

and developmental needs together with the physical environment and carer suitability. However, only half of the disabled children had their disability assessed as part of the decision-making process and only 38% of children with siblings were placed with one of their siblings.

It is important to emphasise that the deinstitutionalisation process may further damage children if the transition is too rapid, as observed in Romania (Mulheir et al 2004) or if the needs of the children are not considered or treated as a priority. Up to a third of children who leave institutions show disability or developmental delay and require follow-up home visits by professionals and a significant investment from community health and social services (Browne et al 2005b). Investing in such community services may help prevent children entering residential care in the first place. In most countries of the European region, state-funded community care of children requires further investment and development in order to promote the rights of the child in line with the CRC (UN 1989).

Conclusions

Normal child development is based on regular and frequent one-to-one interaction with a parent or foster parent. This is especially important for the under-3's because the early years are critical for brain development. Therefore, it is recommended that no child of less than 3 years should be placed in a residential care institution without a parent/primary caregiver. High-quality institutional care should only be used as an emergency measure to protect or treat children. Even then, it is recommended that the length of stay should be as short as possible and non-violent parents should be encouraged to visit or stay with the child. Hence, the vast majority of childcare experts argue that *all* residential care institutions for children under five should be closed and the children in them returned to family-based care. However, the under-5's currently living in institutional care should be moved to family-based care only when foster families have been carefully assessed, recruited and trained and associated community services are in place. Deinstitutionalisation without comprehensive assessments on the suitability of kin, foster or adopting family carers, prior to the move, will place

the child at risk of entering a placement that cannot meet their needs.

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The untouchable guardian

The State and Aboriginal children in the child welfare system in Canada

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Child welfare work has two key purposes: 1) to enforce legislative standards for the safety of children; and 2) to provide for children removed from their caregivers by the State (Martin 2003). In Canada, the State is guardian to over 85,000 children in care (Tweedle 2005). The State therefore touches the lives of many families, yet it remains largely untouched by enforceable policing of its own responsibilities.

This is particularly true for Aboriginal¹ children who are vastly over-represented in the Canadian child welfare system. Despite representing only 5% of the child population, Aboriginal children account for an estimated 30–40% of children in state-run or state-sanctioned child welfare authorities (Farris et al 2003). Blackstock et al (2005) indicated that Status First Nations children constitute the majority of Aboriginal children in care. The authors noted that amongst three provinces collecting disaggregated child-in-care data, 10% of the population of First Nations children were in child welfare care. This compares to just over 0.5% of other children and 0.31% of Metis children. National data from the Department of Indian Affairs and Northern Development suggests that the number of Status Indian² children resident on reserves has increased by a staggering 70.4% between 1995 and 2003 (Canada 2003). Young children aged 0–7 represent over 50% of Aboriginal children coming to the attention of child welfare (Trocmé et al 2004). However, to date there has been very little analysis on the developmental impacts of child welfare intervention on Aboriginal children in their early years.

This article argues that the failure of the state to redress disproportionate structural risks to Aboriginal children, to provide equitable family

support and proper support for Aboriginal children in care places the child welfare system in a situation where it may well be neglecting the very children it removed from families for reasons of neglect. Recommendations for policy change are discussed.

Child welfare delivery to First Nations children and families in Canada

Each of Canada's 10 provinces and three territories has jurisdiction over child welfare in its region. The federal government funds child welfare services for Status Indian children resident on reserves. As a result of mass removal of First Nations children from communities in the 1960s, First Nations began developing their own child welfare programmes on reserves. These are known as First Nations Child and Family Service Agencies (FNCFSAs). They must operate pursuant to the provincial child welfare legislation. However, they are funded by the federal government for on-reserve services pursuant to a national funding formula known as Directive 20–1 (except in Ontario where a separate funding agreement exists). It is important to note that there is no link between the provincial jurisdiction and the federal funding formula. First Nations have reported that funding levels have not kept pace with legislative requirements. This has resulted in a two-tiered child welfare system, where First Nations children on reserves receive inferior child welfare services. FNCFSAs report (and research confirms) that funding levels supporting a myriad of child welfare services (including child maltreatment prevention) are inequitable (McDonald and Ladd 2000; Blackstock et al 2005.) Off reserves, the provinces have sole jurisdiction and responsibility for child welfare services for First Nations children and their families. In the past, the provincial child welfare authorities (or agencies under license from

the province) provided the vast majority of child welfare services to First Nations children, but recently there has been modest development of Aboriginal child and family service agencies serving urban areas.

Identification and response to child maltreatment

The Canadian Incidence Study of Reported Child Abuse and Neglect (Trocmé et al 2001) indicates that First Nations children comprise the largest group of Aboriginal children coming to the attention of child welfare authorities (65% of investigated cases). Aboriginal children were less likely than their non-Aboriginal peers to be reported for physical or sexual abuse but were twice as likely to be reported for neglect. The key drivers of neglect were poverty, poor housing and substance misuse (Trocmé et al 2004).

Theoretically, assessment of neglect should consider whether the caregiver can influence the risk factors that lead to child neglect. However, Aboriginal parents are unlikely to improve their living standards or housing without external support. Ida Nicolaisen, a member of the United Nations Permanent Forum on Indigenous Issues, observes that although the source of the risk to the child may be structural, the assessment of responsibility for changing the risk continues to reside with the caregiver, meaning that 'indigenous children continued to be removed from their families by welfare agencies that equated poverty with neglect' (United Nations 2003, p. 5).

First Nations children served by provincial child welfare authorities

Although many provinces report disproportionate rates of First Nations children in care, there has been a lack of proportionate investment in research designed to analyse the efficacy of mainstream child welfare approaches for First Nations children and families. The importance of further study in this area is underlined by one province that recently undertook a review of its family support expenditures related to First Nations children in care. First Nations children represent over 80% of the children in care in this province and the province has made an effort to work with First Nations people to redress the situation. Despite the provincial goodwill, an analysis of the family support

budget revealed that only 20% was allocated to First Nations families (Flette 2005.) Children's advocates in several regions continue to encourage the provinces to further develop culturally appropriate services in partnership with First Nations, Métis and Inuit peoples (Saskatchewan Children's Advocate 2004; Alberta Child Advocate 2005).

First Nations child and family service agencies

As noted earlier, FNCFSAs are funded by the federal government pursuant to a national funding formula but must follow provincial child welfare legislation. This operational regime restricts the degree to which services can be culturally based. It also introduces a context in which the agency itself has little or no influence over the statutory responsibilities it must uphold or the amount of resources it receives. The situation is further complicated by the fact that the legislation and funding amounts are not linked. FNCFSAs thus report that funding levels have lagged behind progressive legislative changes, resulting in inequities of service to children on reserves. These reports have been confirmed by three separate studies (McDonald and Ladd 2000; Shangreux 2004; Blackstock et al 2005). MacDonald and Ladd (2000) found that FNCFSAs receive an average of 22% less per child than mainstream child welfare agencies, despite the higher service needs of families on reserves. Shangreux (2004) confirmed that FNCFSAs report significant under-funding of prevention services. The same author notes that this under-funding and the resulting lack of services has resulted in higher numbers of First Nations children being placed in child welfare care.

To make matters worse, most provincial governments provide no funding for family and child support services on reserves. Neither is there much help from voluntary sector organisations (Blackstock 2005 Nadjiwan and Blackstock 2003). In contrast, non-Aboriginal families who are experiencing or at risk of experiencing child maltreatment benefit from both of these service sectors and from enhanced levels of family support provided by mainstream child welfare services. Given the multi-generational impacts of colonisation, the resulting high levels of service need, and the comparative dearth of family and child support services, it is not surprising that First Nations children are over-represented in care.

The State as guardian for children in care

Unfortunately, despite the large numbers of Aboriginal children coming into contact with child welfare, there are no studies examining their specific experiences. However, research documenting the views of young people in state care in Canada indicates that the quality of care has not improved significantly over the past 30 years (Alderman 2003). Findings suggest that young people continue to face early and abrupt emancipation from care, multiple placements, inadequate physical and sexual health care and poor educational outcomes. They also have no meaningful participation in the decisions that affect them (National Youth In Care Network 2001; Casey Family Programs 2001). Additionally, young people report that the child welfare system is over-reliant on pharmaceuticals to control problem behaviour. In addition, there is inadequate counselling and peer support to address the causes of behavioural problems. Overall, the perception of young people in care is that they are stigmatised and marginalised and devalued as citizens because the state deemed itself a better 'parent' than their own families (Lambe, in press; Manser 2004).

"After the tour of that facility, I was appalled. I would not, and could not, eat in that cafeteria."
(Conference participant comment after a tour of a 200-bed group home for youth, 2004)

The State, having removed children from their homes for neglect and child maltreatment, surely has an obligation to model the highest level of parenting that it expects from its citizens. The cessation of state responsibility for children in care is also a problem. As Statistics Canada (2002) indicates, most young people will return home to live with their families at least once during their early 20's, and the average leaving home age is around 24 years. Child welfare authorities, however, continue to use age guidelines for the discharge from care (typically 16 years to 18 years) resulting in many young people not receiving supports needed in early adulthood.

On a more positive note, there is some evidence to suggest that FNCFSAs are much more effective at ensuring that First Nations children are placed with culturally matched caregivers than mainstream agencies (Blackstock et al 2005). For example, a sample of 12 FNCFSAs reported that they were able to

place 74% of children in care in culturally matched placements. This compared to a rate of 2.5% for the province of British Columbia (B.C. Children's Commission 1998).

Turning the corner: An opportunity for change

As the First Nations Child and Family Caring Society of Canada noted in its submission to the Senate Human Rights Committee (2005), there is a need to understand that the risks facing First Nations children and young people are not intransigent – it is possible to make a difference for this generation. The first step involves breaking the systemic tolerance of the high degree of risk experienced by First Nations children. This could be achieved by employing a sustained level of attention and investment proportionate to the need. The following actions by the child welfare system would also significantly augment the quality of care provided to First Nations children, young people and their families:

1. Affirm the ability of Aboriginal peoples to make the best decisions for Aboriginal children and young people.
2. Provide equitable and culturally appropriate family support services that provide First Nations caregivers the same opportunity to care safely for their children as their non-Aboriginal peers.
3. Provide social work to better identify and respond to structural risk factors that impact on the safety and well being of First Nations children and families.
4. Ensure that children in care receive a level of parenting from the state that reflects the sacred trust and responsibility of being a parent – for life, not just to age 16 or 18.
5. Improve coordination of efforts between early childhood programmes and child welfare.
6. Ensure consistent collection of disaggregated child welfare data by Aboriginal cultural group and by developmental stage amongst all provinces and FNCFSAs.
7. Ensure that child welfare monitoring systems have the authority to enforce compliance with evidence-based recommendations for policy and practice change.

As a State Party to the United Nations Convention on the Rights of the Child and one of the richest nations in the world, Canada must move forward

to implement progressive policy solutions in partnership with First Nations. There are many reasons why Canada should make a difference for First Nations children – perhaps the most important reason is because it can.

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Notes

- 1 Aboriginal describes the three groups of indigenous peoples recognised under the Constitution of Canada: Indians (also known as First Nations), Inuit and Métis.
- 2 Refers to those children under the age of 18 years who are eligible to be registered pursuant to the Indian Act.

How poverty separates children and parents A challenge to family continuity and human rights

Jean Marie Anglade, International Movement ATD Fourth World

“In efforts to protect their children, very poor parents continually find themselves faced with unfair and inhuman choices in their daily life.” (Nitin Desai, United Nations Under-Secretary-General, 2004)

“There has... been insufficient attention paid to the impact of policies on families, and insufficient regard for the contributions families make to the well-being of their members... Policies must contribute to strengthening the support functions that families are already providing and they must help families to cope with the challenges they individually and collectively face.” (Johan Schölvinck, United Nations Division for Social Policy and Development, 2004)

In both developed and developing countries, extreme poverty often results in parents becoming separated from their children. Yet two research studies (ATD Fourth World 2004a and b) have highlighted the importance of family and community ties to those living in persistent poverty all over the world. Both parents and children expressed a deep desire that actions taken on behalf of the children should build on these ties. The issues and examples presented below are drawn from these studies.

Extreme poverty can break down family ties

As in other social environments, families living in extreme poverty can experience periods of internal tension and conflict. Insecurities (such as irregular income with resulting deprivation and frequent relocation) and humiliations in their lives often intensify such tensions and hasten the breakdown of family ties. In rich countries, the social services often consider the best way to protect children in such circumstances is to remove them from the family home through an administrative ruling or legal procedure. Although such a decision is sometimes taken with the parents' consent, the vast majority of poor families who lose their children in this way indicate that the experience feels like a punishment. Far too often, alternative solutions that would address

the underlying tensions within the family are not sufficiently explored. In addition, the aspirations of parents and children are not given sufficient weight in the final decision. Examples from the UK and the USA show this procedure often results in strained and difficult dialogue and, at times, harsh confrontations between parents and social service workers.

When the social services or the courts place children in care, the decision often seems to be based on a fear that the children's poor living conditions will harm their development or prevent them from receiving adequate schooling. Yet recent research in the UK shows that children placed in care perform far less well in school than other children, even allowing for the negative effects of lack of opportunities in early childhood (Social Exclusion Unit 2003).

In developing countries, the reasons for family break-up are quite different. Although the legal and social systems are less involved with families living in extreme poverty, separations are still imposed by social and economic realities. In Burkina Faso, for example, harsh living conditions in rural areas and the hope of a better life encourage children and young people to leave the family home for the capital city. In Haiti, many poor parents entrust the care of