



Ontario Native Women's Association

Fact Sheet: Aboriginal Child Welfare in Ontario

The “circle of life” is a term used by Aboriginal people to describe the relationship/connection between Aboriginal community members, families, the land and all living creatures. When an individual, such as a child, is removed from the circle, it is said that the connection is then broken and must be restored through the return of that individual to the family/community, once more.

How Many Children are in Care?

- Statistics from 2006 indicate that children and youth made up almost one-half (48%) of the population of Aboriginal peoples.
- the Assembly of First Nation indicates that there are more than 27, 0000 Aboriginal children in the care of child-welfare, this represents 30% to 40% of all children in care, even though Aboriginal children make-up less than 5 percent of the overall child population in Canada.¹
- There are “more First Nation children in [child-welfare] care today than at any [other] point in history, including residential school.”²
- There is no definitive source for the number of Aboriginal children in the care of Ontario CASs. However, based on OACAS survey results and the Ministry quarterly reports, there are an estimated 2,800 Aboriginal children in the care of Ontario CASs (point in time estimate).³
- Aboriginal children represent only 2.8% of Ontario's child population (0-19) but represent over 15% of the children in care at any given time in Ontario.⁴

The History of Aboriginal Child Welfare

¹Blackstock, C. (2009) “Why addressing the over-representation of First Nations children in care requires new theoretical approaches based on First Nations Ontology” *The Journal of Social Work Values and Ethics*, Volume 6, Number 3.

²Blackstock, C. (2003). First Nations child and family services: restoring peace and harmony in First Nations communities. In Kathleen Kufeldt and Brad McKenzie (Eds.), *Child welfare: Connecting research policy and practice* (pp 331-343). Waterloo: Wilfred Laurier University Press.

³Commission to Promote Sustainable Child Welfare. (2011) “Aboriginal Child Welfare in Ontario” Retrieved From: <http://www.sustainingchildwelfare.ca/assets/Aboriginal-Child-Welfare-in-Ontario-Discussion-Paper-July-2011.pdf>

⁴



Ontario Native Women's Association

- The primary reasons associated with child-welfare involvement with Aboriginal families are due to “neglect-driven factors which can be largely accounted for when controlling for poverty, poor housing and caregiver substance misuse.”⁹

The Child and Family Services Act

In 1984, Ontario's *Child and Family Services Act* was passed, the *Child and Family Services Act* recognized the right/entitlement of Aboriginal communities to provide their own child welfare services, wherever possible. Established for the purpose of promoting “the best interests, protection and well-being of children” the CFSA was developed to address a number of other issues associated with child welfare including the ensuring that the provision of “all services to Indian and Native children and families be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.”¹⁰ The CFSA also established a process for the designation of Aboriginal child welfare agencies as well as providing for the use of ‘customary care,’ which is described as a service available to Aboriginal children whereby the ‘care and supervision of an Indian or Native child [is provided] by a person who is not the child’s parent, according to the custom of the child’s Band or native community.”¹¹ An additional significant amendment to the CFSA was the addition of Section 226, which included the requirement to undertake a review every five years of the specific provisions of the Act that impose obligations on CASs providing services to Indian/native children.

Some concerns have been raised regarding the CFSA and how it impacts Aboriginal children and their families). An ONWA consultation with members, staff and clients on this issue brought forth the following concerns:

- Varying levels of compliance (some non-compliance) of agencies/Children’s Aid Societies in regards to the Child and Family Services Act provisions that impose obligations on societies when providing services to Indian/Native persons;
- Utilization of intimidation tactics such as threats of court orders and removal/isolation of children from parental care/custody by agencies/Children’s Aid Societies in order to compel parents to sign/consent to legal agreements; Intention of legislation (ie. to consult with Bands/First Nation Community on

⁹ Galley, V.J. (2010) “Summary Review of Aboriginal Over-representation in the Child-Welfare System-Final” Prepared for the Saskatchewan Child Welfare Review Panel.

¹⁰ CFSA (2010) Section 1.2 Retrieved from:

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm

¹¹ Ibid.