MÉTIS NATION OF ONTARIO
RECOMMENDATIONS
CONCERNING MÉTIS-SPECIFIC
CHILD AND FAMILY SERVICES

SUBMITTED TO ONTARIO’S MINISTER OF
CHILDREN AND YOUTH SERVICES,
THE HONOURABLE DR. ERIC HOSKINS

MARCH 30, 2012
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BACKGROUND AND INTRODUCTION

This document has been prepared by the Métis Nation of Ontario (MNO) to:

- Highlight the rights and interests of the Métis people of Ontario in relation to contemporary child welfare matters affecting Métis children and families, and Métis communities, across the province; and to,
- Make recommendations to the Minister of Children and Youth Services regarding the most pressing changes and actions required in child welfare laws, policies, processes, and programs to initiate improved outcomes for Métis children and families dealing with the child welfare system.

This document provides a Métis-specific complement to the Report of the Aboriginal Advisor to the Minister of Children and Youth Services of July 2011, concerning the status of and recommendations for First Nations child welfare in Ontario. Métis difference from First Nations, Inuit, and non-Aboriginal Ontarians is in fact an important theme woven throughout the content of this paper; that is, Métis-specific needs are indeed just what it sounds like: specific to Métis. In fact, automatically assuming that any of these other peoples’ experiences and viewpoints is equivalent is Métis experience constitutes a mistaken and invalid approach. Métis history, language, culture and worldview may share some important similarities with those of First Nations and Inuit, but this should not be confused with or treated as sameness. Métis inclusion means Métis-specific approaches and solutions, which can only be implemented through concerted action arising from meaningful engagement and consultation with the Métis Nation.

Official Government of Ontario recognition of Métis, and a shared desire to strengthen the working relationship with Métis for numerous purposes, resulted in execution of a Framework Agreement between the MNO and Ontario in November, 2008. The Framework Agreement’s enunciated purposes include to “work together in order to develop, coordinate and implement mutually acceptable measures to … [among others,] improve the well-being of Métis children, families and communities…” Accordingly, observations and recommendations contained in this paper propose the basis for what the MNO foresees will be an ongoing collaborative process to address Métis-specific needs and make proactive changes in child welfare policies and practices in this province to accommodate Métis legal and human rights and interests.

The challenge is to move forward from the status quo and effectively surmount the very real systemic weaknesses, and access and service barriers, which Métis families face in the current child welfare system in Ontario. Indeed, as we updated the research previously completed by the MNO in 2008 for two information and discussion papers, one on the subject of Métis and Ontario’s child and family law

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1 Despite the title of Aboriginal Advisor John Beaucage’s report being “Children First, The Aboriginal Advisor’s Report on the status of Aboriginal child welfare in Ontario,” which implies the inclusion of all Aboriginal people – First Nations, Inuit and Métis – the contents of his report pertain solely to First Nations. Métis were not included in his work. The present report has been prepared by the MNO with limited time and resources during the month of March, 2012.
and policy, and the other on how the system deals with Métis, we were once again struck by the significant body of published literature documenting the Ontario and other systems’ failures to be culturally relevant to and meet the needs of First Nation, Inuit, and Métis children and families.\(^2\)

Additionally, MNO Healing and Wellness frontline staff once again confirmed that most of what we learned from them that in 2008 needed to be addressed remains unchanged.\(^3\)

Accordingly, in this paper, we take as commonly accepted knowledge and it has been well documented in the relevant literature, that colonization, residential schools, and racist government policies and programs such as the 60s Scoop have severely interfered with the intergenerational transmission of traditional Métis child rearing ways and parenting skills. We also start from the basis that improving the determinants of individual, family, and community health, such as poverty, are integral to improving child welfare outcomes. With these bases in mind, we concentrate in this paper primarily on what we know to be the most fundamental and pressing issues which require accomplishment in the short- to medium-term in order to begin effecting real change. These are organized into the following main areas: Regulation of Child Welfare, Education and Awareness, Administration and Service Delivery, and Accountability and Funding. Each of these sections attempts to briefly identify the main Métis-specific issues, considerations and current status, with reference to known best practices, as well as related recommendations. With this work undertaken, further collaboration to improve child welfare for Métis in Ontario will be able to take place.

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**REGULATION OF CHILD WELFARE**

The main legislation with attendant regulations dealing with child welfare in Ontario is the *Child and Family Services Act* (CFSA),\(^4\) and its paramount purpose is “to promote the best interests, protection and well being of children.”\(^5\) Five other purposes are also outlined, to be applied “so long as they are consistent with the best interests, protection and well being of children.”\(^6\) One of these provides recognition that “Indian and native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.”\(^7\)

**TERMINOLOGY MATTERS: MÉTIS MUST BE NAMED IN THE ACT**

The CFSA has undergone a number of important amendments and been updated to reflect new understanding and changed social and legal realities in a number of areas. These most recently took...
place in 1999 and 2006, when, among other changes, the above-noted paramount purpose was specified, and one of the other purposes was added, “[t]o recognize that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences.” Notwithstanding these opportunities for change, the wording of the CFSA was not updated on either of these occasions to reflect the correct legal vocabulary specific to Canada’s Aboriginal peoples, being Indian (referred to as First Nations in this paper), Inuit, and Métis.

Instead, the terminology for three Aboriginal identities which is used in the CFSA is limited to “Indian” or “native person.” A “native person” is defined as “a person who is a member of a native community but is not a member of a band, and “native child” has a corresponding meaning.” A “native community” is defined as “a community designated by the Minister under section 209 of Part X (Indian and Native Child and Family Services)” which means the designation is made with the consent of the community’s representatives.

What MNO has heard repeatedly directly from our Métis citizens as well as from our staff who serve Métis across the province, is that in the client’s experience during the child welfare intake process, children’s aid society (CAS) workers routinely fail to ask about Aboriginal identification, and furthermore, even if they do ask, the client’s cultural identity as Métis is usually then ignored. In fact, in MNO research with CAS workers in 2008 and from MNO frontline staff in 2012, we learned that CAS workers generally continue to equate “native” or Aboriginal identity with First Nations only. This issue with terminology appears to be contributing to the lack of appropriate Métis-specific recognition and referrals for Métis involved in the child welfare system, and to perpetuating systemic discriminatory treatment toward Métis.

While we are persuaded that there is legal certainty that Métis are included in the “native” moniker for the purposes of the CFSA, this does not mean that it is not a problematic label. In MNO’s view, “native” is a disused term for good reason, as it denies First Nations-, Inuit-, and Métis-specific identities. Moreover, it is clear that in Ontario child welfare practice, there is ambiguity and inconsistency in its day-to-day application. As a result, to make it clear to whom the relevant provisions apply in the law, we make:

RECOMMENDATION 1: THAT THE GOVERNMENT OF ONTARIO PROCEED IMMEDIATELY TO AMEND THE CHILD AND FAMILY SERVICES ACT TO EXPLICITLY REPLACE THE “INDIAN” AND “NATIVE” REFERENCES WITH THE APPROPRIATE FIRST NATIONS, INUIT AND MÉTIS TERMINOLOGY.

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8 CFSA, s. 1(2) ¶4.
9 CFSA, s. 3.
10 As part of MNO’s research base completed in 2008, senior staff from 13 children’s aid societies across the province participated in a survey administered by telephone interview, and 23 MNO frontline staff participated in a separate written survey which they returned by email or fax. Additionally, MNO community workers solicited child welfare experience stories from 16 Métis citizen client interviews which they conducted.
11 The Ministry of Children and Youth Services Report on the 2010 Review of the Child and Family Service Act identifies issues related to outdated language in the CFSA, including that terms such as “native” should be changed, p. 26.
This first recommendation speaks to the fact that Métis are not clearly identified in the current legislation as they should be, and also to the fact that implementation of the CFSA provisions by CAS staff requires culturally specific recognition and approaches for each of First Nations, Inuit, and Métis. Clearly, accompanying education and awareness measures are also required in order for the CAS staff and the system to become properly inclusive of Métis, which will be addressed below as well as later in this paper under the Education and Awareness section.

Mandatory CAS Training About Métis

MNO frontline staff speak to the problems in the child welfare system, which transcend occasional human error, when it comes to CAS recognition of Métis and Métis rights under the CFSA, as well as dealing appropriately with a Métis child and family, and providing notice to their community, including involving MNO services and other Métis-specific community agencies and resources. Generally, it would appear that the root cause of many problems is attributable to a lack of knowledge and understanding by individual workers, and also corporately within CAS organizations, regarding who Métis are, what Métis culture is, as well as what their statutory obligations to Métis are, and what a culturally appropriate response to Métis in the child welfare context consists of. To date, it appears that the mandatory Provincial Ontario Child Protection Training Program and CAS organizations are both failing to ensure appropriate child welfare worker training such that the operating norm of common knowledge includes, at the least, that Métis children are included in the “Indian and Native” provisions of the CFSA.

The Minister of Children and Youth Services, who is responsible for designation of children’s aid societies, has the discretion to “impose terms and conditions on a designation and may vary, remove or amend the terms and conditions or impose new terms and conditions at any time”12 as they pertain to the functions of a CAS to investigate, protect and provide care to Ontario’s children. For this reason, MNO makes:

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RECOMMENDATION 2: THAT THE MINISTER PRESCRIBE THROUGH THE CFSA REGULATIONS, MANDATORY DELIVERY OF TRAINING TO CAS STAFF ABOUT FIRST NATIONS, INUIT AND MÉTIS IDENTITIES AND CULTURES, AND THE RESPECTIVE RIGHTS OF EACH UNDER THE CHILD AND FAMILY SERVICES ACT.

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For Métis, such training must be developed and delivered by Métis, and the MNO is well placed to assist. Development and delivery of Métis-specific training could be a joint venture by the MNO and the Provincial Ontario Child Protection Training Program. We propose therefore:

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12 CFSA, s. 15(2).
RECOMMENDATION 3: THAT THE MINISTER FUND A PILOT PROJECT BY THE MNO TO DEVELOP, DELIVER, AND EVALUATE A MÉTIS-SPECIFIC TRAINING MODULE AS PART OF THE MANDATORY PROVINCIAL ONTARIO CHILD PROTECTION TRAINING PROGRAM FOR CHILDREN’S AID SOCIETY WORKERS.

Additional elements of this project could potentially address matters such as:

- Assessment of the corporate, human resource, and funding requirements for ongoing involvement of the MNO and whether this would best be accomplished centrally at the MNO or through MNO branch offices around the province;
- Creation and maintenance of a speakers database for referrals to Métis persons able to deliver this specific type of training in the relevant delivery locale; and,
- Investigation of potential alternative delivery means, such as videoconferencing, webinars, and DVD.

The MNO sees the requirement for Métis-specific training of CAS workers as fundamentally important, particularly if Ontario is going to succeed at lowering the over-representation of Métis in the child welfare system. The addition of such training should be made an obligatory component in the requirements for new CAS worker competency training through the Provincial Ontario Child Protection Training Program. Implementation as soon as possible should be an immediate goal in order to halt the introduction of CAS workers who do not understand Métis culture and worldview to the Ontario child welfare system and who inappropriately apply the majority non-Aboriginal assumptions to Métis, with attendant continued failure to really assist Métis children and families.

MÉTIS-SPECIFIC DATA COLLECTION

In our view, the natural accompaniment to a better educated CAS workforce is their understanding and buy-in to the importance of properly collecting and capturing Aboriginal identity for each and every case handled. At present, for example, it is our understanding that Ontario CAS organizations do not collect Aboriginal identity locally or provincially, except for First Nations who fall into the “Indian” definition used in the CFSA. In other words, there are no data which can be specifically disaggregated for Métis.

This means, for example, that we do not know what the most common reasons for Métis coming into contact with the CAS are; that we cannot speak to the average length of family involvement once an investigation is substantiated; that we do not know which types of Métis-specific child and family resources and programs are most required. The statistical evidence base for Métis needs and how to address them is virtually non-existent at this time, which is why we make:
RECOMMENDATION 4: THAT THE MINISTER PRESCRIBE THROUGH THE CFSA REGULATIONS, MANDATORY COLLECTION BY CHILDREN’S AID SOCIETIES OF ABORIGINAL IDENTITY INFORMATION, TO BE RECORDED IN THE NEW CHILD PROTECTION INFORMATION NETWORK IN A FORMAT WHICH WILL PERMIT DATA DISAGGREGATION FOR EACH OF MÉTIS, FIRST NATIONS, AND INUIT.

The issues raised to this point should not be construed as necessarily the only regulatory aspects which will need addressing in order to fulfill Métis-specific rights and interests. However, they are essential starting points to redressing many of the inequities to which Métis are currently subject. As these changes move forward, further inquiry and analysis will be required to assess the level of inclusion and accommodation of Métis, and whether and how further regulatory changes might enhance outcomes for the Métis of Ontario.

EDUCATION AND AWARENESS

In addition to the need to ensure that child welfare workers entering CAS employment learn about and understand Métis, there are other important education and awareness raising needs related to Ontario’s child welfare context. Once again, the list here is not an exclusive one; rather, we attempt to raise the most pressing issues which must be addressed as soon as possible if the system is to be transformed into one which deals appropriately and effectively with Métis children and families and achieve successful outcomes for Métis. The issues included here cross a number of governmental domains, and in some cases imply leadership by the Ministry of Children and Youth Services for cooperation and coordinated efforts between two or more ministries.

SOCIAL WORKER AND SOCIAL SERVICE WORKER EDUCATIONAL PROGRAMS

In the previous section of this paper, we addressed prescribing a Métis-specific module for child welfare training for workers entering the employ of a CAS. Ideally however, this type of training would in fact be a ‘refresher’, at least for child welfare workers who graduated from Ontario post-secondary institutions.\(^\text{13}\) The Provincial Ontario Child Protection Training Program Métis-specific module should, in our view, naturally follow from more comprehensive learning about Métis, First Nations and Inuit peoples, cultures and worldviews, completed during social worker and social services worker programs at colleges and universities.

Our perspective arises in part from observations by MNO frontline workers that the most recent social work graduates are the CAS workers who are most likely to impose non-Aboriginal values and expectations on Métis families, including using use the most drastic measures, such as the removal powers granted under the CFSA, too quickly and without exploring reasonable alternatives within the

\(^{13}\) The module would ideally have equal potential for use in professional development settings with existing social workers and social service workers employed by CAS.
child’s extended family and the Métis community. They note that while these workers are often seemingly well intentioned, their ‘newbie’ enthusiasm combined with their lack of life experience – usually being young adults, not yet a parent, not familiar with or insufficiently knowledgeable about Métis culture, services, and communities, and apparently assuming that their formal education means their decisions are correct – often leads them to take an interventionist approach which perpetuates the lived history and misplaced exercise of colonial and paternalistic power over Métis.

As a result of these observations and given our knowledge that the child welfare system is failing Métis children and families, MNO believes that inclusion of substantive Métis-specific curriculum in mandatory courses to qualify for social worker and social service worker program graduation should be examined. This might entail generating the cooperation and interest of universities and colleges with schools of social work to collaborate with the MNO to design and develop effective Métis-specific content for the relevant undergraduate courses. This examination could also look into the potential to develop a “Day of Learning and Resources for Social Worker Candidates” similar to the Ontario Ministry of Education’s Building Futures Day of Learning and Resources for Teacher Candidates program, and be delivered at schools of social work annually. Accordingly, MNO makes:

**RECOMMENDATION 5: THAT THE MINISTER OF CHILDREN AND YOUTH SERVICES FUND A RESEARCH AND ANALYSIS PROJECT AT THE MNO TO EXAMINE THE STATUS AND CONTENT OF EXISTING MÉTIS-SPECIFIC CURRICULA IN ONTARIO COLLEGE AND UNIVERSITY SCHOOLS OF SOCIAL WORK AND TO REPORT ON POTENTIAL AVENUES AND OPPORTUNITIES FOR ENHANCING SOCIAL WORKER ACQUISITION OF KNOWLEDGE ABOUT MÉTIS IDENTITY AND CULTURE IN RELATION TO THE DELIVERY OF CHILD WELFARE SERVICES.**

It is our view that this project will provide a solid basis for realistic evaluation of what it will take to implement more effective Métis-specific education of social workers and how this might be collaboratively accomplished, in order to improve outcomes for Métis who come into contact with the child welfare system.

**COURT PROCEEDINGS AND JUDICIARY**

Whether through new or longer term social workers’ interventions, an unfortunate consequence for many Métis children and families involved in the child welfare system is that there is frequently recourse to court procedures, as prescribed in the CFSA. Such matters are generally complex for lay persons to

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14 Views are based on feedback surveying Métis clients in 2008 and information gathered through open-ended inquiry interviews by MNO with three frontline Métis workers in preparation for this paper, March, 2012.

15 More information about the Building Futures program for teacher candidates may be referenced online: Ontario Ministry of Education, [http://www.edu.gov.on.ca/eng/teachers/buildingfutures/resources.html](http://www.edu.gov.on.ca/eng/teachers/buildingfutures/resources.html). The Chair in Métis Studies at the University of Ottawa might also be a potential advisor for the MNO to involve in this examination and development work, given the chair’s role in “strengthening research and public knowledge on the culture and history of the Métis people of Ontario.” [http://www.media.uottawa.ca/mediaroom/news-details_1901.html](http://www.media.uottawa.ca/mediaroom/news-details_1901.html)
understand and consequently highly stressful, which any Ontarian would find challenging to deal with. For many Métis whose educational attainment remains significantly lower than the average Ontarian’s, this challenge is further amplified. It is also often compounded by the bias against and the negative stereotyping of Métis which has become inherent in the system, by CAS workers, court staff, lawyers and judges.

For example, frontline MNO staff have described Métis client experiences of a discriminatory practice which to the best of our knowledge has no basis in law or as a warranted court procedure: the judge’s dismissal from the courtroom of a support person accompanying a Métis parent or family. Whether this type of action stems from ignorance, abuse of power, bigotry or some other reason, it suggests that many judges, lawyers, and court staff potentially require further education and training. As a result, it is MNO’s:

RECOMMENDATION 6: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES WORK WITH THE MINISTRY OF THE ATTORNEY GENERAL OF ONTARIO TO REMEDY DISCRIMINATORY JUDICIAL PRACTICES TOWARD MÉTIS IN ONTARIO CHILD WELFARE COURT PROCEEDINGS.

Remedies might include targeted educational campaigns in cooperation with Judges’ Associations, or the continuing education sections of the Law Society of Upper Canada and the Bar Association of Ontario; however, appropriate inquiry and analysis into this issue could also identify related potential educational avenues and sponsoring partners.¹⁶

The counterpart to educating judges to better accommodate Métis in the courtroom, is finding effective ways to educate Métis families and communities about child welfare investigations, what their rights are, and how to find Métis-specific support services such as those the MNO offers through the Aboriginal Healthy Babies Healthy Children, Community Worker, and other programs. Improving Métis citizens’ knowledge and understanding of the Ontario child welfare system will be beneficial not only to families should CAS investigate them, but to assist in community awareness of available Métis-specific supports for parents and children. The latter, according to MNO frontline workers, would fulfill a need expressed in client feedback that many Métis people were unaware of the MNO services which could assist them with measures for prevention as well as knowing their rights and where to turn for support in the case of being subject to an investigation.

¹⁶ Similarly, frontline MNO staff have described their observation that a legal representative for the Métis child is rarely appointed by the court under the CFSA, compared to the frequency of such appointments for non-Aboriginal children. While the lack of Métis-specific tracking data continues to exist, it will be impossible to accurately assess the prevalence of such discrimination. However, in light of the over-representation of Métis and other Aboriginal children in the child welfare system, it seems likely that advocacy by legal counsel on behalf of Métis children may not be in place as often as it should be. A judges’ education/awareness initiative could also address this issue at the same time.
Furthermore, Métis clients and frontline workers in MNO’s research have emphasized that navigating the child welfare system is a complex and often fragmented journey, including that the system tends to be very adversarial.17 This statement sums up the situation:

At the moment a child protection practitioner appears at the doorway of an Aboriginal home, an atmosphere of fear, distrust, and anger is unleashed. Based on historical experience as well as present-day practice, there is an overwhelming fear that an encounter with a child protection social worker will result in the separation of a child from her/his parents, extended family, and community.18

As a consequence, Métis parents and families require accessible information that is Métis-specific, and is prepared by a trustworthy source, the MNO. Accordingly, MNO makes:

**RECOMMENDATION 7: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES PROVIDE THE MNO WITH THE FINANCIAL SUPPORT TO CREATE ONLINE INFORMATION AND CORRESPONDING PRINT MATERIALS FOR MÉTIS CITIZENS, TO INFORM THEM ABOUT CHILD WELFARE INVESTIGATION PROCEDURES, HOW TO OBTAIN MÉTIS-SPECIFIC ASSISTANCE, AND THEIR RELATED RIGHTS.**

**ADMINISTRATION AND SERVICE DELIVERY**

Educational efforts to enhance the ability for Métis to understand their rights and to navigate the child welfare system will be valuable; however, the ongoing capacity for MNO to provide substantive child and family support services is equally very important. This includes the development of effective prevention measures for reaching vulnerable children and families before the crises which necessitate intrusive measures such as removal of a child from his/her home can occur.

**MNO SERVICE DELIVERY**

The MNO is uniquely qualified and our staff have significant experience in successful delivery of Métis-specific programs which support Métis citizens in culturally relevant ways. With the expansion of awareness of Métis-specific needs and services in child welfare matters through implementation of the measures recommended in this document, CAS workers, courts, legal professionals, and Métis citizens and communities will predictably increase demand on the MNO to deliver relevant programs. If we do not anticipate and plan for capacity growth ahead of this increased demand, not only are Métis rights

17 This continues to be the case notwithstanding the goal of the Ontario Government’s Transformation Agenda to “...build a new system that fosters healthy development for children and youth in the context of their families and communities. At the core of Ontario’s vision is the belief that early intervention will reduce the need for more intrusive and costly public services later and will lead to better outcomes for children and youth.” Child Welfare Transformation 2005: A strategic plan for a flexible, sustainable and outcome oriented service delivery model, p. 2.
and interests likely to be violated, but the costs in human and financial terms beyond the child welfare system to other systems such as health care, justice, and corrections will correspondingly escalate.

Additionally, as helpful and successful as they have been in assisting Métis citizens to date with child welfare issues, the MNO programs which provide clients with assistance related to child and family services presently were not designed specifically for supporting and addressing child welfare system interactions. Therefore, in our view, this is an ideal time to develop a “framework for service delivery that is based first and foremost on [Métis] core beliefs, practices, values and wisdom.” Therefore, we advocate:

**RECOMMENDATION 8: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES PROVIDE ADEQUATE FUNDING TO ENABLE THE MNO TO SIMULTANEOUSLY UNDERTAKE PROGRAM EXPANSION TO MEET INCREASING DEMAND FOR ITS SERVICES AS WELL AS FACILITATE STRATEGIC RESEARCH AND PLANNING FOR A MÉTIS-SPECIFIC CHILD AND FAMILY SERVICES FRAMEWORK.**

**REGIONAL MÉTIS COMMUNITY LIAISONS/ADVOCATES**

A specific component of Métis-specific service delivery which has been identified by MNO frontline staff as having important potential for facilitating effective notice to, and meaningful involvement of, a Métis child’s community is the potential for appointment of regionally based Métis community liaisons. The anticipated benefits include more reliable and consistent communication between CAS workers and the child’s community, to improve Métis-specific placements, to reduce the burden on Métis community council member volunteers, and to provide a knowledgeable resource to the community on related matters. This would include, for example, facilitating better connections to MNO community workers that are providing services under the Métis-specific Aboriginal Healing and Wellness Strategy program in 18 Métis communities across the province.

Further development of connections to culturally appropriate programs in violence prevention and parenting, for example that might be offered at Friendship Centres, could be explored by the liaison. Another role, as already mentioned as a barrier with respect to Court Proceedings and the Judiciary due to the challenges of understanding the child welfare legal process and court procedures, would be that the regional Métis community liaison would be able to support and advocate for Métis families through

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20 In accordance with CFSA requirements detailed in s. 213.

21 Métis community councils are comprised of volunteers, who are unlikely to have child and family services expertise, and who may or may not be in a position to field CAS and other child welfare related inquiry calls during business hours.
their court process. A pilot project would further identify and specify these roles, and take regional Métis-specific considerations into account. Therefore, we make:

**RECOMMENDATION 9: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES FUND THE MNO TO IMPLEMENT A PILOT PROJECT FOR TWO REGIONAL MÉTIS COMMUNITY LIAISONS/ADVOCATES.**

**MÉTIS MEMBERSHIP IN CAS BOARDS OF DIRECTORS**

With respect to the fact that Métis child maltreatment and neglect reports are investigated by a CAS which is not Métis-specific, there is good reason for Métis to seek input to and participation in the operations of the children’s aid societies. Specifically, we suggest that a seat on each CAS board should be allocated to a member nominated by a Métis community council that is in the CAS’ service area. This seat should not be allocated as a generic Aboriginal seat; it should be available independently of similar First Nations and Inuit seats. To this end, we make:

**RECOMMENDATION 10: THAT THE MINISTER OF CHILDREN AND YOUTH SERVICES ISSUE A DIRECTIVE TO ONTARIO CHILDREN’S AID SOCIETIES TO CREATE A PLACE FOR A VOTING MÉTIS MEMBER ON THEIR BOARDS OF DIRECTORS.**

**ACCOUNTABILITY AND FUNDING**

The most significant issues emerging from our research with MNO frontline staff and CAS workers raised matters which are integrally linked to accountability and funding. Particularly in light of the lack of trust by Métis for CAS workers and the child welfare system at large which has already been highlighted earlier in this paper, it is important that accountability measures be in place for financial and management transparency. In addition, quality of service standards for Métis-specific service delivery should be developed by both the CAS and by the MNO. The MNO membership is represented directly by their elected leaders who are held accountable through the ballot box; however, this is of course not applicable to the children’s aid societies where most, if not all, voices are non-Métis.

**ELDERS’ AND GRANDMOTHERS’ COUNCILS**

In addition to adding a Métis voice on CAS boards as recommended above, which should benefit both accountability and operations matters, a number of other mechanisms can be explored for their ability to assist in program content and program evaluation. With the information gained, further progress can then be made to work from and enhance successful, culturally relevant and appropriate best practices for Métis.

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22 The likely choice would be to have two positions in the pilot, one in a northern area, and one in a southern Ontario area.
For example, the traditional role of Elders and Grandmothers in Métis communities is closely involved with Métis child rearing and the passage of oral history and cultural values and teachings to the following generations. A number of MNO staff and clients, have suggested that a Métis Grandmothers’ Council be associated in an advisory capacity with CAS boards, which would be mutually beneficial to CAS and Métis communities. The value of Métis Elders’ and Grandmothers’ life experiences and wisdom has already been proven in the context of helping their families and communities navigate many challenging child and family issues using restorative and other traditional approaches. They constitute an important resource which should be integrally involved. Thus, we make:

**RECOMMENDATION 1: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES FUND A PILOT PROJECT TO BE COMPLETED BY MNO WITH THE COOPERATION CAS ORGANIZATIONS, TO IMPLEMENT A GRANDMOTHERS’ ADVISORY COUNCIL TO THE CAS BOARD OF DIRECTORS OF AT LEAST TWO CAS ORGANIZATIONS.**

**MÉTIS-SPECIFIC DATA COLLECTION, AVAILABILITY AND EVALUATION**

Earlier in this paper, we addressed the need to mandate collection of Métis-specific data and have it be centrally available in disaggregation from First Nations, Inuit and non-Aboriginal data, using the incoming child protection information network database. This is an important part of accountability as well and MNO must have regular access to the data. It is imperative to not only collect, but put this information to work to further understand which Métis citizens are coming into contact with child welfare, for what types of investigations, whether the investigation results in the standard measures of substantiation, not substantiated, etc. (Please see Recommendation 4.)

**PLACING MÉTIS CHILDREN IN MÉTIS HOMES IN MÉTIS COMMUNITIES**

CAS obligations under the CFSA when out-of-home care come into play temporarily or as the result of wardship require placement of a Métis child with a member of their extended family or a member of the child’s Métis community or another Métis family. Similarly, once eligible for adoption, this obligation applies as well. In practice, client feedback tells us that this is rarely occurring. We have heard egregious examples, for instance, of Métis extended families not being given an opportunity to become the child’s foster family due to the CAS seemingly purposely having delayed pursuit of this, and consequently there being insufficient time for the extended family to go through the training and health and security checks that are required. Moreover, Métis do have traditions similar to First Nations customary care and customary adoption and yet many Métis families find their children placed at great distance from them. This practice creates a barrier to parental access to their children, and a barrier to the child’s access to the parent and extended family, a barrier to the child maintaining their cultural and community ties. Being placed in a home which is not Métis or is far removed from his or her community

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23 CFSA, s. 61(2).
24 MNO’s experience is that Métis use of this terminology varies across the province: some Métis communities use the term “customary adoption” while others seem to refer to “traditional practice,” for example.

Métis Nation of Ontario Recommendations Concerning Métis-Specific Child and Family Services Submitted to the Minister of Children and Youth Services, the Honourable Dr. Eric Hoskins
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is already well linked to poor outcomes for our children. 25 These are precisely the types of situations in which the CAS has to become more accountable to Métis.

Furthermore, while being mindful of the overarching objectives and recommendations of the Commission to Promote Sustainable Child Welfare, especially regarding advancing Aboriginal approaches to child welfare, 26 the MNO respectfully reminds the Minister that it must not be assumed that what is requested by and works for First Nations will be what Métis require and desire in relation to Métis-specific child welfare. We therefore make:

**RECOMMENDATION 12: THAT THE MINISTER COMMIT TO ACT THROUGH MEANINGFUL ENGAGEMENT WITH THE MNO IN MÉTIS-SPECIFIC WORK TOWARD THE ACTIONS AND STRATEGIES SUGGESTED IN THE COMMISSION TO PROMOTE SUSTAINABLE CHILD WELFARE’S “ADVANCING ABORIGINAL APPROACHES TO CHILD WELFARE” CONTENT IN THEIR PUBLICATION TITLED “ABORIGINAL CHILD WELFARE IN ONTARIO, A DISCUSSION PAPER” OF JULY 2011.**

**CONCLUSION**

Our intention with this document has been to highlight the rights and interests of the Métis citizens of Ontario in relation to contemporary child welfare matters affecting Ontario’s Métis children, families, and communities, and to make related recommendations to the Minister for Children and Youth Services, the Honourable Dr. Eric Hoskins, for his immediate consideration and action. It is our view that, while there is a plethora of issues for Métis in this domain, there are numerous ways in which we can begin to effect positive change in timely, cost-effective, and collaborative ways with the Ontario government in part, and with children’s aid societies, social and social service workers, educational institutions, Métis community councils and others.

Though on the evidence which we currently possess it may not yet seem like it, we are persuaded that respecting Métis ways and honouring our culture does not have to be incompatible with the main goals of Ontario’s child welfare system. Certainly it is our view that Ontario has promising potential to meaningfully and appropriately accommodate Métis and meet the challenge to move forward from the status quo and effectively surmount the very real systemic weaknesses, and access and service barriers, which Métis families face in the current child welfare system in Ontario.

Accordingly, we look forward to embarking with the Minister on substantive work on the proposals and recommendations regarding the Regulation of Child Welfare, Education and Awareness, Administration and Service Delivery, and Accountability and Funding and welcome the discussions that will set these

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26 Ibid., pp. 44-48.
activities in motion. We respectfully suggest that a dialogue table be convened as soon as possible for this purpose.
SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1: THAT THE GOVERNMENT OF ONTARIO PROCEED IMMEDIATELY TO AMEND THE CHILD AND FAMILY SERVICES ACT TO EXPLICITLY REPLACE THE “INDIAN” AND “NATIVE” REFERENCES WITH THE APPROPRIATE FIRST NATIONS, INUIT AND MÉTIS TERMINOLOGY.

RECOMMENDATION 2: THAT THE MINISTER PRESCRIBE THROUGH THE CFSA REGULATIONS, MANDATORY DELIVERY OF TRAINING TO CAS STAFF ABOUT FIRST NATIONS, INUIT AND MÉTIS IDENTITIES AND CULTURES, AND THE RESPECTIVE RIGHTS OF EACH UNDER THE CHILD AND FAMILY SERVICES ACT.

RECOMMENDATION 3: THAT THE MINISTER FUND A PILOT PROJECT BY THE MNO TO DEVELOP, DELIVER, AND EVALUATE A MÉTIS-SPECIFIC TRAINING MODULE AS PART OF THE MANDATORY PROVINCIAL ONTARIO CHILD PROTECTION TRAINING PROGRAM FOR CHILDREN’S AID SOCIETY WORKERS.

RECOMMENDATION 4: THAT THE MINISTER PRESCRIBE THROUGH THE CFSA REGULATIONS, MANDATORY COLLECTION BY CHILDREN’S AID SOCIETIES OF ABORIGINAL IDENTITY INFORMATION, TO BE RECORDED IN THE NEW CHILD PROTECTION INFORMATION NETWORK IN A FORMAT WHICH WILL PERMIT DATA DISAGGREGATION FOR EACH OF MÉTIS, FIRST NATIONS, AND INUIT.

RECOMMENDATION 5: THAT THE MINISTER OF CHILDREN AND YOUTH SERVICES FUND A RESEARCH AND ANALYSIS PROJECT AT THE MNO TO EXAMINE THE STATUS AND CONTENT OF EXISTING MÉTIS-SPECIFIC CURRICULA IN ONTARIO COLLEGE AND UNIVERSITY SCHOOLS OF SOCIAL WORK AND TO REPORT ON POTENTIAL AVENUES AND OPPORTUNITIES FOR ENHANCING SOCIAL WORKER ACQUISITION OF KNOWLEDGE ABOUT MÉTIS IDENTITY AND CULTURE IN RELATION TO THE DELIVERY OF CHILD WELFARE SERVICES.

RECOMMENDATION 6: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES WORK WITH THE MINISTRY OF THE ATTORNEY GENERAL OF ONTARIO TO REMEDY DISCRIMINATORY JUDICIAL PRACTICES TOWARD MÉTIS IN ONTARIO CHILD WELFARE COURT PROCEEDINGS.
RECOMMENDATION 7: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES PROVIDE THE MNO WITH THE FINANCIAL SUPPORT TO CREATE ONLINE INFORMATION AND CORRESPONDING PRINT MATERIALS FOR MÉTIS CITIZENS, TO INFORM THEM ABOUT CHILD WELFARE INVESTIGATION PROCEDURES, HOW TO OBTAIN MÉTIS-SPECIFIC ASSISTANCE, AND THEIR RELATED RIGHTS.

RECOMMENDATION 8: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES PROVIDE ADEQUATE FUNDING TO ENABLE THE MNO TO SIMULTANEOUSLY UNDERTAKE PROGRAM EXPANSION TO MEET INCREASING DEMAND FOR ITS SERVICES AS WELL AS FACILITATE STRATEGIC RESEARCH AND PLANNING FOR A MÉTIS-SPECIFIC CHILD AND FAMILY SERVICES FRAMEWORK.

RECOMMENDATION 9: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES FUND THE MNO TO IMPLEMENT A PILOT PROJECT FOR TWO REGIONAL MÉTIS COMMUNITY LIAISONS/ADVOCATES.

RECOMMENDATION 10: THAT THE MINISTER OF CHILDREN AND YOUTH SERVICES ISSUE A DIRECTIVE TO ONTARIO CHILDREN’S AID SOCIETIES TO CREATE A PLACE FOR A VOTING MÉTIS MEMBER ON THEIR BOARDS OF DIRECTORS.

RECOMMENDATION 11: THAT THE MINISTRY OF CHILDREN AND YOUTH SERVICES FUND A PILOT PROJECT TO BE COMPLETED BY MNO WITH THE COOPERATION CAS ORGANIZATIONS, TO IMPLEMENT A GRANDMOTHERS’ ADVISORY COUNCIL TO THE CAS BOARD OF DIRECTORS OF AT LEAST TWO CAS ORGANIZATIONS.

RECOMMENDATION 12: THAT THE MINISTER COMMIT TO ACT THROUGH MEANINGFUL ENGAGEMENT WITH THE MNO IN MÉTIS-SPECIFIC WORK TOWARD THE ACTIONS AND STRATEGIES SUGGESTED IN THE COMMISSION TO PROMOTE SUSTAINABLE CHILD WELFARE’S “ADVANCING ABORIGINAL APPROACHES TO CHILD WELFARE” CONTENT IN THEIR PUBLICATION TITLED “ABORIGINAL CHILD WELFARE IN ONTARIO, A DISCUSSION PAPER” OF JULY 2011.
<table>
<thead>
<tr>
<th>Métis Nation of Ontario Recommendations</th>
<th>Similar Subject Matter and/or Comparable Recommendation in “Children First” First Nations Report</th>
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<tr>
<td>Recommendation 1: That the Government of Ontario proceed immediately to amend the Child and Family Services Act (CFSA) to explicitly replace the “Indian” and “Native” references with the appropriate First Nations, Inuit and Métis terminology.</td>
<td>Not Applicable</td>
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<td>Recommendation 2: That the Minister prescribe through the CFSA Regulations, mandatory delivery of training to CAS staff about First Nations, Inuit and Métis identities and cultures, and the respective rights of each under the CFSA.</td>
<td>2. Culture is the foundation on which an improved relationship with the Aboriginal community will be based to help curb the excessive number of Aboriginal children “in care.”</td>
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<td>Recommendation 3: That the Minister fund a pilot project by the MNO to develop, deliver, and evaluate a Métis-specific training module as part of the mandatory provincial Ontario Child Protection Training Program for children’s aid society workers.</td>
<td>2. Culture is the foundation on which an improved relationship with the Aboriginal community will be based to help curb the excessive number of Aboriginal children “in care.” 4. Wherever possible, customary care should be the first choice; only after exhaustive efforts prove futile should a child be placed within mainstream foster care.</td>
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<td>Recommendation 4: That the Minister prescribe through the CFSA Regulations, mandatory collection by children’s aid societies of Aboriginal identity information, to be recorded in the new child protection information network in a format which will permit data disaggregation for each of Métis, First Nations, and Inuit.</td>
<td>Not Present</td>
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<td>Recommendation 5: That the Minister of Children and Youth Services fund a research and analysis project at the MNO to examine the status and content of existing Métis-specific curricula in Ontario college and university schools of social work and to report on potential avenues and opportunities for enhancing social worker acquisition of knowledge about Métis identity and culture in relation to the delivery of child welfare services.</td>
<td>Not Present</td>
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<td>Recommendation 6: That the Ministry of Children and Youth Services work with the Ministry of the Attorney General of Ontario to remedy discriminatory judicial practices toward Métis in Ontario child welfare court proceedings.</td>
<td>9. The Ministry of Children and Youth Services must work across all ministries to encourage new ideas and activate innovative solutions on major issues facing Aboriginal children and families.</td>
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<td>Recommendation 7: That the Ministry of Children and Youth Services provide the MNO with the financial support to create online information and corresponding print materials for Métis citizens, to inform them about child welfare investigation procedures, how to obtain Métis-specific assistance, and their related rights.</td>
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| Recommendation 8: That the Ministry of Children and Youth Services provide adequate funding to enable the MNO to simultaneously undertake program expansion to meet increasing demand for its services as well as facilitate strategic research and planning for a Métis-specific child and family services framework. | 6. Strategize for the future, now.  
10. Outline medium and long-term goals that recognize and address the key social issues that contribute to the over-representation of Aboriginal children in care. |
| Recommendation 9: That the Ministry of children and youth services fund the MNO to implement a pilot project for two REgional Métis Community Liaisons/advocates. | 8. Every effort should be made by all levels of government to re-institute the Band Representative program. |
| Recommendation 10: That the Minister of Children and Youth Services issue a directive to Ontario children’s aid societies to create a place for a voting Métis member on their boards of directors. | 12. Increase Aboriginal representation in CAS Governance -Create an Elders council in each CAS, and in every CAS region Aboriginal people must be a part of the board of directors. |
| Recommendation 11: That the Ministry of Children and Youth Services fund a pilot project to be completed by MNO with the cooperation CAS organizations, to implement a grandmothers’ advisory council to the CAS Board of Directors of at least two CAS organizations. | 12. Increase Aboriginal representation in CAS Governance -Create an Elders council in each CAS, and in every CAS region Aboriginal people must be a part of the board of directors. |
| Recommendation 12: That the Minister commit to act through meaningful engagement with the MNO in Métis-specific work toward the actions and strategies suggested in the Commission to Promote Sustainable Child Welfare’s “Advancing Aboriginal Approaches to Child Welfare” content in their publication titled “Aboriginal Child Welfare in Ontario, A discussion paper” of July 2011. | 6. Strategize for the future, now. |