

The AHTF Reports: Viewing Government Programs through a Tłıchǫ Cultural Framework



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**The AHTF Reports:
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through a Tłıchq Cultural Framework**

Tłıchq Traditional Knowledge Reports: Series 1



The AHTF Reports: Viewing Government Programs through a Tłıchq Cultural Framework

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Introduction – To Come



SECTION ONE

**Report to the
Aboriginal Health Transition Fund Adaptation Envelope
Health Canada
on
“Healthy Children
in Healthy Families in Healthy Communities”**

Prepared by
The Tłıchq Community Services Agency
Behchokò, Northwest Territories
March 2011



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Executive Summary

Introduction

In August 2008, the Tłıchq Community Services Agency (TCSA), in partnership with the Department of Health and Social Services (H&SS), Government of the Northwest Territories (GNWT), submitted a proposal to the AHTP.

The **purpose** of the project was to strengthen the capacity of families and communities to care for their children. The **goal** of the project was to develop a culturally relevant Tłıchq C&FS System and adapt it to the current GNWT C&FS System.

The project had three **major objectives**:

1. To develop a Cultural Framework.
2. To use the Cultural Framework to conduct a review of the current GNWT Child and Family Services System.
3. To develop an Interim Tłıchq Child and Family Services System.

Chapter Two: The Adaptation Background presents three contexts. The *Historical Context* describes the development of the TCSA as an organization and the range of services it provides; the *Cosmology and Cultural Context* describes the TCSA cosmological and cultural development and presents its vision and mission statement; the *Adaptation Context* outlines the systemic characteristics of adaptation as it applies to service delivery systems.

Chapter Three: The Tłıchq Cultural Framework describes the essential relationships and values that make up the Cultural Framework.

The key relationships are relationships with the land, with one's own inner spirit that confers a sense of Tłıchq identity, with the family, with the community and with other organizations.

The key values are respect, independence and self-reliance, peace and reconciliation, caring and concerns, and survival through adaptability.

The Guiding Principle for evaluating service systems: *Those elements of the system that reflect and support these relationships and values are beneficial and must be preserved and strengthened; those elements that don't reflect and support these principles and are deemed harmful must be modified, changed or removed.*

This chapter also provides a cultural chart that contrasts the Tłıchq Culture with the GNWT Euro-Canadian organizational culture and discusses cultural frames.

Chapter Four: Using the Tłıchq Cultural Frame to Examine the GNWT Child and Family Service System. It identifies nine issues of concern.

1. The existing system is not a child and family service system, but is, in effect, a child welfare criminal justice system. The emphasis is on court proceedings and there is not adequate support for a child's family.
2. The existing system discriminates against the role of the family and the extended family.
3. There is need to re-examine the role of the court in the system.
4. There is negative image of the Child Protection Worker in the community.
5. There is no significant consultation with communities in decisions affecting their children.
6. The removal of the child from the home is often not in the best interests of the child and leads to other difficulties. More options are required.
7. The recruitment and training of Child Protection Workers works against providing adequate support in a culturally responsive manner.
8. There are significant problems with the Plan of Care tool. It is often coercive and abuses the rights of parents.
9. The current system is sometimes abused by people who make malicious reports of child abuse.

Chapter Five: Developing an Interim Child and Family Services System: The Essential Elements.

The essential elements are: cultural relevance; real adaptations at the systems level; able to be integrated with the GNWT C&FS System; must further the development of a Tłıchq C&FS System under self-government.

The chapter describes the Tikinagan Model of a Nishnawbe agency based in Sioux Lookout, Ontario. It serves 30 remote communities. The model is distinctive for a number of reasons. Only 15% of child welfare cases end up in court. The community is the main decision-maker for the care of children. The chapter explores the potential for adapting elements of the model to the situation in the Tłıchq communities.

Chapter Six: Adaptation: Making the Changes. The chapter discusses the key elements in making the changes. It includes self-government, consensus building, systems design, organizational structure, human resources, contractual arrangements, legislation. In terms of how it should be done it suggests an interagency committee, memorandum of understanding and a development budget.

Chapter One

Introduction



The AHTP Adaptation Envelope

In August 2008, the Tłıchq Community Services Agency, in partnership with the Department of Health and Social Services, Government of the Northwest Territories, submitted a proposal to AHTP Adaptation Envelope. The purpose of the fund was to bring about:

- improved integration of federal, provincial, territorial (F/P/T) funded health systems;
- improved access to health services;
- provided health programs and services that are better suited to Aboriginal peoples; and
- increased participation of Aboriginal peoples in the design, delivery and evaluation.

The immediate concern of both the TCSA and the GNWT is to improve the manner in which Child and Family Services (C&FS) are designed, developed and delivered in the four Tłıchq communities. The partners saw the fund as a unique opportunity to improve the existing CFS system and prepare for the day when the Tłıchq could develop their own unique system under self-government.

The proposal outlined the purpose and goal of the project.

The purpose of the project entitled, *Healthy Children, Families and Communities*, is to strengthen the capacity of families and communities to care for their children.

The goal of the project is to develop a culturally relevant Tłıchq Child and Family Services delivery model and adapt it to the current GNWT Child and Family Services System – and to do this in a way that will facilitate the development of a unique Tłıchq Child and Family Services System under self-government.

Project Objectives

The project has three major objectives.

1. To develop a **Cultural Framework** that reflects the Tłıchq principles and values as they relate to child and family development. The Cultural Framework will answer the question: What would a Tłıchq Child and Family Services System look like?
2. To conduct a **cultural (and systems) review** of the current GNWT Child and Family Services System. The Cultural Framework will be used as a microscope to explore three questions:
 - What practices or delivery aspects of the current system (with an emphasis on social programs) are compatible with the Tłıchq culture and should be retained?
 - What practices or delivery aspects are not consistent with Tłıchq culture and should be changed and/or modified?
 - What parts of the current system are missing and have to be introduced either as part of this project or as part of the new Tłıchq Child and Family System?
3. To develop and test an **interim Tłıchq Child and Family Services Delivery Model**. The purpose of the model is to guide the manner in which services are provided and facilitate the eventual development of the Tłıchq Child and Family Services System.

The Intent and Approach

By its very nature adaptation implies making changes. It is important at the outset to say a word about intent and the approach in making changes.

First, it is not the intent of this project to replace the existing Government of the Northwest Territories Child and Family Services System with a totally new Tłıchq system. Though the Tłıchq have the right to set up their own C&FS System under their self-government agreement, that reality is still further down the road. The immediate concern of this project **is to modify and adapt the existing Child and Family Services System to make it more culturally relevant**.

Second, it is the intent of this project to make systemic changes – changes in the way the services are designed, developed and delivered in the Tłıchq communities. It is not enough, say, to have Tłıchq social workers implement all the current policies and procedures – but to do it in the Tłıchq language. This would be simply tinkering around the edges. Systemic change means changes in legislation, policies, procedures, priorities, levels of authority, training programs, service delivery methods, roles of governments, use of the courts, involvement of local residents in decision-making, etc.

Third, the approach has emerged out of cultural practices and situational knowledge at the community level. Though the project has reviewed other service delivery models and has adopted some of their components, it has not borrowed these models. The Tłıchq have developed their own model. It begins with an analysis of Tłıchq child and family experience at the community level and works its way up to policies, legislation, program design and organizational structure.

Fourth, because the GNWT system must meet the various needs of diverse cultures, it sees itself as “culturally neutral”. But, as this paper will point out, it is not culturally neutral. It reflects the principles and values of the dominant Euro-Canadian culture. **It is necessary, therefore, to point out how the current system is a “cultural system” and how the cultural aspects of the system differ from the Tłıchq culture.**

Fifth, there is no intention to introduce cultural changes into the GNWT System. **It is the intention to bring a modified version of the GNWT System into the Tłıchq culture, based upon Tłıchq values and principles, and then apply it to the way services are delivered in Tłıchq communities.**

A Mid-Course Correction

In the midst of this project, two events occurred that required modifications of the original work plan.

In April 2010, the TCSA sent a delegation to visit the Nishnawbe Aski Tikinagen Agency based in Sioux Lookout, Ontario. There are a number of distinctive characteristics of this agency’s model, most notably the lack of apprehensions through the court process and the use of communities and extended families to care for children at risk. Almost immediately after returning from the visit, the TCSA began to reduce the number of children apprehended and taken through the court process and increase the number of children placed in services provided by the family, extended family and the community. The effect of these decisions is noted in Appendix A.

The second major change was the decision of the Government of the Northwest Territories to set up a special legislative committee to review the *Child and Family Services Act*. The TCSA appeared before this committee and tabled a report based upon the first years of research findings. The report is found in Appendix C. A number of the changes suggested in this report were recommended by the committee.

In most cases, implementation follows planning. In both of these cases implementation occurred during the planning process using the research findings gathered in the early stages of the project.

About this Report

Chapter 2: The Adaptation Background describes three major influences that have given rise to this project: The Tłıchq Historical Context, the Cosmology/Culture Context, and the Adaptation context. The latter describes what Adaptation looks like when it is implemented. It answers two questions. What kinds of significant changes are required to ensure that adaptation actually takes place? What kind of criteria can we use to ensure that real change takes place? The Adaptation Framework is to the existing system what the Cultural Framework is to the Tłıchq culture.

Chapter 3 – The Tłıchq Cultural Framework describes the critical research tool that will be used to modify and improve the existing system: *The Cultural Framework*. It contains those cultural characteristics that describe the relationships and values that are the foundation of the Tłıchq culture. The Framework will be used as a microscope to examine the existing C&FS System.

Chapter 4: Using the Cultural Framework to Examine the Existing GNWT Child and Family Services System. It identifies: those elements that are consistent with the Tłıchq culture and must be retained and strengthened; those elements that are not consistent with the Tłıchq culture and must be changed or modified; and those elements that are missing and must be introduced. The chapter identifies and works through a number of key systemic issues.

Chapter 5: Developing an Interim C&FS System. This chapter describes, in general terms, what an interim system will look like. Using the Adaptation Context as a guide, it touches upon the essential elements of the System, from legislation and policy to training, authorities and levels of control.

Chapter 6: Adaptation: Making the Changes. This final chapter presents a strategy for systems change. It discusses the role and mandate of an intergovernmental committee, the need for a MOU that will allow the changes and modifications to occur, and the outline of the requirements for a work plan.

The report will conclude with a number of **appendices** providing background information.



Chapter Two

The Adaptation Background

Adaptation is not something new for either the Tłıchq or the Government of the Northwest Territories. The relationship between these two groups over the years is very much a story of adaptation. To understand the manner in which adaptation might occur now and in the future, we must first look at the past history of adaptation. It is this history that provides the context for understanding child welfare services.

In this chapter we will discuss the context, or more precisely three contexts: the Historical/Organizational Context, the Cosmology/Cultural Context, and the Adaptation Context.

1. THE HISTORICAL/ORGANIZATIONAL CONTEXT

The Tłıchq

The Tłıchq (Dogrib) Nation is a distinct linguistic and cultural Dene group numbering approximately 3,000 people who reside in the four present-day communities of Behchokò (Rae-Edzo), Wekweètì, Whatì, and Gamètì. The traditional area occupied by the Tłıchq First Nation is ‘*Mowhi Gogha De Niitlee*’, which is the area described by Chief Monfwi as the homeland of the Dogrib during the signing of Treaty 11, in 1921. Over the years, ‘*Mowhi Gogha De Niitlee*’ has been modified due to various land claim settlements between the Government of Canada and other Dene groups. This modified area is known as ‘*Wekèezhìi*’, which translates to “within the area”. ‘*Wekèezhìi*’ is bound in the northeast by Nunavut, in the northwest by the Sahtu settlement area, in the southwest by a line agreed to between the Tłıchq and the Deh Cho in an overlap agreement, and in the southeast by a line agreed to between the Tłıchq and the Akaitcho Dene in an overlap agreement.

The communities of Gamètì, Wekweètì and Whatì are connected to the NWT highway system by a winter road that is usually open from January to March. At other times of the year these three communities can only be reached by regularly scheduled or chartered airline service. These are traditional communities in the sense that many of the residents still obtain their livelihood from the land through hunting, trapping and fishing. Wekweètì (formerly Snare Lake) is the most isolated community and was originally established as an outpost hunting camp located on the regular migration route of the caribou. Members of the Dogrib Rae Band left the community of Rae to establish this community to preserve their culture and traditions. Whatì (formerly Lac La Martre) and Gamètì (formerly Rae lakes) are communities located in rich fur and fish harvesting areas.

Behchokò (Rae-Edzo) is the largest Tłı̨chq̓ community with a population of approximately 1,545 (2001 Census). It is actually made up of two distinct communities: Rae, and the smaller community of Edzo, located approximately 15 kilometres away. These two communities are situated on the NWT highway system and are approximately 100 kilometres northwest of Yellowknife.

The Vision of the Dogrib Leaders

Prior to 1970, services in the Tłı̨chq̓ communities were provided by the federal government or the Government of the Northwest Territories – in particular the Department of Health and the Department of Social Services. In 1971, an historic agreement took place between the Dogrib and the GNWT. The Grand Chief, Chief Jimmy Bruneau, negotiated the turnover of educational services to the Rae-Edzo School Society. This was the first example of a locally controlled education authority in the NWT and one of the first by any First Nations group in Canada.

By 1984, the other Dogrib communities were petitioning the GNWT for similar powers. The result was the establishment of the Dogrib Divisional Board of Education.

During the 1980s and 1990s, Tłı̨chq̓ leaders had increasing concerns about the nature of GNWT services. They were based upon southern, mostly urban models and did not respond well to the realities of rural life in the North – and they didn't reflect the culture and traditions of the Dogrib people. At the same time, there was a growing desire on the part of our Dogrib leaders to prepare the way for self-government by having more control over vital services.

On March 17, 1995, the Treaty 11 council passed a resolution calling on the GNWT to support the joint governance of education, health and social services under one umbrella organization.

Meanwhile, the leaders began holding community consultations, asking people about the kinds of services they wanted and how they should be provided. Out of these services emerged a set of guiding principles.

1. **Inherent right of self-government.** We recognize the inherent right of self-government of the Dogrib First Nation through the implementation of a modern treaty and establishment of community controlled tribal institutions.
2. **Taking Back Responsibility.** We will help families assume responsibility for their own health, education and social well-being.
3. **Culturally Relevant Programs.** We will develop culturally relevant programs, services and treatments that enhance the cultural and linguistic unity of the Dogrib people.
4. **Integrated Programs and Services.** We will develop and deliver integrated programs and services consistent with the needs of all people by removing barriers, eliminating duplication, increasing coordination and filling gaps.
5. **Sustainability of Public Resources.** We will use public resources effectively, efficiently and wisely.
6. **Community Independence within a Regional Structure and Support.** We will recognize that each community may have distinct wishes and needs and will require the freedom and the support to seek their own way.

In 1996, the Dogrib chiefs passed a resolution calling on the GNWT to give control for education, health and social services to a new integrated community services board as soon as possible. Work began on the development of a new delivery model for integrated services.

On May 22, 1997, the GNWT signed an agreement with the Dogrib chiefs and passed legislation that created the Dogrib Community Services Board. This agreement enabled the DCSB to provide Health and Social Services. But, though there was official recognition of the existence by the GNWT of the DCSB as its delivery agent on the ground, the services were GNWT services. Though the DCSB staff tried to provide services in a manner that reflected the Tłıchq culture, they were required to adhere to the requirements of the GNWT *Child and Family Services Act* and the policies of the Department of Health and Social Services.

On June 4, 2005, after two decades of negotiations, the *Tłıchq Agreement* became law. It was an agreement between the Tłıchq Government, the federal government and the Government of the Northwest Territories. In addition to securing a land base for the Tłıchq it enabled the Tłıchq to draw down, over a period of time, some services that were currently being provided by the GNWT. Among these services were Child and Family Services. In time, the Tłıchq would be able to write their own laws and procedures, with the proviso that they be compatible with GNWT legislation.

Along with the signing of the Tłıchq Agreement the partners also signed an Intergovernmental Services Agreement (ISA). It described the authorities and responsibilities for the delivery of education, health and social services. Though it did not change the nature of services, it did make some allowances for the introduction of cultural components into the delivery of services.

The Tłıchq Community Services Agency Today

Over 220 people work for the Agency in the four Tłıchq communities of Behchokò, Gamètì, Wekweètì and Whatì. The majority of these are Tłıchq citizens. The Agency has the responsibility to manage the following facilities: Jean Wetrade Gamètì K-9 school in Gamètì, the Rae Lakes Health Centre in Gamètì, the Elizabeth Mackenzie Elementary School in Rae, the Jimmy Erasmus Seniors Home in Rae, the Mary Adele Bishop Health Centre in Rae, the Tłıchq Healing Path Wellness Centre in Rae, the Chief Jimmy Bruneau Regional High School in Edzo, the Mezi Community School in Whatì, the Wellness Centre in Whatì, the Lac La Martre Health Centre in Whatì, the Alexis Arrowmaker School in Wekweètì and the Dechi Laoti Health Centre in Wekweètì.

Core Programs and Services

The Tłıchq Community Services Agency primarily delivers programs and services transferred from the Government of the Northwest Territories, with some additional federal programs and services in the areas of early childhood education.

The Tłıchq Government has also funded the Agency for other program initiatives identified as priorities, including the post-secondary scholarship program and early childhood programs.

Program transfers to the Tłıchq Community Services Agency include:

- **Education** – early childhood programming including daycares, preschools and staff training; inclusive schooling programs and services for school age children, which includes assessment, intervention and support; kindergarten to grade 12 programming; residential accommodation for high school students from Wekweètì and Gamètì.
- **Child and Family Services** – family support and child protection, foster homes, adoption, investigations, family violence, mental health, and addictions services.
- **Health and Wellness** – Primary Health Care, Community Health programs, Home Support and Continuing Care programs, Dental Therapy, Ambulance and Emergency Services, Mental Health and Addiction Services.

2. THE COSMOLOGY/CULTURE CONTEXT

The Tłıchq, like many Aboriginal peoples around the world, are trying to create a culturally relevant social services system. This requires some kind of adaptation between Aboriginal cultures and the dominant culture. In the past, this has simply meant trying to integrate local helping practices into mainstream social work practices and elements of adjusting mainstream practices to fit local conditions. The Tłıchq and the GNWT have tried to adapt to one another's practices or requirements. Recently, however, on a global level, there has been a clear trend away from simple adaptation toward what some authors refer to as "authenticization". The word itself means "to become genuine" or "to go back to one's roots to seek direction". This is the process the Tłıchq have been pursuing in this project. The source of authenticization is the Tłıchq Cosmology.

The word "cosmology" means "the study of the cosmos, the universe, the earth, or, in Tłıchq terms, the land". A people's cosmology is their understanding of the fundamental questions about life and their history. This understanding is communicated through a number of origin stories, about how the world was created, how the world developed, how a people (e.g. the Tłıchq) came into existence and how a people developed.

The cosmology is the "container" for culture. As people redefine their relationships with the world in which they exist, they express these relationships in their culture through story, rituals, language, harvesting practices, spirituality, governance and so forth.

In recent years, the Tłıchq have been retracing their history through their origin stories and they have identified various stages in their development as a people. At each stage of development, questions arise, which force them to re-examine their existence in the light of changing situations. Their method of doing this is by posing questions to one another that reflect their concerns with the changing situations in which they find themselves. These questions inevitably deal with relationships. How do we relate to our land and the animals? How do we deal with these fur traders? How do we make peace with a neighbouring tribe? How do we deal with the white man's government in order to sign a treaty? This process of posing questions in the light of changing situations is known as a "hermeneutical process". (The word "hermeneutical" means "interpretation".) It refers to people encountering a new situation and asking themselves how to *interpret* the changes that impact upon them as a people. They then make changes to adapt to the new situation.

Cosmological Moments

As we examine the manner in which the Tłıchq cosmology has evolved over the years, we can identify certain "cosmological moments". These moments are distinct periods of time – sometimes lasting many years, when things seem to come together. Typically, the people have a significant experience, they reflect upon this experience, they achieve a consciousness about the meaning of the experience and the changes it will require in their behaviour and way of life, and they begin making those changes. They translate their new consciousness into cultural realities – stories rituals, art, harvesting practices, language development, etc.

The meeting between Edzo and Akaitcho, which ended years of conflict was one such cosmological moment. So was the creation of the new Tłıchq Government in June 2005, which was the result of two decades of negotiations.

In terms of services, the Tłıchq are in the midst of a cosmological moment. It began in the summer and fall of 1989 when a new vision and mission emerged and is now being further developed in this project.

The Mission and Vision of the TCSA

During the summer and fall of 1989, Tłıchq leaders and elders held a meeting at Black Lake, in Tłıchq territory, the same place Edzo and Akaitcho had met a hundred years earlier. Their purpose was to deal with the whole question of services. Out of that meeting, and several other meetings in the following months, emerged a mission statement and a vision.

The Mission Statement

The vision and mission of the Agency arises out of a process of action research conducted in the Tłıchq communities in the early years of the Dogrib Divisional Board of Education, and modified and validated by the new Dogrib Community Services Board in 1998. This process brought people from each community and age group to work together in their own language and address the issues that face them as a community. Themes were extracted from the transcriptions of the meetings and validated by the participants in this process and by the Board members. These themes were then developed into a preamble or contextual statement from which emerges the mission statement of the Board. The mission is a description of the shared experiences of the Tłıchq people, where they are today and where they hope to go in the future.

Vision: Strong like Two People

The vision, “*Strong like Two People*”, was part of a statement by a Rae elder, Elizabeth Mackenzie, who commented on her understanding of the words of Chief Jimmy Bruneau in opening the school that bears his name in 1975. Originally the statement referred to young people, and meant learning from and being competent in the worlds of two peoples... the traditional world of the Tłıchq and the world of other Canadians. In 1998, when the Board of Education expanded to include health and social services, Board members, educators, healthcare professionals, social workers and other Board staff agreed that the vision should continue... as a metaphor for the desire to build an organization and create programs and services that recognize the strength and importance of two cultures.

Mission Statement, Prologue

For thousands of years, Dogrib people have lived in harmony with their families, their communities and with the land. Our people took pride in passing on our knowledge, skills and values to each generation, and in the excellence of this tradition, our survival as a people was assured. In this century, we became dependent on the church and the government, and in this loss of control, we find that our families, the community, language and culture are threatened. Our very survival as a people is at stake. Thus...

Mission

We the members of the Tłıchq Community Services Agency are committed to the development of a continuum of care that will return control of education, health and social programs and services to the people of our communities, support them in the task of strengthening their families, promote the knowledge and skills they need to survive today and model the values they need to live in harmony with their families, our communities and our land.

This vision and mission statement have consistently guided the DCSB and the TCSA for the past two decades.

3. AN ADAPTATION CONTEXT

As was noted in the beginning of this chapter, the Tłıchq and the GNWT have had a long history of adaptation. Since the Tłıchq have, in effect, been providing GNWT services, most of the adapting has been done by the Tłıchq. This is especially true of statutory services, which are guided by legislation, policies and protocols.

Adaptation to existing systems presents some interesting challenges. The GNWT, which must provide services in different regions across the territory, is guided by the principles of universality, equity and fairness. Aboriginal self-governments, on the other hand, are concerned with individuation. They want to ensure that services are provided in a manner that is culturally relevant and responsive. Finding a common ground between these two perspectives can be difficult. It is helpful in advance – and to ensure implementation – that there be some answers to the question, “What does adaptation look like?”

Fortunately, we have received some guidance from Health Canada. During this project it sent out a research paper that reviewed and synthesized the literature on adaptation. (Footnote: A Review and Synthesis of Adaptation Literature: A systems approach to Increasing Health and Well-being of Aboriginal Populations). We have reviewed this document in the light of our own research and our on-the-ground experience providing Child and Family Services.

Characteristics of Adaptation

- Adaptation is redesigning, reorienting and modifying existing programs and services to ensure that they are both available and appropriate to meet the needs of Aboriginal peoples. It is a multi-level, multi-pronged approach to increasing availability and accessibility of health and social services. (p11 and 5)
- Adaptation generally occurs at the systems level. Adaptation at the systems level is meant to be more responsive to specific cultural demands. (p7)
- Successful adaptation programs rely upon service delivery that is integrated between systems. (p7)
- As adaptation includes both systemic and interaction levels in health and social services delivery; it entails policy changes and human resource development. Systemic change includes altering policies and procedures so that the system may respond to cultural nuances.
- Adaptation can occur at the surface level and at the deep structural level. Surface level involves the superficial characteristics of the target population. Deep structure considers changes in values or beliefs, including an understanding of the cultural, social, historical, environmental and psychological factors that influence the target behaviour in the proposed population.
- Cultural adaptation must include both surface structure and deep structure by incorporating core values, beliefs, norms, and other significant aspects of the Aboriginal community’s world views and lifestyles. Adaptation within Aboriginal communities should be guided by indigenous knowledge and should not contradict the intent of the programs that is undergoing adaptation. Cultural knowledge, cultural awareness and cultural sensitivity all convey the idea of improving cross-cultural capacity.

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- Adaptation involves both bottom up and top down approaches. Bottom up approaches aim to increase the capacity of communities by having them deliver their own services. Top down approaches are adaptations by the mainstream system to meet the community's goals.
 - Top down and bottom up approaches occur simultaneously in comprehensive adaptation. In certain settings it is required that there be a top down approach. For instance, in ensuring child safety. Standards must be met and these standards are embraced by the community and incorporated into a culturally informed approach. These standards are identified by mainstream service providers.
 - Successful models of adaptation in Aboriginal communities do not focus on one type of adaptation; rather, Aboriginal communities are interested in comprehensive adaptation.
 - It is anticipated that these observations will help guide implementation and the evaluation of the project.

To summarize, this chapter has described three contexts that have influenced this project: the Historical and Organizational Context, the Cosmology/Culture Context, and the Adaptation Context.

In Chapter Three we look at the Tłıchq Cultural Framework.



Chapter Three

The Tłıchq Cultural Framework

Introduction

Throughout the many years that the Tłıchq have been working with the GNWT to provide services, they have wanted to make services more culturally relevant. It is for this reason that they negotiated the draw down of specific services as part of the *Tłıchq Agreement*. However, even with the eventual draw down of services, there must be compatibility between the Tłıchq services and those services provided by the GNWT. Compatibility requires discussion between both groups about adaptation.

For the Tłıchq, compatibility requires a clear statement of what cultural relevance looks like and an indication from the GNWT that adaptation can be achieved. For the GNWT, compatibility requires an ability and willingness to adapt the existing system while, at the same time, ensuring consistency of standards on a territorial-wide basis.

In this chapter, we will describe what cultural relevance looks like. We will then proceed to outline how compatibility with the existing system might be achieved.

The Cultural Frame: Purpose and Characteristics

A Cultural Framework is a context. It consists of relationships and values that help identify a people as a distinct people. These relationships and values are derived from a variety of sources: oral history, cosmological stories, discussions with elders, official documents such as the *Tłıchq Constitution*, the *Tłıchq Agreement* and the *Inter-governmental Services Agreement*, anthropological studies, agreements with other groups, and so forth. Once established the Cultural Framework must be reviewed by Tłıchq elders to ensure its validity.

This Tłıchq Cultural Framework has been developed for a specific purpose – to be used as a tool to evaluate and modify the existing GNWT Child and Family Services System. Since this is a joint project between the TCSA and the GNWT Department of Health and Social Services, it must be a tool that can be used by both parties. For the Tłıchq, it must reflect the Tłıchq identity through its principles and values; for the GNWT it must related to those elements that are characteristic of its organizational culture and consistent with its need to ensure compatibility with other C&F Systems across the territory.

The Tłıchq Identity

The Tłıchq identity rests upon five essential relationships.

1. The relationship **with the land** – particularly Tłıchq land.
2. The relationship **with one's own inner spirit**. It is the consciousness of being Tłıchq reinforced by culture, language and way of life.
3. The relationship **with the family** – the basis of Tłıchq society.
4. The relationship of the individual and the family **with the community**.
5. The supportive relationship **with other governments, businesses, groups and organizations**.

Though these relationships are the essence of cultural framework, they must be continually reinforced and strengthened. This is done through the practice of the values.

1. **Respect** – for the land, for the inter-connection of all living things (Constitution), and for the Tłıchq language, culture and way of life.
2. **Independence and self-reliance** – the duty to care for oneself and one’s family and the community. This is a key value in the raising of children.
3. **Peace and reconciliation** – the ability to forgive and heal broken relationships. This value recognizes the need to resolve these relationships in the family, the community and in relationships with others.
4. **Caring and concern** – a willingness to help others, especially the disadvantaged or those who are suffering physical, emotional or economic problems. This value speaks to sharing and to recognition of special needs of individuals and families.
5. **Survival through adaptability** – the ability to continually learn and adapt to changing situations ensures survival. In the past, this value was focused on food and shelter. Today, the focus is on the survival of the culture, language and way of life.

Guiding Principle

Together, these relationships and values constitute the Tłıchq Cultural Frame. Out of them emerges a guiding principle that will be used to evaluate the existing C&FS System.

Those elements of the system that reflect and support these relationships and values are beneficial and must be preserved and strengthened; those elements that don’t reflect and support these principles and are deemed harmful must be modified, changed or removed.

AVOIDING THE CULTURE CLASH

As we get set to apply the Tłıchq Cultural Framework to the GNWT C&FS System, we are aware that there may be a culture clash – unless we take steps to minimize this possibility. The problem is with the nature of the challenge – adapting to *cultural* requirements.

By its very nature, Tłıchq culture is concerned with relationships, values and principles. These are essentially qualitative realities – well outside the more quantitative realities such as legislation, policies and protocols that are used to guide services. The GNWT as an organization is also dealing with cultural realities. But, often, this does not seem to be recognized. Because it must deal with a number of different cultures, the GNWT often perceives itself as “culturally neutral”. The reality is that deeply imbedded within the organizational structure are strongly held Euro-Canadian values that sometimes clash with Tłıchq values. Yet, when clashes occur, the discussion never gets down to the level of imbedded values. Instead, it tends to focus on matters of authority – service priorities, budgets, policies and so forth. Recognizing the different cultural perspectives in advance can help avoid culture clashes and facilitate adaptation.

In what follows, we will start with some general observations about cultural differences as they apply to the C&FS System. We will then discuss differences in methodologies. Finally, we will suggest a mechanism for helping to understand cultural differences in culture.

DIFFERENCES IN CULTURAL PERSPECTIVES

The following chart illustrates some of the differences between the Tłıchq culture and the GNWT organizational culture. But, first, some clarifications.

Strictly speaking, a public government is not a culture. A culture is the total body of traditions borne by a society and transmitted from generation to generation. It includes norms, values and standards by which people act, view the world and give it meaning. However, a public government contains many elements of a culture. So much so, that we use the term “institutional culture” to mean the values, systems, traditions, customs, expectations and symbols that give an institution its unique meaning. Just as the Tłıchq culture has a set of principles that reflect the values of the culture, so the GNWT has a set of principles and values of a democratic and capitalist society, many of them built into the Canadian Constitution and *Charter of Rights and Freedoms*. These become the “traditional knowledge” of the public government system.

There is always a risk in presenting a chart which purports to reflect the culture of a people and the differences from other cultures. Before presenting the chart, a word of caution.

Cultures are continually growing, developing and changing. Individuals within a culture can have a different perspective on the nature of their own culture. This is especially true between elders and youth. So the following chart tends to reflect a traditional understanding of Tłıchq cultural values and perspectives. It does not necessarily reflect the belief or values of every Tłıchq individual. The same would hold true for those persons working within the GNWT organizational culture.

Cultural Influences within the Current Child and Family Services System – A Comparison

	GNWT Organizational Culture	Tłıchq Culture Frame
Primary Focus	On the best interests of the child.	On the best interests of the child and the family.
The Family	Part of the problem. The system is designed to deal with dysfunctional families.	Part of the solution. In spite of problems, the family is “in the best interest of the child” and, in most cases, the child will eventually be returned to the family.
Authority	The social worker, the Department and the Judge have the power.	The family, the extended family, the elders and the community have the power.
Perception of the Court Process	Beneficial.	Punishment and shame.
Approach	Invasive. Apprehension has become of the option of choice. It is perceived as in the best interests of the child and the safest alternative for the social worker and the Department.	Non-invasive. Emphasis on protecting the child within the family and extended family. Apprehension only when absolutely necessary.
Side Effects of Apprehension	The child is safe. The adverse affects on the family are unfortunate, but unavoidable. Long-term consequences not a factor.	Removing the child from the family is always a traumatic experience, with longer-term consequences.
Foster Homes	Perceived as a “safe house” for the child. The need to keep the child safe outweighs all other considerations. Assumptions are made about availability, training and support services.	Foster homes should be with members of the family or extended family – or with a respected member of the community. Non-Aboriginal foster homes are often perceived as the new form of residential schools.
System Perspective	An urban perspective. Assumptions are made about timelines and availability of resources and support services.	A rural reality and lifestyle. Remoteness presents complications in terms of timelines and availability of resources.
Service Emphasis	The child and the foster parents.	The child, family and extended family.
The Social Worker	Perceived primarily as a child protection worker.	Perceived primarily as an agency of the courts and the police – the person who “takes our children away”.

	GNWT Organizational Culture	Tłıchq Culture Frame
Hiring of Social Workers	Emphasis on academic credentials and knowledge of the system; cultural knowledge not essential.	Emphasis on situational knowledge of the community and culture is essential – along with knowledge of the system.
Approach to Hiring	Preference for the person with the best credentials and experience.	Preference for the Tłıchq person who has the best potential for development and knowledge of Tłıchq culture and communities.
Role of the Community	Very little role. Not necessary.	An important role. Traditionally, the community has helped its family members.
The Community and the Social Worker	Community invited to support the social worker’s decision (plan of care committee).	Social worker invited to support the community’s decision.
Culture and Language	An important secondary consideration.	A primary concern. Essential to the child’s sense of identity.
Language	English.	Tłıchq and English.

The emphasis within the C&FS System on the “best interests of the child”, the authority that is given to courts, and the failure to give appropriate power to the family and the community are all culturally-based realities. Adaptation by its very nature requires modifications at a cultural level.

UNDERSTANDING THE CULTURAL FRAMES

The Clash of Cultures

In his book, *If This is Your land, Where are Your Stories*, J. Edward Chamberlin tells the following story:

“It happened at a meeting between an Indian community in northwest British Columbia and some government officials. The officials came to the community to start negotiating land claims. During the meeting the officials claimed the land for the government. The natives were astonished by the claim. They couldn’t understand what these relative newcomers were talking about. Finally, one of the elders put what was bothering them in the form of a question. “If this is your land,” he asked, “Where are your stories?” He spoke in English, but then he moved into Gitksan, the Tsimshian language of his people – and told a story.”

The story illustrates a culture clash. We have difficulty understanding one another’s culture. In this story, the federal civil servants and the Aboriginal elders had a different way of looking at the land. The officials saw the land in terms of ownership. Their right to the land was based upon Canadian laws. The elders had a very different concept of land. They saw it as their source of livelihood and the basis of their culture. Their “right” to the land was based upon their experience on the land and was captured in stories about their experience on the land. The challenge for both the civil servant and the elders was to come to some kind of common ground of understanding. This requires from both groups an ability to reframe.

The Nature of Frames

Each one of us carries with us a frame. It is part of our being. *A frame is a mental model. It is the living context within which we send, receive and interpret messages, establish relationships, view the world and give it meaning.* It contains our family history, education, childrearing practices, diet and food preferences, experiences, culture, language, relationships, religious beliefs, value systems and so forth. All of these experiences influence us because they are part of us. It is a *living context* because the frame changes as our experience changes. Culture helps create a group frame. The Gitksan elders had many common experiences and shared a common cultural frame. So did the civil servants. The two frames were different and their owners had a different way of understanding the meaning of the land.

In our efforts to create a culturally relevant Tłıchǰ Child and Family Services System we must learn to “reframe” – step outside our cultural frame to try and see the world the way the GNWT public servants see the world. They must do the same thing. But, in our efforts to reframe, we must be aware of four things.

First, because our frames are part of us we often fail to notice them. Someone once said, “I don’t know who it was that first discovered water, but I’m sure it wasn’t a fish.” Because we are not aware of our frames, we tend to think that everyone sees the world the way we do. But they don’t. They see the world the way their culture has taught them to see the world. This presents some real challenges, particularly in terms of communication between cultures.

Rupert Ross is a lawyer who worked in Aboriginal Ojibway and Cree communities in northern Ontario. He tells the story of one day walking into a band hall on the Weagamow First Nation Reserve and seeing the following words written on a blackboard:

“I believe you understand what you think I said, but I’m not sure you understand that what you heard is not what I meant.”

Second, our frames work as filters. They allow information into our frame that we think will benefit us, and they block information from coming in that will not benefit or will cause problems for us. It is often our culture that dictates what is beneficial and what is helpful.

To use an example, a non-Aboriginal social worker who grew up in a large Canadian city and was trained in a southern university has a certain perspective on what a healthy family looks like and how it behaves. But, when this same worker first experiences a Tłıchq community, he or she may have great difficulty determining what is normal and healthy from what is harmful. The worker’s cultural frame tends to see certain things as positive – for example, eating three meals a day based on the Canadian Food Health Guide and going to bed at a certain time. Other things – eating only when you are hungry or not going to bed at a fixed time – may be seen as abnormal and harmful. In summary, we don’t see the world the way it is. We see the world the way we are.

Third, we tend to build certain elements into our laws, regulations and institutions that we consider “culturally appropriate”. This is especially true if one’s culture is the dominant culture.

Thus, the dominant culture thinks it is normal to give a judge, who does not speak a native language and may visit the community only a couple of days a year, the ultimate authority to determine what should happen to a child in care. Or, the dominant culture might create laws that reverse what might seem like normal practice. The social worker is given the authority to apprehend the child and the community is invited to serve on a committee to support the social worker’s decision – rather than the other way round, where the community determines the needs of the child, and family and the social worker is invited to support the community’s decision.

Once the values of a dominant culture are spelled out in laws and regulations, it is difficult for both sides to reframe. As a famous Scottish psychiatrist, R.D. Laing once said: *“Unless you can see through the rules, you can only see through the rules.”*

Fourth, when frames are held by a group of people within a system, things get more complex. The group frame reinforces the individual frames and shields them from elements that are not within the frame. Systems theorists refer to this phenomenon as “bounded rationality”.

An example: Child Protection Workers and other public servants working within a government department are taught that they must follow the legislation, policies and protocols. They must always “protect the Minister” and the Department from law suits for violation of legislation or procedures. Thus, the legislation and procedures serves as a boundary and within the boundary the reasons for acting in a certain way make sense.

In cases of child neglect, the priority is to protect the child from harm. The most secure way of doing this is to apprehend the child out of the family setting and place him or her in a foster home. But there are “feed-back loops” – reactions to this practice that may not be noticed: the trauma the family goes through, the lack of resources to work with the family, the poorly trained foster parents, the shame the family experiences in the community, the fearful image of the department and social worker as “those who take our children away” – all of these things many not be taken into account. The short-term gain may result in longer-term damage. The same problem may exist on the side of the community. They may have their cultural boundaries that stop them from recognizing that the Department is actually trying to do what is in the best interest of the family and community and, in certain cases, may be legally vulnerable. The key, then, is to see the whole system – see the individual frames as well as the organizational frames that reinforce the individual frames.

The challenge we now face in developing a culturally-relevant Tłıchǫ Child and Family Service System is not only look at the rules – the laws, policies and procedures – *but to look inside them* – at the cultural values and principles upon which they are based. In some cases, these will be consistent with our culture, in other cases, they will require changes, and in still other cases, we will need to introduce new elements. This stepping outside our own frames and “looking inside” them is what reframing is all about.



Chapter Four

Using the Tłıchq Cultural Frame to Examine the GNWT Child and Family Services System

In this chapter, we will use the Tłıchq Cultural Frame as a tool to examine the GNWT Child and Family Services System. The basic research question we are asking is: *To what extent is the current system consistent with, and supportive of, the Tłıchq culture?* Or, to be more specific, to what extent does the system support and reflect the fundamental relationships and values of the Tłıchq culture? The guiding principle for our research was expressed in the preceding chapter.

Those elements of the system that reflect and support these relationships and values are beneficial and must be preserved and strengthened; those elements that don't reflect and support these principles and are deemed harmful must be modified, changed or removed.

Using a cultural context to examine a modern C&FS System is not an exact science. As was noted earlier, cultural components are essentially qualitative (subjective) in nature. The elements of a modern C&FS System, on the other hand, are primarily quantitative in nature – legislation, policies, programs, budgets, etc. In terms of evaluation methodologies, the traditional approach has been quantitative. Qualitative (or subjective) approaches have been considered prejudicial and undependable.

The assessment task becomes especially challenging at the service delivery level. A great deal depends upon the way the worker in the field interprets the Act and policies. Interpretation, in turn, depends upon the worker's frame: Culture, background, training and situational knowledge.

In the task at hand, we are particularly dependent upon Tłıchq social workers for they have the best understanding of their own culture and, to a certain extent, they have been working in the “alien culture” of the existing system. They can detect discrepancies. Even here, however, much depends upon *intuition and a sense that particular practices and approaches are not consistent with Tłıchq cultural expectations*. Thus, it is the Tłıchq social worker's reaction to a particular situation or requirement that may be the best indicator that something is consistent with the culture or out of kilter.

In what follows, we will use both quantitative and qualitative methodologies. We will define a number of strategic issues, discuss them, illustrate our findings from practical experience and stories. Because we are evaluating a system, we will begin with legislation and work down to interpretation and practices at the local level.

ISSUE 1

The Current Child and Family Services System is not a Child and Family Services System, but is, in effect, a child welfare criminal justice system. This presents significant problems for family support services.

Discussion

Legislation defines for the Department and the public the nature of services provided, the priorities for service delivery, the scope of services, and often the manner in which services will be provided.

The observation that the current system is essentially a child welfare criminal justice system becomes apparent from an analysis of the NWT *Child and Family Services Act*. It is not, as its name suggests, a system designed to provide services to children and families, nor is it based upon a wellness model. It is based upon a criminal justice model. Most of the Act, perhaps up to 80% on a section by section analysis, is concerned with the legal realities related to pre-apprehension, apprehension and post-apprehension – and to the court proceedings and administrative structures required to support the system. If the primary focus of the Act is the legal requirements related to child protection, the primary concern of the Department working under the Act will be the legalities related to child protection. The requirements in this area are statutory, which means, in effect, that the worker and the Department can be held legally accountable. The system is designed to protect the worker and the Department. Much of the social worker's time is spent in court procedures. The legal work often inhibits the worker from providing services for families. This has many implications for the system as a whole, for families and for the community.

The strong legal emphasis removes a great deal of discretion, both from the Department, the community-based agencies and from the individual. When workers try to use their own on-the-scene discretion, they are often subject to legal retribution. Thus, they are forced into taking steps, which they might not agree is in the best interests of the child and the family.

Sometimes neighbours with grudges or teenagers make malicious accusations. If, say, the Minister of Health and Social Services were maliciously accused of abusing their children by an anonymous informant, there would be an investigation. Even though the Minister may be innocent, he or she would have a record that would remain on their personal files forever.

At any given time, much of the social worker's time is taken up with court procedures, rather than providing services to children and families.

We all agree that we must investigate every report of child abuse – no exceptions. We also agree that there must be legal protection for the Department and for its staff in their efforts to protect children. But, the overemphasis on protection and the sheer amount of paper work required with this approach limits the ability of the CPW to work with the children and families. As a result, the child and the family, lacking adequate care and services, find themselves in a revolving door. Even though the Department will state that the most important need for children is a healthy family, its emphasis is on the legal protection of the workers who are working with the child. Thus, the system is perceived by the public more as a criminal justice system designed to protect children and punish parents who do not provide adequate care for their children.

ISSUE 2

The current *Child And Family Services Act* discriminates against the role of the family and the extended family in terms of child care.

Discussion

In the traditions of almost all Aboriginal peoples, the child is always seen “in the context of” the family. But, the current Act focuses almost exclusively on “the best interests of the child.” In effect, it divorces the child from the family. In this regard, it is consistent with other child welfare acts in the provinces upon which it was modelled. It is inconsistent with most Aboriginal traditions.

It is apparent that most apprehensions are apprehensions “out of” a family. The major issue that triggers apprehensions is family breakdown. Yet, the current Act pays little attention to providing support to the family. Sections 5 and 6 of the Act indicate that the director *may* provide services through contract with the parents or persons who have custody of the child, but, unlike much of the rest of the Act, this is not a statutory requirement. Further, the majority of children are eventually returned to their families, often to be apprehended again. Given family breakdown as the primary cause of child abuse, one might expect that this would be the focus of services.

We are aware that there are many reasons for breakdown of families: Everything from the impact of residential schools to lack of parenting skills to poverty to addictions problems and so forth. It is not easy to work with children in the context of families that are in need of healing and a range of support services. Nevertheless, the *Child and Family Services Act*, with its strong emphasis on child protection and its lack of emphasis on addressing the needs of the family, is dealing with the symptoms of the problem rather than with the root causes of the problem itself.

As will be obvious from the previous discussion, if more than 80% of the Act is concerned with legal matters, and the Act is dictating priorities, then very little attention is left to devote to child and family services. In the opening “whereas” comments in the Act, there are some references to the role and rights of the family but these are not spelled out specifically in the Act, other than some vague statements about parents being entitled to being informed about what is happening to their children. Given the legal emphasis in the Act on apprehension, the lack of emphasis on the services to families and the consistent failure in reducing the number of children in care, it seems obvious to us that we have been dealing with symptoms of the problem rather than with the root causes.

ISSUE 3

The need to re-examine the role of the court in the Child and Family Services System.

Discussion

There is an assumption on the part of many that the Department of Health and Services has the primary responsibility for the protection of children in the Northwest Territories. But, as we look at the Act with its strong emphasis on legal matters and the role of the courts, it becomes apparent that there is another dominant player – the Department of Justice. It is an essential partner in the whole C&FS System. Thus, the Child and Family Services System is the joint responsibility of two separate departments.

This raises the question about the manner in which the two departments share the responsibility for the protection of children and support to families. Given the dominant presence of the courts in decisions about children, and the failure of the two departments to significantly improve the numbers of children taken into care, one must examine the nature of the relationship.

It is not our intention here to criticize the court system. In most situations its assistance is vital for child protection. Our question here is whether the role of the courts is essential and/ or whether there are more suitable alternatives. In the past, judges have often commented that they have to make certain decisions reluctantly because of the lack of services in the community. Why is there a lack of viable alternatives? Is it due in large part to the legal requirements of the existing system?

As we look at the day-to-day role of the Child Protection Worker, we see that much time is spent in court matters – preparing document, attending court, ensuring follow-up, travel to and from court, etc. This time could be spent in providing services to families if there were an alternative to court proceedings. There is also the time spent by the Department of Justice on judges, lawyers and court proceedings. Finally, there is the very important matter of money. A major portion of all current costs in Child and Family Services in both departments is consumed by court-related matters. This is money that might otherwise be devoted to providing services for families.

Is there an alternative? Can we reduce the role of the courts in the Child and Family Services System while still ensuring the protection of children and caring for families? We think there is and it has to do with shifting responsibility back onto parents, extended families and communities.

ISSUE 4

The negative image of the Child Protection Worker in the community.

Discussion

The TCSA, and its predecessor the DCSB, have had very high turnover rates of CPWs – between 40 and 50 in the last five to seven years. It is not difficult to determine why. In the current C&FS System the community sees the CPW as an agent of the justice system. He or she is the person who will “take our children away”.

To illustrate... a CPW receives a call that a child is being abused. If the caller alleges physical or sexual abuse the CPW is required to immediately inform the RCMP. The CPW and the RCMP officer then visit the home together and conduct an initial investigation.

The presence of the RCMP officer accompanying the CPW presents an immediate problem. In many Aboriginal communities, the RCMP have been seen as the enforcers of many unpopular government decisions – most noticeably, the part they played in rounding up children so they could be shipped off to residential schools.

The presence of the RCMP officer creates the immediate impression that a crime has been committed. It also reinforces the impression that the home is a dangerous place. The RCMP is there to protect the CPW. These various impressions escalate the tension. There is additional fall-out. If the complaint is deemed valid, the child may be apprehended by the CPW and placed in a foster home. The CPW files documents with the court. The RCMP might file a supplementary document. If the complaint is groundless, there is no further action. However, the very fact of the visitation is written up and remains on the family’s record permanently.

The concept of the CPW as the agent of the justice system is reinforced in the court process. It is the CPW that brings the parents to court and is perceived to have a vested interest in proving guilt. The parents find themselves powerless, lined up against the police, the court and the Child Protection Worker – all working together as a team against them. There is no bill of rights for parents.

Because of the current image of the CPW in the community as the apprehender of children, it is difficult to imagine that the family would willingly accept counselling or other support services from the CPW. The apprehension often destroys the trust relationships that are needed for providing supportive services.

ISSUE 5

There is no significant community input in decisions affecting the children of the community.

Discussion

Community input is an essential and traditional element in the decisions made about the community's children. But there is no real community participation, no community ownership allowed in the system for the community's children.

The Act and the Regulations spend a great deal of time outlining the roles of the Child and Family Services Committee. On the face of it, these committees would seem to be a good idea – and give communities some real power over decisions about their children. But these committees are a sham masquerading as community input.

In Tłıchq communities, and in most other communities in the NWT, there has been very little success in establishing Child and Family Services Committees. One reason is a concern about confidentiality. Families are reluctant to share their internal problems with the community. A second reason is that communities do not want to be associated with a system that is perceived as “taking our children away”. A third reason is that the members of these committees have very little power. The power remains with the CPW and

community members *are there to support decisions that have already been made by the Department and to support the CPW in developing a Plan of Care. The Committees are not supposed to take initiatives. (Interestingly, the agreement to be signed by the Department and the Child and Family Services Committee states: “It is understood that the department will not provide funding for any activities or programs developed or recommended by the committee.”)* Finally, given the emphasis on legalities and the lack of emphasis on family services it is little wonder that community members do not want to be involved in supporting the development of these committees.

In contrast to the situation in the Northwest Territories, where the community is relatively powerless, communities in Northern Ontario that are part of the Tıkinagan system have a great deal of power and authority. (See Chapter 5.)

To summarize, the Child and Family Services Committee has no authority and enters into the process after the critical decisions about apprehension of the child have already been made. It serves to help prop up the authority of government and its control of both the child and the parents within the child welfare criminal justice system.

ISSUE 6

Removal of the child from the home is often not in the best interests of the child and leads to other difficulties. We need more options other than apprehension.

Discussion

A year 2000 Review of Child Welfare Services in the Northwest Territories noted the very high rate of apprehensions of children in the Northwest Territories compared to the situation elsewhere. The report did a study of several other jurisdictions. It noted that a “normal” rate of out-of-home apprehensions might be about 20%, with 80% of cases dealt with in the home. In January of 2000, 62% of children were apprehended out of the home and 38% were dealt with in the home. The report felt this rate was rather typical and raised the question why the number of apprehension out of the home was so high in the NWT. Though we have not done an analysis of the present situation, a review of our records indicates it was, until recently, very much the same.

If the purpose of the system is simply to protect the child, the most expedient way to do this is to remove the child from the home and put the child in a foster home. This approach seems to solve a number of problems.

First, the child is no longer in harm’s way. The child is protected, at least in the short term. Second, the worker is protected because he or she has taken a course of action that will be approved by the Department; and the Department is also protected by the law. Third, the worker’s job is simplified. He or she can now work with the child and the foster home until the family “gets its act together”.

There is no doubt that apprehending the child and putting the child in a foster home may be the only option at any given time. But, when this becomes the “option of choice”, it tends to mask a number of problems.

First, there is the trauma experienced by the parents on the loss of the children – a trauma that can have a long life – and the trauma is often experienced by children taken away from their families. It can take months for the system to respond adequately to determine the status of children. Often, the longer it takes, the less willing the parents may be to re-assume responsibility for their own children. The message to the parents and the community is: “If you can’t take care of your own children, we will take care of them for you.” This is a great disincentive to responsible parenting. Communities members may be reluctant to get involved and “do the government’s job” for them.

Second, most children will eventually be returned to their parents “when they get their act together”. But many families won’t become stable without some support and assistance. Often the worker will not have the time to work with the family. Thus, the in-and-out of care cycle can be repeated a number of times.

Third, there is a major concern with foster homes. While there are some excellent ones, often there are not enough of them. Quite frequently the foster parents lack the skills and expertise they need to deal with the children presented to them. Often the required medical and psychological support services are not available. In many cases, the child may suffer a loss of language and culture. The literature on foster homes in Aboriginal communities often portrays foster homes as “the modern residential schools”. Thus, given the recognized problems with foster homes, placing the children in foster homes may not be more beneficial than working with them and their parents in the home.

Traditionally, there has been very little training given to foster parents. Thus, some children go through a number of foster homes; at other times the children go AWOL. The focus on legal issues and the time required to address them has left little time for the development of foster homes, for the training of foster parents and for reintegrating the child into his or her family. This has generally been a neglected area.

Though the foster home may solve a short-term problem, it often becomes part of the longer-term problem. As harsh as this may seem, the narrow concept of “best interest of the child” may simply mean in practice nothing more than enabling the child to *survive* apart from its family.

What is needed is a broader interpretation of the best interests of the child, a reduction in apprehensions out of the nuclear family, a greater focus on helping the family, and a greater of the extended family and the community as an important resource.

ISSUE 7

The recruitment and training of CPWs works against providing family support services in a culturally responsive manner.

Discussion

The GNWT hires the CPWs for Tłıchq communities. With the legal emphasis in the system and the protection focus, the Department will always select individuals with credentials who have been trained to work in this kind of system. Most of those hired are non-Tłıcho staff. It assumes that the worker will be able “to learn about the culture”. It will not hire staff with less academic credentials – but who know the community and can speak the Tłıchq language – with the assumption that they will be able to learn about the current system. Nor will it provide funds for additional training. The result: an emphasis on hiring non-Aboriginal staff, most of them from the south, who see living in a Tłıchq community as a temporary assignment. Some non-Aboriginal workers adapt well to working in a different culture, but many don’t. And, even those who do adapt, will usually leave after a couple of years.

In hiring southern-based CPWs, the Department is hiring staff that have been trained in the very kind of systems that presents problems in Tłıchq communities. These systems are highly adversarial and are based upon deficit models. They tend to focus on what is wrong with the family, not upon its strengths. With this kind of background training and situational knowledge, non-Aboriginal staff often find it difficult to work in Tłıcho communities.

Criticism of CPWs is constant; there is a great deal of daily stress and the workers have difficulty understanding why there is so much criticism when they are just trying to do their jobs. In most cases, the criticism is about the jobs they are doing, not the people doing them. The community sees the child welfare justice system within which they work as toxic. The training and situational learning of non-Tłıchq CPWs might be advantageous in other communities, but it often works against them in Tłıchq communities. So they are in a Catch 22

situation. The better they are at working within the child welfare justice system in which they have been trained the less effective they are working on the ground in Tłıchq communities.

For the Tłıchq CPWs, the situation is both similar and different. Because they are part of the child welfare justice system, they are seen by their communities as part of the problem rather than as part of the solution. They are often resented and sometimes accused of “selling out” and becoming traitors to their own people. But, on the other hand, they have the right kinds of situational knowledge: They know the communities and the dynamics of relationships, they speak the Tłıchq language, and they tend to be more flexible (and sometimes go out on a limb) in trying to adapt the rules and regulations to the realities of Tłıchq community life. More importantly, because they are from the community, and will likely remain in the community, they provide the stability to the system.

The Department provides periodic training for all CPWs. Tłıchq staff attending this training report that it is exclusively concerned with the legal system. Workers are trained in how to write documents that will influence the judge in allowing apprehensions. A recent training manual, entitled *Orientation Information on Child and Family Services for NWT Professionals*, consists of 38 overheads. There are no references to the role of the family or support services required by the family – except for one page at the end entitled “Support Services Available”. It notes that “The services a Health and Social Services Authority may offer include:” and it provides a list. The word “may” is underlined.

The solution to the problem of turnover seems to rest on three factors. If we are to secure and retain the trust of the community, we must change the current system from a child welfare system to a Tłıchq family support system. Second, we must recruit more Tłıchq staff willing to work as front-line social workers. Third, we must provide better training for all staff, but especially, for staff coming in from outside the community.

ISSUE 8

There is a significant problem in the way the Plan of Care is used. It is coercive and often abuses the rights of parents.

Discussion

The Plan of Care tool has been sold as a way of getting parents involved in the planning process. It is commonly used as an alternative to court. If the parents don't agree to participate in a Plan of Care, the only other options they have is to go to court. In effect, it is used as a tool to force parents to agree to services that the Department deems necessary. In practice, there is often little discussion with the parents about what rehabilitative services they think they need. The worker draws up the Plan of Care and the parents sign it. Often the agreement is unworkable from the outset because the required services for parents are not available, especially in small communities. Because the worker only has 72 hours to make a decision about the child, the parents do not have enough time to make one of the most serious decisions they will ever be asked to make about their children. Finally, if the terms of the agreement are not satisfied, sometimes the children are returned, sometimes they are not – depending upon the decision of the worker. It is quite arbitrary.

The problem with the use of the Plan of Care has been recognized for many years. Here is an excerpt from study of the system completed by the Child Welfare League of Canada in 2000.

“There is a fundamental problem is the Plan of Care construct as it currently sits in the CFSA... This was reflected directly in the reports of the client parents who spoke of the Plan of Care as a device constructed by social workers to coerce them, and in which they “pretended to agree to because we had to... even if we didn’t understand it.” When people are forced into a crisis by the threat of intrusive action, such as the removal of their child, few are motivated to enter into a thoughtful participatory process with the threatening agent. They are at a place of anger, embarrassment, fear and shame. They will often withdraw into passivity. The withdrawal can be mistakenly be read as compliance or agreement, or perhaps a lack of commitment or interest. The Plan of Care then becomes a plan of the social worker that is essentially imposed on the parent. There is no agreement. There is often little understanding of what it contains. Without the sense of being a real participant from the parent, the Plan of Care has little real value other than to have avoided a court process. Parents need time to be brought to a point where they can enter into a meaningful Plan of Care. That requires skilled support and counselling and, of course, time.”

– *It Takes a Community: Report to the NWT Department of Health and Social Services on Child Welfare Services in the Northwest Territories, Child Welfare League of Canada, May 2000, p56.*

ISSUE 9

Because the current system is a justice system with the power to punish, some people abuse the system. They make malicious reports for their own purposes.

Discussion

Because people can report others for child abuse anonymously, the system is sometimes used maliciously to settle scores or grievances. This can have a traumatic, life-long effect on individuals who have been falsely accused.

Students who are having trouble with a teacher over grades or other matters may accuse the teacher of “inappropriate touching”, “inappropriate sexual comments” and so forth. Couples who are having a custody dispute sometimes accuse one another of having sexual relationships with their children. Neighbours who simply do not like another neighbour, or do not like their children, will sometimes report parents to the authorities with no evidence at all.

The results of such actions can spread throughout a small community like wildfire. The person accused is defenceless. His or her reputation is ruined. Even when there is absolutely no substance to such allegations, people are forced to leave the community or remain under a cloud. Unfortunately, the record of the reported incident remains with them.

The response of government departments – Health and Social Services, the RCMP – is often ideologically driven. A protocol states... “children never lie”, but we know that they do. A toolkit handed out by the Department states that... “all spousal assault leads to murder” – and we know that they don’t. These are ideological statements. They do not recognize that children (and sometimes adults) lie about abuse for their own purposes.

Because these false statements are made – sometimes anonymously – to the staff within the Child and Family Services System, there are, in practice, no consequences for the person doing the reporting. The Department does not want to make people wary of reporting true incidents. So the current policy seem to be that it is “better to be safe than sorry”. The damage to the individual falsely accused can be quite traumatic... (Interestingly, if these false reports were made to a police officer, the person doing it could be charged for making false statements.)

There is no doubt that we must be absolutely committed to investigating all reports of child abuse. There is also absolutely no doubt that we must not be ideologically driven and must have a more sensitive, nuanced understanding legislation and protocols to ensure that people are not wrongly named as abusers.

Finally, it seems worth noting that if the current system were not a justice system, but a true wellness system, such accusations would be handled by the RCMP and there would be repercussions for making false reports. And the social workers role would be much the same as a nurse role in violent crime: Treating the victim, not heading up a court process.

Some Illustrations

The previous issues have emerged from a wide variety of social work experiences in Tłıchq communities. It is hard to link the experiences of our staff in the field to one particular issue because each issue combines a number of cultural factors.

We conclude this chapter with some specific illustrations. These are stories that have come from social workers in Tłıchq communities – as much as possible in their own words.

- *In 2008, two social workers attended an Aboriginal home in a northern community in response to a call from a neighbour that a man was drinking while several of his young children remained in the house. The man had a reputation as a “violent drunk”, although there had never been any problems in the past between himself and his children. The lead social worker was from outside the community and not familiar with the family. The other “backup” social worker” was Aboriginal. The lead social worker called the Royal Canadian Mounted Police because of the man’s “violent reputation”.*

When the police and social workers appeared in the home, the man resisted their “intervention” and, consequently, was removed from the house in handcuffs, incarcerated for the next six months in prison while his children were apprehended and placed in foster care. Upon debriefing after the initial incident, the two social workers expressed profoundly different understandings of these events and their meanings.

Apart from the personal trauma and tragedy involved with the fate of this man and his children, this actual incident highlights significant differences in cultural approach between two social workers, both educated in similar university social work programs, both certified to practice by the same government authority, and following the same legislation and protocols. Based on the circumstances as she perceived them, the outside social worker felt personally threatened and requested police presence; as she felt threatened, she also felt the children were threatened and in danger, and, consequently, in need of rescue.

The Aboriginal social worker believed that there was no danger to the children, based on her perception of the previous history of the man. She saw the situation needlessly escalated by the behaviour of the other social worker and the presence of the police, and that there was no need to put the man in jail, nor apprehend his children. She believed that the situation could have been handled peacefully and without incident by going into the home respectfully, explaining the concern about his drinking and the care of the children to the father, and asking the teenage daughter to take the children to her grandmother’s home until the father had stopped drinking. Various interventions of family assistance and support could be discussed with the family later, at a mutually appropriate time.

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- An Aboriginal social worker received a phone call from a very upset young mother of four. This young mother reported that she has been trying hard to do her best at caring for her four young children.

The young mother woke up early that morning because she had to go to Yellowknife to buy groceries. Early that morning she cleaned her home, bath, fed her children and left to Yellowknife. While she was still in Yellowknife, someone had called social services about her children. Her common-law husband was sober and home caring for their four children.

The young woman was very upset and stated that non-Aboriginal social workers do not have any respect for First Nation's people. This non-Aboriginal social worker who attended to her home was accompanied by an RCMP; they walked into the clean home with their winter boots, while the four young children were sitting on a blanket on the floor watching television.

Although all of the four children were in the living room, the non-Aboriginal social worker and the RCMP started to search the bedrooms.

The young mother stated that her family rights were violated and her family was treated with disrespect, and her common-law husband felt like a criminal. She also shared that the non-Aboriginal social worker did not tell her common-law husband why they came to the home.

She felt that Social Services should have approached the referral in a respectful manner when the non-Aboriginal social worker and RCMP came to the house. They should have taken off their shoes. There was no alcohol used in the home, a sober parent was home with four young children and the visitors were invited in with respect.

The four children were in the living room, visible, and they appeared clean, well cared for and the father told them that their children had their lunch and were watching television. The house showed no sign of violence or danger, no need to keep their shoes on.

The non-Aboriginal social worker should have informed the parent why she was at the house, but the RCMP and the non-Aboriginal social worker searched the entire house without asking for permission.

The Aboriginal social worker who received the phone call, informed the Director for Health and Social Services. That same day, she talked to the non-Aboriginal social worker about the complaint she received from the young mother. The non-Aboriginal social worker refused to apologize and said she would approach all the referrals the same because she is more concerned about her own safety. She does not feel safe going to a home visit on her own and will phone the RCMP to accompany her.

- Social Services has been providing services to GR, her common-law AP and their children for many years.

GR has a long history with Social Services involving her older children from a previous relationship and her children from current relationship. Many social workers have been involved in this case and their perception of GR and her family is always very different from my perspective. I understand GR's situation very well through my many years of services as an Aboriginal social worker. According to new outside social workers, they will immediately label GR and AP as bad parents who are unable to care for their children.

As a result of her unresolved childhood, she has major trust issues with child care and adults. GR has difficulties placing her children with baby sitters because her biological father sexually abused her when she was very young, while her biological mother and aunt were present.

With the support/services and understanding GR has been receiving from me as an Aboriginal social worker, today, she is able to identify her needs and comes to Social Services to ask for support for child care or for other services such as emergency support for baby formula and pampers.

I understand this is an on going issue, but the more time and understanding you give to clients they will be able to disclose the deep core issues that are the cause and affect for their current family dysfunction, then the healing begins.

The current GNWT Child and Family Services Act does not work because the standards has limited time lines to support family, and families are given three chances then the red flag would appear on the Child and Family Services Information System to alert social workers that they need to take the children into care and tell parents they need to go for treatment when they are not ready.

Healing is a life-long process and we need to treat clients with dignity, because with proper support and approach, they will not become resistance towards change, but eventually accept and understand they need to make healthy choices.

- Almost all referrals for a child abuse investigation relate to drinking, marijuana use, etc. Almost every referral is a criminal matter. Why do all these offenses become a child welfare matter? Why are they not simply dealt with by the police?

- On one occasion CPW and RCMP officer received a referral. They found the children watching TV after lunch and the father working in the kitchen. There was no drinking and no indication of any kind of abuse. The police and worker then searched every room in the house. They found nothing and left. The man had a record.
- A grandfather was caring for his two granddaughters. Each night he would come in to say goodnight and he would place his hands on their heads in the form of a blessing. One of the girls wrote in a school project, making a card for Father's day: "Every night at bed time our grandfather comes into our room and touches us." The teacher reported this as a case of sexual abuse. The children were apprehended and taken into care. They were not given back to the grandfather for a number of months. The grandfather had a record.
- A Tłıchq woman, living on the streets in Yellowknife, committed suicide. Before she committed suicide, she indicated to friends that she was despondent because the social workers had taken away her children away.
- A nine-year-old-boy with STIs was accused of having sexual relations with a nine-year-old girl who also had STIs. He was apprehended. It took several months to get the lab work done. The results indicated that they both had STIs, but not the same STIs as the girl. The young boy was apprehended simply on suspicion.



Chapter Five

Developing an Interim Child and Family Services System

The Essential Elements

An interim Child and Family Services System must meet four criteria.

1. It must be culturally-relevant – i.e. be based upon the relationships, values and principles described in the Cultural Framework.
2. It must effect real adaptation – meaning, it must effect changes in the existing system *at a systems level*.
3. It must be consistent with and able to be integrated into the broader GNWT Child and Family Services System.
4. It must further the development of a Tłıchǫ Child and Family Services System under self-government.

Because we didn't want to reinvent the wheel, we examined a number of other Aboriginal C&FS Systems in Canada. We were searching for a model of service delivery that might meet some or all of our criteria. We finally came across a program in northern Ontario – the Tikinagan Child and Family Services Program that seemed to have many of the characteristics that we were looking for. In mid-April 2010, we sent a delegation down to spend a couple of days examining the model.

The Tikinagan Model

The Tikinagan model is entitled “Mamow Obike-ahwahsoowin”, which means “Everyone working together to raise our children”. It is usually referred to simply as the “Mamow Model.” The model has been developed over the past decade. Headquartered in Sioux Lookout, Ontario, the agency serves 30 outlying Nishnawbe communities. It has a staff of 400 and an annual budget of \$40 million.

Program Philosophy

The philosophy is based upon the traditional values of Respect, Trust, Honesty, Language, Elders, Culture, Customary Care, Accountability and Spirituality. The agency noted, “Our primary goal is to keep our children with us and within our communities.” The underlying idea of the model is that the entire community shares responsibility for the care and education of children. The needs of children are understood as indistinguishable from those of the community. Decisions are made about a child in consultation with First Nation chiefs and councils, elders, parents, children in care, Tikinagan staff and other community members. Given the number of family problems – mostly as a result of the harm caused by prescription drugs – there is a very strong sense that the children belong to the community and it is the community's responsibility to care for them.

The Court System

One of the defining aspects of the model – and the one that really attracted our attention – is the relative *non-involvement* of the courts. The courts are seen as the last resort – to be used only after all other community-based alternatives have been tried. As a result, only about 15% of cases ever end up in court.

Legislation

The agency operates under the Ontario Child and Family Services Legislation. However, and this is most important, the province introduced a special section under the Act in the early '80s: *Section X: Indian and Native Child and Family Services*. This enables the Minister to make agreements with bands and communities to provide services. It also requires an agency to work closely with the band and community. (See Appendix B.)

One of the most noticeable aspects of this legislation is the relationship between the agency and the band. The band is notified at the very beginning of any investigation and the band appoints one of its band council members as a “Portfolio Holder” to facilitate the process. *Then, it is the band that makes an agreement with the parents – a “First Nation Declaration” designating the child is in need of protection.* The agency then provides the services. One of the benefits of this approach is that the band is in partnership with the agency from the beginning of a case. This reduces the ability of community members to use the political process against the agency and its staff.

Staffing

Most staff members provide either child care services or family support services. The agency also provides alternative care services (e.g. foster homes, group homes, etc.), adoption services and prevention programs. About 85 % of the staff are Nishnawbe and residents of the communities in which they live.

While most staff have a high school education, very few have a post-secondary degree. Staff salaries are comparable to salaries in child welfare agencies elsewhere in Ontario. The agency has a voluntary pension plan (group RSP). Recently, the board decided to require staff to pay 4% of their salary into the pension plan.

Training

The agency runs its own training program, with some help from the Ontario district office in Dryden. It has developed a nine module (three month) program with a strong emphasis on child protection. The program is recognized by the Province of Ontario and participants who successfully complete the course can find employment with any other agency in Ontario. (During our visit, the agency was negotiating with a local college to provide a certificate to workers who had successfully completed all nine modules).

Community Standards

The agency helps the communities establish community standards. Such standards are essential in communities where there is inadequate housing and where most people live within, or close to, the poverty level. The community standards make it easier to approve foster homes and foster parents. (Sometimes, in the Tłıchq communities, the GNWT will not approve homes that are not up to acceptable (read “middle class”) standards. They may not approve grandparents as foster parents because they cannot help children with their homework, etc. GNWT legislation does allow for the development of community standards, but it is uncertain if or whether the government will apply these standards to such things as facilities and foster parents.

Evaluation

Though our delegation was impressed by what we saw, we wondered if the model has ever been independently evaluated. It has.

In August of 2009, the agency completed a three year review, funded by the province and carried out by the Centre for Community Based Research (CCRB). Overall, the review was very positive. The final report noted:

“Mamow Obiki-ahwahsoowin may serve as a guide in the planning of culturally appropriate child welfare elsewhere in Ontario. This model has the potential to improve the lives of Nishnawbe children, but also Aboriginal children throughout Ontario.”

Implications of the Mamow Model for an Interim Tłıchq Child and Family Services System

To adapt the Mamow Model to Tłıchq/GNWT requirements for an interim C&FS System, the following will be required:

- Enabling legislation (such as Section 10 in the Ontario Act) that gives more authority to the local community governments for the care of children.
- An agreement (MOU) between local communities, the TCSA and the territorial government to guide day-to-day services.
- Establishment of Community Standards.
- Greater involvement of family, extended family, elders and community members in decisions affecting children – at the outset.
- The Tłıchq Government/TCSA as an employer with its own staff (as opposed to GNWT staff).
- Tłıchq training programs for their staff that are recognized by the GNWT.
- Better training for foster parents.
- More specialized resources.
- A more flexible approach to confidentiality.
- A restructuring of the system to create a better balanced approach between child protection and family support.

Conclusion

We think it is fortunate that the final stage of our joint TCSA/GNWT Department of Health and Social Services adaptation project coincided with current review of the *Child and Family Services Act* by the Standing Committee on Social Programs. It gives us confidence that the committee's recommendations will bring much needed changes to the Act, to the system and to current practices.

Chapter Six

Adaptation: Making the Changes



Summary

This report began with an introduction explaining the purpose of the project, followed by an historical review of the TCSA and its various adaptation arrangements with the GNWT. Next, it provided a Cultural Framework and applied the framework to the existing Child and Family Services System, indicating the kinds of adaptations that had to be made. In the last chapter, using the experience gained from Tikinagen, it recommended required changes. In this, the final chapter, we describe how adaptation can be accomplished.

The Added Dimension – Self-government

As we prepare to make the changes, there is an added dimension that was not a factor in the Tikinagan model – self-government. On the political level, the Tikinagan was an agency-to-government (Ontario) model. The Tłıchq model is a government-to-government model. Under the Tłıchq Agreement, the Tłıchq have the right to create their own distinct C&FS System, with its own laws, policies and procedures, and service delivery procedures. Though this law-making ability is somewhat constrained – Tłıchq laws must be compatible with those of the GNWT – it still allows a level of flexibility and scope of practice that is unique in the Northwest Territories. It also adds a level of complexity, both for the GNWT and for the Tłıchq.

Unlike the situation in Nunavut where there is one dominant culture, the situation in the NWT is characterized by a mixture of cultures. The population is divided almost equally between non-Aboriginal and Aboriginal folks, and there are a variety of diverse Aboriginal cultures and languages. This presents a significant challenge for the GNWT – how to adapt to the requirements of different cultural groups while maintaining some uniformity. Because the Tłıchq system, in terms of self-government, is first out of the chute, how the GNWT responds to the Tłıchq will have a strong influence on future systems of self-government.

For the Tłıchq, the challenge is to determine what a distinctive C&FS System would look like and how to build the capacity to develop it. There is no precedent for such a model in the NWT nor in the provinces where, for the most part, the authority for services is a delegated authority. At the heart of the matter are two questions. Is the purpose of adaptation in a self-government model to integrate cultural components into the GNWT system? Or is the purpose of adaptation to integrate elements of the GNWT system into the Tłıchq system? At this point, there are no clear answers to those questions – “we have to make the path by walking it” – but it does raise a caution.

Adaptation decisions made in the short term are likely to become permanent over the longer term. For the Tłıchq, therefore, it seems best to not think in terms of an interim system (between the current modifications and the eventual draw down of services) but, rather, to think in terms of taking the initial steps to create a distinctive Tłıchq C&FS System. It will be very difficult to “undo” policies, practices and procedures once they get a foothold in the organizational psyche of both governments. What is needed then is not an interim system, but rather, an interim approach to the creation of a permanent Tłıchq system. The best way to do this is to ensure that all adaptation are based upon the foundational relationships and values of the Tłıchq culture.

Consensus

Just as the initiation of the project was based upon a consensus between the TCSA and the Department of Health and Social Services, so the implementation of the adaptations also requires consensus. We anticipate that the changes we are proposing will take from three to five years. There must be agreement on what needs to be done, who will do it and how it is to be done.

What Needs to be Done

System Design and Development

Based upon the principle that form follows function, the new system must be developed from the ground up – from the situation at the community level. The organizational structure will then be developed accordingly. The starting point is the creation of a system that is in *the best interest of the child and the family*. The systems must be converted from a child welfare criminal justice system to a child and family services system. A balance must be achieved between child protection and support for the child within the context of the family.

A critical need is for a review of all the major players: the child, the parents, the extended family, the community, the local community government, the Tłıchq Government/TCSA, the GNWT/Department of Health and Social Services, the Child Protection/Social Services Worker, the RCMP and the courts. By the word “review” we are not suggesting further studies. We are suggesting ways and means to make the necessary adaptations. This review must include some of the major problems with the existing practices, in particular an over-reliance on apprehension as the option of choice and the inappropriate use of the Plan of Care mechanism.

Organizational Structure

The Tłıchq model we are proposing is a true agency model, akin to the child welfare agencies in Ontario. The agency would be an agency of the Tłıchq Government and would have its own constitutionally established legal mandate, its own appointed or elected board of directors, and it would employ its own staff (as opposed to GNWT staff). It would have the requisite levels of authority, including the ability to take children into care through Tłıchq Customary Care Agreements. It would have its own Director of Child and Family Services, who would be accountable to the Board.

Human Resources

The agency would be an employer and carry out all the human resource functions: hiring of staff, classifications, performance appraisals, labour negotiations, etc. Significant time and energy must be devoted to developing training programs that recognize situational knowledge and the importance of cultural awareness. The objective is to train Tłıchq residents for social work positions in Tłıchq communities

Contractual Arrangements

The Tłıchq would enter into contracts with the GNWT and with other bodies to provide required services: specialized services for children and families, mental health services, specialized treatment facilities, addictions services, etc. It would also work with the GNWT to establish agreements for administrative procedures: information systems, record keeping, financing, etc. It is anticipated that there will be a greater demand for such agreements during the earlier capacity-building years.

Legislation

Finally, the project will require the development of legislation and a policy framework that will support the proposed Tłıchq model and government-to-government agreements. In some cases, changes can be made that will not require new legislation. In other cases, the GNWT will have to provide enabling legislation similar to section 10 in the Ontario *Child and Family Services Act*. (See Appendix.) This new legislation would also support the future development of Tłıchq legislation.

Who will do it?

We anticipate the need for an inter-governmental, inter-agency committee as outlined in the initial proposal for this project. The committee would consist of representatives of the respective government and their agencies. The role of the committee would be to facilitate the adaptation of the current system in the light of a future Tłıchq Child and Family Services System and to ensure its compatibility with a territorial-wide system.

The committee would be given its authority by a Memorandum of Understanding agreed to by both governments. The MOU would define the purpose and scope of the project, the reporting relationships and evaluation criteria. It would also address the problem of money.

We anticipate that this project will require some kind of developmental budget beyond what is presently available through operational funding. Depending upon the scope of work and the personnel capacities for the existing agencies it might be necessary to hire a project manager and/or other resource persons, or second someone to this position from existing resources. There will undoubtedly be need for some additional technical expertise.

How will it be done?

The inter-governmental committee will determine the best way to make the necessary changes and adaptations and make recommendations to their respective governments. Until there is consensus on the part of both governments it is difficult to determine how to proceed, but some things seem obvious.

- There must be some vision of what the eventual culturally-relevant Tłıchq Child and Family Services might look like. Such a vision will influence all short term decisions.
- The linkages between various projects must be clear and often these linkages will be outside the immediate scope of the agencies involved. For example, some of the changes we are proposing will require a buy-in from the Ministry of Justice and the judges. The level of authority over day-to-day services will require that the Tłıchq Government become the major employer of social workers.
- The evolution of various aspects of a new system will require buy-in from local governments and their willingness to assume major responsibility for the care of the community's children and families.
- The day-to-day delivery of services will require a policy sharing role between both governments and their respective agencies.
- It is unclear at this point what kind of enabling legislation is required and when, but it is certain that enabling legislation will be required.
- There is going to have to be a major public educational thrust at the beginning of the adaptation process. Procedures will change, roles will change, things will be done differently. Community support and buy-in from local politicians is absolutely essential. Without it the project will not succeed.

Since what we are proposing has never been tried before, at least not in the NWT, we are going to have to “make the path by walking it”. To say this, however, should not remove from the committee the need to have an effective and efficient project management regimen with clear work plans, achievable objectives realistic time lines, and suitable reporting requirements.



Conclusion

By way of conclusion to this report, we provide three appendices.

Appendix A: Child in Care Statistics 2008-2010.

The data shows an increasing use of voluntary support agreements – arrangements mostly with extended family and community members.

Appendix B: Ontario *Child Welfare Act*: Part X – Indian Native Child and Family Services.

This is the amendment to the Ontario Act that transferred significant authorities to the Tikinagan Agency and the First Nation communities it serves.

Appendix C: Report to the GNWT Standing Committee on Social Programs: Committee to Review the *Child and Family Services Act*.

The contents of this report emerged out of this project.



Appendix A

Child in Care Statistics 2008-2010



Appendix B

Ontario Child Welfare Act

Part X – INDIAN AND NATIVE CHILD AND FAMILY SERVICES

Definition

208. In this Part,

“customary care” means the care and supervision of an Indian or native child by a person who is not the child’s parent, according to the custom of the child’s band or native community. R.S.O. 1990, c. C.11, s. 208.

Designation of Native Communities

209. The Minister may designate a community, with the consent of its representatives, as a native community for the purposes of this Act. R.S.O. 1990, c. C.11, s. 209.

Agreements with Bands and Native Communities

210. The Minister may make agreements with bands and native communities, and any other parties whom the bands or native communities choose to involve, for the provision of services. R.S.O. 1990, c. C.11, s. 210.

Designation of Child and Family Service Authority

211.(1) A band or native community may designate a body as an Indian or native child and family service authority.

Agreements, etc.

- (2) Where a band or native community has designated an Indian or native child and family service authority, the Minister:
- (a) shall, at the band’s or native community’s request, enter into negotiations for the provision of services by the child and family service authority;
 - (b) may enter into agreements with the child and family service authority and, if the band or native community agrees, any other person, for the provision of services; and
 - (c) may designate the child and family service authority, with its consent and if it is an approved agency, as a society under subsection 15 (2) of Part I (Flexible Services). R.S.O. 1990, c. C.11, s. 211.

Subsidy for Customary Care

212. Where a band or native community declares that an Indian or native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child. R.S.O. 1990, c. C.11, s. 212.

Consultation with Bands and Native Communities

213. A society or agency that provides services or exercises powers under this Act with respect to Indian or native children shall regularly consult with their bands or native communities about the provision of the services or the exercise of the powers and about matters affecting the children, including:

- (a) the apprehension of children and the placement of children in residential care;
- (b) the placement of homemakers and the provision of other family support services;
- (c) the preparation of plans for the care of children;

- (d) status reviews under Part III (Child Protection);
- (e) temporary care and special needs agreements under Part II (Voluntary Access to Services);
- (f) adoption placements;
- (g) the establishment of emergency houses; and
- (h) any other matter that is prescribed. R.S.O. 1990, c. C.11, s. 213.

Consultation in Specified Cases

213.1 A society or agency that proposes to provide a prescribed service to a child who is an Indian or native person or to exercise a prescribed power under this Act in relation to such a child shall consult with a representative chosen by the child's band or native community in accordance with the regulations. 2006, c. 5, s. 43.



Appendix C

**Report to the GNWT Standing Committee on Social
Programs: Committee to Review the *Child and
Family Services Act***



SECTION TWO

**Report of the
Tłıchq Community Services Agency
to the
GNWT Standing Committee on Social Programs'
Committee to Review the *Child and Family Services Act***

Prepared by
The Tłıchq Community Services Agency
Behchokò, Northwest Territories
April 2010



Cover Letter – Board Chair

April 15, 2010

Committee to Review the *Child and Family Services Act*
The Standing Committee on Social Programs
Government of the Northwest Territories
Yellowknife, Northwest Territories

Dear Committee Members:

On behalf of the Tłıchq Community Services Agency (TCSA), I am pleased to submit this report. It contains our suggestion for improving the *Child and Family Services Act*.

There is nothing more important to Tłıchq citizens than the health of our children and families. Over the years, we have been looking for more culturally-relevant ways to improve services.

Two years ago, our agency and your Department of Health and Social Services co-sponsored a project to improve the current Child and Family Services System. Funded by Health Canada under its Adaptation Envelope, this project has enabled us to take a close look at the existing system and recommend specific improvements.

In April of this year, I had the privilege of leading a small delegation of our people to examine the service model of the Tıkinagan Child and Family Agency in Sioux Lookout, Ontario. Over the past ten years, this Ojibway-Cree agency has developed a unique model that serves “the best interests of the child *and the family*.” It places responsibility for care and healing on parents, the extended family and the community. We were excited about what we saw. We think you will agree with us that elements of this model can be adapted to our situation in the Northwest Territories and will greatly improve the Child and Family Services System.

It is fortunate that the final stage of our joint TCSA/GNWT Department of Health and Social Services adaptation project coincides with your review of the *Child and Family Services Act*. The timing couldn't be better. It gives us confidence that your committee will recommend much needed changes to the Act, to the system and to current practices – changes that will benefit the people we serve and strengthen the working relationship between our respective agencies and our two governments.

Yours truly,

Alfonz Nitsiza, Acting Chairperson
Tłıchq Community Services Agency



Acknowledgements

This project represents a long standing desire on the part of the Tłıchq Community Services Agency to remake government programs to assist our children and families create better lives for themselves. It is so important that this work continues to its conclusion, with effective community-based approaches to supporting children and their families.

We would like to thank the members of the staff of Tikinagan Child and Family Services in Sioux Lookout, Ontario, who so graciously hosted our team through their communities and inspired us with their example of compassion, courage and determination.

We would like to thank all the many people in the Tłıchq communities who have contributed to the discussions that have led to the ideas and suggestions summarized in this report to the Standing Committee on Social Programs.

Masi Cho.

Jim Martin, CEO
Tłıchq Community Services Agency

Nora Wedzin, Project Coordinator
Tłıchq Community Services Agency

Project Staff and Researchers:

Mike Bell, Ginger Gibson, Mary Adele Mackenzie, Butch Nutter, and Lafie (Pam Lafferty) Schuck.

Other TCSA staff who provided a much appreciated helping hand:

Rosa Mantla and Philip Rabesca.

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Harry Apples, Marvin Apples, Elizabeth Arrowmaker, Frank Arrowmaker, Annie Black, Joe Black, Lucy Black, Ted Blondin, Violet Camsell-Blondin, Madelaine Champlain, Elizabeth Chocolate, Chief Clifford Daniels, Victoria Daniels, Rose Dryneck, Rosa Fish, Nick Football, Jennifer Gon, Leona Gon, Philip Huskey, Rosa Huskey, Madelaine Judas, Celine Koyina, Jimmy Koyina, Karisha Koyina, Madelaine Lafferty, Adele Lamouelle Gabriel Mantla, Elizabeth Mackenzie, Monique Mackenzie, Jimmy Martin Chief Alfonz Nitsiza, Elizabeth Nitsiza, Jimmy Nitsiza, Jonas Nitsiza, Laura Lee Nitsiza, Lucy Nitsiza, Margaret Nitsiza, Rosa Pea'a, Grand Chief Joe Rabesca, Marie Rabesca, Mary Richardson, Annie Simpson, Denise Simpson, Joni Tsatchia, Liza Thom, Celine Wanazah, Betty Ann Wedzin, Carlene Wedzin, Katie Wedzin, Francis Williah, Belinda Yakienna, and John B. Zoe.

We would also like to thank staff of GNWT Department of Health and Social Services who have been very supportive and helpful in this work.



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Introduction

Background

In August of 2008, the Tłıchq Community Service Agency (TCSA) and the GNWT Department of Health and Social Services received a grant from Health and Welfare Canada’s Aboriginal Health Transition Project – Adaptation Envelope.

The Adaptation Envelope is designed specifically to fund projects that adapt existing systems to better meet the needs of Aboriginal populations.

This adaptation project is entitled “Healthy Children, Families and Communities”. The purpose of the project is:

To develop a culturally-relevant Tłıchq Child and Family Services delivery model, adapt it to the current GNWT Child and Family Services System, and to do this in a manner that will facilitate the development of a unique Tłıchq Child and Family Services System under self-government.

Coincidentally, this two-year project covers much of the ground that the Standing Committee is exploring in its review of the *Child and Family Services Act*, though on a much smaller scale. Nevertheless, because of the nature of our study, we feel that our findings will interest the Committee and have implications not only for the Tłıchq, but also for other Aboriginal communities in the NWT.

We are now in the final stages of the project – writing up our report. But our research has been completed and we are able to describe the adaptations that we think are required, especially in relation to the *Child and Family Services Act* itself.

About this Report

This report is divided into four parts:

- **Part One** – Adaptation: What it Means and What it Looks Like in Practice.
- **Part Two** – Developing a Cultural Framework to Examine the Child and Family Services System.
- **Part Three** – Evaluating the Current Child and Family Service System from a Cultural Perspective.
- **Part Four** – Developing an Interim Tłıchq Child and Family Services System.



Part One

Adaptation: What it Means and What it Looks Like in Practice

In the course of our research we came across an interesting document: *“It Takes a Community: Report to the GNWT Department of Health and Social Services on Child Welfare Services in the Northwest Territories”* (May 2000). The report, commissioned by the Department and conducted by the Child Welfare League of Canada, was quite extensive. As we read the document we couldn’t help noticing that many of the issues and recommendations identified in the report ten years ago were the same issues and recommendations that we were identifying today, yet little seems to have been done in the interim.

It is not uncommon for recommendations in extensive reports never to get implemented. Part of the program seems to be a lack of consensus among partners at the outset (“going in”) about what suitable results would look like. Fortunately, in the case of this project, Health and Welfare Canada has spelled out its adaptation expectations in a document entitled *“A Review and Synthesis of Adaptation Literature: A Systems Approach to Increasing Health and Well-being of Aboriginal Populations.”*

The document notes that “adaption” is a multi-level, multi-pronged approach to increasing availability of health and social services; it is a response to address the inequity of health status that is experience by Aboriginal populations.

The document then goes on to identify some of the characteristics of adaptation in Aboriginal communities:

- It generally occurs at the systems level and requires an integration of services.
- Systemic change includes altering policies and procedures so that systems may respond to cultural nuances.
- It entails policy changes and human resource development.
- It should occur at a deep structure level by incorporating core values, beliefs, norms and other significant aspects of an Aboriginal community’s world view.
- It should be guided by indigenous knowledge and not contradict the intent of the program that is undergoing adaptation.
- It considers changes in values, beliefs, culture, social history, environmental and psychological factors.
- It requires both top down and bottom up approaches.
- It incorporates aspects from clients, practitioners and the system.

These characteristics provide a useful set of criteria on which to evaluate the success of an adaptation project – like this one. To put it in the simplest terms, if the existing Child Family Services System incorporates all or most of these characteristics into a revitalized system, the project will have been successful. If it doesn’t, the project will have failed.

Part Two

Developing a Cultural Framework to Examine the Child and Family Services System



Over the years, the TCSA, and its predecessor the Dogrib Community Services Board, have had a long history of trying to adapt to GNWT requirements and vice-versa. Some of these efforts have been more successful than others. The Tłıchq have often complained that the GNWT have countered that the Tłıchq have not explained what cultural relevance is or what a culturally-relevant system would look like. The development of a cultural framework is the first step in addressing this problem.

Briefly, a cultural framework is a context that describes relationships, values and principles that identify the dominant characteristics of a culture.

To identify these characteristics we reviewed the various aspects of our cosmology – our origin stories – that described how we have developed, and continue to develop, as a people from the ancient past up to the present. We spent many hours over many months with elders discussing values and child rearing practices. Finally, we have had many discussion with “young elders”: those who, in their

earlier years, lived on the land, went to residential schools, worked in the wage economy – mostly as teachers or social workers – and have been involved, either directly or through family members, with the child welfare system. From these sources have emerged defining relationships and values that define the Tłıchq identity.

The Tłıchq Identity

The Tłıchq identity rests upon five essential relationships:

1. The relationship **with the land**, particularly Tłıchq land.
2. The relationship **with one’s own inner spirit**. It is the consciousness of identity, a self-perception of being Tłıchq which is reinforced by culture, language and way of life.
3. The relationship **with the family and extended family**; the basis of Tłıchq society.
4. The relationship of the individual **with the community**.
5. The supportive relationship **with other governments, businesses, groups and organizations**.

Though these relationships are the essence of cultural framework, they must be continually reinforced and strengthened. This is done through the practice of the values.

1. **Respect** – for the land, for the inter-connection of all living things (Tłıchq Constitution), and for the Tłıchq language, culture and way of life.
2. **Independence and Self-Reliance** – the duty to care for one’s self, one’s family and the community. This is a key value in the raising of children.
3. **Peace and Reconciliation** – the ability to forgive and heal broken relationships. This value recognizes the need to resolve conflicts in the family, the community, and in relationships with others.
4. **Caring and Concern** – a willingness to help others, especially the disadvantaged or those who are suffering physical, emotional or economic problems. This value speaks to sharing and to recognition of special needs of individuals and families.

5. **Survival Through Adaptability** – the ability to continually learn and adapt to changing situations ensures survival. In the past, this value was focused on food and shelter. Today, the focus is on the survival of the culture, language and way of life.

Guiding Principle

Together, these relationships and values constitute the Tłıchq Cultural Frame. Out of them emerges a guiding principle that will be used to evaluate the existing Child and Family Services System:

Those elements of the system that reflect and support these relationships and values are beneficial and must be preserved and strengthened; those elements that don’t reflect and support these principles and are deemed harmful must be modified, changed or removed.

Part Three

Evaluating the Current Child and Family Service System from a Cultural Perspective



As we use the Cultural Framework to examine the current GNWT Child Family Services System we note several cautions. The culture is not static. It is always changing – adapting to new situations. Not all individuals or even all communities within a culture are at the same level of cultural development or sophistication. People differ in the ways they think of their culture, participate in their culture, practice cultural rituals, know and understand their language, adopt childhood rearing practices, etc. Nevertheless,

it is possible to make certain cultural observations, which seem to be consistent throughout the culture, given the limitations we have just mentioned.

The following chart illustrates some common perceptions among the Tłıchq about their own culture and about their perceptions of the dominant non-Aboriginal culture which is influencing their lives.

Cultural Influences within the Current Child and Family Services System – A Comparison

	GNWT Organizational Culture	Tłıchq Culture Frame
Primary Focus	On the best interests of the child.	On the best interests of the child and the family.
The Family	Part of the problem. The system is designed to deal with dysfunctional families.	Part of the solution. In spite of problems, the family is “in the best interest of the child” and, in most cases, the child will eventually be returned to the family.
Authority	The social worker, the Department and the Judge have the power.	The family, the extended family and the community are relatively powerless.
Perception of the Court Process	Beneficial.	Punishment and shame.
Approach	Invasive. Apprehension has become the option of choice. It is perceived as in the best for the child and the safest alternative for the social worker and the Department.	Non-invasive. Emphasis on protecting the child within the family and extended family. Apprehension only when absolutely necessary.
Side Effects of Apprehension	The child is safe. The adverse affects on the family are unfortunate, but unavoidable. Long-term consequences not a factor.	Removing the child from the family is always a traumatic experience, with longer-term consequences.

	GNWT Organizational Culture	Tłıchq Culture Frame
Foster Homes	Perceived as a “safe house” for the child. The need to keep the child safe outweighs all other considerations. Assumptions are made about availability, training and support services.	Foster homes should be with members of the family or extended family – or with respected member of the community. Non-Aboriginal foster homes are often perceived as the new form of residential schools.
System Perspective	An urban perspective. Assumptions are made about timelines and availability of resources and support services.	A rural reality and lifestyle. Remoteness presents complications in terms of timelines and availability of resources.
Service Emphasis	The child and the foster parents.	The child, family and extended family.
The Social Worker	Perceived primarily as a child protection worker.	Perceived primarily as an agency of the courts and the police – the person who “takes our children away”.
Hiring of Social Workers	Emphasis on academic credentials and knowledge of the system; culture knowledge not essential.	Emphasis on situational knowledge of the community and culture is essential, along with knowledge of the system.
Approach to Hiring	Preference for the person with the best credentials and experience.	Preference for the Tłıchq person who has the best potential for development and knowledge of Tłıchq culture and communities.
Role of the Community	Very little role. Not necessary.	An important role. Traditionally, the community has helped its family members.
The Community and the Social Worker	Community invited to support the social worker’s decision (Plan of the Care Committee).	Social worker invited to support the community’s decision.
Culture and Language	An important secondary consideration.	A primary concern. Essential to the child’s sense of identity.
Language	English.	Tłıchq and English.

The Child and Family Service Act

As we can see, there is a disconnect between The Tłchò cultural perceptions and the GNWT cultural perceptions. There is another disconnect between the title of the Act and the objectives outlined in the preamble, on the one hand, and the contents of the Act, on the other hand. (We note that the first item in the Standing Committee's Terms of Reference is to determine whether the objectives in the preamble are being accomplished.)

The title of the Act, *Child and Family Services*, would suggest that it is about services for the children *and for families*. The preamble gives a passing mention to the role of the family, to the extended family (a recent addition to the Act by the 15th Assembly) and the community. But, there is very little in the Act about services to the family, or about the role of the family, extended family and community. We estimate that 80% to 90% of the content of the Act is about pre-apprehension, apprehension and post-apprehension – or about the administrative roles and procedures related to legal procedures. Even where services are mentioned, they are considered optional or discretionary.

Our final report will contain a number of stories indicating how the Act is required to be interpreted on the ground in the communities. Here are some summary observations based upon our application of the cultural frame to the current Child and Family Services System.

1. The Act is not a *Child and Family Services Act*, but rather, a Child Welfare Criminal Justice Act. There is a need to restore some kind of balance between protection and services to children and families.
2. The Act discriminates against the family and extended family. Though Aboriginal communities always sees children in the context of the family and extended family, the Act is concerned almost exclusively with the “best interests of the child”. In practice, the child is divorced from the family. The family is often perceived as “the problem”. The Act should focus on “the best interests of the child and the family”. It should emphasize building on the strengths of the family.
3. The major decisions about the child are made by the Child Protection Worker (CPW), the Department, the RCMP (at times) and the court. In effect, the court is often the “court of last resort for the child”. It plays a dominant role, and workers consume large amounts of time preparing court documents. The parents, family members and community are relatively powerless as compared to the CPW, the Department, often the police, and the Judge. There is a need to consider this imbalance, re-examine the role of the court and, perhaps, establish a Bill of Rights for parents.
4. The role of the Child Protection Worker militates against the role of a social worker providing family support services. The CPW is not seen as someone who “helps us”, but rather, as someone who “takes our children away”. This image is reinforced when the CPW is accompanied by a police officer when responding to reports of abuse, which happens in most cases. For some residents, the partnership between the CPW and the RCMP raises memories of children being captured and hustled off to residential school.

-
5. Unfortunately, apprehension out of the home has become the “option of choice” in the NWT. The Year 2000 study of the Child Welfare System by the Child Welfare League of Canada noted that, in the provinces, only about 20% of children were apprehended out of their homes and only 38% were served in their homes. We did not do a review of NWT cases in our current study, but we suspect the percentages are about the same. It should be noted that working with the child in the home forces the worker to work closely with the child and the family.
 6. There is no significant community input in decisions affecting child and/or family. If the community is called in, it is usually after the child has been apprehended. In effect, the role of the community is to support the decision about the child that has already been made by the Child Protection Worker and the Department.
 7. There is need to re-examine the recruitment and training of CPW/social workers. There is a very high turnover rate, especially among non-Aboriginal workers. The training of CPWs, as carried out by the Department, is often not culturally-relevant. A recent training manual, entitled “*Orientation Information on Child and Family Services for NWT Professionals*”, contains 38 overheads. There is no mention of services for families, except for one overhead that mentions Support Services that “may” be available – the word “may” is underlined. The word “community” does not appear. The solution for the Tłıchǫ is to hire their own Tłıchǫ social workers and train them ourselves.



Part Four

Developing an Interim Tłıchǫ Child and Family Services System

The Essential Elements

Any interim Child and Family Services System must meet four criteria:

1. It must be culturally-relevant – i.e. be based upon the relationships, values and principles described in the cultural framework.
2. It must effect real adaptation – meaning, it must effect changes in the existing system *at a systems level*.
3. It must be consistent with and able to be integrated into the border GNWT Child and Family Services System.
4. It must further the development of a Tłıchǫ Child and Family Services System under self-government.

Because we didn't want to reinvent the wheel, we examined a number of other Aboriginal Child and Family Services System in Canada. We were searching for a model of service delivery that might meet some or all of our criteria. We finally came across a program in northern Ontario – the Tikinagan Child and Family Services Program, which seemed to have many of the characteristics that we were looking for. In mid-April 2000, we sent a delegation down to spend a couple of days examining the model.

The Tikinagan Model

The Tikinagan model is entitled “Mamow Obike-ahwahsoowin”, which means “everyone working together to raise our children”. It is usually referred to simply as the “Mamow Model.” The model has been developed over the past decade. Headquartered in Sioux Lookout, Ontario, the agency serves 30 outlying Nishnawbe communities. It has a staff of 400 and an annual budget of \$40 million.

Program Philosophy

The philosophy is based upon the traditional values of Respect, Trust, Honesty, Language, Elders, Culture, Customary Care, Accountability and Spirituality. The agency noted, “Our primary goal is to keep our children with us and within our communities.” The underlying idea of the model is that the entire community shares responsibility for the care and education of children. The needs of children are understood as indistinguishable from those of the community. Decisions are made about a child in consultation with First Nation Chiefs and Councils, elders, parents, children in care, Tikinagan staff and other community members. Given the number of family problems – mostly as a result of the harm caused by prescription drugs – there is a very strong sense that the children belong to the community and it is the community's responsibility to care for them.

The Court System

One of the defining aspects of the model – and the one that really attracted our attention – is the relative non-involvement of the courts. The courts are seen as the last resort, to be used only after all other community-based alternatives have been tried. As a result, only about 15% of cases ever end up in court.

Legislation

The agency operates under the Ontario Child and Family Services Legislation. However, and this is most important, the province introduced a special section under the Act in the early '80s – *Section X: Indian and Native Child and Family Services*. This enables the Minister to make agreements with bands and communities to provide services. It also requires an agency to work closely with the band and community. (See the Appendix.)

One of the most noticeable aspects of the legislation is the relationship between the agency and the band. The band is notified at the very beginning of any investigation and the band appoints one of its band council members as a “Portfolio Holder” to facilitate the process. *Then, it is the band that makes an agreement with the parent – a “First Nation Declaration” designating the child is in need of protection.* The agency then provides the services. One of the benefits of the approach is that the band is in partnership with the agency from the beginning of a case. This reduces the ability of community members to use the political process against the agency and its staff.

Staffing

Most staff members provide either child care services or family support services. The agency also provides alternative care services (e.g. foster homes, group homes, etc.), adoption services and prevention programs. About 85% of the staff are Nishnawbe and residents of the communities in which they live.

While most staff have a high school education, very few have a post-secondary degree. Staff salaries are comparable to salaries in child welfare agencies elsewhere in Ontario. The agency has a voluntary pension plan (group RSP). Recently, the board decided to require staff to pay 4% of their salary into the pension plan.

Training

The agency runs its own training program with some help from the Ontario district office in Dryden. It has developed a nine module (three month) program with a strong emphasis on child protection. The program is recognized by the Province of Ontario and participants who successfully complete the course can find employment with any other agency in Ontario. (During our visit, the agency was negotiating with a local college to provide a certificate to workers who had successfully completed all nine modules).

Community Standards

The agency helps the communities establish community standards. Such standards are essential in communities where there is inadequate housing and where most people live within, or close to, the poverty level. The community standards make it easier to approve foster homes and foster parents. (Sometimes, in the Tłıchq communities, the GNWT will not approve homes that are not up to acceptable (read “middle class”) standards. They may not approve grandparents as foster parents because they cannot help children with their homework, etc.) GNWT legislation does allow for the development of community standards, but it is uncertain if or whether the government will apply these standards to such things as facilities and foster parents.

Evaluation

Though our delegation was impressed by what we saw, we wondered if the model has ever been independently evaluated. It has.

In August of 2009, the agency completed a three year review, funded by the province and carried out by the Centre for Community-based Research (CCRB). Overall, the review was very positive. The final report noted:

“Mamow Obiki-ahwahsoowin may serve as a guide in the planning of culturally appropriate child welfare elsewhere in Ontario. This model has the potential to improve the lives of Nishnawbe children, but also Aboriginal children throughout Ontario.”

Implications of the Mamow Model for an Interim Tłıchq Child and Family Services System

To adapt the Mamow Model to Tłıchq/GNWT requirements for an interim Child and Family Services System, the following will be required:

- Enabling legislation (such as Section 10 in the Ontario Act) that gives more authority to the local community governments for the care of children.
- An agreement (MOU) between local communities, the TCSA and the territorial government to guide day-to-day services.
- Establishment of Community Standards.
- Greater involvement of family, extended family, elders and community members in decisions affecting children – at the outset.
- The Tłıchq Government/TCSA as an employer, with its own staff (as opposed to GNWT staff).
- Tłıchq training programs for their staff that are recognized by the GNWT.
- Better training for foster parents.
- More specialized resources.
- A more flexible approach to confidentiality.
- A restructuring of the system to create a better balanced approach between child protection and family support.

Conclusion

We think it is fortunate that the final stage of our joint TCSA/GNWT Department of Health and Social Services adaptation project coincides with a current review of the *Child and Family Services Act* by the Standing Committee on Social Programs. It gives us confidence that the Committee will recommend much needed changes to the Act, to the system and to current practices – changes that will benefit both of our organizations and the people we serve.



Appendix

Part X (of the Ontario Child and Family Services Act amendment in the early '80s)

INDIAN AND NATIVE CHILD AND FAMILY SERVICES DEFINITION

208. In this Part,
“customary care” means the care and supervision of an Indian or native child by a person who is not the child’s parent, according to the custom of the child’s band or native community. R.S.O. 1990, c. C.11, s. 208.

Designation of Native Communities

209. The Minister may designate a community, with the consent of its representatives, as a native community for the purposes of this Act. R.S.O. 1990, c. C.11, s. 209

Agreements with Bands and Native Communities

210. The Minister may make agreements with bands and native communities, and any other parties whom the bands or native communities choose to involve, for the provision of services. R.S.O. 1990, c. C.11, s. 210.

Designation of Child and Family Service Authority

211. (1) A band or native community may designate a body as an Indian or native child and family service authority.

Agreements, etc.

- (2) Where a band or native community has designated an Indian or native child and family service authority, the Minister:
- (a) shall, at the band’s or native community’s request, enter into negotiations for the provision of services by the child and family services authority;
 - (b) may enter into agreements with the child and family service authority and, if the band or native community agrees, any other person, for the provision of services; and
 - (c) may designate the child and family service authority, with its consent and if it is an approved agency, as a society under subsection 15 (2) of Part I (Flexible Services). R.S.O. 1990, c. C.11, s. 211.

Subsidy for Customary Care

212. Where a band or native community declares that an Indian or native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child. R.S.O. 1990, c. C.11, s. 212.

Consultation with Bands and Native Communities

213. A society or agency that provides services or exercises powers under this Act with respect to Indian or native children shall regularly consult with their bands or native communities about the provision of the services or the exercise of the powers and about matters affecting the children, including:
- (a) the apprehension of children and the placement of children in residential care;
 - (b) the placement of homemakers and the provision of other family support services;

- (c) the preparation of plans for the care of children;
 - (d) status reviews under Part III (Child Protection);
 - (e) temporary care and special needs agreements under Part II (Voluntary Access to Services);
 - (f) adoption placements;
 - (g) the establishment of emergency houses; and
 - (h) any other matter that is prescribed.
- R.S.O. 1990, c. C.11, s. 213.

Consultation in Specified Cases

- 213.1 A society or agency that proposes to provide a prescribed service to a child who is an Indian or native person or to exercise a prescribed power under this Act in relation to such a child shall consult with a representative chosen by the child's band or native community in accordance with the regulations. 2006, c. 5, s. 43.



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