

# **Assimilation through Canadian Child Welfare Policy**

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## **Abstract**

This article provides an analysis of the historic and current child welfare policy in so called Canada. Drawing on a decolonising and anti-racist framework the article examines how Canadian child welfare policy has sought to target Indigenous communities in the name of assimilation and how Indigenous communities have affected policy change through civil engagement and social movements. The article argues for social work praxis committed to social justice and decolonisation by challenging Eurocentric discriminatory policies that exist on an interpersonal, organisational, municipal, provincial and federal level. It concludes that social workers have a responsibility to commit to engaging in meaningful solidarity with anti-colonial movements that are affecting policy change and improving wellbeing for Indigenous families and communities.

## **Key words**

Indigenous; First Nations; Canada; child protection; decolonisation

## **Acknowledgements**

This article is informed by the spirit of resistance and fierce love embodied by the families I have had the immense privilege of walking alongside in my work at Sheway and in the Downtown Eastside Community, located on the Unceded Territories of the x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətaʔl (Tsleil-Waututh) Nations.

## **Introduction**

This article will analyse historic and current child welfare policy in so called Canada through a decolonising and anti-racist framework to examine how Canadian child welfare policy has sought to target Indigenous communities in the name of assimilation (Milloy, 2017) and how Indigenous communities have affected policy change through civil engagement and social movements. Assimilation has been a main motivator behind child welfare policy in Canada, starting with the Indian Residential School System, The Sixties Scoop, and continuing to present day as The Millennial Scoop, an overrepresentation of Indigenous children in government care, justified through a Eurocentric paradigm of child rearing rooted in Attachment Theory (Choate et al, 2019).

## **A Brief History of Assimilation Policy in Canada**

Arguably there are two distinct histories of social policy in Canada, one in which settler Canadians of European ancestry were afforded rights, wealth redistribution and social programming (Finkel, 2013), and one in which racialised and Indigenous communities were targeted for erasure and assimilation through social policies that sought to impose a white, lawful, anglophone and Christian society across the land now known as Canada (Mann, 2014).

Beginning in the mid 19th century, prior to confederation, assimilative policy began to take shape through programs designed for “aggressive civilization” (Milloy, 2017, p. 8) of Indigenous communities in Upper Canada. Post confederation, assimilation became a central focus of the first government of Canada, headed by Prime Minister Sir John A. McDonald, who publicly stated that a national goal of priority was “to do away with the tribal system and assimilate Indian people in all respects with the inhabitants of the Dominion, as speedily as they are fit to change” (Milloy,

2017, p. 6). This central social policy of assimilation was granted legislative authority as The Indian Act of 1869 and later, The Indian Act of 1876 (Milloy, 2017).

Education was seen as a key component of assimilation policy and thus began the Indian Residential School System which, at the time, was inspired by child saving discourse (Finkel, 2013) that believed an institutionalised education system would take the “Indian savage” out of the child and transform Indigenous children into “civilized” members of Canadian society (Milloy, 2017).

Abuse of all forms were rampant in the Residential School System and much of this abuse, specifically poor nutrition, scientific experimentation, lack of healthcare, overwork and pedophilia led to thousands of child deaths (Finkel, 2013). In the mid 1980’s, it became widely recognised that the Residential School System had led to devastation in Indigenous communities (Milloy, 2017). Civil engagement by Residential School Survivors began in the late 1900’s with the formation of healing circles, public storytelling events and legal action taken against the system’s perpetrators (Milloy, 2017). These acts of civil engagement raised public awareness of the abuse suffered in Residential School. Due to a public outcry within settler Canada regarding non-Indigenous children suffering abuse at the hands of orphanages across Canada, the dominant political discourse in settler society was willing to see an alignment between non-Indigenous child abuse in orphanages and Indigenous child abuse in the Residential School System, and thus a more mainstream condemnation of the Residential School System began (Milloy, 2017). Due to this wider condemnation, the Residential School System was phased out and the last Residential School closed in 1996 (Finkel, 2013).

However, due to immense trauma experienced at Residential School, many survivors found an escape to their horrific memories through the use of alcohol and other substances (Finkel, 2013). Widespread addiction, along with a breakdown of intergenerational knowledge transfer of child rearing practices, and an imposition of Eurocentric parenting assessments by non-Indigenous social workers, led to high apprehension rates of Indigenous children (Finkel, 2013). This continued over-representation of Indigenous children in government care is known as the Sixties Scoop (Choate et al., 2021). The Sixties Scoop consists of the period between the 1950s and the 1980s in which thousands of Indigenous children were forcibly removed from their families and placed into white settler Canadian households (Schmid & Morgenshtern, 2022). Despite poverty

being a state sanctioned consequence of colonial policies, rather than a personal failing of Indigenous families, assimilationist child saving discourses cited poverty and neglect as arguments legitimising the mass removal of these children from their homes (Schmid & Morgenshtern, 2022). The Sixties Scoop was not only a domestic policy but fit as part of a transnational colonial policy of Indigenous family disruption in many Commonwealth countries, which allowed for the continued subjugation of Indigenous people required to maintain colonial authority (Alexander, 2016).

The Sixties Scoop has rolled over into the Millennial Scoop, a period from the end of the Sixties Scoop, continuing to present day, in which Indigenous children are vastly over-represented in the child welfare system (Schmid & Morgenshtern, 2022). The Millennial Scoop has led to more Indigenous children in government care than at the height of the Residential School System (Blackstock, 2007). Driving this overrepresentation of Indigenous children in care is a grave underfunding of child welfare supports for Indigenous families and a universal imposition of Eurocentric parenting theories, supports and assessments that judge Indigenous parents against a “white” gold standard of parenting (Choate et al., 2019).

## **Attachment Theory and its Influence on Canadian Child Welfare Policy**

Child protection policies and practices in Canada are based on Eurocentric theories of parenting and a belief that Indigenous child rearing practices, centred around collectivist parenting and cultural teachings and roles, are inadequate (Choate et al., 2021), leading to child protection assessments that target Indigenous people for family disruption.

Attachment Theory, a Eurocentric theory of child rearing formulated by English psychoanalyst John Bowlby, has informed the ideological underpinnings of the Canadian child welfare system and child protection policy and practice in Canada (Choate et al., 2019). When universally applied to Indigenous communities, this theory implemented into policy and practice, has led to a continuation of family breakdown and attempted assimilation of Indigenous children through the child welfare system (Choate et al., 2019).

This theory of child development has been privileged in Canadian child welfare rulings, further strengthening its influence on child welfare policy and practice in Canada. Citing Attachment Theory in a landmark ruling in 1983, Justice Wilson, the judge presiding over the case of *Racine Vs. Woods*, ruled that the importance of culture wanes as a child begins to bond with their fostering or adoptive parents, and that this new attachment takes precedence over cultural and community connection (Choate et al., 2019). Through various child welfare rulings in courts across Canada, beginning in the 1980's and continuing to recent years, judges have upheld the *Racine* ruling, prioritising attachment and permanency over community connection and cultural continuity as the most important components in decisions determining the “best interest of the child,” a child rights principle taken from the UN Convention of the Rights of the Child (Blackstock, Bamblett & Black, 2020).

Child welfare assessments and decisions informed by attachment theory set Indigenous families up for disruption, as they judge Indigenous parenting styles against a Eurocentric standard of parenting incongruent with traditional ways of child rearing. Attachment theory is the antithesis of traditional Indigenous teachings and worldviews surrounding parenting. Attachment theory is contingent upon a child-rearing structure that centre a child-parent dyadic relationship, which does not exist cross culturally and therefore cannot be applied universally (Neckoway et al., 2003). Attachment theory is hierarchal in nature, centering the bond with the primary caregiver as most important (Choate et al., 2019), whereas many Indigenous ontologies of family and child rearing practices are rooted in a web of interconnected relations between kin, community, all other living beings, ancestors and future generations (Blackstock, Bamblett & Black, 2020; Choate et al., 2020). For instance, traditional Indigenous child rearing practices centre multiple caregivers within a communal and relational context (Blackstock, Bamblett & Black, 2020), making attachment theory incongruent with many Indigenous child rearing practices. Many Indigenous communities within so-called Canada uphold a way of being that centers the belief of “all my relations,” a web of belonging and responsibility towards Elders, Aunties, Uncles, siblings, cousins and non-blood related relatives (Choate et al., 2020). Each person within this web of relations contributes to and supports the development of a healthy sense of belonging and identity within the child (Choate et al., 2020). These traditional Indigenous child rearing structures value collective belonging over the Eurocentric idea of a primary caregiver prescribed by Attachment

Theory, thus rendering Attachment Theory, as well as assessments and decisions informed by this theory, inappropriate for Indigenous families.

In addition to the vast cultural incongruence noted between attachment theory and traditional Indigenous child rearing practices, there remains a lack of literature validating attachment theory for Indigenous families, providing further evidence against the appropriateness of current child welfare practices and assessments based on this theory. A 2020 literature review conducted by Choate et al. (2020) failed to identify any studies validating the use of attachment theory with Indigenous families living in so-called Canada. Many anthropologists and cultural psychologists remain in agreement with these critiques of Attachment Theory, asserting the existence of a multitude of avenues leading towards the healthy emotional and relational development of children, not necessarily rooted in a dyadic attachment (Vicedo, 2017).

## **The Harms of Universal Application of Policy in the Absence of Validation**

As noted by Rowe et al. (2015), knowledge is not objective nor value neutral; Western epistemology and ontology are privileged within dominant Canadian society and policy creation. When these ways of knowing and being are applied blindly cross culturally, they reinforce colonisation and assimilation by forcing a Eurocentric worldview on Indigenous and other racialised communities (Ife & Tascon, 2016). This patronising and imperialist approach to policy development and implementation in child welfare has and continues to cause immense intergenerational harm, including psychological and physical trauma and death (Blackstock, 2007).

Laying the basis for all Canadian child welfare decisions is the idea of “best interest of the child,” which is a legal argument informed by attachment theory, as opposed to a measure of child wellbeing validated by social work research (Choate et al., 2019). Current child welfare practices and interventions impose and spotlight a dyadic approach to parenting to determine “best interest of the child” through risk assessments, like the Structured Decision-Making tool. These risk assessments investigate the dyadic relationship without attention to the cultural, relational and systemic contexts influencing the child’s safety and development. These attachment theory

informed assessments fail to validate the cruciality of culture in a child's wellbeing, download responsibility for state sanctioned oppression from a systems level to an individual family level, and frequently lead to apprehensions of Indigenous children from their birth families and communities into long term foster placements in non-Indigenous homes (Choate, 2019). These assessments have resulted in the disproportionate rates of Indigenous children in care seen in Canada today, over half the number of children in governmental care in Canada identify as Indigenous, despite Indigenous children making up only 7.7% of the child population in Canada (Choate et al., 2021), perpetuating the colonial cycle of assimilation and family and community disruption (Blackstock, 2007).

Ultimately, social workers, with the intention of promoting child safety and wellbeing, are forcefully imposing a foreign system of parenting onto Indigenous families without evidence to suggest that their decisions are increasing wellbeing for Indigenous children (Choate et al., 2019; Metallic et al., 2019). In failing to decolonise practice and to adhere to evidence informed policy and practice, the profession of social work continues to be perpetrators of continued assimilation and intergenerational trauma through the widespread forced apprehension of Indigenous children. In doing so, the profession fails to uphold the United Nations Declaration on the Rights of Indigenous Peoples that protects against “forcibly removing children of the group to another group” (United Nations (General Assembly), 2007, art. 7, para. 2).

## **The Role of Human Rights**

As many Indigenous scholars have expressed, human rights are a double-edged sword for Indigenous communities (Blackstock, Bamblett & Black, 2020). In many ways, human rights are misaligned with an Indigenous worldview as they privilege individual over collective rights (Ife & Tascon, 2016), fail to take into account the interconnectedness between human beings and all other living beings and do not protect the rights of future generations (Blackstock, Bamblett & Black, 2020).

However, many Indigenous communities have leveraged some aspects of human rights frameworks to advance their fight to decolonise and self-govern child welfare. These frameworks include the UN Declaration on the Rights of Indigenous Peoples and General Comment 11 in the United Nations Committee on the Rights of the Child, which defines the concept of “best interest

of the child” as both an individual right and a collective right, aligning with the more relational approach to child wellbeing observed in many Indigenous communities (Blackstock, Bamblett & Black, 2020).

Domestically, the Canadian Human Rights Tribunal (CHRT) has served as a battle ground for Indigenous organisations including The First Nations Caring Society and The Assembly of First Nations to fight against the Canadian government’s systematic underfunding of child welfare for First Nations children (Blackstock, Bamblett & Black, 2020). After decades of chronically underfunding on-reserve child welfare agencies, the Canadian federal government has been ordered to compensate Indigenous families harmed, leading to the largest class action settlement in Canadian history (Choate et al., 2021). Additionally, due to pressures from the CHRT to decolonise child welfare in Canada, and rights to self-governance affirmed in the Canadian Constitution, Indigenous communities have begun to reject state-run child welfare agencies by repossessing self-governance over their own children and child welfare laws and organisations, giving rise to a new age in which Indigenous children may grow up belonging to their families, cultures and communities (Choate et al., 2021).

## **Indigenous Children, Families and Communities as Agents of Change**

As can be said about many social movements occurring across the globe (Thompson, 2002), Indigenous-led social movements in so called Canada have contributed to immense successes in pursuing social justice for Indigenous people. Despite facing ongoing insidious intergenerational trauma and systemic oppression, Indigenous people, families, communities and Nations have waged a remarkably coordinated, multi-pronged effort of civil engagement and resistance both inside and outside the system to effect policy change (McKenzie & Wharf, 2016). Through the creation of Indigenous think tanks like the Yellowhead Institute, advocacy organisations like The First Nations Caring Society, grassroots movements (both frontline and on social media) like Idle No More and Shut Down Canada, and community engaged investigation and reporting like The Inquiry into Missing and Murdered Indigenous Women and The Truth and Reconciliation Report, Indigenous people have remained some of the most politically active, civilly engaged and social justice oriented people in so called Canada (Blackstock et al., 2020).



In terms of policy change directly impacting child welfare in Canada, civil engagement by Indigenous people has been responsible for the discontinuation of oppressive policies like birth alerts, and adoption of Indigenous children into non-Indigenous households, and have laid the groundwork for Indigenous Nations to assert their sovereignty and self-governance over child welfare effecting their children (Metallic et al., 2019). Starting with the Splatshin Nation and their assertion of jurisdiction over their own children through the creation of the first Indigenous self-governed child welfare agency, The Spallumcheen Child and Family Services Society (Ormiston & Green, 2015), and continuing with the recent passing of Bill C-92, an “Act Respecting First Nations, Inuit and Metis Children, Youth and Families” (Metallic et al., 2019), Indigenous communities are effecting profound policy change that uphold Indigenous worldviews, and ways of knowing and being, and which will likely (especially if supported through concrete funding by the federal government) greatly benefit the wellbeing of Indigenous children, families and communities for generations to come (Metallic et al., 2019; Blackstock et al., 2020).

## **Implications for Social Work Practice**

Through a persistent subjugation of Indigenous epistemologies and ontologies and an entitling of western paradigms (Rowe et al., 2015), social work policy and practice continues to be “plagued by the stain of colonialism” (Razack, 2009, as cited in Rowe et al., 2015, p. 1). Attempts to create cultural safety in British Columbia child welfare through the recent implementation of Indigenous specific policies within the Child, Family and Community Service Act (CFCSA), including an add on to Part 1 Section 4 “best interest of the child,” which now includes connection to culture and community belonging (Child Family and Community Service Act, 1996), are a step forward. However, this progress is limited by the interpretation and meaning making of these policies by non-Indigenous social workers, who lack a full understanding of Indigenous worldviews. As observed through the writer’s own practice at Sheway (an organisation supporting birthing parents who use substances in the Downtown Eastside of Vancouver), meaning making of the recent CFCSA changes by non-Indigenous social workers often results in a watered down, tick box approach to culture based on a utilitarian implementation of cultural continuity that seems to focus on expediency and cost saving measures (Murdach, 2011), that neither uphold the child’s rights to culture (United Nations General Assembly, 2007) nor change outcomes for the child or their

family. For instance, social workers will encourage foster parents to bring Indigenous children in care to local Indigenous-run events rather than paying for travel costs to ensure Indigenous children remain connected to their specific communities and cultures.

Reflecting on this example, the importance of becoming aware of, and valuing a range of worldviews, epistemologies and ontologies is crucial to ensuring that praxis and understanding of social justice and human rights are well rounded and account for the specific holistic and relational needs of the clients that social workers walk alongside. In doing so, it is hoped that a multidimensional interpretation of current policy pushes the profession to implement policy into practice in a way that fulfills the intention behind progressive policy changes, that is, leaning on progressive policy changes and human rights frameworks to advocate for creative solutions when working with Indigenous families.

Social workers have a responsibility to commit to what Richardson & Reynolds describe as “a rich engagement with our collective ethics and spirited relations of solidarity” (2012, p.1). Beyond a more Western definition of human rights and social justice that centres individual freedoms, wealth redistribution and equity (Murdach, 2011), social workers engaging in work on stolen territories have a responsibility to uphold an Indigenous view of social justice and anti-oppressive social work as a way of life (Thomas & Green, 2007). In praxis, this means committing to social justice and decolonisation by challenging Eurocentric discriminatory policies that exist on an interpersonal, organisational, municipal, provincial and federal level. Alongside decolonising praxis, social workers have a responsibility to commit to engaging in meaningful solidarity with anti-colonial movements that are affecting policy change and improving wellbeing for Indigenous families and communities.

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