

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

2021-2022



MESSAGE FROM THE MINISTER

On behalf of the Department of Children, Seniors and Social Development, I am pleased to present the Department's third annual Report on Child Welfare Services to Indigenous Children, Youth and Families 2021-22.

The Department remains committed to the protection of vulnerable children and youth from abuse and neglect, and the continuous improvement of policies and programs to enhance service delivery in Newfoundland and Labrador. 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 2021-22 provides a comprehensive analysis of Indigenous client demographics and an overview of their child welfare involvement. This report enhances collaborative information sharing, which supports 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 will continue the work aimed to strengthen collaborative working relationships 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 "Paul Pike". The signature is written in a cursive, flowing style.

Hon. Paul Pike
Minister of Children, Seniors and Social Development

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Background

Following the release of the previous Report on Child Welfare Services to Indigenous Children, Youth and Families, the Department of Children, Seniors and Social Development (CSSD) continues collaborative work with Indigenous Governments and Organizations (IGOs) to address the overrepresentation of Indigenous children and youth in care. These reports have stemmed from the important work of both provincial and national organizations who have made calls to action regarding increased data collection and public reporting in relation to the experiences of Indigenous families in the child welfare system. These organizations include: the Truth and Reconciliation Commission of Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Auditor General of Canada, the Office of the Child and Youth Advocate (OCYA), the Expert Mechanism on the Rights of Indigenous Peoples, the Canadian Coalition for the Rights of Children, and the Canadian Observatory on Homelessness.

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.¹ 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 the province. Among the 93,965 children in NL,² approximately 12,185 are Indigenous,³ accounting for 13% of the provincial child population. With respect to children and youth involved in the child welfare system during the 2021-22 fiscal year, of the total 1,165

¹ Indigenous Services Canada, "Reducing the number of Indigenous children in care," *First Nations Child and Family Services*, 2021, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

² 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>.

³ 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>.

children and youth in care in Newfoundland and Labrador, 35% were Indigenous. These statistics are further explored in part two of this report. These statistics are concerning, and while efforts are underway to change this trend, increased knowledge and awareness of how child welfare services are performing in regard to Indigenous families is needed.

In our continued work toward authentic and genuine reconciliation, we must continue to be evidence-based and listen to the voices and experiences of Indigenous peoples. Therefore, the sharing of current data regarding the services provided to Indigenous families compared with non-Indigenous families is a vital component of our commitment to the reconciliation process as outlined by the Truth and Reconciliation Commission's Calls to Action. The continued systematic collection and reporting of data, as outlined in these reports, play a pivotal role in creating baselines and measuring progress moving forward. CSSD remains committed to collaborating with Indigenous partners, not only to refine future data collection and analysis methods, but to also reduce the number of Indigenous children and youth in care and improve outcomes for those involved with the child welfare system.

Based on the pillars of public accountability, transparency, as well as data collection and analysis, this report aims to guide readers through the intricate landscape of child welfare services provided to Indigenous children, youth and families in Newfoundland and Labrador. 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 children, youth and families, as well as service delivery within Indigenous communities.

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 that well-being for Indigenous children and youth is realized. 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 remains committed to improving services to Indigenous communities 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.

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, develop 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

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

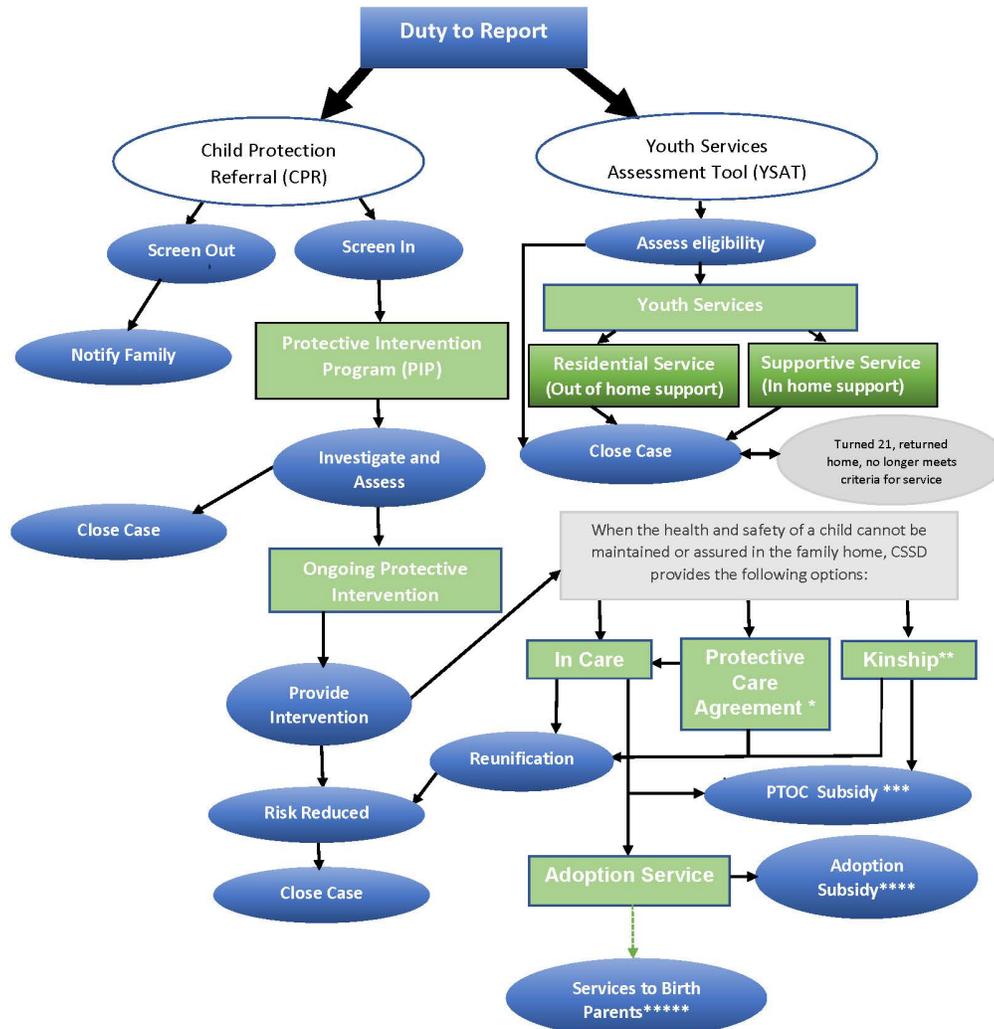
- **Protective Care Agreement:** When a plan with a relative or significant other is not possible, entering into a voluntary written agreement with parents for CSSD to temporarily provide care to their child, through our in care placements, while the parent takes the time to seek help or resolve issues 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/or supportive services up to their 21st birthday.
- **Adoption Service:** Locates 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.

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.

PART TWO

Services to Indigenous Children, Youth and Families

This section provides a demographic profile of the proportion of Indigenous children, youth and families being served by CSSD, including an overview of involvement by program area. In follow-up to the 2020-21 report, this data continues to provide 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.

Labrador 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. However, CSSD's information management system provides the following demographic choices, referred to throughout this Report: Innu, Innu/Inuit, Inuit, Mi'kmaq, and Other Indigenous. Since both Nunatsiavut beneficiaries and NunatuKavut Community Council beneficiaries may refer to themselves as "Inuit", Inuit-specific data presented in this report includes data from both groups. This is recognized as a limitation in the data, since these are two distinct groups. As such, CSSD has recently updated its information management system so that beneficiary/members are identified. Therefore, in future reports, data regarding these populations will be delineated.

The following demographic overview is broken down by program area for ease of reference.⁴

⁴ Program demographic statistics reported for the 2021-22 fiscal year are rounded values and may not sum to totals.

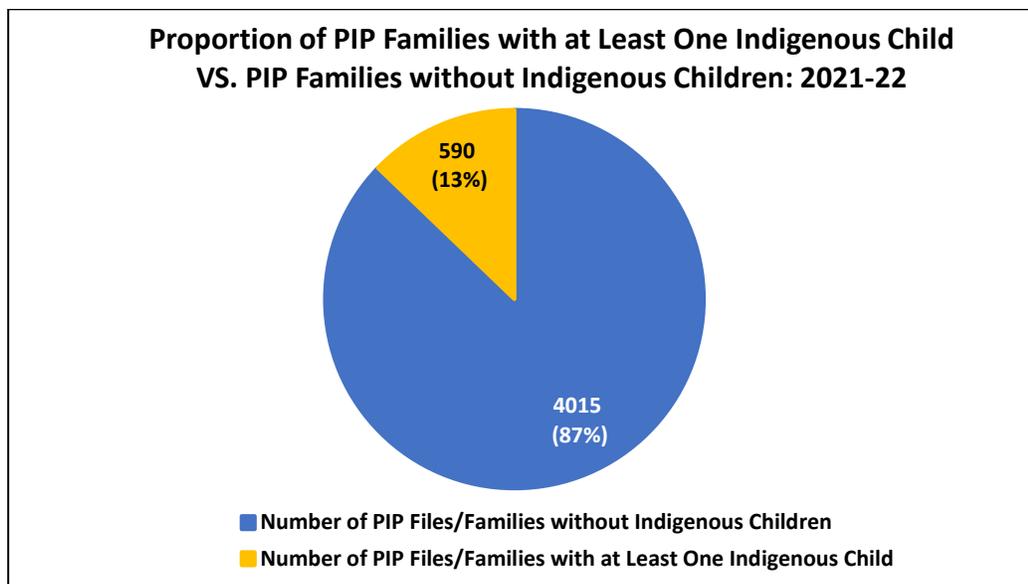
Protective Intervention Program

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 2021-22 fiscal year. Please note that some families may have been served more than once if the file opened, closed, and reopened within the 2021-22 year.

In the last fiscal year, there were 4,605 Protective Intervention files open at some point during that year. As per the most recent Statistics Canada data, in 2021, there were 44,940 families with children under 17 years old in the province.⁵ In 2021-22, there were 4,330 distinct families served in PIP, which is 10% of total families with children under 17 years old in the province.

Figure 1: Services to Protective Intervention Families

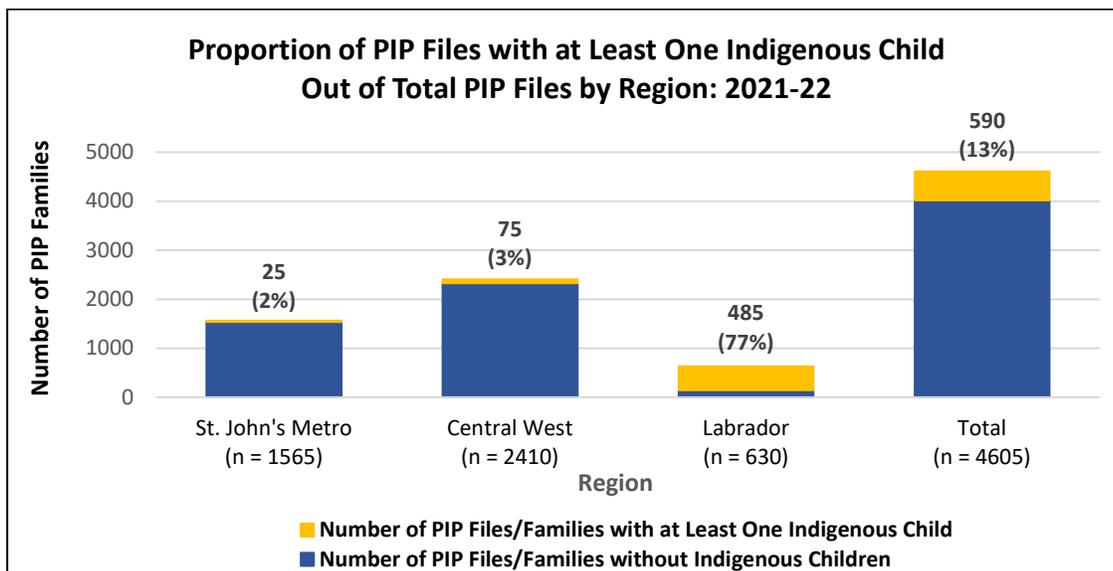


Proportions and/or percentages may not sum to total due to rounding of raw data.

⁵ Statistics Canada, "Table 39-10-0041-01: Census families with children by age of children and children by age groups," 2022, <https://doi.org/10.25318/3910004101-eng>

As the graph depicts, of the 4605 PIP files in the province open at some point during the 2021-22 fiscal year, 590 (13%) had at least one Indigenous child, while 87% did not.

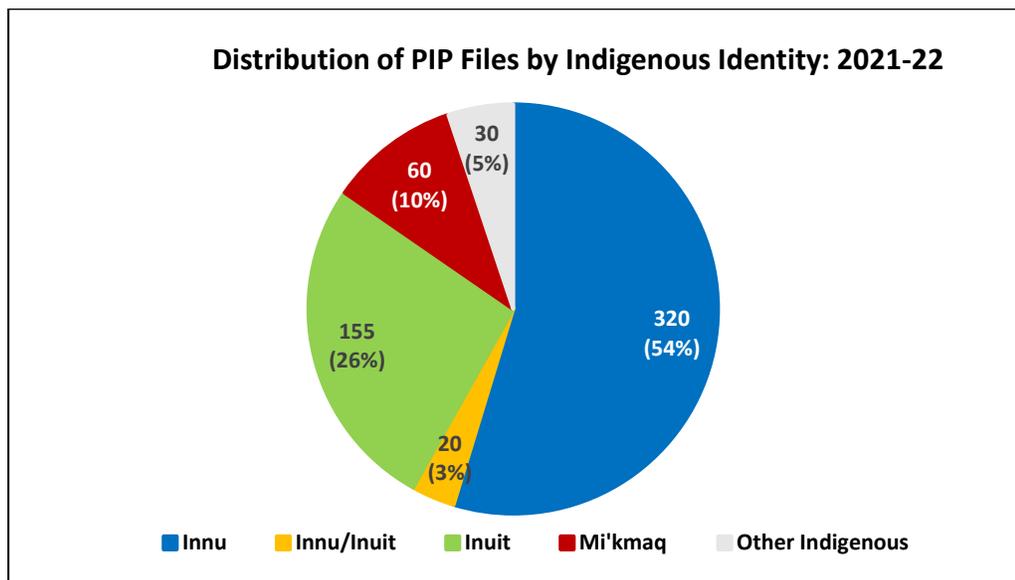
Figure 2: Services to Protective Intervention Families by Region



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

The majority of the 590 Indigenous PIP files are in the Labrador region (485 files; 82%). 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



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

The above graph demonstrates the breakdown of the 590 Indigenous PIP files by Indigenous Identity. As seen above, 320 (54%) are Innu, 155 (26%) are Inuit, 20 (3%) identify as Innu/Inuit, 60 (10%) are Mi'kmaq, and 30 (5%) are identified as "Other Indigenous".⁶

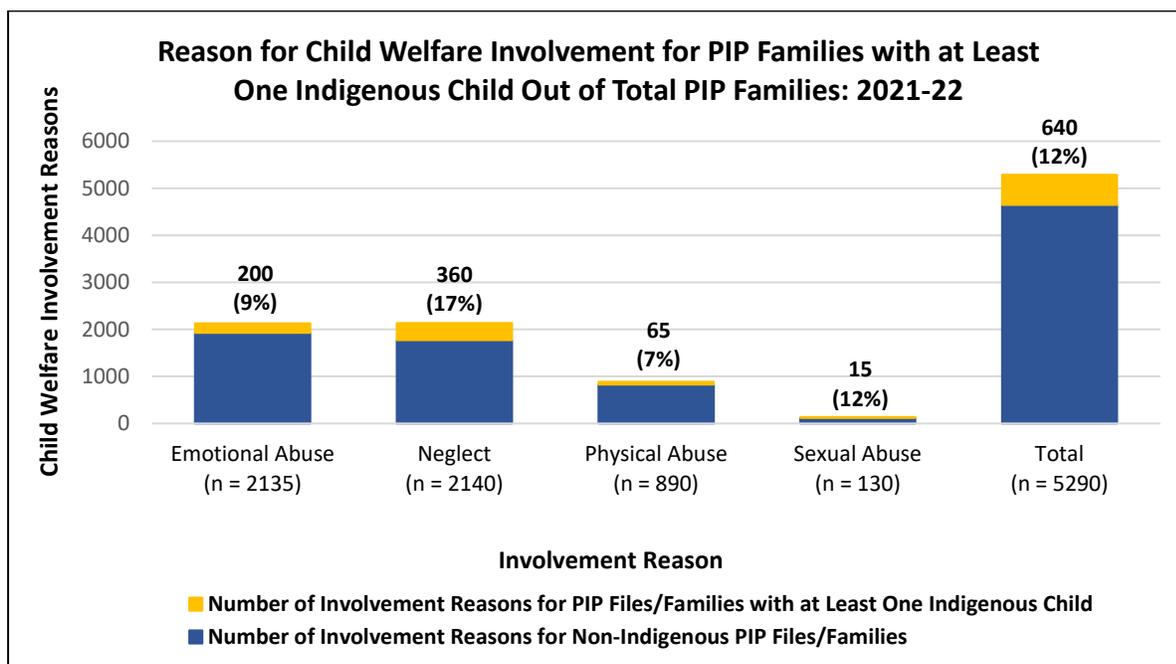
The Structured Decision Making Model (SDM ®) is the comprehensive assessment and case management framework for child welfare utilized by CSSD. Using SDM, a child protection referral (CPR) is screened in if one or more maltreatment type(s) are present.

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:

⁶ Other Indigenous is comprised of any Indigenous identity manually entered in the Department's Integrated Service Management (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.

Physical Abuse	Action on the part of the parent in which a child sustained or is likely to sustain a physical injury.
Emotional Abuse	Pattern of negative behaviour, repeated destructive interpersonal interactions or a single, significant destructive interaction by an individual toward the child.
Sexual Abuse	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.
Neglect	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



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

In 2021-22, there were 5,290 reasons for involvement (i.e., maltreatment types), 12% of which were for Indigenous families. These 5,290 reasons for involvement were associated with 4,600 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 2021-22 year.

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

	INDIGENOUS	NON-INDIGENOUS
<i>Emotional Abuse</i>	200 (31%)	1930 (42%)
<i>Neglect</i>	360 (56%)	1775 (38%)
<i>Physical Abuse</i>	65 (10%)	825 (18%)
<i>Sexual Abuse</i>	15 (2%)	120 (3%)
<i>Total</i>	640	4650

Proportions and/or percentages may 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.⁷

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 allegation was “inadequate supervision” at 52% followed by “abandonment or unwilling/unable/unavailable parent” at 16%. Among non-Indigenous families, the most commonly occurring neglect allegation was “inadequate supervision” at 42% followed by “exposure to unsafe home and immediate environment” at 13% and “exposure to illegal drug activity” at 11%, respectively.

⁷ Maltreatment types listed as Not Applicable (NA) in ISM report are not included in this analysis (e.g. screened out CPRs).

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>
<i>1. Abandonment or unwilling/unable/unavailable parent</i>	65	145	210
<i>2. Child under 12 years of age committing serious offence</i>	<5	<5	<5
<i>3. Exposure to illegal drug activity</i>	15	230	245
<i>4. Exposure to unsafe home and immediate environment</i>	25	270	295
<i>5. Failure to protect child against neglect, physical, emotional and sexual abuse</i>	30	205	230
<i>6. Failure to thrive</i>	<5	<5	<5
<i>7. Inadequate clothing or hygiene</i>	10	75	85
<i>8. Inadequate food/nutrition</i>	15	105	120
<i>9. Inadequate medical, dental, and/or mental health care</i>	15	105	125
<i>10. Inadequate response to child, under 12 years of age, committing a pattern of serious offences</i>	0	<5	<5
<i>11. Inadequate supervision</i>	215	890	1110
<i>12. Involving child in criminal activity</i>	<5	10	15
<i>13. Newborn exposure or risk of exposure to drugs or alcohol</i>	5	20	25
<i>14. Other high risk birth</i>	10	35	45
<i>Total</i>	410	2100	2510

Numbers may not sum to total due to rounding of raw data.

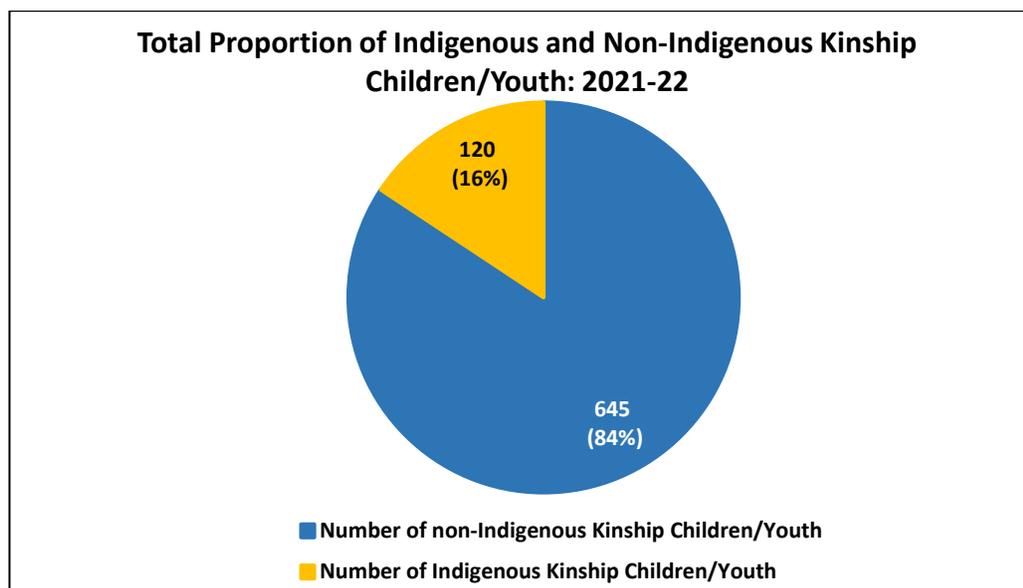
A two proportion Z-Test was conducted to assess whether there was a significant difference between the occurrence of maltreatment for Indigenous and non-Indigenous populations. A two proportion Z-Test is a statistical test that is used to determine whether two proportions (or, populations) are equal.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

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.

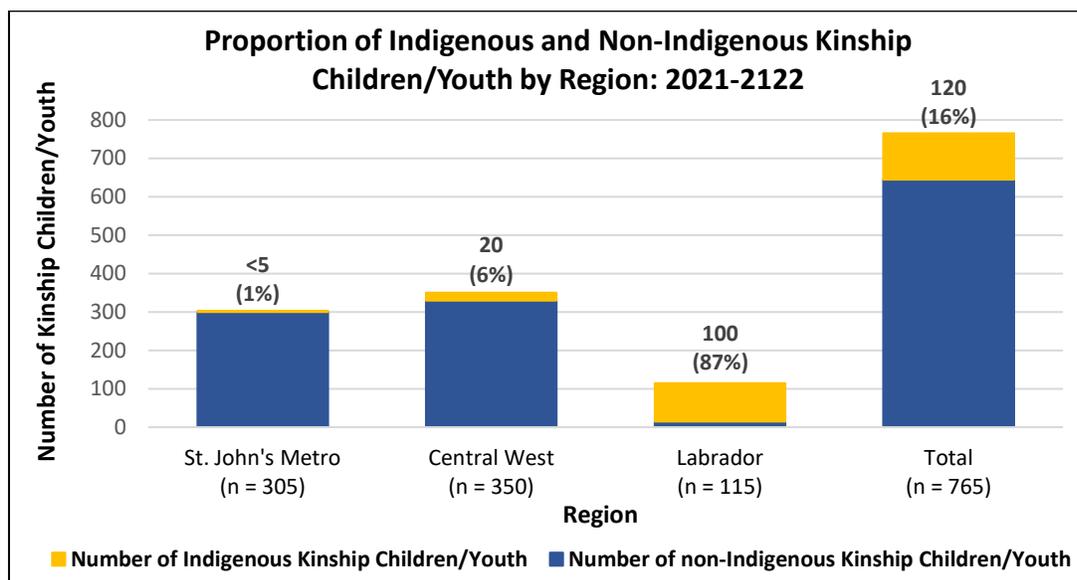
Figure 5: Indigenous and non-Indigenous Kinship Children/Youth



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

In 2021-22, there was a total of 765 children and youth in Kinship Services at some point in time in the fiscal year. This number includes the same child and youth more than once if they exited and re-entered the Kinship Services program within the same year. Of the 765 children and youth, 645 (84%) were non-Indigenous and 120 (16%) were Indigenous.

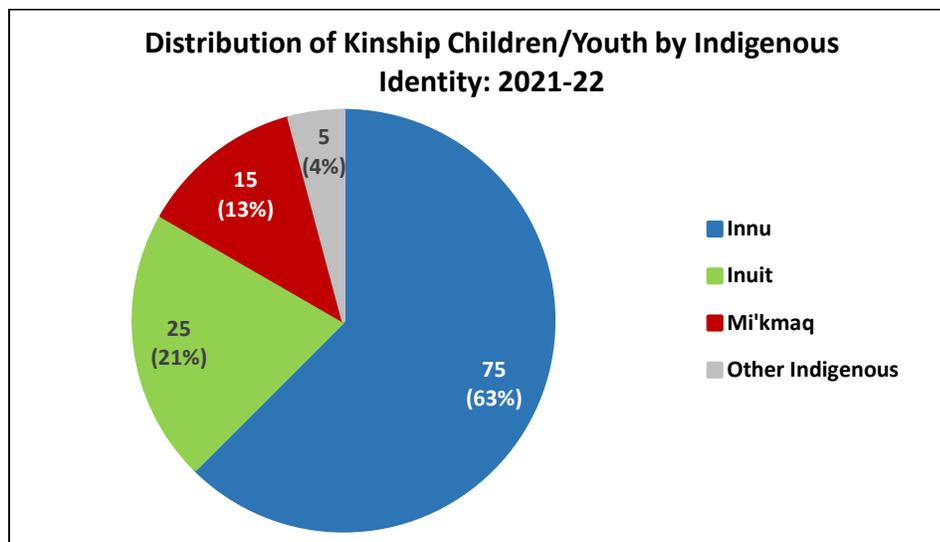
Figure 6: Breakdown of Kinship Children/Youth by Region



Proportions and/or percentages may 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 305 and 350, respectively. Labrador had a total of 115 children and youth receiving Kinship Services in 2021-22, for which the majority (87%) were Indigenous.

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



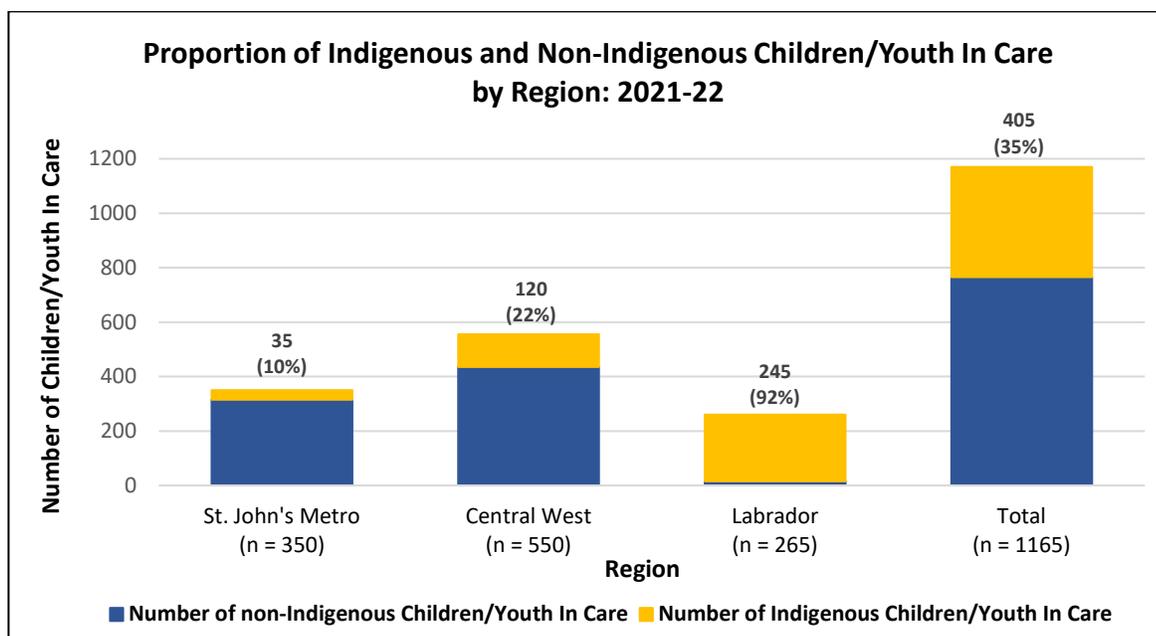
Proportions and/or percentages may not sum to total due to rounding of raw data.

Similar to the breakdown that was provided on PIP files, of the 120 Indigenous children/youth receiving Kinship Services, 75 (63%) are Innu, 25 (21%) are Inuit, and 15 (13%) are Mi'kmaq. The remaining Indigenous identities comprise 4% 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



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

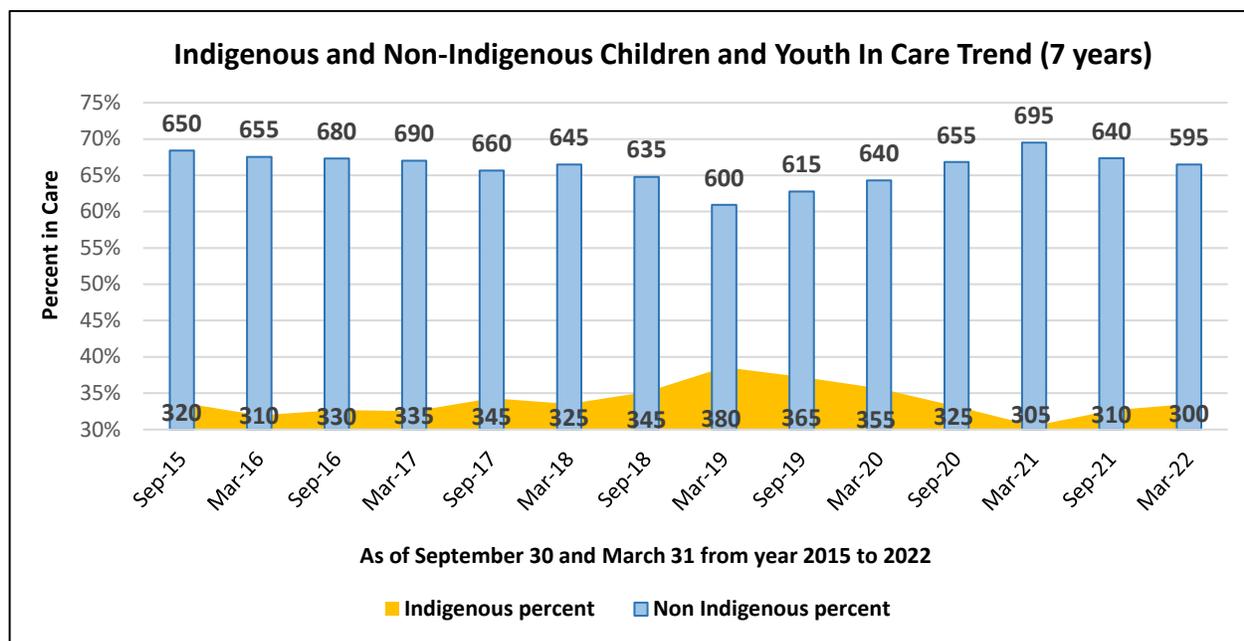
In the 2021-22 fiscal year, 35% of children and youth in care were Indigenous. This depicts an overrepresentation of Indigenous children and youth in care as Indigenous children only account for 13% of the child population in the province.⁸

⁸ Statistics Canada, "Statistics on Indigenous ancestry", *Community Accounts, Newfoundland & Labrador Statistics Agency*, 2021.

The majority of Indigenous children and youth in care are from the Labrador region. In 2020-21, there were a total of 1,165 children and youth in care at some point during the year and, of those, 765 were non-Indigenous and 405 were Indigenous. The total of 1,165 children and youth in care includes the same child more than once if they exited and re-entered the in care program within 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 35 Indigenous;
- In Central West there were 435 non-Indigenous children/youth in care and 120 Indigenous; and,
- In Labrador there were 15 non-Indigenous children/youth in care and 245 Indigenous.

Figure 9: Indigenous and non-Indigenous Children/Youth In Care Trend (7 years)



Data is as of the end of each quarter.

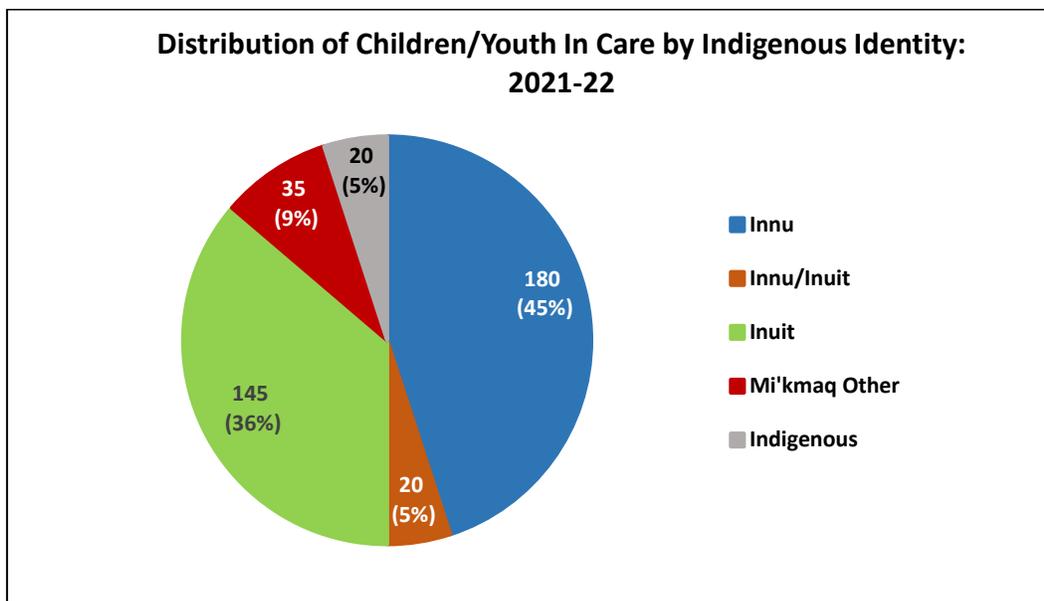
Proportions and/or percentages may not sum to total due to rounding of raw data.

The trend figure above shows the proportion of Indigenous and non-Indigenous children/youth in care over a seven 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 2015 and ending March 2022. As noted in the trend line, since September 2015, the number of children and youth in care was steadily increasing until March 2017. After March 2017, the number of children and youth in care began to decrease but increased again in March 2021. From March 2021 it started to decline again until March 2022. In March 2022, the number of children and youth in care was 895, a 6% decrease since September 2015. The average number of children and youth in care as of the end of each quarter over these seven years was 980.

The proportion of Indigenous children and youth in care remained relatively consistent from September 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 35% Indigenous children and youth in care as of March 2022.

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



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

The 2021 Canadian census offers a breakdown of the number of Indigenous children, ages 0 to 14 years, residing in Newfoundland and Labrador as follows:⁹

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

In comparison to the Canadian census, analysis of the 405 Indigenous children and youth in care in Newfoundland and Labrador during the 2020-21 fiscal year by Indigenous identity indicates the following proportions:

- 180 Innu were in care (11%);
- 145 Inuit were in care (3%);
- 35 Mi'kmaq were in care (0.4%);
- 20 Other Indigenous were in care (1%); and,
- 20 Innu/Inuit.¹⁰

As noted above, the 405 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. This statistic remains stable to the previous 2020-21 report.

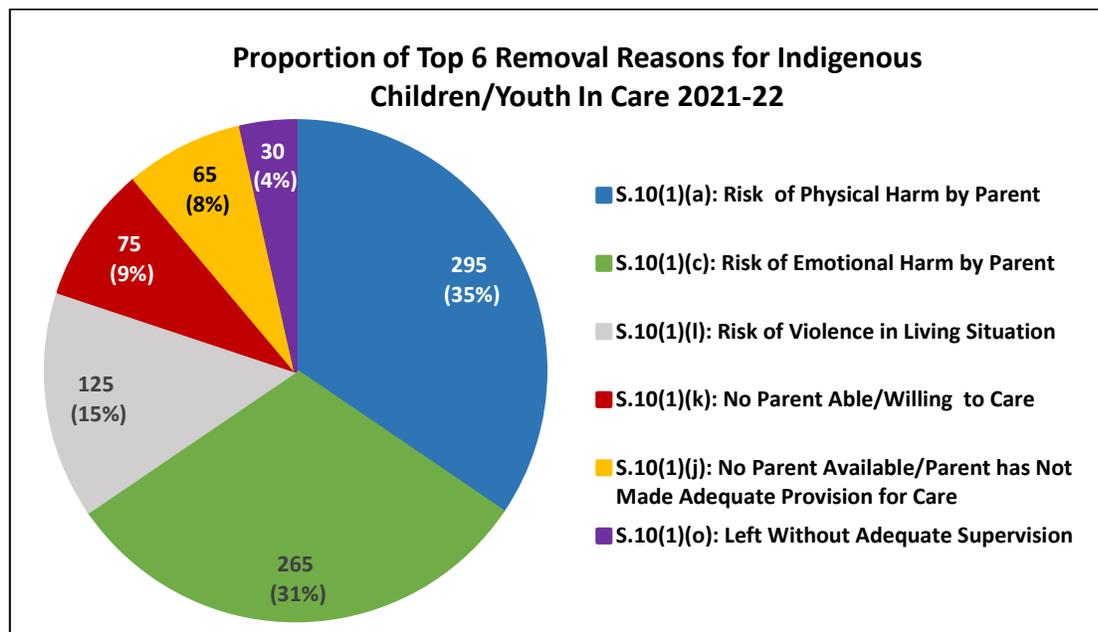
When the safety and well-being of children and youth cannot be maintained in the home and removal is required, social workers must indicate the removal reason(s) for each child being placed in care as per the CYFA.

⁹ Statistics Canada, "Statistics on Indigenous ancestry", Community Accounts, Newfoundland & Labrador Statistics Agency, 2021.

¹⁰ A total of 20 children and youth in care identified as both Innu/Inuit.

Of the removal reasons indicated for Indigenous children and youth entering care in 2021-22, the most prevalent removal reasons are depicted in the following graph:

Figure 11: Removal Reasons for Indigenous Children/Youth



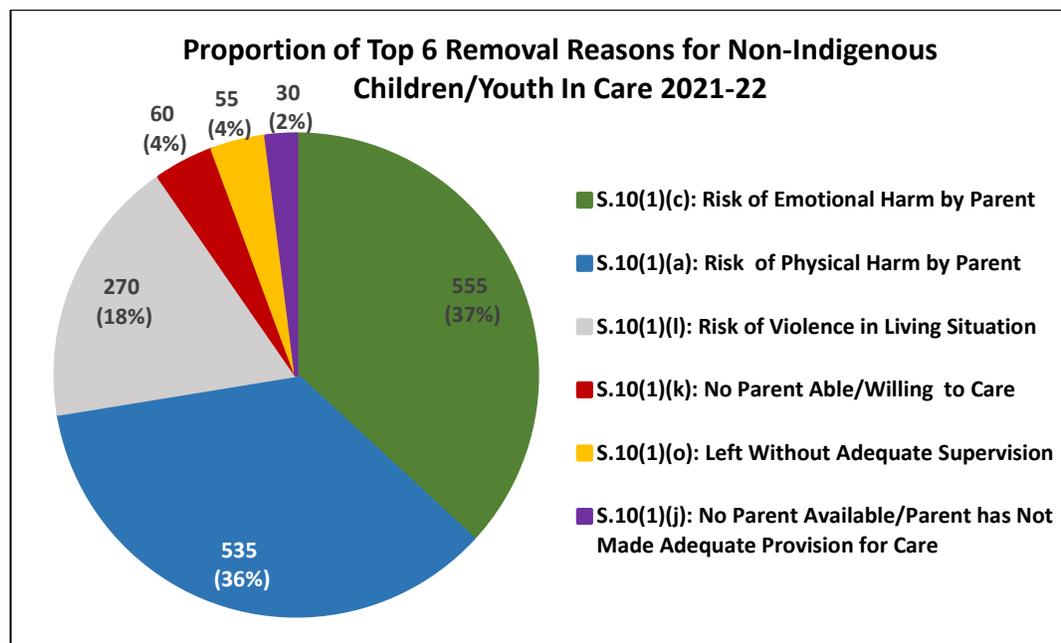
Proportions and/or percentages may not sum to total due to rounding of raw data.

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 8% of removal reasons; and,*
- *S.10(1)(o): has been left without adequate supervision appropriate to the child's developmental level, accounting for 4% of removal reasons for this population.*

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



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

As noted above, the proportions of removal reasons indicated for non-Indigenous children and youth entering care in the 2021-22 year were generally comparable to the removal reasons cited for Indigenous children and youth, resulting in the following most prevalent removal reasons:

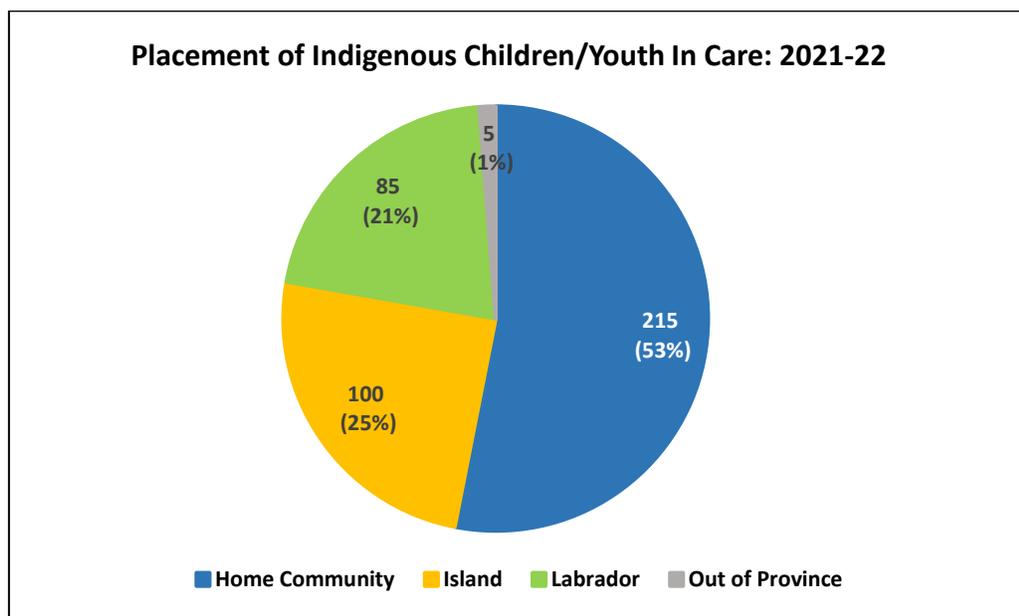
- *S.10(1)(c): is being, or is at risk of being, emotionally harmed by the parent's conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, failure to act or pattern of neglect on the part of the 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 36% 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 18% of removal reasons;*
- *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 4% of removal reasons; and,*
- *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 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 (8%) 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.

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



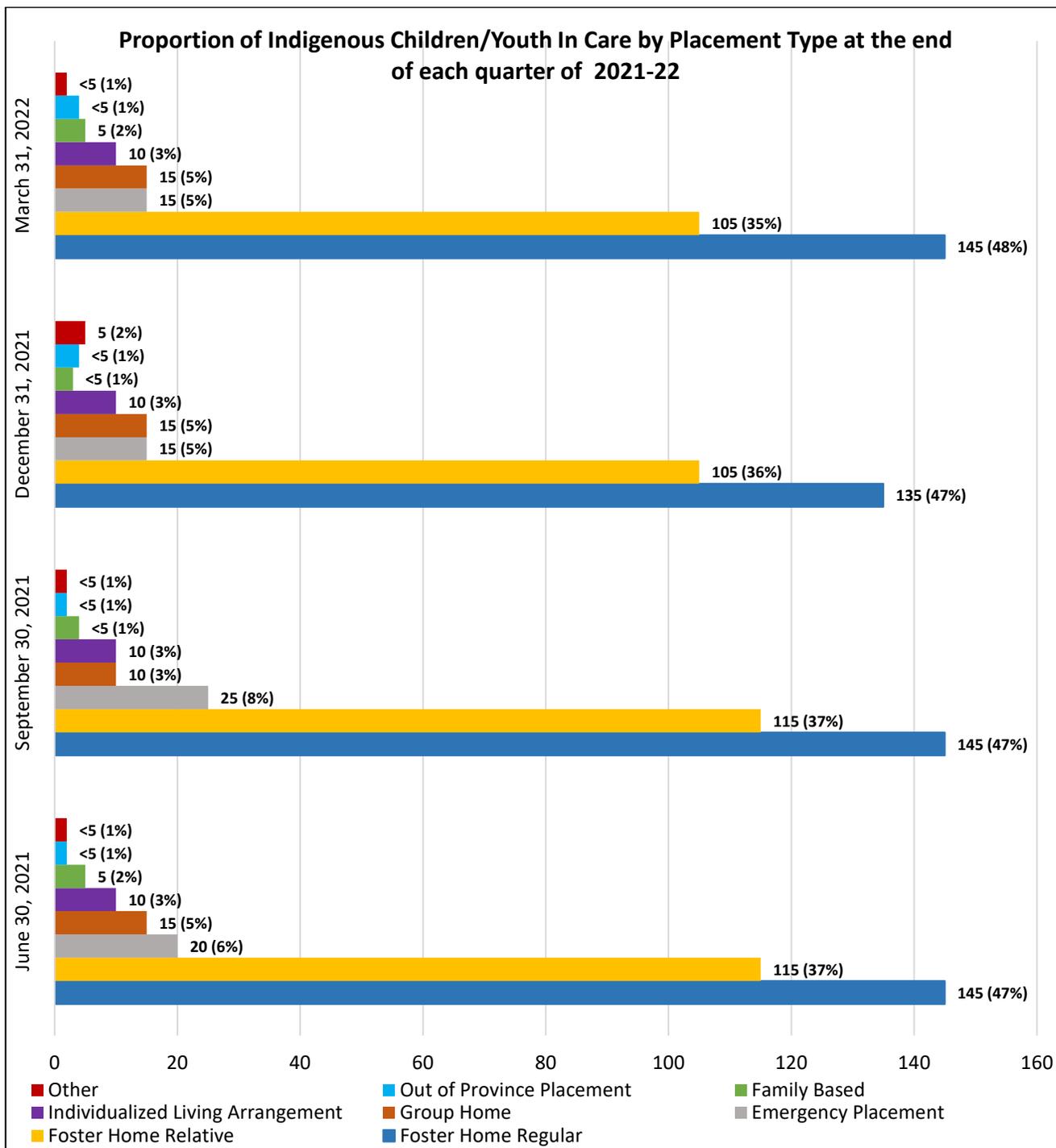
Proportions and/or percentages may not sum to total due to rounding of raw data.

Of the 405 Indigenous children and youth in care, 215 (53%) were placed within their home community.¹¹ One hundred children and youth in care (25%) were placed on the island portion of the province, while 85 (21%) were placed outside their home community, but still in Labrador with better opportunity for cultural engagement (for the children and youth originally from Labrador).¹² Comparable to the last report, a total of 5 (1%) children and youth were in placements located outside of Newfoundland and Labrador, including residential treatment program placements.

¹¹ 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.

¹² This analysis distinguishes between 'on the island' and 'within Labrador' placements, as the majority of Indigenous clients originate from Labrador.

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



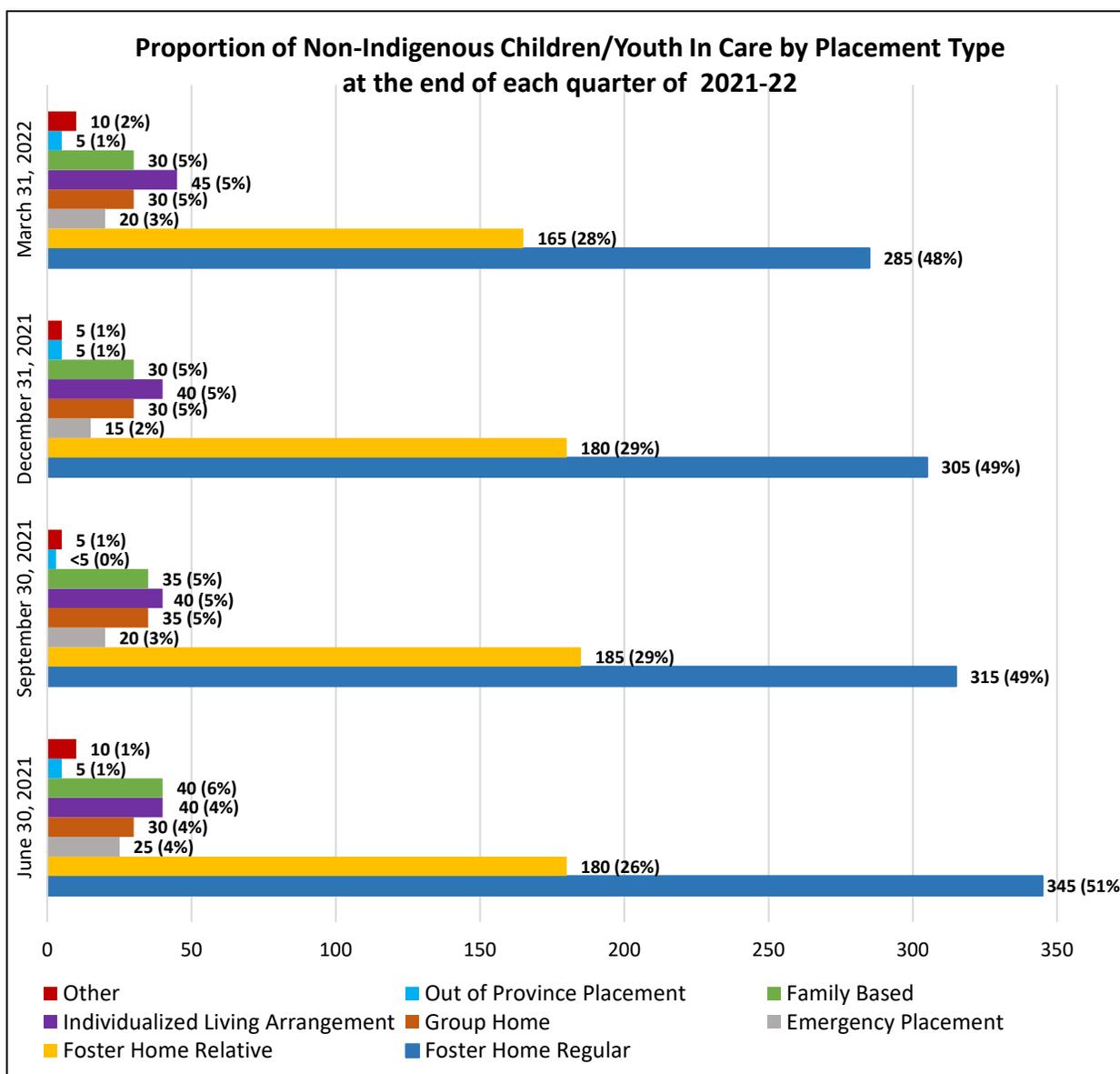
Data is as of the end of each quarter.

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

Comparable with the 2020-21 report, the breakdown of placement types for Indigenous children and youth in care at the end of each quarter continues to show that the majority

of Indigenous children and youth in care are residing in foster homes. On average, 140 (46%) children and youth were placed in regular foster homes and 110 (36%) 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

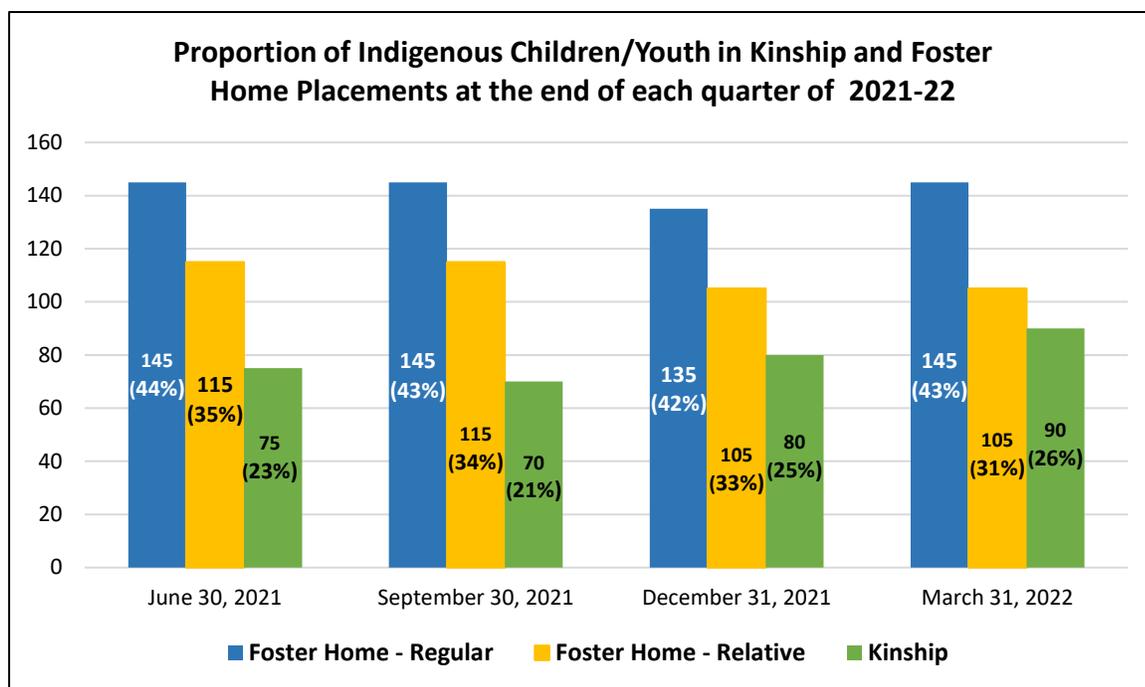


Data is as of the end of each quarter.

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

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 also residing in foster homes. On average, 315 (50%) children and youth were placed in regular foster homes, and 180 (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 compared to Indigenous children and youth.

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

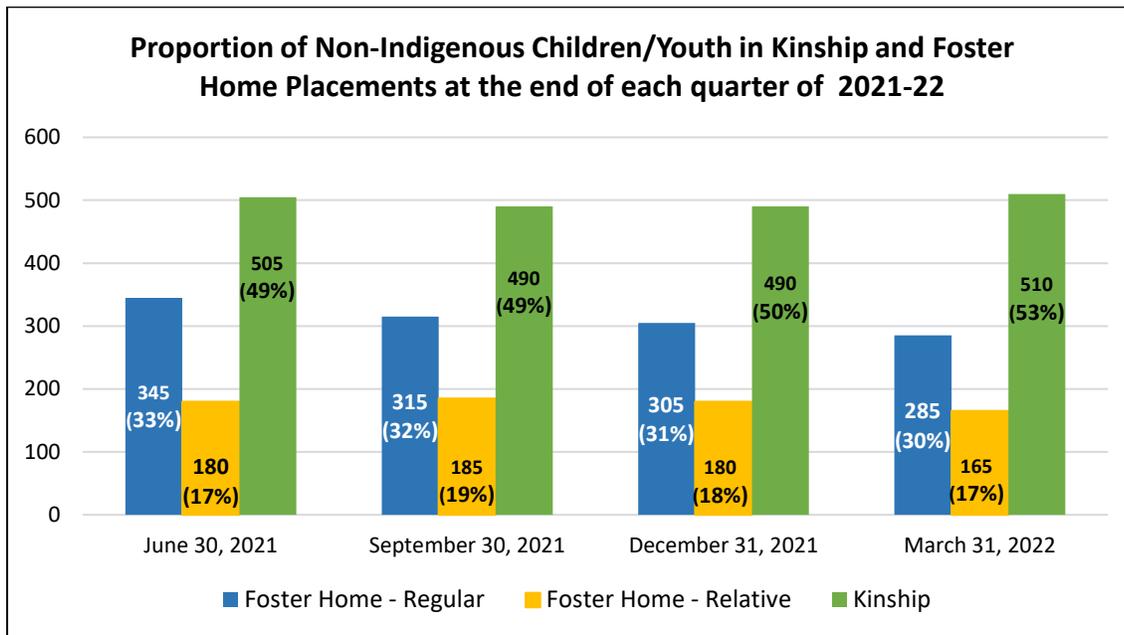


Data is as of the end of each quarter.

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

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 2021-22, relatively similar pattern to the last report, reveals that among these three placement types, on average, 42% of Indigenous children and youth were placed in regular foster homes, 33% were placed in relative/significant other foster homes, and 24% were placed in kinship arrangements.

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



Data is as of the end of each quarter.

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

At the end of each quarter of 2021-22, in a relatively similar pattern to the last report, on average, almost half of non-Indigenous children and youth in kinship and foster home placements children and youth (51%) are placed in kinship arrangements. While 32% and 18% are placed in regular foster homes and relative/significant other foster homes, respectively.

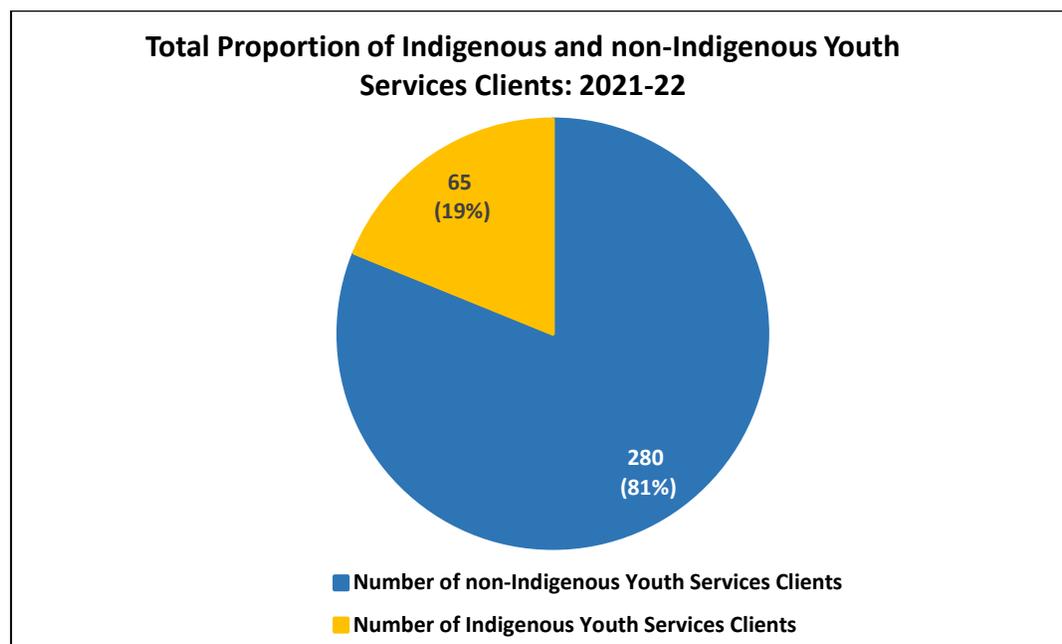
Two proportion Z-Tests were conducted to assess whether there was a significant difference in the placement of Indigenous children/youth among regular foster homes (P5), relative/significant other foster homes (P7), and kinship homes (P9) compared to the placement of non-Indigenous children/youth among 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≠P6, P7≠P8, P9≠P10). Particularly, the proportion of Indigenous children/youth placed in regular (43%) and relative/significant foster homes (33%) 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 (50%) is much higher than the proportion of Indigenous children placed in kinship homes.

Youth Services

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

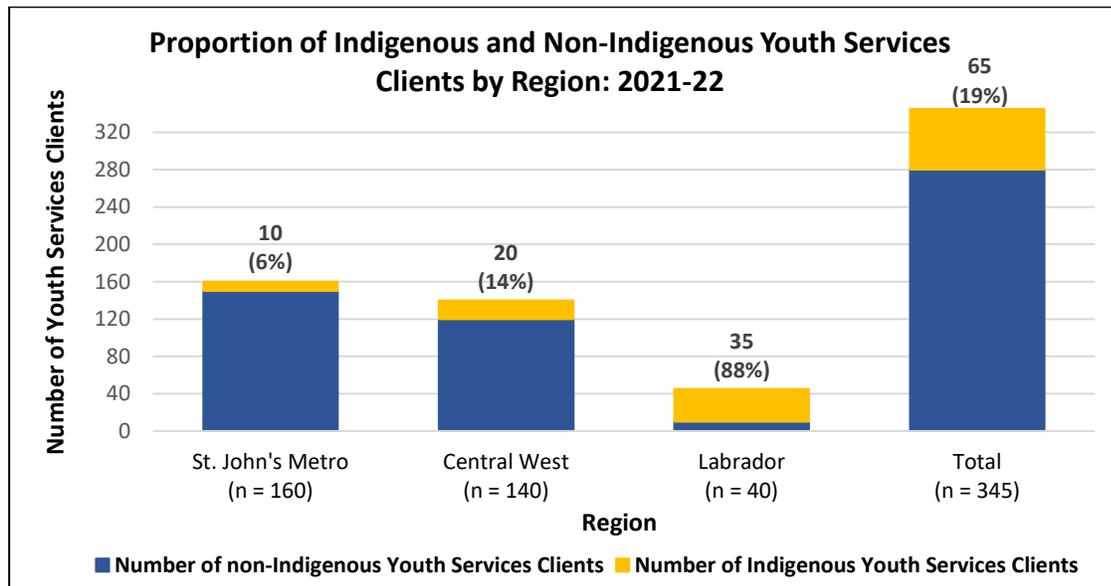
Figure 18: Indigenous and non-Indigenous Youth Services Clients



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

In 2021-22, there were a total of 345 youth receiving Youth Services at some point in time during the year that includes the same youth more than once if they exited and re-entered the Youth Services program within the same year. Of the 345 youth, 280 were non-Indigenous (81%) and 65 were Indigenous (19%).

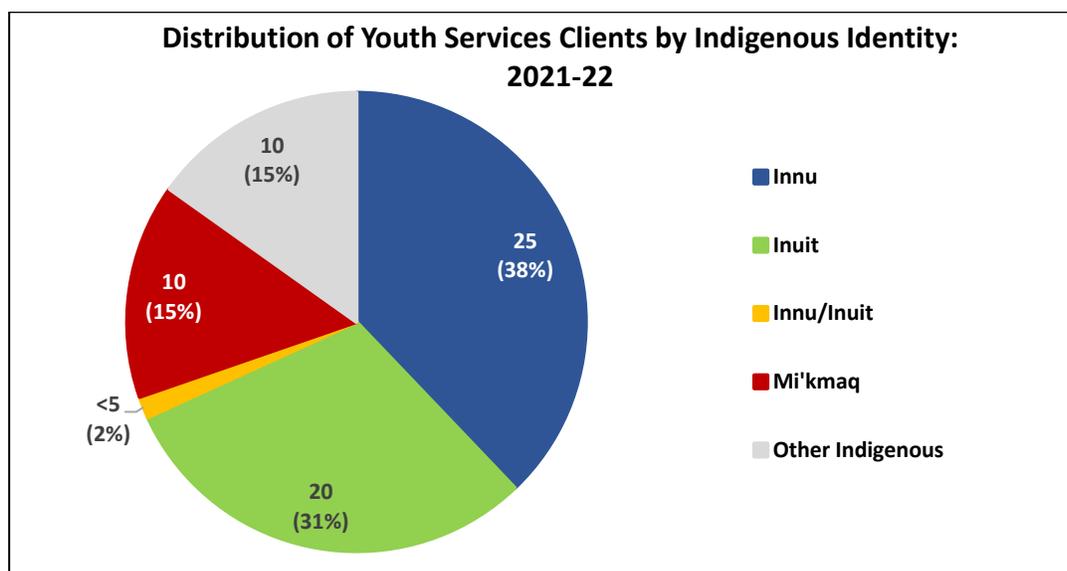
Figure 19: Breakdown of Youth Services Clients by Region



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

The majority of youth receiving Youth Services are located in St. John’s Metro and Central West regions, totaling 160 and 140 youth, respectively. The Labrador region had a total of 40 Youth Services clients in 2021-22, the majority (88%) of which were Indigenous youth.

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



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

As seen above, 25 (38%) are Innu youth, 20 (31%) are Inuit, 10 (15%) are Mi'kmaq, with Other Indigenous identities accounting for 10 youth (15%). Less than 5 youth (2%) identify as Innu/Inuit.

PART THREE

New Initiatives and Partnerships

As noted in the 2020-2021 report, the CYFA, 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.

In consultation with IGOs in NL, the CYFA was amended on June 30, 2021, including amendments regarding Indigenous Representation and the definition of a foster parent. The definition of a foster parent was amended to keep with the intention of the **Act respecting First Nations, Inuit and Métis children, youth and families**. The specific amendments involving Indigenous Representation and acknowledging that the best interests of Indigenous children and youth are best addressed through involvement of their Indigenous community in decisions relating to their care and protection include:

- Indigenous Governments and Organizations can designate more than one Indigenous Representative who can be heard in court matters and involved with case planning related to Indigenous children and youth;
- In addition to personally serving an Indigenous Representative, notice of court hearings may also be served upon an Indigenous Representative electronically by secure email or by leaving a copy of the notice in a sealed envelope at their office; and,
- The NunatuKavut Community Council (NCC) was added to the schedule of IGOs who may designate an Indigenous Representative to receive notification of court hearings and participate in case planning relating to Indigenous children and

All of CSSD's 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 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.

In June 2021, the Nunatsiavut Government (NG) announced they are developing a plan that will eventually see the transfer of child welfare services from the Government of NL to the NG, with the goal of having services transferred within three years. CSSD remains committed to supporting Indigenous jurisdiction over child welfare programs and services and continues to engage in policy discussions with the NG to support their planning for devolution of child welfare services.

The Caring for Our Children project (CFCP/the project) has continued to engage in recruitment efforts in the Nunatsiavut region with initiatives such as information sessions and regular community engagement. Foster families have provided positive feedback about the supportive services they are receiving through the project. In January of 2022, the pilot phase of the project was concluded and CSSD approved the project as an ongoing annual grant in recognition of the project's contributions in recruiting, training and supporting foster parents in Nunatsiavut.

CSSD continues to participate on the Inuit Data Strategy Working Group that launched in February 2021 by Indigenous Services Canada and Inuit Tapiriit Kanatami (ITK), which includes representatives from the NG. In 2021, the working group created the first data inventory scan related to Inuit children. In 2022, the group began drafting a discussion paper featuring next steps based on the data inventory. This work comprises the first Governance Engagement Mechanism (GEM) co-led by the ITK and the Federal Government. GEMs are distinctions-based governance engagement mechanism forums to provide opportunities at the community and regional level for Indigenous

organizations, groups and section 35 rights holders¹³ to express their views and recommendations on elements related to the implementation of the Act to national governance engagement mechanisms. GEMs are designed to be inclusive to reflect the voices of subject matter experts in child and family services, women, section 35 rights holders, youth, elders and people with lived experience.

NCC was added to the Schedule of the CYFA, upon their request, in May 2021, and also advised they would like to receive Notices of Significant Measures as an Indigenous Governing Body, as per s.12 of the **Act respecting First Nations, Inuit and Métis children, youth and families**. NCC subsequently designated an Indigenous Representative under the CYFA on August 3, 2021, to receive notification of court hearings and participate in case planning for Indigenous children and youth who are members of NCC. In addition, through continued collaboration, CSSD updated the Cultural Connection Plan in August 2021 based on feedback from NCC at that time.

In June 2021, CSSD consulted with Indigenous Governments and organizations to update the Services to Expectant Parent policy to support the recommendation made in the Missing and Murdered Indigenous Women and Girls (MMIWG) inquiry to discontinue birth alerts across Canada for Indigenous women. Birth alerts disproportionately affect Indigenous parents and are considered to contribute to expectant parents being less likely to seek support in advance of the baby's birth. CSSD committed to honoring the recommendation made in the MMIWG inquiry by updating the Services to Expectant Parent policy. The Services to Expectant Parent policy was revised to reflect:

- The discontinuation of all birth alerts to hospitals;
- The discontinuation of planning with hospitals, in advance of the baby's birth, without the expectant parent's consent;
- That support be offered to all expectant parents, where child protection concerns have been identified, not just those at high risk for removal;

¹³ The Constitution Act, 1982, <https://laws-lois.justice.gc.ca/eng/const/page-13.html#docCont>.

- That financial support be provided to expectant parents to access services/support, where it is not available through other means;
- That joint planning with Indigenous Governments/Organizations and expectant parent can occur, with the expectant parent's consent; and
- Engaging with Indigenous partners, with the expectant parent's consent, supports collaborative practice with a focus on the expectant parent's Indigenous cultural and community connections to support safe parenting practices.

In November 2021, NL joined other provinces and territories (PTs) in a Federal-Provincial-Territorial-Indigenous (FPTI) targeted technicians working group. This working group was created by Indigenous Services Canada to discuss matters of shared concern by identifying PT implementation issues, including notice of significant measures, definition of care provider and operational funding.

CSSD continues to work in partnership with the NG to address recommendations and issues highlighted in the Office of the Child and Youth Advocate's report, *A Long Wait for Change: Independent Review of Child Welfare Services to Inuit Children in Newfoundland and Labrador*¹⁴. This partnership is led by the NG. CSSD works with the NG to identify priority issues and recommendations, along with actions to address them. NG and CSSD meet frequently to track progress and make decisions on how best to move forward.

In August of 2021, NG requested CSSD provide "foundational information sessions" about Inuit values, knowledge, culture, experiences, and perspectives to relevant CSSD and GNL staff to guide collaborative work related to *A Long Wait for Change* and the overall improvement of child protection services for Inuit. Two sessions were developed and presented by NG during the fall of 2021 and winter of 2022.

¹⁴ 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>.

We thank NG for providing such valuable information and facilitating such important discussions. These sessions served to not only educate but to build more meaningful and productive collaborative relationships between NG and CSSD, resulting in overall improved integration of Inuit knowledge, values, and practices into policies, planning, and services.

Following these sessions, CSSD and the NG established a collaborative working group where members of the NG meet monthly with CSSD policy, quality, and regional operations staff to review and discuss policy and practice issues with the goal of identifying and acting on strategies to improve policy and service delivery to Inuit children, youth and families. This is an NG-led working group with NG identifying issues to discuss and address.

In August 2021, CSSD, the Sheshatshiu Innu First Nation (SIFN) and the Mushuau Innu First Nation (MIFN) implemented a new Innu-CSSD Protocol, which guides the information sharing, collaboration and coordination of services between CSSD and Innu Prevention Services and Innu Representative Services. The Protocol replaced the former Working Relationship Agreement signed in 2015 and represents significant, positive changes in how we collaborate with SIFN and MIFN to support Innu children, youth and families. The Protocol is used in conjunction with existing CSSD policies and reflects the legislative authority, priorities and responsibilities outlined in the Children, Youth and Families Act and an Act respecting First Nations, Inuit and Métis children, youth and families. The implementation of the Protocol has contributed to a strengthened partnership between Innu Prevention Services and CSSD involving many ongoing collaborations to address barriers and identify solutions needed regarding service delivery to Innu children, youth and families.

Since the fall of 2021, representatives of the Innu Prevention Agency staff and CSSD policy and regional operations staff have met regularly (goal of monthly meetings, where possible) to discuss a variety of policy and practice issues specific to Innu children, youth and families. Discussions and action items have been focused around the overall

goal to keep Innu children in Innu culture. CSSD is pleased with the meaningful and trusting relationships that have been established as we continue to make progress on shared priorities and CSSD continues to be responsive to all suggested policy changes and feedback from Innu Round Table Secretariat (IRTS). In its work with the Innu, CSSD has incorporated the “nothing about us without us approach” that Indigenous peoples have been advocating for. For example, in October 2021, CSSD implemented the co-developed Cultural Connection Plan that is specifically designed for use with Innu children in care. The development of this form was initiated and led by the IRTS to focus on the specific needs of Innu children and their families in relation to cultural connection planning.

During the 2021-2022 fiscal year, CSSD continued collaboration with IGOs and partners to provide learning and development opportunities regarding Indigenous issues and collaboration. In July 2021, the IRTS provided training to CSSD staff regarding the Innu-CSSD Protocol. The CSSD training and policy staff provided several virtual demonstrations of the Structured Decision Making Model (SDM) and the Integrated Services Management (ISM) system to NG staff.

CSSD continues to work collaboratively with IGOs to further enhance the training as it relates to Indigenous people’s issues, as well as the Federal Act: An Act respecting First Nations, Inuit and Metis Children, Youth, and Families.

CSSD and the NG organized and delivered virtual information sessions regarding the Inuit Child First Initiative (ICFI) for staff of CSSD, the Departments of Health and Community Services (HCS), and Education (EDU), as well as Indigenous Affairs and Reconciliation (IAR) and Labrador Affairs (LA) to collaborate on the planning of the information sessions to include staff from all five areas of Government.

CSSD continues to share external learning and development opportunities relevant to staff. In January 2022, CSSD partnered with First Light to explore various training

opportunities, including the completion of Indigenous Cultural Diversity training by quality management, training and policy and program development staff.

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.

Next Steps

This report marks the third comprehensive public report of information regarding child welfare services to Indigenous children, youth and families in Newfoundland and Labrador. Addressing and rectifying the overrepresentation of Indigenous children, youth and families within the child welfare system continues to be a priority issue for GNL. Continued public reporting of provincial data, as well as working collaboratively with IGO's, are two central ways we acknowledge this overrepresentation of Indigenous families in the child welfare system.

CSSD recognizes that there are many ongoing concerns and challenges related to child welfare services provided to Indigenous families. We remain committed to continued collaboration with 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 those initiatives outlined in Part 3 of this report. In recognizing the significance of these collaborative efforts, we must also acknowledge that work remains to be done.

However, while the data outlined in this report is integral in understanding the context of Indigenous experiences within the child welfare system, data alone would be inconsequential without truly honoring and centering the voices and experiences of Indigenous families and communities. Indigenous voices must be at the forefront of this work, leading the change, and providing additional context to these issues that data

cannot otherwise illustrate. We hope that through our continued work alongside Indigenous partners, we can make tangible and meaningful change within NL's child welfare system by addressing the disproportionate overrepresentation of Indigenous children, youth and families identified in this report.

In response to the Truth and Reconciliation Report and the federal **Act respecting First Nations, Inuit and Metis children, youth and families**, these annual reports are not solely intended to provide an overview of statistical information, but to establish public accountability and transparency measures, as well as demonstrate our commitment to reducing the number of Indigenous children and youth in care. Through our commitment to working toward devolution, the mechanisms outlined in this report, as well as our ongoing partnerships with IGOs, it is our hope that the data will begin to reflect better outcomes for Indigenous children and youth involved with the child welfare system.

References

- ¹ Indigenous Services Canada, “Reducing the number of Indigenous children in care,” *First Nations Child and Family Services*, 2021, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.
- ² 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>.
- ³ 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>.
- ⁴ Program demographic statistics reported for the 2021-22 fiscal year are rounded values and may not sum to totals.
- ⁵ 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>.
- ⁶ Other Indigenous is comprised of any Indigenous identity manually entered in the Department’s Integrated Service Management (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.
- ⁷ Maltreatment types listed as Not Applicable (NA) in ISM report are not included in this analysis (e.g. screened out CPRs).
- ^{8,9} Statistics Canada, “Statistics on Indigenous ancestry”, *Community Accounts, Newfoundland & Labrador Statistics Agency*, 2021.
- ¹⁰ A total of 20 children and youth in care identified as both Innu/Inuit.
- ¹¹ 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.
- ¹² This analysis distinguishes between ‘on the island’ and ‘within Labrador’ placements, as the majority of Indigenous clients originate from Labrador.
- ¹³ The Constitution Act, 1982, <https://laws-lois.justice.gc.ca/eng/const/page-13.html#docCont>.
- ¹⁴ 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>.

