

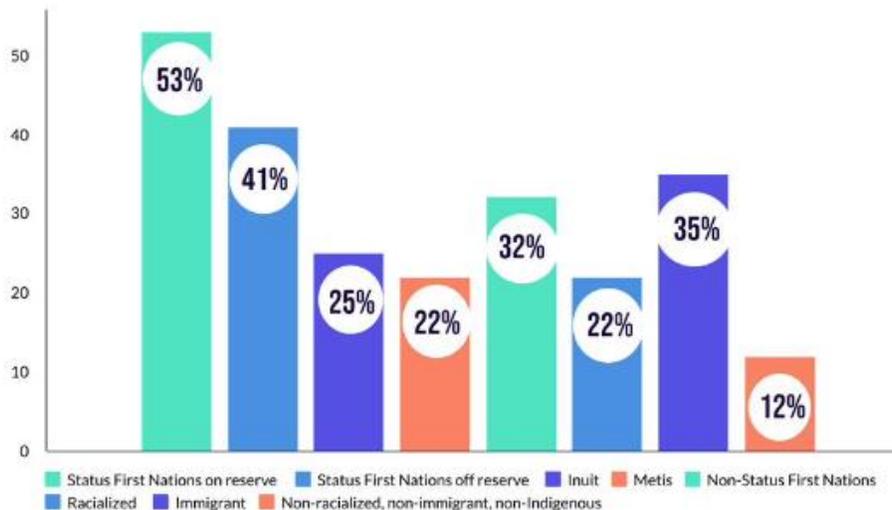


## Briefing Paper: What is ‘neglect’? Challenging and redefining discriminatory concepts

The way neglect is currently conceptualized in the mainstream child welfare system is highly focused on parents’ behavior – it assigns the responsibility of “failure to provide for or protect the child” to the child’s immediate caregivers. However, family difficulties are much more complex, and are intensified by failures in income support, housing, education, community, health, and social services<sup>i</sup>.

Poverty, racism and discrimination, inadequate housing, and limited access to services and supports have consistently been shown to be the driving factors underlying the over-representation of First Nations, Inuit, and Métis children and youth in the mainstream child welfare system<sup>ii</sup>. As reported in the 2016 Census, Indigenous children under the age of 14 represent 52.2% of all children in foster care, despite only representing 7.7% of children in Canada. Of the Indigenous children placed in care, the majority were First Nations (82%), while about 14% were Métis and 4% were Inuit<sup>iii</sup>. This relationship between poverty and child protection<sup>iv</sup> placement is particularly powerful for highly marginalized populations including Indigenous, Black, racialized, and migrant<sup>v</sup> families, who have experienced systemic discrimination, racism, and genocidal<sup>vi</sup> policies. How we view child neglect must go beyond parents, families, and communities to encompass the role and responsibility of governments in creating these inequitable conditions<sup>vii</sup>.

Chart 6: Child Poverty in Indigenous Communities, 2016



Source: Statistics Canada. Custom tabulation, as reported in "Towards Justice: Tackling Indigenous Child Poverty in Canada" by Upstream, 2019.

This role and responsibility must go beyond reactive interventions aimed at separating children from their parents and focus on keeping families together through prevention and early intervention.

The Truth and Reconciliation Commission (TRC) of Canada's Final Report and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls to Justice have greatly contributed to documenting Canada's colonial history and the genocidal policies aimed at destroying the core of Indigenous nations: the family. The forcible removal of First Nations, Inuit and Métis children from their families and communities during the residential school era<sup>viii</sup> continued even as institutions closed. Child welfare authorities apprehended large numbers of Indigenous children from the 1960s to the 1980s - known as the "60s Scoop"<sup>ix</sup> - placing them in non-Indigenous homes, often without the knowledge or consent of their families or communities. Indigenous family separation continues today at disproportionate rates – termed as the "Millennial Scoop"<sup>x</sup> - in a misguided effort to 'save' children from families who are experiencing the effects of systemic racism, discrimination and intergenerational trauma.

Restoring the rights of First Nations, Inuit and Métis to care for their children, families, and communities is at the heart of reconciliation in child welfare. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the "right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child"<sup>xi</sup>. Yet, this inherent right is being undermined – gross inequities in funding and services deny First Nations, Inuit, and Métis families the opportunities provided to non-Indigenous families in Canada to safely care for their children. Funding is insufficient to address the most important needs, including prevention and family support.

"The patchwork of services available for First Nations, Inuit and Métis communities are inadequate and have not meet needs. Federalism displaced Indigenous governance and split power, authority and jurisdiction between the federal government and the provinces. The federal government has a fiscal responsibility to First Nations communities through treaties and the Indian Act but funding falls significantly short from what other Canadians receive. Lack of culturally appropriate, accessible and locally delivered services remain a barrier for First Nations, Inuit and Métis peoples living in urban and rural communities." Campaign 2000, p. 12<sup>xii</sup>

Acknowledging Canada's systemic neglect of Indigenous communities helps us better understand the overwhelming numbers of Indigenous families who, through systemic and deeply embedded colonial influences, are forced into situations of poverty, struggling with poor mental health, addictions, and family violence – situations that place children at great risk and often lead to child removals because of 'neglect'. Moving forward requires that we recognize the harms that have been done and that persist to this day and that we find equitable and just ways of relating to First Nations, Inuit, and Métis peoples.

Parenting capacity assessments are a common tool used in child welfare<sup>xiii</sup>. Their goal is to determine a parent's "capacity" to raise their own child, if intervention is needed to support parents to meet parenting capacity requirements, or if it is probable that parents

cannot raise their child. The assessment practices used to make this determination are based upon the Euro-centric<sup>xiv</sup> definitions of family and employ methods that have not been defined nor endorsed by Indigenous or migrant populations. This approach reproduces colonialism in child protection by imposing assessment practices that are inconsistent with culturally diverse definitions of family and the central role of the child in community. Colonial definitions also cannot capture a 'capacity to parent' when the political and social realities facing marginalized parents, such as ongoing colonization, poverty and the impacts of racial discrimination and inter-generational trauma are not considered in the approach.

When thinking about solutions, the perspectives of parents, children and youth are crucial to identifying how we can support families. Interventions also need to be locally defined, culturally grounded and safe, and seek to balance the power between child welfare agencies and families<sup>xv</sup>. And increasingly, they will have to be respectful of First Nations, Inuit and Métis laws.

### **Additional Resources:**

Truth and Reconciliation Commission (TRC) of Canada reports:  
<http://nctr.ca/reports.php>

National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG):  
<https://www.mmiwg-ffada.ca/final-report/>

Campaign 2000: *Is Progress on Ending Child Poverty Stalling?*  
<https://campaign2000.ca/is-progress-on-ending-child-poverty-stalling/>

*Namwayut: we are all one. Truth and reconciliation in Canada:*  
<https://www.youtube.com/watch?v=2zuRQmwaREY>

First Nations Child & Family Caring Society: <https://fncaringsociety.com/>

Heritage Minutes: *Chanie Wenjack*: [https://www.youtube.com/watch?v=v\\_tcCpKtoU0](https://www.youtube.com/watch?v=v_tcCpKtoU0)

Vice News, *Indigenous Peoples in the Canadian Residential Schools*:  
<https://www.youtube.com/watch?v=9QMZaOVOin8&t=4s>

CBC News The National, *Death at Residential Schools*:  
<https://www.youtube.com/watch?v=9FydzlzkndA>

National Film Board of Canada, *We Can't Make the Same Mistake Twice* by Alanis Obomsawin: [https://www.nfb.ca/film/we can t make the same mistake twice/](https://www.nfb.ca/film/we_can_t_make_the_same_mistake_twice/)

CBC News, *The 60s Scoop explained*: <https://www.youtube.com/watch?v=1PvnAroiZuk>

*The 60s Scoop*: [https://www.youtube.com/watch?v=kH\\_bdIYNnFU](https://www.youtube.com/watch?v=kH_bdIYNnFU)

CBC The Current, *The Millenium Scoop: Indigenous youth say care system repeats horrors of the past*. <https://www.cbc.ca/radio/thecurrent/a-special-edition-of-the-current-for-january-25-2018-1.4503172/the-millennium-scoop-indigenous-youth-say-care-system-repeats-horrors-of-the-past-1.4503179>

Sinclair, R. (2007). Identity lost and found: Lessons from the sixties scoop. *First Peoples Child & Family Review*, 3(1), 66-82.  
<http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/view/25>

Sinclair, R. (2016). The Indigenous child removal system in Canada: An examination of legal decision-making and racial bias. *First Peoples Child & Family Review*, 11(2), 9-18.  
<http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/view/310>

Grégoire-Labrecque, G. et al. (2020). 'Are We Talking as Professionals or as Parents?' Complementary views on supervisory neglect among professionals working with families in Quebec, Canada. *Children and Youth Services Review*, 118, 105407, DOI: <https://doi.org/10.1016/j.chilyouth.2020.105407>

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<sup>i</sup>Public Health Agency of Canada. (2010). *Canadian Incidence Study of Reported Child Abuse and Neglect – 2008: Major findings*. Ottawa, Ontario. <https://cwrp.ca/sites/default/files/publications/en/CIS-2008-rprt-eng.pdf>

<sup>ii</sup>Trocmé, N., Knoke, D., & Blackstock, C. (2004). Pathways to the overrepresentation of Aboriginal children in Canada's child welfare system. *Social Service Review*, 78, 577-600.

<sup>iii</sup>Indigenous Services Canada, Government of Canada. (2020). *Reducing the number of Indigenous children in care*. First Nations Child and Family Services.  
<https://www.sacisc.gc.ca/eng/1541187352297/1541187392851>

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<sup>iv</sup>Esposito, T., Chabot, M., Rothwell, D. W., Trocmé, N., & Delaye, A. (2017). Out-of-home placement and regional variations in poverty and health and social services spending: A multilevel analysis. *Children and Youth Services Review*, 72, 34–43.

<sup>v</sup>Klassen et al. (2020). 'I'm just asking you to keep an ear out': parents' and children's perspectives on caregiving and community support in the context of migration to Canada. *Journal of Ethnic and Migration Studies*, DOI: <https://doi.org/10.1080/1369183X.2019.1707647>

<sup>vi</sup>"Genocide is defined in the Genocide Convention as: [...] any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." page 3, National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) *Supplementary Report: A Legal Analysis of Genocide*: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report\\_Genocide.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf)

<sup>vii</sup>Ruiz-Casares et al. (2019). Child Neglect Indicators: A Field in Critical Need of Development Globally. *Child Indicators Research*, <https://doi.org/10.1007/s12187-019-09712-9>

<sup>viii</sup>The last residential school closed in 1996 in Saskatchewan; however, the impacts are still present to this day.

<sup>ix</sup>B.C. worker described acting to "scoop children from reserves on the slightest pretext" (as cited in Johnston, P. (1983). *Native Children and the Child Welfare System*. Toronto: James Lormier)

<sup>x</sup>The term *Millennial Scoop* was coined to describe the alarming rate at which Indigenous children continue to be brought into the child welfare system and spans the early 1980s to today (as stated in Centennial College (n.d.). *Our Stories: First Peoples in Canada*. <https://ecampusontario.pressbooks.pub/indigstudies/>). Today, there are more Indigenous children in care than the number of children adopted during the Sixties Scoop and more than the number in residential schools at their height of enrollment (Vowel, C. (2016). *Indigenous writes: A guide to First Nations, Métis, and Inuit issues in Canada*. Winnipeg, Manitoba: HighWater Press.)

<sup>xi</sup><https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>xii</sup>Campaign 2000 (2020). *Beyond the Pandemic: Rising Up for a Canada Free of Poverty – 2020 Report Card on Child + Family Poverty*. [https://campaign2000.ca/wp-content/uploads/2020/12/Campaign-2000-Beyond-the-Pandemic\\_Rising-up-for-a-Canada-free-of-Poverty\\_2020-report-card.pdf](https://campaign2000.ca/wp-content/uploads/2020/12/Campaign-2000-Beyond-the-Pandemic_Rising-up-for-a-Canada-free-of-Poverty_2020-report-card.pdf)

<sup>xiii</sup>Lindstrom, G., & Choate, P. (2016). Nistawatsimin: Rethinking assessment of Aboriginal parents for child welfare following the Truth and Reconciliation Commission. *First Peoples Child & Family Review: An Interdisciplinary Journal*, 11(2), 45-59. Retrieved

from: <https://fp CFR.com/index.php/FPCFR/article/view/305>; Choate, P. & Lindstrom, G. (2017). Parenting Capacity Assessment as a Colonial Strategy. *Canadian Family Law Quarterly*, 37(1), 41-59.

<sup>xiv</sup>A Euro-centric world view is a biased view centered on white and western civilization. Eurocentrism favours white and western views over non-western ways of knowing, such as Indigenous world views.

<sup>xv</sup>Ruiz-Casares et al. (2019). Child Neglect Indicators: A Field in Critical Need of Development Globally. *Child Indicators Research*, <https://doi.org/10.1007/s12187-019-09712-9>