

## Long-term Trends in Out of Home Care for On-reserve First Nations children

This information sheet describes trends in out of home placement for on-reserve, Status First Nations children over the past 40 years. Using Aboriginal Affairs and Northern Development Canada (AANDC) data on out of home care in combination with AANDC data for on-reserve, Status First Nations child population counts (AANDC, 2014; INAC, 1996; personal communication with AANDC), we empirically demonstrate the historical continuity between the current overrepresentation of on-reserve First Nations children in the child welfare system, and the Sixties Scoop. We also show that the rate of out of home placements for on-reserve First Nations children consistently remained 10 times higher than the rate of out of home placements for other children in Canada over a 20 year period

### **HISTORICAL CONTINUITY IN STATE REMOVAL OF FIRST NATIONS CHILDREN**

The current overrepresentation of First Nations children in the child welfare system extends an historic pattern of the mass removal of First Nations children from their homes and communities that began with the residential school system, in the late 1800s (Milloy, 1999). Residential schools were a cornerstone in the Canadian government’s colonization and assimilation efforts. The schools were funded by the federal government and run in partnership with many Churches. Children were transported to boarding schools, often far from their homes. They were forbidden to speak their languages, and taught to be ashamed of their families, knowledge, and cultures. Many faced neglect and abuse at the hands of school staff. The last of these schools did not close until the 1990s (Truth and Reconciliation Commission, 2015).

As residential schools began closing, responsibility for First Nations children who were suspected of being abused or neglected in their homes shifted to the child welfare system. Provincial/territorial child welfare agencies began operating on-reserve in the 1950s and expanded their efforts in the 1960s. By 1980, Status First Nations children, who made up 2% of Canada’s child population, represented more than 12% of the children in care (Johnston, 1983).

#### **What was the Sixties Scoop?**

A sharp increase in apprehension of Aboriginal children by the child welfare system, known as the “Sixties Scoop,” started in the 1960s. It is named after the reflections of a child welfare worker who regretted her role in ‘scooping’ First Nations children out of their communities on the slightest pretext. Thousands of First Nations children were removed from their families and communities: many were permanently adopted by non-Aboriginal families. (Johnston, 1983).

First Nations children continue to be overrepresented in out of home care in every Canadian province and territory (Sinha & Wray, 2015). The current overrepresentation of First Nations children in the child welfare system starts at the point of first contact with child welfare agencies.

It is driven primarily by neglect and risk of maltreatment, and associated with structural and caregiver risk factors (Sinha et al., 2011). This pattern holds both for First Nations children living on reserve and those living off-reserve (Sinha & Trocmé, 2013).

#### **What is Directive 20-1?**

Between 1991 and 2007, most on-reserve child welfare services were funded in accordance with Directive 20-1, a formula which does not provide *any* funds for prevention programming or supports for families retaining guardianship of their children. Only administrative costs and services to children in out of home care are included in this funding formula. The federal government itself has concluded that Directive 20-1 likely contributed to an increase in the number of First Nations children in care (INAC, 2007). Though movement away from the restrictive Directive 20-1 began in 2007, four jurisdictions continue to receive Directive 20-1 funding (AANDC, 2015).

Inequities and inflexibility in funding of on-reserve child welfare services have been identified as one major factor contributing to the persistent overrepresentation of First Nations children in out of home care (INAC 2007; First Nations Child and Family Caring Society of Canada, 2014). Child welfare agencies in four jurisdictions continue to receive Directive 20-1 funding; on-reserve child welfare services in most other jurisdictions are now funded under the Enhanced Prevention Focused Funding model (EPFF; AANDC, 2015). Though EPFF is less restrictive than Directive 20-1, a 2012 analysis by the federal government described it as supporting only basic protection and some prevention/support services, and as funding services below the standard for off-reserve services (Murphy, 2012).

A case currently before the Canadian Human Rights Tribunal alleges that the federal government's flawed and inequitable approach to funding and provision of child welfare services on-reserve discriminates against First Nations children. The complainants have argued that Canada has a legal obligation not only to fund "equal services" for First Nations children, but to provide "equitable" funding, which supports the culturally safe services needed to redress the ongoing impacts of generations of mass child removal (First Nations Child and Family Caring Society of Canada, 2014). A legally-binding ruling in this case is expected in early 2016. It has the potential to define a precedent setting standard for funding of on-reserve public services.

#### **EMPIRICAL EVIDENCE OF HISTORICAL CONTINUITY**

While the persistence of a broad pattern of overrepresentation of First Nations children in care has been clearly documented, there has been little data to empirically link the historical numbers of children in care to the present day. In this information sheet, we draw on the most comprehensive data available to empirically explore long-term trends in out of home care for on-reserve First Nations children.

**FIGURE 1: AANDC ESTIMATES OF FUNDED DAYS IN CARE AND ON-RESERVE STATUS, FIRST NATIONS CHILD POPULATION FOR CANADA (1969 – 2013)**

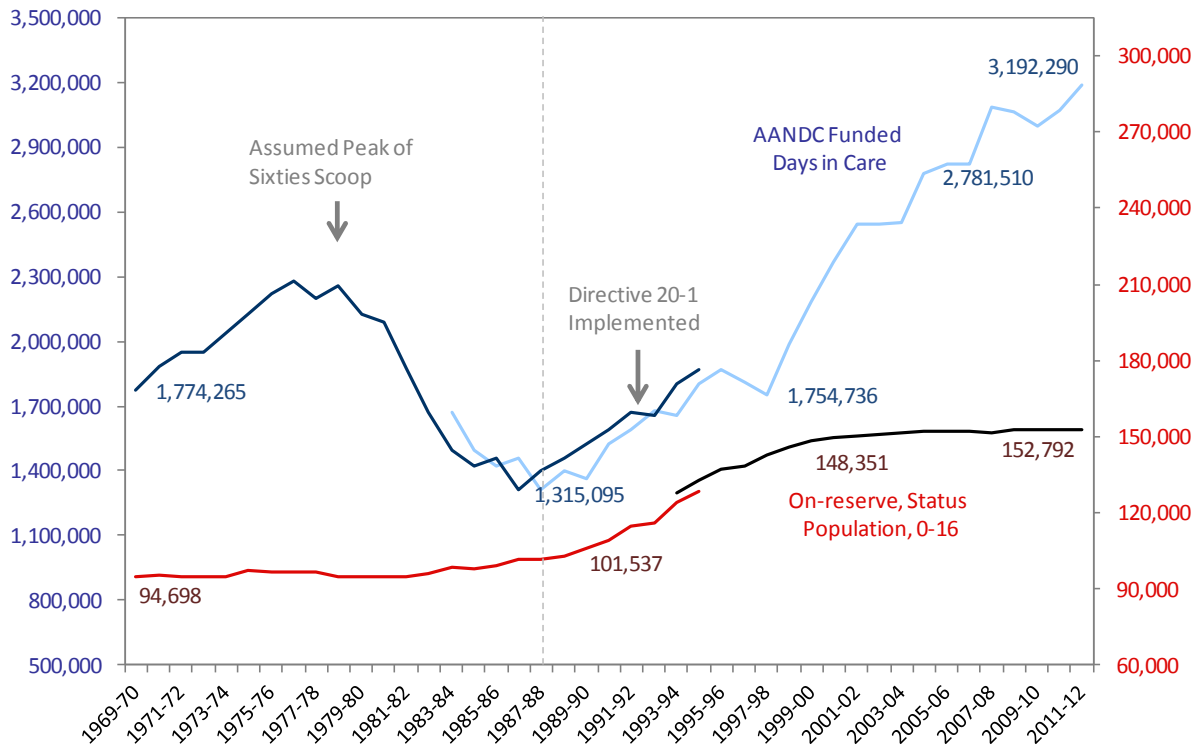


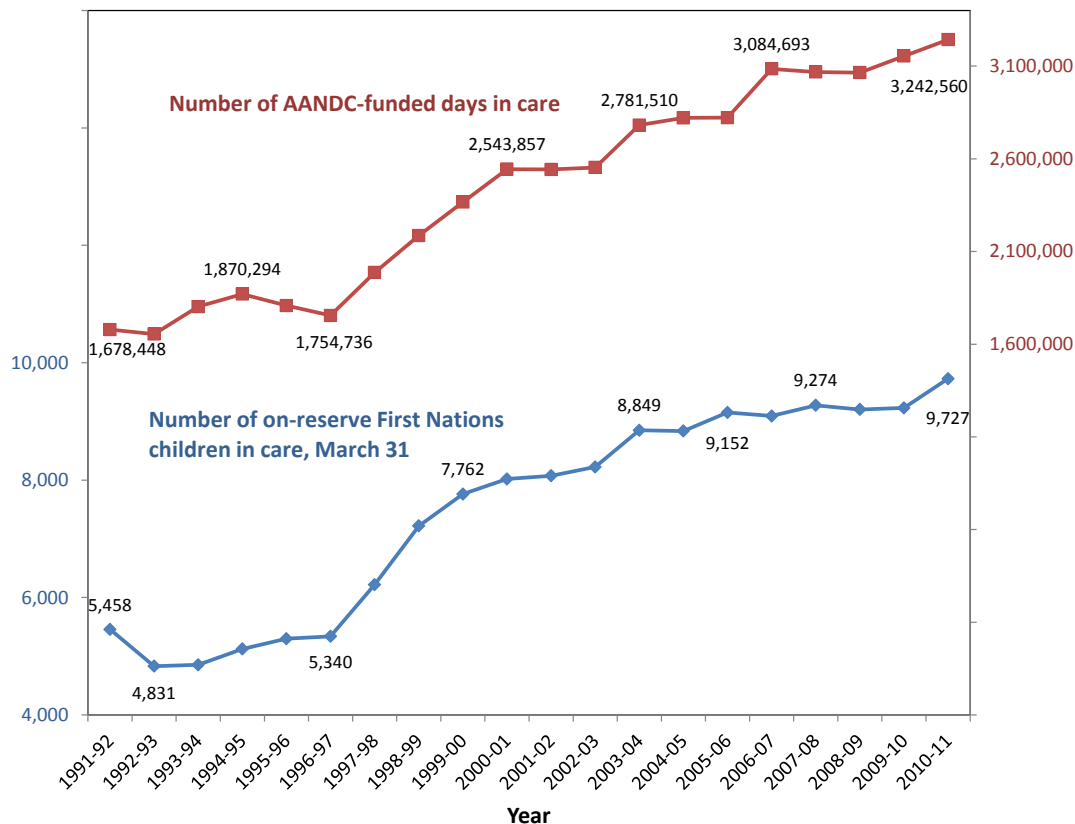
Figure 1 shows both the estimated number of days that First Nations children have spent in care, for each year from 1969 to 2011, and the population of Status First Nations children living on reserve for these years. The annual number of AANDC funded days in care is depicted by the blue lines in this graph (dark blue represents AANDC Basic Departmental Data, light blue represents AANDC data recently released through the Canadian Human Rights Tribunal). These lines represent the cumulative number of days that Status First Nations children, ordinarily resident on reserve spent in foster, institutional, or group home care each year. The available data do not include any information about duration of out of home placements. Thus, they do not allow us to differentiate a situation in which 365 children each spent one day in out of home care from a situation in which a single child spent an entire year in care.

The peak in the number of days in care during the late 1970s is assumed to represent the height of the Sixties Scoop. In the 1980s the number of AANDC funded days in care dropped dramatically, but the available data do not allow us to determine the precise reason for this decline. It might have been driven by a reduction in the total number of children in care during this time period. However; it could also have been driven primarily by a reduction in the average length of time that each child spent in care. Moreover, the natures of children’s exits from care are unknown. On-reserve First Nations children leaving care during this period may have been reunified with their families of origin, but they may also have been adopted, or aged out of the child welfare system.

The decline in AANDC funded, out of home care days reversed in the late 1980s. Starting in 1987-88 (marked by the grey dotted line in Figure 1) the total annual number of days on-reserve children spent in care increased steadily and dramatically. In 2011, on-reserve, Status First Nations children collectively spent 3,192,290 days – or 8,746 years – in out of home care. This number far exceeds the total number of out of home care days experienced by on-reserve First Nations children at the height of the Sixties Scoop. While the total days in care increased 93% between 1987 and 2011, the child population increased only 50% during the same period. Accordingly, population growth alone does not account for the increase in days in care since 1987. An increase in either the number of children in out of home care and/or the average number of days that children spent in care also occurred.

Figure 2 presents the data on AANDC funded days in care along-side the number of on-reserve First Nations children in the out of home care on March 31<sup>st</sup>, for each year from 1991 to 2010 (each year for which the point-in-time count of children in out of home care was available). The number of children in care on March 31<sup>st</sup> grew markedly during this period, climbing from a low of 4,831 children in 1992-93 to a high of 9,727 children in 2010-11. The growth in the number of on-reserve, Status First Nations children in care on March 31 of each year appears to correspond to the growth in the annual number of out of home care days. However, because the available

**FIGURE 2: NUMBER OF ON-RESERVE, STATUS FIRST NATIONS CHILDREN IN CARE ON MARCH 31 AND TOTAL AANDC-FUNDED DAYS IN CARE DURING THE YEAR, 1991-2010**

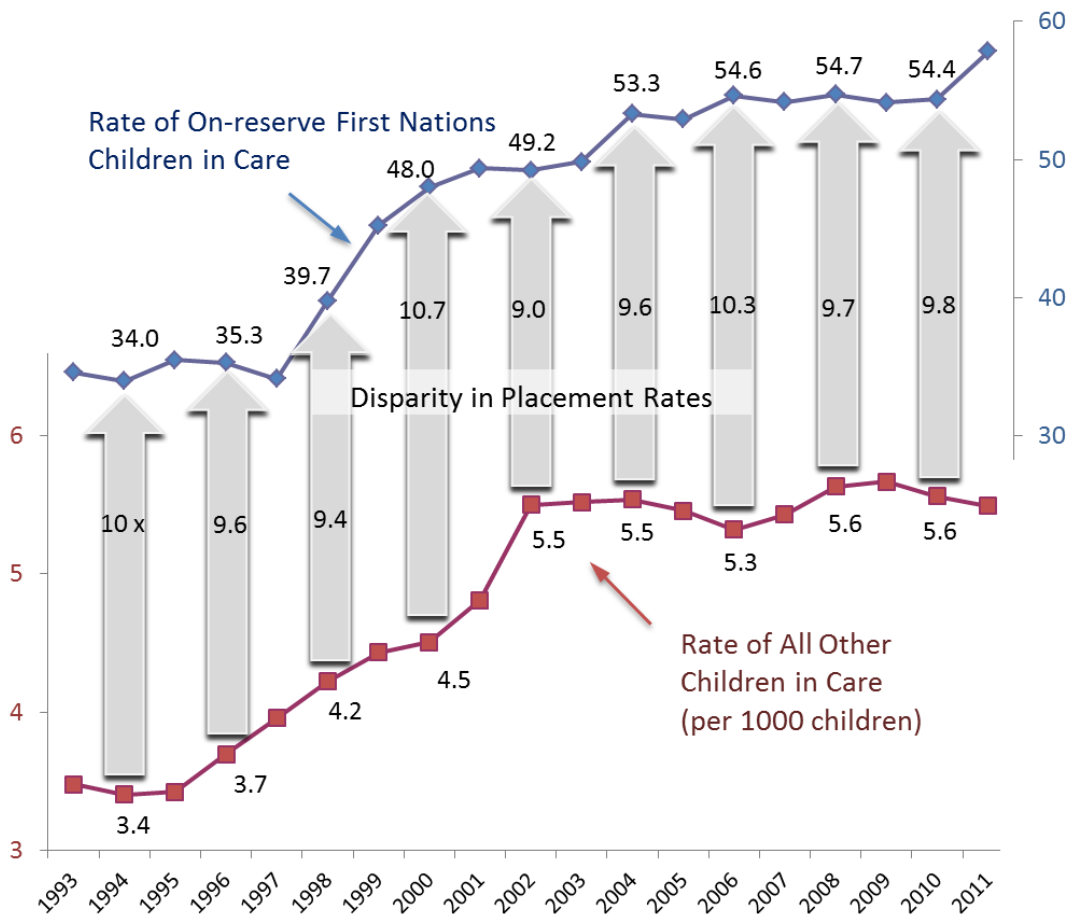


data do not include any information about the duration or chronicity of out of home care stays, it is not possible to determine whether growth in the number of children in care on March 31 was driven by an increase in the total number of on-reserve First Nations children who experienced out of home care during the year, an increase in the average length of time that each child spent in care (which resulted in more children being in care on March 31), an increase in the recurrence of out of home placement for on-reserve First Nations children, or a mix of these factors.

**TRENDS IN ON-RESERVE PLACEMENT IN CONTEXT**

To place the increase in out of home care for on-reserve, Status First Nations children in context, we compared these data to data on out of home placement for all other children in the Canadian provinces. We compiled available provincial data on the number of children in out of home care on March 31<sup>st</sup> of each year between 1993 and 2011 (see Jones, Sinha & Trocmé, 2015, for a detailed description of these data), and subtracted the number of on-reserve First Nations children in care in the Canadian provinces each year to derive counts of all other children in care. We then calculated the rates of out of home care, using AANDC data on the on-reserve child population and Statistics Canada (2014) child population estimates.

**FIGURE 3: CHILDREN IN CARE RATE FOR ON-RESERVE FIRST NATIONS CHILDREN AND ALL OTHER CHILDREN IN CANADIAN PROVINCES ON MARCH 31, 1993-2011.**



The rates of on-reserve First Nations children in care in Canadian provinces are represented by the blue line in Figure 3. The red line in Figure 3 depicts the rate of all other children in care in the provinces on March 31<sup>st</sup> of each year. The rate of Status First Nations children, ordinarily resident on reserve, who were in out of home care on March 31, rose from close to 35 per 1000 in 1992 to 58 per 1000 in 2011. The rate of other children in care also rose during this time period, from 3.5 to 5.5 per 1000 children. The growth in out of home care on-reserve paralleled that for other children, and the disparity evident in the early 1990s neither increased nor diminished during the time period for which data was available. Accordingly, Figure 3 shows that, during each year during a twenty year period, the rate of on-reserve First Nations children in care was roughly ten times higher than the rate of all other children in care (this discrepancy is illustrated by the grey arrows). In 2011, for example, there were 57.8 on-reserve First Nations children in out of home care per 1000 First Nations children from reserves compared to 5.5 other children in care per 1000.

Reasons for the growth in out of home care, for both groups of children, are unclear and may include a mix of changes in legislation, funding, practice models, and population characteristics. For example, existing research indicates that the rate substantiated child maltreatment increased markedly between 1998 and 2008, and that this increase was largely driven by growth in substantiated investigations involving exposure to intimate partner violence and neglect (Trocmé, Fallon, MacLaurin & Sinha, 2011). Accordingly, the growth in placements may be associated with expanded child protection mandates in these areas.

Another possibility is suggested by AANDC's assessment that an increase in the per-child cost of maintenance has been driven by "an increase in costs for, and the number of special needs children in care" (AANDC, 2013). If this pattern also holds off-reserve, and special needs children had, on average, longer stays in care, it might also explain the parallel growth in out of home care rates for the two groups. Alternately, recent data from the National Household Survey suggests pronounced overrepresentation of off-reserve First Nations children in care (Sinha & Wray, 2015) and, because we were unable to remove First Nations children living off-reserves from the "all other children" group, we cannot rule out the possibility that the placement rate for children living off-reserve is driven by the disproportionate placement of off-reserve First Nations children in care. Additional research is required to specify the reason for the growing out of home care rates, and to identify effective strategies for reducing the 10-fold disparity in out of home care rates for on-reserve First Nations children.

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