Miyo-Ohpikāwasowin – Raising our children in a good way: Disrupting Indigenous child removal systems through kinship care in northern Saskatchewan

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Abstract

This thesis explores Indigenous overrepresentation within Canada's Child Welfare System through a case study analysis of the disruption to that overrepresentation evident in the Lac La Ronge Indian Child and Family Services Agency (LLR-ICFSA) in Northern Saskatchewan. Drawing on four months of fieldwork, 23 interviews, agency documents, and an extensive literature review, this thesis critically assesses the role of cultural continuity in disrupting out-of-home care placements and permanent ward designations in the communities served by the LLR-ICFSA. The key findings of this thesis indicate the LLR-ICFSA is engaged in regionally specific cultural philosophies and practices that are effectively reducing the overrepresentation of Indigenous children in out-of-home care placements and permanent ward designation in the communities they serve. This thesis argues that the LLR-ICFSA's approach demonstrates a quantifiable disruption to the pervasive pattern of Indigenous child removals that occur under the Canadian state. Through thematic analysis this thesis situates the research findings within the larger landscape of Indigenous survival and resurgence under the Canadian settler state project. Significantly, the LLR-ICFSA provides a model from which to develop best practices for Indigenous child welfare in Northern Saskatchewan.

Mamihcitotamowin ~ Acknowledgements

Dedication

For those who are not here, for the *namatakiw*, for the *onipiw*.
Your absence is felt across our nations.

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Cimicihciy ~ Abbreviations

AANDC	Aboriginal Affairs and Northern Development Canada
AFN	Assembly of First Nations
CAS	Children's Aid Society
CARF	Commission on Accreditation of Rehabilitation Facilities
Caring Society	First Nations Child and Family Caring Society
CHRT	Canadian Human Rights Tribunal
CWRP	Canadian Child Welfare Research Portal
DIAND	Department of Indian Affairs and Northern Development
EPFA	Enhanced Prevention Focused Approach
FNCFS	First Nations Child and Family Services
FNCFSA	First Nations Child and Family Services Agency
INAC:	Indian and Northern Affairs Canada
ICFS	Indigenous Child and Family Services
ICFSA	Indigenous Child and Family Services Agency
LA6	The six communities served by the Lac La Ronge ICFSA
LLR	Lac La Ronge
LLRIB	Lac La Ronge Indian Band
RCAP	Royal Commission on Aboriginal People
The Representative	The Representative for Children and Youth (BC)
TRC	Truth and Reconciliation Commission

Pîkiskwêwin ~ Terminology

Aboriginal	Section 35 of the Canada's Constitution Act, 1982, defines Aboriginal Peoples as the "Indian, Inuit and Métis Peoples of Canada." The term "First Nation" is often used synonymously with "Indian," and the term "Aboriginal" is used to refer to each of these three peoples collectively. The term "Aboriginal" is increasingly being replaced with "Indigenous," which incorporates federally recognized Section 35 individuals, as well as those with "Aboriginal" or "Indigenous" ancestry that are not federally recognized.
Band	A "band" is a federally created political entity responsible for governance of affairs on federally created Indian Reservations. Band governance powers are defined under the Indian Act and subject to the approval of the minister of INAC, or its representative agents, previously known as Indian Agents. To vote or run for band council positions individuals must be federally recognized as members of the band.
Child	The definition of a "child" varies across Canada. The Canadian Child Welfare Research Portal lists the provincial and territorial definitions as a person under 19 in British Columbia and the Yukon; under 18 in Prince Edward Island, Quebec, Manitoba and Alberta; and under 16 in Nova Scotia, New Brunswick, Ontario, Saskatchewan, the North West Territories, Nunavut, Newfoundland and Labrador.
Child Abuse and Neglect	The CWRP lists "child abuse" as the physical or psychological mistreatment of a child by an adult (biological or adoptive parents, step-parents, guardians, other adults). This includes physical abuse, sexual abuse, emotional maltreatment, and exposure to domestic violence. "Neglect" refers to situations in which a child's caregiver fails to provide adequate clothing, food, or shelter, deliberately or otherwise. The term "neglect" can also apply to the abandonment of a child or the omission of basic care such as medical or dental care.
Child Welfare	A set of government and private services designed to protect children and encourage family stability. The main aim of these services is to safeguard children from abuse and neglect. Child welfare agencies investigate allegations of abuse and neglect (child

protection services), supervise foster care, and arrange adoptions. They also offer services aimed to support families so that they can stay intact and raise children successfully (Family and Prevention services).

Child Welfare Agency   Any legal entity that has entered into an agreement with the federal and provincial governments to provide child welfare services, including receiving and investigating reports of possible child abuse and neglect; providing services to families who need assistance in the protection and care of their children; arranging for children to live with kin, foster families, or licensed group home facilities when they are not safe at home; arranging permanent adoptive homes for children; and arranging and supporting independent living services for youth leaving foster care.

Cimicihciy   Short hand

Crown Ward   A child who has been permanently removed from the home of their biological or adoptive parents and put into the custody of a Child Welfare Agency. A Crown Ward may be placed in foster or group care facilities and may not be allowed access to their natural family for the purposes of adoption.

Culture   Manulani Meyer presents culture as "the behaviours we consider best for us as a group" which are assimilated "by repetition, by mutual acting in accord with one another" (Meyer, 1998, p. 90) For this thesis those acts and behaviours can be understood as the land based customs and practices associated with the Indigenous communities in Northern Saskatchewan.

Custom(ary) adoption   Adoption that takes place within Indigenous communities, in accordance with Indigenous legal tradition. Consists of the adoption of a child based on traditional customs and practices.

Family Services   The branch of Child Welfare Agencies responsible for maintenance and closure of family cases files after at-risk assessment by the first branch of CFSA - protection services.

First Nation   A federally recognized, geographically bound, political body of Indigenous people that have been delegated limited governing authority, as defined by Canada's *Indian Act* (1876). Also referred to as a "Band."

Foster care	Temporary or long-term transfer of guardianship to state custody for a child or children whose parents are unable or unwilling to care for the child.
Indigenous	A term that encompasses individuals identifying as First Nation, Inuit, Aboriginal, Métis, or Indian. A currently accepted term identifying the original decedents of Turtle Island independent of federal recognition.
kâhkiyâw niwâhkôhtamowin	All My Relations
Kinanāskōmitinawāw	With gratitude / thanks to many
Kinship care	The provision of care to children through extended family and occasionally community members.
Mamihcitotamowin	Acknowledgement
Métis	A culturally distinct group descended from Indigenous and European fur traders originating in the Red River region.
Miy-ôhpikihāwasowin	Raising children in a good way
miyo-isîtâwin	Doing ceremony in a good way
Miyo-Pimâtisiwin	To walk this life – in a good way
Nêhiyâw	Indigenous people of Turtle Island from the plains regions, belonging to the Anishinabek language family – commonly called Cree.
Nisitôhtamowin	Self in relations – Positionality – relationality
Non-Status	A political category denoting an Indigenous person who is not federally recognized as per the criteria set out in the *Indian Act* or has not applied to be recognized, and is therefore not able to access *Status* benefits.
Ohpikihāwasiwin	The act of raising children.
Permanent Ward	Refers to a child who is under permanent guardianship of a child and family services agency. The guardianship rights of the child's parents or guardians have been terminated and the child is the legal responsibility of the government. Also known as a Crown Ward.

Prevention	The branch of child welfare agencies responsible for providing prevention, reunification, and capacity building services to families with active child welfare concerns.
Pîkiskwêwin	What is being said, the term, expression, phrase, etc.
Private Agreement	Legal guardianship agreement for one or more children
Protection	The branch of child welfare agencies responsible for receiving, investigating, and intervening in claims of child abuse and neglect.
Section 5	Under the *Saskatchewan Child and Family Services Act* (1989) Section 5 reads: "Subject to this Act and the regulations, the minister may: (a) establish, operate and maintain family services; (b) provide family services to or for the benefit of a parent or a child where the minister considers them essential to enable the parent to care for the child; (c) enter into agreements with any person providing family services by which the minister is obliged to make payments for the provision of family services pursuant to this section. 1989-90, cC-7.2, s.5."
Section 9	Under the *Saskatchewan Child and Family Services Act* (1989) Section 9 reads: "Agreements for residential services 9(1) Subject to subsection 68(2), a parent who: (a) through special circumstances is unable to care for his or her child; or (b) because of the special needs of his or her child is unable to provide the services required by the child; may enter into an agreement with the director for a term not exceeding one year for the purpose of providing residential services for the child. (2) Unless an agreement pursuant to subsection (1) provides otherwise, the parent remains the guardian of the child for the duration of the agreement. (3) Every agreement pursuant to subsection (1) shall include a provision stating that the parent may seek advice from an independent third party prior to entering into the agreement. (4) Subject to subsection (5), an agreement pursuant to subsection (1) may be renewed from time to time. (5) The total period of all agreements pursuant to subsection (1) shall not exceed 24 months, unless the director, having regard to the best interests of the child, rules that an extension is required. (6) If the child who is the subject of an agreement pursuant to subsection (1) has attained 12 years of age, an officer shall explain the agreement to the child

and, where practicable, take the views of the child into account. 1989-90, cC-7.2, s.9."

Settler-Canadian	Non-Indigenous settlers and their decedents who identify and are recognized by the Canadian state as Canadian, and benefit from the occupation and exploitation of Indigenous lands and dispossession of Indigenous people by the Canadian state.
Sixties Scoop	Period in Canada from late 1950s to early 1980s when large numbers of Aboriginal children were apprehended and placed for adoption, primarily into non-Native homes.
Status/Registered Indian	A person who is listed in the Indian Register at the federal Department of Indian Affairs (formerly DIAND – Department of Indian Affairs and Northern Development).
Traditional	Indigenous cultural practices, beliefs, and ceremonies that have their origins in the past, prior to contact with Europeans, that are practiced currently in their contemporary form.
Ward	A ward, also Crown Ward, is a child for whom guardianship has been temporarily or permanently transferred to the state. All rights of the biological parents are irrevocably severed and wards may be denied access to their natural family. Wards live in foster or group care facilities, and are legally available for adoption.
Wâhkôtamowin	Kinship/ Relationship with / to others

Prelude

One-third of all federally recognized Indigenous children are in state care. These children represent the single largest demographic in state care. Their numbers are higher now than they were at the height of the residential school era, and they continue to grow. My research attempts to contextualize this persistent overrepresentation by examining the complex interplay between federal and provincial governments, and Indigenous child welfare organizations. My goal in this thesis is to identify best practices in child welfare that have the potential to disrupt this overrepresentation, and to better understand the conceptual frameworks that connect them. My field work was situated within the Lac La Ronge Indigenous Child and Family Services Agency (LLR-ICFSA) where I specifically looked at how that group is disrupting Canada's long-standing practice of Indigenous child removals, with two objectives: First, to understand how Canada's Indigenous policy, specifically its child welfare policy, results in legal and political exceptions that disadvantage Indigenous children, and second, to identify Indigenous capacity to disrupt and reverse the status quo of Indigenous overrepresentation in Canada's child welfare system that arises from those exceptions. In settler-colonial states much of the literature on child welfare, specifically, Indigenous child welfare focuses on what isn't working, in contrast the Lac La Ronge ICFSA provides an argument for what *is* working. While there is no one-size-fits-all answer, the LLR-ICFSA has reduced the number of children going into out-of-home care and becoming permanent wards, making this agency a case worth examining. Through their use of kinship care and their engagement in land-based activities the LLR-ICFSA is keeping kids in their family networks while building community capacity and cultural competency. Through four months of participant observation, interviews, and textual analysis, this story, or *acimowin*, is a witnessing of the philosophies and practices of the LLR-ICFSA in the communities they serve. I invite you to witness with me.

Peyak (One): Introduction

"Reconciliation is about not saying sorry twice"

(Blackstock, 2016).

There are more Indigenous children in state care today than there were at the height of the residential school era (1820s–1996) (Blackstock, 2000, 2007, 2008; Canadian Human Rights Tribunal, 2016; RCAP, 1996). Over 76,000 children are currently living as wards in Canada's Child Welfare System and most of them are Indigenous—up to 90% in some provinces (Assembly of First Nations, 2008a; Blackstock & Trocmé, 2005; N. Trocmé et al., 2010). This matters because Indigenous children are the fastest growing demographic in both the Canadian state and in its child welfare population. Despite numerous inquiries, reports, and recommendations, very little has changed in Canada's Indigenous policy over the last 150 years and Indigenous children continue to be overrepresented in state systems and are dying for want of services that are far more readily available to non-Indigenous children (Canadian Human Rights Tribunal, 2016, para. 381; The Jordan's Principle Working Group: Assembly of First Nations, 2015, p. 46). As such it is imperative that we examine the roots of this overrepresentation and even more essential that we identify and understand disruptions to what has become a pattern of Indigenous child removals that now spans over a century (Statistics Canada, 2008, 2011).

This chapter introduces the topic of Indigenous overrepresentation in Canada's Child Welfare System and identifies the Lac La Ronge Indian Child and Family Service Agency (LLR-ICFSA) in Northern Saskatchewan as an example of a child welfare agency that is disrupting the status quo of overrepresentation through a sustained reduction in the number of children being placed in out-of-home care and becoming permanent wards in the communities they serve. Chapter One outlines and critiques Canada's guardianship of Indigenous children from the front lines of child welfare to the foundations of the nation itself. This chapter argues that the ongoing overrepresentation of Indigenous children in state care necessitates an examination of the structural inequities that disproportionately expose Indigenous children to child welfare interventions. In the midst of these inequities it is heartening to note that there are examples of federally recognized Indigenous children receiving services akin to provincial child welfare services in both urban and rural communities. Examples like the LLR-ICFSA offer valuable insights into how child welfare agencies are disrupting the legacy of Indigenous child removals

by providing services to children while they remain in their homes, communities, and culture. This chapter highlights the LLR-ICFSA's use of regional philosophies and practices like kinship care to reduce the number of Indigenous children being placed in out-of-home care and becoming permanent wards, and in so doing speaks to the larger implications of this agency's approach to 'best practices' in child welfare.

1.1 The Case of Lac La Ronge Indian Child and Family Services Agency

The Lac La Ronge Indian Child and Family Services Agency (LLR-ICFSA) is one of the few child welfare agencies showing a sustained reduction in out-of-home placements and permanent ward designations. Uniquely, the LLR-ICFSA was the only Canadian child welfare agency with international accreditation until 2016, when two of its neighbouring communities— Peter Ballantyne Cree Nation and Sturgeon Lake Cree Nation—become accredited. These factors, the reduction in out-of-home and permanent ward rates, and the unique position as the only accredited Canadian child welfare agency mark this agency as an anomaly. The LLR-ICFSA is also unique in that it provides care on and off reserve to both Indigenous and non-Indigenous children, which is uncommon for ICFSAs. The LLR-ICFSA, located in the community of Lac La Ronge, provides child welfare services in six communities in Northern Saskatchewan, with a combined population of close to 10,000. Within those communities Lac La Ronge is colloquially referred to as "LA" and for convenience, I will refer to the six communities served by the LLR-ICFSA as the LA6. Within the first year of accreditation (2010) the LLR-ICFSA took over delegated control of provincial child welfare services and reduced the number of children in out-of-home care by 30% (Government of Canada; Indigenous and Northern Affairs Canada, 2013). It also took the position of refusing to make children permanent wards, causing an immediate halt to the number of children becoming permanent wards in the LA6 communities.

The LLR-ICFSA's approach to child welfare was explored through 12 weeks of participant observation, analysis of agency documents, and interviews with 23 of the LLR-ICFSA's 36 staff members. The findings indicate that, at least in the case of the LLR-ICFSA, it is possible for the overrepresentation of Indigenous children in Canada's child welfare system to be disrupted through a transformative praxis of cultural continuity. The success of this agency has national implications for addressing the systemic overrepresentation of Indigenous children by offering a model from which to understand and evaluate best practices in child welfare. While

most examinations of Canada's child welfare system suggest that equitable funding schemes can remediate Indigenous overrepresentation, this thesis contends that the structure of child welfare will not fundamentally change until we stop attributing the causes of overrepresentation to a legacy of colonialism (Assembly of First Nations, 2013, p. 2). It is essential to recognize that for Indigenous people the settler colonial relationship is not a legacy, but a living reality; the *Sixties Scoop* has become the *Millennium Scoop,* and both can be seen as manifestations of a larger system of dispossession that targeted Indigenous children through residential schools and continues to target them to this day through child welfare (Sinclair 2007a, p. 67; Wolfe, 2006, p. 388). I return to the connection between child welfare, dispossession, and elimination later in this chapter (see sub-section 1.2).

Disrupting narratives that place settler colonialism in the past is a necessary step towards challenging the ongoing complexities of Indigenous overrepresentation in Canada's child welfare system. Over the past 150 years settler-colonial assimilation policies have targeted Indigenous children (Blackstock, 2016, p. 32; Courtney et al., 1996; Fournier & Crey, 1998; Miller, 1996; Milloy, 1999; Sinclair, 2017; Wolfe, 2006). Assimilation policies like the forced removal and placement of Indigenous children into residential schools, and later, "foster" homes with settler families, were prefaced on an assumption of developmental normativity, or Indigenous inferiority, and were affected through legal or *juridical* means. Simply put, the pseudo-science notion that a racial or cultural hierarchy exists—*developmental normativity*—provided a politically constructed justification for the acquisition of land and resources in and on occupied territories.

Authors Suzanne Fournier and Ernie Crey have attributed the legacy of Indigenous child removals to settler-colonial assimilation paradigms that operated on this notion of developmental normativity such that, "[t]he white social worker, following on the heels of the missionary, the priest, and the Indian agent, was convinced that the only hope for the salvation of the Indian people lay in the removal of their children" (Fournier & Crey, 1998, p. 84). The Royal Commission on Aboriginal People notes that in the last century narratives of developmental normativity have been internalized to the point that:

> no one, except the Indian and the Métis people really believed the reality—that Native children were routinely being shipped to adoption homes in the United States and to other provinces in Canada. Every social worker, every administrator,

and every agency or region viewed the situation from a narrow perspective and saw each individual case as an exception, as a case involving extenuating circumstances. … No one fully comprehended that virtually all those children were of Native descent. (RCAP, 1996, Chapter 2, p. 24)

By examining Indigenous settler relations through the Canadian state's treatment of Indigenous children, it becomes possible to see how power relations have resulted in a pattern of Indigenous child removal that continues to this day despite numerous equalizing initiatives, and well after the closure of the residential school system (Lowman & Barker, 2015).

1.2 Indigenous-Settler Colonial Relations: A Child Welfare Background

Indigenous children are overrepresented in every stage of Canada's child welfare system; they are disproportionately apprehended, made permanent wards, and kept in out-of-home care arrangements until they "age out" at between 16 and 20 years old (Statistics Canada, 2011; N. Trocmé et al., 2001, 2010). Indigenous children are also more likely than non-Indigenous children to die in out-of-home care, or within twelve months of child welfare interventions (Henton, 2014; Ornstein, Bowes, Shouldice, & Yanchar, 2013; The Honourable Judge Thomas J. Gove, 1995). They are also disproportionately apprehended as a "first resort in cases of neglect, or financial hardship or disability" (Canadian Human Rights Tribunal, 2016, para. 364; N. Trocmé et al., 2001, 2005, 2010; United Nations & Committee on the Rights of the Child, 2012, p. 12). This is important as the conditions of neglect are often structural and beyond the control of Indigenous families living under federal jurisdiction (Blackstock, Prakash, Loxley, & Wien, 2005, p. 15). The stark numerical reality is that half (49.69%) of all reports of neglect regarding Indigenous children are substantiated, compared to 11.85% of non-Indigenous cases (Trocmé, 2010, p. 40). This means child welfare concerns regarding Indigenous children are four times more likely to result in an intervention, and those interventions disproportionately include out-of-home care placements. Repeated studies by child welfare expert Nico Trocmé have shown ethnicity to be a primary determinant for substantiation of reports of child neglect and maltreatment (Trocmé, Knoke, & Blackstock, 2004). Paradoxically, there is no statistically significant connection between ethnicity and incidents of child abuse and neglect (Ards, Myers Jr., Malkis, Sugrue, & Zhou, 2003; Fluke, Yuan, Hedderson, & Curtis, 2003; Lau et al., 2003).

The roots of this child welfare crisis—and it is a crisis, according to the findings of the Truth and Reconciliation Commission (TRC) (2016), the Canadian Human Rights Tribunal

(CHRT) (2016), and the Auditor General of Canada (2008; 2014)—lies in the bureaucratization of power dynamics present in Indigenous-Settler colonial relations (Office of the Auditor General of Canada Government of Canada, 2008, 2011; United Nations & Committee on the Rights of the Child, 2012, para. 32). Research by child welfare expert Cindy Blackstock shows that juridical and political, or *juridicio-political* differences between federal and provincial funding schemes have resulted in a child welfare system for some children, and a child removal system for others (Blackstock et al., 2005, p. 21). In 2016 both the TRC (2016) and the CHRT (2016) spoke to the federal government's complicity in the endemic overrepresentation of Indigenous children in Canada's child welfare system (Canadian Human Rights Tribunal, 2016, paras. 48–50, 109). Significantly, the CHRT (2016) found the Federal Government of Canada to be knowingly in violation of both human rights and Constitutional rights in the matter of Indigenous child welfare (Canadian Human Rights Tribunal, 2016, para. 109).

It is worth noting that in 2012 the *United Nations Committee on the Rights of the Child* expressed concern about Canada's "lack of action following the Auditor General's finding that child welfare services for Aboriginal children are provided with less financial resources than those for non-Aboriginal children." The UN recommended at that time that Canada "[t]ake immediate steps to ensure that in law and practice, Aboriginal children have full access to all government services and receive resources without discrimination," (United Nations & Committee on the Rights of the Child, 2012, para. 32). Reports like these indicate Canada's approach and response to child welfare issues regarding Indigenous children to be woefully inadequate. Dale Spencer and Raven Sinclair (2017) argue that these inadequacies illustrate how the federal government's bureaucratic structures administer and regulate Indigenous life in stark opposition to settler-Canadian lives; revealing a Darwinian logic of elimination, identified by Wolfe, as benefitting settler-colonial acquisition of Indigenous territories through systematic dispossession of Indigenous people. To that end, Sinclair notes:

> Assimilation of the child serves as the primary modality to systematically remove the prior Indigenous population. The Indigenous child, then, becomes invested in settler hopes of a future without the Indigenous prior, where biopolitical intervention and attendant discipline of school and family are the techniques of elimination. … In the Canadian context, the Indigenous child must be foremostly removed from their families and

inculcated with the ways of being of the settler. (Spencer and Sinclair,

2017)

Accordingly, settler colonial land acquisition has resulted in the creation of juridicio-political structures that effectively dispossess Indigenous people through ever evolving modalities.

In a north American context this began with the 14th century *papal bulls*, which are now commonly called the *Doctrines of Discovery.* The juridicio-political structures used to legitimize settler-colonial domination over Indigenous peoples include the *Civilization Act* (1857), the *Indian Act* (1876), and subsequent amendments including the mandate to place Indigenous children aged 7-15 in residential schools. Enough evidence exists to indicate that many residential schools had nurseries, and children as young as 6 months old were being apprehended (Milloy, 1999). More recently, the entrenchment of settler-state legitimacy over Indigenous lives is seen in the patriation of Canada's *Constitution Act* (1982), specifically *section 91(24)* through which the Canadian state claims authority over "Indians and lands reserved for Indians" (The Consitution Act 1982). The application of *section 91* and its counterpart *section 92* (which outlines provincial authority over child welfare) has resulted in a division of powers that leaves Indigenous child welfare in a liminal state between federal and provincial jurisdiction, without equal access to funding or services that are far more readily available to settler-Canadians (Canadian Human Rights Tribunal, 2016, paras. 78-86, 95, 314; The Jordan's Principle Working Group: Assembly of First Nations, 2015, p. 43).

1.3 Fiscal Neglect, Least Disruptive Measures and Apprehension

In the context of child welfare, amendments to the *section 88 of the Indian Act* in 1951 contributed to the overrepresentation we see today. This happened in two ways: first the federal government began outsourcing responsibility for Indigenous education to the provinces and subsequently shifted their focus from residential schools to day schools (Milloy, 1999). Second, under the federal government extended provincial child welfare legislation, which covered the protection of dependent, delinquent, and neglected children, to include Indigenous children. This necessitated provincial enforcement of state defined "protection" from state defined "neglect" (Johnston, 1983; Milloy, 1999). This is important because Indigenous people tend to exist on the margins of Canadian society as a result of structural inequities experienced under settler-colonialism, which means Indigenous children are inevitably targeted by policies that seek to ameliorate the *conditions* of structural inequities without addressing the *causes*. This was

apparent when, after the 1951 amendments to the Indian Act, disproportionate numbers of children were removed from their families and communities under the pretence of "neglect" (Canadian Human Rights Tribunal, 2016, para. 218; Milloy, 1999, p. 190). In 1953, just under half of all children attending residential schools were categorized as neglected; after the 1951 amendments that number rose to seventy-five percent, suggesting that residential school policies of assimilation were effectively re-structured as social welfare policies (Milloy, 1999, p. 214). Said differently, the child welfare policies and practices that dismissed Indigenous parenting also imposed settler colonial values through legislation, ensuring assimilation would continue as an *a priori* constant of Canadian Indigenous Policy (Kirmayer, Brass, & Tait, 2000, p. 608). This is evident in the 64% increase in the number of Indigenous children placed in out-of-home care between 1996 and 2006; an increase that occurred after the federal government began negotiating tripartite agreements with First Nation Band Governments regarding the delivery of child welfare services (Canadian Human Rights Tribunal, 2016, para. 258). Band governments are federally recognized, geographically bound, political body of Indigenous people that have been delegated limited governing authority, as defined by Canada's *Indian Ac*t (1876), over Indigenous affairs on one of the 666 federally recognized *Indian Reservations*. There are now over one hundred child welfare agencies across Canada with "delegated" authority over Indigenous children on, and increasingly, off reserve; however, very few of them have been able to disrupt or reverse the focus on removal and out-of-home care. It follows, then, that dismantling the practice requires an examination of both the policies and the philosophies that effect the continued removal of Indigenous children from their families, communities, and cultures.

One of the most significant factors in the continued overrepresentation of Indigenous children in out-of-home care is the financial restraints the federal government imposes on ICFSAs. The federal government acknowledges it has a fiduciary obligation to Indigenous people, established in *Guerin v. The Queen [1984]*, yet argues, as recently as March 2017, that it is under no obligation to adhere to the same funding mandates as provincial child welfare systems (Canadian Human Rights Tribunal, 2016, para. 33,34,88; Supreme Court of Canada, 1984; Turpel-Lafond, 2013a, p. 11). The systemic underfunding of ICFSAs is so well documented that it is difficult to understand how it has persisted—so difficult, in fact, that in 2007 the Assembly of First Nations (AFN) and the First Nations Child and Family Caring

Society (Caring Society) filed a complaint with the Canadian Human Rights Tribunal (CHRT) alleging discrimination against Indigenous children by the Canadian government for providing less funding for Indigenous child welfare services than is provided for settler-Canadian children. According to the Auditor General's report on Indigenous and Northern Affairs Canada's (INAC's) First Nations Child and Family Services Program (ICFSA), the funding formula for ICFSAs operates on the same flawed assumption of a fixed percentage of Indigenous children requiring services (Office of the Auditor General of Canada Government of Canada, 2008, sec. 4.64). That funding formula was developed on the assumption that 6% of Indigenous children living on reserve receive child welfare services; in reality that number varies from 0-28% (Office of the Auditor General of Canada Government of Canada, 2008, sec. 4.52). The ICFSA funding formula was designed with the further assumption of a 2% annual increase in funding, however, that increase has been frozen since 1995-1996 (Canadian Human Rights Tribunal, 2016, paras. 143–148, 311). This means ICFSAs receive less funding than provincial agencies despite representing the largest and fastest growing demographic of children receiving child welfare services (Assembly of First Nations, 2008a; Office of the Auditor General of Canada Government of Canada, 2008).

The federal government's exercise of its fiduciary obligation regarding Indigenous child welfare services is discriminatory and suggests a politically motivated legal exception that allows for the differential treatment of Indigenous children. The result is that ICFSAs cannot afford to provide the provincially mandated least disruptive measures that allow children to receive services and supports while in their homes. Instead, federal funding formulas force ICFSAs to apprehend and place Indigenous children in out-of-home care (foster, group, or institutional living arrangements) in predominantly non-Indigenous homes and institutions. The Auditor General has aptly noted, "Quite frankly, one has to ask why a program goes on for 20 years, the world changes around it, and yet the formula stays the same, preventative services aren't funded, and all these children are being put into care" (Office of the Auditor General of Canada Government of Canada, 2008, Chapter 4: Meeting 4. 17:15).

The federal government continues to support this funding model despite the CHRT (2016) ruling that it is discriminatory, and despite ample research illustrating the detrimental and arguably genocidal effects of this model on Indigenous communities (Neu, 2000). The federal government itself reports that the funding formula, "has had the effect of steering agencies

towards in-care options—foster care, group homes and institutional care because only these agency costs are fully reimbursed" (Indian and Northern Affairs Canada & Departmental Audit and Evaluation Branch, 2007). In this way the federal government selectively funds apprehension, despite provincial mandates for least disruptive measures, indicating that Canada's Indigenous child welfare policy has not fundamentally shifted away from a practice of removal and a philosophy of assimilation (Canadian Human Rights Tribunal, 2016, para. 75,344). The question then becomes, how, in light of these structural and interjurisdictional complexities, how are we to shift the focus from child removal to least disruptive measures for *all* children?

1.4 Thesis Overview

1.4.1 Method and methodology.

In the second chapter of this thesis I outline the method and methodology used to look at the LLR-ICFSA's child welfare practices. By drawing on literature identifying cultural engagement as a protective factor against the negative outcomes of settler-colonial oppression, I build a framework for understanding the LLR-ICFS disruption in out-of-home placements and permanent ward designations. Chapter Two outlines my engagement with the LLR-ICFSA through participant observation, textual analysis and conversations, and interviews with agency workers. Through these methods I observed, engaged, and recorded relevant experiential knowledge from which to understand the practices and philosophy of the LLR-ICFSA. That knowledge was thematically coded to identify examples or evidence of cultural engagement within the LLR-ICFSA. In Chapter Two I also speak to *wâhkôhtamowin* or *nisitôhtamowin*, relationship to others, specifically self-in-relation, and the importance of narrative agency when engaged in research addressing the issues facing Indigenous people under settler-colonialism.

1.4.2 Literature review.

In the third chapter I review literature on the overrepresentation of Indigenous children that occurs at every level of Canada's child welfare system, from reporting to removal to permanent ward status. I point to numerous primary sources on the state of child welfare in Canada and the disturbing similarities between the child welfare system and the residential school system. Through the literature I illustrate a continuous pattern of removal spanning a century and a half; the reasons change but what is consistent is that Indigenous children continue to be removed from their families and communities and placed in settler-Canadian families,

group homes, or institutions. Chapter Three looks beyond the overwhelmingly negative outcomes of those processes to identify examples of disruptions: cases like the LLR-ICFSA. Further, Chapter Three shows how cases like the LLR-ICFSA challenge the dominant narrative and shine a light on an important gap in the literature—the need for research on the capacity of Indigenous families, communities, and agencies to care for Indigenous children. Ultimately, Chapter Three seeks to contextualize the importance of the LLR-ICFSA's reduction in out-of-home placements and permanent ward designations by illustrating the child welfare landscape in which these reductions are occurring.

1.4.3 Findings.

The fourth chapter details the observations and experiences that emerged from my time with the LLR-ICFSA. Chapter Four focuses predominantly on narrative agency by presenting the words of LLR-ICFSA workers to illustrate what cultural engagement looks like for the LLR-ICFSA and the LA6 communities it serves. A key finding includes the LLR-ICFSA's role in supporting and facilitating land-based cultural activities and traditional kinship care models. This chapter illustrates a relationship between cultural engagement and the LLR-ICFSA's reduction in children being placed in out-of-home care and becoming permanent wards. It further demonstrates that relationship to be evident through the agency's philosophy and practice, or praxis.

1.4.4 Discussion and recommendations.

Chapter Five provides a detailed discussion of the conversations and observations presented in Chapter Four. The implications of kinship care and land-based cultural practices extend beyond the LA6 communities; these practices affirm the existing literature on the protective capacity of cultural engagement and, as such, they speak to the development of best practices in this field. As one of the few ICFSAs to effectively disrupt the pattern of Indigenous child removals and sustain that reduction, it becomes beneficial to understand how their philosophy and practice contribute to this reduction. Chapter Five explores the LLR-ICFSA's engagement in regional models of *ohpikihāwasiwin*, or child rearing knowledges, as legitimate forms of knowledge from which to develop best practices and protocols in the field of child welfare. Chapter Five concludes with key recommendations and critiques raised by the LLR-ICFSA workers, and my own assessment of the limitations or gaps that impact the study of *ohpikihāwasiwin* in Northern Saskatchewan.

1.4.5 Conclusions.

Chapter Six concludes this thesis by contextualizing the landscape in which the Canadian Child Welfare System, and subsequently the LLR-ICFSA, operates. This chapter points to what Sinclair terms an *Indigenous Child Removal System* as a more appropriate way to understand the systemic overrepresentation of Indigenous children at every level of state care (Sinclair, 2017). Importantly, the last chapter articulates the capacity of child welfare agencies to disrupt the legacy of Indigenous child removals despite structural limitations, and it confirms that the LLR-ICFSA is an example of how engagement and support of regional cultural practices address the void in current child welfare research by providing an example of a meaningful and sustained reduction in out-of-home placements and permanent ward designations in Northern Saskatchewan.

Nīso (Two): Methods and Methodology

"In an Indigenous context,

story is methodologically congruent with tribal knowledges."

~ Margaret Kovach

2.1 Introduction

This chapter presents the philosophical lenses through which this research was conceptualized and implemented. It explains the methods and methodology used to explore the overrepresentation of Indigenous children in Canada's child welfare system, and the relevance of those methodologies in understanding the capacity of Indigenous Child and Family Service Agencies (ICFSAs) to disrupt overrepresentation. In this research, I draw on Adam Gaudry's notion of *insurgent research* as a foundation for engaging the Lac La Ronge ICFSA (LLR-ICFSA) in northern Saskatchewan. Gaudry writes that insurgent research is relational and as such, it re-centers knowledge production or research to meet the needs of Indigenous communities (Gaudry, 2011, p. 114). This Indigenous-centric framework that Gaudry provides allows my engagement with the LLR-ICFSA to be rooted in Indigenous worldviews, which means my examination of the LLR-ICFSA is driven by my need to understand how we, as Indigenous people, can best reclaim our children from the settler-Colonial state. Gaudry's assertion that insurgent research promotes "community-based action that targets the demise of colonial interference within our lives and communities" resonates with my personal motivation to deconstruct Indigenous overrepresentation in state care (Gaudry, 2011, p. 114). As a former child welfare ward, I am motivated to both understand and find ways to change the conditions I experienced in that system, so that other children may have a better experience.

The methods I have chosen to use in order to further that reclamation of Indigenous children and disrupt overrepresentation include an extensive literature review, textual analysis, and emergent and thematic analysis of observations and conversations with LLR-ICFSA workers. Said plainly, building on previous research that shows engagement in cultural practices to have a protective capacity on Indigenous people, I had a theory that the LLR-ICFSA may be engaged in cultural practices that could explain the agency's reduction in out-of-home placements and permanent ward designations. To explore this theory I asked the LLR-ICFSA if I could spend time with them. They agreed and I spent four months reading agency documents, listening, observing, and participating in the daily activities of LLR-ICFSA workers. During that

time, I learned a great deal and this thesis is my attempt to present what I learned, in a respectful way that may benefit Indigenous agencies providing child welfare services to Indigenous children.

2.2 Methods:

2.2.1 The case.

The LLR-ICFSA, which opened in 1994, has maintained a reduction in out-of-home placement rates for over six years, as well as a freeze on permanent ward designation. At the time of research, they also had the unique position of being the only Canadian child welfare agency with international accreditation. The LLR-ICFSA is located in Northern Saskatchewan, approximately three hundred and eighty kilometers from Saskatoon, and serves a population of approximately ten thousand, situated in six communities over a distance of several hundred kilometers. Those communities include Grandmothers Bay, Hall Lake, La Ronge, Little Red, Pine House, Stanley Mission, and Sucker River. The LLR-ICFSA has thirty-six employees including protection, family services, prevention, and foster care workers, as well as administrative and recreation workers. The LLR-ICFSA has two short-term "emergency" foster homes in the LaRonge community and has access to seventeen foster homes within the Prince Albert child welfare region, as well as access to group homes in the southern Saskatchewan area.

2.2.2 Recruitment and interviews.

Recruitment of the LLR-ICFSA for this study began by contacting the agency co-director, Kyla MacKenzie; the project was introduced through email and subsequently discussed over the phone. MacKenzie invited me to come to La Ronge where we met in-person and discussed a research plan. Ethics approval was obtained from the University of Saskatchewan Research Ethics Board (REB) and the project was then formally introduced to the LLR-ICFSA workers during an agency staff meeting when I arrived in the community. This research was similarly concluded with a formal recognition during the LLR-ICFSA Annual General Meeting in April 2016, which coincided with the completion of the study. In total, I recorded twenty-three one-on-one conversations with LLR-ICFSA workers, the majority of whom I had spent weeks engaging with and learning from. Those recorded conversation took from between half an hour and two hours to complete, with the average being less than an hour. Once transcribed those conversations were submitted to participants for review. An interview guide was drafted to

ensure key areas were covered, however, the conversations followed emergent lines of inquiry, and after nearly four months of engagement with the LLR-ICFSA workers those conversations were guided by knowledge I had developed of each individual's experiences. I drew on shared experiences I had been a part of, such as the winter camp and a family conference circle, to explore and contextualize pertinent questions. I also drew on the notes and reflections of a research journal that I maintained during my time with the LLR-ICFSA. I then thematically coded the transcribed conversations using NVivo; a qualitative analysis software, which resulted in fifteen thematic codes. The most significant theme or code that emerged was Cultural Continuity. Additional themes included Protection, Family Services, Prevention, and Administration. The Protection theme, for example, included quotes on the Child and Family Services Act Sections 5 and Section 9, and Private Agreements. Under the theme of Prevention, I discuss land-based activities; under the theme of Family Services I discuss family conferences and family dynamics; and under the theme of Administration, are discussions on policy, process, and accreditation.

2.2.3 Ethical considerations.

This study received approval from and adhered to the standards and guidelines of the University of Saskatchewan Research Ethics Board (REB) for all research involving human subjects. The focus of my engagement with the LLR-ICFSA was to understand how the agency's practices and philosophy have resulted in a reduction in out-of-home placements and permanent ward designations. To achieve this, the research plan I developed with the co-director included participant observation with agency workers, for whom re-traumatization was considered a low risk and for whom therapeutic supports were available through the LLR-ICFSA infrastructure. Informed consent for the project was obtained from the agency director and co-director before the commencement of research, and all workers who agreed to have a one-on-one conversation recorded were asked to sign an informed consent form before that conversation took place. Additionally, the agency co-director and the department managers in Protection and Prevention, respectively, introduced me to their departments and asked workers in those departments if they would be comfortable with me observing, asking questions, and engaging them. I found workers were open to sharing their knowledge and quick to include me in their daily practices, which included everything from filing to home visits, community meetings and staff meetings, winter camp and fish derbies, and policy development and making bannock.

Once the twenty-three recorded conversations were transcribed I sent each worker a copy of their transcript and asked for any input, edits, or omissions they would like to make. They were reminded at that time that they could withdraw their transcript completely until such time as anonymizing the quotes made it difficult to identify their specific contributions. No one chose to remove their data. I decided to anonymize all contributions with the exception of a few pertinent quotes by the LLR-ICFSA's director and co-director—who indicated they would like to be identified.

2.2.4 Data analysis.

Data gathering occurred relationally through observation and engagement, progressing from textual to contextual (Deloria Jr., Samuel, & Kristen Deloria, 1999, p. 34). The data analysis in this thesis is derived from an interpretation of multiple data points, including conversations, participant observation, textual analysis, and policy research. I began my research with the LLR-ICFSA by familiarization with the agency's policies, procedures, and philosophy through manuals, reports, and other agency documents. Through the agency's documents I gained an understanding of the LLR-ICFSA origins, history, and accomplishments. My research then expanded to include participant observation alongside agency staff in each department: Protection, Family Services, Prevention, and Administration. Participant observation allowed me to appreciate the nuances of each department's practices and how they relate to each other within the agency as a whole. During my time with the LLR-ICFSA I maintained a research journal where I recorded my observations, insights and reflections daily. Through this research journal I was able to identify and track common themes and key areas for discourse analysis which later became the bases for thematic coding of recorded conversations.

After three months of familiarizing myself with the processes of each department and the relationship between the departments, I began engaging in recorded conversations with workers. The intention behind holding these recorded conversations or interviews in the final phase of research was to ensure I was familiar enough with the agency that I could draw on my observations to contextualize the stories and experiences shared by LLR-ICFSA workers. The stories and knowledges observed, shared, and intuited through this research have been thematically codified using NVivo qualitative software, and both provincial and national child welfare statistics have contributed a quantitative understanding to the data interpreted, analyzed, and presented in this thesis (Kovach, 2009 p. 35).

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2.2.5 Ceremony/protocol.

At the start of my time with the LLR-ICFSA I learned that the LLRIB had banned overt displays of "traditional" Indigenous spirituality in band-run agencies and department, including Child and Family Services. So, while it is often considered appropriate to make a small tobacco offering before engaging in research as *miyo-isîtwâwin*—a good way of recognizing or establishing peaceful and respectful relations—it would not have been appropriate in this context (Kovach, 2009; Tuhiwai Smith, 2012; Wilson, 2008). With respect for the regional norms, I decided to offer tobacco and prayers privately before beginning my engagement with the LLR-ICFSA. Other traditional offerings were made in sweat lodge throughout my time in the communities, and similar offerings will be made again at the conclusion of this thesis, in keeping with my personal teachings.

2.3 Methodology

2.3.1 *Wâhkôhtamowin*: Self-in-relation.

My relationship to this topic comes directly from my experience as a ward in Canada's child welfare system and the sense of ethical obligation that experience evoked in me to understand and disrupt that system of child removal that perpetuates cognitive dissonance, suicide, addiction, and abuse. Those experiences left me with a deep sense of responsibility to "do something" so that other children may have better experiences. As a youth, I began working as an advocate for children in care, speaking with foster parents, social workers, correctional workers, public health nurses, and other professionals who had power over the lives of children. When I grew older I went to college and then university to learn how the child welfare system worked, and to find ways to disrupt it—ways to reclaim our children and assert *ohpikihāwasiwin,* our child rearing knowledges. This personal drive is what brings us here, to this examination of the LLR-ICFSA. This is *wâhkôhtamowin,* or self-in-relation, and sharing it as a part of my research methodology is important so that you understand why this matters to me personally. There are several authors who write on the importance of identifying the relationship researchers have to their work, their *positionality.* In the context of Indigenous research methodologies, Gregory Cajete suggests that awareness of self-in-relation is important for "honoring the primacy of direct experiences, interconnectedness, relationship, holism, quality, and value" (Cajete, 2004, p. 66). My direct experiences shape my understanding of my role as a researcher to be one of accountability to *all our relations* (Deloria Jr. et al., 1999; Gaudry, 2011; Wilson, 2008). In this

way, I incorporate Gaudry's insurgent research as a framework for engaging the LLR-ICFSA and, more broadly, the topic of Indigenous overrepresentation.

2.3.2 Indigenous methodologies as a decolonial praxis.

According to Raven Sinclair, Indigenous research methodologies "must derive from traditional ways of knowing, being, and doing, have practical applications, and, ideally, lead to empowerment and liberation" (Sinclair, 2003). This perspective is extremely relevant to research on child welfare, considering the ongoing removal of Indigenous children from their families, communities, and subsequently, dispossession from land-based knowledges and practices of our cultures. Margaret Kovach argues that within Indigenous methodologies there is a need to recognize the "…influence of the colonial relationship" on Indigenous knowledges, legal traditions, customs and practices; specifically, Kovach argues that we need to disrupt the way "Indigenous communities are being examined by non-Indigenous academics who pursue Western research on Western terms" (Kovach, 2009, pp. 28, 30). As an Indigenous academic, then, it is important for me to engage in research in a way that respects the customs, practices and legal traditions of Indigenous communities. This means developing and doing research that privileges the needs and interests of those communities. Accordingly, this thesis is informed by the call from authors like Kovach, Sinclair, and Gaudry to engage research as a decolonial praxis.

By engaging the topic of Indigenous child welfare as an Indigenous academic, former ward, and insurgent researcher, it becomes possible to recognize the LLR-ICFSA's use of *ohpikihāwasiwin*, or traditional child rearing knowledges and practices, like kinship care, as a transformative praxis responsible for their reduction in out-of-home placements and permanent ward designation. The phenomenon of kinship care is an Indigenous legal and cultural tradition that has evolved over many thousands of years and is beginning to gain recognition and support from the Canadian state. For this thesis I draw on Hawaiian scholar Manulani Meyers understanding of "culture" as the, "behaviours that are best for us as a group" and Raven Sinclair's understanding of "tradition" as "those cultural practices and beliefs that are currently extant in their evolved form." (Sinclair, 2007a, pp. xv). Through this lens the LLR-ICFSA can be seen to have embraced a fundamentally Indigenous and decolonial approach to child welfare delivery. In this thesis I take an equally decolonial approach to exploring the LLR-ICFSA's in order to demonstrate that by keeping Indigenous children in their families, communities and

cultures the LLR-ICFSA assumes "the continuing relevance and validity of their cultural knowledge" (Gaudry, 2011, p. 120). As Gaudry notes, by "focusing primarily on what our cultures have to offer in terms of creative and anticolonial alternatives, we can work toward something new and positive" (Gaudry, 2011, p. 124). In this way, insurgent research allows us to develop frameworks for best practices in child welfare that reflect, assert, and assume the legitimacy of *ohpikihāwasiwin* (Gaudry, 2011, p. 118).

2.4 Summary

Through the methods and methodology laid out in this chapter I have identified, first and foremost, myself and what brings me to this research. This practice of recognizing *wâhkôhtamowin* is an essential part of privileging Indigenous methodologies and contributes to the positioning not just of myself, but of this research as both insurgent and resurgent. The methods presented here illustrate that the ethical considerations of my research go beyond those identified by the University of Saskatchewan REB to include my responsibilities to *kâhkiyâw niwâhkôhtamowin* –all my relations. The relational nature of my chosen methods and methodology mean that I engaged in conversations, not interviews and while the difference may seem to be one of semantics, I believe terminology is important. My exploration of *ohpikihāwasiwin* is contextual and since my methods and methodologies reflect that, so should my language. Throughout this research I have sought to engage the LLR-ICFSA from a place of shared interest in understanding how the cultural practices and traditions of Indigenous communities in Northern Saskatchewan are affecting meaningful change for children in the child welfare system. That shared interest has influenced the way I experienced and interpreted my time with the LLR-ICFSA. It is my hope that the knowledges emerging from those experiences are shared and beneficial to *kâhkiyâw niwâhkôhtamowin.*

Nisto (Three): Literature Review and Research Questions

3.1 Introduction

This chapter reviews the current literature on the overrepresentation of Indigenous children in Canada's child welfare system. To address the complexities of Indigenous overrepresentation, this chapter draws on research in the fields of social work, psychology, and law in addition to literature on settler-colonial and Indigenous relations. The literature presented in this chapter illustrates that as a result of settler-Colonialism, Indigenous people are exposed to a matrix of traumatic experiences that disproportionately bring them in contact with the child welfare system (Aboriginal Justice Inquiry Child Welfare Initiative, 2001; Canadian Human Rights Tribunal, 2016; RCAP, 1996; The Truth and Reconciliation Commission of Canada, 2015).

The outcomes for Indigenous children raised in state systems that control nearly all aspects of life, *total institutions,* such as residential schools, foster, and group homes, have been well documented in reports, commissions, inquires, and legal rulings over the past century. Despite these numerous interventions, critical reflection on this experience has not changed the situation, and counterintuitively, the number of Indigenous children presently in state care exceeds that of the residential school era (Blackstock, 2008, p. 163). This suggests there is a need to examine how policies that directly impact the lives of Indigenous children continue to be shaped by the settler-colonial foundations of the Canadian state. To that end, this chapter endeavors to understand the structural causes of overrepresentation by examining the relevant literature on Indigenous children in the child welfare system, as well as identifying examples of disruptions to the pattern of overrepresentation. Notably, there is a gap in the literature regarding the disruptive capacity of cultural engagement –*cultural continuity*, in a child welfare context. Later in this chapter I explore parallel literature on the role of cultural continuity in disrupting Indigenous suicide rates in order to address that gap and to assess the applicability of suicide prevent research within a child welfare context.

3.2 Structural Causes and Persistence of Indigenous Overrepresentation in State Care

This chapter assesses the current state of Indigenous children in Canada's child welfare system though the 2016 Canadian Human Rights Tribunal ruling on Indigenous children (CHRT), the 2015 Truth and Reconciliation Commission (TRC), as well as primary sources on overrepresentation including the 2001 Aboriginal Justice Inquiry–Child Welfare Initiative

(AJI)(Aboriginal Justice Inquiry–Child Welfare Initiative & Child and Family Services in Manitoba, 2001), the three Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) (Trocmé et al., 2001, 2005, 2010), the 2011 National Household Survey (NHS) (Statistics Canada, 2011), and several reports by the Auditor General of Canada (Office of the Auditor General of Canada Government of Canada, 2008, 2009, 2011). A review of the literature overwhelmingly demonstrates over-representation of Indigenous children at every point of intervention by child welfare authorities, from reports, to investigation, substantiation, as well as placement and length of time in out-of-home care, and permanent ward designations (Blackstock, Trocmé, & Bennett, 2004).

   As of 2015, over 62,000 children were living in out-of-home care, and Indigenous children under the age of 14 account for approximately 14,000 of those (Aboriginal Children in Care Working Group, 2015, p. 7; Jones, Sinha, & Trocmé, 2015; Statistics Canada, 2011). Across the provinces and territories, Indigenous children living on reserves are placed in formal out-of-home care situations more often than non-Indigenous children (Sinha et al., 2011, pp. 4-5). Significantly, informal out-of-home care placements, with family members for example, are used in nearly half of all child welfare interventions involving Indigenous children on reserve, and these types of informal placements are not reflected in out-of-home care statistics, which means the number of Indigenous children in out-of-home care is actually much higher than statistics suggest (Sinha et al., 2011, pp. 73, 82). Even with the statistics available, Indigenous children are placed in formal out-of-home care far more often than non-Indigenous children. Data drawn from the Canadian Child Welfare Research Portal, which illustrates the disparity in care placement rates between Indigenous and settler-Canadian children over an eighteen year period, is included in Figure 1 (below) (Jones & Sinha, 2015).
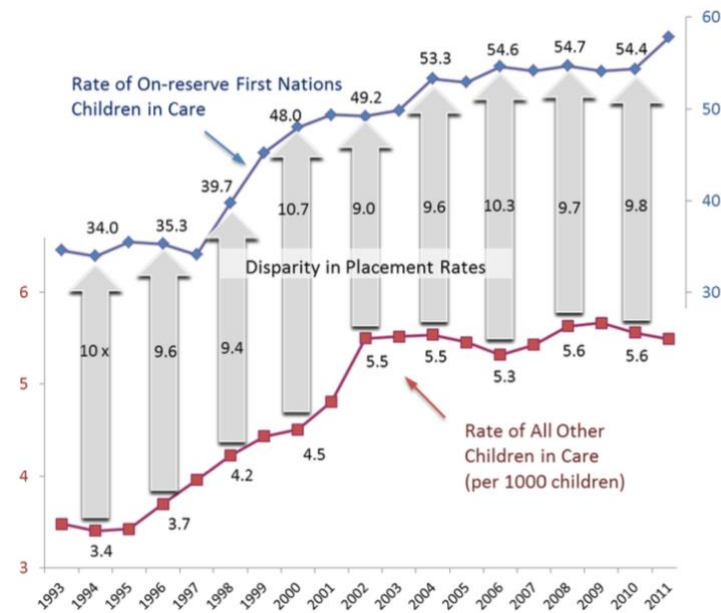
Figure 1. Care placement rates for Indigenous vs. settler-Canadian children, 1993-2011.

It is important to contextualize these figures, both regionally and nationally. Table 1 uses data from the 2015 *Aboriginal Children in Care, Report to Canada's Premiers* to break down the percentage of Indigenous children in each province and territory, and what percentage those children constitute of the total number of children currently in out-of-home care placements for each region (Aboriginal Children in Care Working Group, 2015, p. 7).

Table 1. Percentage of Indigenous Children in Care, by Province

Province/Territory (P/T)	% of children who are Indigenous in each P/T	% of children in care who are Indigenous in each P/T
British Columbia	8	55
Alberta	9	69
Saskatchewan	25	65
Manitoba	23	87
Ontario	3	21
Quebec	2	10
New Brunswick	3	23
Nova Scotia	6	23
PEI *Ethnicity not recorded	-	-
Newfoundland/Labrador	11	34
Yukon	33	64
Nunavut	85	94
Northwest Territories	61	95

The data shows that Indigenous children are more likely than settler-Canadian children to be involved in Canada's child welfare system at some point in their lives. Nunavut is an exception in that it's the only region where Indigenous children constitute the majority of the child population, and proportionately, the majority of the child welfare population (Statistics Canada, 2008, 2011). A review of child welfare literature reveals that Indigenous children are more likely than settler-Canadian children to be designated permanent wards, or *crown wards*, meaning the Canadian state becomes their legal guardian, and under state guardianship Indigenous children are more likely to have multiple placements, fewer "family" placements, and are more likely to "age out" of the system since they cannot legally be reunited with family once they belong to the state (Ministry of Children and Family Development & Representative for Children and Youth, 2016; Sinha et al., 2011; N. Trocmé et al., 2004, p. 580; Turpel-Lafond, 2013b).

The outcomes for crown wards are complex and overwhelmingly negative; The British Columbia Representative for Children and Youth's 2015 report, "Paige's Story: Abuse, Indifference and a Young Life Discarded," highlights the all too common outcomes for Indigenous children designated as crown wards. This report outlines how Paige Gouchier, an Indigenous youth who had been involved with the child welfare system for more than a decade, moved more than 90 times between foster homes, family, shelters, and Single Room Occupancy hotels (SRO's) before dying of an overdose while living on the streets of Vancouver; she was 19 years old at the time and had been out of state "care" less than a year (Turpel-Lafond, 2015, p. 6). The Representative's investigation into the child welfare system's involvement with Gouchier poignantly observed that "[i]f a parent in BC had treated their child the way the system treated Paige, we may be having a debate over criminal responsibility. Yet there appears to be systemic resistance to naming this problem" (Turpel-Lafond, 2015, p. 8). The report observes that though Paige had "an aunt and uncle who were actively interested in caring for her and with whom she had developed a bond," they "were inexplicably never seriously considered as a placement option, even though they could have offered Paige connection to family, culture and stability – her rights under child welfare legislation in BC" (Turpel-Lafond, 2015, p. 7).

The *Representative's Report* highlights an important silence in the literature: the fact that the number of Indigenous children who die in care, or within 12 months of leaving care, is not recorded in most Canadian provinces (Ornstein et al., 2013). The Representative identifies this

gap as "an ongoing and growing concern" given the overrepresentation of Indigenous children in care (Turpel-Lafond, 2017, p. 1). Across the provinces and territories numerous child death reviews have concluded that inaccurate recording and limited funds to collect data make it difficult to provide a meaningful analysis on the deaths of Indigenous children in care (Ministry of Community Safety and Correctional Services & Office of the Chief Coroner, 2015; Schibler & Newton, 2006, p. 12). Despite the lack of standardized recording practices, the government of Alberta reports that Indigenous children account for 78% of deaths in care since 1999; Health Canada further articulates that one-third of those are by suicide (Health Canada, 2001; Henton, 2014). Given the frequency of critical injuries and deaths involving Indigenous children and youths within twelve months of receiving child welfare services, the BC Representative asks "whether this is the face of institutionalized racism and a system that discounts the value of some children's lives…" (Turpel-Lafond, 2015, p. 8).

The literature on deaths and critical injuries in care raises important questions about the effectiveness of a child welfare system that leads to such disparate outcomes for so many Indigenous children. This is a highly relevant question given the Canadian state's history of mass removals and deaths of Indigenous children during the residential school era. Page Gauthier's death is not a new or unique outcome for Indigenous crown wards. A report by the Representative in 2013, *When Talk Trumped Service,* notes that

> Governments have for some time recognized that past failed policies and practices
> needed to be addressed, and that outcomes for the lives of Aboriginal children need to
> change. Yet, for the significant number of Aboriginal children and youth who come into
> contact with the child welfare system, the improvement expected in their lives doesn't
> happen, or government cannot speak with confidence about what services they receive,
> how these children's basic needs are being met or whether services provided translate
> into improved life experiences. (Turpel-Lafond, 2013a, p. 3)

Policies that not only fail to improve the lives of Indigenous children but in fact cost lives predate the child welfare system and are best exemplified in the words of Duncan Campbell Scott (1913-1932), the Deputy superintendent-general of Indian Affairs during the residential school era: "[f]ifty per cent of the children who passed through [residential schools] did not live to benefit from the education, which they had received therein" (Milloy, 1999, p. 51). Despite mortality rates that surpassed those of World War II soldiers, Scott asserted that a mortality rate

of 50% "… does not justify a change in the policy of this Department which is geared towards a final solution of our Indian Problem" (The BC Teachers Federation: Educating for truth and reconcilitation, 2015, p. 8). While the last residential school closed in 1996, research, most notably by Cindy Blackstock, indicates the number of Indigenous children designated as crown wards has steadily grown, and with it the number of Indigenous children who die in state care (Blackstock, 2008). This suggests that discontinuing the residential school project was effectively little more than a reclassification of the schools following the 1951 amendments to *section 88* of The *Indian Act* (1951). As discussed in Chapter One, the *section 88* amendments extended the general application of provincial law to include "protection of dependent, delinquent and neglected" Indigenous children that necessitated "action by child welfare authorities" (Government of Canada; Department of Indian Affairs Canada, 1985, secs. 88, NaN, s.151; Milloy, 1999, p. 216).

Following the 1951 amendment, thousands of Indigenous children attending residential schools were reclassified as neglected, "because home conditions [had] been judged inadequate" (Milloy, 1999, p. 214). By 1966 "...seventy-five percent of children [in residential schools] were 'from homes which by reasons of overcrowding and parental neglect or indifference [were] considered unfit for school children'" (Milloy, 1999, p. 214). This amounts to a thirty-five percent increase in the number of Indigenous children classified as "neglected" over 13 years. The transition of state care and control over Indigenous children from the church-run (federally funded) residential school system to the provincially run (federally funded) child welfare system took decades. That transition was aided by cases like *Nature Parents v. Superintendent of Child Welfare* [1976], which justified the removal and adoption of Indigenous children out of province and country (SCC, 976). Another important case that justified the placement of Indigenous children in non-Indigenous homes and communities is *Racine v. Wood* [1983], which ruled that culture was "of no consequence" as it "abates over time" (SCC, 1976, 1983, pp. 187–8). Legal rulings like these reflected and reinforced the political opinion of the time, that Indigenous children were better served by assimilating into non-Indigenous families and communities, where they could adopt non-Indigenous values.

3.2.1 The role of neglect in child removals.

A close read of the three *Canadian Incidence Study of Reported Child Abuse and Neglect* (*CIS)*(1998, 2003, 2008) reveals that Indigenous children are overwhelmingly apprehended and

placed in out-of-home care because of maltreatment, specifically in the form of *neglect* rather than abuse (Sinha, Ellenbogen, & Trocmé, 2013; Sinha, Trocmé, Fallon, & MacLaurin, 2013; Trocmé, Tourigny, MacLaurin, & Fallon, 2003). This means that "*risk of harm* [is] a sufficient basis for child protection intervention; a finding that a child actually experienced harm as a result of maltreatment is not necessary in order to substantiate maltreatment" (emphasis in original) (Sinha, Trocmé, et al., 2013, p. 2081). In other words, the *risk* of parental neglect is enough to justify child welfare intervention, even if the cause of that risk is structural, such as poverty or poor housing. Effectively, the logic of elimination undergirding settler-colonialism first dispossesses Indigenous people from access to safe housing and clean drinking water then declares those environmental factors to be "risk" factors, thereby justifying further dispossess through removal of children from those "risky" environments. This is evident in literature that shows when children live in conditions of poverty, claims of maltreatment and neglect are substantiated more often (Ards et al., 2003; Frideres, 1998; Milloy, 1999; Sinha, Trocmé, et al., 2013, p. 2083; Trocmé et al., 2005; Trocmé, 2010). The literature also shows a link between ethnicity and the likelihood of a *risk assessment* resulting in a child welfare intervention (Courtney et al., 1996; Fluke et al., 2003; Lau et al., 2003; Trocmé et al., 2004). In a very real way this means brown children, especially Indigenous children, are assessed as "at risk" dramatically more often than children who appear Caucasian, and brown children, specifically Indigenous children, are removed more often for conditions that their parents have no control over, like poverty and poor housing. Canada's child welfare system does not have the mandate or the budget to address the conditions of structural neglect facing most Indigenous communities under the Canadian state; it does however, have the power to remove children from those conditions (Fast, Simpson, & Trocmé, 2014).

The conditions of structural neglect, evident in the gap in living conditions between Indigenous and settler Canadians, inspires questions about Canada's commitment to human rights conventions it has signed on to, like the Rights of the Child (1990) and the Rights of Indigenous People (2003), and more foundationally, the Prevention and Punishment of the Crimes of Genocide (1948), which, under article II(e), lists "forcibly transferring children of the group to another group" as a form of genocide (United Nations, 1948, 1990, 2003, 2007). It is notable that in 2014 the United Nations Special Rapporteur's report on Indigenous Peoples in Canada opined that:

It is difficult to reconcile Canada's well-developed legal framework and general prosperity with the human rights problems faced by Indigenous peoples in Canada that have reached crisis proportions in many respects. … Although in 2004 the previous Special Rapporteur recommended that Canada intensify its measures to close the human development indicator gaps between Indigenous and non-Indigenous Canadians in health care, housing, education, welfare, and social services, there has been no change in that gap in the intervening period… The statistics are striking. Of the bottom 100 Canadian communities on the Community Wellbeing Index, 96 are First Nations, and only one First Nation community is in the top 100. (Anaya, 2014, p. 7)

According to the Auditor General of Canada's reports (2008, 2009, 2011), these entrenched conditions of poverty mean that Indigenous people face a lack of access to adequate housing, sanitation, and clean water—the very conditions likely to lead to child apprehension. In speaking to this the Truth and Reconciliation Commission of Canada (TRC) (2015) noted that:

Aboriginal children and their families in Canada are more likely to live in poverty, and their poverty is more likely to be entrenched and intergenerational in nature. … Aboriginal families are more likely to live in substandard housing; struggle with addictions; experience food insecurity; be single parent led; experience a lack of family and other supports; and lack the skills, education and economic development opportunities required to become self-sufficient. (The Truth and Reconciliation Commission of Canada, 2015 Appendix B: Aboriginal People in Canada, Statistical Overview)

The United Nations Special Rapporteur on the Rights of Indigenous People has similarly noted that "the residential school period continues to cast a long shadow of despair on Indigenous communities, and many of the dire social and economic problems faced by aboriginal peoples are linked to that experience" (Anaya, 2014, p. 5). Sharon McKay, founding member of the Prairie Child Welfare Consortium has argued that the conditions of poverty Indigenous people experience under the Canadian state are an example of spatially concentrated racialized poverty, which represents a socio-political reality that shapes child welfare and contributes to the current epidemic of Indigenous overrepresentation in child welfare (McKay, Fuchs, & Brown, 2009). The Canadian Human Rights Tribunal (CHRT) cites the Wen: De Report (2005) in noting that Indigenous children are more likely to be investigated and be placed in care due to poverty,

poor housing, and addictions rooted in the trauma of residential schools (Blackstock et al., 2005, p. 15). The findings of Statistics Canada's *National Household Survey* for 2011 reinforce this view in noting that nearly half (43.1%) of all homes in Indigenous communities are structurally inadequate due to poor construction, overcrowding, and a lack of access to heat, potable water, and sewage disposal facilities (Statistics Canada, 2011).

As a result of structural inequalities like inadequate housing, Indigenous people are 8-10 times more likely to contract tuberculosis, and are almost 20 times more likely to contract other easily preventable infections such as whooping cough, hepatitis and shigellosis (Cameron, del Pilar Carmargo Plazas, Santos Salas, Bourque Bearskin, & Hungler, 2014; Goraya, 2016; Public Health Agency of Canada Government of Canada, 2007; Statistics Canada, 2011). This observation is powerfully reinforced by the recent shigellosis epidemic in the community of Kashechewan, Saskatchewan (Canadian Brodcast Corporation, 2016). It is worth noting that Health Canada classifies Shigellosis as, "a common bacterial infection in developing countries [that] results from poor water quality and inadequate sewage disposal" (Health Canada – First Nations and Inuit Health 2003). It follows then, that outbreaks and containment of such infections are impacted by access to medical services. This is important given that, on many reserves, medical and mental health/rehabilitation workers are only available on a restricted basis (Cameron et al., 2014; Goraya, 2016; NCCAH, 2010). As a result, infections that are rare in settler-Canadian children, like shigellosis, whooping cough, tuberculosis, and hepatitis have a higher incidence and severity rate within Indigenous communities (Assembly of First Nations, Envirnonmental Stewardship Unit, 2008; First Nations Information Governance Centre, 2012).

It is also worth noting that poor health is further exacerbated by food insecurity, where decreased access to affordable, nutritious food, especially for Indigenous communities in the north, precipitates health issues (Assembly of First Nations, 2008b; Pal, Haman, & Robidoux, 2013). The negative effects of structural poverty on health are likewise noticeable in poor educational outcomes (Brownell et al., 2015; Brownlee, Rawana, MacArthur, & Probizanski, 2010; Ferguson, Bovaird, & Mueller, 2007; Mendelson, 2008; Statistics Canada, 2011; Swift & Parada, 2004; Trocmé et al., 2005). Overall, this lack of access to services translates into structural neglect, which many do not have the resources to overcome. This means Indigenous children are predisposed to conditions that justify child welfare interventions, predominantly in the form of out-of-home care and, subsequently, the negative outcomes associated with state care

(First Nations Information Governance Centre, 2012, p. 350; Trevethan, 2002; Turpel-Lafond, 2014).

Despite Canada's status as a "developed" nation, Indigenous reserves and communities *within* the Canadian state are *on par* with "developing" nations (Assembly of First Nations, 2008b). Tellingly, the United Nations Human Development Index (HDI) reports that while Canada ranks among the top 10 countries in which to live, when the same index is applied to Indigenous people on these lands the ranking drops to 63rd (Mackrael, 2015; United Nations & Jahan, Seim, 2016). Given the federal government's claim to jurisdictional authority over "Indians and lands reserved for Indians" under section *91(24)* of the Constitution Acts (1982), it has been argued that the federal government has created an ecology of neglect that systemically entrenches the prerequisites for Indigenous child removals (British Columbia & Ministry of Social Services, 1992; Office of the Auditor General of Canada Government of Canada, 2008; The Honourable Judge Thomas J. Gove, 1995). A review of child welfare literature shows that child welfare workers are predominantly non-Indigenous and lack the experience to differentiate between the structural causes of neglect and the personal conditions of poverty (Aboriginal Children in Care Working Group, 2015, p. 13; Armitage, 1995, p. 209). As such, poverty and neglect are often conflated by child welfare workers and in labelling structural neglect as parental neglect, poverty has paradoxically become a child welfare issue (Ards et al., 2003). In the province of Saskatchewan, for example, the Structured Decision Making manual (SDM) for Child Protective Services identifies the conditions discussed above—inadequate food, inadequate medical/mental health care or rehabilitation services, and inadequate/hazardous shelter—as "neglect," which in turn requires a child welfare intervention (Childrens Research Center, 2015, p. 8).

Over the last century, the Canadian state has created both the conditions and the systems responsible for the removal and containment of Indigenous children on such a mass scale that the practice has become normalized within the Canadian state and psyche. Stephanie Irlbacher-Fox articulates this reframing of settler-colonial impacts on Indigenous people as paradoxically allowing the Canadian state to first create, then leverage structural inequalities to justify authority over Indigenous lives (Irlbacher-Fox, 2010, pp. 27, 107). In this way the Canadian state has absolved itself of responsibility for Indigenous social suffering by temporally framing colonialism as "a regrettable yet ultimately irrelevant story" and as such, the erasure of ongoing

colonialism allows for the continued denial of injustices and inequities that Indigenous people endure at the hands of the settler-colonial state (Irlbacher-Fox, 2010, p. 106; Kovach, 2009, p. 75). Cindy Blackstock further argues that in this way, "First Nations parents are still being held accountable for the very social conditions that were created by the government in the first place" (Blackstock, 2016; The Truth and Reconciliation Commission of Canada, 2015, p. 4). This bureaucratization of removal paradigms highlights the need to search for examples of child welfare agencies that are disrupting the established pattern of removal. Those disruptions are anomalies to the removal paradigm and given their rarity, offer important insights from which to identify commonalities and enhance the disruptive capacity of other child welfare agencies.

3.3 The Nature and Scope of Anomalies in the Child Welfare System

In 2008 the government of Canada officially apologized for subjecting Indigenous people to generations of socio-cultural assimilation through the residential school program, renouncing the

> …primary objectives of the Residential Schools system [which] were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. (Prime Minister of Canada, 2008)

Political theorist Glen Coulthard argues that while the Canadian state's policies regarding Indigenous people have undergone a number of iterations over the last century, the assumption of settler-colonial supremacy over Indigenous lives persists irrespective of state recognition and apologies (Coulthard, 2014). According to Coulthard, Canada's current politics of recognition are a rebranding of assimilationist practices reminiscent of the residential school era (Coulthard, 2014). Along these lines, Milloy writes that control over Indigenous children during the formation of the Canadian state was an indispensable tool of social control that created the "conditions for the peaceful occupation of the west" (Milloy, 1999, p. 32).

However, policies that dictated the removal of Indigenous children in the name of pacification and assimilation have now been replaced with policies that dictate removal in the name of *protection*. This effectively disseminates control over Indigenous lives by shifting from direct administration, as was the case with the residential school system, to indirect regulation through the creation of ICFSAs, which must adhere to discriminatory child welfare policies

(Milloy, 1999; Scott, 1998). It can be argued that despite the federal government's apology for the residential school system, ICFSAs are simply a new system of child removal that the Canadian State will be apologizing for in another hundred years. Aptly, Cindy Blackstock writes, "reconciliation means not having to say sorry twice" (Blackstock, 2008), yet in all regards, the removal paradigm continues. As such it is important to understand how the emergence of delegated child welfare agencies that cater to Indigenous children both perpetuates and disrupts these paradigms.

In Saskatchewan the struggle for Indigenous control over Indigenous children has had several landmark moments, including the Blue Quills and Fort Qu'Appelle residential school agreements in the early 1970s, and a decade later, a moratorium on the out-of-province adoptions of Indigenous children to non-Indigenous parents following the *Indian Control of Indian Child Welfare* Report (1983) (Isnana, Federation of Saskatchewan Indian Nations, & WMC Associates (Firm), 1983; Milloy, 1999, p. 236). It would take another ten years, following the United Nations Convention on the Rights of the Child (1990) and the RCAP (1996), for the federal and provincial governments to treat culture as a right to which Indigenous children were entitled, and to begin to delegate authority over child welfare services to Indigenous band governments (as created by the Indian Act) (United Nations, 1990; RCAP, 1996).

The creation of Indigenous Child and Family Service Agencies (ICFSAs), also known as First Nations Child and Family Service Agencies (FNCFSAs), Delegated Aboriginal Agencies (DAAs) in British Columbia, and Children's Aid Societies (CASs) in Alberta occurred through tripartite agreements between the federal, provincial, and band governments (Government of Saskatchewan, 2012). In Saskatchewan ICFSAs were created through amendments to the Saskatchewan Child and Family Services Act in 1994, which allows "people of Indian ancestry to provide services to their communities, [and] enter into agreements …for the provision of services" (Government of Saskatchewan, 1989a, sec. 61(1)).

Interestingly, the creation of ICFSAs has not disengaged the federal government from control over Indigenous children, but rather has expanded the number of stakeholders involved in Indigenous child welfare (Clarke, 2007). Anna Kozlowski from the Centre for Research on Children and Families poignantly notes that in the context of autonomy over child welfare in Saskatchewan,

> [o]ther than band notification of court appearance or placement decisions related to
> children from the band and permitting bands to be involved in the management of
> individual cases, the Saskatchewan government has yet to further develop special
> considerations for First Nations and Aboriginal children within the Child and Family
> Services Act. (Saskatchewan Child and Family Services Act, 1989-90)

What this means is that the federal government has delegated authority over Indigenous child welfare to ICFSAs without addressing policies that continue to disproportionately bring Indigenous children into contact with child welfare services. In this way the federal government is effectively "offloading" the issue of overrepresentation and shifting the responsibility to ICFSAs without providing the power to make fundamental changes. In BC, the Representative of Children and Youth notes that with the advent of ICFSAs, the Ministry of Child and Family Development

> charted a direct course into funding and encouraging jurisdiction and transfer of
> government powers discussions while having no practical or functional guidance from
> the Attorney General regarding the scope and implications of such negotiations. Many of
> these negotiations are not with "nations" at all, but with community organizations, urban
> groups and others who lack the representational capacity to enter into self-government
> negotiations. Nor is BC a nation. (Turpel-Lafond, 2013a, p. 5)

Despite the glaring contradiction of creating tripartite agreements with non-governing organizations, there are now over 100 agencies with delegated control of Indigenous child welfare. Funding for these agencies falls almost exclusively under Directive 20-1, which was developed in 1991 alongside the development of ICFSAs; however, with the creation of the Enhanced Prevention Focus Approach (EPFA) in 2007, many ICFSAs are switching as the EPFA model allows, theoretically, for prevention programming (Canadian Human Rights Tribunal, 2016, para. 121; Sinha & Kozlowski, 2013). Both funding schemes have been widely criticized for failing to provide provincially comparable rates. The CHRT has criticized:

> …FNCFS Agencies, especially those under Directive 20-1, their level of funding makes
> it difficult if not impossible to provide prevention and least disruptive measures. Even
> under the EPFA, where separate funding is provided for prevention, the formula does not
> provide adjustments for increasing costs over time for such things as salaries, benefits,
> capital expenditures, cost of living, and travel. This makes it difficult for FNCFS

Agencies to attract and retain staff and, generally, to keep up with provincial

requirements. (Canadian Human Rights Tribunal, 2016, para. 344)

Under these agreements, band run agencies are required to uphold federal mandates to reduce out-of-home intervention rates, in addition to provincial child welfare regulations, while being constrained by a thirty-year old funding formula. The current funding formula was last updated in 1988 and continues to operate on an estimate that 6% of children living on reserve require out-of-home care (7% in Manitoba) and that 20% of on reserve families will receive child welfare services (A. A. and N. D. Canada, 2013). The Auditor General reports that in 2007 the percentage of children receiving child welfare services on-reserve ranged from 0-28% percent (Office of the Auditor General of Canada Government of Canada, 2009, sec. 4.52).

In addition to the 6% assumption, funding for ICFSAs adheres to the 1998 *Kelowna Accord,* which instituted a 2% annual cap on Indigenous programs (which has been frozen since 1996); this means there is an annually increasing gap in funding between Indigenous and non-Indigenous child welfare services (Turpel-Lafond, 2013a). The federal government has recently promised to remove the 2% funding cap but to date has not agreed to bring funding levels on par with those of programs serving settler-Canadian children (G. of C. I. and N. A. Canada, 2016). Joint research by the Department of Indian Affairs and Northern Development (DIAND), the AFN, and ICFSAs indicate that as of the year 2000, ICFSAs were receiving 22% less funding per child than provincial child welfare agencies; however, a more accurate evaluation of fiscal disparity needs to account for the high cost of living in most Indigenous communities, in addition to difficulty with staff retention and the other ancillary costs of living in a community with limited services (Blackstock, 2000; Clarke, 2007; Turpel-Lafond, 2013a, p. 6).

These funding schemes have a real and quantifiable impact on the ability of ICFSAs to provide provincially mandated least disruptive measures that are available to settler-Canadian children. Blackstock testified before the CHRT that it would require an additional $109 million annually, based on the federal government's 2012 budget, to provide Indigenous children with base equivalency to settler-Canadian children (Blackstock, 2008; Caring Society, 2017). While the federal government has agreed to accept and implement the findings of the CHRT, it has yet to respond to the CHRT's order "to immediately remove the most discriminatory aspects of the funding schemes it uses to fund FNCFS Agencies [ICFSAs] under the FNCFS Program" (Canadian Human Rights Tribunal, 2016, para. 21).

The Canadian Human Rights Tribunal (CHRT), which has a statutory mandate to apply the Canadian Human Rights Act with respect to matters within the legislative authority of the Parliament of Canada, including over federal agencies such as INAC, released its third non-compliance order on May 26, 2017, citing the federal government for failing to implement the CHRT's previous rulings with respect to Indigenous child welfare (Caring Society, 2017; Government of Canada, 2017). The CHRT (2016) and the Office of the Auditor General of Canada both affirm that chronic underfunding, contradictory and overlapping bureaucracy, and a funding model that perpetuates removal all serve to undermine the integrity of tripartite agreements (Canadian Human Rights Tribunal, 2016; Office of the Auditor General of Canada Government of Canada, 2008, 2009). Irlbacher-Fox writes that the federal government's approach to child welfare during the Délînê negotiations was to offer "training and institutional development mimicking the state's own bureaucracies," to which Irlbacher-Fox responds that any such agreement would only serve to "consolidate state authority and hegemony over Indigenous people and communities" (Irlbacher-Fox, 2010, p. 111).

This is evident in the way that ICFSAs are federally funded, provincially mandated child welfare agencies administered by federally created "band" governance structures. As with the creation of "bands" and band governance structures under the Indian Act (1876), the creation of ICFSAs has resulted in a settler-colonial structure that does not empower Indigenous control over Indigenous children; rather, the creation of ICFSAs consolidates state authority over Indigenous children by universalizing colonial pedagogies. In this way ICFSAs can be seen to represent a form of epistemological violence whereby Indigenous child rearing knowledges, or *ohpikihāwasiwin* become "cultural components" of an otherwise homogenous child welfare system that is regulated by the state and administered by Indigenous people.

3.3.1 ICFSAs - Where is the research?

The history of Indigenous overrepresentation in the Canadian child welfare system and the relatively recent emergence of Indigenous Child and Family Service Agencies (ICFSAs) raise the question of whether the delegation of child welfare authority through tripartite agreements has produced any examples of Indigenous agencies that have been able to leverage their limited child welfare authority in a way that addresses the removal paradigm. As of 2017 there are 104 IFSCAs nationwide, with varying degrees of delegated authority over Indigenous child welfare (Sinha & Kozlowski, 2013, p. 6). These agencies are now the primary providers of

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child welfare services to Indigenous children on reserve. Despite the primacy of IFSCAs there is a notable silence in the literature on the use and outcomes of *ohpikihāwasiwin*, or child rearing knowledges, in these agencies. This relative absence of Indigenous "voice" regarding the policies, practices, and outcomes of ICFSAs makes it all the more important to identify disruptive narratives for inclusion in the discourse on Indigenous child welfare. To address this silence, I have reviewed annual reports, program reviews, and financial audits of child welfare agencies that predominantly serve Indigenous children living on reserve, in order to identify and situate norms and anomalies. I looked at ICFSAs serving populations of more than 10,000 in multiple communities across the provinces. Agency reports show that the largest portion of ICFSAs budgets are spent on out-of-home care costs and as a result agencies are struggling to provide least disruptive measures (The Association of Native Child and Family Services Agencies of Ontario, 2001, p. 25; Anishinaabe Abinoojii Family Services, 2015, p. 9; Awasis Agency, 2015, p. 7; Dakota Ojibway Child and Family Services, 2012; First Nations of Northern Manitoba; Child and Family Services Authority, 2015; Kina Gbezhgomi Child and Family Services, 2016; Tikanagan Child and Family Services, 2015; Weechi-it-te-win Family Services Inc, 2014). Even the Splatsin Stsmamlt agency in BC (previously Spallumcheen), which is unique in that it operates on a bylaw model instituted in 1980 rather than through delegated control over child welfare services, continues to struggles with funding, staff retention, and a shortage of placement homes within the communities it serves (Secwepemc Nation, 2012, 2013, 2014; Sinclair, 2010; Union of BC Indian Chiefs & Walkem, 2002, p. 56).

While ICFSAs are required to adhere to band mandates as well as provincial mandates for cultural continuity and least disruptive measures, there is very little literature on the outcomes of those practices as few ICFSAs have been able to overcome fiduciary constraints in order to focus on those areas. Although there is a transition occurring whereby ICFSAs are increasingly using kinship care placements rather than out-of-home state care placements, the literature indicates these placements have high breakdown rates due to inadequate funding, and as a result, few agencies have been able to significantly reduce the number of children in out-of-home care (Awasis Agency, 2015, p. 8; Kina Gbezhgomi Child and Family Services, 2016; Michif Child and Family Services, 2014; Sinha & Kozlowski, 2013, p. 9; Weechi-it-te-win Family Services Inc, 2014, p. 9). Jeannine Carrière notes that one of the few exceptions is the Yellowhead Tribal Services Agency in Alberta which placed over 100 children through their

Open Customary Adoption Program which ran from 2000 to 2010 without a single placement breakdown (Carrière, 2015; Peacock & Morin, 2010). In general, there is an absence of quantifiable data on the relationship between out-of-care placements and elements of *ohpikihāwasiwin,* or child rearing knowledges that could illuminate ICFSA engagement in cultural continuity. This is compounded by the reality that data on ICFSA is not readily available and acquiring this information requires sifting through annual reports, program reviews, and financial audits in order to compile enough data for comparative analysis.

Notably, a search of the leading peer reviewed journals on child welfare yielded very little quantifiable data on the outcomes of ICFSA. The BC Representative for Children and Youth has condemned this absence of research, and the lack of standards for ICFSA accountability, as undermining the ability to critically analyze the practices, policies, and outcomes of these agencies (Turpel-Lafond, 2013a). Turpel-Lafond notes that in BC,

> [m]any millions of dollars have been expended by MCFD during the last dozen years on Aboriginal child welfare initiatives—initiatives that have demonstrated no direct benefit in terms of services to Aboriginal children and families. This report underscores not only the failure of these initiatives to contribute to improved outcomes for Aboriginal children, but also highlights the lost opportunity of the dollars expended on these initiatives to enhancing services to Aboriginal children. (Turpel-Lafond, 2013a, p. 63)

Turpel-Lafond argues that without evidence-based standards for measuring success, the Canadian state is incapable of identifying and disseminating best practices in child welfare (Turpel-Lafond, 2013a). It is also worth noting that inquiries and reports on the overrepresentation of Indigenous children in the Canadian child welfare system, such as the CHRT (2016), the TRC (2015), and the RCAP (1996) are consistently on a provincial or national scale, which further highlights a vast silence on the effectiveness of individual agencies.

3.4 Cultural Continuity, Suicide, and Child Welfare

In examining the overrepresentation of Indigenous children in Canada's child welfare system, there is very little literature on if or how ICFSAs are reducing that overrepresentation; however, there is a great deal of literature on reducing Indigenous suicide through cultural engagement. Reviewing literature on the role of cultural engagement or cultural continuity in reducing suicide indicates that "culture" may be an appropriate lens through which to examine the efficacy of ICFSAs. The connection between culture, suicide, and child welfare has already

been made in research on suicide, so essentially this thesis shifts the examination away from the generalized understanding of the ability of cultural engagement to reduce suicide to a more focused examination of how cultural practices and beliefs are being leveraged by the LLR-ICFSA in order to reduce child welfare interventions in the form of out-of-home placements and permanent ward designations.

Studies by Raven Sinclair (2007), Simon Nuttgens (2013), and John Trevethan (2002) on Indigenous children raised in non-Indigenous environments indicate cultural and cognitive dissonance are common outcomes, in addition to high rates of suicide, substance abuse, and depression (Nuttgens, 2013; Sinclair, 2007b; Trevethan, 2002). This is relevant in the context of child welfare given the well documented pattern of cultural and cognitive dissonance associated with separating Indigenous children from land based knowledges that are traditionally enculturated through family and community (Locust, 1998). Stan Rowe notes that a century of ontological deconstruction has culminated in a legacy of Indigenous people unanchored from the psycho-cultural moorings they need to navigate their reality (Rowe, 1994). This is highly relevant in the context of suicide as numerous studies establish a connection between trauma, cognitive dissonance, and suicide among Indigenous children and youth (Chandler & Lalonde, 1998, 2004a, 2004b; Erickson, 2005; Hicks, 2007; Kirmayer et al., 2007; MacNeil, 2008; Mignone & O'Neil, 2005).

Research by Laurence Kirmayer on suicide within Indigenous communities reveals that roughly one third of Indigenous youth die by suicide and that Inuit youth specifically have the highest suicide rates of any culturally identifiable group in the world (Health Canada, 2001; Hicks, 2007; Kirmayer et al., 2007, p. xv). Interestingly, Michael Chandler and Christopher Lalonde have shown that suicide among Indigenous youth in BC is community specific, with "roughly 90% of the suicides [occurring] in only 12% of the bands, and more than half of all Native communities [suffering] no youth suicides during this 8-year reporting period" (Chandler & Lalonde, 2008a, p. 232).

To understand the extreme variance in suicide, Chandler and LaLonde identified eight key variables in 29 Indigenous communities in BC that impact suicide rates, including: self-government, women in government, engagement in land claims, a degree of control over education, child protection, health, fire/police services, and access to cultural facilities (Chandler

& Lalonde, 1998). Figure 2 below illustrates the factors identified by Chandler and LaLonde as having a quantifiable role in the reduction of suicide rates.
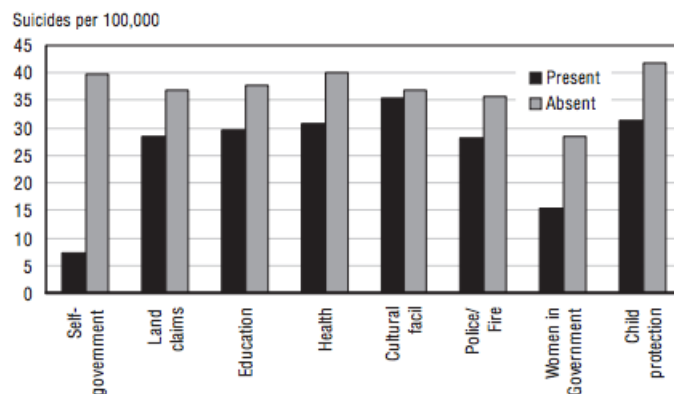
Figure 2. Factors affecting the suicide rate in 29 Indigenous communities in BC.

Chandler and LaLonde's work reveals that any one of these factors is a hedge against suicide, and the presence of all eight reduces suicide to below the national average (Chandler & Lalonde, 1998, 2004a, 2004b, 2008b). Expanding on this, Henry Harder et al. reviewed 771 studies on Indigenous youth suicide occurring after 1996 and found cultural engagement, or cultural continuity, to be the most promising protective factor (Harder, Rash, Holyk, Jovel, & Harder, 2012, p. 126). Harder et al. note a pervasive ambiguity in the measures and definitions of culture across the studies examined, however their review of Chandler and Lalonde found that:

> …bands undertaking an active role in maintaining and preserving their culture will reduce youth suicide by providing a thread between self and culture, thus promoting the development of a strong sense of self. While difficult to quantify and evaluate empirically, their general findings suggest that this is the case. (Harder et al., 2012, p. 137)

In a follow-up study on cultural continuity, Hallett, Chandler, and LaLonde (2007) found that suicide was non-existent in communities where over half the population had conversational knowledge of their Indigenous language, which suggests continuity of culture through language has a protective capacity (Hallett, Chandler, & Lalonde, 2007). Similarly, studies by John Fleming and Robert Ledogar (2008) found internalization of Indigenous beliefs and participation in traditional cultural practices to have a protective capacity against suicide and the pathologies or negative outcomes associated with settler-colonial oppression (Fleming & Ledogar, 2008). Studies by Colleen Dell on the effect of culture as an intervention in addictions among

Indigenous people similarly demonstrates culture to be a protective factor (Dell & Acoose, 2015; Dell et al., 2011). Despite operational differences in defining and measuring culture and its influence, a large body of research identifies the internalization and exercise of Indigenous culture to have a protective capacity significant enough to warrant further study (Ball & Chandler, 1989; Chandler, Lalonde, Sokol, & Hallett, 2003; Chandler & Lalonde, 1998, 2004a, 2008b; Hallett et al., 2007).

The research of Chandler and Lalonde identifies control of child welfare as a key cultural continuity factor in the reduction of suicide on a macro scale. For a more nuanced understanding of cultural continuity in child welfare delivery, it is necessary to examine how ICFSAs interpret and incorporate "culture" *within* their practice and philosophy. It can then be determined if a reduction in the number of children in out-of-home care placements and crown ward designations can be correlated to the presence of community-specific cultural continuity factors. To operationalize community-specific identifiers of cultural continuity, this review examined Glen Coulthard's concept of grounded normativity, which offers an understanding of Indigenous cultures as land based, reciprocal, non-exploitive Indigenous knowledge systems (Coulthard, 2014). To build on that definition, I draw on Lawrence Kirmayer's understanding of land-based knowledges and practices as active, socio-moral, ecocentric processes that maintain culture and personal health (Kirmayer et al., 2000).

Although it is difficult to quantify the means by which children are enculturated with the ontological and epistemological values, norms, and spiritual beliefs of a community, Kirmayer argues that it is through first witnessing, then participating in normative performances of culture that children learn to function in ways that meet the social, political, spiritual, and economic needs of the community (Kirmayer, et al., 2000, 2007). An example of this is seen in Irlbacher-Fox's description of moosehide tanning as a land-based practice that "embodies the principles of Indigenous resurgence: people simply being culturally themselves toward a positive outcome, without reference to the state or any negative forces" (Irlbacher-Fox, 2010, p. 44). Drawing on Irlbacher-Fox's example, in conjunction with Coulthard and Kirmayer's definitions helps shape the way this thesis examines ICFSA engagement in cultural continuity. These authors and examples suggests that for Indigenous people the continuance of land-based practices rooted in Indigenous knowledges is essential to the formation of healthy identities (Erickson, 2005; Menzies, 2007; Poupart, 2003; Tatz, 2005; Turpel-Lafond, 2014; Tweddle, 2005; White, 2007).

3.4.1 Cultural continuity through kinship care.

Author David Adams (1995) argues that the residential school system disrupted Indigenous psycho-cultural systems of synthesizing worldviews and experiences, resulting in cognitive dissonance and a devaluation of self and life which led to high rates of suicide, addiction, and incarceration (Adams, 1995). In a child welfare context, there are tens of thousands of Indigenous children currently living as crown wards in non-Indigenous homes and communities, and the settler-Colonial values they are exposed to may similarly lead to acculturation stress and cognitive dissonance. The outcomes for Indigenous children involved in the Canadian child welfare system overwhelmingly indicate that imposition of western liberal family structures on Indigenous people needs rethinking.

Until 2007, placing Indigenous children in culturally congruent environments required licensing Indigenous people as foster care providers, which meant when families wanted to care for their kin they had to become licensed care givers—a task that is difficult if you live in poverty and substandard housing conditions (A. A. and N. D. Canada, 2013). In 2007 the federal government began recognizing kinship care as an alternative to foster and institutional care models (A. A. and N. D. Canada, 2013).

The importance of kinship care placements lies in exposure to culturally congruent social and family supports, specifically, through daily interactions that transmit and reinforce cultural values, histories, and norms. This notion is empirically supported by Harder et al., who note, "it is not only having a sense of culture that buffers against the negative pathways of suicide, but rather the act of engaging in culturally relevant activities with respected others in the community" (Harder et al., 2012, p. 140). Interestingly, the Statistics Canada NHS survey reports that Indigenous children are significantly more likely to live in multigenerational family arrangements than settler-Canadian children (Statistics Canada, 2011). The Truth and Reconciliation Commission (2015) has noted that in regard to Indigenous children, "improved outcomes are directly linked to the amount of community involvement and control in service governance, design and delivery, retention and the strengthening of culturally relevant programming" (The Truth and Reconciliation Commission of Canada, 2015, p. 6). In the context of Indigenous child welfare this is increasingly manifesting in the form of private kinship care agreements, brokered by ICFSAs to allow extended family members to provide care outside of

the child welfare system, rather than placing children in homes and institutions outside the community.

Research by Rob Innes into kinship care on the Cowessess band in Northern Saskatchewan illustrates there is a strong network of caring kin capable of addressing the needs of Indigenous children, and further, that the practice of kinship care in its extant form is a continuation of traditional kinship systems (Innes, 2013). In his research with the Cowessess reserve in Saskatchewan, Innes found that traditional kinship obligations were resulting in band members caring for children in the community regardless of blood relations. Innes' research shows that the inclusive nature of the Cowessess kinship model worked to strengthen the community by supporting children who would otherwise be placed in state care. Similarly, work on transracial adoption by Raven Sinclair notes that traditional Nêhiyaw kinship relations were highly structured to ensure community cohesion and continuity:

> Grandparents would take the first born grandchild and raise it as their own. The practice protected the continuity of oral teachings and ensured the care and wellbeing of the Elderly. Contemporarily, these customary adoption practices continue to occur with striking regularity in the Aboriginal population, although statistics on them are hidden because they are not recorded in Departmental statistics; the adoptions do not always follow legal routes. (Sinclair, 2007a, p. 38)

These practices of kinship care and customary adoption continue to occur through family and community networks, often without legal recognition. Currently, British Columbia, Alberta, the Northwest Territories, and Nunavut recognize customary adoption (Atkinson, 2010, p. 46). In Québec the legislature has recently proposed Bill 113, which would allow the provincial government to recognize the practice (Vallée, 2016). Within the context of ICFSAs the use of private kinship agreements can be seen to reflect a modernization of traditional customary adoption practices . Increasingly, ICFSAs are keeping children within their home community by engaging and leveraging traditional kinship obligations. The rise in the use of kinship care in the ICFSAs reviewed suggests these agencies are effectively legitimizing the use of kinship care within child welfare practice (Anishinaabe Abinoojii Family Services, 2013, 2014, 2015; Awasis Agency, 2007, 2008, 2011, 2012, 2015; Dakota Ojibway Child and Family Services, 2012; First Nations of Northern Manitoba; Child and Family Services Authority, 2015; Kina Gbezhgomi Child and Family Services, 2015, 2016; Tikanagan Child and Family Services, 2014, 2015). The

ICFSAs reviewed evidenced a philosophy of cultural continuity in their prevention programming and kinship care models. While the agencies reviewed all engaged in practices that support cultural continuity and grounded normativity, the previously noted fiduciary constraints make it difficult for many agencies to provide quantifiable data on the effect of those philosophies and practices.

Through a review of ICFSAs, the Lac La Ronge ICFSA, in operation since 1994, emerges as an anomaly deserving of further investigation due to a marked reduction in out-of-home placements occurring within a year of implementing the federal Enhanced Prevention Focused Approach (EPFA). The LLR-ICFSA's EPFA program enables it to engage in least disruptive measures, including in-home cultural support, through the Positive Parenting Program (Triple P) and culturally relevant land-based activities like fishing, trapping and bonfires (Government of Canada; Indigenous and Northern Affairs Canada, 2013). Additionally, the LLR-ICFSA is one of the only agencies in Saskatchewan providing child welfare services to Indigenous and non-Indigenous children both on and off reserve (Government of Saskatchewan, 2012). Of further interest is that around the same time, the LLR-ICFSA became the only child welfare agency operating under the Canadian state to attain international accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF). As LLR-ICFSA is the only agency with international accreditation at the time of writing, further research is necessary to understand the impact of that accreditation, if any, on the efficacy of this agency.

These factors combined—the expansion of control over child welfare delivery, prevention (EPFA) funding, international (CARF) accreditation, and subsequently, a nearly 30% reduction of children in out-of-home placements—speak to the presence of cultural continuity as identified by Chandler and Lalonde as correlating to reductions in suicide (Chandler & Lalonde, 1998; Government of Canada; Indigenous and Northern Affairs Canada, 2013). To understand if and how these factors contribute to the LLR-ICFSA's reduction in out-of-home placements, my research, presented in Chapter Four, examines the Lac La Ronge ICFSA's approach to *ohpikihāwasiwin* through four months of participatory research and twenty-three interviews in addition to a review of agency policies, manuals, and reports. The case of the Lac La Ronge ICFSA is important in that it repositions the conversation on child welfare such that Indigenous child welfare becomes the purview of Indigenous communities rather than the Canadian state.

3.5 Summary

In this chapter I have laid out the path my literature review took in an effort to understand a) the causes and persistence of Indigenous overrepresentation in Canada's child welfare system; b) whether anomalies can be identified and if so, whether they represent disruptions to the status quo; and c) if so, whether those disruptions can be correlated to the presence of cultural continuity factors. The literature overwhelmingly indicates that conditions of structural neglect in Indigenous communities contribute to overrepresentation in the post-residential school era. Multiple scholars have shown that child welfare interventions, most often in the form of removal, are occurring whether or not neglect has actually happened, and often in ignorance of the role the Canadian state plays in the creation of both neglect and removal.

The literature on ICFSAs indicates that the tripartite agreements have had varying degrees of success in reducing out-of-home care placements and permanent ward designations. Although there is very little research critically examining the shift from out-of-home care to kinship care that is occurring across ICFSAs, there is sufficient research on the protective capacity of cultural continuity to support this shift. The available literature on ICFSAs identifies the Lac La Ronge ICFSA as an important case for further examination due to a marked reduction in out-of-home placements and permanent ward designations following expansion of the agency's delegated authority, acquisition of international accreditation, and implementation of culturally focused prevention programming. The literature indicates this agency's approach to child welfare is disrupting the status quo of overrepresentation. To understand this disruption my research into the philosophies and practices of this agency are presented in Chapter Four and discussed in Chapters Five and Six.

Nēyo (Four): Findings

4.1 Introduction

Chapter Four presents the findings arising from my case study of the Lac La Ronge Indian Child and Family Services Agency (LLR-ICFSA) in Northern Saskatchewan. The findings reported here were obtained during thirteen weeks of participant observation, conducted between January and April, 2016. These findings draw on interviews with 23 of the 36 staff members who work for the LLR-ICFSA, as well as textual analysis of numerous agency documents including policy, procedure, by-law, and staff orientation manuals, in addition to client files. This chapter presents the findings of that study, highlighting the LLR-ICFSA's approach to child welfare, which has reduced the number of children under its jurisdiction who are placed in out-of-home care and become permanent wards.

In adhering to the University of Saskatchewan's Indigenous Studies department's vision for community-engaged research, the parameters of this project were defined in collaboration with the LLR-ICFSA. In partnership with the co-director of the LLR-ICFSA, Kyla Mackenzie, a decision was made to conduct the research for this case study by following the agency's case flow process. As such, the data presented here begins with the Protection branch of the LLR-ICFSA, moves through Family Services, to Prevention, and finally, to Administration. During my time with the LLR-ICFSA I spent approximately one month with Protection, Family Services, and Prevention respectively, while time spent with administrative staff was interspersed throughout the thirteen weeks. By focusing on each department sequentially I gained practical knowledge of the relationship between departments and the communities they serve. Interviews with LLR-ICFSA staff took place at the agency headquarters in La Ronge as well as on site in the six communities (hereafter referred to as the LA6 communities) served by the LLR-ICFSA. The outcome of those observations and interviews are thematically presented here and will be further discussed in Chapter Five.

4.2 Case Flow

To situate the findings of this research it is helpful to first provide an overview of how cases move through the LLR-ICFSA from initial contact to conclusion. This provides a scaffolding for understanding the relationship between departments as well as situating how the agency's child welfare philosophy is disseminated through those departments. Within the LLR-ICFSA a child welfare file is started when a safety concern is brought to the agency's attention.

Child protection workers investigate incoming child safety concerns to determine *if* an intervention is required and then, if required, the level of intervention is determined using agency tools such as the Structured Decision Making manual (SDM). The SDM is the agency's guide for assessing child welfare risks and intervention requirements, and it offers clear decision tree protocols that minimize the risk of bias and ensure uniform standards of intervention across the agency. Under the SDM an investigation into a child-safety concern can result in one of three possible assessments: 1) Safe, 2) Safe with Services, or 3) Not Safe. Depending on the level of risk, protection workers have up to thirty days to address those safety concerns and close the file or transfer it to family services and/or prevention services for ongoing involvement.

LLR-ICFSA workers operate under the *Saskatchewan Child and Family Services Act* (SCFSA) (1989). I learned that Section 5 of the SCFSA is the most utilized section within the LLR-ICFSA. Specifically, Section 5 allows for child welfare agencies in Saskatchewan to "establish, operate and maintain Family Services … to or for the benefit of a parent or a child … to enable the parent to care for the child" (Government of Saskatchewan, 1989b). When a risk assessment indicates a child is *Safe with Services* the LLR-ICFSA Protection workers work with caregivers to create a Safety Plan as a means of establishing what services are needed in the home. Protection workers refer to the SDM manual to determine, based on risk assessment scales, what services are recommended and will work with parents and caregivers to determine if other services would also be beneficial. Section 5 Safety Plans often include addiction assessments and services, mental health assessments, and prevention services like the agency's Positive Parenting Program (Triple P). They can also include Elder involvement, recreation services, community involvement, after school support, and even curfews. If, however, the outcome of an investigation is that the situation is *Not Safe*, Protection workers are obligated under Section 9 of the SCFSA (1989) to provide residential services to any child whose parent "through special circumstance is unable to care for his or her child; or because of the special needs of his or her child is unable to provide the services required by the child" (Government of Saskatchewan, 1989b). Said plainly, Section 9 means the LLR-ICFSA is obligated to apprehend and provide temporary out-of-home residential services to children who are determined to be *Not Safe* through an SDM risk assessment. It is the LLR-ICFSA's practice to place children requiring a Section 9 intervention with extended family members whenever possible. The LLR-ICFSA has created a Private Agreement contract to facilitate the placement of children with extended family

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members, however, when family members are unable or unwilling to take on a child the agency is obligated to arrange out-of-home residential services through foster homes or institutional facilities.

Once immediate safety concerns have been addressed, protection workers use Section 5 to refer parents and families to relevant agencies, such as mental health and addiction services. The file is then transferred to the Family Services branch of the LLR-ICFSA for follow-up. Family Service workers are the agency's liaisons between clients and service providers and are responsible for administrative maintenance of children and families awaiting or receiving services. They handle everything from arranging referrals and appointments with outside agencies to conducting home visits, assessments, and emergency supports. Specifically, they manage the administrative needs of children receiving services such as band membership, government documents, and child tax benefits. Due to the ongoing nature of Family Services, client files are often held by this department even though a client may be referred to or receiving prevention services. This means Prevention service workers frequently begin assessing and providing services without the benefit of seeing a client's file.

When Prevention workers receive a referral, they attempt to speak with Protection and/or Family Service workers for a case briefing before contacting the family, to ensure programming addresses the safety concerns identified in the client's Section 5. The agency's three departments, Protection, Family Services, and Prevention operate largely independently of each other, with departmental administrators acting as liaisons. During my fieldwork the LLR-ICFSA's administration provided an important window into how the philosophy of the agency guides the development of policies and practices as files move through these departments. The following section presents findings from each of the agency's three departments and administration, commencing with administration in order to contextualize the organizational or bureaucratic functioning and philosophies upon which the other departments operate.

4.3 Administration

The LLR-ICFSA administration handles the agency's organizational maintenance, including inter-government and community relations, finances and staff, foster parents, and policy development. The administrative department includes the finance team, foster parent support, and the agency director and co-director, as well as administrative and technological

support. The agency's director, Dexter Kinequon, shared that the LLR-ICFSA became a delegated ICFSA through a service agreement in 1994:

> Now we have an agreement with Social Services, a service agreement. We have a funding agreement with Indian Affairs, and then we have a tripartite agreement with La Ronge Band Social Services and ICFS. And First Nations wanted to deliver their own services on reserve, and part of it as I understand was that they didn't feel that they were receiving adequate child welfare services for their people. So, I think given the Ministry didn't want to come on reserve. The Bands wanted to do their own. Indian Affairs said, "Okay, well we'll pay for it as long as you have legislative authority." So, that's how my understanding of how it came about. And that occurred, they received their delegation here in March of 1994. (4)

The director reflected that initially the agency continued the trend of apprehending children, noting, "I think for the first couple years, they were so scared to make an error in judgement, or a poor-quality decision, or heaven forbid something happen, that they just apprehended every kid..." (4). One worker noted that it wasn't until 2009, 15 years later, that the agency started reducing the number of children being apprehended and placed in out-of-home care, following implementation of the EPFA funding model: "Once that program got running, we saw the number of Section Fives increase, so the number of families that we were working with where the children were still in the home sort of skyrocketed to start with" (9).

The agency's service delivery model focuses on keeping children in the community. The LLR-ICFSA's mission statement reads, "The Lac La Ronge Indian Child & Family Agency is dedicated to ensuring that children and youth live and grow in caring, nurturing and safe environments. By encouraging and supporting positive change, we empower families within our communities." Workers in all departments affirmed that the agency's philosophy *has* resulted in a reduction in the number of children in out-of-home care, from 200 down to 50. The co-director expressed pride in the number of long-term wards that have been returned home or moved to Private Agreements with kin since the LLR-ICFSA took over for the MSS in 2009. The director also commented that the agency's reduction in out-of-home care placements has received attention from INAC, however he poignantly noted that business plan targets are not the most appropriate way to measure an agency's success. Instead, he said, "I think if you do apprehend

and you're moving kids back into their home, what is the duration or occurrence of re-apprehension? …Those are the kinds of statistics that are more meaningful..." (4).

The director also stated that the legal process around removing children is often detrimental to parental rights, as the courts "…don't wanna make a judgement against child welfare. So they'll just say, 'Oh, okay,' and just slough it off, and sorta almost over-rides the parental rights" (4). Instead, the agency is concerned with long term changes to the child welfare practices which means,

> If you have to take a child out of their home then try and put them with somebody they know, somebody that is still family, maybe it's an aunt or an uncle or somebody like that, and I think that has to be part of the service philosophy. That has to be part of the change of child welfare for the future to make this more beneficial for children. That if you have to intervene, well, intervene in a way that won't hurt them as much. (4)

To mitigate harm caused by generations of child removals the LLR-ICFSA has taken the position that they will not make children permanent wards. One worker shared,

> We don't make kids permanent wards, because you can't terminate a permanent ward order through court. You can terminate a long-term order in court by going back to court and providing information about where we would like the kids to live. So that's something that I think we really strive for in this agency as well. (9)

It was expressed that it is important for the LLR-ICFSA to differentiate itself from the provincial MSS system, to "take a stand as a first nation child welfare organization" and assert that,

> We're not gonna do business like you do [MSS] …and if you want us to you're gonna have to come in and make us do it, and I think that's the difference in terms of our organization, maintaining those sorts of strong positions based on our values and our service philosophy. (4)

One of the ways the LLR-ICFSA has defended its position of refusal regarding permanent wards is through obtaining international accreditation and establishing a new standard in child welfare delivery.

4.3.1 Accreditation.

In 2010, the LLR-ICFSA became the only child welfare agency providing protection services in Canada to receive accreditation from the Commission on Accreditation of Rehabilitation Facilities' (CARF). The agency had to meet over 1800 international best-practice standards for child welfare delivery to obtain accreditation, which is reassessed every three years. In 2016 two neighbouring communities, Peter Ballantyne and Sturgeon Lake, also received CARF accreditation for their ICFSAs. As the only child welfare agency in Canada to have accreditation until recently, it raises questions as to what role, if any, accreditation has had on the LLR-ICFSA and its reduction in the number of children going into out-of-home care and becoming permanent wards. The agency's director stated:

> I think that if we want to change child welfare, we have to put in the work, and do the things necessary to change it, and accreditation was one of them. We were criticized heavily, heavily by organizations right across Canada for doing this. That, what the hell were we doing? As a First Nation organization trying to get certified in the white man's way. That's exactly the way I heard it. (4)

Despite criticism, the agency as a whole felt accreditation to be an important legitimizing tool in child welfare practice and philosophy. Every worker I spoke with in the agency shared a sense of pride in the agency's ability to repeatedly meet the 1800 CARF standards for accreditation. The director observed, "You have to have a license to drive a car, but you don't have to have a license to take away somebody's children" (4). The director further expressed the view that accreditation builds trust, noting that, "when you can walk into somebody's house and take their kids away from them," there is a responsibility to show, "that your organization and you have done everything to make sure that you're a 100% qualified to make that judgement call" (4). It was further shared that accreditation positions the LLR-ICFSA to set a new standard in child welfare delivery that surpasses the current reality—a position that allows the LLR-ICFSA to refuse to make children permanent wards.

An administrator with over 35 years' experience in the provincial child welfare system felt that accreditation had positioned the LLR-ICFSA to enter agreements with the Province of Saskatchewan to deliver services off-reserve to both Indigenous and non-Indigenous children, as well as pilot the EPFA funding model.

The whole idea of CARF being involved in setting that benchmark has provided, I guess, some assurances that the agency is meeting international standards to provide child welfare, and therefore it made it a lot easier to enter into an agreement with the province. (14)

Interestingly, although the LLR-ICFSA has authority over non-Indigenous children, none of the staff could remember an investigation where the child was not of Indigenous ancestry.

4.3.2 Foster care and finances.

Two other areas covered by the agency's administration are Foster care and Finance. There are approximately fifty children in out-of-home care under the LLR-ICFSA, however the only two foster homes in the La Ronge area are emergency homes where children can only be placed for up to 14 days. There are 27 foster homes in the Prince Alberta area, 300km east: a distance that makes family visits difficult, especially during the winter months. The agency's administrative worker for foster care observed that kinship care agreements are increasingly replacing foster care, but without the financial, training, or respite supports afforded foster parents.

There's families, that's usually the first priority, which is a good thing. But then we also have families who cannot afford to take care of another child for groceries, space-wise sometimes. When they take responsibility for the child they think sometimes it's short-term, and if there was some sort of change where there would be helped financially for a short period of time until they got the family allowance, that would make a lot of sense… (19).

The LLR-ICFSA has one worker dedicated to handling the provincial child welfare files that the agency took over from the provincial MSS; those files operate under different policies and financial agreements than INAC files. One important difference workers noted was that under MSS, children in kinship care agreements are funded, whereas under INAC they are not. This has created a two-tier system. Administrative workers explained that since the LLR-ICFSA takeover of MSS files in 2012, the agency has integrated provincial files and equalized treatment of children and homes including clothing allowances, family visit amounts, and medical costs. The agency director commented,

We don't just follow the children's services manual in terms of costs. If the policy says, "You're allowed this much," and that's what it says, if it's $50, we don't just

say, "Oh, you only get 50 bucks, that's it." …if you need 100, then we figure out
okay, the policy is a guideline. That's what policies are. They're guidelines. But
they can't be absolute… (4)

Administrative workers observed that the LLR-ICFSA tripartite agreement has enabled
equalization by allowing surplus to be carried over and redistributed in accordance with the best
interests of the child.

4.4 Protection

When child protection concerns are received by the LLR-ICFSA, protection workers
investigate, assess, and address those concerns using the SDM to determine timelines and
protocols for risk assessment, referrals, interventions, and follow up. During my observations
with the Protection Services branch of the LLR-ICFSA I reviewed all Section 5 Safety Plans
arising from child safety investigation for the 2015-2016 period; the findings indicated that "risk
of neglect" was the primary cause of incoming safety concerns. Of the 40 Safety Plans I
reviewed, 32 were regarding neglect due to alcohol, five were for children causing mischief in
the community (neglect of supervision), while three were regarding a witnessed act of physical
abuse like spanking. To break it down further, a review of safety plans for the month of January
2016 revealed that 44 assessments were screened, and of those, 23 had to do with alcohol-related
neglect. Section 5 Safety Plans have a three- to six-month timeline and the safety plans I
reviewed indicated that three files or cases had been closed while the remainder were on six-
month timelines, and several had been renewed once or more.

Reviewing safety plans while in conversation with the Protection workers who drafted
them provided a fuller understanding of the *acimowin,* or stories, behind each. Additionally,
multiple "ride alongs" with protection workers to investigate child safety concerns provided
perspective on the harm reduction approach protection workers take in assessing safety concerns
in communities where, as one worker puts it,

[I]t's very difficult to achieve zero risk … If there's physical abuse, yeah, you
wanna reach a zero … and if there's sexual abuse, you absolutely need to reach a
zero risk for that…but things like neglect, I would say, is more or less harm
reduction 'cause you're saying, 'If you're gonna drink, drink responsibly, drink
away from the children,' but the children still know that their parents are
drinking, it still has an impact on them … they know that mommy could be gone

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for four or five days, and yes, …they have somebody watching them but the trauma associated with that … you can't fix everything, … it's still ongoing, it happens on a regular basis, right? (12)

Protection workers observed that the LLR-ICFSA focus on harm reduction rather than apprehension allows the agency to change the nature of child welfare interventions, which is important given the intergenerational legacy of child welfare in the communities served by the agency. One worker observed that,

there's names that come up …once or twice a year, and there's the more higher risk ones that are constant, and those are the ones that would go to a Section 5 [safety plan], or the children would be apprehended. (10)

One worker remarked that most of their clients are low functioning and have such high needs in addition to intergenerational involvement in the child welfare system, it is unlikely they will ever be "out" of the system. One worker observed of one specific family:

I don't think [they] will ever be off of a section agreement, just because they need so much help. And I see it as generational. The first child that gets pregnant or has a child, they'll be involved with the agency and it's just gonna trickle down. Out of their seven kids, I can say that there is probably two of them that don't have severe deficiencies, that they'll actually... If they were removed from the home, if they had been given a chance to live in a "normal environment" where they weren't starving and fending for themselves, they would have had the ability to have more in life, I guess. I don't know that that's possible anymore, they've been so affected. Their two oldest are suicidal. Their second oldest has actually attempted suicide… (15)

The experiences of LLR-ICFSA protection workers, like those in other regions, point to ongoing structural neglect and a legacy of settler-colonial assimilation as causing the conditions that bring families to the attention of child welfare agencies. One worker explained, of most people in the LA6 communities,

They have issues from residential schools, from dealing with the police, just so many things that we have to take into consideration and understand why they're not progressing. There's just so much that we need to... We just can't take face-

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value and say they're not cooperating or wanting to improve. There's just so much more, it's not simple. (19)

Several LLR-ICFSA workers pointed to Canada's history of Indigenous child apprehensions as meaning that "[s]ometimes there's a stigma to having your children removed. Sometimes the stigma lands on us [ICFSA] instead of the person" (17). The agency's director shared that to disrupt the legacy of child removal in the region, the LLR-ICFSA adheres to the philosophy that it is important work with families while the children are in the home:

> I think you can never get away from apprehending children, you'll never get away in this business. But I think you have to assess each situation and say, "Is it necessary? Can we work with children in their homes?" …I think once you take people's kids away, you've disempowered them so much as parents that they almost maybe subconsciously or maybe consciously, it's like they've lost their authority to be a parent. And you've taken that away from them. And you've also sent a message to those kids that your parents are not good parents, and that's why we took you away. (4)

> Several workers shared that the LLR-ICFSA provides workers with essential education on the history and impacts of settler-colonialism in the region in order to challenge stereotypes and disrupt the focus on apprehension. One worker shared,

> I think the core training, …the cultural component, the women that do it are fabulous and they are so culturally connected and so informative that what they're telling you, you can see it in your own community and then you can go home and you can bring what you're learning into a new understanding of why things are happening the way they're happening (17).

The agency's director voiced that by using Section 5 and kinship care agreements rather than Section 9 apprehensions, the agency is empowering parents to take an active role in identifying risks, needs, and strengths. One protection worker shared,

> Apprehensions are the last resort, so the first minute I'm meeting parents, I'm asking them who their supports are professionally and family-wise and determining who can watch or care for the children. … your investigation, it's really more or less gathering information, connecting family with supports and services, creating awareness and knowledge in the home, and educating them on

the safety risks and the child protection concerns. If all fails, then, like I said, you place the children with an extended family. If no healthy family members are available, which does happen quite often, then you're looking at bringing the children into care, but again, that's a last resort. (12)

That same worker continues,

Safety plans are really essential to our work …in one basic sheet, in [as] accessible [a] language as possible for the client it kinda shows them what the risks are. So, it starts with the worker identifying the risk factors, the reason that brought you to the home … and then you say, "But wait. Let's come up with a solution and let's do it together." (12)

As identified in previous chapters, the philosophy of delivering child welfare services while keeping children in the home, also known provincially as *least disruptive measures,* is not often successful as a result of federal funding schemes. The LLR-ICFSA has, however, been more effective than most ICFSAs. One worker reflected,

[W]e're doing something that's relatively new and we're succeeding in what we're doing. And I think once we do that a lot of other communities will start to follow along with us, and [end] all that negativity with the children being removed from their communities and their homes and not knowing where their families were, some of them ending up across the country or even across the ocean. I think that's one of the reasons why we work so hard to keep our children in the communities. That way they grow up knowing where they come from and being proud of who they are, their culture remains alive, their language remains alive, and that connection to their families is there. (16)

4.4.1 Section 5 and 9.

The most common interventions used by LLR-ICFSA include Section 5 Safety Plans and Section 9 Apprehension and Residential Placement agreements. Several workers reported that nearly every family on their caseload was managed under a Section 5 agreement, and most of those had been renewed, sometimes for years, with no likelihood of change. To illustrate this, one worker shared the story of a family that has been on a Section 5 Safety Plan for four years:

I agree with trying to keep families together, but this is a family that I don't think can be together. … As hard as [the father] tries, and he tries hard, he does, for

him, he tries amazingly hard. He just can't do it. …He cares. He loves his kids to death, but he just can't get it together, and I think it's the cognitive delay that he just can't... He can't think new things in a logical order. He gets stuck and fixated on one thing. It's frustrating, because I know that he wants to do better and I know that he wants to keep his kids together, but I think it's to the detriment of them at this point. (15)

That same worker felt that,

it would be a crime to take him off a section and leave those kids. … It embarrasses him that he's not able to take care of his kids and he's not able to meet all of their needs. He's embarrassed by it, he'll admit it. But he needs that help. …simple things like brushing your teeth or washing your face, or flushing the toilet, cleaning your hands—things like that just don't happen in that house. (15)

Having that family on a Section 5 agreement has allowed the LLR-ICFSA to provide essential support and build capacity while keeping the children in the home and maintaining oversight.

One worker, reflecting on the level of intervention required for one of their families, noted,

I make a chart for who gets a shower on Monday, who gets a shower on Tuesday, who gets a shower on Thursday. It has to be that minute detail. We chart when to brush your teeth, or how to do chores, or how to do laundry, or how to properly clean yourself, how to sit at a dinner table and eat without using your hands. My expectation is just to get the bare minimum done, the problem is he can't retain it. So, week one, we'll go over and we'll create a chart on bathroom. Week two I go to check, and he isn't following the chart because he's forgotten about it. Or, the kids have taken it down and destroyed it …So, my expectations are low. I just want to make sure the kids are safe, that they're clean, that they're being watched… (15)

Several workers noted that without adequate resources it cannot be expected that family situations will change or that the risk levels will decrease, so workers prefer to renew Section 5 Safety Plans when they expire, rather than escalate to a Section 9 out-of-care intervention. One worker noted:

The lack of services available, the lack of knowledge that's funneled up here, the lack of support from the government, it's just missing, they're missing so much. We have a shortage of mental health counsellors in a community that suffers from severe mental health problems. We have a shortage of addiction workers in a community that is screaming with addictions. I mean, the drug abuse, the alcoholism, everything—we have no treatment center. We have an attempt, I would say, at a detox, but you're detoxing them in the same city where they're drinking. In a small town where they can walk out to have a smoke and grab a beer at the same time, it just doesn't make sense to me. There's so much that this community needs and …I don't know if it's a lack of education on how to get those, how to apply for those grants, or who to contact for those, or if it's just a lack of the government taking responsibility. (15)

The LA6 communities rely on rotating access to many health and education professionals. This means it can be months for someone on a Section 5 Safety Plan to meet for addictions assessments, and longer still to access supports. This is particularly relevant as neglect resulting from addiction issues was the most common cause of LLR-ICFSA involvement with a family. Having a family on a Section 5 Safety Plan gives the LLR-ICFSA a way to provide oversight in the home while families are waiting for other services. By incorporating prevention services into Section 5 Safety Plans workers ensure frequent involvement with families, which mitigates or reduces some of the issues of neglect like adequate food and clothing. While I was with the Prevention services branch of the LLR-ICFSA, for example, every event they did had a food component. Regular "make a meal" evenings help families make and eat a substantive meal together weekly, while building food and nutrition skills. Through clothing drives the LLR-ICFSA also has the ability to provide the essentials for Northern Saskatchewan winters. The LLR-ICFSA's ability to provide food and clothing reduces much of the need for Section 9 out-of-home care. Once the basics—food, clothing, and shelter—are being met, even minimally, the need for removal is eliminated and the focus becomes improving the quality of care, which is more effective when done through role modeling when the children are in the home.

The LLR-ICFSA avoids the use of Section 9 Residential Services as much as possible, as the out-of-home care options are outside of the LA6 communities, which significantly reduces the ability of both the agency and the family to achieve reunification. Instead, if a risk

assessment outcome requires that children be removed, workers will place them in the temporary foster home in La Ronge while they wait for acute safety concerns to pass, so that the agency can reassess risk, or while they contact family members and try to facilitate a private kinship care agreement.

One worker observed:

> There's always some family members that are willing to take these children 'cause they want them in the family system and not be out on foster and foster homes because they've seen people who have been in foster homes and they go on to... They get into trouble with the law because they don't have that connection, family connection. And I think that's very important. So we try our best to get these families together and to keep the kid in the family system. (6)

4.4.2 Private Agreements.

Private Agreements are legal agreements that transfer guardianship of children between family members. They are essentially kinship care agreements drafted by the agency to facilitate a provincially recognized transfer of guardianship outside of the child welfare system. The agency's use of Private Agreements was a highly contested issue across departments, with several workers voicing concerns that these agreements are being employed too quickly and without adequate follow-up. During an interview with the agency's administration it was explained that Private Agreements came about as an agency response to informal kinship arrangements that were taking place in the LA6 communities. One administrative worker shared that extended family members were,

> … willing to take the kids, but wanted something in place that would say that the kids stayed with them. 'Cause oftentimes, if parents are out on a four-day bender, or whatever, when the four-day bender's over and they're sober, oftentimes they wanna come back and get the kids. And families got very frustrated with the fact that then they would come and they would pick up the kids, and the whole cycle starts all over again. (9)

To address this, the co-director explained:

> What we did was we met with our lawyer, and our lawyer drew up a private agreement form, which is a legal document where basically the parent signs on to it, the caregiver signs on to it, and they're ultimately giving care and custody,

it says that right in the letter, to this other individual. So, it gives the caregiver something to hold on to, it allows them to apply for child tax benefit, health cards, all that kind of stuff, with just that piece of paper. (9)

The co-director's position on Private Agreements is that they give extended family the legal recognition necessary to break cycles of neglect and provide children with stable environments within their home communities. Although the agency created these agreements, the administration asserts that they are not responsible for them—a position that one worker disagrees with:

I question that, because we provide the form that has no ICFS heading on it, but we still provide the form and hand it to the person that's taking the children, have them sign it, hand it to the parent, have them sign it, and then we most often transport that child to the new home. …we are involved, and we are part of the issue, for lack of a better term. …I don't agree with the fact that there is no rules around them. I don't agree with the fact that we take kids and put them into other homes, which may be better for them, but we don't give them any financial assistance. Yes, they get their family allowance, but until that family allowance comes through, they're on their own. I mean, why can't we help them out? They're doing a service for us, they're helping to keep this child safe, we should be helping. It shouldn't be any different than a foster child, in my opinion. (15)

Protection workers expressed both concern and confusion about the agency's legal and moral responsibility to follow up with or provide support to families involved in Private Agreements that were facilitated by the agency. Private Agreements are guardianship agreements that fall outside of the child welfare system, which means legally the agency does not have jurisdiction to investigate Private Agreement homes and caregivers, or provide support. Several workers expressed concern that these agreements can result in moving children into homes with as many safety concerns as those they were removed from. One Protection worker pointed to provincial mandates for annual home visits with children receiving child welfare services as a best-practices standard that the LLR-ICFSA cannot uphold, since Private Agreements do not count as a child welfare service despite direct involvement from the LLR-ICFSA—a federally recognized and funded child welfare agency.

We placed the child there and I think private agreements need to be approved and explored in the same aspect that any foster home would be … I think two or three visits prior to placing the child, that could be a make or break situation. (1)

Workers shared a belief that Private Agreements are a better option than apprehension and placement in out-of-home foster care or institutions hundreds of kilometres away; however, they also felt these agreements would be more successful if the agency were more involved. Conversely, one of the agency's administrative workers expressed the view that Private Agreements are beneficial to families because the agency is not involved:

The agency isn't coming in and checking on them all the time. They don't have to ask the agency if they can get the kid's hair cut. Because if they're placed with that other family member as an alternate care placement, or some sort of foster placement, they would get monthly funds from us, but at the same time, there's this huge oversight mechanism that's in place that sometimes deterred families from keeping nieces, nephews, cousins, whatever it might be. So basically, the parent will sign them over, they're indefinite, so there's no sort of time frame for them. And it keeps us from apprehending the kids and placing them somewhere else, because a lot of these family members will keep the kids as long as they get the child tax benefit, and they have them to their social assistance, and do all those sorts of things, and know that if the parent comes back to get them, when they've sobered up, that they have this piece of paper, and they can say, "No, you can't." (9)

When a Private Agreement is signed, protection workers can still refer a family for prevention services but they have no authority to maintain involvement unless a new child safety concern is brought to the attention of the agency. If a Section 5 Agreement is the outcome, protection workers will then transfer the file to Family Services for ongoing maintenance.

4.5 Family Services

The Family Services (FS) branch of the LLR-ICFSA is the largest department in the agency. The LLR-ICFSA is structured to allow for smaller caseloads than most provincial child welfare agencies in Saskatchewan. This means workers get more one-on-one time to build the relationships necessary to address the intergenerational nature of child welfare interventions in the region. Workers across the agency asserted that lower caseloads allow workers to take a

family-centred approach to case management, rather than simply managing the administrative needs of children receiving services. It was noted by several workers that due to staff retention issues the agency is often understaffed and caseload levels do vary because of this, however, they still remain below provincial levels. With fewer than 40 staff members, the LLR-ICFSA is small enough that when a file arrives in the department, FS workers are often able to call or meet with Protection workers to debrief the case.

Family Services workers essentially provide the administrative scaffolding needed by Indigenous and Norther Affairs Canada (INAC) to ensure the agency has delegated authority and funding for that child or children. To meet bureaucratic requirements, FS workers determine if the child is a recognized member in one of the Indian Act created bands served by the agency, and if the child is eligible but not enrolled, they begin the application process immediately. Workers also secure birth certificates, health care, and any other required documents. They are often the ones to help families set up child tax benefits, which are a desperately needed financial support for most families in the region. FS workers then meet with families to discuss case planning, to manage referrals, and to assess the various structural and safety issues facing families.

4.5.1 Permanent Wards.

During my time with the agency I learned that in Saskatchewan, child welfare protocol is to apply to have children designated as Permanent Crown Wards after two years in care. Permanent Ward status requires an application to the court to sever parental rights permanently and make the child available for adoption. The literature reviewed in previous chapters indicates that Indigenous children are disproportionately given Permanent Crown Ward designations that remove them from their families. The LLR-ICFSA is unique in that it refuses to apply to make children permanent wards. The LLR-ICFSA's director, Dexter Kinequon, shared that when he became director he received "heat from the ministry" for refusing to apply to the courts to have children designated as permanent wards (4). Like the director, workers throughout the agency support the philosophy of kinship care over state care. The co-director reflected that the agency

> …always want[s] to believe that parents can change. So they may not be able to
> parent their kids today, for whatever reason, but that doesn't mean that in four
> years or five years they won't be able to parent their kids, or that Uncle Bob

won't be able to able to parent their kids, or their older sister who's then 24 and

is interested in parenting them. (9)

Another worker shared, "We'll go any other road but doing that [permanent ward], … even though you've tried five or six times… Maybe this is the one time that it is gonna work, and you've gotta go with it, right?" (1). Another Family Service worker shared that a harm reduction approach allows the agency to take a long-term approach to family support:

One family that had the children apprehended in November just now got into treatment. Will they quit drinking? Probably not. But I had another family that came out of that and they came out changed. And that's all I'm really hoping for, is that there's more an awareness. They worked on them attaching more with their children, and my client that came out of it before and never had anything to do with her younger children, everything was done by the husband, he saw to every need. You would never see her sitting with a kid on her lap or anything. She came back and she's always with her daughter. She takes her for walks, she takes her everywhere. She cooks with them. So no, they didn't last at not drinking, but what they gained in family skill, to me, is worth them going (17).

The needs of the families served by the LLR-ICFSA require a creative approach that goes beyond deficit recognition, since those structural and resource deficits are outside the control of families and not likely to be addressed by the federal government in the foreseeable future. Through my research, Family Conferences emerged as one of the ways the LLR-ICFSA Family Service Department is achieving this.

4.5.2 Family conferences.

Family Service workers expressed that their role is to help families identify their own needs and solutions. Family Conferences were identified as a tool for empowering families to take ownership of their strengths, challenges, and goals. Family Service workers shared that "you can tell which clients appreciate the services, who are open to it" (1) and when clients are involved in case planning and evaluation they are more capable of setting realistic goals and working towards them.

Family Conferences are a client-led process used by the LLR-ICFSA to empower families to identify supports, challenges, and solutions regarding child safety concerns. The process leverages traditional talking circle elements to create a safe space for clients to identify

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and address challenges facing the family. The agency has a dedicated family conference worker who works with families to identify and involve support people (extended family, Elders, teachers, community members) with the goal of having more family supports than agency supports in attendance at the family conference. A Family Services worker noted that with case planning, "I try to keep the family involved, so we have those family group conferences so all the relatives can come together to see how we can fix this, or help the children, and keep the children in the family unit, and our [extended] family system" (6).

The family conference worker shared that the process typically begins with an information round where child safety concerns are identified. The family conference worker explained that the family always speaks first, because "if the case worker goes first... and she starts with, 'Okay, here's the involvement with the agency,' the family just shuts down or gets defensive" (3). Instead the focus is on empowering the family to lead the conversation:

> People do get very emotional, and when they're good, they're really, really good. When they start talking about their issues and hear their family saying, "We don't want to lose you," or …"I'm going to take your kids away if she don't smarten up," or whatever it is, it gets emotional. (3)

Once concerns have been identified there is a visioning round during which families and then workers identify goals for the family. A third round allows the family to come up with a plan and workers help ensure that plan meets the agency's requirements before having a closing circle.

Several workers noted that Family Conferences are underutilized. One worker shared that,

> when we first started doing this, I got a lot of referrals and we did it a lot. And it went well, … it was a good process and... even if the plan isn't as successful maybe as we would hope, whatever success is, through the process you learn a lot and you see the family in a different dynamic. (3)

The family conference worker noted that one of the benefits of this process is that family goals and solutions are often more specific and practical than agency goals. "One guy said, 'I wanna build a fence because Ski-Doos go zooming by my house and my kids can't play outside'" (3). The outcome of that goal was that the agency provided resources to build a fence and in turn the children in that home had a safe, supervised play area, resolving the agency's safety concern.

4.6 Prevention

The LLR-ICFSA's Department of Prevention Services receives clients from Protection and Family service workers, as well as through referrals from outside agencies like Mental Health and Addiction services, and through self-referrals. The agency's funding for prevention services switched to the Federal Government's Enhanced Prevention Focused Approach (EPFA) in 2010. The EPFA funding stream requires ICFSAs to submit a five-year business plan, with children-in-care reduction targets. In conversation with a member of the LLR-ICFSA's administration it was shared that,

> It's only been lately that [social services have] come to realize that the majority of apprehensions are due to neglect, and that neglect is not a good reason to apprehend and keep kids away from their families and placed in foster homes or group homes—and that those things can be mitigated with good prevention programs. [T]hat's something that this agency in particular has put a lot of resources and energy into, and continues to, and I believe that that's what's made the difference. (14)

Several LLR-ICFSA administrators expressed the view that funding should not be directly tied to a reduction in the number of children in out-of-home care, for fear that it will result in the ICFSAs reducing the number of children in care simply to meet funding quotas rather than honestly reflecting and addressing the needs of families in the communities. The director specifically noted that the LLR-ICFSA business plans says that, "we're going to reduce the number of children in care by this much as a goal, and if we meet it that's great, if we don't that's not a sign of failure" (4). The LLR-ICFSA's philosophy of goals over quotas means Prevention Services focuses on achieving appropriate goals for families, developed with the family, rather than meeting EPFA business plan quotas. This is particularly relevant in the case of self-referring clients. One prevention worker noted that all of the clients in her LA6 community were self-referred; "They wanna be better parents. I don't have any section five or nines" (5). The focus on prevention rather than apprehension means prevention workers can support self-referring families rather than waiting until those families receive interventions in the form of Section 5 or Section 9. It also means they are able to provide child welfare oversight while building family capacity in a greater number of homes.

Even though Prevention workers spend the most one-on-one time with clients, effectively mentoring parents in life skills through family activities like cooking, crafts, outings, recreation, and twice-a-year camp, they are not consulted regularly about changes to client files. Prevention workers felt their department was often treated as an afterthought, with little weight given to the insights and assessments Prevention workers can provide. One worker with over 15 years in the child welfare system expressed concern that excluding prevention workers from file management decisions means that,

> …not only are we educating people on what we do in a community, but we're having to say [in the agency], 'We're important. We want to be a part of decision-making on whether they close a file or not; at least take our information into consideration.' (19)

Prevention workers can speak directly to the impact of different services on family dynamic and the daily function of a family, since they are in the home and with the family sometimes several times a week. Their experience reflects the nuances of community engagement and can provide meaningful context to the assessments that Family Service workers conduct. That context can be the difference between providing the support a family needs or removing children.

4.6.1 Regional culture.

Agency workers shared a belief that regional cultural nuances and land-based practices are essential to successful delivery of prevention programming in Northern Saskatchewan. The trapline way of life is still common for many families in the LA6 communities, and prevention workers look to those activities as opportunities to foster good parenting practices. One worker explained that a lot of families still take kids out on the land,

> And that's a positive thing 'cause these kids that have families that have struggled then they're out [on the land]. They're not exposed to the drinking or the dysfunction, … there's families that go up [on the land] and they'll take their kids' friends, so these kids are away from the home while there's drinking or something happening. (16)

One of the agency's administrators felt that the best thing the LLR-ICFSA does is hire local residents so that workers are

> …immersed in that community and therefore have a very direct understanding of what the culture is to those community members… because then, being culturally appropriate or having a component of their culture in the way that the programs are delivered—it just happens. (14)

For example, one prevention worker shared that for family outings they often take families out to build a fire and roast hot dogs. The fire building outing is "a big thing" with multiple levels of engagement. Initially, it is well received "cause everybody wants to get the fire going 'cause there's hotdogs, right?" (11). Importantly though, fire building outings are an opportunity for Prevention workers to,

> talk to them about some of the historical traditions… about how our grandmothers historically were the fire keepers and that was our duty to be the caregivers of the community, and the fire was the life source of our historical families. (11)

It is also an opportunity to model and empower parenting skills around fire safety, and positive family dynamics. Specifically, it empowers parents to take a leadership role and facilitates children minding their parents so that the family goal of having a fire and a hot dog roast can be achieved. One worker reflected that,

> by the time the fire was going the little kids were like, "Mom, can I cook you a hotdog?" …We created a sense of mastery, … a sense of independence, … and out of that independence came the generosity, which is an achievement, …And you don't always stay in the mode of generosity, 'cause two days later the little guy got in trouble at school, but at that moment, we were fulfilling a relationship marker in their lives, right? (11)

Throughout my research, workers repeatedly observed that the LLRIBs had passed a by-law banning any traditionally Indigenous activities or practices that could be construed as "spiritual," and those restrictions have impacted the way service delivery occurs. One prevention worker noted, "We are not currently within our policy permitted to connect on a cultural basis when it pertains to spirituality" (11). As a result, prevention workers walk a careful line in facilitating and supporting engagement in traditional cultural activities that build rapport with clients, without acknowledging possible spiritual elements of those activities. For example, one worker arrived at a family visit to see blood all over the floor from a fresh deer kill, to which the worker responded,

> Okay, well …We'll do a family activity and I'll show you how to cut this deer up," 'cause she didn't know how. But I said … 'Your hands know how to do this, even though they've never done it.' I said, 'Your hands have the DNA of your

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mother and your grandmother and your great grandmother…You can do this,'

…We had dull knives and she still did good. …we connected that way. (11)

By engaging with their client in this physical act of processing a deer, something people in this community have been doing since time immemorial, the worker felt,

we made that cultural connection, and then after that it changed the dynamics of our office visits where we're looking at programming. And then I can draw back to those cultural experiences to demonstrate, "Look at your achievement, look at your skill, look at what we were able to do with confidence," and then build that confidence. (11)

These examples illustrate the need for Prevention workers to be culturally situated so that when walking into a house with blood on the floor, the response is not fear or concern but curiosity and engagement; the cultural context is important and makes the difference between connecting with a client or alienating them. To further that cultural context the agency director shared that the LLR-ICFSA is encouraging the LLRIB to review and develop policy that supports the traditional and contemporary cultural practices of the region.

The LLR-ICFSA director shared that in the future, the role of culture in LLRIB agencies like child welfare could include Elder involvement, more craft and land-based activities, and even ceremony; however, the LLRIB council—band council, continues to "shy away from it" (4). The director noted that,

We've had boards that were very strong Catholics that went to residential school, and anything other than church was voodoo…it's been a tough haul. If there was something I could really move ahead immediately, it would be in terms of defin[ing] culture and tradition, spirituality of this band and incorporating that into our practice. (4)

He further remarked that any cultural component to service delivery "has to come from the people, and until they decide what they're comfortable with, then there's nothing we can do" (4). The focus, then, remains on engaging families in land-based cultural activities that provide opportunities for workers to role-model positive cultural experiences. Several prevention workers commented that regionally appropriate activities are more directly applicable for demonstrating parenting skills than the text-based "Triple P" programming, which can be quite

abstract for parents and caregivers with language, education, and cognitive functioning issues. One worker reflected that,

> [i]f it was more of a cultural type of parenting, I think that would work, but to try and do the Triple P with the parents here that their understanding is all in the Cree language … they don't even understand some of the stuff that you're trying to say to them. (2)

For example, there is no Triple P script for how to positively parent the processing of a deer, or how to effectively model safety around a bonfire. Those skills are not easily scripted and require workers to adapt and incorporate the scripted skills from the Triple P program into the activities that create open and receptive family dynamics.

In contrast, Prevention services have regular Triple P groups where clients read through the Triple P tip sheets together, and several workers observed that the benefits of that process are negligible as most LLR-ICFSA clients are dealing with functioning impairments including cognitive delays, low education, poor health, and poverty. One worker observed,

> a lot of the words in the Triple P tip sheets or in their book are $10 words and they [clients] just don't have a frame of reference for it. So, you spend a lot of time explaining what that word means or what that phrase means … It's difficult for them to understand. It's also difficult for them to relay to you what their problem is because they have that low level of education. We have one mom who English is not her first language, I would stretch to say that it's even her second language. She's very low functioning education wise and Cree is her first language. (15)

The needs of the LA6 communities require the LLR-ICFSA to constantly adapt delivery of prevention services to accommodate language, education, and cognitive functioning barriers. This means Prevention workers are acutely aware of the capacity of each of their clients and have relevant insight that would benefit case management decisions.

4.7 Agency Strengths and Challenges

Through my field work with the LLR-ICFSA, staff identified several strengths and challenges of the agency. One of the strengths brought up by nearly every staff member was the agency's service philosophy and the support of the administration. Workers referenced the decades of experience administrative staff have and pointed to the agency's director as a mentor and leader. Interagency communication and engagement with community were also identified as

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a strength. One worker highlighted the agency's role in fish derbies as a capacity-building activity that positively impacts the perception of child welfare in the community. Another worker highlighted the integration of ICFSA workers in the LA6 communities as a strength, and one that allows workers to contribute to the community without dominating as other government agencies like the RCMP often do.

The challenges staff identified consistently had to do with access to resources; the logistics of serving such a large geographical region included variables such as availability of outside agencies and professionals, staffing, distance, and weather. Several workers reflected that their communities are so spread out that they are not able to transport clients in order to provide services other than apprehension. Home visits are kilometers apart, and agency policy as well as vehicle size means workers cannot transport clients with large families. As a result, program delivery is infrequent or absent in several communities. One worker observed that the agency's protection workers are located in La Ronge so investigations can take hours of travel, even in good weather conditions:

> You could investigate somewhere on Monday and by Wednesday, you're traveling to Grandmother's Bay, which is two hours away. And by Friday, you're going to Pinehouse, which is another two hours away, and then maybe the next week you're going to Little Red River, which is another two hours away. So essentially, one investigation is taking your entire day. And you still need to come back and do the whole [paperwork] process. (12)

4.8 Summary

Indigenous children continue to be overrepresented in all areas of Canada's child welfare system, from investigation to apprehension, to death-in-care rates. While there are always positive exceptions, the literature illustrates that children who have been child welfare wards are exponentially more likely to experience incarceration, sexual exploitation, violent crimes, addiction, homelessness, and mental health issues. These realities are well documented in the literature and were easily observed in my time with the LLR-ICFSA. The LA6 communities continue to experience the intergenerational effects of settler-colonial violence, and the history of child welfare intervention in the region has left a legacy of trauma and mistrust; the LLR-ICFSA has been working to shift child welfare practice since 1994.

The findings presented in this chapter have outlined the LLR-ICFSA's philosophy and practice as witnessed through my field research, textual analysis, and interviews with agency staff. The findings show that while the agency is a trendsetter in policy and practice, it still faces numerous challenges that jeopardize the effectiveness of the changes it is trying to affect. Structural deficits associated with settler-colonial violence and neglect of Indigenous communities continue to be a daily reality that challenges the LLR-ICFSA to differentiate between the child safety concerns that fall within its purview and those that do not. The next chapter will further explore and contextualize the findings laid out in this chapter.

Nīyānan (Five): Discussion and Recommendations

As discussed in previous chapters, numerous reports and inquiries show that Indigenous children are overrepresented in every area of the Canadian child welfare system (Trocmé et al., 2010; Canadian Human Rights Tribunal, 2016). This situation speaks to a need to identify examples of child welfare practice that have the capacity to reduce overrepresentation. Drawing on research that identifies cultural engagement, or cultural continuity, as a key factor in reducing suicide, this study sought out examples of cultural continuity in child welfare practice to examine if those practices contribute to a reduction in child welfare overrepresentation. This chapter examines the findings of my field work presented in Chapter Four, in order to situate the Lac La Ronge Indigenous Child and Family Services Agency's (LLR-ICFSA's) reduction in out-of-home placements and permanent ward designations within the larger landscape of Indigenous overrepresentation in the Canadian child welfare system. To do so, this chapter examines the LLR-ICFSA's engagement in land-based cultural activities and use of kinship care models as evidence of cultural continuity and ties those examples of cultural continuity to the agency's reduction in out-of-home placements and permanent ward designations. The LLR-ICFSA's use of culture in reducing the overrepresentation of Indigenous children in Canada's child welfare system may offer a template from which to develop best practice standards for Indigenous child welfare in the province of Saskatchewan; as such, this chapter examines the findings presented in Chapter Four in order to identify the relationship between culture and child welfare philosophy and practice within the LLR-ICFSA.

5.1 Whose Culture? Recognizing Regional Norms

The findings presented in Chapter Four show that the LLR-ICFSA has effectively reduced out-of-home placements and permanent ward designations in the six communities it serves (LA6 communities) through culturally reflective philosophies and practices. The work of both Glen Coulthard and Lawrence Kirmayer, discussed in Chapter Three, offer useful definitions of Indigenous culture as socio-moral, ecocentric, land-based knowledges and practices that are reciprocal and non-exploitive (Coulthard, 2012; Kirmayer et al., 2007; Kirmayer, Brass, & Tait, 2000). Regarding cultural continuity in the LLR-ICFSA, their definitions provide a framework for contextualizing the findings of Chapter Four. Both Kirmayer and Coulthard argue that Indigenous children are enculturated with the ontological and epistemological values, norms, and spiritual beliefs of their communities by witnessing and

participating in normative performances of culture that reinforce the role of individuals within the community—a practice that ultimately ensures community cohesion and continuity (Kirmayer et al., 2000, 2007). These writers offer a foundation for identifying activities that support the transmission of culture. Building on this led me to look for ways that LLR-ICFSA workers support the transmission of regionally appropriate cultural norms and practices. An examination of Chapter Four's findings shows that the most significant ways that the LLR-ICFSA reflects and reinforces community specific cultural practices and philosophies is through engagement in land-based activities and the use of kinship care models. The LLR-ICFSA's engagement in both of these practices is contributing to the agency's overall reduction in the number of children being placed in out-of-home care, and the elimination of new crown ward designations. In identifying regionally appropriate cultural practices it quickly became apparent that ceremonies like healing circles and sweat lodges, or the practice of smudging, were not considered regionally appropriate cultural practices within the LLR-ICFSA.

I learned quickly that the Lac La Ronge Indian Band (LLRIB) had passed a by-law prohibiting staff of band run organizations, like the ICFSA, from engaging in Indigenous spirituality, as a protective response to federal interference. It was explained to me that,

> There was an incident a number of years ago now …where there were some negative things that happened, and they centered around First Nation's spirituality …and at that time there had been sort of a decree from chief and council that there was to be no native spirituality or traditional practices taking place in band buildings, and originally, I believe it was even stricter than that, it was not just band buildings but sort of by band employees sort of thing. That has loosened up over the years, it certainly still does not take place in band buildings, but I think they're sort of starting to be a little bit more open. (9)

It was further explained that when correctional programming under the federal government began to incorporate "Restorative Justice" initiatives, healing circles became a form of pan-Indian correctional programming that was imposed on the LLRIB and Indigenous communities across Canada. Emma LaRocque writes that, "…a growing complex of reinvented "traditions" which have become extremely popular … [are] lacking historical or anthropological contextualization" (LaRocque, 2002, p. 76). This is evident in that "most of the culturally appropriate programs being promoted as alternatives to the existing justice system rely on

assertions of 'healing' and 'forgiveness,'" even though, as LaRocque notes, "..there is no anthropological basis for asserting it is Native tradition for victims to either 'forgive' or meet 'offenders'" (LaRocque, 2002, p. 85).

The LLRIB found that pressuring victims to meet with and "forgive" offenders ultimately led to the re-victimization of several LA6 community members. In response to that incident the LLRIB took the measure of banning activities and programs that evoked pan-Indian stereotypes of spiritual or traditional practices. The unexpected discovery of a ban on Indigenous spirituality reinforced the importance of identifying regionally specific understandings of culture that go beyond overtly spiritual activities or ceremonies. For many workers the word "culture" evoked pan-Indian stereotypes of healing circles, sweat lodges, and powwow, and LLR-ICFSA personnel were quick to reject the idea that the agency would be involved in these kinds of activities.

Interestingly, several workers expressed the belief that Indigenous people in Northern Saskatchewan did not have a history of spiritual practices predating the arrival of Christianity. One worker remarked:

> See, there's a big difference between culture and spirituality. …If you ask somebody what culture is in our area, in northern Saskatchewan, they relate it to …bead work or whatever, making moccasins and mukluks, or else, even just going to the trap line, living off the land. So, culture here means different things than culture down south. …there's a difference here between culture and spirituality, and a lot of people are defining spirituality as foreign... (18).

With the exception of recent hires, all workers I interviewed were aware that the LLRIB had passed a by-law specifically prohibiting ICFSA workers from engaging in Indigenous spiritual or traditional practices.

Indicators of spiritual revitalization were evident throughout the community; however, there was a notable secrecy. For example, during my four months in the LA6 communities I attended several sweat lodges where participants voiced the importance of keeping their attendance secret for fear of retribution from the LLRIB and community. One worker commented that most of the community was raised to believe that "anything other than church was voodoo" (4), however, another worker observed that "there are some individuals within the La Ronge Band and some of our communities … who believe that sweats and things like that

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were practised here [historically] and they're trying to sort of get that back into the mainstream"
(9). Another worker shared that she prays for her daughter, who burns sweet grass, to turn away
from paganism, and that she is teaching her grandchild to reject the practice of smudging and
pray for their mother to accept the Christian faith. Many of the LA6 community members
identify as Christian and this dichotomy made the division between spiritual and physical
manifestations of culture within the LA6 communities a sensitive line to navigate.

Several workers felt that the LLRIB ban on Indigenous spirituality was a residual
influence of settler-colonial assimilation policies that have affected the LA6 communities
through residential schools and the church. During my field work I learned that the oldest
standing church in Saskatchewan is in one of the LA6 communities: Stanley Mission. Several
workers spoke of this church as a living monument to the influence of settler-colonial
assimilation of Indigenous peoples in Northern Saskatchewan. Poignantly, the agency's director
questioned if people in the region have been "christianized for so long that nobody can
remember what the culture, and traditions, and customs, and spirituality, and practices were prior
to that" (4). The agency's administration pragmatically acknowledges that the LLR-ICFSA's
focus is on meeting the needs of clients:

> [If that means we] meet with an Elder once a week, or it's going to a sweat when they feel
> that they need to, [then] I think staff need to have a base understanding of all of those
> different options that are available in our communities and our area. (9)

Conversely, that same worker asserted that "we're not gonna bring in things like sun dances and
pow wows and smudging, because those aren't things that are done here" (9). The ban means that
the LLR-ICFSA workers cannot encourage or facilitate involvement in activities that can be seen
as reflecting Indigenous spirituality. Indeed, when asked about involving Elders in case planning
or family conferencing, I was told, "it's not up to our workers to present those options" (9);
however, if a client has those supports and self-advocates, the agency respects that choice. This
raises an important question about the ability of clients who, through generations of settler-
colonial assimilation have lost access to, or even awareness of those options. This is powerfully
illustrated by one worker, who reflected:

> waiting for the client to come up with those [ideas] can be detrimental because
> …you're dealing with clients who are not healthy, not well in some way. So, the
> disconnect, like inter-generational trauma, residential school, whatever they call

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that disconnect from spiritual culture … they're not likely to spontaneously say, "Oh, I want to talk to an elder." (6)

Another worker observed:

I offer what I know we legally can, which is mental health and addictions, but if somebody is assertive and tells me, "Listen, when I was talking to the elder, or when I was talking to my great aunt, that helped me," then we can incorporate that into the [Section 5] safety plan. Also, with our family group conferences … when they are able to come up with their own safety plan, that's even better because then, they keep that cultural component alive without you ever having to say or do anything for them about that. … it allows the family to come up with that spirituality on their end and understand how positively it affects their home and affects their lifestyle and their choices and their just general well-being. (12)

Observations such as this suggest that LLR-ICFSA workers are effectively silenced when it comes to supporting or empowering clients to engage in cultural activities that compete with Judeo-Christian norms and values within the larger Canadian child welfare system. An example of this occurred at the beginning of my field work, when I was asked to swear an oath of integrity on a Bible; when I asked if a culturally appropriate alternative was available—like an Eagle feather—I was told the only agency-approved alternative to the Bible was the Koran. The Islamic population in northern Saskatchewan is negligible and having the Koran rather than an Indigenous item as an agency sanctioned alternative to the Bible is incongruous with the demographics of the region. This privileging of Christian and Islamic texts speaks to the continued subjugation of Indigeneity through coercive and discursive application of non-Indigenous values. Importantly, this marginalization of Indigenous culture within a child welfare agency that caters specifically to Indigenous children is evidence of how pervasive Settler-Colonial normativity is within Canada's child welfare system. Learning of the LLRIB's prohibition on Indigenous spirituality and the initial rejection by workers of the term "culture" helped me contextualize the separation between secular and spiritual manifestations of culture within the LLR-ICFSA. I was then able to focus on identifying how workers engaged in physical manifestations of culture.

I found that workers were engaged in land-based cultural practices, like fishing, for

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example, without labeling them as "cultural." The normative element of many cultural practices made it difficult for workers to initially see those practices as cultural engagement. This speaks to the performative nature of culture described by Coulthard and Kirmayer. Critical reflection on what LLR-ICFSA workers shared, as well as observations of family outings and winter camp indicated that the agency engages in and supports cultural activities that are not overtly spiritual in nature; rather they are land-based practices that reflect community norms. Further, many of those land-based practices, like fishing and trapping, are integral to individual and community well-being.

I found that within the LA6 communities, traditional land-based practices like hunting, fishing, and trapping were positive, ecocentric practices that reinforced cultural identity. These practices reflect Irlbacher-Fox's observation of moose-hide tanning as a land-based practice that "embodies the principles of Indigenous resurgence: people simply being culturally themselves toward a positive outcome, without reference to the state or any negative forces" (Irlbacher-Fox, 2010, p. 44). My findings in Chapter Four show that land-based cultural activities continue to be practiced regularly in Northern Saskatchewan as a fact of life, rather than as a political statement. For many Indigenous families in Northern Saskatchewan hunting, fishing, and trapping are still a valid and common means of subsistence. Poverty and poor access to affordable commercial food means many community members continue to hunt, fish, and trap, and subsequently many children continue to be enculturated in those traditions.

The findings presented in Chapter Four reveal that LLR-ICFSA programming supports the cultural practices and philosophies of the communities they serve. As such, the LLR-ICFSA is actively involved in cultural continuity through activities like community fish derbies and teaching children to clean fish, set snares, and cook traditional foods. While research shows that engagement in cultural practices reinforces positive self and cultural identity, the LLR-ICFSA engages in these practices because they are useful and relevant skills that build individual and community capacity (Fleming & Ledogar, 2008; Dell & Acoose, 2015; Dell et al., 2011, Chandler & Lalonde). The experiences of workers indicated that the LLR-ICFSA's engagement in cultural practices strengthens community capacity, enhances social inclusion, and reinforces cultural networks through traditional values. For example, during my field work, students from one of the LA6 communities were organizing a fish derby with the support of the school and the LLR-ICFSA. Fish derbies have been occurring in these communities longer than anyone there

can remember and are considered a cultural tradition. Students were encouraged by workers to think about how they would support Elders' attendance at the derby. I witnessed the enthusiasm of the youth who were organizing the derby as they planned how to care for the Elders in attendance, from transportation to having someone serve tea and check in regularly throughout the event. The youth asserted that the role of providing Elder support was a respected and important contribution to the event; this showed the transmission of a cultural value for care of Elders and their importance within the community, and it also positively empowered youth by valuing and providing recognition of their contribution to the community.

My findings revealed that the LLR-ICFSA's participation in community activities like fish derbies acts to position the agency as a community resource and support. In this way the LLR-ICFSA is challenging the historical role of child welfare as a destructive force within the community. The LLR-ICFSA is actively engaged in capacity building through land-based cultural activities in the LA6 communities, as well as through more indirect, philosophical approaches to community capacity building, like the refusal to make children permanent wards and the use of Private Agreements, which can be seen to legitimize traditional kinship care models of child welfare; both are discussed below.

5.2 Kinship Care

In my time with the LLR-ICFSA I learned that the agency focuses on facilitating Private Agreements rather than using out-of-home care when a safety concern requires the removal of a child. As discussed in previous chapters, Private Agreements are provincially recognized agreements that facilitate the legal transfer of guardianship over Indigenous children between family members, outside of the child welfare system. It was explained to me that the LA6 communities have a strong tradition of kinship care and Private Agreements were developed as a means of supporting that traditional practice in a way that the provincial and federal governments could legitimize. As noted in chapter Four, the agency's co-director explained that the Private Agreement document was drafted by the agency to formally document the existing practice of kinship care. The agency director and co-director further explained that Private Agreements give extended family members the legitimacy they need to confidently take on guardianship of children, and set up financial supports like child tax benefits to ensure they can continue to care for those children (9). This means that more children are being raised in their cultural community and are therefore exposed to the passive and active transmission of cultural values, norms, and

nuances. Effectively, Private Agreements acknowledge the importance of family in the transmission of cultural continuity. Several workers spoke to the agency's use of Private Agreements as an important means of maintaining family and cultural connection, and as a necessary disruption to the legacy of child apprehension that continues to affect Indigenous communities. As illustrated in Chapter Four, families in the LA6 communities have witnessed negative outcomes for children raised in state care and as a result, many families are willing to take in a child rather than see them placed in foster care outside the community (6). Chapter Four also outlined how the use of Private Agreements allows families to take in children with the confidence that they can provide stable guardianship, rather than temporary care. For example, many parents in the LA6 communities are engaged in cycles of binge drinking; the Private Agreements allows family members to care for children that have been apprehended without fear that they will be returned when the parents sober up, only to be re-apprehended when the cycle starts again (9). Private Agreements ensure families can act as stable guardians rather than babysitters. These agreements, while usually between extended family members, can also occur with individuals in the larger community who are considered "persons of interest" if they have a significant role in a child's life. The recognition of family within the LA6 communities, as with many Indigenous communities, extends beyond first and second cousins to include relations that are involved in a child's life but may have a more distant blood connection.

These agreements, while facilitated by the LLR-ICFSA, are technically outside of the child welfare system, which means that the agency does not have the authority to intervene, investigate, or follow up on these agreements. In reality though, both the size of the LA6 communities and the intergenerational nature of child welfare interventions in these communities means that when children are placed in private agreements, the families they are placed with are often known to the agency. Several workers expressed concern that Private Agreements have resulted in the placement of children with family members who are already on Section 5 or Section 9 agreements for child safety concerns regarding other children in the home. Conversely, workers noted that this allowed them to maintain contact and provide services, which they would not otherwise have been able to do. The LLR-ICFSA director, Dexter Kinequon, described these kinship care agreements as a necessary disruption to the settler-colonial narrative that was so pervasive during the residential school era, that Indigenous people are incapable of effectively parenting. As quoted in Chapter Four, removing children also removes parental authority and

reaffirms the message that Indigenous people lose their children because they are "not good parents" (4).

The loss of parenting skills that occurred as a result of the residential school system and generations of child welfare removals that followed, combined with structural neglect created and maintained by the federal government, have entrenched the conditions necessary to reinforce the settler-colonial ideology of Indigenous inferiority. This ideology is imbedded in state bureaucracy and can be seen in the federal government's failure to implement Jordan's Principle (2007) or provide equal funding for Indigenous children receiving child welfare services, (Canadian Human Rights Tribunal, 2016). In September 2017, the United Nations Committee on the Elimination of Racial Discrimination reviewed Canada's treatment of Indigenous children and released recommendations that affirm the need for the Canadian state to take immediate action towards equalizing its treatment of Indigenous children (September 2017). The ongoing inactivity of the Canadian state despite national and international interventions illustrates the importance of local initiatives like the LLR-ICFSA's use of Private Agreements to support traditional kinship care practices and, ultimately, to disrupt the pattern on removal that is perpetuated through unequal treatment and inaction on the part of the Canadian state. In the absence of a clear and decisive intervention on the part of the Canadian state, it falls to individual communities and agencies to disrupt the pattern of unequal treatment Indigenous children encounter at the hands of the state. Chapter Four illustrated that the LLR-ICFSA is disrupting that pattern by recognizing that neglect "can be mitigated with good prevention programs" rather than apprehension (14).

As Chapter Three illustrated, the conditions of structural neglect and the intergenerational outcomes of those conditions, like entrenched poverty, addictions, and mental health issues disproportionately bring Indigenous people in contact with the child welfare system, and result in the overrepresentation of Indigenous children in that system (Amnesty International, 2015; Ards et al., 2003; Sinha, Trocmé, et al., 2013; N. Trocmé, 2010). My findings confirm that both the conditions of structural neglect and the negative outcomes of that neglect are overwhelmingly what bring families in contact with the LLR-ICFSA. Further noted in Chapter Three are the benefits of prevention and early intervention; those benefits are so well documented that it has become provincially mandated for child welfare agencies to engage in *least disruptive measures* rather than apprehension and out-of-home placements unless absolutely necessary. It is only in

the case of Indigenous children that differential funding schemes handicap ICFSAs, such that these agencies cannot fund anything other than apprehension and out-of-home care for Indigenous children. The implications of this are that child welfare agencies like the LLR-ICFSA are often in a position where they have no choice but to perpetuate the assimilation policies of the last century, because in the absence of funding for prevention services they are mandated to remove children. The LLR-ICFSA director noted that federal funding is linked to reduction quotas that do not account for the conditions or structural causes of neglect that repeatedly bring children in contact with the LLR-ICFSA. The director noted that LLR-ICFSA has chosen to focus on family supports rather than prioritizing the quotas for reducing the number of children in out-of-home care that are required under the Enhanced Prevention Focused Approach (EPFA) funding model.

It is unlikely that the LLR-ICFSA would be able to refuse the mandate to remove children under the EPFA funding model without first having become a benchmark for child welfare standards and best practices in Canada through accreditation (14). As previously noted, the LLR-ICFSA's decision to apply for international accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF International) saw it become the first agency in Canada to satisfy over 1800 standards set by CARF International and receive accreditation. Within the LLR-ICFSA, accreditation has essentially provided the bureaucratic check points needed to illustrate expertise and best practices in child welfare; this enables the agency to focus on prevention and capacity-building without perpetuating historic patterns of apprehension. Accreditation, and the agency's unique position as the only accredited agency in Canada, has given the LLR-ICFSA important leverage in refusing to make children permanent wards and to focus instead on prevention programming and family supports. By refusing to permanently severe parental access to children through court interventions the agency is able to expand placement options to include family members like aunts, and grandparents. This in turn ensures the agency has the time it needs to work with families as a unit and build up skill sets that took hundreds of years to tear down. What this means practically is that the LLR-ICFSAs primary form of child welfare intervention is the facilitation of Private Agreements—or *kinship care agreements* that reduce the reliance on ICFSA approved foster homes, which are hundreds of kilometers away.

By virtue of keeping children in their families the LLR-ICFSA is positioning family continuity as a default, which, as illustrated in Chapter Four is something relatively new that workers felt was succeeding. Workers were quoted as being aware of the implications of children growing up "knowing where they come from and being proud of who they are" (16). This shows that agency workers are aware of the intergenerational effects of over a century of Indigenous child apprehensions within the LA6 communities, as well as an awareness of the agency's position as a role model in disrupting the legacy of child removals. This position was recently strengthened by the fact that after six years as the only accredited child welfare agency in Canada, the two neighbouring ICFSAs, Peter Ballantyne and Sturgeon Lake, also obtained accreditation. It will be interesting to see if, in the coming years, these two agencies leverage their accreditation as the LLR-ICFSA has, as a hedge against the apprehension and out-of-home care placements policies and practices that are so prevalent throughout Canada.

Ultimately, keeping children in their families and communities ensures the nuances of cultural transmission that occur through the banality of everyday life, such as grammatical structures, cultural stories, and food choices (Billig, 1995). Raising Indigenous children in Indigenous environments enables a multitude of active and passive acts of cultural continuity. In addition to the transmission of cultural values through language structures, Indigenous environments provide Indigenous children with a sense of cultural belonging that acts as a defense against the pervasive racism of Northern Saskatchewan. This ties into the value of prevention services, which takes a more active role in the transmission of cultural values in order to positively reinforce identify and community belonging.

5.3 Prevention Programming

The second area where cultural continuity is most readily illustrated and operationalized within the LLR-ICFSA's philosophy and practice is prevention programming. Workers within the agency indicated that the agency tailors its prevention programming to reflect the values and practices of the LA6 communities, and to create opportunities for families to engage in land-based cultural practices together, with the support of ICFSA workers. Chapter Four illustrated that the LLR-ICFSA is actively involved in community activities like Elder's gatherings, memorials, camping, fishing, and trapping; activities that positively reflect the agency's role as a community support in bring families together (8).

Research on identity formation and cognitive dissonance by Chandler and Lalonde indicates these activities build capacity and confidence, which are necessary to structure a positive sense of self and culture (Ball & Chandler, 1989; Chandler et al., 2003; Hallett et al., 2007). John Milloy argues that ontologies are inherited from parents and the community, indicating both exist in a landscape whereby environment is translated into a "meaning"-filled place, and that ontology can be understood as "the symbolic ordering of the world" through which "actions and objects take on meaning" (Milloy, 1999, p. 37). A telling example of the importance of cultural activities is illustrated in Chapter Four, in the account of a Prevention worker who used the structure of an ICFSA "family visit" to process a deer with a client. By engaging clients in traditional land-based practices, workers are empowering clients in a way that builds rapport as well as client capacity and confidence. This is especially pertinent given that most LLR-ICFSA workers are from the local communities, which means by virtue of a shared history and culture they are disrupting the legacy of settler-Colonial child welfare ideologies that devalue Indigenous ways of life (11).

Chapter Four provided also provided an example of Prevention workers building a fire with clients as engagement a land-based cultural practice that was fun and provided opportunities for cultural learning and positive role modeling (11). These examples illustrate that there are numerous opportunities for cultural transmission within one activity, from traditional roles and values to contemporary goals and needs. In the fire building example, the prevention worker leveraged a family goal to share food around a bonfire, as an opportunity to model and support appropriate, respectful behaviours between children and parents, and it facilitates capacity building for both. Building a fire is an act of cultural continuity in that it is an important, practical, land-based skill in Northern Saskatchewan that can be used to transmit cultural values.

Several workers shared similar stories about opportunities for role modeling and support that are available through traditional cultural activities that the agency engages in, like bead work and bannock making. Several workers noted that often it is the banal conversations that occur around these activities that offer the most meaningful examples of cultural transmission through positive role modeling. Interestingly, workers noted that the agency's Positive Parenting Program (Triple P) is based on Indigenous communities in Australia, and is not culturally appropriate to the LA6 communities, nor is it cognitively accessible to many of the families receiving services from the LLR-ICFSA. As previously discussed, the combination of poor

English language fluency, low levels of education and cognitive functioning impact the ability of clients to comprehend the material presented in the Triple P activities (15). This observation illustrates that many of the clients served by the LLR-ICFSA are dealing with cognitive dissonance and dysfunction as a result of settler-colonial assimilation, the legacy of residential school trauma, as well as addiction and associated birth defects. Additionally, language barriers continue to exist as a number of clients are predominately Cree speaking and prevention programming is only available in English. The LA6 communities face conditions similar to those of many other Indigenous communities in Canada. While the Triple P programming has not had the success the agency hoped it would, workers shared that they are still able to incorporate the core values of the Triple P program into the more practical and physical activities they engage families in. The impact of the agency's prevention-focused approach is immediately tangible in the reduced number of children in the LA6 communities being placed in out-of-home care and becoming permanent wards; as well, there are more children and families receiving prevention services. The agency director notes that since the agency took over control of child welfare delivery for off-reserve Indigenous and non-Indigenous children from the Ministry of Social Services in 2009, they have brought the number of children in out-of-home care down from nearly 200 to an average of 50. My fieldwork findings indicated that the reduction can be credited to the agency's philosophy that children are better served in the home. Additionally, the LLR-ICFSA's accreditation and the EPFA funding model have allowed it to focus on providing provincially mandated prevention services, rather than the equally mandated apprehension services that occur in the absence of prevention programming. My analysis of the findings of Chapter Four illustrates that the LLR-ICFSA is in a unique and tentative position that allows it to focus on healing families and communities through role modelling, cultural engagement, and most importantly, the simple act of keeping children in their communities.

5.4 Implications for Indigenous Child Welfare Practice; Future Research

Throughout my research, workers raised several issues that warrant further examination including the agency's support of Private Agreements, operationalizing "culture," and addressing resource deficits in Northern Saskatchewan. The net-widening implications of prevention services emerged for me as a problematic area in need of further examination due to the fact that prevention services, which identify "at risk" families and children, are tied to volatile funding. Additionally, now that there are two other ICFSAs in northern Saskatchewan with accreditation,

there is an opportunity to examine how out-of-home and permanent ward rates compare across these three agencies over the coming years.

The most common concern raised by LLR-ICFSA workers as needing further investigation is the agency's role in Private Agreements. Workers felt it would be beneficial to the success of Private Agreements to establish a best practices approach to supporting kinship care across ICFSAs in Saskatchewan and the nation. Specifically, workers voiced a need for the LLR-ICFSA to develop protocols for investigating Private Agreement placements, and providing follow up to ensure that the homes children are being placed in meet adequate standards for care. Private Agreements allow extended family members to provide child welfare services in lieu of costlier interventions like foster care, and as such, there is a need to examine how the LLR-ICFSA can better support families engaged in Private Agreements through training, respite, holiday, and clothing allowances to ensure these agreements do not break down as frequently.

Another significant area of interest for future research arising from this work has to do with the net-widening implications of prevention services. Since prevention services—least disruptive measures—allow for child welfare agencies to provide services while children remain in their homes, families, and communities, there is a broadly cast net within which Indigenous families are identifying needs and deficits; should funding disruptions occur and least disruptive measure become unavailable, those families become targets for more traditional child welfare interventions such as removal. Another area for future research would include a longitudinal examination of the impact of accreditation on the two neighbouring ICFSAs, Peter Ballantyne and Sturgeon Lake, which gained CARF accreditation in 2016.

A further area for investigation is the need for the LLR-ICFSA and, more broadly, the LLRIB to operationalize the term "culture" and develop a position on the LLR-ICFSA's role in cultural engagement that is congruent with the agency's philosophy, provincial least disruptive measures, and regional values. Due to the LLRIB ban on Indigenous spirituality, LLR-ICFSA workers are not able to proactively recommend or identify culturally relevant resources or practices, like Elder counselling, to their clients. Many LLR-ICFSA workers and the director felt the role of Elder engagement, for example, would benefit from consultation and development of community protocols. This could allow the LLR-ICFSA to move away from the current ambiguity around this topic towards a regionally appropriate understanding that would benefit children and families receiving child welfare interventions.

Regional deficits continue to be another area for research and policy development. The LA6 communities face severe resource deficits that affect the ability of families to provide adequate care to children or access the services that are often mandated through Section 5 Safety Plans. Witnessing the resource deficits that families face in the LA6 communities illustrated to me that there is a need to further examine how the conditions of structural neglect that result in child welfare interventions are being handled by child welfare agencies. For example, addiction and mental health workers are not readily available in most Northern Saskatchewan communities; similarly, detox services require clients to leave the community, then return to the same conditions they left. These resource deficits translate into "child safety concerns" that from a policy perspective, require child welfare interventions. Child welfare agencies are increasingly aware of families' powerlessness to rectify structural neglect, and it would be a worthwhile examination to determine if and how ICFSAs are circumventing the mandate to apprehend children in those situations.

The issue of net-widening emerged as a key area for future research. The implications of this net widening as a result of least disruptive child welfare interventions, like "culturally focused" prevention services, deserve serious and immediate attention given the net-widening outcomes of similar interventions in the correctional field.[1] In a child welfare context, once a child has been identified as "at risk," if there are no least disruptive measures available, apprehension becomes the only option; however, when prevention services like those offered by the LLR-ICFSA are available, families are more likely to reach out for support. This is problematic in that when families in need of services reach out to ICFSAs for prevention programming and least disruptive measures, they identify themselves as potentially in need of a child welfare intervention. In other words, families are identifying circumstances that place children "at risk" in an effort to address that risk through prevention services. In return, when the volatility of federal funding to ICFSAs impacts access to funds for prevention and least disruptive measures, those "at risk" children are subject to apprehension. This is most evident on

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[1] An alternative measures approach to correctional sentencing provisions, emerging from R.v. Gladue [1999] has resulted in a similar net widening effect. Section 718.2(e) reads, all available sanctions or options other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders. This ethnically identifying legislation, though intended to reduce over incarceration, has had the opposite effect. This alternative measures approach often means Indigenous offenders receiving longer, community based sentences, often with arduous conditions, which ultimately increases the number of Indigenous offenders serving time, in institutions, due to breaches that would not have occurred had the alternative measures not been used to prolong the time offenders are in the system.

reserve, where eight times more children are in care than their urban counterparts as a direct result of inadequate, underfunded, or unavailable least disruptive measures (Auditor General Report. 2008. s.4.12). The mandate to apprehend only when least disruptive measures are unavailable or inappropriate is, in force and effect, a mandate to apprehend, and prevention services are a disruption to that mandate only so long as they are funded; otherwise they may become the roster for the next round of mass apprehensions if a change of government results in cuts to prevention services.

The final area for further research arising from this study has to do with the impact of accreditation on child welfare policy, practice, and outcomes in Northern Saskatchewan. In the last year the LLR-ICFSA's two neighbouring communities, Sturgeon Lake and Peter Ballantyne, became, respectively, the second and third communities in Canada with ICFSAs to obtain international CARF accreditation. It is difficult to quantify the value of international accreditation when only one child welfare agency in Canada has accreditation, but now that there are three ICFSAs in Saskatchewan with CARF accreditation there is a basis for examining how these agencies approach apprehension, kinship care, and permanent wardship applications. Such examination will reveal the provincial and potentially national implications of accreditation on Indigenous child welfare philosophy and practice. Finally, a longitudinal analysis of the LLR-ICFSA's refusal to engage in the legal application of permanent wardship status over Indigenous children after two years in out-of-home care warrants further examination to determine the long-term implications of this practice.

Nikotwāsik (Six): Conclusions

This thesis has explored the issue of Indigenous overrepresentation in Canada's Child Welfare System, with a focus on the Lac La Ronge Indigenous Child and Family Services Agency (LLR-ICFSA) as an anomalous agency that is disrupting the status quo of overrepresentation though engagement in regionally specific cultural practices. Drawing on four months of fieldwork with the LLR-ICFSA in Northern Saskatchewan, this thesis thematically analyzed 23 interviews, participant observation field notes, and numerous agency manuals and documents in order to critically assesses the role of regional cultural practices in disrupting out-of-home care placements and permanent ward designations. This chapter summarizes key findings and concludes by situating these findings within the larger question of Indigenous survival and resurgence within the Canadian settler state project.

This thesis has argued that the LLR-ICFSA represents a potential model from which to develop a best practices approach to Indigenous child welfare that builds community capacity through least disruptive measures that leverage traditional cultural practices. Further, this thesis argues that the LLR-ICFSA's approach demonstrates a quantifiable disruption to the pattern of Indigenous removals that are normative across the country.

Peyak (One): Introduction

Chapter One illustrated a link between Indigenous-settler power relations and the overrepresentation of Indigenous children in every area of the Canadian child welfare system. Less visible is the way that containment of Indigenous populations plays out through what Raven Sinclair identifies as an Indigenous Child Removal System (Sinclair, 2017, p. 1). That system is entrenched in settler-Colonial statecraft and, in a global context, is part of the politics of sovereignty, or as Rebecca Alder-Nissen identifies it, Sovereignty Games (Alder-Nissen & Gammeltoft-Hansen, 2008). What this mean is that we can't assess the mass removal of Indigenous children under the Canadian state in event-specific terms; rather, we can contextualize this pattern of removal as undermining the capacity of Indigenous polities to assert their role as equal partners in the Canadian state. It is not the event or era-specific manifestations of Indigenous child removals that require attention so much as the machinations of settler-Colonial statecraft by which those removals can be seen as furthering the original intent espoused by John Macdonald to do away with the "Indian problem" (Bennett, Blackstock, & De La Ronde, 2005, p. 16). Chapter One explored how Settler-Colonial assimilation policies

function to extinguish the political capacity of Indigenous polities by disrupting cultural transmission from one generation to the next through child removal policies. Those historic removal paradigms have evolved to perpetuate the assimilation of Indigenous children through child welfare policies that focus on the security of the individual, obfuscating the scale of removal practices.

The structural means by which Indigenous child removals continue are fundamentally connected to funding inequities that continue to disadvantage Indigenous families and communities, bringing children in contact with child welfare agencies for conditions of poverty over which their families have no control. Chapter One presented examples of structural inequalities and the Canadian state's failure to implement Jordan's Principle as reasons why Indigenous children continue to die for want of services that are readily available to non-Indigenous children (Jones et al., 2015; Sinha et al., 2011; Sinha, Ellenbogen, et al., 2013; Sinha & Kozlowski, 2013). Importantly, Chapter One drew attention to a need to understand the competing and contradictory realities that Indigenous peoples face under the Canadian state if recent calls for reconciliation are to be more than lip service. Chapter One also served to outline the importance of examining the capacity of ICFSAs like the LLR-ICFSA to disrupt Canada's pattern of Indigenous child removals and support Indigenous models of child welfare, or *ohpikihāwasiwin*.

Niso (Two): Method and Methodology

Chapter Two outlined the methods and methodology used in this thesis to engage the LLR-ICFSA. Having identified the LLR-ICFSA as the only child welfare agency under the Canadian state to have obtained accreditation, and one of the only agencies with a sustained reduction in the number of Indigenous children being placed in out-of-home care and becoming permanent wards, this thesis sought to examine this agency in order to understand if and how it had achieved these outcomes. Previous research on the protective capacity of cultural continuity influenced my examination of the LLR-ICFSA, guiding me to take an Indigenous worldview in my examination of the LLR-ICFSA's reduction in out-of-home and permanent wards rates. This view oriented my understanding of the agency's engagement in regionally relevant cultural philosophies and practices as community-based actions responsible for disrupting child welfare removals. Through four months of fieldwork encompassing participant observation, textual analysis, and conversations or interviews with LLR-ICFSA staff I found that the agency's use of

land-based cultural practices and traditional kinship care models were in fact contributing to the reduction in out-of-home care and permanent ward rates in the LA6 communities.

Nisto (Three): Literature Review & Research Questions

Chapter Three provided a review of the extant literature on the overrepresentation of Indigenous children in state care, with particular attention on the continuance of child removals as Canada's Indigenous policy shifted from a focus on residential schools to a focus on child welfare. This chapter critically reviewed state policy in order to highlight the role of structural neglect in the overrepresentation of Indigenous children as state wards. Chapter Three further illustrated striking parallels between the outcomes for children who are, or have been, wards in Canada's Child Welfare System and those who were wards of Canada's Indian Residential School System (Blackstock, 2007; Sinclair, 2007a, 2007b). The literature reviewed also identified the importance of disruptions like the LLR-ICFSA and situated this agency as an example of "best practices" in Indigenous child welfare, which may have the capacity to disrupt the pattern of Indigenous child removals that now spans over a century and a half. Importantly, Chapter Three reviewed literature on the protective capacity of culture, which further contextualized the importance of what the LLR-ICFSA is doing given the ongoing structural neglect Indigenous children encounter under the Canadian state.

Niyo (Four): Findings

In Chapter Four I laid out the findings of my research with the LLR-ICFSA. This is where the voices of workers come through. From protection workers I learned about structural neglect, and the strength of the LA6 communities to care for their kin. The stories that Prevention workers shared gave two very clear examples of cultural engagement, the first being land-based practices like fishing or setting snares, and the second, the recognition and empowerment of traditional kinship care patterns that have always been practiced in these communities. The LLR-ICFSA's support of kinship care and land-based activities reflect and reinforce the regional culture. In this way, they illustrate a case-specific representation of Chandler and LaLonde's cultural continuity. If we accept kinship care and land-based activities as reflective of the regional culture, it follows that the agency's engagement in these things ensures the continuousness or continuity of it. The findings show that the agency is engaged in cultural continuity through its philosophy and it practice. That engagement has directly impacted

child welfare interventions and has reduced the number of children being placed in out-of-home care and becoming permeant wards.

The capacity-focused approach presented in Chapter Four addresses the absence of Indigenous "voice" in child welfare literature by shifting away from the established critique of the Canadian state's role in creating and maintaining structural inequities that perpetuate Indigenous overrepresentation. While it is necessary to identify and address the antiquated assimilation policies underlying Canada's Indigenous child welfare policy, it is equally essential to identify Indigenous capacity to disrupt the status quo of overrepresentation through the development of community and cultural capacity; Chapter Four contributes to the field of Indigenous studies through such an examination. Chapter Four presented examples of how the LLR-ICFSA is engaged in the practice and philosophy of cultural continuity irrespective of the deficits it encounters as a result of state imposed structural inequalities. Importantly, Chapter Four provides real examples of Indigenous child rearing knowledges, *ohpikihāwasiwin,* from which to contextualize and ultimately hypothesize the implications of cultural continuity in Indigenous child welfare on a national scale.

Neyanan (Five): Discussion and Recommendations

Chapter Five contextualized the findings presented in Chapter Four by highlighting how the LLR-ICFSA's use of kinship care and prevention programming leverages traditional community practices to build capacity in the communities they serve, so that out-of-home placements become the exception rather than the norm. The discussion of those findings situated the struggles LLR-ICFSA workers face in addressing child safety concerns within the larger context of structural neglect and a legacy of child removals. Drawing on interviews, field notes, and agency texts, Chapter Five illustrated that there is an active practice of *ohpikihāwasiwin* occurring in the LA6 communities, which is reflected in LLR-ICFSA.

Chapter Five further illustrated that LLR-ICFSA workers have concerns about the agency's moral and legal authority to assess, follow up, and provide support to children and families engaged in Private Agreements. While the importance of cultural continuity within the LLR-ICFSA's philosophy and practice can be abstract, Chapter Five sought to provide practical context to the concept of cultural continuity by illustrating specific examples of workers engaging in traditional land-based practices, as well as quotes from workers that express the value of culture from both an individual and an agency perspective. Even more importantly,

Chapter Five illustrated that by drawing on the efficacy of cultural continuity as a hedge against suicide, it becomes possible for Indigenous communities to engage in a meaningful analysis of Indigenous capacity to transition child welfare from a system of cultural genocide to one of cultural continuity.

Conclusion

In Northern Saskatchewan, as with much of Canada, the legacy of Canadian assimilation policies is evident in the sustained pattern of Indigenous child removals and out-of-home care placements; disruptions to that pattern are rare and noteworthy. Examining literature and cases that disrupt dominant settler narratives that place colonization in the past is a necessary step towards challenging the ongoing complexities of Indigenous overrepresentation in Canada's child welfare system. It then becomes possible to introduce alternative narratives, so that the "status quo" is no longer the only reality. Giving voice to alternative narratives requires a recognition of the complex interplay between policy and practice that has evolved in the last century and half to secure settler-Colonial interests (Agamben, 1998, 2005; Foucault, 1991, 2003, 2007; Coulthard, 2014).

Indigenous-state power relations have become increasingly more bureaucratized over the decades and in the context of child welfare that bureaucratization can be seen in how ICFSAs operate in a juridical and jurisdictional void between the federal and provincial/territorial governments. Within that void contradictory policies and mandates, and inadequate funding schemes ensure the Canadian state maintains coercive control over Indigenous children and consequently, the future of Indigenous nations. A poignant illustration of this can be seen in the deconstruction of the 2008 apology from the Canadian state for its involvement in the residential school program: an apology that temporally placed assimilation in the past, failing to acknowledge that the number of Indigenous children in total institutions as wards of the Canadian state now far exceeds that of the residential school era. Intergenerational trauma arising from the residential school experience has resulted in a breakdown of cultural transmission and created the antecedent conditions for today's child welfare interventions, yet there has been no acknowledgement of or remediation for the state's role in the creation and maintenance of those realities.

In this thesis, I have argued that child welfare policy cannot ameliorate Indigenous overrepresentation so long as the structural causes of overrepresentation are attributed to a legacy

of colonialism; it is essential to recognize that Indigenous-state relations are not a legacy, but a living reality (Wolfe 2006, p. 388). It is also important to recognize that Canada's relationship to Indigenous people is not one of sinister machinations, but rather a bureaucratic process of state hegemony. De-villainizing the state means recognizing that, "[t]he Canadian state, like other nation states, is best understood as an ideological project rather than a conscious entity" (Nadasday, 2003, p. 4). Understanding Canada as a settler state project and colonization as a structure allows us to appreciate the implications of process over prejudice, or rather, the systemizing of prejudice into process. Said differently, this means that the overrepresentation of Indigenous children in Canada's child welfare system is not the result of evil intentions by individual workers so much as a mechanization of state processes designed to ensure hegemony and territorial security. So long as the legitimacy of the settler-state depends on exclusive control over territory the dispossession of Indigenous bodies from Indigenous lands will continue. The best intentions of individual settlers, whether child welfare workers or the Prime Minister of Canada cannot undue the system of dispossession that has been in place for over 150 years. This means that Indigenous-settler relations under the Canadian state are disseminated through institutions and processes that, while beneficial for state formation, simultaneously have the force and effect of cultural genocide (Nadasdy, 2003, p. 58).

The genocidal outcomes of a century and a half of assimilation policies are evident in the breakdown of parenting capacity in Indigenous communities and the ongoing absence of Indigenous children from their communities as a result of structural neglect and, consequently, parental neglect. The transmission of Indigenous parenting knowledges has been disrupted by settler-colonial assimilation policies that were designed for that purpose, and the result is that Indigenous children raised in out-of-home foster and institutional care facilities face outcomes that are strikingly similar to those of children raised in residential schools. The literature and my own research indicate that Indigenous children experience structural neglect whether they are living in out-of-home foster or institutional facilities, or living with extended family through kinship care agreements. The implications of this are that Indigenous children are fundamentally no worse off staying in their families than they are as wards of the state. The question then is, are they better off?

Turpel-Lafond has argued that without evidence-based standards for measuring success, the Canadian state is incapable of identifying and disseminating best practices in child welfare

(Turpel-Lafond, 2013a); my research shows that the LLR-ICFSA provides exactly that—an evidence-based example for measuring the success of culturally congruous child welfare philosophies in a Canadian context. Given the intergenerational nature of the state interventions in Indigenous child welfare, it can be argued that an equally intergenerational approach is required to disrupt the legacy of interventions. There is a need for a paradigm shift in research regarding Indigenous child welfare; currently the focus is on the fiduciary constraints facing ICFSAs and while that is important, it maintains a settler-centric narrative. So long as Indigenous child welfare research is framed by the Indigenous-settler dichotomy, the creative capacity of Indigenous communities remains subjugated by the struggle for settler Canadian recognition and support.

The LLR-ICFSA challenges the current focus on fiduciary constraints and resource deficits that is so prevalent in the literature by changing the locus of the conversation away from deficits the agency faces under the Canadian state to a focus on the inherent and ongoing capacity of Indigenous families and communities to care for their children—the capacity for *ohpikihāwasiwin*. This study has addressed the absence of Indigenous-centric critiques of child welfare philosophy and practice by acknowledging and exploring the capacity of Indigenous communities to leverage cultural continuity and ameliorate the intergenerational effects of settler-colonization that are evident through ongoing overrepresentation of Indigenous children in Canada's child welfare system. It has further redirected the conversation on Indigenous child welfare by linking the reduction in suicide rates identified by Chandler and Lalonde with the LLR-ICFSAs reduction in out-of-home care rates.

The case study analysis presented in this thesis is a divergence from settler-centric paradigms in that it presents the philosophy and practice of the LLR-ICFSA as an example of Indigenous resurgence, and potentially, a template for transformative praxis of Indigenous child care knowledges. Glen Coulthard identifies the existing, reciprocal, and non-exploitive land based practices of Indigenous knowledges as *grounded normativity,* and in this thesis his conceptualization has dovetailed well with the cultural factors identified by Chandler and LaLonde, thereby giving context to the nature and scope of cultural continuity in the LLR-ICFSA (Coulthard, 2014). A full assessment of the role of cultural continuity in reducing out-of-home and permanent ward rates within the LLR-ICFSA requires more than context, though; it requires time.

The LLR-ICFSA serves over ten thousand children and when combined with the Sturgeon Lake and Peter Ballantyne bands, these ICFSAs provide child welfare services to a significant portion of Saskatchewan. To witness a shift in the generational outcomes of Indigenous children receiving child welfare interventions from these ICFSAs necessitates a longitudinal approach to data collection; it will take decades for ICFSAs like the LLR to track the outcomes of Indigenous children raised in kinship care agreements and contrast those with the outcomes of Indigenous children raised as wards of the state in predominantly non-Indigenous foster and institutional facilities, or those a generation removed, who were raised in residential schools. Currently there is enough data to illustrate that the LLR-ICFSA has reduced the number of children in out-of-home care by roughly thirty percent since taking over control of child welfare services for off-reserve children in the LLR region. There is also enough data to illustrate the LLR-ICFSA has developed a philosophy of practice that assures Indigenous children will never become permanent state wards as so many generations before them have, nor will they be placed in foster or institutional care facilities if there are kinship connections that can be utilized to keep those children in their families and communities. This philosophy, which ensures the transmission of culture through passive and active engagement, is backed by the data on cultural continuity as a protective factor against suicide.

It is my sincere hope that it will take less than seven generations for these agencies to have the data necessary to assess the capacity of Indigenous communities in Northern Saskatchewan to disrupt the historic legacy and current reality of Indigenous overrepresentation in the child welfare system. The data these agencies will be able to provide in the coming years will allow for a shift in the assessment of child welfare interventions such that community capacity rather than governmental deficit may shape the direction and best practices of child welfare interventions. It will take time to know if the continuity of culture that children are exposed to through the LLR-ICFSA will reduce the negative outcomes those children currently face. More importantly, perhaps, it will take time to know if minimal use of interventions in the form of Section 9 removals combined with the use of land-based prevention programming will show an increase in success markers like educational achievement, income levels, and the simple yet profoundly political act of being alive and Indigenous under a settler-colonial state.

The research on the Lac La Ronge Indian Child and Family Services Agency suggests that sometimes no intervention is an intervention. When the status quo of child welfare

interventions continues to be removal and placement of Indigenous children in non-Indigenous homes, communities, and cultures, not intervening is actually a powerful intervention—an intervention against Canada's Indigenous Child Removal System rather than an intervention into the homes and families of those most profoundly affected by that system. The LLR-ICFSA is intervening in the Canadian state's established practice of disrupting Indigenous cultural transmission by the simple expedient of working with Indigenous children in their homes and communities. This amounts to the LLR-ICFSA providing least disruptive measures to Indigenous children just as provincial child welfare agencies do for non-Indigenous children.

Ultimately this thesis showed the LLR-ICFSA to be behaving like a provincially funded child welfare agency in many ways, which would garner little interest if not for the multitude of structural deficits discussed in this thesis. At the end of the day Indigenous children in Northern Saskatchewan appear to have a better chance at survival receiving the interventions available to them through the LLR-ICFSA than they did a generation ago under the residential school system, or the sixties scoop, or than many of their contemporaries do under the millennium scoop. The LLR-ICFSA is not the solution to Indigenous overrepresentation; it is, however, *a* solution and the state of Indigenous-settler relations is such that we cannot afford to miss an opportunity to learn and improve our resistance to the ongoing genocidal policies that govern our lives as Indigenous people under the Canadian state. My time with the LLR-ICFSA left a strong impression that Indigenous people in Northern Saskatchewan continue to be both capable and willing to support Indigenous children, and it is the capacity and the tenacity of these communities that has led to the philosophy and practice of the LLR-ICFSA, which serves these communities.

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Appendix – Child Welfare Legislation by Province/Territory

Province/Territory	Child protection legislation	Government agency responsible for child welfare
British Columbia	Child, Family and Community Service Act	Ministry of Children and Family Development*
Alberta	Child, Youth and Family Enhancement Act	Ministry of Children and Youth Services
Saskatchewan	The Child and Family Services Act (CFSA)	Ministry of Social Services*
Manitoba	The Child and Family Services Act	Department of Family Services and Housing
Ontario	The Child and Family Services Act	Ministry of Children and Youth Services*
Quebec	Loi sur la protection de la jeunesse (Youth Protection Act). R.S.Q. c. P-34.1	Ministère de la Santé et des Services sociaux
Nova Scotia	Children and Family Services Act (CFSA) 1990	Department of Community Services
New Brunswick	Family Services Act, S.N.B. 1980, c. F-2.2	Department of Health and Community Services
Prince Edward Island	Child Protection Act, proclaimed April 2003, C-5.1	Department of Social Services and Seniors*
Newfoundland and Labrador	Child, Youth and Family Services Act (CYFSA)	Department of Health and Community Services
Yukon	Child and Family Services Act	Yukon Health and Social Services*
Northwest Territories	Child and Family Services Act	Department of Health and Social Services
Nunavut	Child and Family Services Act	Department of Health and Social Services

* Please note these names have been changed over the last few years so may be different in older source materials.

* Data Source: Canadian Child Welfare Research Portal. Available at http://cwrp.ca/faqs