



A VOICE FOR YOUTH IN CARE | UNE VOIX POUR LES JEUNES PRIS EN CHARGE

Youth in Care Canada

Submission to the Senate Standing
Committee on Aboriginal Peoples
re: Pre-Study of Bill C-92: *An Act respecting
First Nations, Inuit, and Metis children,
youth and families*

May 1st, 2019



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Introduction

About Youth in Care Canada

Youth in Care Canada (YICC) is a national, charitable organization driven by youth and alumni from child welfare authorities across Canada. YICC exists to voice the opinions and concerns of youth in and from care.

Since 1985, we have engaged young people in and from care, and those who work with them, in research, policy development, and the training of caregivers and child welfare professionals. We have assisted in and supported the development of provincial and community-level youth in care networks across Canada, and we have helped to further the national and international youth in care networking movement.

YICC's membership consists of youth in government care, youth transitioning out of care and alumni from care, as well as organizations and allies that support youth in Canada and that play a role in child advocacy. YICC is governed by a working Board of Directors, with up to two Directors representing each province and territory across Canada. Every Director must have lived experience in child welfare systems in Canada and at least half of the Board must be composed of youth under 29 years of age.

Vision, Mission, and Mandate

Vision: Our vision is that all young people in and from care across Canada know their rights and receive standardized, high quality care that meets their diverse needs.

Mission: YICC exists to voice the opinions and concerns of youth in and from care.

Mandate: *Making Connections:* Providing support and networking opportunities to youth in and from government care and support the development of local and provincial youth in care networks across the country. *Making Change:* Increasing awareness of the rights and needs of young people in and from government care and improving their access to resources and support.

Intent of Submission

This submission aims to bring voices and experiences of Indigenous youth in and from child welfare systems across Canada to the Senate Standing Committee on Aboriginal Peoples for consideration in their pre-study of Bill C-92: *An Act respecting First Nations, Inuit, and Metis children, youth and families*. Within this submission are summaries of major issues Indigenous youth in and from care face which Bill C-92 could potentially address, and links to youth experiences (Annex A) which demonstrate these issues and, in some cases, propose solutions. This submission does not support or oppose Bill C-92, but instead sees the Bill, if done right, as an opportunity to create positive change. It is important to also acknowledge the Bill, if not amended or implemented properly, has the potential to maintain the status quo. In the status quo, a disproportionately high number of Indigenous youth are in child welfare systems which perpetuate the cultural genocide started by residential schools.



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Considerations of Interest

Need for Youth Voices

Indigenous youth in and from care must have a voice in the legislative, regulatory, and policy processes of Bill C-92. As a principle, any legislation affecting child welfare systems needs to fairly consider input from those whose lives the legislation intends to legislate. Article 12 of the United Nation's Convention on the Rights of the Child (UNCRC) states that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child..." Youth in Care Canada interprets this as youth in and from care having a right to have their views and opinions heard and considered, including by participating in legislative, regulatory, and policy reviews, development, and changes that will affect youth in and from care.

There is much value to hearing from youth with lived experience in child welfare, and youth in and from care have provided meaningful input into child welfare legislation, regulations, and policies before. For example, youth in and from care provided input into Ontario's Bill 89, *Supporting Children, Youth and Families Act, 2017*, now the *Child, Youth and Family Services Act*, through the former Ontario Provincial Advocate for Children and Youth (OPACY, and subsequently the Office of the Child Advocate). Youth advocates with lived experience provided valuable input into Ontario's Bill 89 through personal testimonies and meetings with provincial representatives, including former Minister of Children and Youth Services, Michael Couteau. These youth advocates raised important issues, for example the need for extended care agreements past age 18 and for limits on solitary confinement, changing Bill 89 for the better (Annex A, Article 2). One youth observed that Ontario's Bill 89 is going to affect people through their whole lives. Bill C-92 will have a similarly substantial impact on Indigenous youth in and from care.

Youth in Care Canada recommends that the Senate Standing Committee on Aboriginal Peoples, as well as any other committee Bill C-92 may be referred to in the House of Commons or the Senate, make an effort to hear from Indigenous youth in and from care and encourage written submissions from these youth as well. Regulation and policy drafters, as well as those conducting reviews of the legislation, must include Indigenous youth in and from care and consider experiences and recommendations youth advocates share. A provision should be included in the Bill to clarify that Indigenous youth in and from care must be heard in the development and review of legislation, regulations, policies, and programs which effectively dictate their lives. Without direct input from the youth who know child welfare systems best, legislators and policy makers will be missing essential information about the impacts of child welfare systems, what is working, and what needs to be changed.

Barriers to Accessing Culture

Indigenous youth in and from care face many barriers to accessing their cultures, communities, and traditional territories. These barriers are exacerbated by lack of awareness and cultural continuity policies for workers who interact with Indigenous youth in care, geographical distance from Indigenous communities and traditional territories, financial costs of accessing culture, and more. Barriers to



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accessing culture also intersect with other challenges Indigenous youth in and from care face, for example lack of permanency, limited services, lack of awareness about services, transitioning from care, and everyday struggles.

For Indigenous youth in care, access to elders and extended family is important, Walkus says.

“I missed out on that opportunity to get passed down that knowledge of everything that they would have been able to teach, good or bad,” he says. “If the badness of what they went through was residential [school], the goodness was how much they kept their language and traditions.”

“That’s what I would have loved to learn, but I can’t learn as much no more,” he says. “Because all my elders, they’re gone. I have very few left.” (Annex A, Article 5)

Indigenous youth in and from care must be raised knowing what Nation(s) they belong to and which community or communities they are from. This includes ensuring Indigenous youth in care are registered as Band or community members, receive status if applicable, know where their parents and grandparents are from, and have access to essential information about their Nation and communities. Several media stories (Annex A, Articles 4, 8, 9) highlight how Indigenous youth were not listed as Indigenous when apprehended or were not made aware of where they were from while they were in care, and thus did not receive appropriate cultural services, if any. Children and youth who are not aware they are Indigenous or who aren’t indicated as Indigenous on their files will be excluded from cultural services even by the best child welfare system. All provincial and territorial child welfare systems must immediately begin tracking Indigenous youth in and from care and need to be held accountable to doing so by the Federal Government and provisions in Bill C-92.

Cultural services must be provided to children and youth in and from care by appropriate elders, knowledge holders, spiritual peoples, and other providers, without financial or other service limitations. For example, an Anishinaabe youth in care should be able to connect with an Anishinaabe elder from the same region, learn the correct dialect of Anishinaabemowin, participate in Anishinaabe ceremonies and rites of passage that a youth from their community would be able to participate in, and develop knowledge of and lived experience on the lands of their traditional territory. Maintaining connections with family is also crucial to continue sharing of family-specific traditions and develop connections to community. This may be challenging if a youth is placed in care outside of their community, but challenges and finances should not prevent access to culture, community, language, land, spirituality,



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and family. Furthermore, programs and services to establish connections to community and access to culture should be extended for Indigenous youth who have transitioned out of care, as community and culture help form essential safety nets and support systems which youth leaving care may not have. Youth in and from care have described the lasting impacts of not being supported to create or maintain cultural and community connections in media articles (Annex A, Further Reading: Barriers to Accessing Culture). These articles, as well as personal testimonies, may help the committee develop specific provisions for Bill C-92 to better protect access to culture and community, especially for Indigenous youth who will remain in provincial or territorial child welfare systems.

Transitioning from Care

We expect there will be Indigenous youth who “age out of care,” even if Bill C-92 and associated Indigenous child welfare laws are implemented. It is crucial the Bill account for this period and ensure the best available supports are provided. Many youths who enter child welfare systems are forced to leave care when they turn 18, 19, or 21, depending on the province or territory they live in. Services are cut off, youth usually must leave their homes, and many youths are expected to become self-sufficient nearly overnight. This is an issue all youth in care face, and Indigenous youth in care are no exception.

Leaving care is often a difficult period and supports for youth going through this transition vary greatly across the country. Indigenous youth in and from care need the best available support to prepare for and go through transitions from care, and the Bill must ensure that is provided through, including but not limited to, adequate programs and funding for transition services and supports like housing, high school completion and post-secondary education, accessible health services, including mental health care, and assistance to maintain or develop connections to their Indigenous communities. These needs intersect with needs which have been observed more generally in Indigenous communities, thus alongside Bill C-92 it is crucial the Government of Canada ensure inequities in Indigenous communities are addressed.

Youth in Care Canada recommends that the Bill be amended to include “aging out” provisions to ensure sufficient and equitable support for Indigenous youth that are leaving care. These provisions must include support to access culture and traditional territories, access to services such as housing and mental health support, and a guarantee that Indigenous youth leaving care can receive transitional support from provinces and territories, including for post-secondary education, if they so choose. There should also be a provision guaranteeing Indigenous youth in and from care access to their personal information without unreasonable delay, and a provision protecting these files from misuse by others.

Funding and Gaps

Sufficient funding must be allocated before Bill C-92 and associated regulations, policies, and programs are implemented. Implementing the Bill then performing a gap analysis later will lead to insufficient or limited care for Indigenous youth for a prescribed period of time. Indigenous youth who are in care, who are leaving care, or who are participating in preventative programs should not have to experience



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unacceptable deficiencies before those deficiencies can be addressed; baseline financial needs are often predictable, readily accessible top up funds can be set aside, and many program and support needs, for example for youth who are “aging out”, can be extrapolated from existing child welfare systems.

It is important to also address funding and gaps for services related to Indigenous child welfare and family wellbeing. For example, housing crises, lack of clean water, and access to health care on reserve may be considerable factors in an Indigenous child’s welfare. These long standing, systemic issues must be addressed alongside Bill C-92 for Indigenous youth in and from care to truly receive equitable care without discrimination.

Youth in Care Canada recommends that, at minimum, the Bill should be amended to include a provision stating that Indigenous youth in and from care should not have to experience financial need or deficiencies as a prerequisite to receiving sufficient and equitable funding for their care. This provision can also be supplemented with Jordan’s Principle to further ensure access to sufficient and equitable funding for Indigenous youth in and from care.

Summary of recommendations

In conclusion, Youth in Care Canada thanks the Committee for reviewing this submission and recommends the Committee consider amending Bill C-92 to include the following provisions:

- A provision to clarify that Indigenous youth in and from care must be heard in the development and review of legislation, regulations, policies, and programs which may impact them.
- A provision requiring all provincial and territorial child welfare systems to track Indigenous youth in and from care, and associated accountability measures.
- Specific provisions to better enable access to community, culture, language, land, spirituality and family, especially for Indigenous youth in provincial or territorial child welfare systems.
- Provisions to ensure sufficient and equitable support for Indigenous youth that are leaving care, including provisions for continued support to access culture and traditional territories, provisions continuing access to essential services, and provisions enabling Indigenous youth leaving care from any child welfare system, Indigenous or non-Indigenous, to receive transitional support from provinces and territories, including post-secondary tuition waivers, subsidized housing, and extended care agreements.
- A provision guaranteeing Indigenous youth in and from care access to their personal information without unreasonable delay, and a provision protecting these files from misuse by others.
- A provision requiring sufficient and equitable funding for Indigenous child welfare systems, and a provision clarifying that Indigenous youth in and from any system of care should not have to experience financial need or deficiencies in their care before sufficient and equitable resources, including funding, are allocated.



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Annex A: Media Amplifying Voices of Indigenous Youth In and From Care

Further Reading: Need for Youth Voices

1. <https://thetyee.ca/News/2018/12/13/Fix-Foster-Care-Ask-Kids/?fbclid=IwAR2TNFKIMpRNCgfWLaUf3bn054B-VnvWUFNPLkGjC3BdaIN08f7jA7RG-rQ>
2. https://www.youtube.com/watch?time_continue=290&v=kWyyaTrO23U
3. <https://cabinradio.ca/11613/news/yellowknife/growing-up-in-care-i-felt-voiceless-its-time-i-use-my-voice/>

Further Reading: Barriers to Accessing Culture

4. https://aptnnews.ca/2018/12/03/disconnected-stories-of-the-nwt-foster-care-system/?fbclid=IwAR3Vtjmf3_4nbn-ey8-4wQtiGf4b2L2QD3RRxxF_uCDDR9zyyOsIIetfTk
5. <https://www.thediscourse.ca/urban-nation/indigenous-kids-culture?fbclid=IwAR3Ff98Ubsjt3aP3rLCJe5MqsSTcYdJkk5crUEkiETMLKzIV0RjEV6tmPFs>
6. <https://www.thediscourse.ca/urban-nation/ministry-trying-strengthen>
7. <https://thetyee.ca/News/2018/05/28/Lessons-Care-Only-Flaw-System-Some-Survived/>
8. <https://thetyee.ca/News/2018/06/13/Lessons-In-Care-Make-System-Great/>
9. <https://thetyee.ca/News/2018/05/16/Lessons-From-Care/>
10. <https://www.docdroid.net/SxKhMuh/ycao-2019-sr-eng-fnl.pdf>
11. <https://globalnews.ca/news/5048158/former-foster-child-manitoba-child-and-family-services/>

Further Reading: Transitioning from Care

12. <https://aptnnews.ca/2019/02/22/just-kind-of-felt-like-i-was-existing-life-after-aging-out-of-care/?fbclid=IwAR2mVZSX6oHf0MmmDtV--lr9GunVPEqer3n1XwmgD0xksfoIE8AFoOOZkPc>
13. https://aptnnews.ca/2019/02/20/aging-out-life-after-living-in-the-child-welfare-system-in-b-c/?fbclid=IwAR35MK03b3640z5Gynn1yWtyKXJvnPzI59gXLzc9AyiF3v4O9Ve_JzUYZHk
14. <https://rcybc.ca/reports-and-publications/reports/relationships-matter-youth-aging-out-care>
15. <https://www.cbc.ca/news/indigenous/aging-out-first-nations-youth-navigates-life-on-his-own-after-growing-up-in-foster-care-1.4583544?fbclid=IwAR3Py584XrThT51qYz-xhe1e9awTpfh8VPmTCJUH64ig87ley3cnej0L2pU>
16. <https://www.missioncityrecord.com/community/foster-care-is-superhighway-to-homelessness-b-c-youth-advocate-says/?fbclid=IwAR1WPXqIKCdyiEIO4vi3VEo7DsEoQKW177Q1-k0kiLtibemMqi9PLciLrgo>
17. <https://www.richmond-news.com/news/youth-panel-at-mmiwg-hearings-sheds-light-on-canada-s-foster-care-system-1.23259429>

Further Reading: Funding and Gaps



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18. https://www.thediscourse.ca/urban-nation/roots-workers?fbclid=IwAR2zBQRjrBOQ_vlGyRb7ZJvIXt8nE5XYpRjZ2wHlaG8MbE00P_xKEC73Azc
19. https://aptnnews.ca/2018/09/24/ontario-first-nations-cfs-systems-failed-first-nations-kids-in-care-before-they-died-report/?fbclid=IwAR312ieUrOJXouqCuy-R7hVADQGOws_tAssXI4hOZEdKk7Q_eUaZ7OOtdyQ
20. <https://thetyee.ca/News/2018/05/14/Indigenous-Kids-Poverty-Care/>
21. <https://thetyee.ca/News/2018/06/04/Lessons-From-Care-Powerless-Unprotected/>
22. <https://www.thediscourse.ca/child-welfare/newsletter-child-welfare-system-comes-third-half-mmiwg-testimonies-commissioner-says>