



REGROUPEMENT
DES CENTRES
D'AMITIÉ AUTOCHTONES
DU QUÉBEC INC.



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

Complementary Information
Revision of the Youth Protection Act
Social Affairs Parliamentary Commission
February 21, 2006

Our Children, Our Families, Our Communities

"We believe that the Creator has entrusted us with the sacred responsibility to raise our families (...) for we realize healthy families are the foundation of strong and healthy communities. The future of our communities lies with our children, who need to be nurtured within their families and communities."

Charles Morris, Executive Director
Tikinagan Child and Family Services
Hearings of the Royal Commission on Aboriginal Peoples
December 1992

Highlights:

- Historically, our children have always held an important place in our families.
- The social imbalance that is pervading our communities has led to the breakdown of our families.
- The Aboriginal communities are beset with numerous social problems: alcoholism, substance abuse, every form of violence and sexual abuse, suicide and poverty.
- Modifying the Act does not constitute a solution for the Aboriginal communities. The right solution lies in adapting the Act's application so that it takes account of the characteristics of the Aboriginal reality.
- The extended family plays an important role in the Aboriginal communities.
- The evaluation of the compromise based on the concept of 'future risk' is open to interpretation and suggests there will be a third generation of children affected by the Act.

- The placement rate of Aboriginal children outside the communities due to the low number of certified foster families is leading to the loss of Aboriginal identity.
- The widespread lack of understanding of Aboriginal culture among workers in the social system is discriminatory towards Aboriginal persons.

Observations

After more than 20 years of consultations, studies, research and surveys involving the Quebec First Nations with regard to health and social services, and in particular the application of the *Youth Protection Act* and the *Young Offenders Act*, Quebec's Commission des droits de la personne et des droits de la jeunesse has come up with the following observation:

*"The long-standing duplication and overlap created by the federal and provincial governments, combined with the numerous changes brought by various reforms, have had significant impacts, some of them quite unsuspected, on the First Nations."*¹
[translation]

Following are a number of observations made in the various reports consulted by the Commission:²

Harvey Report – 1990

"Representatives of youth protection services and of the Aboriginal communities must be able to share information with each other (.....) It is essential that the application of activities under youth protection agreements take account of the socio-cultural context of the Aboriginal communities..."
[translation]

¹ Commission des droits de la personne et des droits de la jeunesse du Québec. Rapport, conclusion d'enquête et recommandations. Services de protection offerts aux enfants algonquins dans les communautés du Lac Simon, de Pikogan et du Grand Lac Victoria. January 2003, pp. 8-9. [Conclusion and recommendations – Report on the investigation of protection services offered to the Algonquin children in Lac Simon, Pikogan and Grand Lac Victoria]

² Ibid.

Bouchard Report– 1991

“The children in the First Nations and Inuit communities are in extremely vulnerable situations compared to the situations of other Quebec children...” [translation]

Jasmin Report – 1992

“Intervention in the Aboriginal communities (...) where the values and family structures can be highly different from those of the majority of Quebec citizens, who may also often have negative perceptions of state intervention, requires adaptations in the application of the Youth Protection Act.” [translation]

Coutu Report – 1995

“(...) we believe that true decentralization should be implemented to give the various Aboriginal nations in Quebec full management of their social services (...) it would be appropriate to select representatives of the Director of Youth Protection in the Aboriginal communities in collaboration with the Aboriginal communities involved and to give them the authority to take more adequate measures on behalf of the youths under their responsibility.” [translation]

Royal Commission on Aboriginal Peoples – 1996

“The intent of the residential school policy was to erase Aboriginal identity by separating generations of children from their families, suppressing their Aboriginal languages, and re-socializing them according to the norms of non-Aboriginal society. The repercussions of the often brutal enforcement of measures to achieve assimilation are still being felt in the lives of former students.”

Report of the Auditor General of Canada– 2002

In this annual report, the Auditor General expressed concerns about the heavy burden placed by the federal government in its administrative reporting requirements for the First Nations. The report provides the following comments: *“We found overlap and duplication among the required reports (...) The information reported is generally not used to set funding levels.”*

The Aboriginal reality: Its complex and specific nature

On May 2, 2002, the Commission des droits de la personne et des droits de la jeunesse du Québec released its report on the investigation of protection services offered to Algonquin children in the communities of Lac Simon, Pikogan and Grand Lac Victoria. This report demonstrates the specific and complex context surrounding the administration of Aboriginal social services, as evidenced by the following observation:

“Due to the division of jurisdiction under the Canadian Constitution, relations between the federal government, the Quebec government and the Aboriginal communities have been likened to a ménage à trois.”³ [translation]

The Quebec government has characterized this ‘ménage à trois’ as *“complex and difficult relations due to the stakeholders’ often divergent positions and actions that have an impact on the others and demonstrate objectives which at times are difficult to reconcile.”⁴ [translation]*

For this same investigation report, the Commission obtained the following comment concerning the factual report on the Régie régionale de la santé et des services sociaux de l’Abitibi-Témiscamingue (RRSSSAT):

“(The RRSSSAT) confirms that overall, the report adequately illustrates the complexity of the situation by describing to an accurate enough degree the roles

³ Commission des droits de la personne et des droits de la jeunesse du Québec. Rapport, conclusion d’enquête et recommandations. Les services de protection offerts aux enfants algonquins dans les communautés du Lac Simon, de Pikogan et du Grand Lac Victoria. January 2003, p. 16.

⁴ Secrétariat aux affaires autochtones, Partnership, Development, Actions: Orientations of the Quebec Government with respect to Aboriginal Affairs, 1998.

*and mandates of the multiple stakeholders involved, and the complexity of these communities' needs."*⁵
[translation]

The conclusion and recommendations of the Commission's report take account of the First Nations' desire to gain control of their destiny. In that section, we read:

*"In their progress towards autonomy, Native people encounter political and economic obstacles and also, in many cases, problems caused by incoherent government policies that are poorly adapted to Native realities."*⁶

What are we proposing?

Despite a heritage of misery and suffering, the First Nations are seeking to restore their well-being and are working incessantly to improve the quality of life of their citizens. The Quebec government must recognize the specific context of the Aboriginal communities as previously described and must act accordingly. Following is a description of a kind of 'ménage à trois,' which we know has its imperfections but at the same time holds out hope for us.

Minokin Social Services: An experiment in the Aboriginal setting

"The philosophy of Minokin Social Services is to provide a formula that meets the needs of communities by working with clients in their living environments and supporting them on the path towards personal healing and rehabilitation. Over the years, the population's awareness of its needs has grown. The effect that the presence of Minokin Social Services has had at the ground level has brought with it greater awareness and steady growth in the number of requests for services at several levels. By gaining responsibility for services, the Algonquin

⁵ Commission des droits de la personne et des droits de la jeunesse du Québec, Rapport, conclusion d'enquête et recommandations. Les services de protection offerts aux enfants algonquins dans les communautés du Lac Simon, de Pikogan et du Grand Lac Victoria. January 2003, p. 49.

⁶ Idem, p. 51.

communities have helped foster their populations' awareness of their needs..."⁷ [translation]

In November 1995, the three Algonquin communities in Abitibi (Pikogan, Lac Simon and Kitcisakik) decided to undertake a process to gain control of their social services. As a result, Minokin Social Services was founded in 1997.

Minokin Social Services was given a formidable mandate, which called on it to provide clients with psychosocial services for ensuring their safety, health and support, whether under the *Youth Protection Act* or the *Young Offenders Act*. In concrete terms, these services were as follows:

- Evaluate reports received by the Direction de la protection de la jeunesse
- Provide psychosocial follow-up on reports received
- Provide psychosocial and psychoeducational follow-up
- Recruit, evaluate, train and coordinate family-type resources
- Deliver certain services facilitating home support of persons who temporarily or permanently require assisted living services.

Overall, the problems treated by Minokin Social Services were related to:

- Improper lifestyle of parents
- Sexual abuse
- Substance abuse
- Behavioural problems

A holistic approach

Minokin Social Services used a holistic approach which took account of all aspects making up the living environment of clients. This meant that every clinical intervention gave consideration to the intrinsic characteristics of clients (cognitive functions, personal histories), the problem to be treated (e.g., parental neglect, substance abuse) and the various components of clients' living environments (cultural, family and social values, lifestyles). Interventions were individualized and adjusted to the needs of clients, who rarely responded negatively to the services provided. Indeed, given the authority that had been obtained by Minokin, there was adequate collaboration on the part of the parents and children involved.

⁷ Andrée Dionne et Judith Morency, *État de la situation, Services sociaux Minokin*, November 1998, p. 3 [Report on Minokin Social Services]

Some examples

There are several examples of parents who regained proper control of their lives. One couple whose children had been taken away from them after being reported to the Direction de la protection de la jeunesse because of their improper lifestyles have today not only overcome their problems but have become models for their community in obtaining certification as a foster family.

It is not easy to regain control of one's life when one's life history is marked by the need to receive numerous services, with hardly any support from family members who have their own suffering to contend with. Regaining control is a long and arduous process for a person who has been abused by someone who still lives in the same community, which is a common enough phenomenon. A difficult social and economic context also slows down the healing process for people. There are numerous stories of men and women who are struggling to recover from their suffering, but they indisputably need both time and support from a sufficient number of competent professional resources if they are to emerge victorious from their struggles.

The *Youth Protection Act* gives social workers power of authority. But social workers who, upon coming to an Aboriginal community, are more concerned with applying a law rather than supporting children and parents in distress are going about things the wrong way. In so doing, they are pushing away the immediate family, the extended family and the greater family, which is made up of the community itself.

Social workers must always keep in mind that when they intervene in the life of an Aboriginal person, they are intervening in the life of the entire community.

Organization of services

The holistic approach used by Minokin Social Services was also seen in the organization of its services. Minokin regularly asked the members of the communities not just for their opinions, but also for their support in the implementation or adjustment of services and/or programs. It was seen that every healing process requires the desire of the communities to take charge of their situation. For this responsibility to develop, community members must be mobilized and involved in the process from the outset. Responses to needs must come from within the communities. In this way, they are not seen as being imposed and therefore as unthreatening. The

avenues for solutions that are proposed are then understood and accepted as forming an integral part of the healing process.

For example, it was necessary for one community to respond rapidly after learning that children were taking part in sex games. Upon learning about this, the community members and the Direction de la protection de la jeunesse took immediate action. In respect of each party's expertise, they jointly implemented a support program. It was due to the community members' desire for action and desire to be involved that this program was established. And the program continues to this day. Headed by a committee made up primarily of community members, it has two therapeutic components, one clinical and the other community-based. It fully reflects the spirit in the community, because it was conceived, implemented and supported in large part by community members. (For your information, the program received the Marie Vincent Award.)

In addition, the selection of family-type resources was made in collaboration with persons living in the community. Following the evaluation of resources, the opinions of three persons were sought before the certification of a potential foster family was proposed. These persons were consulted individually and in full confidentiality. Particular care was taken to use resource persons from different clans to ensure that the fairest and most accurate information possible was obtained. When the evaluation did not reflect the reality of the family being evaluated, the collaboration of persons from the community offered invaluable help.

The last example presented here concerns the responsibility that the community had for the selection of workers. The members of the involved community took part in the entire hiring process and made the final decision as to which candidate(s) would come to work in the community. Each community gave its own stamp to the process, as seen in the selection of employees. The fact that the community members participated in the selection process and chose employees facilitated the development of a relationship of trust between the population and the social worker. This trust in turn facilitated the work that was done at ground level.

Recommendations, examples and possible solutions

Recommendation no.1:

That the Quebec government order the creation of a Commission of Inquiry to evaluate the full extent of the situation regarding the services offered by the DPJ in the Aboriginal communities in Quebec. This inquiry must cover such aspects as intervention approaches, the functioning and effectiveness of services (adapted or not adapted to Aboriginal culture), the results obtained by these services, the placement rate for Aboriginal children, and the length of these placements.

Example and possible solution no.1:

Because the number of family-type resources in the communities is insufficient, with the result that the children needing a foster home must often leave their community, it is urgent that the program be revised so that it can be adjusted to the reality of the Aboriginal communities.

It was suggested to offer a specialized home outreach education service to parents who had been found to be lacking in parenting skills and had been reported to the Direction de la protection de la jeunesse. This service, which would be offered for a certain period could help in several situations to prevent the placement of children. It should be noted that transmission of knowledge in the Aboriginal communities always takes place through the use of role models. Helping parents to intervene in the daily lives of their children would greatly facilitate the acquisition and integration of new learning.

It was also suggested to view family-type resources as sponsoring resources as means for accompanying families in difficulty in their daily living, not just as a resources intended as substitutes for the immediate family. In concrete terms, this could entail their participation in daily and/or home activities and in recreational activities. This new mandate would give the foster family the opportunity in some cases to avoid placement of the children.

Recommendation no. 2:

That the Aboriginal communities in Quebec receive the resources required to take responsibility for youth protection services.

Example and possible solution no. 2:

It was suggested that persons hired to offer DPJ services in the Aboriginal communities be selected by the communities and that the involved

community members take part in the entire selection process and be given the final decision regarding the hiring of employees. Having the members of a community participate fully in the selection process and select the candidates to be hired will facilitate the development of a relationship of trust between the community's population and the workers that are hired.

Recommendation no. 3:

That the DPJ non-Aboriginal social workers who will serve Aboriginal children and work with Aboriginal interveners receive training on the Aboriginal reality, in particular on the communities they will be serving.

Example and possible solution no. 3:

It was suggested that non-Aboriginal social workers assigned to Aboriginal communities receive training on the Aboriginal reality and that they possess relevant previous community experience. It was also suggested that the clinical coordination of non-Aboriginal social workers be handled by an Aboriginal professional or at least by a professional with solid experience at the ground level in the Aboriginal communities.

Recommendation no. 4:

That judges of the Court of Quebec, Youth Division, who are required to make decisions on Aboriginal cases receive training on the Aboriginal reality.

Recommendation no. 5:

That social workers, lawyers, judges and community members together evaluate the possibilities for implementing an objective mediation process to find common solutions allowing all youth protection services for Aboriginal children to be provided by means that ensure respect of their culture and protection of their cultural identity.

Example and possible solution no. 5:

It was suggested that social workers have access to support from an advisory group, duly identified by the population, when an impasse develops in a case.

Recommendation no. 6:

That the Quebec Youth Centres establish a statistical system concerning the placement of Aboriginal children in Quebec so that we can know the exact number of 'on-reserve' and 'off-reserve' placements and the number of placements of these with Aboriginal and non-Aboriginal families.

Recommendation no. 7:

That the certification criteria for foster families be modified by the Ministère de la Santé et des Services sociaux so that they take account of the Aboriginal reality and allow the certification of Aboriginal foster families.

Example and possible solution no. 7:

It was suggested that the criteria used for certifying family-type resources be reviewed by the Aboriginal communities to ensure that they are adjusted or modified as necessary, in order to correspond more adequately to the cultural reality.

Recommendation no. 8:

That it is possible for Aboriginal children to be placed with or adopted by Aboriginal families, including those who are members of other nations.

Example and possible solution no. 8:

It was suggested to create an adoption service in an Aboriginal setting to serve all the Aboriginal communities in Quebec.

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