

Loving Our Children: Finding What Works for First Nations Families

Canada Research Chair in First Nations Child and Family Services
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Information Sheet #9

Balancing Immediate Protection and Long-Term Well-Being

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Over the last 20 years, investigations of child abuse and neglect have more than doubled across Canada.² This increase disproportionately affects First Nations families. Over 45,000 First Nations children were investigated in 2019, a rate of investigation that is 3.6 times higher than for non-Indigenous children.³ These increases reflect an expansion in the types of situations that fall under the mandate of child welfare services, but child welfare may not be the best response and many of these situations may not require a child protection investigation.

Dual Mandate: Protection and Well-Being

Child welfare services operate under a dual mandate, which requires child welfare authorities to both protect children from immediate danger as well as support the development and well-being of children living in difficult circumstances. The two mandates require different but related types of assessment and service delivery systems.

Protection refers to situations where a child's safety is or is very likely to be at imminent risk, such as severe physical abuse, sexual abuse, emotional abuse and severe neglect. Many of these situations require urgent responses with investigative powers that include the possibility of removing a child from their parent's care.

This information sheet is [one in a series](#)¹ about child welfare, written for First Nations developing child and family prevention services as part of the systemic reform underway across Canada.

Well-being refers to the long-term physical, cognitive, spiritual and emotional functioning of a child. Assessing well-being includes looking at the child's functioning, the parents' strengths and challenges, supports and risks at the level of extended family, peers and community, as well as the availability and appropriateness of health, education and social services. In contrast to the urgency of a protection investigation, a well-being assessment requires a longer-term collaborative process that builds on available strengths and resources.

Some Reports Will Require an Immediate Protection Investigation

In 2019, approximately 15% of child welfare investigations of First Nations children involve potentially serious protection concerns that require an immediate response and potentially engage stronger measures. These include suspected sexual abuse, injuries requiring medical attention that may have been caused by abuse, situations where the primary caregiver has

an opioid use disorder, or physical abuse or neglect involving a young child under the age of four.⁴ In such instances, the potential severity of the abuse or the child's vulnerability requires an immediate protective investigation. Most other referrals—approximately 85%—are less urgent. While these may not require an immediate investigation, these children are nevertheless at significant risk of long-term harm if appropriate services are not provided in a timely manner. (Timelines for family support services depend on the age of the child and the nature of their needs and circumstances and can range from several weeks to a couple of months.)

Duty to Report vs. Duty to Support

Mandatory reporting is one of the cornerstones of mainstream child protection systems in Canada.

Some form of mandatory reporting is justifiable in cases of suspected sexual abuse and severe physical abuse and neglect.

However, for most families facing difficulties, the involvement of child well-being services might be better understood as a duty to support.

Most Child Welfare Referrals Require Intervention But Do Not Require an Immediate Protection Response

Over 85% of investigations primarily involve situations where there are concerns about the risk of physical abuse or neglect, emotional maltreatment, exposure to violence between the parents or situations that are described as *neglect* (see [What is Child Neglect?](#)⁵). These are situations that often involve very difficult living situations associated with poverty, family violence or parental substance abuse or other mental health concerns. While these children are not usually at risk of immediate harm, chronic exposure to these conditions severely compromises their well-being. In fact, children who experience these chronic family problems⁶ have

outcomes that are as bad or even worse than when children have been physically or sexually abused.⁷

Expanding Family Support Services Beyond Child Protection

For too many First Nations children and families, reports are made to child protection authorities because no other effective services are available. However, services provided through a child protection mandate are less likely to help since they can be viewed as **punitive** by families or risk **undermining** other community services and supports. Child welfare is not, and cannot be, an adequate remedy to the poverty, poor housing, substance misuse, colonial trauma and inadequate housing that fuels the overrepresentation of First Nations children in care. Too many child welfare reforms fail as they inadequately address these causal factors while addressing the pressing needs of children and families.

In 2019, close to 300,000 children were investigated by child welfare authorities across Canada. Many jurisdictions have had to implement waiting lists and in some instances, delays in responding to cases can be several months. By **overwhelming child welfare services**, the expansion in child welfare mandates without adequate resources may be leaving more children at risk of imminent harm. Child sexual abuse and serious physical abuse investigations require specialized investigatory approaches that risk being diluted in a system where over 85% of investigations focus on less urgent child and family difficulties.

In less urgent cases, mandatory reporting procedures can **undermine collaboration** with other community services (if such services exist and have the capacity to address the needs of these children and families). Most reports to child welfare systems are closed after the initial investigation, do not lead to more services and can in fact lead to a loss of services. The person who made the report—a teacher, a health provider, a community service worker or a concerned relative—may lose the trusting relationship they had with the family before the report was made. Privacy regulations can further undermine possible

collaboration, especially when the investigating child welfare agency cannot share information with the professional who made the report.

A child welfare worker's ability to engage with caregivers risks being compromised by reporting and investigative procedures. While some child welfare workers are able to develop collaborative relationships with caregivers, the mandated nature of child welfare services leave many parents feeling **alienated**. Too often, caregivers feel that they have little control over the investigation process, perceive themselves as being judged and/or fear having their children taken from them.

Differential Response

Many jurisdictions have moved to a range of differential response models designed to allow for more collaborative approaches in cases where a protection investigation is not appropriate. For mainstream child welfare services, these models seem to have had some benefits overall, such as increased use of community services and less reliance on out-of-home placement. However, for First Nations with a long history of intrusive child protection interventions, more radical change in service delivery models and legislation may be required in order to address the structural drivers and ensure culturally appropriate services.

If you would like to share information about a First Nations child and family support initiative in your community, the Loving Our Children project researchers would like to hear from you. LOCwhatworks@gmail.com

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Endnotes

- 1 <https://cwrp.ca/loving-our-children>
- 2 Fallon, B., Joh-Carnella, N., Houston, E., Livingston, E., & Trocmé, N. (2023). The more we change the more we stay the same: Canadian child welfare systems' response to child well-being. *Child Abuse & Neglect*. 137, 1060431. <https://doi.org/10.1016/j.chiabu.2023.106031>
- 3 Fallon, B., Lefebvre, R., Trocmé, N., Richard, K., Hélie, S., Montgomery, M., Bennett, M., Joh-Carnella, N., Saint-Girons, M., Filippelli, J., MacLaurin, B., Black, T., Esposito, T., King, B., Collin-Vézina, D., Dallaire, R., Gray, R., Levi, J., Orr, M., ... Soop, S. (2021). *Denouncing the continued overrepresentation of First Nations children in Canadian child welfare: Findings from the First Nations/Canadian incidence study of reported child abuse and neglect-2019*. Ontario: Assembly of First Nations. <https://cwrp.ca/publications/denouncing-continued-overrepresentation-first-nations-children-canadian-child-welfare>.
- 4 A custom analysis of the FNCIS-2019 dataset was conducted to produce these statistics. Please refer to Fallon et al. (2021) for a comprehensive description of the study methods.
- 5 <https://cwrp.ca/publications/what-is-child-neglect>
- 6 Hart, S. N., & Brassard, M. R. (2022). Psychological maltreatment: A threat to children not to be ignored. In R. D. Krugman & J. E. Korbin, *Handbook of child maltreatment*, 93–116. NY: Springer. https://doi.org/10.1007/978-3-030-82479-2_4
- 7 Dubowitz, H., Kobulsky, J. M., & Proctor, L. J. (2022). Recent research on child neglect. *Handbook of child maltreatment*, 35–64. NY: Springer. https://doi.org/10.1007/978-3-030-82479-2_2

