
Protecting Aboriginal Children

Christopher Walmsley

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To Lise, who will always be my favourite child protection social worker, for her support from the very beginning to the end.

To my parents, Helen Emma Dixon and Hilary John Walmsley, whose love of people, respect for difference, independence, originality, and perseverance gave me the qualities that made this book possible.

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Foreword

Bill Simon

I was very pleased to be given the opportunity of writing a foreword to this important book – a book that will prove to be of great value to students, researchers, and practitioners in the field of social development. The ideas and insights focus on what social work practice is like when working with the Aboriginal community, but the lessons learned can be used in the ongoing development of innovative social work models in all fields of socioeconomic development.

This book comes when the development and delivery of Aboriginal-controlled social work programs and services is emerging and growing in North America and in other areas such as New Zealand and Australia. Aboriginals in these parts of the world have always been overrepresented within the negative context of social development. There is a disproportionate number of Aboriginal children in the child welfare system and the conditions of Aboriginal peoples in these First World countries are no better than are conditions for people in Third World countries.

Aboriginal social work practice is not just about developing social work processes geared towards an understanding of Aboriginal perspectives; rather, it is about using this perspective to develop and implement social work theory as the kind of standards that accompany any social development programming. Social work practitioners really need to stop telling people what they think is right for them and start listening to what the people themselves think will work for them. Respect for other people's cultures and practices is usually the first step in understanding where they are coming from and how they would like to resolve their ongoing issues. The key is to ensure that outsiders do not interject their own perceptions into what the clients are actually saying. If social workers approach Aboriginal people in a respectful and meaningful manner, then they will be able to begin the process of putting in place a practice that is driven by the grassroots of the communities they

serve. This kind of practice ensures that social programming is developed from within rather than from without. It is the kind of practice that looks towards making legislation, policies, and rules and regulations work for the people rather than towards making the latter work for the former. If this were to happen, then perhaps we could stop telling people what we think is right for them.

When the agency I currently work for held its official opening ceremonies on 17 October 2000, the affiliated seven First Nations communities signed “A Proclamation to Secwepemc Children,” which, in part, stated: “On behalf of the Secwepemc People, we stand before this assembly of Secwepemc Children and make a solemn proclamation that child abuse and child neglect are not acceptable in our communities. We pledge to uphold the sacredness of Secwepemc Children, and that we will seek and ensure to the best of our abilities, the justice and respect that is rightfully yours, to be passed down to future generations for all times.”

We operate and strive to honour that historical document because that is the basis of the mandate given to us by the First Nations with whom we work. In the Aboriginal community the process used in the delivery of child welfare services is owned by the members of the community, and I like to say that our bosses are the children of those communities. It is the children to whom I listen when I look at making plans for their benefit; after all, what we decide on their behalf is what they have to live with. And, in respecting their wishes, we show that we value their input and honour their sacredness.

The words “honour,” “justice,” “respect,” and “sacredness” should become the standard vocabulary of people who want to become proficient in their practice of social work. Using those words as a guide will enable you to keep focused on what needs to be done and will enable you to remind yourself of the sacredness of children, which will truly guide you towards the right path. Honouring children and being respectful in your approach towards this sometimes gut-wrenching field of work will enable you to get closer to achieving the trust that is so lacking, but so necessary, when working with children and families. Without this trust you would merely be administering policies and procedures – something that could be done by pencil pushers rather than social workers.

For far too long Aboriginal children have not received the justice and respect that is owed to them, and *Protecting Aboriginal Children* will go a long way toward rectifying this situation. Dr. Christopher Walmsley has approached the subject of social work practice in the Aboriginal

community by paying the utmost respect to the historical perspectives of Aboriginal peoples. He is aware of past social injustices and looks at how justice and respect can be intertwined with the practice of social work. This book is one more step towards gaining a better understanding of a vast array of issues that are being dealt with in the Aboriginal community. Good research is in demand as it will result in a better education for future social workers who want to work with Aboriginal people. When it comes to social programming, collaborative research between academia and the Aboriginal community is necessary to ensure that the former becomes more sensitive and responsive to the needs of Aboriginal communities.

Caring for children is every community's most important job. The first and greatest investment in time and resources should be devoted to the care and treatment of children in their own home and, when that is not possible, in their own communities.

Read this book with an open mind and do not forget about honour, justice, respect, and the sacredness of children.

Bill Simon is a member of the Elsipogtog First Nation (Mi'kmag), New Brunswick. He was the first executive director of the Secwepemc Child and Family Services Agency (2000-5), serving seven Secwepemc First Nation Communities in Kamloops, BC. In addition, he was the first executive director of the Scw'exmx Child and Family Services Agency (1994-98), serving five Nicola Valley First Nations near Merritt, BC. Currently, he is working for the All Nations Trust Company/All Nations Development Corporation as a business development officer.

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Protecting Aboriginal Children

1

Introduction

In the fall of 1996 I began teaching social work at the University College of the Cariboo (now Thompson Rivers University) in Kamloops, British Columbia. On a warm September day, a community forum met to discuss potential changes to child welfare policy in our region. The changes, proposed by Judge Thomas Gove, emerged from his judicial inquiry into the death of five-year-old Matthew Vaudreuil. His extensive three-volume report recommended many changes but devoted almost no attention to First Nations children, although they comprise 40 percent of the children in the care of the Province of British Columbia. At that forum an Aboriginal woman came to the microphone and passionately asked why that was the case. Responses were not forthcoming. Her speech and the relative silence that followed were vivid testimony to the fact that, once more, Aboriginal people were left out of the account – in this case, an influential judicial inquiry into the operation of British Columbia’s child welfare system.

This book addresses the silence found in the Gove Inquiry Report and the academic and professional child welfare literature concerning Aboriginal children’s welfare. While Aboriginal children constitute 40 percent or more of the children in state care in western and northern Canada, attention devoted to child protection practice is sparse. Statistics on the rates of Aboriginal children in care are available, but knowledge about the practice of child protection investigation and decision making with regard to Aboriginal children is generally unavailable.

Protecting Aboriginal Children aims to explain child protection practice from the vantage point of the social worker – the person who does the work of child protection. It is the result of nineteen in-depth interviews conducted in 1998 and 1999 with BC child protection workers, all of whom had extensive contact with Aboriginal children and families. Aboriginal and non-Aboriginal social workers – those who work for

Aboriginal child welfare organizations and those who work for the BC Ministry of Children and Family Development – were interviewed. All participants had a social work education, two or more years of full-time child protection practice experience, and ongoing responsibility for making protection decisions with regard to Aboriginal children. All lived and worked in reserve communities, small towns, or regional BC town centres. By examining how they talk and think about their practice, I explore how social workers actually practice child protection.

Since the late 1950s Aboriginal children have been significantly overrepresented in Canadian child welfare systems. Between 1955 and 1964, for example, the percentage of Aboriginal children in the care of the Province of British Columbia jumped from less than 1 percent to 34.2 percent, and this pattern was repeated in other parts of Canada during the same time (Johnston 1983). In 1996 the Royal Commission on Aboriginal Peoples (RCAP) found that “the percent of First Nations children in care is six times that of children from the general population in the care of public agencies” (RCAP 1996, 3:32). It noted that this disparity has increased since the 1970s.

Two fundamental responses have occurred since the 1980s in response to this sociopolitical reality. Political action by First Nations governments created various models of child welfare service managed by the Aboriginal community. These include tripartite agreements (between the Canadian government, a province, and First Nations communities), agreements between a province and a band, and regional Aboriginal services delivered by boards under Aboriginal control (RCAP 1996, 3:30). In addition, existing child welfare policy and procedure have been modified in a number of provinces to recognize in some way the significance of cultural identity when intervening with First Nations children. This ranges from informing a child of their Aboriginal status and consulting with the child’s community before wardship hearings (Alberta), to considering the child’s cultural and religious heritage in determining her/his best interests (Newfoundland), to taking into consideration the characteristics of Native communities (Quebec), and to considering a child’s cultural background and “lifestyle in home community” in adoption cases (Yukon). Under the term “Native,” Ontario, the province with the most extensive provisions for Aboriginal child welfare, includes status Indian people and others of Aboriginal ancestry in its legislation. It also recognizes “Indian” and “Native status” as a “best interests” category over and above the obligation to consider cultural background (RCAP 1996, 3:31).

In spite of these modest changes, whose purpose is to recognize the needs of Aboriginal families and communities, the nature of child welfare practice as it relates to Aboriginal children in Canada is essentially unknown. Descriptions and evaluations of organizational models, programs, and services are available (Wharf 2002; McKenzie 1989, 1997; McKenzie, Seidl, and Bone 1995; Armitage 1993a; Armitage, Lane, Ricks, and Wharf 1988; Hudson and Taylor-Henley 1987; Hudson and McKenzie 1987; Hume 1991; Hart 1992; Damm 1992; Wares, Wedel, Rosenthal, and Dobrec 1994; Hodgson 1993), but knowledge about practice in child protection, particularly within a cross-cultural context, is unavailable.

Research on child protection practice more generally has focused on the decision to remove a child from the family and place him or her in substitute care. This decision is universally regarded as an “awesome responsibility” for the social worker – one with far-reaching consequences for the child. However, as Briar noted in 1963, “systematically we know next to nothing about how the child-placement worker makes these decisions” (Lindsey 1992, 76). A review of the literature three decades later concluded that “knowledge in the child welfare field does not provide a scientific knowledge base for discerning where to draw the line on cases best served in home and those needing out-of-home care” (*ibid.*). Decision making appears to be influenced by “ideologies of workers, agencies, and courts” (Jones 1993, 253), the mother’s preference, resource availability, idiosyncratic decisions of the worker, funding patterns, and organizational characteristics of social service bureaucracies rather than the needs of the child or parent (Lindsey 1992). The absence of “a constant set of principles that guide practitioners in making decisions” led one researcher to conclude: “It is not surprising, therefore, that reliability in decision making is poor and that individual discretion and personal bias have been found to exert a strong influence on the decision-making behaviour of child welfare staff” (Stein and Rzepnicki in Lindsey 1992, 77).

Lack of an adequate scientific knowledge base with which to decide whether to remove a child from her/his parents leads one author to argue that such decision making is fundamentally moral (Lindsey 1992, 77). Although some recognize that there is a moral, or normative, dimension to decision making in child protection, social work ethics places little emphasis on questions related to this area. A survey of social work ethics texts (Loewenberg and Dolgoff 1992; Reamer 1995; Rhodes 1991) reveals no case examples specific to child protection. While the profession recognizes the social control dimension to practice in the professional literature (Hutchison 1987; Palmer 1983; Groulx 1995), it does

not address the ethical issues arising from such practice within the context of state relations to a subordinated cultural minority.

Child protection practice is structured, oriented, and justified within a regulatory framework comprising legislation, policy, and resources. This framework informs a range of normative conceptions that serve to privilege some practice approaches over others. These conceptions provide interpretations of need, describe policy goals, and circumscribe intervention. They also provide a level of conceptual orientation and guidance to practitioner action. In naming the ideas that orient action, language plays a key role. It defines social reality, interprets people's inchoate aspirations and needs, and gives voice to political struggles about needs, rights, and resources (Fraser and Gordon 1994, 310). Professional language also plays a role since "it is never an independent instrument or simply a tool for description" (Edelman 1984, 44). It helps to create social relationships and marshals "public support for professional and governmental practices that have profound political consequences" (ibid.). Particular words or expressions can often become the focal point of differences about intervention strategy or method. They function as "keywords, sites at which the meaning of social experience is negotiated and contested. Keywords typically carry unspoken assumptions and connotations that can powerfully influence the discourses they permeate – in part by constituting a body of doxa, or taken-for-granted commonsense belief that escapes critical scrutiny" (Fraser and Gordon 1994, 310).

While child welfare policy has the universally recognized goal of ensuring the safety and well-being of children, differences in orientation are visible in the language used to describe this goal. There are differences regarding legislation and policy, what resources to provide, and what intervention strategy to use. This debate takes place at either the case or policy level and implies a preference for some practice approaches over others.

In the child welfare literature the fundamental choice in policy orientation is sometimes described as a dichotomy between child rescue and family rehabilitation (Nelson 1984, 8, 9), child protection versus family support (Purvey 1991, 108; Savoury and Kufeldt, 1997; Mannes 1993), or the child's best interests versus family reunification (Weisman 1994, 47). These dichotomies suggest different approaches to the interpretation of children's needs, the focus of intervention, and the provision of resources. If the focus is exclusively the child, then this implies a policy orientation that conceptualizes children as autonomous beings increasingly capable of self-direction. This view can be extended to argue that

children have rights and that the state has a duty to ensure these rights. If parents are unable to provide adequate medical services, housing, education, nutrition, and protection, then the duty to fulfill this right falls to the state.

A family-focused policy orientation suggests that a child's needs are best met within the context of a family, and social intervention should be directed to enable families to adequately care for children. Social intervention to support the family can include income, housing, health care, daycare, parent education, and counselling (Armitage 1993b, 55). More specifically, when a child is at risk of neglect or abuse, social intervention can involve a range of family centred, home-based protective services. Known as family preservation services, these include intensive casework with the mother, daycare for the children, and homemakers. They are aimed at placement prevention and family reunification (Frankel 1988, 139). These programs arose in response to social science findings concerning the adequacy of the state to protect and nurture children when parents are unable to do so. Central to social scientists' concerns were the limitations of the foster care system. The first large-scale study of foster care, completed in 1959 by Henry Maas and Richard Engler, "found that the children removed from their biological parents and placed with a foster family on what was to be a 'temporary' basis often lingered in foster care for an indeterminate number of years" (Lindsey 1994, 28). This finding was supported by David Fanshel and Eugen Shinn's 1965 study of New York foster care. They found that most children spent years in foster care before getting out. In the interim, the home situation had not improved and the families' economic situation had often deteriorated (Lindsey 1994, 33): "The most important determinant of how well children did in foster care was parental visiting. Those children who were visited by their parents while in foster care showed greater improvement and were most likely to be restored to their parent(s) than were children who were rarely visited by their parent(s)" (34). These studies and others initiated a reappraisal of the significance of the family in the care and development of children.

A third orientation to child welfare policy is becoming more evident in the literature, and it has particular significance for Aboriginal people (Wharf 2002; Burford and Hudson 2000). Encapsulated by the phrase "it takes a whole community to raise a child" this orientation highlights the significance of the community to the fulfillment of children's needs. Aboriginal peoples view the community as integral to identity formation: a cultural identity is accomplished only through active participation in and connection to the communal ties that constitute the

culture. The opposite of this – subordination to or assimilation within the dominant culture – negatively affects identity. Assimilation and subordination harm a child's development and can lead to depression, suicide, and alcoholism (Sandberry 1992; Timpson 1988; Walmsley 1987).

Cultural autonomy with respect to the care of children is essential to the survival of Aboriginal peoples. There are three central elements to cultural autonomy. First, it is important to participate in extended family relationships. The kinship unit, not the biological parents, has the primary responsibility for childcare. "Uncles and aunts were like parents, and a niece or nephew could help her or himself to things without getting scolded" (Ramsay 1986, 14). Second, it is important to be aware of the teachings of elders. Elders have great significance because of their knowledge of traditional values and their wisdom about life. Part of the search for identity and cultural autonomy involves understanding these values and being able to apply them in a modern context. Third, it is important to recognize a spiritual dimension to life. Spirituality is viewed as essential to being in harmony with the world. An active spiritual life is also essential to avoid depression, anomie, and normlessness (Timpson 1988). These beliefs about living inform an approach to cultural survival, to family life and childcare, and to child welfare policy. They are often encapsulated in the positive evaluation of community and suggest a communitarian orientation to child welfare policy.

The majority of social workers engaged in child protection practice are women, but it is not clear how much influence gender might have on thinking about child protection practice with regard to Aboriginal children. Women describe child protection practice as complex, fast-paced, unsafe, invisible, and undervalued, and they maintain that crucial life decisions are made within a context of contradictory roles (Callahan 1993, 73). The regulatory framework within which practice takes place is a political/judicial/bureaucratic system governed by men (Pateman 1988). Corporate management approaches increasingly codify child protection work and centralize decision making (Callahan 1993). Child protection, practised predominantly by women with women and children, can be viewed as an extension of women's traditional caring role in society. Although the practice might involve women-to-women dialogues about childcare, mothering, safety, and protection, an understanding of the ideas that actually inform women's child protection practice is not evident in the literature.

Today, child protection takes place within different organizational contexts and is practised by women and men as well as by Aboriginal

and non-Aboriginal social workers. However, the thinking that informs practice with Aboriginal children has not been explored.

Protecting Aboriginal Children begins with an overview of historical issues concerning child protection practice as it relates to Aboriginal children in Canada (Chapter 2). It then goes on to summarize the evolution of provincial child welfare policy and services in British Columbia (Chapter 3), the province in which the interviews took place. Next it provides an in-depth description of child protection practice, quoting extensively from interviews with child protection social workers (Chapter 4). In order to protect the anonymity of the interviewees, I provide no names, dates, or other identifying information. The succeeding chapters explore the sociopolitical context (Chapter 5), organizational context (Chapter 6), and community context (Chapter 7) of practice. Chapter 8 describes how social workers envision the ideals of practice, and it analyzes the explanations they provide for intervention. It concludes with a discussion of the knowledge base of practice. Chapter 9 describes practitioners' thinking about the choices involved in practice action. The book concludes by identifying four social representations of child protection practice – power, policy, family, and community representations – with recommendations for research, policy, and practice arising from an understanding of these.

While *Protecting Aboriginal Children* is a study of child protection practice, it also aims to engage readers without an extensive research background. To accomplish this, the theoretical perspective and methodology have been placed in appendices. Readers with a particular interest in these aspects of the book are advised to read the appendices before moving to the next chapter, which will provide an overview of the theoretical and methodological dimensions of the study as well as the rationale for the chapters.