

INDIGENOUS JUSTICE: **Examining the Over-Representation of Indigenous Children and Youth**

Exploratory Report
August 2016



The Action Group
on Access to Justice

Groupe d'action
sur l'accès à la justice

The Action Group on Access to Justice
Law Society of Upper Canada
130 Queen Street West
Toronto, Ontario

tag@theactiongroup.ca
416.947.3455

Acknowledgements

Special thanks to Wendelyn Johnson, Jenny Restoule and the Indigenous child welfare experts who generously shared their insights to inform this work. We express deep appreciation to the attendees of our engagement sessions with special thanks to our youth participants.

The Action Group on Access to Justice (TAG) is catalyzing solutions to Ontario's access to justice challenges by facilitating collaboration with institutional, political and community stakeholders. TAG is funded by the Law Foundation of Ontario with support from the Law Society of Upper Canada.



The Action Group on Access to Justice
Law Society of Upper Canada
130 Queen Street West
Toronto, Ontario M5H 2N6

tag@theactiongroup.ca
416.947.3455

Executive Summary

“Take responsibility as a legal community and be part of the solution.”

- Engagement Session Participant

Almost half—48.1 percent—of children and youth in foster care across Canada are Indigenous children, though Indigenous peoples account for only 4.3 percent of the total Canadian population. In Ontario, 25.5 percent of children in care are Indigenous, in a province where Indigenous children make up just 3.4 percent of the youth population.

This disproportionate over-representation of Indigenous children and youth in care has reached crisis proportions. The reasons for this over-representation are complex and deeply rooted in Canada’s history: disenfranchisement and abuse across generations, segregation, discrimination, poverty, addiction, scarcity of resources and inaccessibility of support systems.

The child welfare and justice systems are intertwined—participation in one often leads to contact with the other. This connection represents an opportunity: those with the power to remove barriers to the justice system stand not only to improve access to justice for all Canadians, but to reduce the over-representation of minority groups in care.

For this reason, The Action Group on Access to Justice (TAG) has convened an Indigenous Justice cluster to examine the over-representation of Indigenous children and youth in care in Ontario. The method is exploratory, focused on identifying potential action areas where TAG, as a facilitator, convenor or partner could make a useful contribution to addressing this critical justice issue.

TAG employed consultant Wendelyn Johnson to facilitate two preliminary engagement sessions, one with Indigenous youth and one with representatives of the larger community responsible for Indigenous children and youth in care, in Toronto, ON in March and May, 2016. These sessions were approached through the lens of reconciliation and access to justice for First Nations, Métis Nation and Inuit peoples.

These engagement sessions resulted in the identification of action areas for change at three levels: pre-care, in-care and post-care. The sessions identified several core issues that recur at all three phases of interaction with the child welfare system, and contribute to the over-representation of Indigenous children and youth both in the child welfare system and in the justice system. These recurring problems include:

- Mistrust of lawyers, social workers, courts, decision-makers and institutional settings

- Lack of communication, transparency and accountability to communities
- Lack of resources for navigating police, justice and child welfare systems
- Failure at every level to listen to Indigenous children, families and communities
- Perceptions of discrimination, disrespect and indifference to outcomes
- Barriers to understanding, accessing and receiving resources and support at all levels, even when such resources exist

Feedback stemming from both sessions identify several overarching systemic failures which, once addressed, present an opportunity to effect real change to reduce the numbers and improve the circumstances of Indigenous children and youth in care, along with their families and communities. General areas for action include:

- Mandatory education and training conducted by Elders on Indigenous cultures and customs for all lawyers, social workers and agents in the child welfare system, particularly with regards to customary care principles
- Increased communication and transparency toward Indigenous communities, including introducing third-party audits of the child welfare system and accessible and timely communication of results
- Implement a multi-generation, whole-family approach to both child-welfare and justice systems, including introducing whole-family healing programs aimed at addressing root causes and breaking cycles of children in care and incarceration
- Improve transparency and communication within the system in order to introduce a sense of shared responsibility between the system and communities for care of the child
- Incorporate Indigenous justice alternatives reflective of cultural values, practices and beliefs that promote re-establishment of harmony, balance and healing rather than retribution or retaliation
- Strengthen transitional resources and supports to children “aging out” of the child welfare system and entering independent adult life, often alone
- Increase Indigenous representation within the Law Society of Upper Canada

This exploratory report reflects the findings of the first phase of this cluster, which engaged with Indigenous children, youth and community stakeholders located in and around the Greater Toronto Area. The second phase begins in the fall of 2016 with a conference organized in partnership with the First Nations Child & Family Caring Society of Canada, the African Canadian Legal Clinic and Osgoode Hall Law School. Titled Re-imagining Child Welfare Systems in Canada, the program will feature a diverse range of participants including frontline staff, Indigenous community workers, academics and those with lived experience of the child welfare system. Outcomes from this conference will situate the results of the exploratory report within wider discourse as well as help to guide TAG's contributions to addressing the over-representation of Indigenous children and youth in care in Ontario.

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Over-Representation of Indigenous Children and Youth in Care

According to Statistics Canada's National Household Survey, 48.1 percent of children and youth in care across Canada are Indigenous children — 14,225 of the approximately 30,000 children in care.¹ In Ontario, Indigenous children make up just 3.4 percent of the youth population, but 25.5 percent of children in care.²

Although six provinces have adopted the First Nations Child and Family Services Enhanced Prevention Focused Approach, which offers provincial child welfare organizations the “flexibility to design prevention programming to meet a community's particular needs” in order to provide families with “culturally appropriate support before a situation becomes a matter of protection,” Ontario has not subscribed to this model.³

In January 2016 the Canadian Human Rights Tribunal ruled that the federal government has been racially discriminating against Indigenous communities by providing flawed and inequitable child welfare services to Indigenous children and their families, and failing to implement *Jordan's Principle*.⁴ The report ordered the federal government to “cease the discriminatory practice and take measures to redress or prevent it from reoccurring.”⁵

Furthermore, the Tribunal found that not only were Indigenous children and families “adversely impacted by services provided,” by Aboriginal Affairs and Northern Development Canada, in some cases they were expressly “denied services as a result”⁶ of the government's involvement. This exposes the deeply troubling conflict between systems designed to help children and families, and the reality of how those services impact some of Canada's most vulnerable citizens.

¹ Statistics Canada. National Household Survey. “Aboriginal Peoples in Canada: First Nations People, Métis and Inuit.” 2011. (Most recent data available). Available online: <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>

² Statistics Canada. National Household Survey. “Proportion of Aboriginal and non-Aboriginal children among all children and among children in foster care, provinces and territories.” 2011. Available online: <http://www.statcan.gc.ca/pub/75-006-x/2016001/article/14547-eng.htm>

³ Indigenous and Northern Affairs Canada. First Nations Child and Family Services. May 12, 2015. Available online: <https://www.aadnc-aandc.gc.ca/eng/1100100035204/1100100035205>

⁴ Jordan's Principle is a “child first” principle used to resolve jurisdictional disputes over the financial responsibility of care for Indigenous children. Jordan's Principle was created in memory of Jordan River Anderson, of Norway House Cree Nation in Manitoba, a child born with a rare neuromuscular disorder who required hospitalization from birth. The provincial and federal governments could not agree on who was financially responsible for Jordan's care in a medical foster home. Both governments were attempting to find a resolution; however, Jordan's condition deteriorated and he passed away in hospital before a resolution was reached. Source: Indigenous and Northern Affairs Canada.

⁵ Canadian Human Rights Tribunal. Decision. “Citation: 2016 CHRT 2.” Jan. 26, 2016. Available online: <http://s3.documentcloud.org/documents/2698184/Jugement.pdf>

⁶ Ibid. 37

Over-Representation of Indigenous People in the Justice System

There exists an undeniable connection between the over-representation of Indigenous children and youth in care and the over-representation of Indigenous people in the justice system. This connection underlines the need to address systemic flaws and break down barriers to both systems simultaneously.

Table 1. Indigenous Adults in Canada

% of Population	% of Federal Inmate Population	% Growth in Federal Inmate Population Since 2000	% Growth in Federal Inmate Population Since 2005
4	23.3	56.2	43.5

As Table 1 indicates, the problem of over-representation is urgent and increasing. But sheer numbers of offenders paint an incomplete picture of the extent and damage of the crisis: Indigenous people are over-represented in segregation and maximum-security populations, disproportionately involved in instances of self-injury, and “more likely to return to prison on revocation of parole, often for administrative reasons, not criminal violations.”⁷ A recent report by *Maclean’s* magazine summarized the statistics bluntly, declaring that “the evidence is unambiguous: If you happen to be Indigenous, justice in Canada is not blind.”⁸

Indigenous youth are overrepresented in Ontario correctional facilities at an even higher rate than Indigenous adults.⁹ In 2004, the incarceration rate of Indigenous youth was 64.5 per 10,000 population, while the rate of incarceration for non-Indigenous Canadian youth was 8.2 per 10,000 population.¹⁰ One of the primary contributing factors for this over-representation was determined to be family breakdown.

⁷ Office of the Correctional Investigator. Backgrounder: Aboriginal Offenders – A Critical Situation. Sept. 16, 2013. Available online: <http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022info-eng.aspx>

⁸ Nancy Macdonald. *Maclean’s* Magazine. “Canada’s prisons are the ‘new residential schools’.” Feb. 18, 2016. Available online: <http://www.macleans.ca/news/canada/canadas-prisons-are-the-new-residential-schools/>

⁹ Jonathan Rudin. Ipperwash Inquiry. “Aboriginal Peoples and the Criminal Justice System.” 2005. Available online:

https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/pdf/Rudin.pdf

¹⁰ Department of Justice Canada. Youth Justice Research. “A One-Day Snapshot of Aboriginal Youth in Custody Across Canada: Phase II.” February 2004. Available online: <http://www.justice.gc.ca/eng/rp-pr/cj-ij/yj-ij/yj2-ij2/yj2.pdf>

Taking urgent action to address the over-representation of Indigenous children and youth in care may be one of the most effective means of reducing the corresponding over-representation in the criminal justice system, which in turn will likely further reduce the instances of children taken into care.

Truth and Reconciliation Commission of Canada: Calls to Action

The Truth and Reconciliation Commission of Canada (TRC) was established as a result of the 2007 Indian Residential School Settlement Agreement. Its mandate was to seek and share truth about the 150-year history of the residential school system with all Canadians, in part through the statements and stories of those whose lives were affected. The process aimed to guide Indigenous peoples and all Canadians in a process of reconciliation and renewed relationships based on mutual understanding and respect.

On June 2, 2015, the TRC issued 94 *Calls to Action*. These *Calls to Action* identified specific changes required by various governments and agencies in order to learn from the past, spur reconciliation and uphold human rights for the future. The first five points in the *Calls to Action* specifically address child welfare.

The TRC's *Calls to Action* on child welfare¹¹ state:

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.

¹¹ Truth and Reconciliation Commission of Canada. *Calls to Action*. 2015. Available online: http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

- v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement *Jordan's Principle*.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Responding to the TRC's Calls to Action: TAG Indigenous Justice Cluster

The Action Group on Access to Justice (TAG) is contributing to the fulfillment of the TRC's *Calls to Action*. In response, TAG has formed an Indigenous Justice cluster, to identify where meaningful contributions can be made to real and lasting solutions that break down barriers to justice for Indigenous communities. To address the *Calls to Action* directed at enhancing child welfare, this cluster brings together Elders, Indigenous youth and community leaders along with the legal community, organizations and agencies responsible for Indigenous children and youth.

This cluster is focused on advancing solutions centered on reconciliation and access to justice. This entails prioritizing the best interest of children, maintenance of Indigenous

family relations, safety and reduction of children in care. In addition, this cluster aims to support broad, collaborative, community-oriented efforts that focus on breaking the cycle of over-representation of Indigenous people in the justice system and its relationship with children in care.

Engagement Sessions

The Indigenous Justice cluster conducted two engagement sessions in March and May 2016. The engagement sessions provided the opportunity to identify ongoing challenges and potential action areas for systemic and community level improvements. Participants of the engagement sessions were specifically requested to consider the following questions:

1. What are the contemporary issues relating to the legal system that enables the current crisis of children and youth in care in Ontario?
2. What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
3. What responses could be made to improve policies and provide healthier environments that will improve this situation?

Indigenous Youth Engagement Session

The first engagement session, held on March 4, 2016 was conducted directly with Indigenous youth. There were 15 participants aged 17 to 24 years with experience with the child welfare system. This experience was either direct or the participant had witnessed a family member's interaction with the system. Held at Native Youth Resource Centre, the session was opened with a thanksgiving provided by Kookum Alita Sauve from Native Child and Family Services of Toronto. The program consisted of facilitated sessions lead by Wendelyn Johnson where participants discussed challenges and issues that contribute to Indigenous children and youth in care. The program also included an experiential learning exercise where participants drew images to express their vision of family, home, love, hope and peace.

The day concluded with a summary of common themes, a traditional sharing circle, and a closing by Kookum Alita Sauve. Participants indicated that they appreciated having an opportunity to provide input and to be heard. In order to maintain an inclusive and sensitive environment photography and recording in this session was prohibited.

Community Engagement Session

The second engagement session, held on May 6, 2016 was conducted with approximately 50 representatives of the Indigenous community, legal community and organizations and agencies responsible for Indigenous children and youth in care. Participants included representatives from the Ontario First Nations, Chiefs of Ontario, Métis Nation of Ontario, Ontario Federation of Indigenous Friendship Centres, Indigenous child care agencies, Law Foundation of Ontario, Children's Aid Society, Office of the Provincial Advocate for Children and Youth, Legal Aid Ontario and the Law Society of Upper Canada.

The engagement session was opened with a thanksgiving conducted by Elder Harvey Bell of Batchewana First Nation. Keynote presentations were then made by the following justice system and child welfare experts.¹²

- **Professor Cindy Blackstock**
Executive Director, First Nations Child and Family Caring Society of Canada
Associate Professor, University of Alberta and Director of FNCARES – Indigenous children in care
- **The Honourable Justice Gethin B. Edward**
Ontario Court of Justice
- **Marian Jacko**
Counsel, Indigenous Issues, Motherisk Commission
- **Professor Barbara Fallon**
Factor Inwentash Faculty of Social Work
University of Toronto

Wendelyn Johnson facilitated breakout sessions about the challenges and issues contributing to Indigenous children and youth in care. Participant feedback on this session indicated that the program had provided opportunities for productive discussions with key community and institutional stakeholders.

¹² Presentations and other materials from the Community Engagement Session are available on the TAG website (<http://buff.ly/2bDeO3f>).



Problems Identified

Participants of both the Indigenous youth engagement session and the community engagement session were asked to identify the problems that they have experienced or witnessed at three stages of the child welfare system: pre-care, in-care and post-care.

The following section summarizes recurring themes that are seen as contributing to the over-representation of Indigenous children and youth in care. These themes emerged

from problems identified in both engagement sessions, and include select quotes from participants in both sessions in *italics*.

Pre-Care Problems

- Perceived lack of time, education and willingness on the part of social workers, lawyers and judges to understand the child and his or her needs
- Lack of legal advice available to families and communities and inadequate resources available to parents or caregivers who wish to represent themselves
- System fails to account for and understand cultural differences; for example, procedures fail to consider the community's ability to care for the child, prescribe conventional definitions of the family unit
"We are not listened to...there is no change"
- System is quick to apprehend children without any consideration of root causes for apprehension, such as mental health, addiction and poverty
- Belief that more money is spent on apprehension and protection than prevention
- Lack of communication, transparency, accountability and responsibility to communities by Children's Aid Society, social workers and lawyers
- Lack of resources and implementation of alternative-dispute resolution processes
- Mistrust and misunderstanding of *Gladue* report¹³ process, resources available, and how information will be used in present and future

In-Care Problems

- Inadequate consideration of customary care options before apprehension—failure to prioritize “family first” and respect a culturally relevant interpretation of family

¹³ A *Gladue* report is a presentencing or bail hearing report, usually prepared by *Gladue* caseworkers at the request of the judge, defense counsel or Crown Attorney. These reports contain recommendations to the court about what an appropriate sentence might be, and include information about the Aboriginal person's background such as: history regarding residential schools, child welfare removal, physical or sexual abuse, underlying developmental or health issues, such as FASD, anxiety, or substance use. Source: Native Women's Association of Canada. “What is Gladue?” Available online: <https://nwac.ca/wp-content/uploads/2015/05/What-Is-Gladue.pdf>

- Failure to thoroughly speak with and understand the wishes and circumstances of the child, his or her family and his or her extended family and close community
- Perceived lack of caring and failure to communicate seen to stem from case workers carrying excessive caseloads
- Geographic displacement, such as children from northern communities being placed in southern homes, and progressive placements moving the child successively father from his or her home and community
- Too few Indigenous homes available to take children
- Indigenous children placed in non-Indigenous homes lose access to traditional culture and Indigenous rights and become divorced from their identities
“We were treated unfairly and a lot of rights were taken away”
- Case workers known to gossip and share information about their clients, breaching confidentiality and eroding trust

Post-Care Problems

- Placement in care causes long-term trauma that is left unresolved and unaddressed.
“Lots of pain and suffering on my end”
- Childhood spent in succession of homes seeds permanent mistrust of institutions
- Lack of support and resources to help very young adults cope with transition to adulthood, often in unforgiving and culturally isolated urban settings.
“Messed up, really confusing”
- Lack of long-term tracking mechanisms and support systems to assist with employment, housing, medical care, dental care, mental health issues, mentorship and community building
- Lack of Indigenous cultural education while in care fosters a deep feeling of cultural disenfranchisement and loss of identity, particularly for those children placed in non-Indigenous homes.
“It’s not a good life for anyone in care”
- Lack of resources to address the root causes of children in care, such as addiction and poverty, combined with lack of long-term care contributes to cycles of entire families in care across multiple generations

Action Areas

Participants of the Indigenous youth engagement session and the community engagement session were asked to identify action areas at the pre-care, in-care and post-care levels as to how to address/take action on the over-representation of Indigenous children and youth in care.

The following section summarizes recurring themes of the action areas developed in both engagement sessions, and includes select quotes from participants in both sessions in *italics*.

Pre-Care Feedback

- Introduce unbiased third-party mediators to facilitate communication and understanding between the child, his or her family, his or her extended family and social workers or lawyers representing him or her
“Before apprehension work with the families”
“Don’t apprehend until investigation”
- Institute mandatory Indigenous cultural education and training, led by Elders and youth, for social workers, lawyers, judges and other agents of the child welfare and justice systems
“Stop racial profiling”
- Establish accessible alternative justice practices, such as tribal courts and restorative justice processes that recognize Indigenous laws and uphold rights
“Stop making First Nations communities follow the CFSA”
- Increase emphasis on customary care and allot training and funding to make it a practical first solution, prior to apprehension
- Create plain-language information explaining Indigenous rights, children’s rights and available resources for successfully navigating the child welfare and justice systems; reduce misunderstanding, mistrust and fear of institutions that prevent successful navigation and positive outcomes
- Conduct investigation into funding devoted to apprehension and care as opposed to prevention and mitigation of root causes, such as substance abuse issues and poverty

- Establish whole-family healing facilities to address both root causes of apprehension and mitigate and heal trauma from past or current experiences in care across generations
- Avoid pan-Indigenous approaches that fail to parse unique cultural, spiritual, geographic and community traditions, needs and preferences
- Increase transparency and accountability of both child welfare and justice systems to demonstrate “child first” values and responsibility to communities and families
“Investigate discriminatory processes and legislation”
- Establish a program for children in care to help other Indigenous children to reduce and address trauma and mental health concerns at an early age
- Introduce *Gladue* processes into child protection matters

In-Care Feedback

- Increase training and education available to foster families about specific cultures, traditions, spiritual beliefs and values of the children entering their care
- Expand the Heart Spirit Program, which assigns an Elder responsibility for placing children within an Indigenous home, to be mandatory for all social workers
- Expand support programs for children in care, such as Big Brothers/Big Sisters, Tim Horton’s Volunteer Mentor Program, Camp Grundy Lake Program and others
- Develop plain-language and age-appropriate materials for children to explain the child welfare system and processes, and clearly articulates Indigenous children’s rights
“I have a hard time understand terms”
- Remove barriers to assistance in *Gladue* report writing and hearings for children and families
- Increase awareness of *Gladue* processes throughout the Ontario legal system
“If they get involved we will know people are willing to listen”
- Enact culturally appropriate support systems before children leave care

- Instill sense of cultural identity and culturally appropriate life skills before children leave care, whether they are returning to their homes or transitioning to independent living

Post-Care Feedback

- Formalize a program to foster mentoring relationships between older youth and younger children in care
- Increase the number of Indigenous people who were themselves in care and now work in the child welfare system to become allies and advocates for Indigenous youth
- Develop a practical tool kit to assist youth in accessing information, funding and support services such as affordable housing options, education bursaries, scholarships and loans, food banks, mental and physical health resources, personal finance basics, etc.
“Need to invest in community systems”
- Strategize more sophisticated methods to track and measure outcomes of children post-care
- Support expansion of Feathers of Hope programs within southern Ontario to provide education to Indigenous youth on the justice system and access to justice

Conclusion & Next Steps

The engagement sessions organized for the Indigenous Justice cluster acknowledged the generations of discrimination and systemic flaws that underpin generational cycles of disenfranchisement and incarceration. They respond to the *Calls to Action* from the TRC and served as exploratory first steps towards identifying where TAG can play a meaningful role in advancing real solutions centered on reconciliation and access to justice. TAG’s aim is to advance concrete and meaningful change by bringing diverse stakeholders together. The following broad themes from the engagement sessions will guide the next phase in our efforts:

- the establishment and recognition of Indigenous justice systems and processes;
- the need for mandatory culturally appropriate education about Indigenous peoples for the justice and child welfare systems;

- the need for education for Indigenous children and families about their rights and about the overall child welfare system;
- the child welfare system and judicial system must consider the root causes that result in Indigenous children being taken into care, such as poverty;
- the need to develop mentoring programs and support systems for Indigenous children within the child welfare system; and,
- overall prioritization, respect and support for Indigenous communities, organizations, and families.

This exploratory report reflects the findings of the first phase of this cluster, which engaged with Indigenous children, youth and community stakeholders located in and around the Greater Toronto Area. The second phase begins in the fall of 2016 with a conference organized in partnership with the First Nations Child & Family Caring Society of Canada, African Canadian Legal Clinic and Osgoode Hall Law School. Titled Re-imagining Child Welfare Systems in Canada, the program will feature a diverse range of participants including frontline staff, Indigenous community workers, academics and those with lived experience of the child welfare system. Outcomes from this conference will help to guide our contributions to addressing the over-representation of Indigenous children and youth in care in Ontario.

“Take responsibility as a legal community and be part of the solution.”

- Engagement Session Participant

Appendices

AGENDA

Indigenous Youth Engagement Session – March 4, 2016

Native Youth Resource Centre

655 Bloor Street West

9:00am **Ceremony Opening and Introductions**

9:30am **Overview of Session & Industry Expert Presentation**

- *Discussion on the purpose of the session and overall desired outcomes.*
- *Industry expert can be legal/non-legal expert in the field of Indigenous Justice, Child & Family Welfare or Youth Adult who has gone through the legal system.*

10:00am **Plenary Discussion**

- *Understanding about the goals/objectives*

10:30am **Break-Out Session #1 – Pre-Exposure, Children & Youth**

- A) What are the contemporary issues relating to the legal system that enables the current crisis of children and youth in care in Ontario?
- B) What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- C) What recommendations could be made to improve policies and provide healthier environments that will improve this situation?

11:30am **Break-Out Session #2 – Children & Youth In-Care Access to Justice and the Legal System**

- A) What are the contemporary issues relating to the legal system that enables the current crisis of children and youth in care in Ontario?
- B) What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- C) What responses could be made to improve policies and provide healthier environments that will improve this situation?

12:30pm **Lunch**

1:30pm **Break-Out Session #3 – Post - Care/Exposure, New Direction & Approach**

- A) What are the contemporary issues relating to the legal system that enables the current crisis of children and youth in care in Ontario?
- B) What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- C) What responses could be made to improve policies and provide healthier environments that will improve this situation?

2:30pm **Summary of Common Themes**

3:00pm **Traditional Sharing Circle (conclusions and the way forward)**

3:30pm **Ceremony Close**

4:00pm **Evaluation**

AGENDA

Community Engagement Session Agenda – May 6, 2016

Toronto Marriott Downtown Eaton Centre Hotel

525 Bay Street

9:00 a.m. **Ceremony Opening**

- Welcoming and Introductions
- Purpose of Project and Engagement Session

9:10 a.m. **Keynote Speakers**

- Dr. Cindy Blackstock,
Executive Director, First Nations Child and Family Caring Society of Canada
Associate Professor, University of Alberta and Director of FNCARES
- The Honourable Justice Gethin B. Edward
Ontario Court of Justice

10:15 a.m. **Nutrition Break**

10:30 a.m. **Keynote Speakers**

- Marian Jacko
Counsel, Indigenous Issues
Motherisk Commission
- Professor Barbara Fallon
Factor Inwentash Faculty of Social Work
University of Toronto

11:00 a.m. **Break-Out Session #1 – Pre-Exposure, Children & Youth**

- What are the current issues relating to the legal system that enable the current crisis of children and youth in care in Ontario?
- What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- What recommendations could be made to improve policies and provide healthier environments that will improve this situation?

11:45 a.m. **Break-Out Session #2 – Children & Youth In-Care Access to Justice and the Legal System**

- What are the current issues relating to the legal system that enable the current crisis of children and youth in care in Ontario?

- What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- How could policies be improved to ensure healthier environments?

12:30 p.m. **Lunch provided on-site**

1:00 p.m. **Break-Out Session #3 – Post - Care/Exposure, New Direction & Approach**

- What are the current issues relating to the legal system that enable the current crisis of children and youth in care in Ontario?
- What changes must be made in the legal system with respect to tackling the over-representation of children and youth in care?
- How could policies be improved to ensure healthier environments?

2:00 p.m. **Summary of Common Themes**

2:30 p.m. **Traditional Sharing Circle**

- Conclusion and Moving Forward
- Ceremony Close
- Evaluation

COMMUNITY ENGAGEMENT SESSION PARTICIPANTS (MAY 2016)	
Adrienne Pelletier	Child Welfare Law
Amber Crowe	Dnaagdawenmag Binnoojnyag
Barbara General	Six Nations
Brenda Young	Chippewas of the Thames First Nation
Bryant Greenbaum	Ontario Human Rights Commission
Carol- Lee Smith	Social Justice Tribunals Ontario
Carrie Atatise - Norwegian	Naaniigaan Abinooji
Cassandra Baars	Indigenous Advisory Group, Law Society of Upper Canada
Cheryl MacDonald	Toronto District School Board, First Nations School of Toronto
Chief Arnold Paul	Temagami First Nation
Chief Duke Peltier	Wiikwemkoong Anishinabek
Chief Louise Hillier	Chiefs Of Ontario
Chief Tim Thompson	IFN Social Committee
Cindy Blackstock	First Nations Child and Family Caring Society of Canada
Collette Hookimaw	Director of Services
Darcy Belisle	Counsel, Indigenous Initiatives, Law Society of Upper Canada
Darryl Buxton	Anishinaabe Abinoojii Family Services
Dianne Corbiere	Genoodmagejig Barristers & Solicitors / Law Society of Upper Canada
Diane Maracle-Nadjiwon	Chiefs Of Ontario
Dr. Barbara Fallon	Factor-Inwentash Chair in Child Welfare, University of Toronto
Fallon Melander	Aboriginal Justice Strategy, Legal Aid Ontario
Harvey Bell	Elder, Batchewana First Nation
Jamie O'Hara	Aboriginal Justice Strategy, Legal Aid Ontario
Jan Longboat	Elder, Aboriginal Health Centre
Janet Gallant	Chippewas of the Thames First Nation
Jenny Restoule	Lawyer / Consultant
Jessica Salerno	Cross Over Youth Project, Ryerson University
Jocelyn Formsma	Genoodmagejig Barristers & Solicitors
Justice Gethin Edward	Ontario Court of Justice
Karen Hill	Aboriginal Services, Ontario Association of Children's Aid Society
Kate Andrew	Office of the Chief Justice, Ontario Court of Justice
Katherine Hensel	Principal Lawyer, Hensel Barristers
Kim Murray	Assistant Deputy Attorney General, Aboriginal Justice Division
Larry Longboat	Manager, Six Nations Child & Family Services
Laura Arndt	Office of the Provincial Advocate for Children and Youth
Laurie Rose	Weechi-it-te-win Family Services
Leslie Thomas	Brant Family and Children Services
Linda Ense	Chiefs of Ontario
Margaret Froh	Metis Nation of Ontario
Marian Jacko	Indigenous Issues, Motherisk Commission
Melba Thomas	Councillor, District 6
Michael Gottheil	Social Justice Tribunals Ontario
Nye Thomas	Law Commission of Ontario

Ryan Giles Hunter	Feathers of Hope Project
Sabreena Delhon	Law Society of Upper Canada
Sheila Warner	Indigenous Advisory Group
Stan Williams	Ontario Federation of Indian Friendship Centres
Tanner Tootosis	Chiefs of Ontario
Tanya Lee	Law Foundation of Ontario
Theresa Stevens	Anishinaabe Abinoojii Family Services
Wendelyn Johnson	Consultant