

Hand-in-Hand

A Review of First Nations Child Welfare
in New Brunswick



Child & Youth
Advocate



Ombudsman

Hand-in-Hand:

**A Review of First Nations
Child Welfare in New Brunswick**

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This report is dedicated to the memory of:



Mona Charlotte



Hilary

They are not dead who live in the hearts they leave behind.

– Tuscarora proverb

Zack's Story

My name is Zack, and I am First Nations member and a survivor of the foster care system. I was born with cerebral palsy, and have been in a wheelchair since I was a toddler. The first five months of my life were spent in a hospital. When it came time for me to go home, I was placed in a foster home outside my First Nations community. My mom loved me; she just was not able to look after me. I stayed in that home, outside my community, for 17 years. Although I had never met my biological family, I yearned to know them, to meet my mother and my sister. I wanted to know where I came from, and what my culture was. My foster family was not First Nations, they did not know about my culture, so they could not even begin to explain it to me. Though they cared for me, they could not fill the hole in my heart.

As I got older, the longing to know and understand my family and my roots grew. I continually expressed the desire to meet my family, or at the very least to know more about my culture. Each of my requests was met with either silence or refusal. I felt like I had been dumped out of the community as a child and forgotten about. I felt like my pleas to the First Nations child welfare agency were falling on deaf ears.

When I was in Grade 11, I was finally allowed to meet my biological family. Shortly after that, my mother suggested that I move back to my community and live with her. It was a very hard transition for me. I was leaving the only family I had ever known, and felt very guilty about it. Also, I was moving into a community that I knew very little about. After wanting to be a part of the community for so long, I was disappointed by a lot of what I found; at first I really did not like it. The guilt and the disappointment grew into depression, and I began to think about suicide. I told my social worker how I was feeling, but I felt like they brushed it off and did not take me seriously. It was my biological family that got me through those tough times.

Things are now looking up, and each day I feel more connected to my community and my culture. I am learning to speak my native language from a local teacher and I am on several basketball teams.

My recommendation to improve the conditions of First Nations children and youth would be to give teenagers like me more say in their own lives and for those who are there to protect us to really listen to what we are saying. As for myself, I wish I had been heard and supported when I first expressed that I wanted to have contact with my family; I wish that others had listened when I said I was depressed during my transition home and when I told them I needed support.

I want to thank the Child and Youth Advocate for coming to my community and listening to me, and for giving me the chance to have my voice heard through this report. I hope everyone in New Brunswick will take time to listen to the voices of First Nations children and youth.

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in New Brunswick

Bernard Richard
New Brunswick Ombudsman and Child
and Youth Advocate

February 2010

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Executive Summary

In May 2009, the Minister of Social Development asked the Child and Youth Advocate to review and make recommendations regarding the child welfare services provided in New Brunswick's fifteen First Nations communities. Bernard Richard, the Ombudsman and Child and Youth Advocate, consulted widely and has produced a report that gives voice to the concerns expressed by First Nations youth, their families, community leaders and service providers. The report's many recommendations are aimed at all levels of government: federal, provincial and First Nations. Beyond that, the report asks all New Brunswickers, First Nations and non-Aboriginal alike, to work together to achieve equal opportunity for all.

Part I of the report focuses on the delivery of child welfare services in First Nations communities. The Child and Youth Advocate recommends a rationalization of service delivery, reducing the number of agencies from eleven to three and establishing a single First Nations Child and Family Services Office from which certain financial, administrative and specialized child welfare services would be offered. In the Child and Youth Advocate's view, the strengths of the current service delivery model (such as Head Start programs for young children, community-based service delivery, social work outreach to the child's family and community, and the active offer of culturally-based child welfare practices) must be retained and strengthened. The report recommends that the entire reform process be guided by the Touchstone Principles of First Nations child welfare: self-determination, non-discrimination, holistic and structural interventions and respect for culture and language.

The Department of Indian and Northern Affairs Canada (INAC) is committed to moving to a more prevention-based service delivery model, but more funding from INAC and other federal agencies will be required for the prevention-based model to succeed. The Province must also support service delivery by sharing its information management and case management tools; by supporting the roll-out and maintenance of payroll services and information systems to the new First Nations Child and Family Services Office and its agencies; and by helping regional Department of Social Development offices and First Nations agencies to work collaboratively, share training events and benefit from new initiatives such as Family Group Conferencing. Chiefs and councils will have to shoulder collectively the task of governing the First Nations Child and Family Services Office and agencies while maintaining and improving investments in their own communities to ensure that kids come first.

Beyond this reform of service delivery, the report calls for bold action to address the root causes of the disadvantages faced by First Nations children. Part II of the report analyzes the situation of children in First Nations communities. Mr. Richard reports that First Nations children in New Brunswick are six times more likely than other children to be taken from their

homes and placed in foster care, four to five times more likely to be charged as young offenders, and may be at greater risk for health issues such as obesity and Fetal Alcohol Spectrum Disorder. Moreover, the report notes that the Mi'kmaq and Maliseet languages are dying and may not survive past the next generation unless immediate measures are taken to prevent this.

The Child and Youth Advocate invites all New Brunswickers and all levels of government to take new approaches to housing, job creation, economic development, drug monitoring and treatment and law enforcement. Furthermore, it is essential that new investments are made in early childhood development, youth sports and recreation, and cultural and linguistic preservation and promotion, in order to build resiliency and strong identities and to reinforce the strong attachment to community and family among First Nations children. When all New Brunswickers work together towards this goal we will make swift progress and become, at long last, the living example of equal opportunity that we can aspire to be.

As Glooscap travelled around, he came upon an old woman sitting on a rock. So he went up to her and said “Who are you? Where do you come from?” The old woman looked at Glooscap and said: “You don’t recognize me? I am your grandmother. I owe my existence from this rock on the ground. Early this morning dew formed on this rock surface and with the help of the Giver of Life I was given the body of an old woman already wise and knowledgeable. If you respect my wisdom and my knowledge, this rock will help you understand your place in this world.”

Mi’kmaq Creation Stories, Fifth Level of Creation

Introduction

Like Glooscap, my review team and I have been on a journey for the past several months. I travelled to many distant lands during this period, but my real journey of discovery has been in my own land, in the villages and river ways of the place where I was raised. I met old friends and new ones, and was privileged to benefit from their teachings. I sat in talking circles in community after community, and learned the wisdom that comes from patience and giving heed to each person’s voice. There was something sacred in what was shared during these talking circles, perhaps because of the Elders’ opening prayers, the smudging and the drumming, and perhaps also because those who came forward to share their views were engaged, earnest and ready to make a difference.

Like the grandmother in Glooscap’s story, our meetings were called forward with a rock, a rock that was over three-thousand years old and came from the river banks near Metepenagiag on the mighty Miramichi. Many years ago, this old rock had been fashioned into a tool, perhaps to clean fish with, by the ancestors of our discussion facilitator. Several people commented on how hot that ancient rock was, and on the strength it brought to them as it was passed from hand to hand in our circles. Throughout the Community Engagement Sessions, many non-Aboriginal people and several First Nations children were able to participate in their first talking circles. In all the sessions there were sparks of genuine leadership and a strong resolve to make better, swifter progress in regards to First Nations child welfare. As daunting as the challenges seem, I take courage from the resolve and solidarity I felt throughout this journey. For all of this, I give thanks.

* * *

This review of First Nations child welfare services in New Brunswick has allowed the Province to lay bare the great divide in wealth, welfare and opportunity that distinguishes First Nations children from their peers all around New Brunswick. For those who pride themselves on our province's record of equal opportunity and our ability as a society to bridge the cultural and linguistic identities found among us, the findings in the pages that follow will come as a rude awakening. One cannot suppress a sense of dismay at how today, in this land of plenty, a group of people can be faced not only with challenges of economic development and child welfare but with serious problems of addictions, domestic violence and the devastating loss of language and tradition. It is startling that the majority cultures, Francophone and Anglophone, have not only failed to take appropriate action to correct or acknowledge the past mistakes which have contributed to these losses, but that they have often even failed to take notice.

If, as Ghandi said, "a nation's greatness is measured by how it treats its weakest members," then the state of Canada's First Nations children casts us all in a very poor light. Thankfully, it was apparent during our Community Engagement Sessions that New Brunswick First Nations community members want to address these challenges. Of course, there is still a lot of blame to go around (an oppressive colonial past, the generational impacts of residential schools and the Sixties

Sixties Scoop

Throughout the 1960s to mid-1980s, thousands of Aboriginal children were removed from their families and placed in foster homes or adoptive homes in what is now known as the "Sixties Scoop." The children were taken by the provincial child welfare authorities often without the consent or knowledge of their parents. Many of these children were placed with white, middle-class families in other provinces or in the United States.

According to statistics from the Department of Indian Affairs, 11,132 status First Nations children were adopted between 1960 and 1990. About 70% of them were placed in non-Aboriginal homes. However, the actual number was likely much higher, as many of the children who were taken did not have status.

The social workers who took Aboriginal children from their homes sincerely believed that they were acting in the best interests of the children. But their actions, while well-intentioned, had catastrophic and long-lasting effects on these children and their families and communities.

In the 1980s, Aboriginal leaders spoke out against the widespread removal of Aboriginal children from their communities, and fought for more culturally-based child welfare approaches. In 1990, INAC created the First Nations Child and Family Services program to fund First Nations Child and Family Services agencies.

Scoop, the roles of Indian and Northern Affairs Canada (INAC), the Governments of New Brunswick and Canada and the First Nations Chiefs and Councils) but encouragingly the discussions focused most often on moving past blame and taking ownership of solutions. What is even more inspiring is the commitment and leadership that all institutional players at every level of government have begun to show. The one certainty that remains after all these months of review is that improving the lives and opportunities of First Nations children in this province will require the combined effort of all New Brunswickers and every level of government. However, by working hand-in-hand toward these goals, we will be able to make swift progress.

As Canada's only officially bilingual province, New Brunswickers understand better than most the need for this change and the power for good that exists in recognizing the collective rights of minority language communities. Achieving meaningful equality of opportunity for all New Brunswick children and for First Nations children in particular will allow us to become the society we have already claimed to be: a mosaic of many people respectful of human dignity and equal rights.

* * *

The following report seeks to provide a roadmap for a new relationship between non-Aboriginal New Brunswickers and their Mi'kmaq and Maliseet¹ neighbours. Both sides appear ready for this, and I believe that the welfare of children is the common aspiration around which these new bonds of solidarity can be formed. I begin with a word about our review, how it originated, the methodology used and a broad outline of the recommendations which follow.

In late September 2007, a young person died in a New Brunswick First Nation. This youth was known to the Minister of Family and Community Services as a result of child protection concerns. Following the death, a Child Death Review was carried out in accordance with departmental policy. In February 2009, the Child Death Review Committee forwarded its report to the Minister of Social Development, who reported on the recommendations and a few weeks later announced her intention to invite my office to carry out a full review of child welfare services in New Brunswick's fifteen First Nations communities.

In June 2009, formal terms of reference were forwarded to me along with funding parameters within which this review could be undertaken. I formed an Advisory Committee co-chaired by Andy Scott, former federal Minister of INAC, and Judge Graydon Nicholas, who withdrew from the Committee this fall in order to accept his appointment as Lieutenant-Governor of New Brunswick. Other members of the Advisory Committee included Judy Levi, Coordinator, Tripartite Committee, First Nation Child and Family Services; Josie Augustine, a traditional

¹ Although the term Maliseet is the one more generally used for the First People of the St. John River Valley, Wolastoqiyik is become more common as it is their term for themselves.

Mi'kmaq Elder from Elsipogtog; David Perley, a Maliseet educator; Pam Ward, Founding Director of the Metepenagiag Heritage Park; Pam Sappier, a Maliseet social worker and public health consultant; D.J. Joseph, a Mi'kmaq youth leader and a cross-cultural facilitator for the Red Cross; Fred Wien, former Director of the Dalhousie School of Social Work; Nancy MacDonald, Professor of Social Work at Dalhousie University; Miguel Leblanc, Executive Director of the New Brunswick Association of Social Workers (NBASW); and Michele Bedard and Joe Behar, liaison officers appointed by the Province of New Brunswick and INAC, respectively. The Advisory Committee met four times throughout the course of our review and was of immense help in defining the issues and shaping the thrust of our recommendations.

Furthermore, I asked Christian Whalen, Legal Counsel and coordinator of systemic investigations in my office, to lead the review and manage the part-time and full-time staff members who were seconded or hired to form the review team. This team included Jennifer Daigle, an Investigator in our office; Laurel Lewey, Professor of Social Work at St. Thomas University; Dick Quigg, former Director of Child Welfare for the Province of New Brunswick; Amanda McCordic, a Fredericton-area lawyer; Sonja Perley, a Maliseet social work consultant seconded from the Women's Issues branch of the New Brunswick Executive Council Office; and Colleen McKendy, a Fredericton-based communications consultant.

The terms of reference given by the Minister of Social Development were not intended to be restrictive and I was in fact given the broadest possible mandate. The focus of the terms of reference was on child welfare service delivery in First Nations communities, which includes the child welfare system, its governance model, practice standards and protocols, clinical supervision and auditing systems, case management systems and training, and how to improve all of the above in light of the pressing needs of First Nations children. However, beyond service delivery, the Advisory Committee, review team and I have been interested not only in child welfare services, but also the broader issues of First Nations children's welfare.

From the outset of the review, we noted that school drop-out rates among New Brunswick's First Nations youth are three times higher than in the rest of the provincial school population; school achievement results are disproportionately low; the rates of Fetal Alcohol Spectrum Disorder (FASD) and of infants born with addiction problems is disproportionately high; and the charge rates for criminal offences in First Nations communities are incongruous with rates in neighbouring communities. We understood at once that this inquiry had to focus also on the underlying social, economic and cultural issues which serve as determinants of child welfare in New Brunswick First Nations. As Andy Scott, one of the co-chairs of our Advisory Committee, stated: "If all we do is build a child welfare system to meet the needs we find in communities today, we would just be preparing for failure." First Nations children deserve better – they deserve an equal opportunity to reach their fullest potential. That is why the recommendations

which follow address both the social factors affecting First Nations children and the service delivery mechanisms which are meant to address them.

The review team began its work in late June 2009 by conducting a survey of all that has been written on the topic of First Nations child welfare. This in itself was a herculean task which the time constraints established for the review did not allow us to treat with full academic rigour. Suffice it to say that much has been written, and I now understand the reluctance with which some First Nations leaders in the province greeted the news of yet another study. However, from this research we were able to frame our process and establish a background report which served as the basis for our Community Engagement Sessions.

While this process was underway, I began a series of individual meetings with all of the New Brunswick First Nations Chiefs. Members of my staff and I also met with the eleven Child and Family Services Directors during their summer meeting in June and also individually at their offices with their staff members.

In September and October 2009, we held Community Engagement Sessions in ten First Nations communities. During these sessions we met with community service providers, Elders and youth in talking circles, and often also met separately with the Chiefs and Councilors. Additionally, we spoke privately with community members who wanted to share with us outside the talking circles. In an effort to solicit as much community feedback as possible, First Nations members were also invited to share their views with us through survey forms which we posted on our website and distributed during the Community Engagement Sessions.

In late September, we held a national symposium to which we invited First Nations child welfare experts from across the country. The symposium featured three panel discussions focused on the following topics: current challenges facing the eleven First Nations child welfare agencies in New Brunswick; alternative service delivery and governance models; and the importance of culture and identity in First Nations child welfare.

Beyond this consultation process, we also examined child welfare departments and First Nations child welfare agencies in other provinces to assess their service delivery models. We met with senior officials at INAC and the Department of Social Development on several occasions and conferred with other federal and provincial departmental officials as well. Furthermore, we consulted experts in countries such as Australia and New Zealand to learn more about their Aboriginal child welfare practices.

The report which follows is divided into two parts: Part I focuses on service delivery, agency structure and the standards, resources and training needed to keep First Nations children safe. It also deals with issues related to funding, governance and accountability. Furthermore, it sets out a vision for a streamlined, community-based service delivery model with three agencies

directed by a single office, which for the purposes of this report I will refer to provisionally as the *New Brunswick First Nations Child and Family Services Office*, or simply, “the Office.” It calls for greater investments by all levels of government and improved accountability to guarantee better results for children.

Part II looks beyond the provision of better services in individual child welfare cases and makes recommendations aimed at preventing these kinds of cases from arising in the first place. In this section we look at the social, economic and cultural context and ask what can be done to improve the underlying determinants of child welfare, including recreational activities, household income, dependency issues, and linguistic and cultural identity. Moreover, this section focuses on finding solutions to combat addictions, reducing domestic violence and preserving and promoting First Nations languages. The central recommendation cutting through Part II speaks to the need to make First Nations child welfare and equal opportunity for all New Brunswick children a goal which all New Brunswickers, First Nations and non-First Nations, from the private, public and non-profit sectors can strive to reach together.

Glooscap decided to take a walk down by the ocean. As he walked among the tall sweet smelling grass a young man stood up in front of him. And though he was young, he was big and tall and husky with white sparkling eyes. And Glooscap looked at him and said: "Who are you? Where do you come from?" "Oh my uncle, you do not recognize me? I am your sister's son. I owe my existence to the Wejosin, the whirlwind... With the help of the Giver of Life, Grandfather Sun and Mother Earth, I was given the body of a young man. I am strong. I have very strong arms and legs. I can do things for you and grandmother, but I also have vision. I bring vision to the future," he said. "I am looking at you."

In this way our elders teach us that Glooscap had to understand that young people were looking at him and that he had to live his life in such a way that he would leave a legacy of life and survival for the younger generations to come. And the young man also said "I bring the gifts of our ancestors" so in this way our elders tell us that little children are the gifts of our ancestors and they also carry all the characteristics and images of our ancestors, our grandfathers, our grandmothers and so on. And so Glooscap was happy that his nephew came into the world to share his life to offer his strength and to share his vision. Because young people look ahead of us, they see into the future and provide us with guidance in the way we live, so that we share our survival with the generations to come. And so the nephew and Glooscap came back to Grandmother with this understanding.

Mi'kmaq Creation Stories, Sixth Level of Creation

Part I – A New Model for First Nations Child and Family Services Delivery

A new model of First Nations child welfare service delivery is required not to correct the historic wrongs of the past, not because First Nations self-government demands it, nor because cost containment concerns require it. A new model is required because raising First Nations children well, with equal regard for their dignity and rights, is a mission to which we are all called. By undertaking and accomplishing this task together we can restore balance between First Nations and non-First Nations communities in New Brunswick.

Many First Nations communities across Canada have been engaged in similar reforms and restructuring. Based on experiences here and in other countries, a number of principles have

emerged to guide reform efforts in the area of child welfare. The Assembly of First Nations refers to these as the Touchstone Principles.

I believe that the efforts at reform outlined below will be optimally and successfully achieved if all parties keep the five Touchstone Principles foremost in mind. The first Touchstone Principle concerns self-determination and requires that all reform efforts begin with an acknowledgement that First Nations people themselves are in the best position to make decisions that affect First Nations children, youth, their families and communities. The second principle of holistic response requires that services are provided to the whole child in the context of family and community and that services are responsive to all the child's needs. Furthermore, this principle requires the recognition that these children are First Nations, they are Canadians and they are children of the world. The third principle concerns culture and language and states that child welfare policies and practices are most effective when they are not merely culturally sensitive or adapted but developed and based on the child's own culture and provided, as much as possible, in the child's ancestral or mother tongue. The fourth principle of structural interventions insists upon approaches that help families through crises and address problems such as housing, poverty and addictions while keeping families whole. Finally, the fifth principle of non-discrimination insists that all children, whether First Nations or non-Aboriginal, be treated equally, and requires the recognition that special programs and interventions may be required for children of minority cultural groups in order to achieve true equality of opportunity.

If we can begin anew in New Brunswick, keeping the Touchstone Principles as our guide, we will already have accomplished a great deal. The recommendations which follow are an attempt to put these principles into practice.

The Politics of First Nations Child Welfare

It is helpful to begin by taking a closer look at the history of First Nations child welfare policies and services. In 1876, the *Indian Act* formalized the various existing treaties and proclamations that pertained to First Nations people and became the legislation that outlined the fiduciary responsibility of the federal government for First Nations. The *Indian Act* affected every aspect of First Nations people's lives, including the definition of an "Indian," Band structure and governance, and family and gender relations. In 1951, revisions to the *Indian Act* set out in Section 88 decreed that provincial child welfare laws were applicable to First Nations people, even though legal responsibility and funding for child welfare continued to rest with the federal government.

The provincial *Child Welfare Act* of 1966 rationalized and centralized child welfare services in New Brunswick, replacing the previous system of municipal services and Children's Aid Societies. During the 1950s, 60s and early 70s, provincial child welfare services were available sporadically to First Nation families who were in crisis. Generally, the Province became involved in the later stages of a crisis, when preventive measures were no longer sufficient. As such, the involvement of the Province usually translated into children being taken away from their families and communities.

In the mid-1970s, First Nations communities began articulating their dissatisfaction with the Province's mainstream child welfare services. First Nations communities maintained that their cultural and family traditions would be better served and protected by child welfare staff who came from within their communities. Under the Province's watch, too many children had been taken from their families and placed off reserve, and the generational impacts of the Sixties Scoop and residential schools were beginning to be felt. More and more young parents were faced with child-rearing responsibilities while having lost the reference points and traditional teachings which had been theirs. Alcoholism and drug addiction problems began to deepen.

In 1979, negotiations began which led to the 1983 signing of a master agreement entitled the *Canada-New Brunswick-Indian Child and Family Services Master Agreement* (also referred to as the Tripartite Agreement).

The Residential School System

Residential schools were church-run, government-funded schools for Aboriginal children from ages 5 to 16. The federal government worked with Catholic, Anglican, United and Presbyterian churches to set up this system in the 1870s. The schools' main purpose was to teach Aboriginal students English and to assimilate them into mainstream Canadian society. Aboriginal traditions and cultures were devaluated and students were punished for speaking their Aboriginal languages.

Students endured poor living conditions at the residential schools, where they lived for ten months of the year. Students were provided with poor nutrition, clothing and health care, lived in cold buildings and were made to perform physical labour. Furthermore, many residential school students became victims of emotional, physical and sexual abuse.

There were a total of about 130 schools in Canada, in every province and territory except Newfoundland, New Brunswick and Prince Edward Island. The last residential school was closed in 1996. In 2008, Prime Minister Stephen Harper issued an apology to residential school survivors. Various churches have also apologized for the abuse suffered by students at the schools. Survivors are now eligible for compensation for the time spent at these schools.

This agreement was signed by the First Nations of Big Cove (Elsipogtog), Burnt Church (Esgenoôpetitj), Eel Ground and Tobique, along with the Governments of New Brunswick and Canada. The purpose was to provide a vehicle for the First Nations communities, under individual First Nations subsidiary agreements, to eventually assume full operational control of the child and family services in their communities.

Between 1983 and 1985, eleven First Nations communities signed subsidiary agreements which mandated the delivery of the full range of child welfare services, including child protection, children in care, foster homes and adoption services. In 1994, the last four New Brunswick communities signed a similar subsidiary agreement.

Under this master Tripartite Agreement, the federal government was financial responsible for First Nations child welfare services, the provincial government had a legislative responsibility to ensure that the Bands met the legal requirements of the *Child and Family Services and Family Relations Act*, and the First Nations were responsible for the delivery of child and family services. Within a few years, all New Brunswick First Nations communities signed subsidiary agreements with the federal and provincial governments to establish agencies to deliver these services.

Today, child welfare services in New Brunswick First Nations are provided through eleven child welfare agencies in accordance with the provincial *Family Services Act*, RSNB 1973 c. F-2.2. Most First Nations have their own child welfare agencies, although four of the smallest First Nations share the Four Directions Child and Family Services Agency, which is the only independently incorporated First Nation agency in the province. In this respect, the practice in New Brunswick differs from every other Canadian jurisdiction – elsewhere, First Nations child welfare agencies are independently incorporated and receive their funding directly from INAC, rather than through the Band Councils.

A federal cabinet decision in 1989 changed the federal funding position. A new funding formula, which became known as Directive 20-1 or the Management Regime, was instituted nationally in 1992 to support First Nations child welfare programs. Unfortunately, the formula, which is based on the number of children registered within each First Nation, reduced the amount of funding given to very small First Nations communities, like those in New Brunswick. Of all the First Nations in New Brunswick, only Elsipogtog has a population large enough to benefit fully from this funding formula.

In 1993, the First Nations Chiefs of New Brunswick rejected the Directive 20-1 funding formula. There was growing discontent among the First Nations communities with this formula, with a strong consensus that the services being delivered to First Nations communities were inferior to those offered by the Province to non-First Nations people. Specifically, services such as the

Single Entry Point Program, long-term care for adults, early childhood initiatives and special services for education did not exist in the First Nations communities because of a lack of federal funding.

As a result, a working group was formed in 1993 which consisted of four members representing the three levels of government and two resource people from the federal and provincial governments. In April 1994, the group released *The Report of the Working Group on the Canada-New Brunswick-Indian Tripartite Agreement on Indian Child and Family Services*. The report called for improved communication and accountability among the participants and the necessity of needs analysis to determine the nature and extent of child and family services among First Nations people.

The three largest First Nations in New Brunswick, Tobique, Esngenôpetitj (Burnt Church) and Elsipogtog (Big Cove), formed what is called the Mawiw Council, and the other First Nations formed the Union of New Brunswick Indians (UNBI). In July 1996, the *Canada-New Brunswick-First Nations Family and Community Service Agreement*, also known as the Mawiw Agreement, was signed by the Mawiw First Nations.

Since the 1996 Mawiw Agreement, there have been renewed efforts to extend the Tripartite Agreement, but for the last decade the Province and the federal government have been unable to agree on the scope of services to be funded. In the absence of any umbrella agreement, First Nations communities continue to receive funding based on the Directive 20-1 funding formula through a series of bilateral agreements, renewed annually. As a result, the underlying claims of lack of funding have remained outstanding for the past fifteen years. A number of steps have been taken by INAC to maximize the funding available to New Brunswick First Nations under the existing formula. The Province has shown a willingness to contribute as well, as is evident in its call for this review, but historically, since the mid-1980s, the Province has been more disengaged in First Nations child welfare matters than any or most of its provincial counterparts.

In late 2001, INAC forwarded an official notice of termination of the Tripartite Agreement to the Province. The Province was not and is not prepared to renew a Tripartite Agreement on the basis of the Directive 20-1 funding formula, which it views as inconsistent with good social work practices. The perverse effect of Directive 20-1 is that it actually forces more children into care by increasing funding depending on the number of children in care. For the following three years or more, INAC pushed back the termination notice until the Tripartite Agreement was formally allowed to lapse in 2005. At the time, a technical committee of First Nations child welfare agency directors and leaders had been working on a new streamlined structure to reduce the number of First Nations child welfare agencies in the Province and give them an

independent corporate structure. However, the process floundered after it failed to find support from First Nations Chiefs.

Following the lapse of the Tripartite Agreement, INAC has continued to fund individual Band Councils on the basis of Directive 20-1, but has grouped the agencies into funding blocks of three in order to maximize the dollars available under the formula. In June 2008, a meeting was held with First Nations Chiefs to present the Province's New Directions model for child welfare. It was felt that the Province's new approach to child welfare was consistent with and in fact more progressive than the prevention models that INAC had been supporting in other jurisdictions. From this basis, new discussions towards a renewed Tripartite Agreement, or interim agreement, were initiated.

These discussions were spurred on in part by the new tripartite agreement regarding education. In April 2008, the federal government, the Government of New Brunswick and the New Brunswick Chiefs signed a *Memorandum of Understanding* (MOU) aimed at improving the educational outcomes of First Nations students and closing the gap between First Nations students in Band-operated schools and students in provincial schools. The MOU signified a commitment by all parties to ensure that First Nations youth enjoy the same opportunities as other New Brunswickers by striking a new approach to standards, services and funding. This approach includes implementing school success plans, developing performance measurement criteria, improving service standards, assessing funding options and addressing inconsistencies between education

Jordan's Principle

Jordan's Principle is a child first principle to resolve jurisdictional disputes between federal and provincial/territorial governments regarding payment for government services provided to First Nations children. The principle ensures that when a jurisdictional dispute arises, the government of first contact with the child must fund the service without delay or disruption and the jurisdictional dispute can be resolved later.

About Jordan

Jordan River Anderson was from Norway House Cree Nation in Manitoba. He was born in 1999 with multiple disabilities which required years of medical treatment. After two years in a Winnipeg hospital, his doctors declared that Jordan could return home. However, the provincial and federal governments could not agree as to which level of government would be responsible for the cost of Jordan's homecare requirements. Jordan spent two additional years in hospital while the governments argued. Without ever having spent a day in his family's home, Jordan passed away in 2005.

on and off reserve. Further, New Brunswick has become the first province in Canada to take a new funding approach to First Nations education in an effort to close the achievement gap between First Nations and non-First Nations students. This includes investing fifty percent of the tuition fees paid by First Nations communities to the Province into culturally appropriate programs for First Nations students.

In May 2009, an MOU was prepared which was aimed at consolidating the willingness of all sides to reach a new Tripartite Agreement in relation to First Nations child welfare, but nine months later the parties had still not executed the MOU or come to any agreement. As all these debates have dragged on in New Brunswick, similar claims have been advanced by First Nations child welfare agencies in other provinces and territories. In February 2007, the First Nations Child & Family Caring Society of Canada, a national advocacy group for First Nations child welfare, commenced a federal human rights challenge alleging the systemic underfunding of First Nations child welfare by INAC. The Canadian Human Rights Commission accepted jurisdiction over the complaint and scheduled a hearing for September 2009, but the hearing dates were postponed to November 2009 and more recently to January 2010. Suffice it to say that the challenges facing New Brunswick First Nations children are shared by their First Nations peers across Canada, and any progress in resolving these issues has been slow in coming, plagued by fractious negotiations that are highly political and adversarial.

* * *

When one reviews the saga of these lengthy, plodding federal-provincial-First Nations negotiations against the backdrop of rampant rates of teen suicides, Fetal Alcohol Spectrum Disorder, youth incarceration and low scholastic achievement, it is hard to escape the conclusion that what is happening here is a Jordan's Principle scenario played out on a systemic scale. In my view, each level of government, First Nations, provincial and federal, bears equal responsibility for the quandary in which First Nations children find themselves, and all levels of government should act quickly to implement the recommendations which follow.

I turn now to the new child welfare structure which I believe must be put into place. Table I provides an overview of the existing organizational structure for child welfare service delivery and Table II shows a concept chart for the new service delivery model which is recommended herein. I will deal first with the agency structure and the proposed New Brunswick First Nations Child and Family Services Office and its governance models, and then set forth some recommendations in relation to funding and accountability before turning to operational matters such as protocols, training, information systems and standards compliance.

* * *

Table I

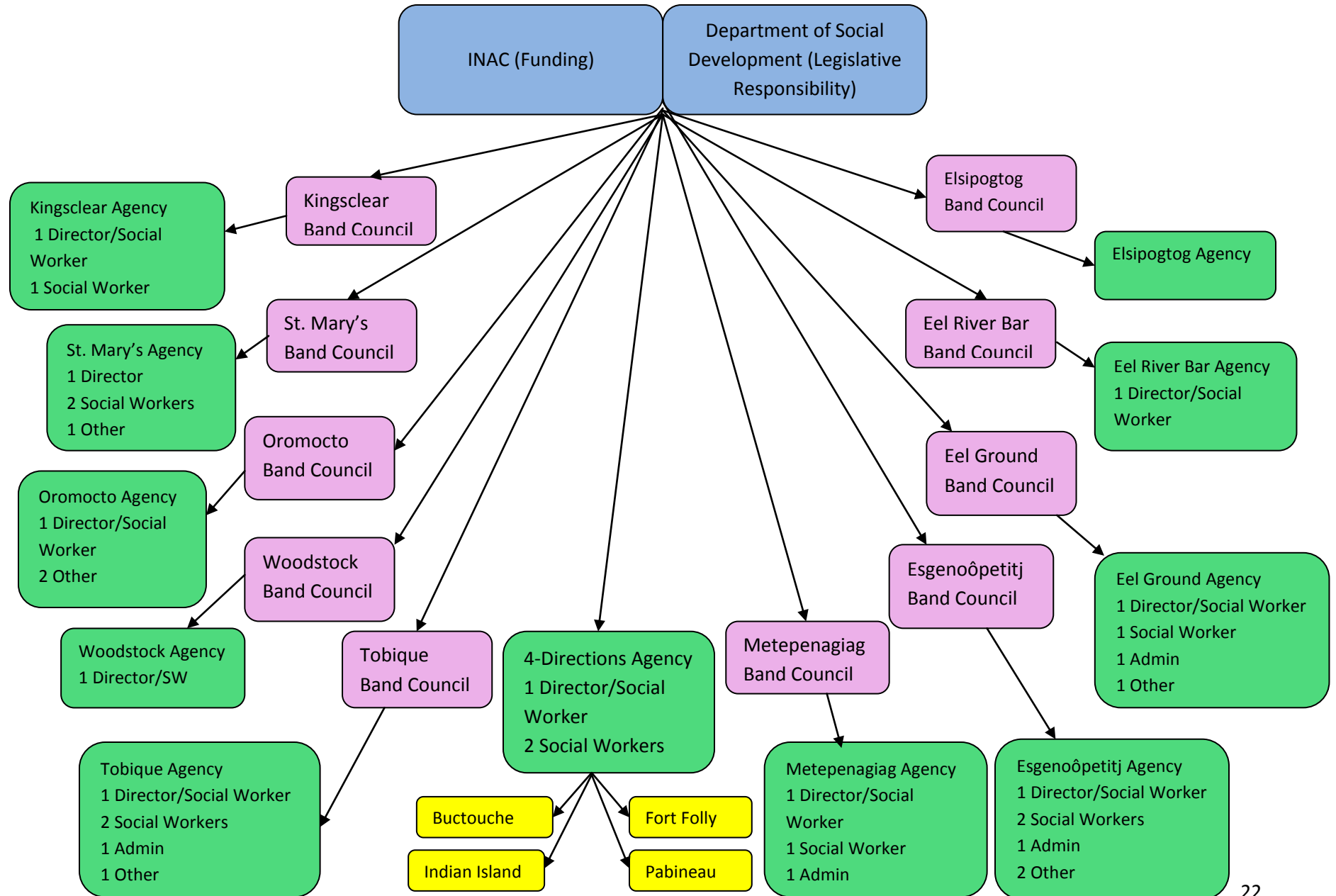
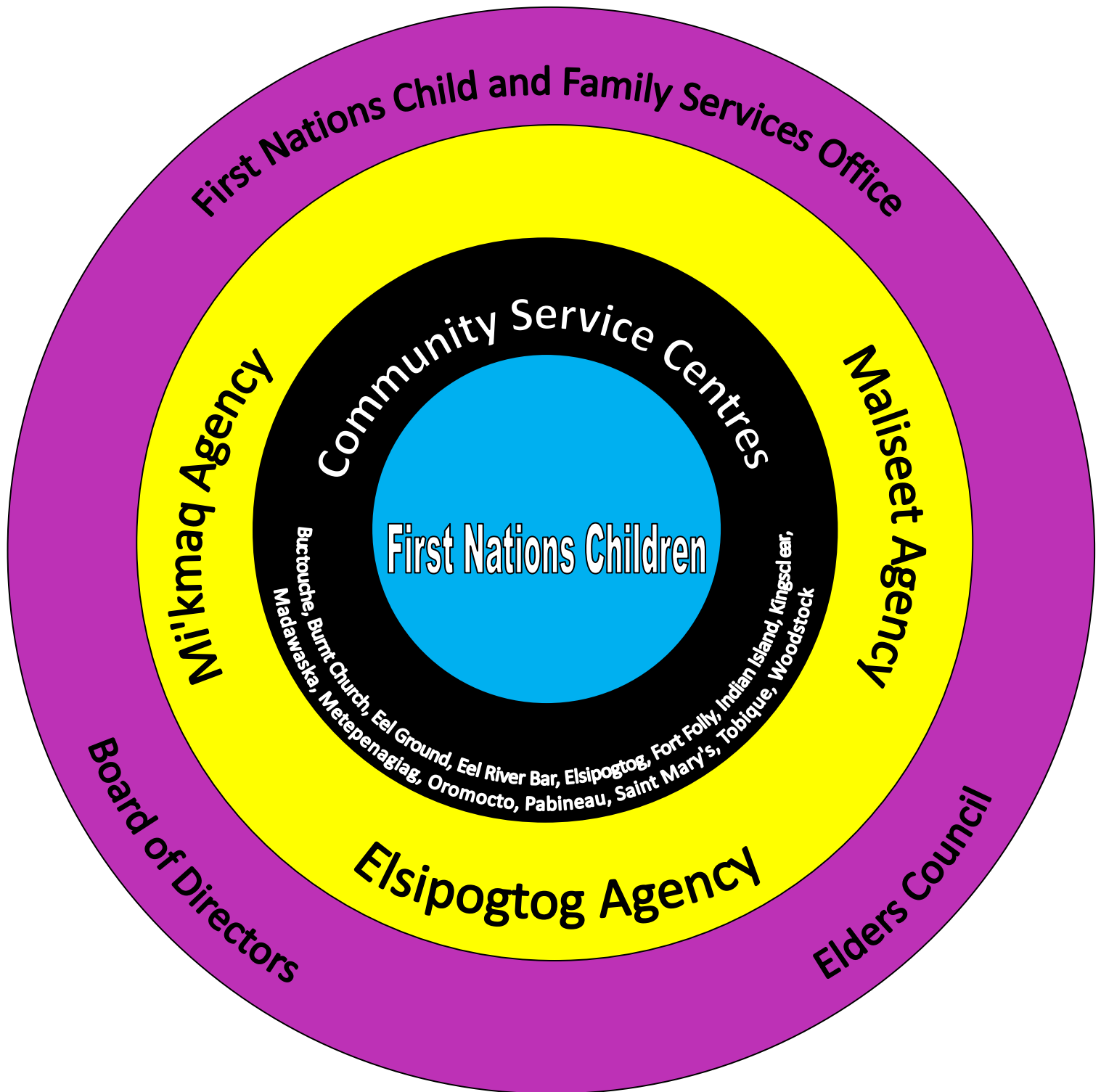


Table II



Kendra admits she was a bit of a handful as a teenager. When she was fifteen she became pregnant, and her mother forced her to move out of their house and in with her grandmother. She was not ready to be a mother at fifteen, and did not care that she had a child. After giving birth, Joanne, the Director of the Four Directions Child and Family Services Agency, became involved, and Kendra agreed to sign over her parental rights to her grandmother.

Shortly after, she moved to Oromocto, but Child and Family Services kept in contact with her. In Oromocto, she lived with a man who was in the military, and at eighteen she gave birth to a second child. With the birth of a daughter, Kendra realized she wanted her son back, and with the support of Joanne at Four Directions, she was able to regain custody.

The family then moved with her partner to Alberta. Unfortunately, the relationship with her second child's father was very abusive, and she knew that for her children's sake, if not her own, she needed to leave. Since her home community could not provide her with housing given her earlier decision to move out, Child and Family Services intervened again and with her family's help found an aunt who was willing to take in Kendra and her children. She was then able to leave her abusive relationship, and with her two small children in tow, she rode the bus back home across Canada.

When Kendra got back, Joanne did regular home visits. She helped Kendra set goals and meet them. Kendra finished her G.E.D. with financial support from the Band Office, and then completed an early childhood education course, with babysitting services arranged through the Four Directions Agency. Joanne asked Kendra if she would help launch a Head Start program in her small First Nation community, thereby allowing her to use her training. Joanne found funding to assist the Head Start program and a house was donated so that the kids could have proper facilities. There are currently three children eligible for this service and they come to Kendra's program every day.

The training and constant support provided by the Four Directions Child and Family Services Agency allowed this woman more than just an education and job security. Kendra says it also gave her an understanding of what she needed to do for her children and made her realize how much hurt her eldest son had felt when she abandoned him. She was given the tools to work to restore that relationship, for the sake of her son, herself, and her community. Her own blunt assessment was that without Child and Family Services and Joanne's constant support, her life would have gone nowhere: "I would have been thirty, with no children in my care and no hope for my future."

The portrait provided above is just one of many stories of lives improved or made whole through the intervention of child welfare agencies in New Brunswick's First Nations. In the regional offices of Social Development, much of that same good work is done in other parts of the province. The problems which arise in individual families in First Nations communities are no different than those affecting other families in other communities. The difference, as stated above and which bears repeating, is that until twenty-five years ago there were no community-based services in First Nations communities. Child protection workers or social workers rarely showed up and when they did it was only to take a child out of their community and into protective custody. Today all that has changed, as First Nations have their own child welfare agencies. Some communities have very few children in care while others have far too many. But the children who are taken into care are almost invariably placed and cared for within their own community, in a kinship placement, or in another First Nation community.

Social workers providing child protection services have one of the most challenging jobs imaginable. I want to pay tribute to the dedicated efforts of these social workers and the other staff members of the First Nations child welfare agencies who have committed themselves wholeheartedly to their work in spite of its very high demands. But as much as the situation today is an improvement over the services available twenty-five years ago, my overwhelming sense is that there is still a great deal of room for further improvement.

I note, for instance, that in the course of my own brief six-month review, a number of the small First Nations child welfare agencies have seen significant staff turnover. This is nothing new. For example, it has been almost impossible in the past several years to retain social work staff in small agencies such as the ones in Woodstock and Oromocto First Nations, where the social workers are often the only ones in the office and are expected to handle all the cases, run the office, manage the budget and reporting processes without any relief or clinical support. The number of children in these communities simply does not justify a larger staff allotment or budget under the existing funding formula, but it's an impossible job for one, two or three people to manage without any support, given the demanding caseloads.

By way of contrast, communities the same size and smaller receive adequate services from the Four Directions Child and Family Services Agency which may have only a part-time social worker in each community or one social worker divided between two communities. However, with one Director and two social workers on staff, Four Directions can share the workload, manage smarter and provide relief work and support where the case or situation warrants it. Four Directions has also had a very low staff turnover rate in the past twenty years, and this has allowed social workers to develop strong and lasting relationships with the clients and communities they serve. Four Directions has been able to plan and expand service offerings through Head Start and daycare programming and to take a coordinated approach to child

welfare service delivery in the four communities it serves. Because of these successes, Four Directions Agency stands out as a model for service delivery in the province.

Four Directions is run by a Board of Directors made up of the Chiefs of the four First Nations it serves. There have been no problems of political interference. The Agency receives its funding directly from INAC and does not have to defend its budget to the different Band Councils. Unfortunately, our review has learned that in several other First Nations, Band Councilors have at times questioned child welfare interventions and have tried to use their funding power to exert influence over the provision of care. In other cases, dollars targeted for child welfare agencies have been spent on entirely different purposes. The lack of financial accountability in one community led INAC to place the agency under third party management. INAC and the Province worked collaboratively to transfer service delivery in this community to the Minister of Social Development.

Three Agencies Supported by One Office

My first recommendation is consistent with what agency directors have been recommending for several years and also with what INAC and the Department of Social Development have agreed to in principle. It is aimed at spending less money on small isolated agencies and at rationalizing the administrative and supervisory functions so that the funding can be used to support more frontline social workers at the community level. These goals can be accomplished by reducing the number of agencies from eleven to three and by coordinating agency funding and services through a New Brunswick First Nations Child and Family Services Office.

Out of respect for the cultural and linguistic differences that exist in New Brunswick's First Nations, it only makes sense to coordinate child welfare services through separate Mi'kmaq and Maliseet agencies. Moreover, given the political and demographic weight of the Elsipogtog First Nation, it also makes sense for the agency there, which is by far the largest agency and is already well-staffed, to remain as a stand-alone agency. In time it may be that greater coordination in services between the Elsipogtog agency and the Mi'kmaq agency will make apparent the efficiencies which further coordination of services could secure. However, for the time being, a three agency structure is the most effective and politically expedient vehicle for change. At the same time, the establishment of a First Nations Child and Family Services Office will ensure that all agencies offer the same quality of service, that any conflicts of interest are dealt with effectively and expeditiously and that all agency staff members benefit from the same compensation, benefits, working conditions, training, clinical supervision, case management systems and information system supports.

Beyond these rudimentary operational considerations, it is critical that sufficient start-up funds be made available to allow the existing eleven agencies to be blended into three while maintaining adequate community-based services. In some of the current agencies, it is plainly apparent that their current offices are inadequate settings for professional social work services. For example, in Oromocto, the financial services staff, the support staff and the social workers share a common room. When a social worker needs to speak privately with a client, they must take the client outside to sit in their car. The Minister of Social Development must ensure that all social workers delivering services in First Nations communities have adequate facilities in which to meet their clients and assure them ethical, professional and confidential services.

A transition plan will be required to address the numerous human resource issues which service delivery changes of this magnitude will entail. Every effort should be deployed to retain institutional knowledge and expertise while at the same time providing a plan for succession planning and the rejuvenation of agency staff. Currently, a number of agency directors, who possess the entire institutional history of First Nations child welfare in the province, are nearing retirement. The transition plan needs to ensure that this wealth of experience is used to maximum benefit and that a succession plan is put in place to ensure the required knowledge transfer. At the same time, the transition plan must be aimed at recruiting specialized First Nations child welfare experts at the community service level and at ensuring that the desired ratios between administrative, financial and management supports and frontline professional staff are achieved with minimal job losses or adverse impacts within communities.

In the appendix to this report, I have provided a roadmap which sets out milestones aimed at all levels of government for implementing these recommendations. The transition process should be managed by a core team of individuals who would not be considered for recruitment or retention to the Office, but who would be retained instead by a tripartite panel on the basis of a competitive bidding process and their recognized expertise in change management. This approach would reduce the start-up time and best ensure that the transition operates as smoothly as possible.

RECOMMENDATIONS

- 1. It is recommended that the eleven existing First Nations Child and Family Services Agencies be reduced to three Agencies and federated under one New Brunswick First Nations Child and Family Services Office that is recognized by INAC and is given responsibility to carry out functions by First Nations governments under the *Family Services Act*, and that the eleven existing First Nations Child and Family Services**

Agency offices should continue to operate as Community Service Centres where frontline social work services are delivered.

- 2. It is recommended that the services offered by the Office and the Agencies emphasize preventative programming, such as culturally-based parenting courses and workshops, early childhood initiatives, Fetal Alcohol Spectrum Disorder (FASD) and pre-natal health, addictions, caring for difficult, mentally ill or addicted teens, domestic violence, and exposure to such within the family home, taking into account the primary risk factors of poverty, poor housing and substance misuse.**
- 3. It is recommended that the Office and the Agencies adopt mission statements and internal guidelines to ensure that First Nations social work practices, approaches and values are reflected and embodied throughout all programs and services.**
- 4. It is recommended that a transition plan allow for start-up costs associated with the establishment and refurbishment of the Office, the Agencies and the Community Service Centres, and that the Office take measures and is funded adequately to provide safe, ethical and confidential work environments for all staff and clients.**
- 5. It is recommended that the transitional human resource plan be developed for the redeployment of existing agency staff and that existing agency directors and supervisors be recruited to serve as directors or clinical leads who deliver specialized services (such as legal adoptions, custom adoptions, custom care and Family Group Conferencing) at the Office or Agencies.**
- 6. It is recommended that a transitional human resource plan be adopted which maximizes the number of frontline social workers at the community level.**
- 7. It is recommended that the human resource plan place emphasis on the recruitment and retention of qualified First Nations social workers to provide clinical supervision and frontline services.**

A New Brunswick First Nations Child and Family Services Office

The establishment of a First Nations Child and Family Services Office that is run and led by First Nations people is the lynchpin of this report. Many of the benefits that will flow from the implementation of the recommendations in this report stem from this recommendation.

Currently, most First Nations child welfare agencies in New Brunswick operate with little clinical support, limited planning, accounting or reporting services, and are mainly involved in reactive crisis management interventions rather than prevention-based services. Most agencies do not have automated case management systems or any of the report-generating functions that these can support. Working in isolated, stand-alone agencies, staff do not benefit from the cross-learning that could be happening between agencies. They also often lack the time and resources to work effectively with other agencies or partners within the community in multi-disciplinary interventions.

The New Brunswick First Nations Child and Family Services Office can take on many of the administrative functions which are currently duplicated in each of the eleven agencies. Most of these functions can be provided at far lesser cost by using systems and hardware made available by the Province of New Brunswick as a service to the First Nations Office and its agencies. This will achieve efficiencies which can be directed to frontline social work services and will help ensure that the Province commit itself to a new level of engagement and participation. In this way, the Band Councils, the Province and INAC can make certain that First Nations children enjoy the equal protection and benefit of all child welfare laws in New Brunswick.

The Office would be the single authority reporting to INAC on behalf of all Child and Family Services Agencies and Community Service Centres in the province. The Office would determine the budget for each agency, based on plans of establishment and uniform pay scales consistent with provincial rates of pay. Average caseloads and case complexity are also factors which must be considered in establishing the appropriate staffing complement to guarantee comparable service delivery. Moreover, the Office would ensure that all staff members are properly accredited by their professional association, that they enjoy the benefits of membership and that they receive adequate pension and other employee benefits, including access to an employee and family assistance program. While many of the conflicts of interest which currently arise in small agencies could be addressed at the agency level, the Office should also retain some capacity to organize relief workers and supervisors as circumstances warrant.

Beyond these administrative efficiencies, the reform which existing agency staff and First Nations leaders have identified to me as feasible and desirable would include a coordination of certain specialized services. For instance, adoption services in First Nations communities

require a specialized knowledge of child welfare and First Nations customary practices. These services, while not uncommon, are significantly specialized and could best be delivered throughout the province by a senior First Nations social worker who would work out of the Office.

The regional offices of Social Development benefit from the legal advice and services of the Office of the Attorney General of New Brunswick. Currently, social workers at the First Nations child welfare agencies have no ready access to specialized legal advice. Given the complexity of their cases and the nature of the reporting relationships between the child welfare agencies, Band Councils, the Department of Social Development and INAC, it would in my view be appropriate for the Office to retain the services of an in-house legal counsel with specialized knowledge of children's law, Aboriginal law and corporate governance. This officer could also take a lead responsibility within the Office for developing privacy and security policies, and establishing, maintaining and revising operational protocols, Office and Agency by-laws and other internal governance guidelines.

Additionally, it is critical that the Office and each of the Child and Family Services Agencies be supported by a program development unit within the Office which would help the Agencies leverage existing and planned investments from public, private and not-for-profit partners. Currently, none of the existing agencies have any capacity in this regard, and it is essential that this capacity be developed if child welfare services are to move successfully towards a prevention-based model. Dedicated resources are needed to undertake this kind of development work, and while it would not be feasible to do so in eleven agencies around the province, INAC funding should allow for a small unit within the Office to take on this work.

Finally, it is essential, if this new direction in First Nations child and family services is to succeed, that the Office be staffed with clinical leads and First Nations social work experts who will ensure that Agency and Community Service Centre staff members take a proactive lead in delivering preventative, culturally-based services to First Nations children and their families.

If this revised service delivery structure can be implemented, the stage will be set for First Nations communities to take full ownership of child and family service delivery. In the end, that must be the goal: a day when all services under the *Family Services Act* are provided through the Office and its Agencies and Community Service Centres. Eventually, First Nations can aim for self-sufficiency and not be dependent on INAC funding for these supports. Madawaska First Nation already provides eighty-five percent of its total budget from Band-generated revenues. But before this level of self-government and self-sufficiency can be achieved in New Brunswick First Nations, INAC must agree to fund all the services for New Brunswick First Nations families that other families in the province receive from Social Development.

RECOMMENDATIONS

8. It is recommended that a New Brunswick First Nations Child and Family Services Office be established to provide culturally-based training, specialized services (such as adoption services and legal services), policy development, clinical support, accounts payable, human resource functions, peer reviews, quality assurance, records keeping, central payroll services and a case management system to the Agencies.
9. It is recommended that the Office be given a clear mandate, authority and adequate resources to deliver all child-related services under the *Family Services Act* within First Nations communities in New Brunswick.
10. It is recommended that the Office establish a budget and plan of establishment for each Agency with salaries and benefits based on the provincial scale and which take into consideration the caseload demands and particular working conditions within the First Nations Agencies.
11. It is recommended that the Office recruit expert First Nations social workers to provide specialized clinical supervision and training services to ensure that traditional First Nations practices, values, beliefs and healing practices are available in all Agencies and integrated into service and program delivery options as well as communicated and available to any collaborating provincial staff.
12. It is recommended that the Office retain the capacity to provide relief services in any of the Community Service Centres and to coordinate staffing to address issues of caseload demands, training, extended leave and conflict of interest situations.
13. It is recommended that INAC funding allow for at least one Development Officer within the Office, who would work to maximize child welfare development and funding opportunities from federal and provincial departments and agencies and to foster collaboration with the not-for-profit and private sectors.

Three Child and Family Services Agencies

In my view, the three Agencies should be the institutions primarily responsible for child welfare service delivery. Frontline social work would continue locally at the Community Service Centres, but the clinical supervision, file management and day-to-day operations would be run from the Agency. This will provide professional staff with more support and lower caseloads by redirecting resources to the frontlines of service.

Currently, the eleven agencies operate with a total staff complement of forty-two full-time equivalents. Twelve of these positions are administrative positions, ten are supervisory or managerial positions and only twenty (less than half) are frontline social workers. Some agencies currently operate with one director, one supervisor, one social worker and one or two administrative supports. First Nations children simply cannot afford this much bureaucracy in such small agencies. With the same amount of funding, fully two-thirds of the existing staff complement could be made up of frontline social workers, and new funding should allow for the hire of additional resources in both managerial and frontline positions. This will also result in the creation of more positions for university-trained First Nations professionals.

The Child and Family Services Agencies must operate within their own budgets which may be augmented by individual Band Councils. The budgets should be determined and distributed by the Office, which would receive directly all the federal funds targeted for First Nations child and family services. While it is expected that the federal funding envelopes should be determined upon the basis of a new prevention-based model, the separate funding currently available for New Brunswick First Nations Head Start programs would be subsumed within this envelope. It is therefore critical that adequate transitional plans be made to ensure that the early childhood initiatives and programming now available be allowed to continue and be improved in conformity with the new prevention-based approach.

While accounting and human resource functions will be provided by the Office, the issuance of maintenance cheques and other accounts payable functions should be retained, as much as possible, at the Community Service Centres. This would require adapting the Province's NB Families case management system, which offers the functionality of an integrated payments and reporting process, to the Agency offices.

RECOMMENDATIONS

14. It is recommended that each Agency oversee within its region child protection services, on-call intake services and early childhood initiatives and programs, and expanded services to families.
15. It is recommended that each Agency be administered by a Director who would be responsible for the Agency's day-to-day operations and the clinical supervision of its frontline social workers, supported by a senior social worker for relief purposes.
16. It is recommended that the Agencies receive funding through the Office, but that the Agencies' budgets may be augmented by individual Band Councils for community-targeted services and programs.
17. It is recommended that the Community Service Centres produce payment cheques for clients and suppliers through an adapted roll-out of the NB Families case management system.

Community Service Centres

One of the greatest strengths of the existing New Brunswick First Nations child welfare service delivery model is that it is one of the most decentralized systems in Canada: it offers the advantages of having local service delivery points where social workers, who themselves frequently live within the community, provide services. Social workers and community members alike have praised the proximity and accessibility of services that this model offers. Although this may present challenges when conflicts of interest arise (as may often be the case in small communities), these drawbacks can be accommodated by the Agencies and the Office. Having social workers who deliver services from Community Service Centres but who are administered on a regional and provincial basis is a system that offers the access and personal levels of service available in the current model, while improving a host of system supports and quality controls.

RECOMMENDATIONS

18. It is recommended that frontline child and family social work services be delivered at Community Service Centres in New Brunswick's First Nations communities.

Governance Models for the Office and Agencies

One of the critical aspects of the proposed reform is to ensure solid and reliable governance models for the First Nations Child and Family Services Office and Agencies. The Touchstone Principles are a helpful reference in considering the criteria for successful governance of these institutions, and I have also found it helpful to consider the recommendations from the Canadian Institute on Governance, which has compiled a great deal of helpful advice on Aboriginal governance. Similarly, the United Nations Development Programme has placed great emphasis in recent years on promoting good governance practices the world over and Canadians have been leaders in this field. Encouraging work is also emerging from Canadian authors with respect to the intersection between United Nations governance models and traditional Aboriginal governance theory.

My clear recommendation is that Mi'kmaq and Maliseet child welfare experts must direct and operate the child welfare structure proposed herein. The governance model I have proposed below seeks to recognize the roles of Elders and Band Chiefs as guarantors of good governance and to acknowledge that all levels of government have a role to play in ensuring effective First Nations child welfare, as do professional and voluntary associations. These governance bodies should provide policy level advice to the Office and Agency staff while recognizing the Director or Executive Director's central role in guiding the day-to-day operations of the institution.

RECOMMENDATIONS

- 19. It is recommended that each of the Agencies be supported by an Advisory Council constituted as follows: the First Nations Chief (or their delegate) of any First Nation served by the Agency; a representative who is an accredited social worker with experience in First Nations communities named by the New Brunswick Association of Social Workers; and a representative named by the Minister of Social Development to be chosen from among the regional directors of Social Development services in whose region the Agency operates.**
- 20. It is recommended that the Agency Director serve as the Secretary to the Advisory Council.**
- 21. It is recommended that each Advisory Council meet no less than twice annually to provide advice and offer outside expertise to the Agency Directors on policy matters, quality assurance, community needs and scope of services.**

- 22. It is recommended that the Office be legally incorporated and report to a Board of Directors consisting of twelve members constituted as follows: three First Nations Chiefs named by the three Advisory Councils; three First Nations representatives named by the three Advisory Council Chairpersons on the basis of their expert knowledge and demonstrated commitment to First Nations child welfare; one member named by the Minister of Social Development; one member who is an accredited social worker with experience in First Nations communities named by the Minister of INAC; one member who is an accredited social worker with experience in First Nations communities named by the New Brunswick Association of Social Workers; one member named by the College of Psychologists of New Brunswick; one traditional Elder designated by the Elders Council; and one member named by the provincial Child and Youth Advocate.**
- 23. It is recommended that the Office's Executive Director serve as the Board of Directors' Secretary.**
- 24. It is recommended that the Board of Directors meet on a regular basis to provide direction and advice to the Agency Directors on policy matters, quality assurance, community needs and scope of services.**
- 25. It is recommended that the Office establish an Elders Council comprised of up to six traditional elders, two chosen by each Advisory Council who have a demonstrated and recognized expertise in child welfare matters. It is recommended that the Elders Council convene at least twice yearly to provide guidance, information and direction on cultural practices to the Office.**
- 26. It is recommended that the Office's Annual Report be published by August 31st of each year and be forwarded by the Board of Directors on that date to the fifteen First Nations Band Councils, to the provincial Minister of Social Development and to the federal Minister of INAC.**

Accountability for Child Welfare Service Delivery

Nancy, a non-Aboriginal woman, and her two non-Aboriginal children, Shane and Ryan, were living with an Aboriginal man named George in George's First Nation community. There were concerns about the children and the First Nations child welfare agency received several referrals concerning the family. The agency had no choice but to remove the children from the home. Shane and Ryan were placed with their maternal grandparents who lived off-reserve.

The Department of Social Development was notified of the situation. The Department declined to provide services to the mother as she was living on reserve, but agreed to provide services to Shane and Ryan, who were now living off-reserve. The First Nations child welfare agency conducted a Provisional Home Assessment and approved the grandparents' home. However, the Department of Social Development did not acknowledge this and repeated the entire process.

The First Nations child welfare agency provided Shane with a youth support worker to help teach him how to manage his behavior at school and at home. The support worker also worked on the Shane's self-esteem, disregard of others, and his disrespect to authority figures. Shane's family reported great improvements in his behavior and attitude.

As the First Nations child welfare agency only receives funding for on-reserve First Nations children, they received no funding for Shane and Ryan's placement or the youth support services provided to Shane. Despite the agency's protests and the case plan they developed, the Department of Social Development refused to continue Shane's youth support services. As a result, Shane's youth support services were cut off and he lost one of the few positive relationships in his life.

The First Nations child welfare agency estimates that it devoted 200 social work hours, 60 administrative hours, and 50 of the Director's hours to this case over the span of three months. The financial cost for providing the services (not including staff costs) was over \$8,000, and the agency received no reimbursement from the Department of Social Development or INAC. Despite this, the agency continues to provide services to Nancy, because as a non-First Nations woman living on-reserve, the Province will not provide services to her.

With the establishment of three Agencies supported by a coordinating Office under the direction of a Board of Directors, the principle guarantees of independence and quality control will be in place. However, a number of additional measures are needed to help ensure that as

First Nations child welfare moves forward, the Department of Social Development, the Band Councils and INAC all recognize the critical roles they must play as continual supports to the Office and as external guarantors of First Nations child welfare.

One of the main drawbacks of the current First Nations child welfare system is the approach which I have described above as a systemic Jordan's Principle scenario, where various levels of government negotiate endlessly while a generation of children in need waits. Tripartite Agreement renewals and the seemingly endless starts, stops and stalls that they entail add no value to child welfare outcomes. The rules must be determined and the parties involved must agree to stop changing them. Although the rules may have to be revisited periodically as Canadian First Nations move towards greater levels of autonomy and self-rule, we must move away from a three- or five-year cycle of agreements on issues as fundamental as child welfare and educational services. First Nations communities need more permanent guideposts and relief from a never-ending cycle of negotiation. If permanent agreements about child welfare cannot be reached, then we must aim minimally for a ten-year agreement with a straightforward renewal process and a clear indication of what items should be up for review in the next round.

Many agency staff and community members have indicated that the First Nations child welfare agencies, although not funded to provide services to clients other than those aged eighteen and under, do in fact provide a variety of services and supports to many other community members facing crises. There is currently no funding base for these services and this constitutes a drain on the already thin resources available to children and youth. The new proposed Child and Family Service Agencies are best positioned to provide such services and INAC and the Department of Social Development should develop means for ensuring that the Agencies are adequately funded and mandated to provide all services guaranteed under the *Family Services Act*.

Moreover, the problem of funding for status children living off-reserve and non-status children living on-reserve needs urgent resolution. Currently, INAC funds the agencies based the number of status First Nations children living on reserve. However, the agencies are required to provide services to other children living in their communities without any additional funding from the Province or INAC. Either the federal or provincial government is much better equipped to assume this financial burden. Furthermore, operational protocols exist between the agencies and the Province whereby status First Nations children living off-reserve can request services from a First Nations agency. It makes sense that First Nations children, wherever they live, who express a need or desire for social welfare interventions based on their customary practices and norms, be reasonably accommodated. There are several ways of resolving the issue, but the present stalemate which has played out over the past twenty years is no longer acceptable.

The Province of New Brunswick, through its Department of Social Development, can provide great leadership on this issue by stepping up to the table with a modest investment comparable to those of other provinces, and by supporting many of the functions which the Office needs to provide to its Agencies. The Department of Social Development also needs to do more to integrate its regional service delivery teams and training programs with First Nations Agencies and to train and orient all Department staff to the particular challenges of First Nations social work practice.

New Brunswick has given its provincial child welfare services a new direction which is far more preventive in outlook than any other approach being used in Canada. INAC must help ensure that the benefits of this approach reach First Nations children, which will require a new level of investment. It is also critically important that advances in prevention-based services, which New Brunswick First Nations pioneered with their Head Start programs, be allowed to continue and expand. Transitional funds will be required so that these programs are supported while the overall funding program changes. Other prevention-based programs will need to be reinforced and funded, such as the Family Group Conferencing program, which is a key component of the province's New Directions strategy, and programming which provides dental, optical and pharmaceutical care for complex needs children.

The largest challenge ahead is undoubtedly one which must be shouldered by the First Nations' leadership. If meaningful progress in First Nations child welfare is to be made, the underlying determinants of wellness for children in these communities must be addressed. Every level of government needs to participate, but direction and ownership of these challenges and solutions must come from the First Nations leaders themselves. I urge First Nations leaders to work with Elders and the proposed First Nations Child and Family Services Office to establish guidelines by which to assess child welfare services and programs and to ensure that they are culturally-based.

RECOMMENDATIONS

- 27. It is recommended that the Office support the First Nations Chiefs and Councils in finalizing a renewed and permanent Tripartite Agreement on child welfare and for coordinating or implementing any changes or amendments to the Agreement in future years.**
- 28. It is recommended that the permanent Tripartite Agreement reflect 1) the federal government's role in funding child welfare services; 2) the province's role in ensuring fair and equal application of the *Family Services Act* through the Office and its**

Agencies as the Minister's delegates; and 3) the role of First Nations in delivering quality services in their communities through the Office and its Agencies in a manner consistent with the ultimate goal of promoting self-government and First Nations management and control of child welfare services, and in accordance with provincial legislative standards.

29. It is recommended that the Office, INAC and the Department of Social Development reach an agreement prior to January 2011 on funding arrangements for any services provided to non-status children on reserve and status children off-reserve.
30. It is recommended that the Department of Social Development support the Office by inviting Office and Agency Directors to its Directors' meetings, by assuring the clinical direction and peer review at the Office level, by supporting the NB Families case management systems and online library in all First Nations Agencies, by providing central payroll services, by supporting the evergreening of the Office's and the Agencies' computer systems and by offering IT support.
31. It is recommended that the Department of Social Development create a First Nations Child and Family unit within the department with a director and sufficient staff, with hiring preference given to accredited social workers with experience in First Nations communities.
32. It is recommended that the First Nations Chiefs reinforce the community efforts made in recent months to promote child welfare by investing appropriately in recreational services for children, by establishing benchmarks for annualized spending on programs and infrastructure to support healthy child development, by continuing and improving public education campaigns to reduce substance abuse, by continuing efforts to reduce violence against women and children and by promoting the active involvement of women in First Nations leadership and governance.
33. It is recommended that First Nations Chiefs fund an annual award program to recognize excellence in First Nations child welfare programming and healthy child development.
34. It is recommended that the Office's Board of Directors establish a Working Group in conjunction with the Elders Council, the Department of Social Development, Health Canada and INAC to preserve and enhance the cultural responsiveness of the First

Nations child welfare system and to develop benchmarks for assessing the cultural appropriateness and responsiveness of the services provided.

- 35. It is recommended that INAC develop a new funding arrangement for child welfare services in New Brunswick First Nations which recognizes the Province's New Directions strategy and singular commitment to preventive approaches. It is recommended that the overall funding for First Nations child welfare be increased under this new funding arrangement and that these funds be targeted and forwarded through the Office to ensure their expenditure in prevention programs keeping in mind key indicators of poverty, poor housing and substance abuse.**
- 36. It is recommended that the transition to the Enhanced Prevention model be phased in to minimize any disruption of services to children and to ensure continuation and expansion of early childhood initiatives and services now available in First Nations communities.**
- 37. It is recommended that the Department of Social Development extend the Family Group Conferencing model so as to accelerate and promote its adoption and implementation by the Agencies, and that the Office hire First Nations coordinators dedicated to Family Group Conferencing.**
- 38. It is recommended that the Non-Insured Health Benefits (NIHB) program, the Government of New Brunswick, INAC and Health Canada work out a protocol for the provision of dental care, medication and optical care for First Nations children with complex needs.**

Child Welfare Standards, Operational Protocols and Outcomes

The Provincial Child Welfare Standards document outlines policy and procedures for social workers delivering child welfare services. For the most part, these standards are considered to be "minimum and mandatory": they typically describe what is to be done, the minimum timeframe for completing the activity, and prescribe a format to be followed. Attention is paid to how critical decisions are made and who should be involved. Occasionally, the standards will also provide "helpful information" boxes, which are not mandatory, but which provide valuable information to assist the social worker or supervisor.

Since 1993, the First Nations Child and Family Services Agencies have had their own culturally-based standards. The provincial standards and the First Nations standards are quite similar: they are both comprehensive 300-page documents that touch upon every aspect of child and family social work practice. The First Nations standards were revised in 2004 and approved by the Agency Directors, the Band Councils and the Minister of Social Development. However, with such a complex approval process, it has been a challenge to keep the First Nations standards consistent with the evolving best practices in the provincial standards. During the same timeframe, the provincial standards have been updated several times, and social workers in First Nations report that they have to use both sets of standards in order to provide professional services. The nearly unanimous advice we received from frontline social workers was that the two sets of standards should be combined into one uniform set of provincial standards that are culturally-based and differentiated according to the particular client and their needs.

Several experts have suggested that maintaining a separate First Nations set of standards is consistent with the principle of self-governance and is an important mechanism for developing child welfare services that are accepted and embraced by First Nations communities. However, the First Nations standards are not so significantly different that they warrant full duality in child welfare services. Experience suggests that this approach sacrifices continuous learning and development among First Nations child welfare professionals in the name of First Nations sovereignty. I am not convinced that First Nations children are best served by this approach and I am encouraged in this view by most of the frontline social workers in First Nations communities with whom I have spoken.

It would, however, be a significant step backwards if First Nations social work merely fell in line with existing provincial standards which are not culturally-based or, by most accounts, culturally sensitive to any significant degree. The best way forward is for the Office, in partnership with the Department of Social Development, to develop revised provincial standards which incorporate First Nations practices. Moreover, any future additions or modifications to the standards or legislation should be filtered through a First Nations child welfare committee to ensure that the standards continue to evolve in a culturally-based manner. INAC should also be part of the standards review process, since it has its own practice standards which provide First Nations children with access to services and programs to which provincial standards would not normally direct them.

Operational Protocols

Our review considered the existing Operational Protocols in place between the First Nations child welfare agencies and the Department of Social Development, which have been in place for many years to help improve the interface between the two service systems. The Operational Protocols were jointly developed and signed off by all First Nations child welfare agency directors and Social Development regional directors, and are periodically updated. Currently, the Operational Protocols are detailed in a five-page document, last updated in 2006, which addresses issues such as: determining who serves a case (and exceptions to the usual rule); procedures for transferring open cases between the two service systems; procedures for allowing First Nations and Social Development offices to access each other's placement facilities, such as foster homes and group homes; agreements and service exchanges regarding after-hours services (including the provincial After Hours Emergency Social Services); information sharing; in-service training; and case consultation.

Our review found that the current Operational Protocols work well and that they are not presently in need of substantive review, but it has been pointed out that the smaller First Nations child welfare agencies have not always taken full advantage of the service exchange opportunities and assistance available through the Operational Protocols. There are also some concerns regarding training and information sharing, which is addressed separately below.

It is apparent that the Operational Protocols serve an important function and allow First Nations agencies and the Province to work through operational concerns in a flexible, efficient and coordinated fashion. Working relationships with INAC and other federal departments could be improved in much the same manner. It is recommended that the Operational Protocols be maintained and made subject to a regular three-year review process through a joint working group established by the Department of Social Development, the First Nations Child and Family Services Office and similar federal departments and partners.

Outcomes

The National Child Welfare Outcomes Indicator Matrix ("NOM") is a common set of indicators used by service providers and policy makers to track the outcomes of children in care. The NOM was designed to consider the complex balance that child welfare agencies must strike between a child's immediate need for protection and their need for long-term nurturing and stability, a family's potential for growth and healing, and the community's capacity to meet a child's needs. The NOM focuses on four categories (safety, well-being, permanence and family and community support) which are made up of ten key indicators. Additionally, the NOM has the

flexibility to incorporate any number of sub-indicators that may be necessary to capture important variations required to properly interpret child outcomes.

Our review found that child welfare practices in New Brunswick First Nations agencies are not sufficiently outcome-based. This is not surprising, as the same could also be said for provincial child welfare practices in general (although encouraging developments are happening on this front) and because none of the First Nations child welfare agencies here (with the possible exception of the Elsipogtog Child and Family Services agency) are large enough to have any type of policy development, measurement function or planning capacity. Hopefully, the establishment of a First Nations Child and Family Services Office will allow for more meaningful work in this area. Progress in improving child welfare should be measureable using the outcomes, indicators and goals established by the Office and the Province.

RECOMMENDATIONS

- 39. It is recommended that the First Nations Child and Family Services Standards be blended into revised provincial standards which would be more culturally sensitive and relevant in all cases, but which would in particular identify and promote the use of culturally-based standards and practices in First Nations child and family interventions whether by the Province or by a First Nations Agency. The revised standards should include (but not be limited to) the role of Elders, Advisory Committees and Family Mediators in child welfare interventions, the use of adoption and custom adoptions in First Nations families, and assistance in facilitating traditional interventions and healing practices.**
- 40. It is recommended that the existing Operational Protocols between the First Nations Child and Family Services Agencies and the Department of Social Development be maintained, updated and communicated clearly to all Agency staff and provincial counterparts. The Operational Protocols should be reviewed and updated every three years by the Office and the Department of Social Development.**
- 41. It is recommended that the Office take a lead role in ensuring that First Nations child welfare practices in New Brunswick become more outcome-based, using the National Outcomes Matrix (NOM) as a measurement tool. In particular, it is recommended that a set of outcome goals and related outcome indicators and measurements for First Nations child welfare be jointly developed by the Office and the Department of Social Development, with INAC's involvement.**

Clinical Supervision, Audits and Standards Compliance

Clinical supervision, audits and standards compliance are other areas where the proposed reform of First Nations child welfare agencies will pay large dividends. With many small agencies staffed by a lone social worker (or two social workers and possibly a director or supervisor) there is currently very little capacity for clinical supervision. As we have seen, protocols exist for case consultations with the Province, and agency staff have reported that this is of some assistance. However, the problem with this system is that it will not ensure the provision of culturally-based advice or advice based on a comprehensive knowledge of the case file. By reducing the number of agencies and freeing up the most senior First Nations clinical experts for consultations on a provincial basis, all frontline staff can benefit from timely, culturally-based expert clinical advice.

Standards compliance is the Minister of Social Development's core responsibility under the *Family Services Act*. Since 2002, the Department has carried out periodic "program reviews" in all First Nations child welfare agencies. These reviews consist primarily of audits of written case records to determine if specific standards were met. The files are related to child protection, children in care and foster home placements. A process has been developed to conduct these audits and to work with the agencies to address any shortfalls that are identified. This process should continue as a service of the Office in consultation with the Department of Social Development.

Recently, the Province has implemented a clinical audit process. This should be extended to the First Nations child welfare agencies so that staff there may also benefit from periodic peer reviews of their work. Hopefully this recommendation can be implemented expeditiously so that First Nations families benefit immediately from the same level of quality controls as the Province has made available to children and families elsewhere in New Brunswick.

The thrust of these recommendations is to give effect to the principle of self-determination, recognizing that with ownership and control of the Office and its agencies comes a need for accountability and good governance. First Nations people themselves are best positioned to be the agents of this accountability mechanism. At the same time however, the Minister retains a legal responsibility which he may not shirk. External audit and accountability mechanisms provide further external safeguards to ensure that the specialized community-based services made available to First Nations children actually benefit them. First Nations communities can determine the framework and objectives which the Office and its Agencies must serve, and these can be set out in the regulations, as the *Child and Family Services Act* allows, as licensing criteria. The office should report annually on outcomes and results achieved in compliance with the established objectives and criteria.

RECOMMENDATIONS

42. It is recommended that the Office and the Department of Social Development be responsible for ensuring that the Agencies are complying with standards. In addition to regular supervision by the Agency directors and clinical supervisors, the Office would carry out yearly standards compliance reviews and clinical audits of all Agencies.
43. It is recommended that the Office compile statistics from standards compliance reviews in each community, and report on these findings to the Agency directors, the Advisory Councils and the Board of Directors, as well as summarizing these findings in its Annual Report.
44. It is recommended that workers in the Community Service Centres be assigned to a clinical supervisor who would oversee their work, provide consultations and ensure standards are met.
45. It is recommended that the Department of Social Development and the Office ensure that all required procedures for approving foster homes, including criminal record checks for all adults, are strictly followed and that foster home standards and compliance practices be revised and improved to ensure the safety of children in care.
46. It is recommended that the Department of Social Development recognize the Office and the Agencies under the authority of section 143(r) of the *Family Services Act*, which describes the expectations of a “community social service agency” (i.e. a Child and Family Services Agency).
47. It is recommended that the Department of Social Development ensure that sufficient funds are available to the Office for conducting standards compliance reviews and clinical reviews of the Agencies and reporting the findings to the Minister of Social Development and for supporting the Agencies to correct problems identified during this process.

Enhanced Training Systems

The Province of New Brunswick has made significant strides in the last few years in terms of improving its training systems for child welfare social workers. Social workers from First Nations agencies have participated in this training and have benefitted from it considerably. All the same, it is obvious that appropriate training and professional development opportunities are a critical component of quality child welfare service delivery.

There are two main areas of training which we examined during our review: the first relates to the recruitment and retention of qualified First Nations Bachelor of Social Work and Masters of Social Work graduates to staff positions in First Nations; the second is the continuing education and professional development of First Nations agency social workers and supervisors. Additionally, we heard a great deal about other training needs, and therefore our recommendations address broader training and public education needs related to First Nations child welfare, such as foster parent training.

Post- Secondary Training to Create Professional Capacity

Since First Nations in the Maritimes began forming their own child welfare agencies in the mid-1980s, St. Thomas University and Dalhousie University have tried to respond to the demand for First Nations social workers. Initially, a Bachelor of Social Work Special Initiative program geared at First Nations students was established and approximately thirty students completed this program. Due to funding constraints and minimal enrollment, it was decided that the existing Bachelor of Social Work program would suffice to complete the training of any additional First Nations social workers. During the review, we determined that approximately forty percent of the professional staff working in First Nations agencies in New Brunswick are themselves Aboriginal.

The 2003 report, *Present and Future Need for First Nation Social Workers in the Maritime Provinces*, prepared by Dr. John Coates of St. Thomas University, identified a significant lack of professionally trained First Nations social workers in the Maritime Provinces, particularly in New Brunswick. At the request of the First Nations child welfare agency directors and with the support of the First Nations Chiefs, St. Thomas University and Dalhousie University collaborated to design the current Mi'kmaq/Maliseet Bachelor of Social Work program. The first cohort began in September 2005, and a second cohort is now completing its second year of the program. Students can enroll in the program at either university and are able to earn their degrees in a flexible format that allows them to remain employed and reduces the disruption to their families. Students complete sixty social work credit hours over a three-year period in a

location that is equidistant for New Brunswick and Nova Scotia students. Courses are typically offered during a one-week period each month and over two months each Spring.

It is very important that we continue to train First Nations members to meet the social welfare needs of their communities. The Touchstone Principles referenced above have been widely adopted because of the demonstrated value in having First Nations children served by their own people. First Nations governance of the Office means nothing if the children and families receiving services do not identify with the people intervening in their lives. Having said that, it is equally important that all staff are professionally trained and accredited, and that the training received is culturally-based.

On-the-Job Training for Professionals

Social Workers employed by the Department of Social Development receive regular training. The provincial trainers report that staff from the First Nations agencies are often the first to enroll in these sessions and are the keenest participants. Currently, the training consists of a Core 100 series which is offered twice in English and once in French annually around the province. The Core 100 series is for frontline child welfare social workers and it addresses issues such as cultural awareness, the effects of abuse and neglect, child-centred family practice, separation, loss and permanency, and legislation.

Additionally, the Province provides Transfer of Learning labs on a regional basis around the province to coach social workers on skills taught during the Core 100 series and reinforce learning in the field. There are also courses on risk assessments, investigative interviewing and solutions-focused interviewing. The Province also offers a 500 series training program for managers and agency directors.

It is important to point out that the Child Death Review Committee recommended that “a training module be developed to address the challenges of working with dual relationships and that all social workers in First Nations Child and Family Services agencies be provided with this training.” The challenges of growing up, living and practicing social work in a small community are unique to First Nations social workers. The Department of Social Development should collaborate with the agencies to create First Nations-specific training to address the issues of practicing social work in a small community where the social worker may know their clients personally.

First Nations Community Awareness and Training

During our review, we discovered that P.R.I.D.E (Parents' Resource for Information, Development and Education) training for foster parents is lacking. Some agencies, such as Elsipogtog, have been able to obtain some dedicated P.R.I.D.E. training for foster parents from the Department of Social Development. However, in most First Nations communities, this training is not provided consistently.

RECOMMENDATIONS

- 48. It is recommended that the Office and appropriate partners develop a plan to increase the percentage of First Nations child and family social workers in New Brunswick from forty-two percent to sixty percent over five years.**
- 49. It is recommended that the Province and INAC ensure continued support for the Mi'kmaq/Maliseet Bachelor of Social Work program to ensure sufficient numbers of First Nations social workers, and work with the Office to ensure a continued focus on training, recruiting and retaining First Nations social workers. In particular, it is recommended that the Office, INAC and the Province develop incentives to encourage First Nations members to pursue educations and careers in social work, and to practice in First Nations communities.**
- 50. It is recommended that the indigenous roots of Family Group Conferencing and its use in First Nations child welfare practice in New Brunswick be explicitly recognized in provincial Family Group Conferencing training sessions and that the Department of Social Development ensure that social workers in First Nations communities receive these Family Group Conferencing training opportunities.**
- 51. It is recommended that the core training for all provincial social workers be made more culturally appropriate by having First Nations social work experts offer courses in First Nation child welfare practice, emphasizing its particular approaches and challenges.**
- 52. It is recommended that the Office develop and implement a plan to ensure that the complete Parents' Resource for Information, Development and Education (P.R.I.D.E.) training and updates are made available to First Nations foster parents and adoptive applicants.**

- 53. It is recommended that the Office ensure that social workers practicing in First Nations communities are included in annual training programs that offer specific training about issues that affect First Nations communities (such as drug use, exposure to addictions through more than one parent or family member, suicide and proper interviewing techniques for sexual assault victims).**
- 54. It is recommended that the Office work with the Elders Council to provide ongoing spiritual and cultural training and guidance to social workers and managers, and (in appropriate cases and with the consent of the client) to assist with interventions in individual cases.**

Case Management, Information Sharing and Integrated Service Delivery

One of the most critical improvements needed in First Nations child welfare service delivery in New Brunswick is the establishment of a proper case management system. Currently, all the First Nations Child and Family Services Agencies, except for Elsipogtog, operate on a manual, paper-based case management system. In essence, this amounts to a twenty-five year technology gap in comparison with the Province's child welfare system.

Security systems in existing First Nations agencies are lacking, although some offices have made improvements recently, including the installation of fireproof filing cabinets. Computer systems in agency offices are deficient and consist in part of older computers passed down from the Province. Often these computers are not used for case management since the client files are still paper-based and there is no computer system into which client notes can be entered. Tracking through prior interventions, particularly in offices where there have been high staff turnover rates, is painstaking and time-consuming. It is also very difficult to transfer information when a client moves from one reserve to another or moves on or off a reserve. The resounding request our review team received from social workers was to give them access to NB Families, the Province's child welfare case management system.

NB Families itself is in need of an update, but nevertheless it has a great deal of functionality which would greatly benefit the staff of the First Nations agencies. In addition to capturing client data and case plans, the system has a number of alarms in its tickler system to prompt file activity at certain stages. The system can also produce payments and various reports. The main advantage of rolling out NB Families to the First Nations agencies is that it will greatly ease information sharing as children or their families move about the province, although this system

may need to be modified to be culturally relevant for those using it in First Nations communities. I recommend a staged implementation so that the basic case management functions can be delivered as quickly as possible, with information sharing and payment functions to follow as they become available. Eventually, the First Nations Office will want to take greater ownership of the continued system development, perhaps adding in functionality that could support culturally-based service delivery.

The implementation of NB Families will require some start-up costs, including computer and system upgrades to ensure network access, as ISP connections are currently unavailable in some communities. I recommend that these costs be assumed by INAC, but that the Province of New Brunswick make its NB Families system available at no cost and provide training, information systems supports and hardware upgrades.

My recommendations in this regard follow those of the Auditor General of Canada who has previously recommended case management system upgrades in First Nations child welfare agencies to improve basic accounting mechanisms.² It is essential that all First Nations agencies receive centralized support for these services through the Office—opting out in favour of agency-based systems or other “homegrown” solutions cannot be an option.

Another related and key aspect of this review is the quality of information sharing among the First Nations child welfare agencies, between the agencies and others service providers within the community, between the agencies and federal, provincial and First Nations governments, and between the agencies and external organizations providing services to the same individuals or families. The adoption of a customized version of NB Families will greatly enhance the ability of social workers in First Nations communities to work in a multidisciplinary fashion, but this of course raises issues of protocols and information sharing agreements in relation to child welfare clients.

The Child and Youth Advocate’s Office has recently made extensive recommendations to the Government of New Brunswick regarding the need for improved information sharing between officials in different governmental departments when a child’s best interest requires such.³ Legislative constraints related to privacy protection are important and considerable, but in the context of First Nations child welfare they are exacerbated and sometimes eclipsed by jurisdictional constraints, and by a perceived over-reaching by oversight bodies. Add to this the

² Report of the Auditor General of Canada May 2004, Chapter 4: “First Nations Child and Family Services Program—Indian and Northern Affairs Canada.”

http://www.oag-bvg.gc.ca/internet/English/parl_oag_200805_04_e_30700.html

³ *Connecting the Dots: A report on the condition of youth-at-risk and youth with very complex needs in New Brunswick*. New Brunswick Child and Youth Advocate’s Office, Province of New Brunswick 2008.
The Ashley Smith Report. New Brunswick Child and Youth Advocate’s Office, Province of New Brunswick 2008.

history of abuse and assimilation associated with past governmental policies and the mistrust it has engendered and it is easy to understand why information has not always flowed as it should.

The Government of New Brunswick has publicly committed itself to a course of integrated service delivery for New Brunswick children and youth. As we prepare to go to press, I am encouraged by the positive developments made by the Province and First Nations leaders aimed at ensuring that the Integrated Service Delivery Framework,⁴ which is a central aspect of New Brunswick's world-leading prevention-based social program, will be developed and rolled out in First Nations communities as well. The support of INAC and other federal departments is of course critical to the success of this project, but added investment is justified here given the promise of this approach to ensure that First Nations children receive the benefits of service integration.

RECOMMENDATIONS

55. It is recommended that the Department of Social Development make available its NB Families case management system to the Office and its Agencies, with adaptations as necessary; that the use of this system be mandatory for all First Nations Agencies; and that computers, training, upgrades and user support be provided and eventually updated to be able to meet INAC reporting requirements.

56. It is recommended that the Office, the Province of New Brunswick, INAC and other federal departments and agencies make a principled commitment with adequate funding to ensure that the Integrated Service Delivery Framework now being proposed in New Brunswick will be replicated within First Nations communities and also that First Nations children moving between their communities and institutional care elsewhere in the province benefit fully from the Province's Integrated Service Delivery Framework.

⁴ *Connecting the Dots: A report on the condition of youth-at-risk and youth with very complex needs in New Brunswick.* New Brunswick Child and Youth Advocate's Office, Province of New Brunswick 2008.

"Reducing the risk, addressing the need: Being responsive to at-risk and highly complex children and youth." Response to the Ombudsman and Child and Youth Advocate. Province of New Brunswick.

“Let us put our minds together and see what life we can make for our children.”

Sitting Bull, Sioux Chief and Medicine Man, 1831-1890

Part II – Improving Lives and Opportunities for First Nations Children

One of the greatest challenges faced by North American Aboriginals has been to maintain cultural identities based on a symbiotic and sustainable relationship with the earth, while society all around them is engaged in the pursuit of economic growth and individual self-realization with little regard for long-term sustainability. The self-exile of Sioux chief and spiritual leader Sitting Bull in 1877 to the Great Plains of Saskatchewan was in defiant refusal of the life of dependency offered by federal Indian agents in the Dakotas. Sitting Bull’s legacy is a hallowed American archetype of Native American freedom and the struggle to continue a traditional way of life.

That being said, life on the Great Plains and the quest for ever-depleting bison herds has little to do with the lives of Mi’kmaq and Maliseet children today. In our times, the struggle to uphold traditional ways of life has been fought and won in the courts for recognition of First Nations fishing and hunting rights. Increasingly, the struggle is fought within communities as more and more children seek meaning and identity and generations discuss among themselves what it means to be a First Nations person in Canada. First Nations children today live in a social context which has mainly nurtured dependency and has historically sought to denigrate or eradicate age-old cultural norms and values. Today’s society has only recently begun to take meaningful steps in preserving and promoting traditional ways of life.

More so than any of their ancestors, Mi’kmaq and Maliseet children today face the challenges of modernity. Whatever vestiges of traditional values and customs have not been erased or obliterated through the Sixties Scoop, residential schooling, public schooling and Band-generated pay stubs and employment stamps, now have to contend with satellite television, texting and the internet. Before looking more closely at today’s cultural and socio-economic context, a brief historical overview is in order.

Historical Overview

Mi'kmaq and Maliseet First Nations are both members of the Wabanaki Confederacy and have lived in New Brunswick for over three thousand years. The Maliseet share a language with the Penobscot and Passamaquoddy Indians in Maine. While the Mi'kmaq language is a related Algonquian language, it is different enough to make any conversation between two speakers almost impossible. Both tribes arrived and settled in these parts from points further west and have common origins with tribes in the Ohio Valley. Burial practices evident from the Oxbow and Augustine Mounds at Metepenagiag link Mi'kmaq First Nations with the prehistoric Adena culture that existed in eastern North America, from regions as far-flung as what are now West Virginia and Indiana.

Historically, we know that the Mi'kmaq and Maliseet First Nations aligned themselves with French settlers following European contact. The French benefited greatly from their medicines and the defense their allies could provide against raiding parties from New England. In fact, following the British policy of Acadian deportation established in 1755, many French settlers sought refuge among their Mi'kmaq and Maliseet neighbours.

Interestingly, as this report was being drafted, the Canadian philosopher John Ralston Saul was in Fredericton at the Beaverbrook Art Gallery reading from his book *A Fair Country: Telling Truths about Canada*. Saul makes the audacious claim that we are all Métis; that Canada cannot be understood on the basis of a two founding nations theory, because the greater part of our history, from about 1604 to 1867, is really a process of acculturation in which European settlers were helped by First Nations people to survive and adapt to a harsh new climate and a way of life based on sharing, balance and compromise. Some may find Saul's theory revisionist, but there is an element within it that rings true and which may provide the basis for a new understanding.

What is more certain is that following Canadian Confederation, there was a considerable period during which British imperialism was on the rise. Minorities of all kinds, including Mi'kmaq and Maliseet, but also Acadians, Blacks, Jews and Irish Catholics, were given short shrift as the dominant view tended towards the goal of making good British subjects out of everyone. Canadians by and large turned their backs on this outlook and its policies in the 1960s and 70s.

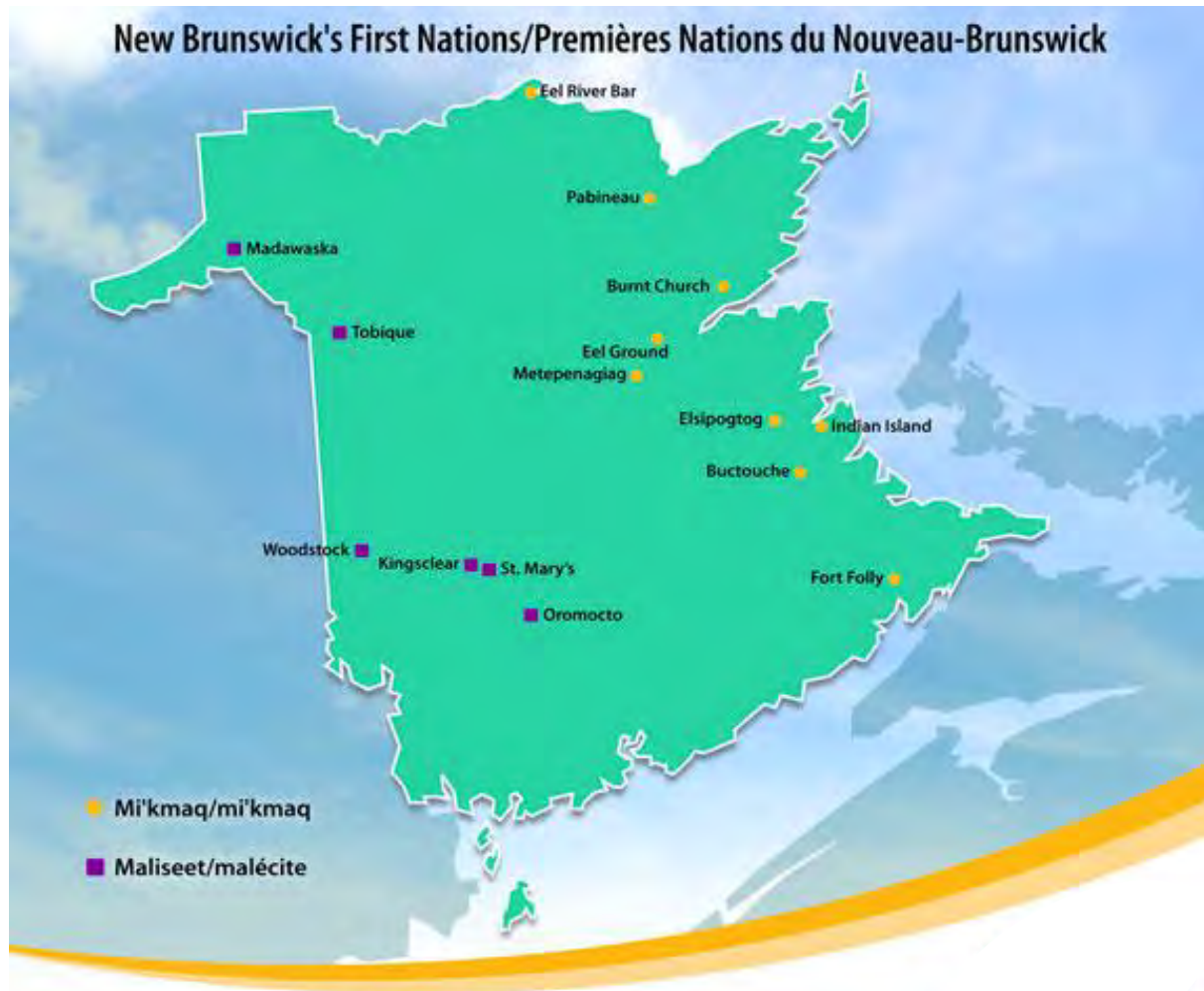
Because of their disenfranchisement, seclusion and demography, Canadian First Nations have been among the last to benefit from the rights enshrined in the Canadian Charter of Rights and Freedoms. In the pages which follow, I have sought to outline the lessons Acadians have learned, including the approaches and public investments that were used to preserve and

promote the official language minority community in New Brunswick, which can serve as a model for preserving and promoting Mi'kmaq and Maliseet languages, cultures and identities.

A Demographic and Social Portrait of First Nations Children in New Brunswick

Against this admittedly brief historical backdrop, we must also add another layer of complexity: the huge divide between First Nations children's opportunities and outcomes and those of other children in the province. These inequalities are of course the very basis for the political debates and court challenges referenced in Part I, but a lack of consensus on who is accountable for the problems outlined below and who will take ownership of the solutions continues to impede any progress.

Today's First Nations children live in fifteen communities around the province. The following map shows the location these First Nations. Six of the fifteen communities, those spread along the Saint John River, are Maliseet First Nations, and the remaining nine, established largely in coastal areas, are Mi'kmaq. According to the 2006 Census, there are roughly 1,172,000 First Nations people in Canada, about 3.8% of the country's total population. The Census also indicates that 17,655 New Brunswickers are Aboriginal, which represents about 2% of the provincial population. In contrast to the general demographic trends in New Brunswick, which point to an aging and declining population owing to outmigration and low birth rates, the New Brunswick First Nations population is experiencing a significant baby boom. However, the extent of this baby boom may not be fully reflected in the Census population count, since not all of the Aboriginal children born are registered as status First Nations members.



Source: Aboriginal Affairs Secretariat.

An increasing proportion of First Nations New Brunswickers lives off-reserve. Due to the provisions of the *Indian Act* and the increase in First Nations to non-First Nations marriages and family structures, many more children are being born into First Nations families, but without status. Sociologists and psychologists have not yet begun to report what impact this racialized social policy is having on individuals and families, but it has no doubt contributed to a growing campaign among First Nations in Canada aimed at refusing registration as a means of deciding who is and who is not a First Nations member.

What I found most troubling during our review was the number of young parents who described to us their deep attachment to their First Nations community while simultaneously admitting that, as a parent, they would never want to raise their children there. I can hardly think of a more damning indictment of our collective failure to provide these young children with the healthy communities and role models they deserve. I add my voice to the chorus of First Nations leaders and child welfare workers saying, “We can and must do better.”

Health and Wellness

Finally Glooscap was alone by the fire one day and he had just finished putting another piece of wood to the fire and as he was sitting there, a woman came and sat beside him and she came and put her arms around him and said “Are you cold my son?” And he looked at her and said “Who are you? Where do you come from?” She said “I am your mother. I am Neganoganim Gossees. Early this morning I was a leaf on a tree that fell to the ground, and dew formed over this leaf and with the help of the Giver of Life, grand-father Sun and Mother Earth gave me the body of a young woman.” She said “I bring strength for my children. I bring the colours of the world: the blue of the sky, the yellow of the sun, the green of the grass, the trees and the leaves and the red of the earth, and the black of the night, and the white of the snow. And I bring understanding and love so that my children will learn to take care of each other, to rely on and love one another. And so this is how Glooscap’s mother came into the world.

Mi’kmaq Creation Stories, 7th Level of Creation

The final level in the Mi’kmaq Creation Stories reminds us of the central importance of a mother’s love in the lives of individuals and their communities. While this teaching has significant bearing on our recommendations below relating to the roles of mothers and fathers, it is also an excellent starting point for our review of health and wellness. Truth and Reconciliation Canada (TRC) was recently mandated to research and expose the widespread ramifications of the residential schooling system, under which more than 150,000 Aboriginal children were taken from their parents and communities and stripped of their languages and cultural identities. For the time being, my own brief consultations with First Nations people in this province (who in fact may have been spared the worst ravages of the residential schooling policies⁵) have convinced me that this period in our collective history is a critical factor in explaining the disrupted social fabric of First Nations communities.

⁵ Statistics from Services Canada indicate that 150 New Brunswickers applied for compensation from the Indian Residential Schools Settlement Agreement, and 129 were accepted. These New Brunswickers represent those who were schooled at the Shubenacadie Indian Residential School in Nova Scotia. More New Brunswick Aboriginal children attended Indian Day Schools rather than the residential school at “Shubie,” but have not been eligible for compensation, despite the similarly assimilationist environments at the Day Schools.

Experts have spoken of the generational impacts of the residential school experience, whereby thousands of Aboriginals were removed from their homes and forbidden to speak their language or practice their culture. In addition to the forced suppression of their language and culture, many residential school survivors endured physical, emotional and sexual abuse. Many residential school survivors failed to return to their First Nations communities, and those who did return as young adults often experienced a disconnection to their communities and culture. Furthermore, these experiences were debilitating to their ability to parent, causing their trauma to live on in future generations:

In addition to the damage caused to the individual [residential school] survivors... we must also consider the long-term, cumulative intergeneration effects on First Nations Communities... including dislocation from one's community, loss of pride and self-respect, loss of identity, language, spirituality, culture, and ability to parent.⁶

This is a historical factor which provides some context for the health and wellness issues we find among First Nations children today. There are of course many other social and economic factors to which we will turn below, but first I would like to describe how First Nations children are faring overall.

The Indian Residential School in Shubenacadie

The Indian Residential School in Shubenacadie, Nova Scotia was run by the Catholic Church between 1930 and 1966. This was the only residential school in Nova Scotia and schooled Mi'kmaq and Maliseet children from around the Maritimes.

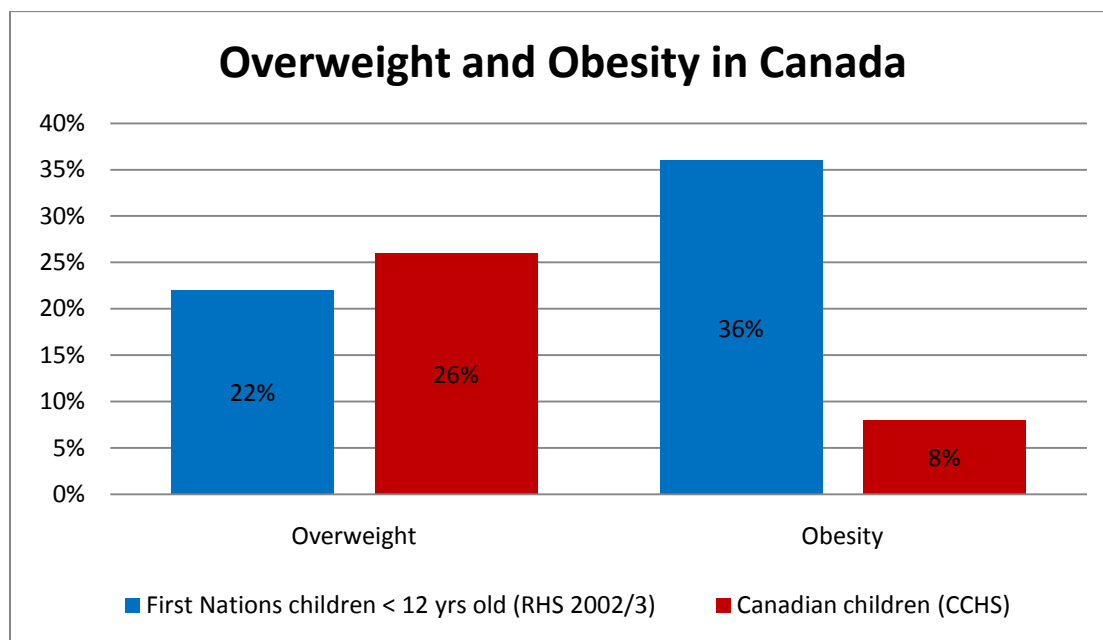
During its operation, a total of about 2,000 Aboriginal children attended the school. The school had an annual population of about 200 students and was staffed by a priest (who served as the principal) and around ten nuns. Male and female students were strictly segregated from one another. Parents could visit their children on Sundays, but students were not allowed to permanently leave the school.

Like many residential school survivors, the students at Shubenacadie were subjected to physical, mental and sexual abuse. They were forced to work in the kitchen, laundry, barn and fields.

The school was closed in 1966. The school building burnt down in 1985.

⁶ Wieman CA. "Return to Native Roots: Aboriginal Health Building Informed Partnerships." Paper presented at: The Society of Obstetricians and Gynecologists of Canada 55th Annual Clinical Meeting; June 25-29, Montreal, QC; 1999.

General health data regarding Canadian Aboriginal children is available through Statistics Canada's Aboriginal Children's Survey, which measures the health of First Nations, Métis, Inuit and off-reserve Aboriginal children. These statistics indicate that in the Atlantic region, 52% of Aboriginal children suffer from a chronic health condition and 41% suffer from a severe chronic health condition. Similarly, comparative data shows that while Atlantic Canadian children have the highest rates of overweight and obesity in Canada, Aboriginal children have even higher rates, including an obesity rate that is more than four times the national average.



Note: The Canadian Community Health Survey (CCHS) excludes on-reserve First Nations populations and Inuit populations living in the territories. The First Nations Regional Longitudinal Health Survey (RHS) included children aged 11 and under, whereas the CCHS included children age 2 to 17 years.

Source: Smylie, Janet and Adomako, Paul (Eds.). "Indigenous Children's Health Report: Health Assessment in Action." Keenan Research Centre, St. Michael's Hospital. 2009.

What is even more troubling are the findings reported by researchers in New Brunswick treating children with Fetal Alcohol Spectrum Disorder (FASD). FASD can have mild or severe impacts on a child's development, and it may often go undiagnosed. Studies show that children, youth and adults with FASD are at a significantly higher risk for attention problems, depression, panic attacks and suicide threats and attempts. Experts report that in Canada, about 1% of children are affected by FASD. However, nearly two hundred cases have been reported in one New Brunswick First Nation among a thousand children, which suggest a prevalence rate of 20%: roughly twenty times the national average.

Gambling and alcohol addictions were often mentioned during our Community Engagement

Sessions, but time and time again community members told us how illegal and prescription drug addictions continue to plague their communities and rip families apart. During our review, we determined that there were over 224 First Nations adults taking methadone to help battle addiction problems. At the Miramichi clinic alone, there were 36 First Nations members on the waiting list for methadone treatment. Two of the province's seven Methadone clinics are located in First Nations communities (Elsipogtog and Oromocto). The uptake in methadone treatment among First Nations Adults is approximately thirteen times greater than in the general population. In one community we visited, over 60 people (10% of the population) were taking methadone and still others were on the waiting list. In other communities, several infants had been born addicted and were treated in neonatal wards for withdrawal symptoms.

Children, of course, are greatly affected by their parents' drug consumption. Frequently, children of addicts become addicts themselves. The child protection workers that we spoke to indicated that in some communities, it is not uncommon for children as young as eight to ten years old to experiment with hard drugs, and more so than ever, interventions are required in families where both parents are dealing with addiction issues. In one small community of less than two hundred homes, the director of child welfare could only point out a few homes where the child welfare agency was not aware of any alcohol or drug addiction issues. Obviously, there were many children within this community in need of protection, but there were very few appropriate placements. The director confided to my investigative team: "I can't ensure that kids are safe, but I do try to make them safer."

Band Councils and the Minister of Social Development must address this critical issue squarely. Beyond the immediate needs, however, we as a province must get a much better handle on the desperate situations faced by some children and youth in First Nations communities and ensure that these communities take meaningful measures to turn this bleak situation around. In my

Fetal Alcohol Spectrum Disorder

The term Fetal Alcohol Spectrum Disorder (FASD) describes a wide range of disabilities caused by alcohol consumption during pregnancy. Alcohol consumed by a pregnant woman may cause brain damage to her developing baby, with physical, behavioural and cognitive effects.

Although FASD cannot be cured, people with FASD can do very well in life if they are provided with proper support and resources. Many finish school and have paid jobs. However, people with FASD are at an increased risk of mental health problems, getting into trouble with the law, dropping out of school, developing drug and alcohol problems, and being unemployed.

view, we should begin by informing ourselves and by being prepared to be held accountable by these children who, as in Glooscap's story, are looking to us.

In my annual State of the Child Report for New Brunswick, I have commented on the need to keep better account of the outcomes and progress of our children at every stage of development. I have been encouraged by the public response to this report, now in its second edition, but several commentators have reinforced the fact that our data is incomplete and that it needs to be broken down by sex, age and ethnicity in order to make accurate and measurable progress. Certainly the lack of good data regarding First Nations children in New Brunswick is a problem which I have encountered repeatedly during this review. The small size of our First Nations population, its splintering among on-reserve and off-reserve members, the lack of aggregated data sets for both groups and the absence of any meaningful child protection case management system are all complicating factors and explain the lack of good data.

I believe that new province-wide strategies are needed to combat and reduce drug addictions and the problems they engender. This of course is a challenge which communities have to take up themselves, and I have noted that there is a strong resolve within the communities to identify and own these solutions. The Province of New Brunswick has shown leadership in developing a poverty reduction strategy that is premised upon meaningful public engagement practices. This is the sort of approach that must be employed to find concrete and successful strategies to eradicate the prescription and illicit drug misuse afflicting First Nations communities and many other communities in our province. Other factors related to law enforcement and proper monitoring of prescription drug distribution are also at play, and the Province should implement e-health solutions that could assist in this effort.

RECOMMENDATIONS

57. It is recommended that the Office, in collaboration with the RCMP, Health Canada, INAC and the departments of Health, Social Development, Public Safety, Education, and Wellness, Culture and Sport, work to establish community benchmarks for numbers of children in care, addiction rates, youth incarceration rates and other indicators and determinants of First Nations child well-being, and set community-level goals to bring the benchmarks back within provincial averages within agreed-upon timeframes.

58. It is recommended that the Office, in collaboration with the federal and provincial governments, offer more education and training about addictions to First Nations service providers and community members.

59. It is recommended that the Department of Health and Health Canada expedite the implementation of the Prescription Drug Monitoring program and that special efforts be taken, such as collaboration with First Nations communities, to ensure that the program is effective and responsive to the needs of First Nations people on and off reserve.
60. It is recommended that the Office, in collaboration with Health Canada, the Department of Social Development, the Department of Health and the RCMP, deploy special efforts to build capacity for culturally-based services, including services for Elders and off-reserve status First Nations members.
61. It is recommended that the First Nations Chiefs develop intervention plans and programs with other community partners (such as the Block Parent Program, Partners for Youth and the RCMP) to keep First Nations streets safe for children.
62. It is recommended that the Department of Social Development and the Department of Public Safety work with the Office and community partners to ensure that culturally-based programs and training are available to clients and staff providing services to youth at the Portage Atlantic Residential Treatment Centre, the New Brunswick Youth Centre and other provincially-funded group homes, transitions homes and safe houses.
63. It is recommended that the New Brunswick Aboriginal Affairs Secretariat, Health Canada, the Department of Social Development, INAC and the Office work collaboratively with the Child and Youth Advocate, the Public Legal Education and Information Service of New Brunswick (PLEIS-NB) and other community partners to better educate and inform all residents of New Brunswick about the child welfare disparities affecting First Nations children in the province.

Employment and the Economy

The First Nations Child & Family Caring Society of Canada has been advocating strongly for action to address poverty and housing concerns as critical underlying issues affecting First Nations child welfare. This approach is consistent with the recommendations in the recent Royal Commission on Aboriginal Peoples and also with the research of the Harvard Project on North American Indian Economic Development.⁷ Furthermore, the UNICEF Innocenti Research Centre in Florence, Italy has published a number of reports detailing the scope and impact of child poverty in developed economies. The introduction to its seventh Report Card summarizes some of the risks associated with child poverty:

The evidence from many countries persistently shows that children who grow up in poverty are more vulnerable: specifically, they are more likely to be in poor health, to have learning and behavioural difficulties, to underachieve at school, to become pregnant at too early an age, to have lower skills and aspirations, to be low paid, unemployed and welfare dependent. Such a catalogue of poverty's ills runs the risk of failing to respect the fact that many children of low-income families do not fall into any of these categories. But it does not alter the fact that, on average, children who grow up in poverty are likely to be at a decided and demonstrable disadvantage.⁸

Having just visited all fifteen First Nations in New Brunswick, I find the passage quoted above particularly evocative. In these communities, I noted a lack of municipal and recreational infrastructure, the poor quality of the housing stock, and the absence of any significant business or commercial activity. Furthermore, there are addictions issues, domestic violence and sexual abuse, and concerns about the prevalence of crime. The review team and I were told of forfeited educational goals and successful educational achievements that have failed to meet the desired career outcomes. It is possible to look past all of this and fail to recognize the face of poverty, but to do so will most likely result in a value judgment made about the community members themselves and the condemnation of these people as the authors of their own misfortunes. With this, the cycle of stereotyping and discrimination will be reinforced. Instead, we must recognize the disadvantages and inequalities which divide First Nations communities from those around them and urgently address these disparities in meaningful ways.

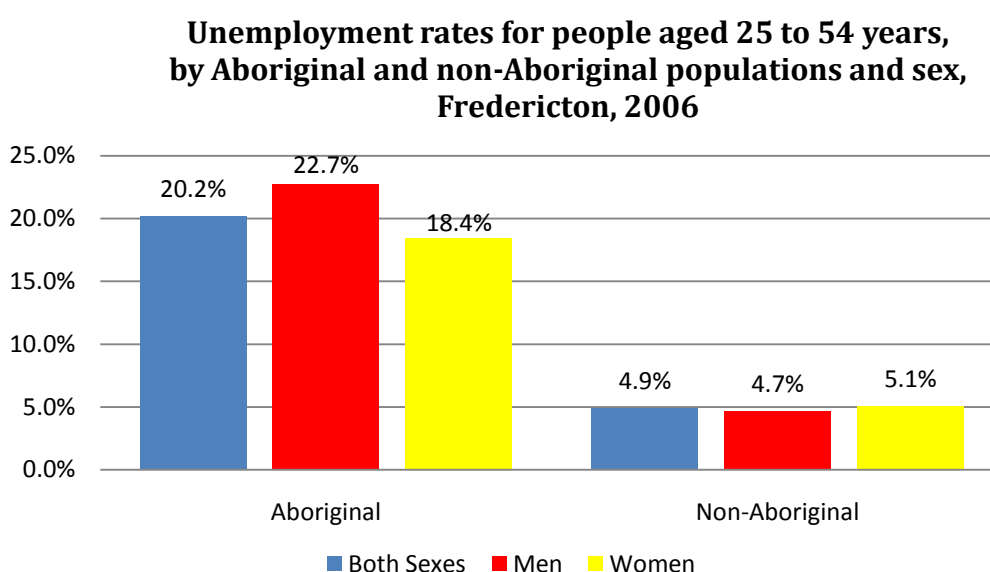
Kingsclear and St. Mary's First Nations are both situated in the Fredericton region and are among the most prosperous First Nations in New Brunswick. These communities compare

⁷ The Harvard Project on American Indian Economic Development <<http://www.hks.harvard.edu/hpaied/>>.

⁸ "Child poverty in perspective: An overview of child well-being in rich countries." *Innocenti Report Card 7*, UNICEF, 2007. <<http://www.unicef.org/media/files/ChildPovertyReport.pdf>>.

favourably with many other First Nations, which makes the results of the 2006 Aboriginal Population Profile for Fredericton all the more troubling. Statistics Canada was able to prepare this profile because there is a large enough population in this region to interpret the Census data. While the Aboriginal population in the Fredericton area has shrunk by 10% since 2001, the 2006 data indicated that it still represents about 3% of the population. A large portion of the Aboriginal population is composed of on-reserve community members in Kingsclear and St. Mary's First Nations.

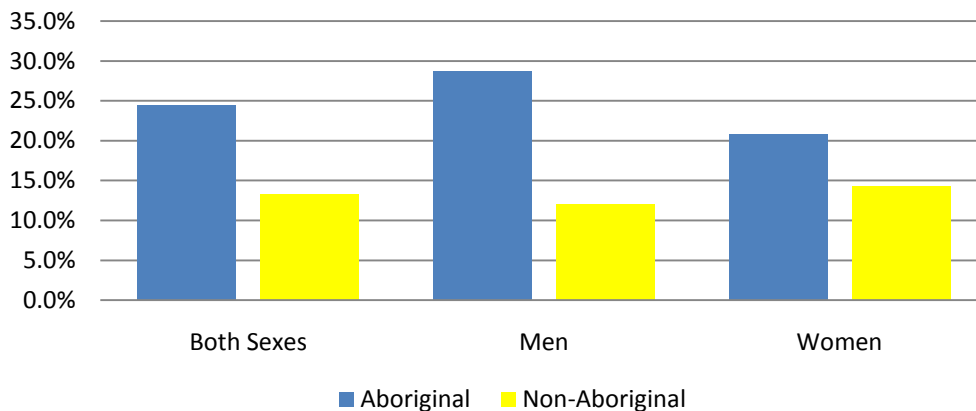
The Census profile indicates that in the Fredericton region, young Aboriginals between the ages of 14 and 24 were less likely by half to be attending school or post-secondary studies than non-Aboriginals of the same age group (42% compared to 67%). As shown in the table below, among the working age population of 24 to 55 year-olds, the general unemployment rate in the region was 4.9%, but among Aboriginals community members it stood at an alarming 20.2%.



Source: Statistics Canada, Census of Population, 2006.

Inversely, the employment rate in the Fredericton region was 83.5% in 2006, whereas on reserve it was only 63.7%. Furthermore, among those working full-time, full-year, Statistics Canada data indicated a wage gap of 21% in 2005 between Aboriginals and non-Aboriginals (although this was an improvement over the wage gap of 25% noted in 2000). Finally, in the Fredericton region, one in four First Nations households were below the low-income cut-off as determined by Statistics Canada, which was almost twice the rate of poverty in other households in the region.

Proportion of persons living below the before-tax low income cut-off by Aboriginal and non-Aboriginal populations and sex, Fredericton, 2005



Source: Statistics Canada, Census of Population, 2006.

The Census data summarized above does indicate that some First Nations communities are making gains in terms of poverty reduction and economic growth, but there are still a disproportionate number of First Nations families and children living in poverty. This fundamental inequality is to the great shame of all Canadians. It is for this reason that human rights experts in Geneva and New York have repeatedly taken Canada to task for our lack of measurable progress in narrowing this gap in opportunity. Fred Wien, author of the recent study, "The State of the First Nations Economy and the Struggle to Make Poverty History," points out that there has been an encouraging trend in the growth of First Nations economies in the last forty years. It is also apparent, however, that the growth in these communities has failed to keep pace with the growth in the Canadian economy in general, with the result that First Nations families are now, on average, poorer in relative terms than they were forty years ago.

Recent efforts such as the Aboriginal Skills and Employment Partnership (ASEP), a federal workforce training program established in 2004, and most recently the Aboriginal Workforce Development NB Inc., offer the promise of engaging all levels of government and the private sector in the development of a skilled First Nations workforce. The horizontal approach to development introduced fifteen years ago by the Joint Economic Development Initiative (JEDI) will hopefully start to yield more promising results for children and families in First Nations communities. However, much more needs to be done to ensure that the economic development programs are aimed not only at labour skills development but also at business development, and that the programs prioritize job development that will benefit families with young children. Moreover, the programs must take horizontality down to the level of community economic development by involving surrounding municipalities and regional

economic development centres and chambers of commerce in program development and the search for solutions.

A serious attempt at eradicating child welfare concerns in New Brunswick First Nations has to tackle the challenges of child poverty head on. To do so, we have to engage in a serious dialogue and review of all our economic development programs and initiatives to ensure that they are child and family friendly. Ensuring that the next generation of First Nations workers has an equal opportunity to succeed in economic terms is the best and surest path to improved growth and sustainable development.

RECOMMENDATIONS

- 64. It is recommended that existing programs and strategies for First Nations economic development be reviewed under the high-level sponsorship of the Premier and the federal Minister of INAC, with the participation of First Nations, INAC, the Atlantic Canada Opportunities Agency (ACOA), Industry Canada, Human Resources Development Canada (HRDC), Post-Secondary Education, Training and Labour (PETL), and Business New Brunswick, in order to ensure that First Nations children and families benefit in relative priority from the programs and opportunities made available.**
- 65. It is recommended that a provincial First Nations Economic Development Summit be held to implement the strategic direction recommended above and to ensure that the Province's ambitious poverty reduction strategy benefits First Nations communities, especially young First Nations families.**

Housing and Family Structure

Lily knows what it's like to face an attacker over and over, what it's like to watch her loved ones protect the men who hurt her, to be alienated from her family and community, and to watch her attackers go free.

Lily was sexually abused from the age of five until about twelve, by five different people, in three different First Nation communities. While Lily moved from different multi-family homes, the abuse went unnoticed for about seven years, despite nightly protest and retaliation. Her attackers warned her that telling would put others at risk and she was led to believe that she would be to blame or would not be believed. Lily was powerless against the threats of her attackers and did not have the ability to deal with the fact that people who were supposed to love and care for her could hurt her in a way that she did not yet understand. So she pretended it did not happen and faced her attackers on a daily basis.

When Lily was sixteen, her father asked her about the abuse after his adult sisters came forward about their attacker. Lily felt like a weight was lifted and she began to share her story of countless sexual attacks, which led to a long, hard journey of healing. First fueled by anger and resentment, after several years she confronted her attackers. In an attempt to save others in the community from predators such as these, she told all who would listen, even the many who did not want to hear or deal with such things. This left Lily even more exposed and wounded, and she could not sleep at night. Lily began using alcohol and drugs, and quit high school.

It wasn't until Lily's younger cousin came to her about being sexually abused, without any explanation of who or what happened, that Lily decided to take action. Knowing she had her father's support, she arranged for her cousin and herself to meet with Child and Family Services who in turn set up interviews with the RCMP. After two years of "investigation," the RCMP could do nothing as there was a lack of evidence. The only way charges could be filed was if their aunts would press charges also, which they did not. Defeated and further victimized, Lily increasingly turned to alcohol and drugs to numb the pain. After surviving an accident, she realized that she was meant for a greater purpose in life, possibly to help other survivors of sexual abuse.

With the support of her father and Child and Family Services, Lily tried various counselors, but none of them really helped. It was a healing ceremony with a community Elder that finally seemed to put her at peace with the abuse and allowed her to carry on with her journey of healing, although she continued to struggle. Turning all the negative

things into life lessons, Lily knew she could use them to help others suffering from sexual abuse.

While on her journey of healing, Lily learned that her own precious child was being sexually abused at the hands of Lily's mother's boyfriend. When confronted with the information, Lily's mother stood beside her boyfriend rather than her daughter and granddaughter.

Determined to seek justice for her daughter, Lily immediately took her to a social worker to report the abuse. Unfortunately, the social worker was not properly trained to interview sexual abuse victims and the interview, and ultimately the whole process, was botched. The doctors' and police officers' interrogations only further traumatized the little girl. In the end, like her mother's attacker, there was not enough evidence to charge the little girl's attacker. The system had repeatedly failed Lily. Fortunately, she had the power to support her daughter in a way that her own mother never could.

Life marches on for this mother and daughter. The little girl is in counseling and play therapy. Lily is in the process of obtaining a university degree, with the goal of helping her community's children and giving a voice to the countless victims of sexual abuse. When asked what she would say to other survivors, she said, "It was not an easy road, but anything in life worth achieving takes time, acceptance, healing, determination, goals, and perseverance. I was robbed of my childhood, self-respect and self-confidence, and I continue to struggle to piece it back together, but I'll be damned if I gave them the power to take away my future."

Health Canada has identified twelve determinants of health: income and social status; employment; education; social environments; physical environments; healthy child development; personal health practices and coping skills; health services; social support networks; biology and genetic endowment; gender; and culture. Whether we refer to housing specifically, or more generally to physical environment, to family or to social environment and support networks, we cannot escape the fact that as a child grows and learns to know the world, his or her gestation continues outside the womb in the protective environment of home and family. It takes many years for a child to mature into a healthy, productive adult, and intervening meaningfully in child welfare begins with keeping an attentive eye on home and family environments.

A child's family is the environment where nurturing and growth occur. Family for a child is like what water is for a fish. If the water is tainted or becomes impure, the fish may be at risk, but taking the fish out of the water also poses grave risks to its health. If we really want to provide and care for the fish, we have to be concerned about the water quality and to do that, we have

to consider the whole ecosystem. In addressing the needs of children in this province, including First Nations children, we have to keep our focus on homes and families, but we must also take a broad view that looks to the health of the entire community.

Looking again at the Census data from the Aboriginal Population Profile for Fredericton, I find it troubling that the comparatively well-maintained housing stocks in Kingsclear and St. Mary's compare unfavourably with the rest of the Fredericton region. Statistics Canada reports that in 2006, slightly over one in five (21%) Aboriginals in this region lived in homes in need of major repairs (up from 20% in 2001). On a comparative basis, Aboriginals in the Fredericton area were roughly three times more likely to live in homes needing major repairs than were members of the general population (7% of the general population was affected by poor housing).

As for family structure, the Census data indicates that Aboriginal children in the Fredericton region are significantly less likely to live with both parents than children in the general population. In 2006, only 63% of Aboriginal children aged 14 or under lived with both their parents, compared to 81% in the general population. Similarly, 28% of Aboriginal children in the region lived with a lone parent as opposed to 10% of children in the general population.

In several of the First Nations communities I visited, the number of children in care was so high that the child welfare workers were hard-pressed to find safe and appropriate placements and to ensure that foster parents received sufficient training. The table below provides a summary of the rate of placement in out of home care for First Nations children as compared to the general population. While the comparison is very troubling, the problems seem to be exacerbated in certain communities, while other First Nations communities, such as Kingsclear First Nation, have relatively low levels of children in care that are consistently comparable with or better than provincial averages. In my view, this represents a clear need for the First Nations Child and Family Services Office to ensure that all agencies provide consistent approaches and comparable levels of care when dealing with First Nations families. In any case, the Minister of Social Development and the First Nations child welfare agencies must start making serious changes in order to reduce the trend by which First Nations children in New Brunswick are six times more likely to be placed in out of home care than their peers.

Community	Total population of 0 18 year olds	Number of children in care among 0 18 year olds	Rate of placement
First Nations living on reserve (NB)	3,357	191	6%
General Population (NB)	146,943	1,297	1%

Beyond this despairing statistical portrait, one issue which has haunted me arose during a talking circle in a First Nation which seemed in many ways to be a model community, owing to its housing stock, its developed infrastructure, and its stable and extensive program delivery. And yet during the talking circle in that First Nation, eight women and two men attested that every family in this community has been affected by domestic violence, sexual abuse or incest, and that until our process began to unfold, it was a shame that had not been spoken. Since that time, I have received correspondence from several of the community members who attended our session, cosigned by the Chief and other community leaders, informing me of the community's resolve to stop this abuse. These problems are not unique to this First Nation, but the ownership of the solution is perhaps unique and is an encouraging development.

Child welfare directors and staff in many communities informed me of their concerns about family planning, the frequency of teenage pregnancies, and increased sexual activity among pre-teens. Their concerns echo the findings in the 2008 report "A Strategic Framework to End Violence against Wabanaki Women in New Brunswick," which was prepared by the Advisory Committee on Violence against Aboriginal Women:

Sexual exploitation of Aboriginal women and girls is a significant issue. In Domestic Sex Trafficking of Aboriginal girls in Canada: Issues and Implications, Anupriya Sethi (2007) states that "75% of Aboriginal girls under the age of 18 have experienced sexual abuse, 50% are under 14, and almost 25% are younger than 7 years of age."⁹ In New Brunswick communities, anecdotal evidence indicates that this is also an issue, with adolescent girls often trading sexual favours for transportation, especially for those living in rural areas; other practical needs; or, drugs.¹⁰

⁹ Sethi, Anupriya. "Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications." First Peoples Child & Family Review, Volume 3, Number 3 (2007): 57-71. <<http://www.fncfcs.com/pubs/vol3num3toc.html>>.

¹⁰ "A Strategic Framework to End Violence against Wabanaki Women in New Brunswick." March, 2008. <<http://www.gnb.ca/0012/Womens-Issues/wabanaki-e.pdf>>.

I am committed to remaining a vigilant champion for the welfare of children and young women in First Nations communities and around the province, and I take courage from the example of individual community members who have come forward to improve the lives of children and families in their own communities. I subscribe to the views and recommendations put forward this fall by the provincial Women's Bureau and the "Strategic Framework to end Violence against Wabanaki Women," and I believe that the First Nations Child and Family Services Office must look to this framework and become an active partner in ensuring its implementation.

RECOMMENDATIONS

- 66. It is recommended that First Nations Chiefs, in collaboration with the New Brunswick Housing Authority, the Canada Mortgage and Housing Corporation and INAC, fund and develop a provincial action plan regarding the housing stock in First Nations communities, with a particular emphasis on ensuring adequate housing for young families and children.**
- 67. It is recommended that the restructured Agencies have a clear mandate and adequate resources to implement recommendations and programs in cooperation with women's groups and the non-profit sector supporting the "Strategic Framework to End Violence against Wabanaki Women in New Brunswick."**
- 68. It is recommended the Office work with the Agencies, the Province and other community partners on a strategy to address the risk factors which lead to child neglect, including the development of a First Nations version of the "Nobody's Perfect" program, or a similar, culturally-based program.**
- 69. It is recommended that the Office, in collaboration with Health Canada and the Department of Health, ensure that social workers in First Nations communities are given the professional, technical and financial tools to conduct culturally-based services that address issues of sexual abuse, drug use, teen pregnancy and pre-teen sexual activity.**

Children and the Law

The relationship between children and law enforcement is not always clear. Traditionally, we seek to shelter young children from difficult but sometimes necessary interventions by law enforcement. I want to address the issues surrounding young First Nations people detained in custodial settings, but I also want to speak more broadly about the role of law enforcement in providing all children with safe, stable environments. When law enforcement is seen as the face of a past colonial oppressor, enforcing the law becomes even more challenging and it is easy for law officers to become disengaged. Yet First Nations children, more than most, need the care and protective services that good policing can offer communities.

Here again our review team heard considerable consternation in First Nations communities regarding the prevalence of crime, particularly the trade of illegal and prescription drugs, but also in relation to domestic violence and sexual abuse. Some people told us that their communities are no longer as safe as they once were, but yet youth continue to enjoy the same liberties that older generations had had, and were therefore exposed to greater risks.

Another troubling finding from our review is the disproportionate incarceration rate of First Nations adults and youth. In New Brunswick, First Nations people make up only 2% of the population. However, in 2006-07, 13% of males and 20% of females on remand in New Brunswick were Aboriginal; of those sentenced, 9% of males and 21% of females were Aboriginal. In total, 8% of those admitted to custody in New Brunswick in 2007-08 were Aboriginal.

Incarceration rates among First Nations youth are barely more encouraging: in some places they are roughly proportional to the number of youth in the population, but they are most often four to five times higher than the population count alone might predict. In 2007-08, Aboriginal youth represented 8% of the total number of youth admitted to custody in New Brunswick.

Aboriginal Youth Incarceration Rates 2005 06	Aboriginal Males	Aboriginal Females
Remand	24 (10%)	2 (3%)
Probation	30 (8%)	35 (7%)
Deferred Custody	2 (2%)	0 (0%)
Open Custody	7 (10%)	2 (8%)
Secure Custody	9 (8%)	2 (8%)

Source: New Brunswick Department of Public Safety.

In light of these troubling statistics, we must concern ourselves with the disproportionately high incarceration rates among First Nations youth and adults and the bearing this has on families and communities. Increased reliance on alternative and community-based sentencing options is an approach worth continuing, but the real solution will come from empowering communities and establishing support systems for family units to address youth misconduct through appropriate and internal interventions and sanctions before mainstream crime and punishment approaches are even necessary. Here again, the focus has to be on prevention.

Furthermore, a significant and targeted effort must be made by law enforcement agencies to eradicate the drug trafficking which has destroyed so many family environments. Children in New Brunswick deserve better. We must act collectively and rapidly to stop these crimes. A sustained effort to build community policing capacity in New Brunswick First Nations, modeled in part on the recent efforts undertaken by Elsipogtog First Nation with the cooperation of the RCMP, is very much needed, particularly in communities in crisis and those plagued by rampant drug abuse.

RECOMMENDATIONS

- 70. It is recommended that the Agencies, Public Safety Officials, the Department of Justice, the Department of Social Development and others work collaboratively to promote alternative and restorative justice approaches in order to reduce the high incarceration rates among First Nations youth, and invest further in the community sentencing and rehabilitation initiatives that allow communities to set expectations for youth and take responsibility for their rehabilitation and good conduct.**

- 71. It is recommended that the Agencies, the Department of Public Safety, the Department of Justice, the Department of Social Development and others, in cooperation with First Nations Chiefs and Band Councils, develop community-based support structures for family units in which a child or youth is in conflict with the law.**
- 72. It is recommended that the Agencies, Public Safety Officials, the Department of Social Development, the Department of Justice and others work collaboratively to reduce the high incarceration rates among adult First Nations members, particularly with a view towards diminishing the impact of these trends on First Nations children. Consideration should be given to alternative forms of sentencing that, although denunciatory and punitive in nature, are rooted in a holistic, culturally-based reintegration and rehabilitative process.**
- 73. It is recommended that First Nations Chiefs and Band Councils build further upon their relationship with the RCMP and that the RCMP, while remaining engaged in the community, renew and improve its resourcing of police services within First Nations communities in order to significantly reduce illegal and prescription drug misuse and to increase community policing initiatives.**

Public and Post-Secondary Education

Hope was excited to go to the big shiny school just across the river from her First Nation community. She had attended a First Nation school from kindergarten to Grade 6 and she was now about to make the big move to the local junior high school. It was only a two-minute bus ride from her home, across the river and up a small hill to the new school. This larger provincial school had organized sports, drama clubs and other student activities that excited Hope, and of course, she hoped to make new friends and learn many new things. She was one of three students from her school who would be integrating into three classes of thirty students each. Hope knew that she would have to study hard and she looked forward to the tryouts for basketball, softball, volleyball, and cross country.

One day in her new school, Hope was asked by her Social Studies teacher to stand up and read to the class from a thin leaflet entitled the "Eastern Woodland Indians." The passage described the tribes as "savages." After reading this aloud to her classmates,

Hope quickly sat down and remained quiet for the rest of the day. Later, she went home and told her mother how ashamed she was and asked if this was true since it was in the school textbook. Hope was lucky to have a strong, proud mother who helped her understand her heritage. Her mother explained to Hope that perhaps someday, the history and heritage of First Nations people would be taught from a First Nations perspective and by First Nations people. With that support and assurance, Hope moved on and was determined to engage herself in her school and complete high school, which she did.

What a difference a short bus ride makes!

Little was said about educational services during our Community Engagement Sessions. The review team tried to engage First Nations youth about the issues involved in transferring from community-based First Nations schools to middle schools and high schools in neighbouring communities. Their reactions were mixed. Some reported feelings of isolation and discrimination, while others indicated that they had integrated well and were pleased to be in a larger school. Unfortunately, when we consider the statistics regarding educational outcomes, we were surprised that a great deal more was not said about this topic. It was also deeply troubling to me and members of our review team that in two of the largest First Nations in the province, children were entering a new school year in makeshift classrooms because one community's school had recently been destroyed by a fire and the other community's school had been condemned due to air quality concerns. If situations like these existed in any other New Brunswick community, from St. Stephen to Saint-Sauveur, I can only imagine how loud and constant the outcry would have been. And yet, the provincial news media were strangely silent on this topic and few parents raised concerns with me without prompting. I can only explain this silence as an indication from parents in these communities that they are struggling with larger issues and that educational outcomes have taken a backseat among their preoccupations. The indicators in terms of student achievement and post-secondary education also paint a discouraging picture.

Statistics Canada's 2006 Aboriginal Population Profile for Fredericton indicates that in a community with two universities, two provincial community college campuses and many other private post-secondary institutions, First Nations youth are 25% less likely than non-First Nations youth to attend school. Within the working population of 25 to 64 year-olds, only 53% had completed some post-secondary education, as compared to 65% of the general population. When the data is broken down further, it appears that the largest number of post-secondary certifications for Aboriginal men is in the trades sector and in college training for Aboriginal women. Looking only at university education, First Nations men in the region are three to four

times less likely to have a university degree than men in the general population (9% as opposed to 31.5%), while 17.5% of First Nations women in the Fredericton region have a university degree, compared to 31.2% of women in the general population.

These statistics are perhaps not surprising when one considers the provincial school achievement records for First Nations children today. The provincial school dropout rate for Grades 7 to 12 was 2.4% during 2007-2008. For the same time period, the dropout rate for First Nations students (living on reserve) attending public school was 8.6%. This number only takes into account the number of students who commenced the year; it does not include all the students who failed to attend at all. Overall, Aboriginal children who are attending schools both on- and off-reserve are struggling, scoring significantly lower than their non-Aboriginal peers on standardized tests.

GRADE 2 READING COMPREHENSION ASSESSMENT: ENGLISH

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	23%	21.4%
First Nations, Off Reserve	37%	5.5%
First Nations, On Reserve	44.2%	4.7%

Source: New Brunswick Department of Education.

GRADE 2 WRITING ASSESSMENT: ENGLISH

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	40.6%	5.2%
First Nations, Off Reserve	63%	4.1%
First Nations, On Reserve	66.3%	1.2%

Source: New Brunswick Department of Education.

At the Grade 4 level, students are tested on their English comprehension and writing skills. There is a decline in desired outcomes across the board, but overall, First Nations children who live on reserve perform worse than First Nations children who live off reserve and worse still

than the general population. In Grade 4, none of the on- or off-reserve First Nations children showed strong achievement on provincial test scores, while 7.1% of children in the general population did. In reading comprehension, 2.9% of off-reserve First Nations children and none of the on-reserve children showed strong achievement. English proficiency is tested again in Grade 7 and Grade 12; the tables below show that the trends outlined above only worsen throughout the school years.

GRADE 7 LITERACY ASSESSMENT: READING

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	34.2%	11.9%
First Nations, Off Reserve	54.3%	3.1%
First Nations, On Reserve	57.1%	0%

Source: New Brunswick Department of Education.

GRADE 7 LITERACY ASSESSMENT: WRITING

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	53%	0.7%
First Nations, Off Reserve	79.5%	0%
First Nations, On Reserve	85.7%	0%

Source: New Brunswick Department of Education.

GRADE 12 ENGLISH LANGUAGE PROFICIENCY: READING

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	43.5%	17.6%
First Nations	66.1%	3.6%

Source: New Brunswick Department of Education.

GRADE 12 ENGLISH LANGUAGE PROFICIENCY: WRITING

Category & Location of School	Below Appropriate Level	Strong Achievement
Provincial	32.9%	0.9%
First Nations	50.8%	0%

Source: New Brunswick Department of Education.

In recent months, much has been done in New Brunswick to address the lag in educational achievement shown by First Nations children. In my view, the First Nations Child and Family Services Office will have to show great leadership to ensure that all agencies and frontline social workers keep educational outcomes in mind as they intervene with children in care and children needing assistance. This will require cooperative and multidisciplinary approaches, such as those promised by the Province through its Integrated Service Delivery Framework.

Research on this matter suggests that for First Nations children to achieve academically, they need a curriculum that will engage them in their educational pursuits and will instill pride in themselves and in their culture. One of the greatest discoveries our project team made during the course of the review is the Metepenagiag Heritage Park, an interpretive museum of Mi'kmaq culture that is nestled on the shores of the Little Southwest Miramichi. The trilingual museum features a high-tech video history of the Wabanaki people, interactive archeological and historical displays in Mi'kmaq, English and French, a trail through the woods to the riverbanks where Mi'kmaq people have been gathering for three thousand years, and an actual birch bark wigwam. I recommend that all New Brunswick school children be given the opportunity at some point in their schooling to visit this important interpretive centre. By exploring these attractions and speaking first hand with elders and community members who remain connected to the land, the river and each other, school children will learn to appreciate the cultural diversity that exists in New Brunswick and the importance our province places on maintaining minority cultures, particularly those of the people indigenous to our region and which exist nowhere else in the world.

It is extremely important that children from linguistic and cultural minorities be given the opportunity to learn and celebrate their ancestral and cultural traditions, and efforts should be made to educate all professionals in the province about the needs of First Nations children in this respect. Special programs and measures are required to actively promote the participation of First Nations children in extracurricular cultural programs and learning opportunities that are specific to their identities, but also to ensure their integration into school life. This is the challenge which defines Canada: the search to build a community of communities, a place

where each can contribute to and be a part of the larger whole without losing pride in their place, identity or culture.

To this end I recommend that INAC, the Province and the First Nations fund a Heritage Language Mentor program which would allow deserving First Nations post-secondary students to complete their educational programs while working part-time in First Nations and public schools as cultural and language mentors at the grade school and high school levels. I recommend further that special efforts be made to ensure that every community benefit from the services available from graduates of the Native Language Immersion Teaching Certificate Program at St. Thomas University and others like it.

I am encouraged by the Province of New Brunswick's recent announcement regarding the post-secondary retention and recruitment programs aimed at raising the number of Mi'kmaq and Maliseet graduates. Similar programs have been piloted in a number of campuses of the New Brunswick Community College system, but not all campuses have similar programs and those that do have only committed to a short-term pilot. All such programs need to be continued and maintained over the medium-term to ensure that their goals are met. Moreover, the Province should help ensure the success of these initiatives by measuring both degrees granted and corresponding job placements for First Nations graduates.

The establishment of a new Office of First Nations Perspectives within the Department of Education is also very encouraging. This new work unit has already undertaken several promising initiatives and direct investments in Band-operated schools and promises to do much more over the next year in literacy and numeracy support, transition to Kindergarten, online Aboriginal languages study, leadership and mentoring programs for adolescents and more. First Nations communities and the Province have reached a new tripartite agreement regarding education which calls for a tuition reinvestment initiative by which 50% of the tuition costs for First Nations students schooled off-reserve will be reinvested directly into program enhancement for First Nations students. However, there is a risk that this program may have the perverse effect of exacerbating a problem of declining enrollment in Band-operated schools.

New Brunswickers know full well the benefits that minority language communities derive from control and management of their own educational institutions and mother tongue medium instruction. Every effort should be expended in the short- and medium-term to reinforce Band educational services in these areas. Unfortunately, the current reality is that only seven communities have Band-operated schools of any kind. These seven schools serve 722 students combined, compared to the 1,608 students who are schooled off-reserve in public schools. New investments by public school districts to enhance programs for First Nations students are

needed and welcome, but this should not detract from the priority goal of keeping kids in schools in their communities and learning in their native language whenever possible.

RECOMMENDATIONS

- 74. It is recommended that the Department of Education, in collaboration with First Nations, revise the grade school, middle school and high school curriculums to ensure that First Nations history (including pre-colonization history, the colonial period, treaties, the legacy of the residential school system, land claim settlements and Aboriginal rights cases) are taught as part of the curriculum in all provincial schools.**
- 75. It is recommended that INAC, the provincial Department of Education and First Nations education authorities undertake further study to ensure that First Nations communities develop increasing capacity to provide educational services to their own children in their own communities and as much as possible in their native languages.**
- 76. It is recommended that the Department of Education, First Nations Education Authorities and School District Councils collaborate to ensure that best practices surrounding participation in extracurricular activities (such as school bands, choirs, drama clubs, debating clubs, sports teams, student groups, student councils and movements such as Right to Play) are as culturally sensitive and inclusive as possible so as to promote and raise First Nations students' participation at all levels and to help prevent racism in New Brunswick schools.**
- 77. It is recommended that the Province of New Brunswick collaborate with all School Districts and the Metepenagiag Heritage Park to devise a plan by which every school child within the province will visit the Heritage Park at one point during his or her schooling, with appropriate co-curricular activities and lesson planning.**
- 78. It is recommended that First Nations and provincial public schools develop programs to ensure that the transition of First Nations children from First Nations schools to the provincial school system is as smooth as possible, that bullying and racist conduct of any kind is prevented and that a positive learning environment is nurtured for every student.**

- 79. It is recommended that the First Nations develop a model based on Eel Ground School, which relies on the use of technology, videos, drama and acting as means of engaging First Nations youth in active learning about their culture and about social issues such as substance abuse.**
- 80. It is recommended that INAC, Heritage Canada and the Province of New Brunswick create a Mi'kmaq and Maliseet Heritage Language Mentor Program through which deserving Mi'kmaq and Maliseet youth would be offered post-secondary scholarships to perfect their language skills and transpose those language skills to children in First Nations and provincial public schools.**
- 81. It is recommended that the Office, INAC and the New Brunswick Aboriginal Affairs Secretariat work with all New Brunswick Bachelor of Social Work, Laws, Psychology, Criminology, Nursing and Education programs to incorporate more First Nations perspectives and awareness training in these programs; to promote awareness about residential schools, the Sixties Scoop, and the generational impacts of these policies in First Nations communities today; and to ensure that New Brunswick professionals are aware of First Nations cultures, issues and realities, particularly as they affect children.**

Youth Leadership, Sports and Leisure

In every First Nation the review team and I visited, the children and youth invariably spoke to us about the lack of sports and recreation programs in their communities. They talked to us about the drug culture and their fear that their peers turned to drugs because there was nothing else to do. The lack of transportation to urban centres where services and opportunities were more readily available was also raised repeatedly as a concern.

As the Child and Youth Advocate, I have taken pains over the past two years to encourage policy-makers in the province to pay closer attention and to take better measure of the opportunities and activities in which children and youth are involved in outside of their formal educational pursuits. How much screen time do children and youth engage in per day and month, be it television, movies, computer use, video games or online social networking? What about telephone usage and time spent texting? How many hours of homework are children doing? How much physical activity do they undertake each day? What about other cultural or leisure activities, like dance, music, drama, and visual arts? How many volunteer hours do they contribute? The Department of Wellness, Culture and Sport has begun to collect some interesting data on these topics through its New Brunswick Student Wellness Survey. However,

this survey does not collect data regarding First Nations status or cultural affiliation and therefore cannot be broken down or analyzed through this lens.

During our conversations with First Nations youth, it was encouraging to note how natural leaders came forth to give voice to their own concerns and those of their peers. In the messages conveyed, however, I noted a sense of disempowerment. One of the suggestions which held great traction with youth was the revival of the Indian Summer Games. Based on the more recent success of the Jeux de l'Acadie and the importance of that process in building a sense of pride and identity among Acadian youth in the Maritimes, I am very confident that the revival of the Indian Summer Games is an ideal way to develop leadership and resilience among First Nations children and youth. INAC should work with Heritage Canada and the Maritime Provinces to ensure that First Nations children enjoy the same benefits and opportunities as are made publicly available to Acadian minority youth in this respect.

Beyond this public investment in promoting “sound minds in sound bodies,” I believe that First Nations leaders should do more to enhance opportunities for nurturing and developing leadership skills among First Nations youth. This could include youth exchanges between First Nations in Canada to encourage dialogue, mentoring and peer-to-peer learning. While great benefit could be had from youth exchanges among First Nations communities, particularly within Mi'kmaq and Maliseet communities, we also have to actively promote intercultural dialogue and exchanges between First Nations youth and their peers in the non-Aboriginal community. Ensuring that First Nations youth are active participants in leadership development programs is an important first step in restoring balance within our larger community. Dialogue NB, la Fédération des jeunes francophones du Nouveau-Brunswick, the New Brunswick Youth Strategy and 21inc all have great experience in these matters and could play leading roles in bringing about the required changes, but Cadets Canada, Scouts Canada, the Girl Guides of Canada, the Duke of Edinburgh's Award Program, the YMCA and many other sports, dance and music associations can be called upon to do their part as well.

Of course, these developments will only thrive if First Nations leaders themselves make responsible and adequate investments in programming and infrastructure for children and youth. It is a matter of establishing clear priorities. In some First Nations communities, such as Eel River Bar and Elsipogtog, children have access to facilities that children in municipalities of similar size throughout the province can only dream of having. This is because the community and its leadership have chosen to make and maintain the level of investment needed to give children better opportunities. Unfortunately, in other communities, what were once recreation centres have been converted into gambling halls, leaving the children and youth with no places to gather, play sports or engage in organized activities. The First Nations Child and Family Services Office should play a key role in promoting adequate, child-centric infrastructure and

program development in all First Nations communities and should work with the Band Councils to establish clear priorities in this area.

RECOMMENDATIONS

- 82. It is recommended that the New Brunswick Aboriginal Affairs Secretariat, in collaboration with the New Brunswick Community Non-Profit Organizations Secretariat and program deliverers such as the Canadian Red Cross, the YMCA and others, develop a youth leadership program for First Nations youth, based on language and culture promotion and preservation, intercultural dialogue and civic participation, and which will actively promote and celebrate positive First Nations role models.**
- 83. It is recommended that First Nations Chiefs and Councils, in collaboration with INAC, Heritage Canada and the Department of Wellness, Culture and Sport, support the revival of the New Brunswick Indian Summer Games as an annual celebration involving cultural and sporting competitions between First Nations youth.**
- 84. It is recommended that Dialogue NB be provided with program funding to develop a permanent Mi'kmaq and Maliseet dialogue forum as an adjunct to their official languages mission, aimed at promoting dialogue and school-based exchanges between Mi'kmaq and Maliseet children in New Brunswick, Quebec, Maine, Nova Scotia and Prince Edward Island, and also between New Brunswick First Nations children and their peers in schools around the province.**
- 85. It is recommended that the New Brunswick Aboriginal Affairs Secretariat, in collaboration with INAC, develop a pilot program to ensure that First Nations children living on reserve have access to adequate sports, recreation and leisure facilities.**

Language and Culture

Joe was born to unwed teen parents. His father was a member of a New Brunswick First Nation and his mother was non-Aboriginal. During the early part of his life, Joe and his parents lived on reserve where Joe was surrounded by family, including his paternal grandparents. But when Joe was around four years old, his parents separated and his mother was asked to leave the community as she was not a First Nation member.

When Joe entered school, he immediately began having problems. Between kindergarten and Grade 8, he was often suspended from school due to his disruptive and violent behavior. During this time, Joe had very little contact with his father or his father's family, and he quickly became a very angry, aggressive child. In Grade 8, he was permanently suspended from school. Joe and his mother were provided with teaching assistants, relief weekends and support workers, but it was all becoming too much for Joe's young mother to handle.

Joe became more and more aggressive towards his mother and other family members, and was subsequently placed in foster care. His psychiatrist diagnosed Joe with Asperger syndrome and prescribed him medication. Over the next two years, interventions were held to get Joe back in school and to help him to rebuild his relationship with his father and his father's family. Joe began attending an alternative school, but he still struggled with anger and violence and eventually his foster home placement collapsed.

Joe's paternal grandparents invited him to live with them, so Joe returned to his First Nation community. Joe has been living with his grandparents for the past two years and has never shown any violence towards them. He is currently in Grade 11 in a regular school, which he has attended daily for the past two years without ever being suspended. Joe has regular visits with his mother and his other siblings, and has a much better relationship with both sides of his family. He no longer sees a psychiatrist and is not on any medication. Joe is a new child. He hunts and fishes on a regular basis with his father and other relatives. He feels at home now in his community, a home that he always knew was there.

I come now, in the final few pages of this report, to areas of recommendation which I consider the most fundamental and critical among all the work and all the recommendations outlined above. I am convinced that what we do in terms of language and cultural preservation and in engaging families and communities as solution-providers will determine the success of all our other efforts. Ernest Renan, a French philosopher whom many regard as the father of nationalism, once said that a nation is first and foremost a human grouping of individuals with a

collective will to live together. Beyond race, religion, a common history, territory or geography, it is, in Renan's view, the collective desire to live together which makes a nation. And among all the attributes of nationalism which help form national identities and which give rise to this collective desire, language is without a doubt the most central, powerful and unifying value.

In Canada, we have nurtured a dream which some may consider foolhardy and unattainable. We have built this country on the recognition of not one but two official languages and on a policy of multiculturalism which does not ask new immigrants to leave their linguistic and cultural identities at the door. We celebrate linguistic diversity in Canada and it is this value that in large part defines us as a people and a nation. What then is our responsibility to the rich linguistic diversity that is indigenous to our part of the world? In my view, we owe it to ourselves and to the world to preserve and promote all the indigenous languages spoken in this land.

This is indeed an incredible challenge and our success will be determined in large part by the collective will of the various First Nations who have kept these linguistic communities alive from generation to generation. It should not, however, be determined by the impacts of a colonial past and former policies of assimilation and acculturation. The weight of that history is still very burdensome today, and First Nations people in New Brunswick need to know that other New Brunswickers stand shoulder-to-shoulder with them in their efforts to rekindle the flame that has kept their songs and stories alive to this day. This is something that needs not only to be said, it must be demonstrated in actions and deeds.

Mi'kmaq and Maliseet are dying languages. Maliseet, or Wolastoqiyik, has almost disappeared from the St. John River Valley. According to Statistics Canada, the number of New Brunswickers who report Maliseet as their mother tongue diminished from 860 in 2001 to 490 in 2006.¹¹ In 2006, only 125 people reported Maliseet as the language most often spoken at home, and only 1,025 reported speaking Mi'kmaq daily in their homes.¹² The 2006 data indicates that only 20% of Aboriginals in New Brunswick have some knowledge of their language, that 18.1% claim an Aboriginal mother tongue and that only 8.7% use an Aboriginal language most often at home.¹³ The native speakers of Mi'kmaq and Maliseet are quite literally dying off as we speak. The hope

¹¹ Statistics Canada. <<http://www40.statcan.gc.ca/l01/cst01/demo38b-eng.htm>>.

¹² Statistics Canada. <<http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/tbt/Rp-eng.cfm?LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=771240&GK=0&GRP=1&PID=91872&PRID=0&PTYPE=88971,97154&S=0&SHOWALL=0&SUB=0&Temporal=2006&THEME=70&VID=0&VNAME=&VNAMEF=>>>.

¹³ Statistics Canada. <<http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-594/details/page.cfm?Lang=E&Geo1=PR&Code1=13&Geo2=PR&Code2=01&Data=Count&SearchText=New%20Brunswick&SearchType=Begin&SearchPR=01&B1=All&GeoLevel=&GeoCode=13>>

for the future of these language groups, and I would argue for the future of these communities, lies in teaching more First Nations children and adults how to speak their language.

There are examples of other Aboriginal cultures that have revived their languages from the near brink of extinction. If the Maori in New Zealand can do it, then surely we in New Brunswick, with all our experience in second language learning, can meet this challenge also. My hope is that every First Nations man and woman in this province will take it upon themselves to learn their language and to teach it to a child they know. I firmly believe that it is only in taking individual responsibility for this that we can succeed, and ownership of the solutions must be individual and communal. That is why I am recommending that a public engagement process for the preservation and promotion of Mi'kmaq and Maliseet languages be fully supported by the Province and by the federal government, whereby communities can identify the solutions required and governments can respond to implement these strategies.

Jacques Ellul, a French philosopher from the last century, stated that poetry is born from longing and absence.¹⁴ Many nations in their darkest hours take heart from the voice and vision of their artists. In order to overcome the ravages of colonialism, artistic and cultural revivals are critical first steps in reclaiming identity. I can think of one recent initiative in New Brunswick that promises to be transformational in the lives of many young children and which would be of particular benefit to First Nations youth. In October 2009, the New Brunswick Youth Orchestra, with the support of the Province, launched a free musical education program in School District 2 aimed at combating poverty and ending social exclusion. The El Sistema program, which is the first of its kind in Canada, is based on the success of the Venezuelan youth music movement founded by Jose Antonio Abreu thirty-five years ago. Abreu's mission has been to give children a purpose and a goal that will instill pride in them and will ultimately benefit not only the children but their families and communities as well. Abreu has said,

“From the minute a child is taught how to play an instrument, he's no longer poor. He becomes a child in progress heading for a professional level, who'll later become a full citizen. Needless to say that music is the number one prevention against prostitution, violence, bad habits and everything degrading in the life of a child.”¹⁵

The Cambiata Centre in Moncton is now providing musical instruction to nearly fifty children for up to three hours a day, five days a week. There is no registration fee; parents only have to ensure that their child is present and ready to learn. Many parents were drawn to the program because of its unbeatable price, and they have come away with a new sense of pride in their

¹⁴ Jacques Ellul, « L'amant avec l'objet aimé n'écrit point de poèmes. Lorsque la plénitude est là que pourrait-on y ajouter...La poésie naît comme fruit de l'absence et du déchirement. »

¹⁵ <http://blog.ted.com/2009/02/weve_transcrib.php>.

children's accomplishments. While the program is only a few months in, educators say that they have seen marked progress in the resiliency, sense of purpose and application of effort in a number of children.

My question is: why have INAC, district officials and the Province not thought to make this program available to First Nations children? The program in Moncton started with an orchestral strings program, and before they received their instruments, the children were asked to build a paper orchestra. The children's paper maché instruments taught them how to hold and care for their real instruments and to respect the work that goes into making them. These are the same lessons a First Nations child would hear when he or she is taught to make a drum. What better way could there be to bring our children and communities together than to make music together?

We need to make more dedicated efforts to record and celebrate the cultural history and traditional teachings of the Mi'kmaq and Maliseet people before more of their songs and stories are lost. We also need to promote and encourage new artistic and cultural production to sustain the life and vibrancy of these cultures and ensure that they do not merely become matters for academic or historical inquiry, but instead remain living means of communication and sharing human experience within our community.

RECOMMENDATIONS

86. It is recommended that the First Nations Chiefs and Councils, St. Thomas University, the New Brunswick Aboriginal Affairs Secretariat, INAC and the Province of New Brunswick develop a provincial public engagement process to determine collectively what strategy must be implemented in the next two years to preserve and promote the Mi'kmaq and Maliseet languages, with a particular emphasis on the development of a long-term plan to reverse the losses and imminent threat to the Maliseet language.

87. It is recommended that the federal and provincial governments each contribute significant funds dedicated to the preservation and promotion of the Mi'kmaq and Maliseet languages.

88. It is recommended that Heritage Canada and the Province fund a Mi'kmaq and Maliseet web-portal to archive, document and record First Nations history and culture in our province and also to promote and encourage the development of

new artwork, stories, songs, creative writing and new media productions, submitted by New Brunswick First Nations members.

89. It is recommended that INAC, Heritage Canada, the Province of New Brunswick, the Department of Education and the School District authorities extend the pilot of the New Brunswick Youth Orchestra's "El Sistema" program, which is aimed at promoting social development through music education, to school districts serving First Nations children, and to promote First Nations children's participation in an adapted and culturally enriched version of the program.

The Role of Families, Communities and the Non-Profit Sector

Chandler was born to a young First Nations woman with addiction problems. His parents lived together for a short period of time, but their relationship deteriorated and his mother later became involved in another relationship. The environment in which Chandler lived was at times hazardous and neglectful. Child protection services became involved with the family and Chandler was soon made a permanent ward of the Minister of Social Development. He has since lived with a foster family who maintains contact with his mother and biological family.

At the age of two and a half, Chandler began attending the Head Start program with all the other children in his First Nations community. However, Chandler was not like the others: he did not make eye contact or use language, and only made sounds to communicate. He was unable to feed himself or to listen during story time, and he became extremely agitated if the teacher took away his favourite toy.

Chandler was referred to an occupational therapist who made the following comments in the initial assessment: "Chandler appears very restless, he is unable to sustain his attention, very limited in understanding verbal language, no awareness of danger, very little interaction with children." Chandler was also assessed by a psychologist who noted that the boy showed signs of developmental delay, Pervasive Developmental Disorder, Attachment Disorder and Fetal Alcohol Spectrum Disorder.

For the next two years, occupational therapy services were provided to Chandler in a team approach by his family, foster family, daycare workers and social worker. Regular follow-up was done by the occupational therapist, and a one-on-one intervener worked with Chandler at daycare five days a week. With the stability, routine and structure provided to Chandler, those around him began to notice positive changes. Further

assessments were done a year later with a Speech Pathologist who established a communication program for Chandler that was implemented at daycare and at home.

At the age of four, Chandler was attending a pre-school program in the community, accompanied by his intervener. The occupational therapist evaluated him again, and noted that Chandler was able to complete fifty percent of the tasks expected of a four year-old and that he had made great improvements over the past year in all areas of development.

In September 2009, Chandler entered kindergarten at the elementary school with his intervener. On his first report card, he exceeded expectations for his writing skills. Chandler remains a very high-energy child who is talkative, inquisitive, loving and tender, and he is enjoyed by everyone who surrounds him.

Early detection of Chandler's condition was imperative for reaching his developmental milestones. It must be noted that the commitment of Chandler's intervener and foster family is the base of his success. Because he had the support of a team who had the freedom to develop a specific program for him, Chandler has been given a better chance at life.

The final chapter in this report deals with the role of families, communities and the non-profit sector. In various sections above, we have seen that a new foundational agreement is needed to divide responsibilities and share accountability for First Nations child welfare between the three levels of government – provincial, federal and First Nations. These three levels of government should be responsible for legal accountability, financial accountability and service delivery, and progress on all these fronts should be measured and sustained, supported by a framework agreement that does not need to be endlessly renegotiated. But beyond all these efforts, our political leaders would do well to remember that from the child's perspective, the true moral accountability for their well-being rests with their parents, their families and their community.

As humans, we hold as a universal truth that parents have the primary responsibility for the upbringing and development of their children.¹⁶ As our children look to us with the eyes and

¹⁶ As set out in Article 18 of the Convention on the Rights of the Child: "1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern."

weight of future generations, and with the features and characteristics of their ancestors, their gaze, their questions and their understanding is directed first and foremost at Mom and Dad.

It is crucial that interventions aimed at protecting children be timely and directed principally at assisting parents to meet their legal and fiduciary obligations. When a child is removed from their parents' care, we must take measures to maintain family ties so as to minimize repercussions upon the child. In our efforts to assist any First Nations parent whose family may benefit from intervention, we need to ensure that the assistance is provided, as much as possible, from their peers and their community so that the interventions are not merely "culturally appropriate," but that they are in fact culturally-based. Interventions must be a reflection of the community's standards, as well as the legal standards of care imposed on parents and guardians of children.

As troubled as I am by the findings and conclusions to which I have come throughout this review, I take solace in the fact that we have made significant progress in New Brunswick in dealing with First Nations child welfare over the past thirty years. We have moved from a past based on cultural conflict and assimilation, to a present which is respectful of cultural differences and the need for autonomy and self-determination in building our diverse communities. As in many families, after a period of conflict or struggle, there is an awkward silence and unease that sets in. The danger that I have noted above is the disconnection between our communities in spite of the fact that we are increasingly commingled. We have agreed in principle to be better neighbours and respectful of our differences, but the shame and hurt on either side has generally had the effect of reinforcing the ignorance that was at the root of the old colonial conflicts.

As I travelled throughout First Nations communities in New Brunswick this past year, I was impressed to learn how genuinely unique, welcoming and distinct they are, and I was encouraged to see the extent to which ancestral First Nations values and traditions have been maintained and were taking root again in otherwise modern and forward-looking communities. What troubled me, however, was the lack of any involvement or presence of the province's non-profit and business sectors. Other than a few church spires, there was nothing I could see to connect these communities with the "caring communities" I find all around New Brunswick: no Kiwanis Clubs or Royal Canadian Legion halls, no women's leagues or YMCAs, and no Boys and Girl Clubs, Boy Scouts or Girl Guides. There were no offices of the Lung Association, Arthritis Society or Red Cross, although some signs attested to outreach activities. There were no universities, hospitals or institutions of any size serving the broader community, except for a few bingo halls and the Metepenagiag Heritage Park, which I have come to count as one of New Brunswick's best kept secrets.

Essentially, I think what is missing from these New Brunswick communities is New Brunswick. Of course, I did not expect to find the quintessential New Brunswick in Mi'kmaq and Maliseet territories, and nor should anyone. The whole rationale of our First Nations reservation system (if there is any sense to it today at all) is to set aside places for First Nations people where their cultures can be preserved. At the same time however, the shock for which I was not ready was the total lack of any sign that New Brunswickers care about these communities the way we do about all the other towns, villages and hamlets that dot our rural landscape.

While there is a great need today to be very respectful of the autonomy and drive for self-government among First Nations, we must not disengage from one another. We can achieve solidarity while maintaining respect for our differences. The challenge I put out to New Brunswick's business community and non-profit sector is to invest in the welfare of First Nations children and their communities. Obviously the drive for a renewed investment by the non-profit sector must come from First Nations communities themselves, but what I am hearing is that the invitation is there. What is needed now is for people of goodwill to come together and work through the challenges identified by First Nations communities.

The Province of New Brunswick has recently created a new secretariat to place increased emphasis on harnessing the power for good that exists within the province's non-profit sector. I believe that the First Nations Child and Family Services Office should work hand-in-hand with the New Brunswick Community Non-Profit Organizations Secretariat to find ways to fill the void that years of ignorance have left between our communities.

I recognize also that there is something more that can be done on an individual level and by the business community in this province to help redress the glaring inequities in child welfare outlined above. What we need is a renewed commitment to equal opportunity for First Nations children in New Brunswick. Governments are, I believe, ready to do their part, but all of us can and must contribute as well. Many individuals have come to me over the past few months and asked quietly what needs to be done. There is a thirst and a yearning in the non-Aboriginal community for more proactive engagement. That is why I am recommending and am personally committed to the creation of a First Nations Children's Futures Fund in New Brunswick which will capitalize on the goodwill of individual New Brunswickers and corporate leaders. This will lead to new investments in infrastructure, programs and opportunities for First Nations children in our province.

Furthermore, I am strongly recommending that the Province of New Brunswick adopt a progressive and meaningful interpretation of Jordan's Principle. Moving forward, when a child in New Brunswick is in need of services, it should not matter whether they are First Nations or not, whether the services required are payable by the Province or the federal government or by one provincial department or another: if the services are demonstrably needed and legally

available, they should be provided expeditiously to the child or his or her family by the agency of first contact and officials can sort out afterwards which of them is responsible for the costs.

If the recommendations in this final section can be implemented fairly, all the other recommendations will become far more manageable. The focus on families and communities, and on working together in accordance with a principle that places the child's needs at the centre of all our actions, is the key to our success.

RECOMMENDATIONS

- 90. It is recommended that the First Nations Child & Family Caring Society of Canada's "Caring Across the Boundaries" workshops be evaluated and rolled out by the New Brunswick Aboriginal Affairs Secretariat, the Child and Youth Advocate and the New Brunswick Community Non-Profit Organizations Secretariat to ensure that First Nations child welfare disparities are understood by New Brunswick non-governmental organizations.**
- 91. It is recommended that a high-profile public education campaign be undertaken to reinforce positive parenting roles in First Nations communities and which recognizes the parents' joint and primary role in the development and education of their children, as proclaimed by the UN Convention on the Rights of the Child.**
- 92. It is recommended that INAC and the Province reach an agreement prior to September 1, 2010 on how to implement Jordan's Principle in New Brunswick, recognizing that all children should have timely access to necessary and publicly available services. The agreement should include a reliable dispute resolution mechanism to resolve disputes between departments or between the federal and provincial governments.**
- 93. It is recommended that a First Nations Children's Futures Fund be created with a Board of Directors led by private sector donors and with the mission of supporting opportunities for recreation, sport and cultural development; heritage and language retention; and leadership development among First Nations children in New Brunswick.**

Conclusion

I am thankful for having had the opportunity to meet first-hand so many Mi'kmaq and Maliseet people through this review, to listen to their concerns and to try to give voice to the needs of their children and youth. Essentially, what is being asked for here is exactly the promise to which New Brunswick committed itself nearly fifty years ago: the promise of equal opportunity.

I find it encouraging that what emerges clearly from the Mi'kmaq Creation Stories excerpted above are universal teachings found also in the commitment to the equality of rights. Glooscap learns on his journey to respect every voice and every living thing, with particular regard for the voices of elders, children, youth and women. These are teachings that white men, and First Nations men also, have not always heeded as well they might. My hope is that the voice of children will help us make a new start, remind us of these teachings and of the need to keep them constantly in mind as we strive, hand-in-hand, to build communities respectful of the human spirit and the equal human dignity of all.

Roadmap

June 1, 2010

- Establishment of the transition team responsible for blending eleven agencies into three
- Creation of the First Nations Children's Futures Fund
- Roll-out of the Caring Across the Boundaries workshops

September 1, 2010

- Incorporation of the First Nations Child and Family Services Office
- Implementation of the Public Engagement Initiative on the preservation and promotion of Mi'kmaq and Maliseet languages
- NB Families system rolled out and piloted in three existing child and family services agencies
- Regulations adopted under section 143 r) of the *Family Services Act* defining the roles of the community social services agency
- Establishment of a First Nations Child and Family Services unit within the Department of Social Development
- Formal recognition of Jordan's Principle by INAC and the Province

December 1, 2010

- Establishment of the Elders Council
- Establishment of the Advisory Councils
- Locations of the Office and the Agencies determined
- Finalization of the human resource plan
- Hire of an Executive Director for the Office

February 1, 2011

- Federal-Provincial-First Nations agreement on services to non-status children on-reserve and status children off-reserve
- New Tripartite Agreement on child and family services reached and ratified
- Finalization of revised provincial child welfare standards incorporating culturally-based First Nations practice standards

April 1, 2011

- Agency staff hired and trained
- Office staff hired and trained
- New prevention-based funding agreement in place
- New Office and Agency offices furnished and equipped with required hardware and software

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