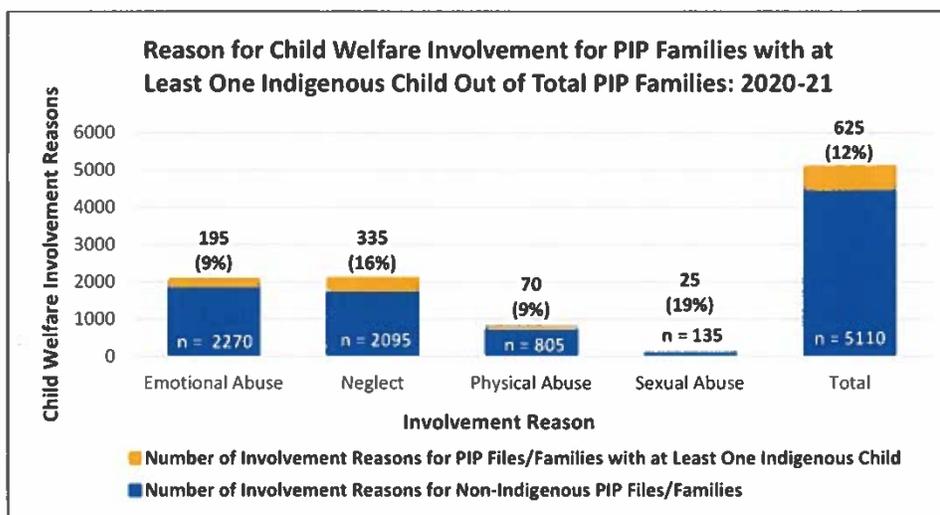
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The Structured Decision Making Model (SDM ®) is the comprehensive assessment and case management framework for child welfare utilized by CSSD. A child protection referral (CPR) is screened in if one or more maltreatment type(s) are present.

Maltreatment is defined as an action or lack of action by a parent resulting in the abuse and/or neglect of a child. There are four categories of maltreatment:

<b>Physical Abuse</b>	Action on the part of the parent in which a child sustained or is likely to sustain a physical injury.
<b>Emotional Abuse</b>	Pattern of negative behaviour, repeated destructive interpersonal interactions or a single, significant destructive interaction by an individual toward the child.
<b>Sexual Abuse</b>	Any sexual contact between an individual and a child regardless of whether the sexual contact occurs by force, coercion, duress, and deception or whether the child understands the sexual nature of the activity.
<b>Neglect</b>	Lack of action by a parent in providing for the adequate care and attention of the child's needs, resulting in harm to the child or substantial risk of harm to the child.

Figure 4: Reasons for Initial Child Welfare Involvement



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In 2020-21, there were 5,110 reasons for involvement (i.e., maltreatment types), 12% of which were for Indigenous families. These 5,110 reasons for involvement were associated with 4,445 unique referrals, 13% of which were Indigenous. A referral may be categorized under one or more maltreatment types depending on the information presented. Table 1 outlines the maltreatment types for Indigenous and non-Indigenous files as determined on referrals for the 2020-21 year.

Table 1: Maltreatment Types for Indigenous and non-Indigenous PIP Files

	<i>Indigenous</i>	<i>non-Indigenous</i>
<i>Physical Abuse</i>	70 (11%)	740 (17%)
<i>Emotional Abuse</i>	195 (31%)	1875 (42%)
<i>Sexual Abuse</i>	25 (4%)	110 (2%)
<i>Neglect</i>	335 (54%)	1760 (39%)
<i>Total</i>	625	4480

Proportions and/or percentages do not sum to total due to rounding of raw data.

Neglect is presented as a referral reason more often in Indigenous files than non-Indigenous, while physical and emotional abuse are presented more often in referrals for non-Indigenous than Indigenous files.<sup>12</sup>

In Table 2 below, neglect is characterized to include 14 allegation subtypes for which one or more than one subtype may appear on a single referral. Among Indigenous families with neglect as reason for involvement, the most commonly occurring neglect subtype allegations are “inadequate supervision” at 52%, followed by “abandonment or unwilling/unable/unavailable parent” at 16%. Among non-Indigenous families, the most commonly occurring neglect allegations are “inadequate supervision” at 43% followed by “exposure to illegal drug activity” at 12% and “failure to protect child against neglect, physical, emotional and sexual abuse” at 11%, respectively.

<sup>12</sup> Maltreatment types listed as Not Applicable (NA) in ISM report are not included in this analysis.

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Table 2: Allegations of Neglect by Subtype for Indigenous and non-Indigenous Families

<i>Allegations of Neglect by Subtype</i>	<i>Indigenous</i>	<i>non-Indigenous</i>	<i>Total</i>
<b>1. Abandonment or unwilling/unable/unavailable parent</b>	65	125	195
<b>2. Child under 12 years of age committing serious offence</b>	0	<5	<5
<b>3. Exposure to illegal drug activity</b>	30	245	275
<b>4. Exposure to unsafe home and immediate environment</b>	15	260	280
<b>5. Failure to protect child against neglect, physical, emotional and sexual abuse</b>	30	240	270
<b>6. Failure to thrive</b>	<5	<5	5
<b>7. Inadequate clothing or hygiene</b>	5	70	75
<b>8. Inadequate food/nutrition</b>	15	90	100
<b>9. Inadequate medical, dental, and/or mental health care</b>	15	65	80
<b>10. Inadequate response to child, under 12 years of age, committing a pattern of serious offences</b>	<5	<5	<5
<b>11. Inadequate supervision</b>	215	925	1140
<b>12. Involving child in criminal activity</b>	0	10	10
<b>13. Newborn exposure or risk of exposure to drugs or alcohol</b>	5	35	40
<b>14. Other high risk birth</b>	20	60	75
<b>Total</b>	<b>415</b>	<b>2130</b>	<b>2545</b>

Proportions and/or percentages do not sum to total due to rounding of raw data.

A two proportion Z-Test was conducted to assess whether there was a significant difference between the occurrence of maltreatment for Indigenous and non-Indigenous populations. A two proportion Z-Test is a statistical test that is used to determine whether two proportions (or, populations) are equal. In this analysis the two proportions

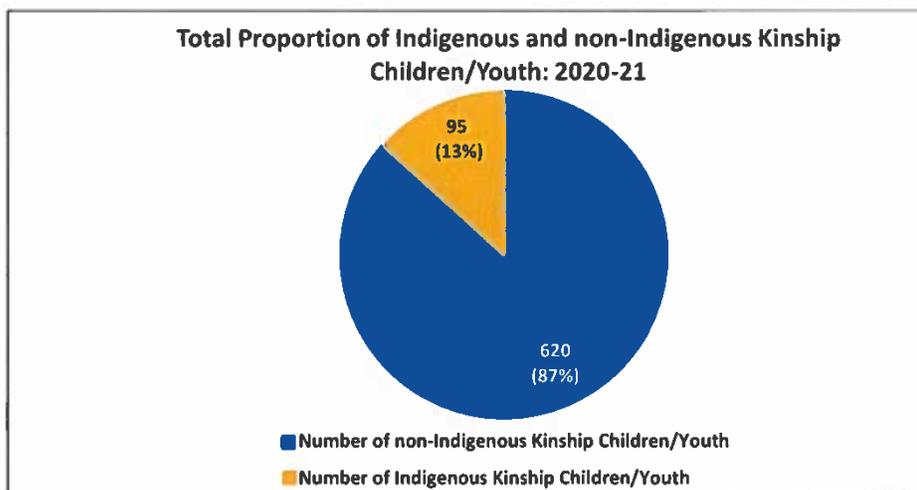
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being analyzed are the proportion of maltreatment among Indigenous families ( $P_1$ ) and the proportion of maltreatment among non-Indigenous ( $P_2$ ) families. The result of this test indicated that there is no statistically significant difference between the proportion of maltreatment occurrences for Indigenous and non-Indigenous families ( $P_1=P_2$ ).

## Kinship

As previously described, children who cannot remain safely at home can be voluntarily placed with relatives/significant others who maintain care of the child with agreement of the parent. This is less intrusive than placing the child in care of a CSSD manager. In practice, this is the first approach that is explored if a child cannot remain safely at home. There are two service areas for this program, the Kinship child and the Kinship home.

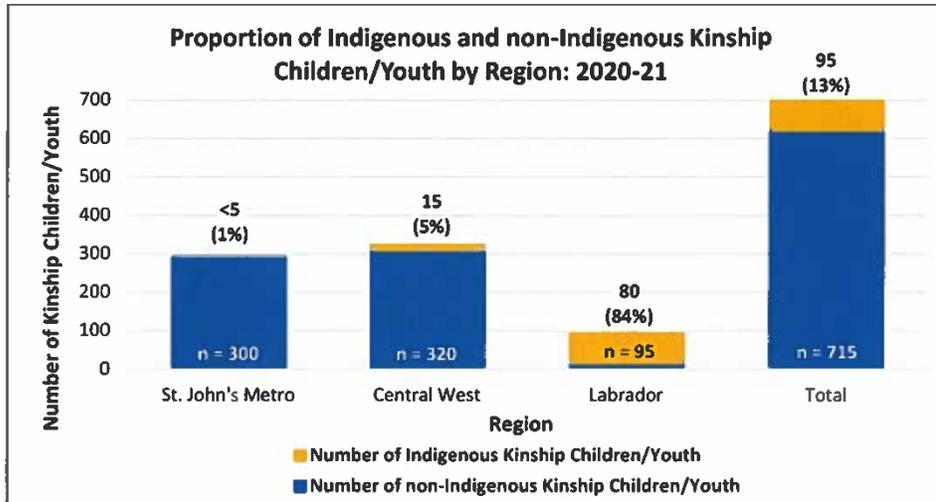
Figure 5: Indigenous and non-Indigenous Kinship Children/Youth



In 2020-21, there was a total of 715 children and youth in Kinship services at some point in time in the fiscal year. Of the 715 children and youth, 620 (87%) were non-Indigenous and 95 (13%) were Indigenous.

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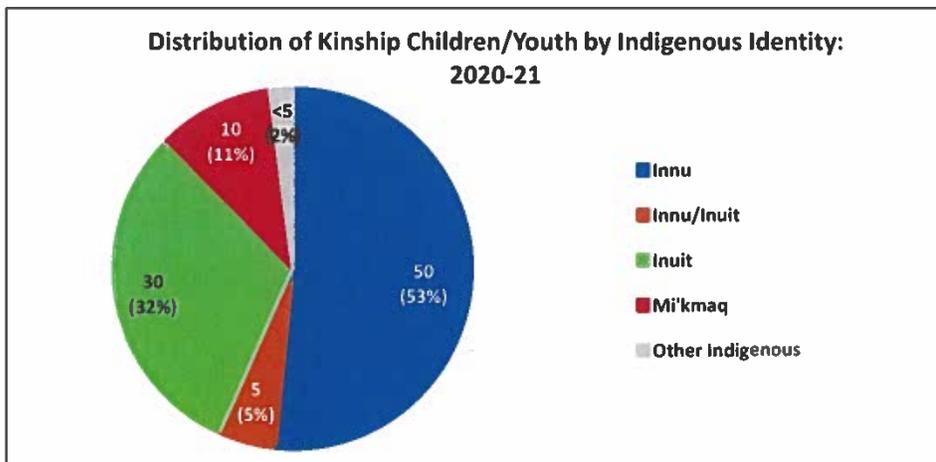
Figure 6: Breakdown of Kinship Children/Youth by Region



Proportions and/or percentages do not sum to total due to rounding of raw data.

The majority of children and youth receiving kinship services are in St. John's Metro and Central West regions, at a total of 300 and 320, respectively. Labrador had a total of 95 children and youth receiving kinship services in 2020-21, for which the majority (84%) were Indigenous.

Figure 7: Indigenous Children/Youth Receiving Kinship Services by Indigenous Identity



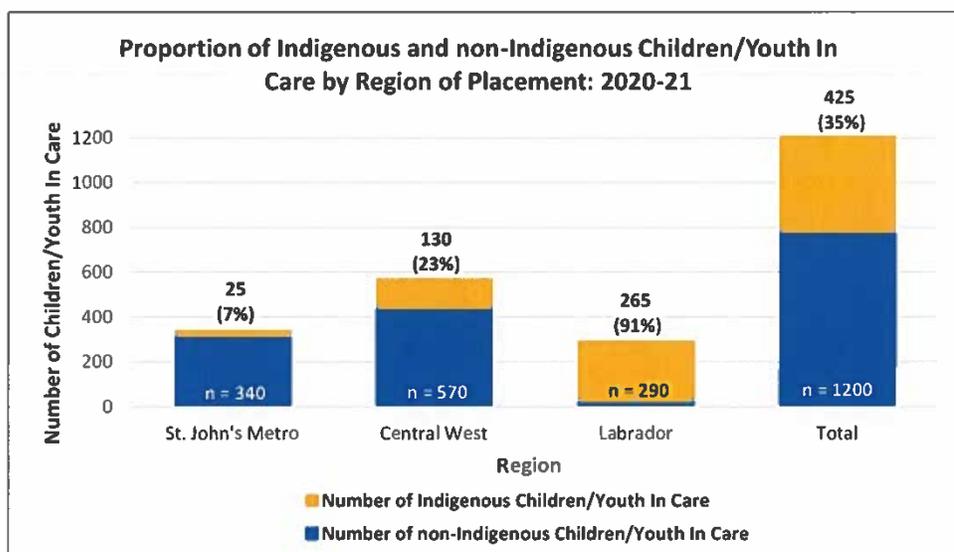
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Similar to the breakdown that was provided on PIP files, of the 95 Indigenous children/youth receiving kinship services, 50 (53%) are Innu, 30 (32%) are Inuit, and 10 (11%) are Mi'Kmaq. Each of the remaining Indigenous identities comprise 2% or less of the total proportion of Indigenous children and youth receiving kinship services.

**In Care Program**

As previously described, when the safety and well-being of a child cannot be maintained or assured in the family home, the child or youth may come into the care and/or custody of a manager of the department through a protective care agreement or a removal.

Figure 8: Children/Youth in Care by Region of Placement



In the 2020-21 fiscal year, 35% of children and youth in care were Indigenous. This depicts an overrepresentation of Indigenous children and youth in care as Indigenous children only account for 13% of the child population in the province.<sup>13</sup>

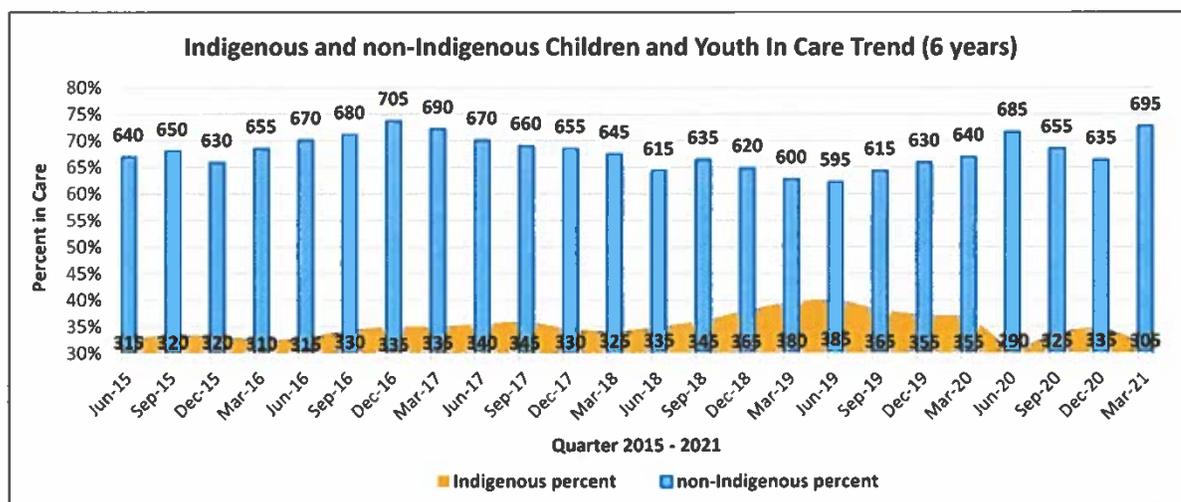
<sup>13</sup> Statistics Canada, "Statistics on Indigenous ancestry", *Community Accounts, Newfoundland & Labrador Statistics Agency*, 2021.

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The majority of Indigenous children and youth in care are from the Labrador region. In 2020-21, there were a total of 1,200 children and youth in care at some point during the year and, of those, 780 were non-Indigenous and 425 were Indigenous. The total of 1,200 children and youth in care includes the same child more than once if they exited and re-entered the in care program in the same year. The breakdown for each region is as follows:

- In St. John’s Metro there were 315 non-Indigenous children/youth in care and 25 Indigenous;
- In Central West there were 440 non-Indigenous children/youth in care and 130 Indigenous; and,
- In Labrador there were 25 non-Indigenous children/youth in care and 265 Indigenous.

Figure 9: Indigenous and non-Indigenous Children/Youth in Care Trend (6 years)



Proportions and/or percentages do not sum to total due to rounding of raw data.

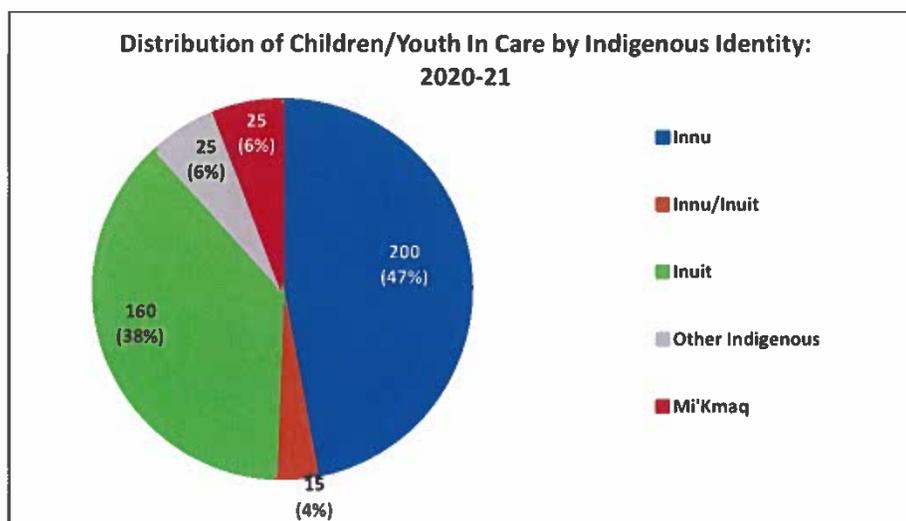
The trend figure above shows the proportion of Indigenous and non-Indigenous children/youth in care over a six year period. This data represents point-in-time data of the proportion of children and youth in care at the end of each quarter, beginning June

### Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

2015 and ending March 2021. As seen in the trend line, since June 2015, the number of children and youth in care was steadily increasing until an all-time peak of 1,035 was reached in December 2016. After December 2016, the number of children and youth in care began to decrease until June 2019, at which time the proportion began to rise again. In March 2021, the number of children and youth in care was 1,000, a 5% increase since June 2015. The average number of children and youth in care over these six years was 985.

The proportion of Indigenous children and youth in care remained relatively consistent from June 2015 to September 2018, averaging 34%, before rising in March and June 2019 to a point-in-time high proportion of 40%. Since June 2019, the proportion of Indigenous children and youth in care has consistently decreased, resulting at a total proportion of 31% Indigenous children and youth in care as of March 2021.

Figure 10: Breakdown of Indigenous Children/Youth in Care by Indigenous Identity



Proportions and/or percentages do not sum to total due to rounding of raw data.

The 2021 Canadian census offers a breakdown of the number of Indigenous children,

Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

ages 0 to 14 years, residing in Newfoundland and Labrador as follows:<sup>14</sup>

- 1590 Innu;
- 4325 Inuit;
- 9195 Mi'kmaq; and,
- 1980 Other Indigenous.

In comparison to the Canadian census, analysis of the 425 Indigenous children and youth in care in Newfoundland and Labrador during the 2020-21 fiscal year by Indigenous identity indicates the following proportions:

- 200 Innu were in care (13%);<sup>15</sup>
- 160 Inuit\* were in care (4%);<sup>15</sup>
- 25 Mi'Kmaq were in care (0.3%); and,
- 25 Other Indigenous were in care (1%).

As noted above, the 425 Indigenous children and youth in care represents 35% of the provincial population of children and youth in care. This statistic illustrates the disproportionate representation of Indigenous children and youth in care, as Indigenous children comprise only 13% of children in Newfoundland and Labrador.

When the safety and well-being of children and youth cannot be maintained in the home and removal is required, social workers must indicate the removal reason(s) for each child being placed in care as per the CYFA.

Of the removal reasons indicated for Indigenous children and youth entering care in 2020-21, the most prevalent removal reasons are depicted in the following graph:

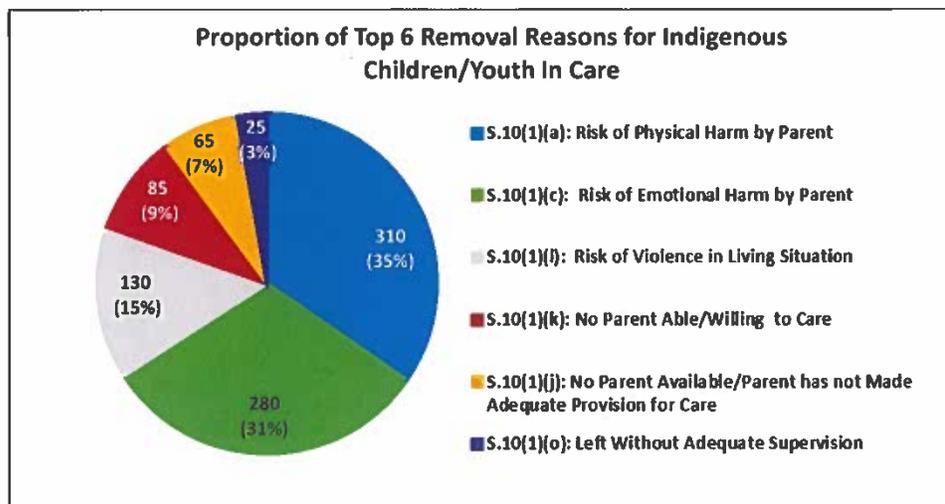
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<sup>14</sup> Statistics Canada, "Statistics on Indigenous ancestry", Community Accounts, Newfoundland & Labrador Statistics Agency, 2021.

<sup>15</sup> A total of 15 children and youth in care identified as Innu/Inuit and are not included in above identities.

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Figure 11: Removal Reasons for Indigenous Children/Youth



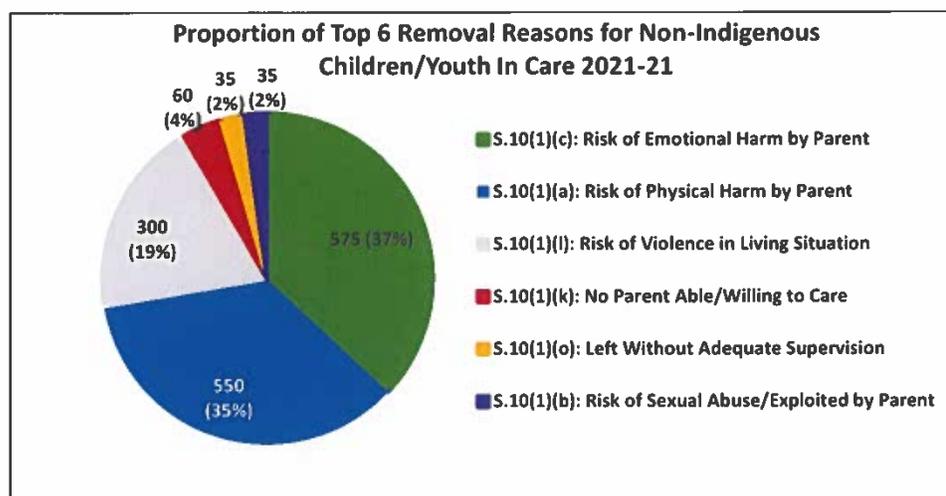
The most frequently cited removal reasons among Indigenous children/youth were:

- *S.10(1)(a): is being, or is at risk of being, physically harmed by the action or lack of appropriate action by the child's parent, accounting for 35% of removal reasons;*
- *S.10(1)(c): is being, or is at risk of being, emotionally harmed by the parent's conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, failure to act or pattern of neglect on the part of the child's parent, accounting for 31% of removal reasons;*
- *S.10(1)(l): is living in a situation where there is violence or is living in a situation where there is a risk of violence, accounting for 15% of removal reasons;*
- *S.10(1)(k): has no parent able or willing to care for the child, accounting for 9% of removal reasons;*
- *S.10(1)(j): has no parent available to care for the child and the parent has not made adequate provision for the child's care, accounting for 7% of removal reasons; and,*

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- *S.10(1)(o): has been left without adequate supervision appropriate to the child's developmental level, accounting for 3% of removal reasons for this population.*

Figure 12: Removal Reasons for non-Indigenous Children/Youth



As noted above, the proportions of removal reasons indicated for non-Indigenous children and youth entering care in the 2020-21 year were generally comparable to the removal reasons cited for Indigenous children and youth, resulting in the following most prevalent removal reasons:

- *S.10(1)(c): is being, or is at risk of being, emotionally harmed by the parent's conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, failure to act or pattern of neglect on the part of the child's parent, accounting for 37% of removal reasons;*
- *S.10(1)(a): is being, or is at risk of being, physically harmed by the action or lack of appropriate action by the child's parent, accounting for 35% of removal reasons;*
- *S.10(1)(l): is living in a situation where there is violence or is living in a situation where there is a risk of violence, accounting for 19% of removal reasons;*

Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

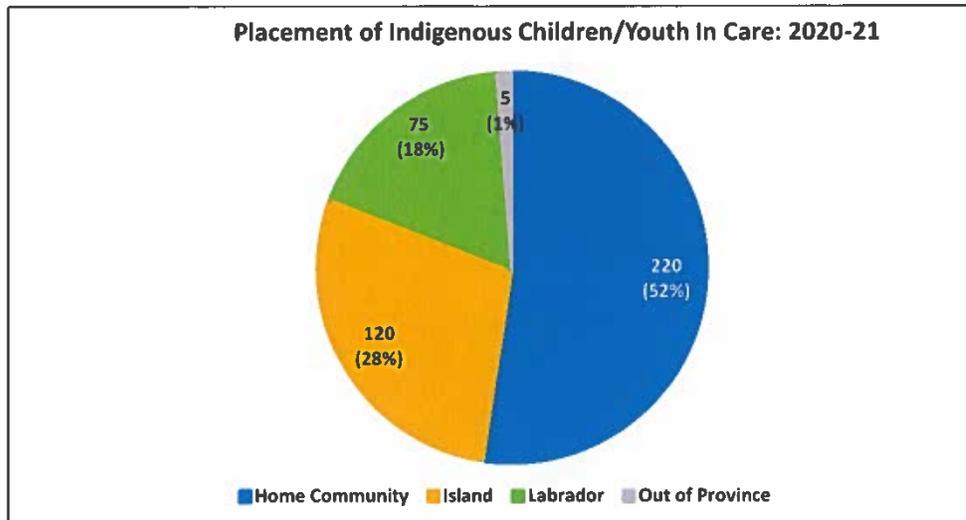
- *S.10(1)(k): has no parent able or willing to care for the child, accounting for 4% of removal reasons;*
- *S.10(1)(o): has been left without adequate supervision appropriate to the child's developmental level, accounting for 2% of removal reasons; and,*
- *S.10(1)(b): is being, or is at risk of being, sexually abused or exploited by the child's parent, accounting for 2% of removal reasons for this population.*

A two proportion Z-Test was conducted to assess whether there was a significant difference between the occurrence of removal for Indigenous ( $P_3$ ) and non-Indigenous ( $P_4$ ) populations. The test indicated there is a statistically significant difference ( $P_3 \neq P_4$ ) between the proportion of removals for Indigenous and non-Indigenous families, where the proportion of removal is significantly higher in Indigenous families (9%) compared to non-Indigenous families (2%).

A chi-square test was also conducted to assess whether there is an association between type of removal reason and Indigenous status. The test indicated that there is a statistically significant association between removal reason and Indigenous status. Particularly, for Indigenous families, among the reasons for removal, physical harm (i.e., *S.10(1)(a), (d)* allegations), emotional harm (i.e., *S.10(1)(c), (f)* allegations) and abandonment (i.e., *S.10(1)(g), (h), (i), (j), (k), (o)* allegations) reasons for removal are significantly more common. For non-Indigenous families, among the reasons for removal, physical harm (i.e., *S.10(1)(a), (d)* allegations) and emotional harm (i.e., *S.10(1)(c), (f)* allegations) reasons for removal are significantly more common.

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Figure 13: Location of Placements of Indigenous Children/Youth In Care



Proportions and/or percentages do not sum to total due to rounding of raw data.

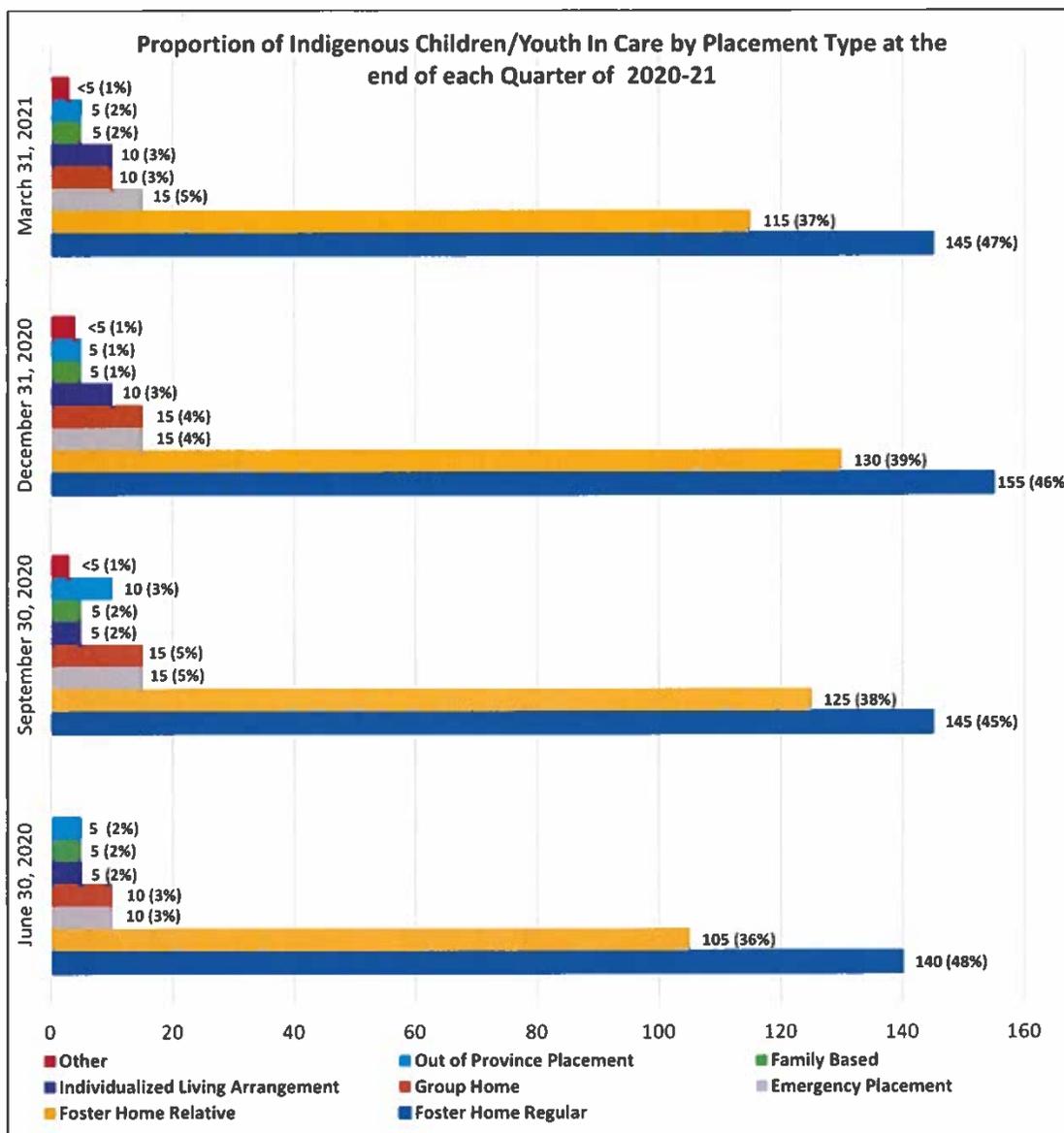
Of the 425 Indigenous children and youth in care, 220 (52%) were placed within their home community.<sup>16</sup> One hundred and twenty (28%) were placed on the island portion of the province, while 75 (18%) were placed outside their home community, but still in Labrador with better opportunity for cultural engagement (for the children and youth originally from Labrador).<sup>17</sup> A total of 5 (1%) children and youth were in placements located outside of Newfoundland and Labrador, including residential treatment program placements.

<sup>16</sup> For statistics purposes, the Department defines 'home community' as the community of the child/youth's household indicated in the family's protective intervention file.

<sup>17</sup> This analysis distinguishes between 'on the island' and 'within Labrador' placements, as the majority of Indigenous clients originate from Labrador.

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Figure 14: Placement Type of Indigenous Children/Youth In Care



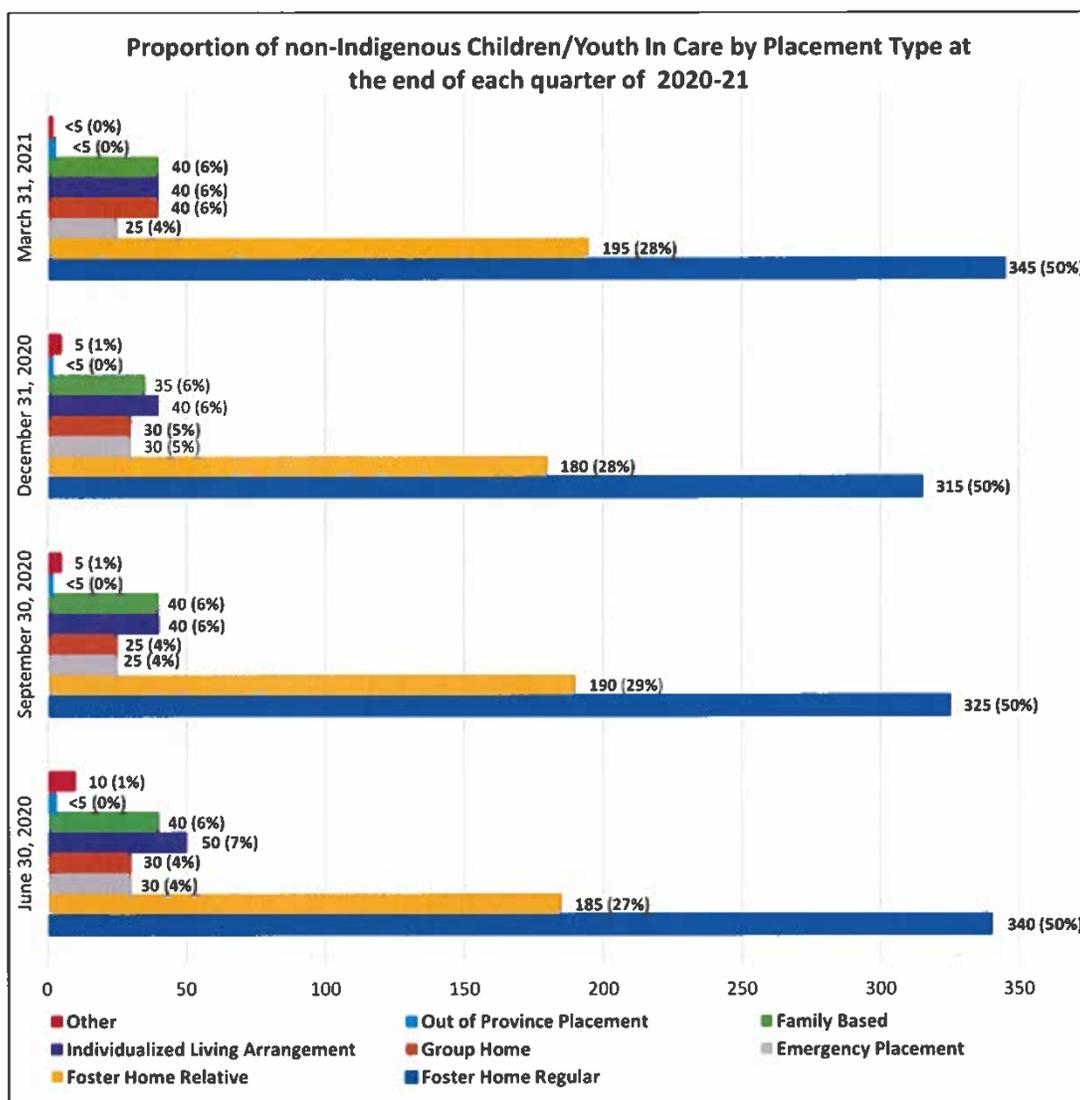
Proportions and/or percentages do not sum to total due to rounding of raw data.

The breakdown of placement types for Indigenous children and youth in care at the end of each quarter of 2020-21 shows that the majority of Indigenous children and youth in care are residing in foster homes. On average, 145 (46%) children and youth were

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placed in regular foster homes, and 120 (38%) children and youth were placed in relative/significant other foster homes. The remaining proportion of Indigenous children and youth in care were placed among the remaining placement options, including emergency placement homes, group homes, individualized living arrangements, family-based care models, and out-of-province placements.

Figure 15: Placement Type of non-Indigenous Children/Youth In Care

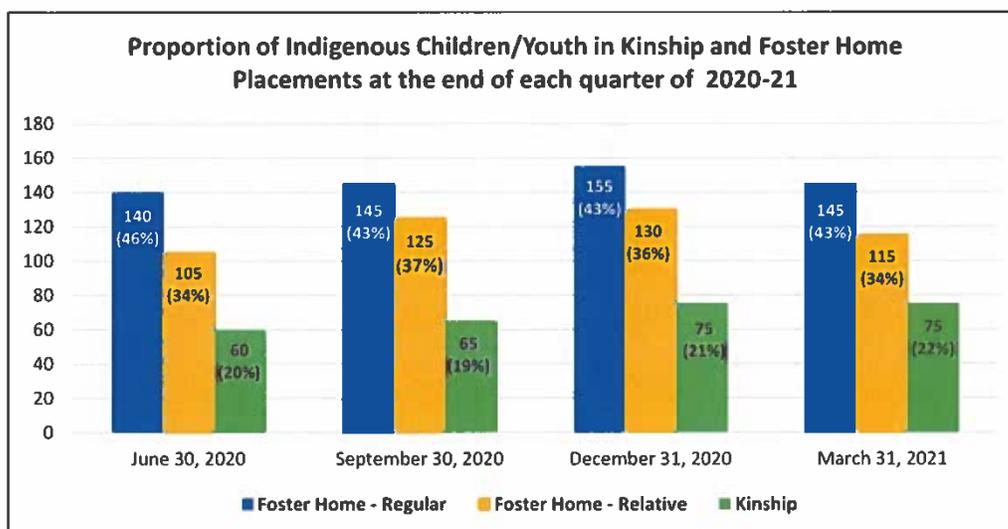


Proportions and/or percentages do not sum to total due to rounding of raw data.

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The breakdown of placement type for non-Indigenous children and youth in care at the end of each quarter of 2020-21 shows that the majority of non-Indigenous children and youth in care were residing in foster homes. On average, 330 (50%) children and youth were placed in regular foster homes, and 185 (28%) children and youth were placed in relative/significant other foster homes. Greater proportions of non-Indigenous children and youth placements were noted for individualized living arrangement and family-based care placement types.

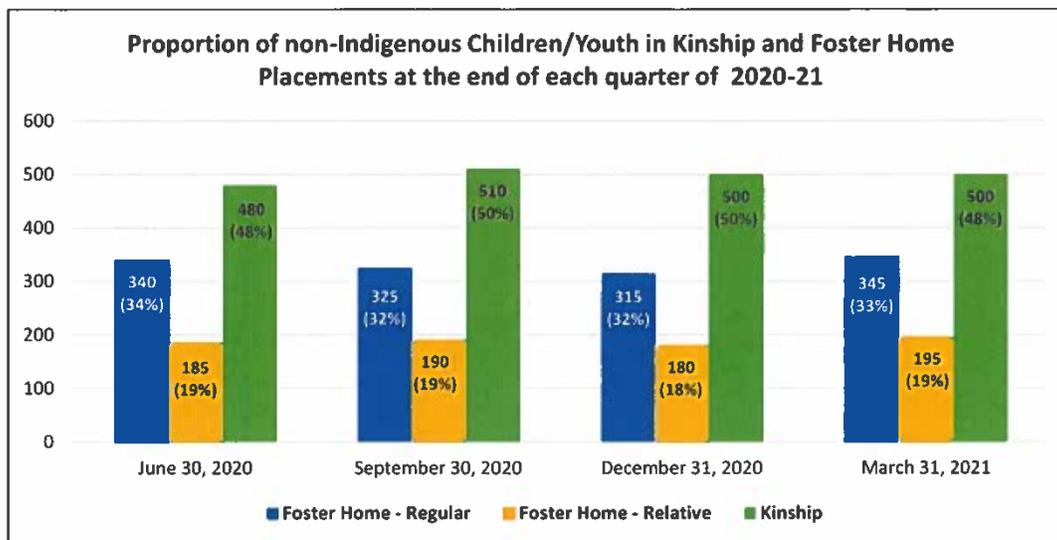
Figure 16: Kinship and Foster Home Placement among Indigenous Children/Youth



Analysis specific to the placement of Indigenous children and youth in kinship, regular foster homes, and relative/significant other foster homes at the end of each quarter of 2020-21 reveals that among these three placement types, on average, 44% of Indigenous children and youth were placed in regular foster homes, 35% were placed in relative/significant other foster homes, and 21% were placed in kinship arrangements.

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Figure 17: Kinship and Foster Home Placement among non-Indigenous Children/Youth



For Non-Indigenous children and youth in kinship and foster home placements, on average, almost half of children and youth (49%) are placed in kinship arrangements, while 33% and 18% are placed in regular foster homes and relative/significant other foster homes, respectively.

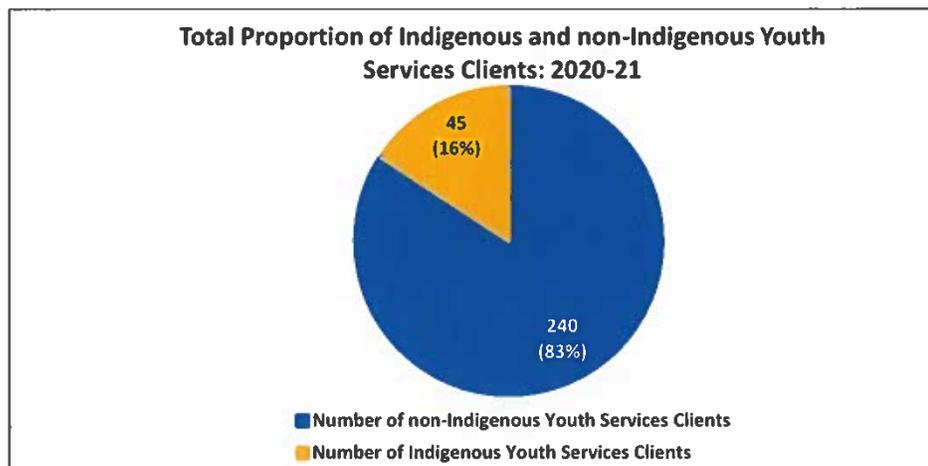
Two proportion Z-Tests were conducted to assess whether there was a significance difference in the placement of Indigenous children/youth among regular foster homes (P5), relative/significant other foster homes (P7), and kinship homes (P9) compared to the placement of non-Indigenous children/youth among regular foster homes (P6), relative/significant other foster homes (P8), and kinship homes (P10). The test indicated that there is a statistically significant difference between the proportions of children/youth placed in regular foster homes, relative/significant other foster homes, and kinship homes for Indigenous and non-Indigenous children/youth ( $P5 \neq P6$ ,  $P7 \neq P8$ ,  $P9 \neq P10$ ). Particularly, the proportion of Indigenous children/youth placed in regular (44%) and relative/significant foster homes (35%) is much higher than non-Indigenous children placed in regular and relative/significant other foster homes. Further, the proportion of non-Indigenous children/youth placed in kinship homes (49%) is much higher than the proportion of Indigenous children placed in kinship homes.

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**Youth Services**

As previously described, youth in need of protection may voluntarily receive services up to their 21<sup>st</sup> birthday. There are two service areas for this program: (i) Residential Services, and (ii) Supportive Services.

Figure 18: Indigenous and non-Indigenous Youth Services Clients

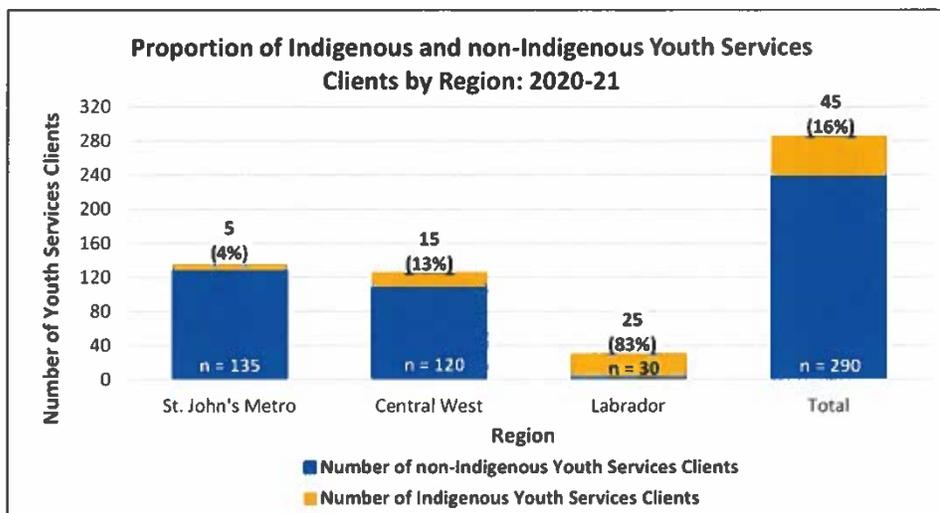


Proportions and/or percentages do not sum to total due to rounding of raw data.

In 2020-21, there were a total of 290 youth receiving Youth Services at some point in time during the year. Of the 290 youth, 240 were non-Indigenous (83%) and 45 were Indigenous (16%). This is similar to families receiving protective intervention services, where 13% of families are Indigenous.

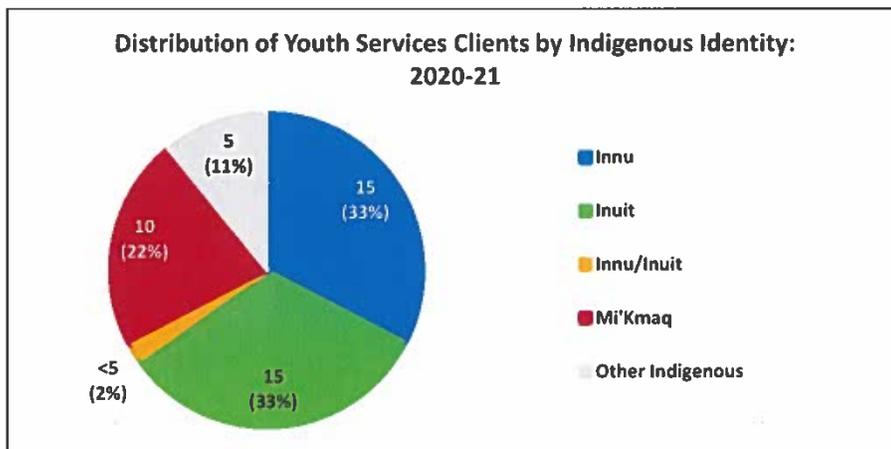
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Figure 19: Breakdown of Youth Services Clients by Region



The majority of youth receiving Youth Services are in St. John's Metro and Central West, totaling 135 and 120, respectively. The Labrador region had a total of 30 Youth Services clients in 2020-21, the majority (83%) of which were Indigenous youth.

Figure 20: Indigenous Youth in Receipt of Youth Services by Indigenous Identity



As seen above, 15 (33%) are Innu children/youth, 15 (33%) are Inuit, 10 (22%) are Mi'Kmaq, with Other Indigenous identities accounting for five children/youth. Less than 5 youth (2%) identify as Innu/Inuit.

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## PART THREE

### New Initiatives and Partnerships

As previously noted, 2020-21 was an unprecedented year due to the emergence of the COVID-19 pandemic. During this time, the Department focused on ensuring the safety and well-being of children in need of protection while adhering to public health guidance to limit in person contact and contain the spread of the virus. This approach was particularly relevant for service delivery in Indigenous communities, as Indigenous leadership worked closely with provincial government to take extra precautions to try to keep the virus out of their communities.

As noted in the previous report, the **Children, Youth and Families Act**, proclaimed in 2019, introduced a number of initiatives to recognize Indigenous children and youth, support cultural connections, and provide opportunity for IGOs to be served notice of child protection court matters that affect their children, youth and families.

Further, the Federal legislation, **An Act respecting First Nations, Inuit and Métis children, youth and families** also came into force on January, 1, 2020. This Act recognizes Indigenous jurisdiction over Indigenous children and family services, establishes national standards for the delivery of child and family services, and contributes to supporting truth and reconciliation for Indigenous communities.

The Department has publicly expressed its support for Indigenous jurisdiction over child welfare programs and services. Innu Nation and Miawpukek First Nation provided notice to Canada and Newfoundland and Labrador of their intention to exercise jurisdiction of child and family services (in February 2020 and July 2020, respectively). CSSD is fully committed to supporting Innu Nation and Miawpukek First Nation in their capacity building and planning processes.

These legislative changes also acted as catalysts to strengthen CSSD's partnerships with IGOs in the province and to discuss specific policy and practice issue changes that

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reflect the history and impacts of colonization and intergenerational trauma. The Department understands these impacts are different for each Indigenous community. We are fully committed to listening and learning from Indigenous partners to address the unique circumstances and challenges in their communities.

In line with the spirit and intent of the CYFA, CSSD continues to engage with both the Nunatsiavut Family Connections Program and the Innu Prevention Services Program to better understand child protection issues that impact their respective communities and partner to plan interventions that are aimed to support families and prevent Indigenous children from coming into care.

Work continued with the Innu Round Table (IRT) Secretariat to replace the Working Relationship Agreement (2015) with a new Innu-CSSD Protocol. The new protocol was finalized and further operationalized how we work together and share information in order to better coordinate services for Innu children, youth, and families.

In situations where Indigenous children and youth must be cared for outside of their family home due to safety issues, it is important they remain in their home communities and within their culture. As was noted in the previous report CSSD has worked with the NG and the Innu First Nations to support the development of new in care placements for children and youth. In keeping with the placement priorities outlined in provincial and federal legislation, a key priority of these partnerships is to ensure Indigenous children and youth who come into care are supported to remain in their communities and reside with extended family, significant others, or community caregivers whenever possible to support maintaining the child or youth's cultural connections.

CSSD and the NG have collaborated to establish individualized living arrangements in Nain, Hopedale and Goose Bay to ensure Inuit children and youth can remain in their home communities.

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CSSD has also continued to work in collaboration with the IRT Secretariat and the Federal Government to support the development of Innu-operated residential placements in Sheshatshiu and Natuashish. The first of these homes opened in Sheshatshiu in August 2018 and another opened in Natuashish on April 1, 2019. Two Emergency Placements Homes opened in Sheshatshiu on February 17, 2020. Plans are ongoing to develop a group home for Natuashish.

In May 2018, the 'Caring for our Children' project was piloted with the NG, which enabled the NG to recruit, assess, train and support foster parents in Nunatsiavut communities. Regular meetings and consultations occur between CSSD and the NG to discuss accomplishments, address challenges in service delivery and collaborate regarding recommendations for improvement. The project has been successful in meeting its goals to provide training to foster parents, and improve recruitment and retention through social outlets and by having a presence in the community.

CSSD has also recently partnered with the NG to incorporate materials specific to Inuit culture into training for foster parents. In addition, CSSD continues to collaborate with the NG regarding housing needs of foster parents in the Nunatsiavut region, as housing was noted as recruitment barrier for prospective foster homes.

In addition to the ongoing work to develop and deliver training on Indigenous perspectives by GNL for all employees, CSSD's Training and Development Unit continues to partner with IGOs to strengthen culturally-informed practice among Departmental staff through training and professional development opportunities.

In January 2020, the Training and Development Unit began providing support to staff in Labrador through the development of Learning and Development Action Plans. Staff are also mentored by CSSD Learning and Development Specialists to address practice issues identified by supervisors and through case reads.

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Through Advancing the Practice Together (APT) partnership, CSSD and Memorial University's School of Social Work provided a session on Jordan's Principle to supplement the training available to CSSD social work staff and MUN social work students in the 2020-21 fiscal year. This session was provided by the Jordan's Principle Service Coordinator for Miawpukek First Nation.

CSSD remains committed to providing further Indigenous cultural training, including the history and experience of colonization for Indigenous people, and other educational opportunities for social workers, and will continue to collaborate with Indigenous partners on this priority. Further, the OCYA has made a recommendation to CSSD for required training related to Indigenous culture which CSSD is working toward.

#### Partnership with the Nunatsiavut Government

CSSD and the Office of Indigenous Affairs and Reconciliation (IAR) work in partnership with the NG to address recommendations and issues highlighted in the OCYA's report, **A Long Wait for Change: Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador**. This partnership is NG-led. The NG works with CSSD to identify priority issues and recommendations, along with actions to be taken to address them. NG and CSSD meet frequently to track progress and make decisions on how best to move forward. CSSD and IAR are committed to working in partnership with the NG to address issues and recommendations in a way that best fits the NG's priorities and ways of doing.e

CSSD and IAR continue to work with the Department of Health and Community Services (HCS) and the Federal Government to ensure Indigenous people have access to funding through Jordan's Principle.

All of our work with Indigenous partners will be in accordance with, **An Act respecting First Nations, Inuit and Metis children, youth and families**. This federal legislation calls for national standards for the welfare of Indigenous children and affirms the right to

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self-determination of Indigenous peoples, including the right to self-government in relation to child welfare services. CSSD remains committed to supporting IGOs as they plan to assume child welfare services jurisdiction from CSSD.

We are hopeful that these initiatives and collective actions related to case planning, placements, policies and training will improve outcomes for Indigenous children, youth and their families.

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## Next Steps

The overrepresentation of Indigenous children, youth and families in the child welfare system is a priority issue for governments. Continued public reporting of provincial data is one of the ways the GNL acknowledges this overrepresentation and it remains a priority to change this trend.

This report is an important step and marks the second comprehensive public reporting of information regarding child welfare services to Indigenous children, youth and families in this province. The report provides updated yearly baseline data by which we can continue to collectively work toward further improvements.

We recognize there are still many ongoing concerns and challenges related to child welfare services provided to Indigenous families. We are committed to continue collaboration with interested Indigenous partners to review this data, identify further gaps in service, and set outcome indicators that will ensure we are collecting useful data to measure whether our actions lead to overall improved outcomes.

These steps will be done in the context of other important ongoing collaborative work with Indigenous partners, including the partnership with IAR and the NG, to address the recommendations and issues highlighted in the OCYA's report, **A Long Wait for Change: Independent Review of Children Protection Services to Inuit Children in Newfoundland and Labrador**.

While we acknowledge improvements have been made in recent years through our collaborative efforts with Indigenous partners, we must also acknowledge there are still many challenges to face and much work remains to be done. This work is necessary, not only to decrease the number of children, youth and families involved in the child protection system; but to ultimately ensure better outcomes for all Indigenous children, youth and families in this province.

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CSSD continues to work alongside Indigenous partners with national and federal colleagues on national strategies to address the issue of overrepresentation of Indigenous children, youth and families in the child welfare system, including national data collection strategies in response to the Truth and Reconciliation Report and the federal **Act respecting First Nations, Inuit and Metis children, youth and families**. This work will help our national counterparts and other jurisdictions while allowing us to also learn from them. Through this commitment to working toward devolution, NL will contribute to the important national-level efforts to improve child welfare services for Indigenous peoples and communities.

The data contained in this report outlines a clear evidence base that NL is no exception to the national trend of the overrepresentation of Indigenous children and youth within the child welfare system. Data, however, only tells a partial story. Our work with Indigenous partners who relay their experiences of the impact of child protection on Indigenous children, youth, families and communities, provides a context to ongoing issues that data cannot accurately represent. The intent of these annual reports is not merely to provide an overview of statistical information, but to ensure CSSD's public accountability and continued commitment to reducing the number of Indigenous children and youth in care. It is anticipated, through the mechanisms outlined in this report, as well as the promising emerging practices from our ongoing partnerships with IGOs, that the data will begin to reflect better outcomes for Indigenous children and youth involved with the child welfare system.

## Report on Child Welfare Services to Indigenous Children, Youth and Families 2020-21

## References

- <sup>1</sup> Indigenous Services Canada, "Reducing the number of Indigenous children in care," *First Nations Child and Family Services*, 2022, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.
- <sup>2</sup> Statistics Canada, "Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed," *The Daily*, 2022, <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.pdf>.
- <sup>3</sup> Statistics Canada, "Census Profile, 2021 Census of Population," *Census of Population*, Catalogue no. 98-316-X2021001 (Ottawa), 2022, <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E>.
- <sup>4</sup> Statistics Canada, "Table 98-10-0264-01: Indigenous identity by Registered or Treaty Indian status and residence by Indigenous geography: Canada, provinces and territories," 2022, <https://doi.org/10.25318/9810026401-eng>.
- <sup>5</sup> Community Accounts, *Newfoundland & Labrador Statistics Agency*, 2021.
- <sup>6</sup> Community birth rate ratios accessible via Community Accounts, Newfoundland & Labrador Statistics Agency (2021) are not currently available for Rigolet or Postville.
- <sup>7</sup> Expert Mechanism on the Rights of Indigenous Peoples, "Study of the Expert Mechanism on the Rights of Indigenous Peoples," *United Nations*, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/219/79/PDF/G2121979.pdf?OpenElement>.
- <sup>8</sup> Office of the Child and Youth Advocate, Newfoundland and Labrador. "A long wait for change: Independent review of child welfare services to Inuit children in Newfoundland and Labrador," 2019, <https://www.childandyouthadvocate.nf.ca/pdfs/IndependentReview2019.pdf>.
- <sup>9</sup> Program demographic statistics reported for the 2020-21 fiscal year are rounded values and may not sum to totals.
- <sup>10</sup> Statistics Canada, "Table 39-10-0041-01: Census families with children by age of children by age groups," 2022, <https://doi.org/10.25318/3910004101-eng>.
- <sup>11</sup> Other Indigenous is comprised of any Indigenous identity manually entered in the Department's Integrated Management System (ISM) as being different from Innu, Inuit, and Mi'kmaq Indigenous identities. Departmental statistics representing Indigenous demographics in the province do not distinguish between LILCA beneficiaries and members of NCC. Due to the former self-identity of NCC members as "Labrador Metis", several provincial statistics continue to include NCC members identifying as part of the Labrador Metis Nation, which are captured under Other Indigenous in the present report.
- <sup>12</sup> Maltreatment types listed as Not Applicable (NA) in ISM report are not included in this analysis.
- <sup>13,14</sup> Statistics Canada, "Statistics on Indigenous ancestry," *Community Accounts, Newfoundland & Labrador Statistics Agency*, 2021.
- <sup>15</sup> A total of 15 children and youth in care identified as Innu/Inuit and are not included in above identities.
- <sup>16</sup> For statistics purposes, the Department defines 'home community' as the community of the child/youth's household indicated in the family's protective intervention file.
- <sup>17</sup> This analysis distinguishes between 'on the island' and 'within Labrador' placements, as the majority of Indigenous clients originate from Labrador.