

Canada and its First Nations Reach \$31.5B Child Welfare Settlement

This week Canadian First Nations (Indigenous tribes) and the federal government [reached a \\$31.5B \(\\$40B US\) settlement](#) to both fund child welfare reforms and compensate children and their families for harms inflicted by the system.

Half of this [Agreement](#) will fund reparations to the 115,000 children removed from their homes since 1991, and half to repair Indigenous child welfare programs.

The Agreement emphasizes equally funding First Nation child welfare on a par with White programs and preventing removal of Indigenous children from their families.

The U.S. is unlikely to emulate this Canadian leadership. The fact that we remain the only country [not to ratify the United Nations Convention on the Rights of the Child](#) symbolizes our relative callousness towards children. But, we may learn something from our neighbors about how to better balance child safety with improved family preservation practices.

Narrative for Accompanying Podcast:

This historic Canadian settlement would be the equivalent of the United States agreeing to a \$350 billion investment in tribal child welfare, which would have an enormous impact not only on tribal programs but likely on poverty itself in Native communities.

This settlement did not come easily. A coalition of First Nations first brought this issue to the attention of the Canadian Human Rights Tribunal in 2007. As would happen in the United States, the Canadian government engaged in extended foot dragging, raising technical objections to the ensuing lawsuits, until finally starting to work seriously on a solution in about 2015. But in the end they got to a significant result.

There is a lot to talk about in this agreement. First, in reading the press release and New York Times story, it is interesting to note differences in the language that Canadians use compared to here in the United States. For example they use the term “repair” the child welfare system, which suggests that it has been broken, in contrast to our usual term of child welfare “reform”, which sounds more like a kind of progress. The term repair is a better fit than reform with the concept of reparations to compensate for past deliberate injuries.

So, keeping language in mind as we proceed, what are some lessons to be learned from this for child welfare here in the states? Well, to a great degree this is still unknown. The Canadian government’s press release and the New York Times story are short on some important and interesting questions about this settlement. That’s partly because this is an umbrella agreement with details to yet be worked out. But the information they do share gives us an idea of what to be watching for as the process moves forward.

On the one hand, the Agreement mentions funding First Nation programs on a par with the rest of the system, which in practical terms means on a par with White programs since Indigenous and White families make up most of the Canadian population. In that regard, by the way, this mirrors statistics in the United States related to the overrepresentation of Indigenous and Black

children and families in child welfare system. In Canada, indigenous children make up just 8% of the population but 52% of children in foster care, which is very similar to the proportion of Black families in child protection in urban areas such as Hennepin County in Minnesota. And Native American children comprise about 1% of Minnesota's population but estimates are as high as 10% to 14% of children in child protection and foster care in Hennepin County.

So back to funding First Nation programs on a par with Whites. This suggests a goal of strengthening the traditional system. That could be really good, depending on how well it is managed. In fact, as many of you know, one of the main focuses of our work here at Safe passage is to promote good management in child welfare programs. That is, to make sure we run programs with good training, respect for what science and research tell us about child welfare programs, good supervision, consistent measurement of results, and an active interest in and use of the Body of Knowledge that relates to management generally including Organizational Development, Business Process Redesign, and Continuous Quality Improvement. If that's what they intend when they talk about strengthening child welfare programs – great! We will watch with interest to see how they proceed.

Reparations are another welcome part of this settlement. It's not language we are comfortable with in the United States. But it's important to name this possibility. Even though reparations are not sufficient by themselves - they can't undo the harm that has been done - they are an essential step toward healing and reconciliation between Whites and colonized people and also in our country including descendants of enslaved persons. And, while many elements of this agreement will take a long time to implement, one piece of reparations will begin as early as this spring, when children who are aging out of foster care will start receiving payments as early as this spring. This is the kind of concrete benefit that part that gives people heart that something significant is truly happening.

It seems unlikely we can get unstuck in the U.S. in relations between Whites and BIPOC people without some similar truth and reconciliation process. However as mentioned in the blog we are probably long way from recognizing and acting on this, particularly as it relates to poor children and families who have been impacted by child welfare. This is because most states and a large part of the federal government are controlled by conservatives who have a long track record of indifference or hostility towards poor children generally and poor children of color in particular. That is an important part of why we don't have and aren't even talking about setting up a counterpart to the Canadian's Human Rights Tribunal, which actually has some significant legal powers to make the federal government deal with issues raised by Indigenous groups. Another indicator of our sad national attitude towards children is, as we mentioned in the blog, the United States is the only country out of 196 nations in the entire world that has not ratified the United Nations Convention on the Rights of the Child. And as additional evidence we would note that just this week the child care credit, which temporarily lifted millions of children out of poverty, expired because of the opposition of conservatives in Congress. All of these are important reminders of why we lag behind our neighbors to the north in addressing issues of justice.

While agreements about repairing the child welfare system and reparations are encouraging, we wait with some trepidation to learn more about how the Canadian government and First Nations will implement their pledge to reduce the number of children removed from Indigenous families.

The spokesperson for the first Nations Alliance, Cindy Woodhouse, who is the Manitoba regional chief at the Assembly of First Nations, the [largest Indigenous organization](#) in Canada, said that the issue behind removing children from their families is poverty not parenting. I'm always wary of presenting this issue in either-or terms. The two are so intertwined. Solid, consistent research shows that poverty is a major driver of child abuse and neglect across all demographic groups White as well as BIPOC communities.

So if Canadians intend to tackle this issue by increasing direct income supports to Indigenous families in the child welfare system, that's very welcome, and they probably will get some pretty positive results and set an example for us and others.

But if the idea is, as in the United States, that child welfare agencies will try to engage Indigenous parents in the system voluntarily – well, we have often noted that this simply hasn't worked. We know this because research on Alternative Response programs nationally – known in Minnesota as Family Assessment – has piled up since about 2006 showing repeatedly, in over 70 studies and evaluations, that the uptake of services in these semi-voluntary or voluntary programs has been quite low. This stands to reason. If you ask anyone whether they want to get some help from Child Protection Services of course they will say no! Who wants child protection in their lives? Pretty much nobody!

The uncomfortable truth is that there needs to be some element of coercion in child protection services just as in any other situation where one human being is harming another. If you try to work around this fundamental truth, you will not be able to protect children, which is the mission of child protection.

Think about this in any other context. For example if you ask someone who is sexually harassing people in a workplace whether they would like to voluntarily stop what they are doing and go into counseling they will likely say no and continue their behavior unabated. Or, if you ask someone who is just robbed the corner convenience store whether they would like services from law enforcement they will also likely say no as well.

So in this country we simply need to face the reality that if we are serious about protecting children we need to be able to say to their parents and partners “If you work with us we will do everything we can to support you, but, you have to work with us.”

In sum, it is already apparent that there is a lot of good in this landmark Canadian settlement, and we will watch closely and with great interest to see in detail what they mean by their commitment to repair their Indigenous child welfare programs.

Rich Gehrman

Executive Director, Safe Passage for Children of Minnesota

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www.safepassageforchildren.org