

KISKISIK AWASISAK: REMEMBER THE CHILDREN

UNDERSTANDING THE OVERREPRESENTATION OF
FIRST NATIONS CHILDREN IN THE CHILD WELFARE SYSTEM



Jackie Inverse 2011

Assembly of First Nations

Executive Summary

This executive summary provides an overview of the information presented in *Kiskisik Awasisak: Remember the Children. Understanding the Overrepresentation of First Nations Children in the Child Welfare System*. *Kiskisik Awasisak* is the first report of the First Nations Component of the Canadian Incidence Study of Reported Child Abuse and Neglect 2008 (FNCIS-2008). The FNCIS-2008 is a study of child welfare investigations involving First Nations children which is embedded within a larger, cyclical national study of the reported incidence of child maltreatment: the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS). The CIS-2008 combines a core national study, funded by the Public Health Agency of Canada, with five provincially-funded studies – Québec, Ontario, Saskatchewan, Alberta, and British Columbia; the study also received additional support from the province of Manitoba. The CIS uses standardized data collection instruments and procedures designed to determine the rates and characteristics of maltreatment related investigations for the population as a whole.

The FNCIS-2008 is guided by an FNCIS-2008 advisory committee, which is composed of representatives from major organizations supporting and coordinating First Nations child and family service agencies, First Nations agencies (in provinces that do not have coordinating organizations), and the Assembly of First Nations. The name FNCIS-2008 is used to describe the collective efforts of the CIS-2008

research team and the FNCIS-2008 advisory committee to support the inclusion of First Nations child welfare agencies in the CIS-2008 sample, and to analyze, interpret and disseminate information about the data on investigations involving First Nations children which were collected by the CIS-2008.

Kiskisik Awasisak: Remember the Children. Understanding the Overrepresentation of First Nations Children in the Child Welfare System, is a product of the FNCIS-2008. It presents the results of analyses comparing the investigations involving First Nations and non-Aboriginal children which were included in the CIS-2008 sample.¹ This executive summary highlights major findings from those analyses. It also provides brief summaries of the study methods and of the contextual information which is necessary in order to appropriately interpret study findings.

WHAT IS CHILD MALTREATMENT?

This report presents a profile of the child maltreatment-related investigations conducted by a large sample of child

welfare agencies in Canada. The types of child maltreatment-related concerns investigated by child welfare authorities include allegations/suspicions of physical abuse, sexual abuse, emotional maltreatment, neglect, and exposure to intimate partner violence. In addition, they increasingly include situations in which there is no allegation or suspicion that maltreatment has already occurred, but in which there is a concern that, because of contextual factors like caregiver substance abuse or other lifestyle concerns, there is substantial risk that a child will be maltreated in the future. Given the broad range of situations that fall into the category of “maltreatment,” a child welfare worker’s conclusion that a child has been maltreated does not imply that a caregiver intended to harm a child. Indeed, a worker may conclude that maltreatment occurred even if a child did not experience any discernable physical or emotional harm. Rather, maltreatment can include situations in which actions, or failures to act, by caregivers pose significant *risk of harm* to the child’s physical or emotional development. Accordingly, situations classified as maltreatment may range from those in which a caregiver intentionally inflicts severe physical or emotional harm on a child, to situations in which a child is placed at risk of harm as a result of a caregiver’s clear failure to supervise or care for a child, to situations in which living conditions would make it extremely difficult for any caregiver to ensure a child’s safety. For example, the term “maltreatment” could be used to describe a situation in which

1 Data on investigations involving Inuit and Métis children are excluded from these analyses. There were not enough investigations of Inuit and Métis children in the CIS-2008 to generate separate estimates for these groups, furthermore the research team did not have research mandate from these communities. Because the histories and circumstances of Inuit and Métis communities mirror many First Nations, these investigations were removed from the “non-Aboriginal” comparator.

a caregiver subjects a child to severe physical abuse as a form of punishment; but, it could be used to describe the experiences of a child, living in extreme poverty, who is exposed to severe mould, exposed electrical wiring, or other household safety hazards. In cases such as the latter, it can be very difficult to establish the extent to which a child is placed at risk of harm as a result of the caregiver's failure to protect the child or as a result of the family's difficult living circumstances. The range of the situations which may be characterized as maltreatment necessitates an approach to understanding maltreatment which expands beyond a narrow focus on interactions between children and their caregivers in order to consider the broader contexts in which these interactions take place.

HISTORICAL/ CONTEXTUAL BACKGROUND

Prior to colonization, First Nations families and communities cared for their children in accordance with their cultural practices, spiritual beliefs, laws and traditions. The arrival of non-Aboriginal settlers, and subsequent extension of colonial policies into First Nations territories, disrupted traditional systems of child rearing and imposed practices which resulted in the removal of tens of thousands of First Nations children from their homes and communities. The mass removal of First Nations children began with the residential school system and was continued by the child welfare system under the policies of the "Sixties Scoop."

Growing concerns about the scale of child removal and the treatment of First Nations children by provincial child welfare authorities, combined with increased activism by First

Nations, laid the groundwork for a system of First Nations child and family service agencies, which emerged by the 1980s. Some agencies focused on provision of services to Métis and (more general) Aboriginal populations also emerged and by 2008, there were 125 Aboriginal child and family service agencies in Canada. These included 84 First Nations and urban Aboriginal agencies which were mandated to conduct child welfare investigations (with additional agencies providing post-investigation and preventative services), and some agencies which served families off-reserve and in urban areas. The development of these child welfare agencies attests to the strength and resilience of First Nations communities. Many existing First Nations child welfare agencies have developed programs or practices that favour preventative, community-based and culturally sensitive approaches, thus establishing a foundation for moving away from the child-removal based strategies of the past.

Still, the proportion of First Nations children placed in out-of-home care continues to be much higher than the proportion of non-Aboriginal children in out-of-home care. Child welfare agencies are charged with the difficult task of supporting First Nations children and families with complex needs and of doing so in contexts that have been partially shaped by a history of damaging colonial policies. The abilities of all child welfare agencies to help First Nations children are restricted by funding and jurisdictional frameworks. First Nations child welfare agencies, in particular, function with less flexibility in the use of funds and more complex jurisdictional models than provincial and territorial child welfare agencies. Because current child welfare structure and historical policies, which have ongoing repercussions for families and

communities, can affect the balance of factors which protect a child or place him/her at risk of harm, interpretation of the results presented in this report must take into account the structural and historical context of First Nations child welfare. A more detailed account of the historical context and of the current structure of First Nations child welfare is provided in Chapter 1 of this report.

THE FIRST NATIONS COMPONENT OF THE CANADIAN INCIDENCE STUDY OF REPORTED CHILD ABUSE AND NEGLECT (FNCIS-2008)

The Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-2008) is the third national study examining the incidence of reported child abuse and neglect in Canada. It captured information about the first contacts of children and their families with child welfare agencies during a three-month sampling period in 2008. The study asked child welfare workers to provide data on the assessments and decisions they made during initial, four to six week long investigations which were opened during the sampling period. Children who were not reported to child welfare sites, referrals that were not opened for investigation, and investigations of new allegations on cases already open at the time of case selection are not represented in CIS-2008 data.

The First Nations component of the CIS-2008 (FNCIS-2008) is a partnership between the CIS research team and the FNCIS-2008 advisory committee, which is composed of representatives from national and provincial level First Nations child welfare organizations. The collaboration between the research

team and the advisory committee is guided by the principles of Aboriginal ownership of, control over, access to and possession of research in Aboriginal contexts (OCAP principles). The goals of the FNCIS-2008 are to generate new knowledge about the nature of and response to maltreatment of First Nations children in Canada and to increase the capacity for future research on child maltreatment in First Nations communities. Additional details of the FNCIS history, goals and collaborative structure can be found in Chapter 2 of this report.

The FNCIS-2008 is the largest study of child welfare investigations involving First Nations children ever conducted in Canada. The study analyses CIS-2008 data which includes investigations involving First Nations children that were conducted by 89 provincial/territorial agencies and 22 First Nations and urban Aboriginal agencies. The sample analyzed by the FNCIS-2008 includes information on 3,106 investigations involving First Nations children and families living in reserve communities and off-reserve areas; these data are compared with information about 12,240 investigations involving non-Aboriginal children. The data presented in this report are weighted to adjust for the oversampling of agencies in five provinces and to create annual estimates based on the three months of data collected; the weighted sample analysed in this report includes an estimated 14,114 investigations involving First Nations children and 83,650 investigations involving non-Aboriginal children.

As the first national study to collect investigation data from a large number of First Nations and urban Aboriginal agencies, the FNCIS-2008 has limitations which are common to many pilot studies. A lack of systematic

information about the variation in structures and practice approaches of First Nations agencies, combined with resource limitations, made it impossible to design a data collection instrument that was tailored for First Nations agencies or to ensure selection of a nationally representative sample of First Nations agencies. Accordingly, **it is not possible to generate national estimates for investigations involving First Nations children in 2008 or directly compare the results presented in this report to those from CIS-2003² or CIS-1998. Results presented in this report cannot be generalized to child welfare agencies not included in the CIS-2008 sample and all results presented in this report must be interpreted with the caution necessitated by a pilot study.** Additional details of the study methods are provided in Chapter 3 of this report.

2 In the course of preparing this report, the CIS-2008 research team discovered an error in the calculation of incidence rates for First Nations results of CIS-2003. Registered North American Indian (status First Nations) children were inadvertently counted twice in the calculation of incidence rates. While this did not affect any of the estimates of the number of investigations involving First Nations children, or the distribution of these investigations across categories (percentage estimates), it did lead to a substantial underestimation of the incidence of investigations per 1,000 First Nations children in the general population and a slight overestimation of the incidence of investigations involving non-Aboriginal children. The original estimates for the incidence of investigations were 58.34/1000 First Nations children and 44.11/1000 non-Aboriginal children; the revised estimates are 110.56/1000 First Nations children and 42.23/1000 non-Aboriginal children. These revisions affect all incidence rate estimates for First Nations and non-Aboriginal children; they do not impact estimated percentages or child counts for First Nations or non-Aboriginal investigations included in CIS-2003, nor do they affect incidence rate estimates for other populations examined using CIS-2003 data. Incidence rates have been updated in the main FNCIS-2003 report, *Mesumimik Wasatek* (Trocmé et al., 2006) and information sheets presenting results from that report. Revised materials are available from www.cwrp.ca and www.fncfcs.com; revisions are also summarized in Appendix B of this report.

MAJOR FINDINGS OF THE FNCIS-2008

Rate of Investigations

Child welfare agencies in Canada have a mandate to investigate reports that children within their jurisdictions may have experienced maltreatment; in addition, many child welfare agencies conduct “risk investigations” in situations in which there is no allegation that a child has already been maltreated, but in which it is alleged or suspected that a child may face significant risk of future maltreatment. In the population served by sampled agencies, the rate of child maltreatment-related investigations involving First Nations children was higher than the rate of investigations involving non-Aboriginal children. Sampled agencies conducted an estimated 14,114 investigations involving First Nations children and 83,650 investigations involving non-Aboriginal children in 2008. For every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 140.6 child maltreatment-related investigations in 2008; for every 1,000 non-Aboriginal children living in the geographic areas served by sampled agencies, there were 33.5 investigations in 2008 (see Figure 1). In the population served by sampled agencies the rate of investigations involving First Nations children was 4.2 times the rate of non-Aboriginal investigations. This four-fold disparity in initial investigation rates means that, even when the *percentage* of First Nations investigations in a specific category is much *smaller* than the percentage of non-Aboriginal investigations, the *incidence rate* for investigations in the specific category may be much *higher* for the First Nations population served

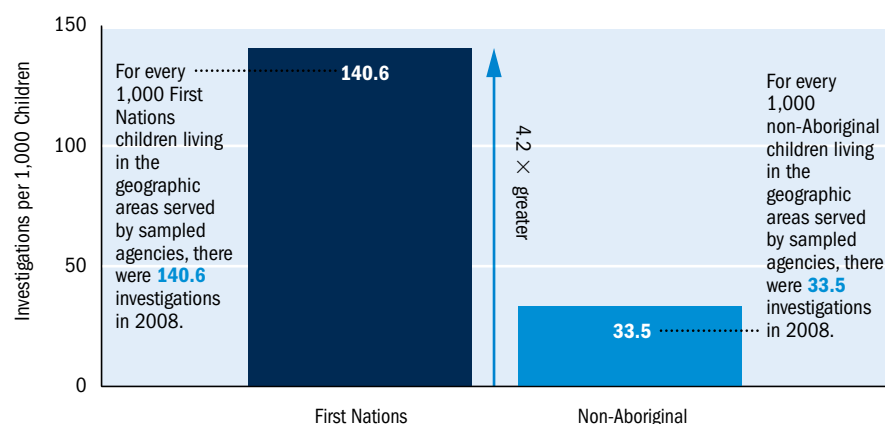
by sampled agencies than for the non-Aboriginal population served. Indeed, First Nations incidence rates are significantly higher than non-Aboriginal incidence rates in virtually every sub-category of investigation examined in this report. Chapter 3 of this report (Figures 3-4, 3-5a, and 3-5b in particular) gives additional information on interpretation of percentages and incidence rates.

Data on rates of child maltreatment-related investigations demonstrate that the overrepresentation of First Nations children in the child welfare system starts at the point of first contact with child welfare agencies. They indicate that a disproportionate number of First Nations children and families have the potential to benefit from the supports and services which child welfare agencies can offer. They also indicate that a disproportionate number of First Nations families and children are potentially affected by the intrusiveness of the child welfare investigation process. Additional information on investigation rates can be found in Chapter 4 of this report. It is important to note that, while the disparity in investigation rates is clear, further research is needed to determine the reasons for this disparity. Data presented in this report suggests disparity in investigation is at least partially driven by differences in First Nations and non-Aboriginal caregiver risk factors and household characteristics; other factors which may contribute to disparity in investigation rates include differential availability of informal supports or alternative social services.

Caregiver Risk Factors

CIS-2008 collected information on up to two caregivers living in the home with an investigated child. For each caregiver, workers were asked

FIGURE 1: Rates of maltreatment-related investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008
(per 1,000 First Nations or non-Aboriginal children in areas served by sampled agencies)



to complete a risk factor checklist. The checklist asked workers whether they confirmed or suspected nine risk factors commonly assessed during a four to six week long, initial investigation. Data on workers' concerns about caregiver risk factors suggest that the difference in First Nations and non-Aboriginal investigation rates for the population served by sampled agencies is linked to caregiver risk factor profiles. Workers indicated concerns about multiple caregiver risk factors in a greater proportion of First Nations than non-Aboriginal investigations; the risk factors commonly identified in First Nations investigations included substance abuse, domestic violence, social isolation, and caregiver history of foster care/group home.

As indicated in Figure 2, investigating workers noted concerns about multiple risk factors for primary female caregivers in 56% of the First Nations investigations and 34% of non-Aboriginal investigations conducted by sampled agencies in 2008. Figure 3 shows that, in comparison with non-Aboriginal investigations, a larger proportion of the First Nations investigations conducted by sampled agencies involved concerns about

primary female caregivers' domestic violence victimization (43% of First Nations investigations vs. 30% of non-Aboriginal investigations), alcohol abuse (40% vs. 8%), lack of social supports (37% vs. 30%), drug/solvent abuse (25% vs. 10%), and history of living in foster care/group homes (13% vs. 5%).

The pattern of risk factors concerns which investigating workers noted for primary male caregivers was very similar to that for female caregivers. Figure 2 indicates that concerns about multiple risk factors were noted in a majority (54%) of the First Nations investigations in which risk factors were assessed for a male caregiver and in 29% of non-Aboriginal investigations involving male caregivers. As described in Figure 4, in comparison with the non-Aboriginal investigations conducted by sampled agencies, a larger proportion of the First Nations investigations involved concerns about primary male caregivers' alcohol abuse (47% of First Nations investigations vs. 17% of non-Aboriginal investigations), perpetration of domestic violence (43% vs. 24%), drug/solvent abuse (30% vs. 13%), lack of social supports (28% vs. 21%), and history of living in foster care/group homes (8% vs. 4%).

These data suggest that caregiver profiles at least partially explain the disproportionate rate of investigations involving First Nations children in the areas served by sampled agencies. While caregiver risk factor data provides only a partial portrait of the factors which shape the experiences of investigated children,³ the pattern in this data is clear and pronounced: Workers indicated that many of the First Nations families investigated by sampled agencies faced multiple challenges to their abilities to provide the physical, social and emotional assets which foster healthy child development. The challenges faced by the caregivers of investigated First Nations children included domestic violence, social isolation and substance abuse, all of which can impede caregivers' abilities to protect and nurture children. In addition, the relatively high proportion of First Nations caregivers whom workers identified as having histories of living in foster care or group homes serves as a reminder of the historical context which frames the experiences of First Nations children and families. Though CIS-2008 data cannot establish how many caregivers of investigated First Nations children may have experienced direct or intergenerational effects of the Sixties Scoop or residential schools, the data which the CIS-2008 does collect cannot be properly interpreted without recognition of the ongoing implications of the historic pattern of mass removal of First Nations children from their homes and communities. Additional information on caregiver risk factors can be found in Chapter 4 of this report.

3 In keeping with child welfare investigative practices which prioritize assessment of risks, FNCIS-2008 did not collect data on the protective factors which may foster resilience, allowing children to experience healthy development despite the presence of adverse factors.

FIGURE 2: Number of risk factors identified for primary caregivers in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008

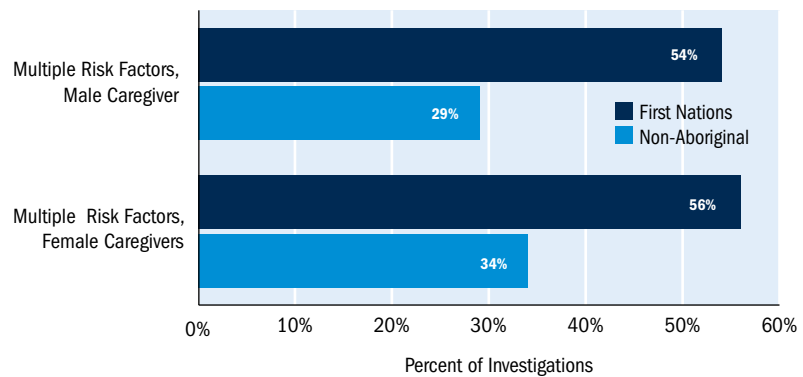


FIGURE 3: Risk factors identified for primary female caregivers in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008

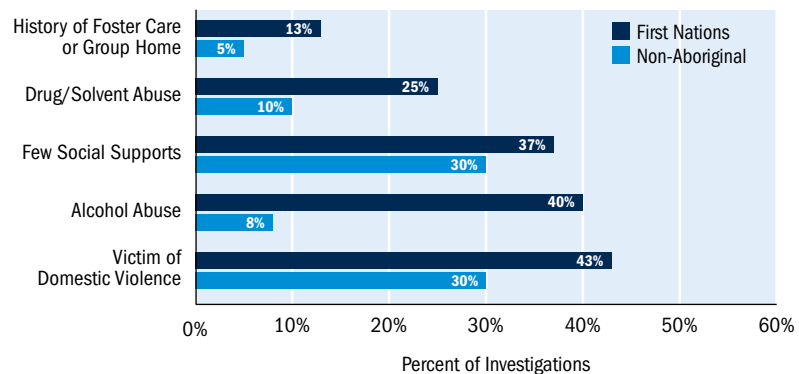
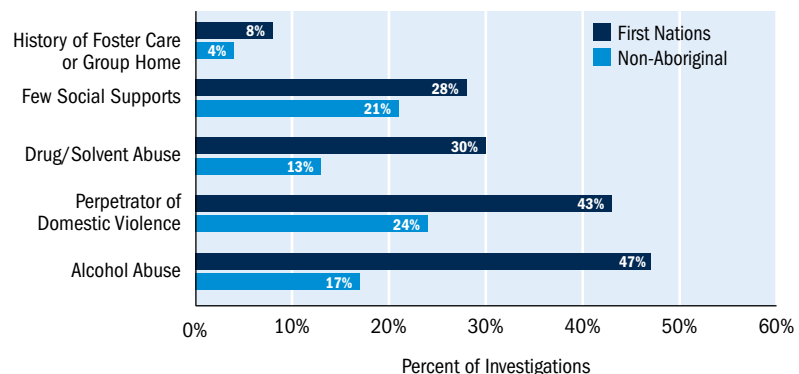


FIGURE 4: Risk factors identified for primary male caregivers in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008



Family and Household structural characteristics

The CIS-2008 asked workers to provide information about family structure, household income, residential mobility, home overcrowding and home health and safety hazards. Data on family and household structure point to factors which may further strain the abilities of some caregivers involved in First Nations investigations to adequately protect and nurture their children. These data suggest that family and household structural factors may also contribute to the high rates of investigations in the First Nations population served by sampled agencies.

As described in Figure 5, investigating workers identified only one caregiver in the home in 47% of the investigations involving First Nations children and 38% of the investigations involving non-Aboriginal children which were conducted by sampled agencies in 2008. (It must be noted that these data may underestimate the caregiving resources available to First Nations children raised in traditions which emphasize caregiving by community members and extended family members who live in other households.) Workers also reported that, in comparison with non-Aboriginal investigations, a greater proportion of First Nations

investigations involved families with multiple children. Workers identified four or more children in the home in 29% of First Nations investigations and 15% of non-Aboriginal investigations. Figure 5 also shows that social assistance/employment insurance/other benefits were identified as the primary source of household income in 49% of First Nations investigations and 26% of non-Aboriginal investigations conducted by sampled agencies. In contrast, full time work was the primary income source in 33% of First Nations investigations and 58% of non-Aboriginal investigations.

Overall, the data on family and household structural factors suggest that families of the First Nations children investigated by sampled agencies had limited resources, which were strained by the demands of providing for multiple children. Social assistance/employment insurance/other benefits are limited income sources and identification of these governmental benefits as the primary household income source can be seen as an indicator of financial hardship. Similarly, a large body of research suggests that, on average, lone caregivers have fewer financial resources and may face greater challenges than two-caregiver families in providing the safe environments, adequate clothing and nutrition,

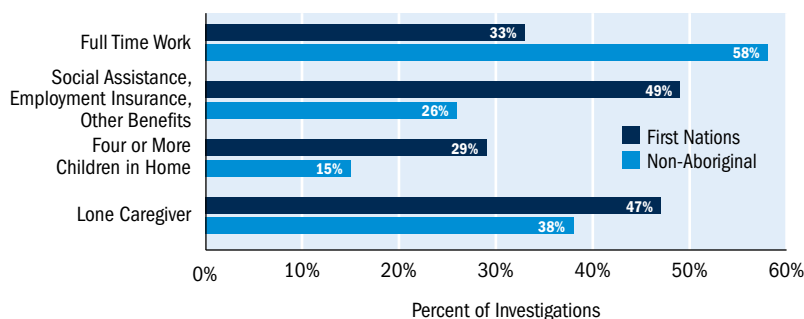
appropriate child care and other assets which foster healthy child development. These challenges may be more pronounced for lone caregivers living in remote or rural areas, where the cost of basic necessities can be elevated and the availability of support services can be limited. Thus data on household/family structural factors suggests that the high rate of First Nations investigations in the areas served by sampled agencies reflects challenges linked with poverty. Additional information on household and family structural factors can be found in Chapter 5.

Case Dispositions During the Investigation Period

CIS-2008 asked workers to provide data on case dispositions during the investigation period. These included decisions to refer children/family members to outside services, to keep cases open for ongoing services, and to make child welfare court applications. Data on case dispositions during the investigation period reflect the complex needs of the First Nations families investigated by sampled agencies.

Figure 6 shows that for every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were: 82.7 investigations in which workers referred investigated children or their family members to services which extended beyond the parameters of ongoing child welfare services, 53.2 investigations which remained open for on-going child welfare services after the investigation period, and 13 investigations involving applications to child welfare court. (The reasons for court applications included orders of supervision with the child remaining in the home and out-of-home placement orders.) In contrast, for every 1,000 non-Aboriginal children living in the geographic areas served

FIGURE 5: Family and household structural characteristics in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008



by sampled agencies, there were: 17.0 investigations in which workers referred investigated children or their family members to services which extended beyond the parameters of ongoing child welfare services, 7.9 investigations which remained open for on-going child welfare services after the investigation period, and 1.5 investigations involving applications to child welfare court.

As depicted in Figure 6, these decisions compounded the underlying disparity in investigation rates for the First Nations and non-Aboriginal populations served by sampled agencies. The overrepresentation of First Nations children in the sampled child welfare agencies increased with each major case disposition during the investigation period. In the population served by sampled agencies, the

rate of First Nations investigations involving referrals to outside services was 4.9 times the rate of non-Aboriginal investigations involving referrals to outside services, the rate of cases remaining open for ongoing services was 6.7 times the rate for non-Aboriginal cases remaining open for ongoing services, and the rate of First Nations investigations involving court applications was 8.7 times the rate of non-Aboriginal investigations involving court applications.

The case disposition which added to the overrepresentation of First Nations children in the child welfare system reflect the complex family needs which workers identified during the investigation process. In comparison with non-Aboriginal investigations, workers indicated a greater proportion of the families in First Nations investigations required supports beyond those provided through child welfare services and mid to long-term supports which extended beyond the investigation period. They also determined that circumstances in a greater proportion of First Nations investigations required the very serious step of making a child welfare court application. This pattern of case dispositions is in keeping with the high levels of caregiver risk factors and family/household structural factors which workers identified and suggests that caregiver and family/household needs at least partially explain the disparity in First Nations and non-Aboriginal case dispositions. Additional information on case dispositions during the investigation period can be found in Chapter 6 of this report.

Out-of-Home Care During the Investigation Period

For the First Nations and non-Aboriginal populations served by sampled agencies, the disparity in the

FIGURE 6: Cases remaining open for services, referrals to outside services and court applications in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008
(per 1,000 First Nations or non-Aboriginal children in areas served by sampled agencies)

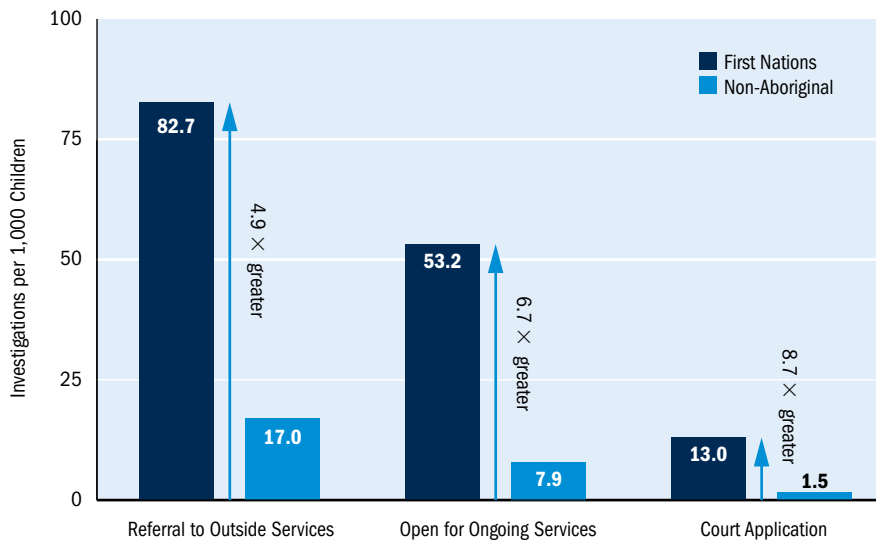
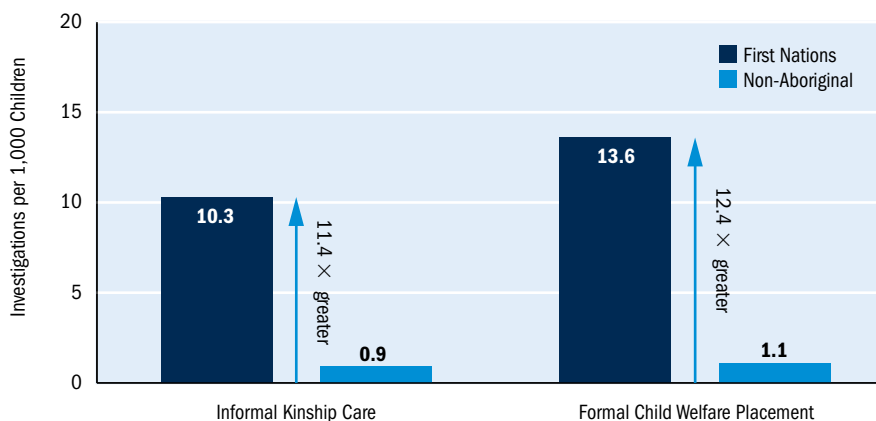


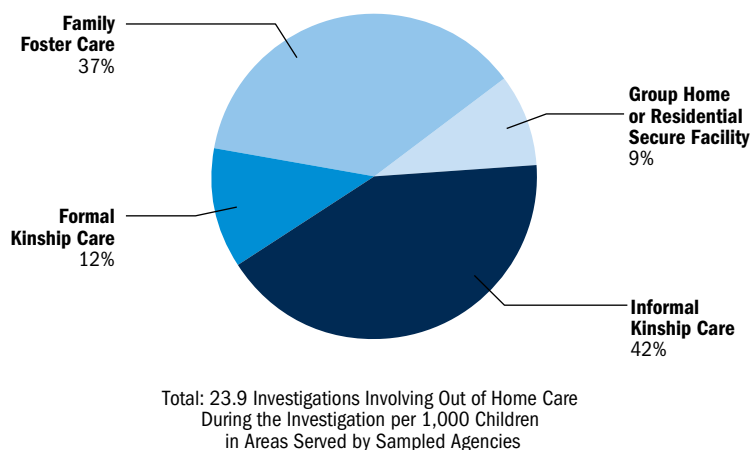
FIGURE 7: Rate of informal kinship care and formal child welfare placement during investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008
(per 1,000 First Nations or non-Aboriginal children in areas served by sampled agencies)



rate of investigations involving out-of-home care during the investigation period was even more pronounced than the disparity in rates for other types of investigations. Figure 7 shows that for every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 10.3 investigations involving informal kinship care and 12.6 investigations involving some type of formal child welfare placement in 2008. For every 1,000 non-Aboriginal children living in the geographic areas served by sampled agencies, there were .9 investigations involving informal kinship care and 1.1 investigations involving some type of formal child welfare placement in 2008. Thus, in the geographic areas served by sampled agencies, the rate of First Nations investigations involving informal kinship care during the investigation period was 11.4 times the rate for non-Aboriginal investigations and the rate for investigations involving formal child welfare placement was 12.4 times the rate for non-Aboriginal investigations. Despite this pronounced disparity, it is important to note that most investigated First Nations children remained at home for the duration of the investigation; there was no out-of-home care involved in 116.7 of the 140.6 investigations conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies.

The disparity in the rates of out-of-home care during the investigation period must be interpreted with careful attention to the types of out-of-home care involved and to the limits of the out-of-home care data collected. The CIS-2008 did not collect any information on the duration of out-of-home care; therefore, it is unknown how many investigations

FIGURE 8: Type of out-of-home care during investigations, involving First Nations children, conducted in sampled agencies in 2008



involved very brief placements, after which the child returned home. In addition, as described in Figure 8, 42% of First Nations investigations which involved out-of-home care during the investigation period involved “informal kinship care.” These were cases in which a child was informally moved to the home of someone within a caregivers’ kinship network and the child welfare authority did not take temporary custody. Knowledge about informal kinship care arrangements is limited and the percentage of these “placements” in which caregivers may have voluntarily arranged for a child to move, without any child welfare worker intervention, is unknown. Finally, in the sampled agencies, an additional 12% of the First Nations investigations involving out-of-home care during the investigation period involved formal kinship care; thus, more than half (54%) of out-of-home placements in First Nations investigations involved moves within a child/caregiver’s kinship network. Kinship care arrangements may offer greater continuity in personal relationships, cultural contexts and links to community than other types of out-of-home care. In addition, the high

proportion of kinship care placements may point to the existence of support networks which were available to investigated First Nations families but which were not directly represented in CIS-2008 data. Additional information on out-of-home care during the investigation period can be found in Chapter 6 of this report.

Type of Investigation, Level of Substantiation in Maltreatment Investigations and Categories of Substantiated Maltreatment

The CIS-2008 collected information on two types of investigations conducted by sampled agencies – maltreatment investigations and risk investigations; data on investigation type is presented in Figure 9. Workers classified 27% of the investigations involving First Nations children which were conducted by sampled agencies as risk investigations. These were investigations in which workers had no reasons to suspect that children had already experienced maltreatment, but in which circumstances, like caregiver substance abuse or other lifestyle concerns, suggested the possibility of a significant risk of future maltreatment. The remaining

FIGURE 9: Type of investigation and level of substantiation in investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008

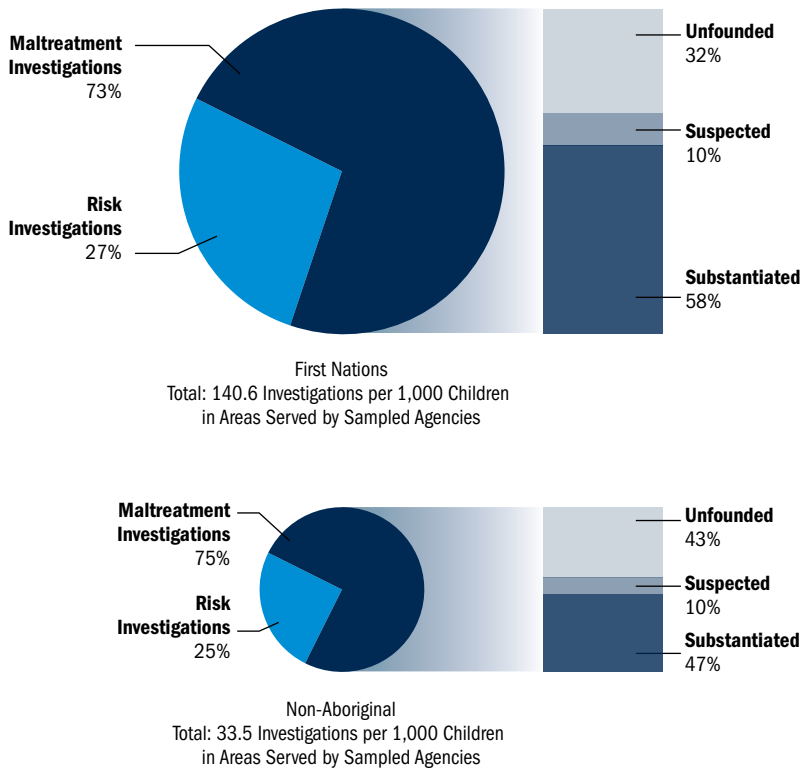
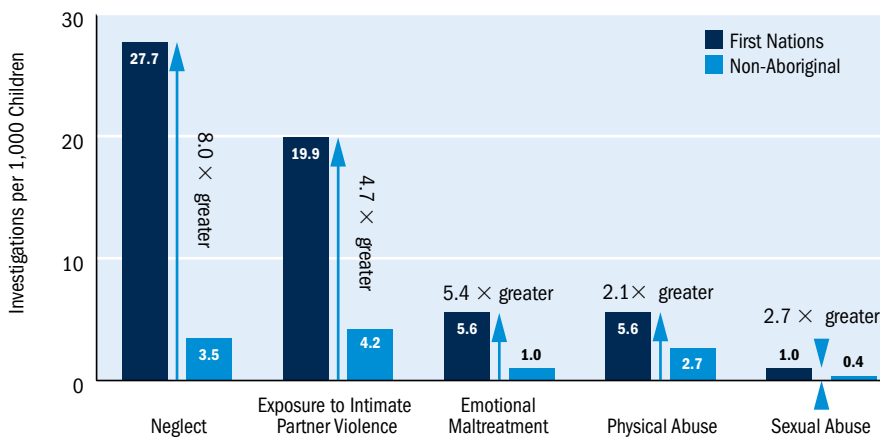


FIGURE 10: Primary categories of maltreatment in substantiated maltreatment investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008 (rate per 1,000 First Nations or non-Aboriginal children in areas served by sampled agencies)



73% of First Nations investigations conducted by sampled agencies were maltreatment investigations, in which workers sought to assess whether a

child had already experienced physical abuse, sexual abuse, neglect, emotional maltreatment or exposure to intimate partner violence. The pattern was

very similar for non-Aboriginal investigations conducted by sampled agencies: 25% were risk investigations and 75% were maltreatment investigations.

Figure 9 also presents data on the findings of maltreatment investigations conducted by sampled agencies. The CIS used a three-tiered classification system for investigated incidents of maltreatment. “Substantiated” means that the worker found conclusive evidence that an incident which placed a child at risk of harm did occur. “Unfounded” means that the worker concluded that the child was not placed at risk of harm. The “suspected” level provides an important clinical distinction in cases where there is not sufficient evidence to substantiate maltreatment, but where maltreatment cannot be ruled out. Workers concluded that allegations/suspicions of child maltreatment were unfounded in 32% of the child maltreatment investigations involving First Nations children which were conducted by sampled agencies in 2008; maltreatment was substantiated in 58% of the First Nations investigations and suspected in 10% of First Nations investigations. In comparison, a significantly greater proportion of the non-Aboriginal child maltreatment investigations conducted by sampled agencies were deemed unfounded (43%) and maltreatment was substantiated in a lesser proportion (47%) of these investigations.

Figures 10 and 11 present data on the primary category of maltreatment identified in the substantiated investigations conducted by sampled agencies. The CIS-2008 collected information on up to three categories of maltreatment identified during the initial, four to six week investigation period; the primary category is the

one which the worker indicated best represented the substantiated maltreatment. Interpretation of this data must take into account the fact that the FNCIS-2008 did not collect information about maltreatment which was identified or disclosed after the initial investigation period. Accordingly, CIS-2008 data may underestimate the proportion of cases involving those categories of maltreatment which, like sexual abuse, are more likely to be disclosed in the post-investigation period.

Figure 10 displays the rate of substantiated investigations, per 1,000 First Nations children living in the geographic areas served by sampled agencies, for the five primary maltreatment categories. For every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 27.7 substantiated child maltreatment investigations in which neglect was the primary category of maltreatment and 19.9 substantiated investigations in which the primary maltreatment category was exposure to intimate partner violence.⁴ In addition, for every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 5.6 substantiated investigations in which emotional maltreatment was the primary category of maltreatment, 5.6 substantiated investigations with physical abuse as the primary maltreatment category and 1.0 substantiated sexual abuse investigations.

Figure 10 also shows that the rate of substantiated investigations involving First Nations children was higher

4 It is important to note that exposure to intimate partner violence differs from the other forms of maltreatment because substantiation of this maltreatment category means that a caregiver failed to protect a child from exposure to his/her own victimization.

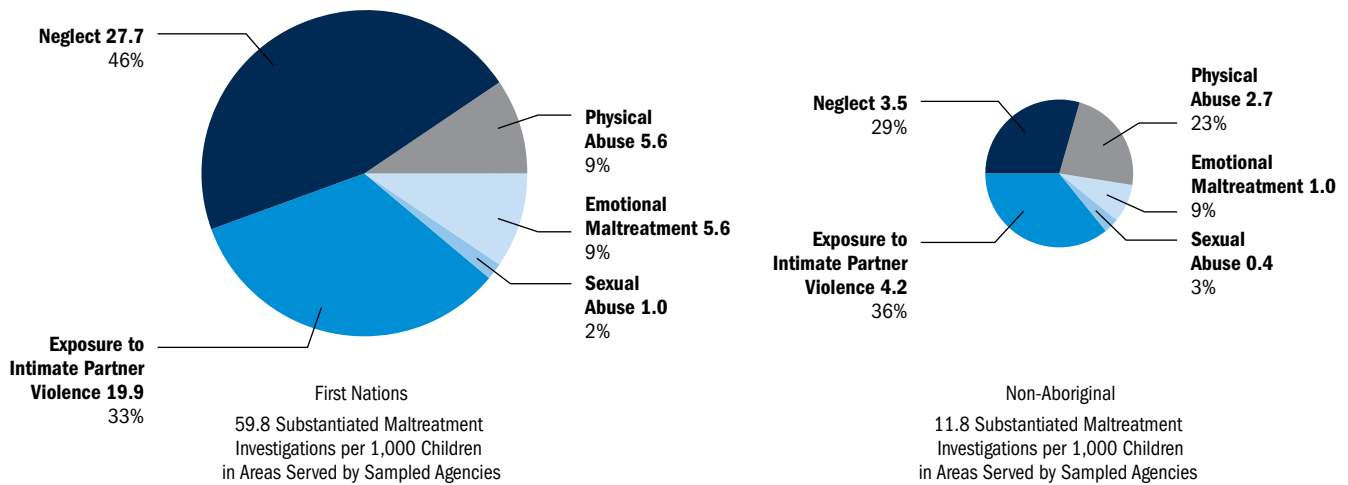
than non-Aboriginal rate in each of the five primary maltreatment categories and the First Nations – non-Aboriginal disparity was most pronounced in the category of neglect. While there were 27.7 substantiated neglect investigations for every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were only 3.5 substantiated neglect investigations for every 1,000 non-Aboriginal children; the rate of substantiated neglect investigations was 8.0 times greater for the First Nations population served by sampled agencies than for the non-Aboriginal population. The disparity in First Nations and non-Aboriginal substantiated investigations was smaller in the other maltreatment categories. In the population served by sampled agencies, the rate of substantiated exposure to intimate partner violence investigations involving First Nations children was 4.7 times greater than the rate for non-Aboriginal children, the rate of substantiated emotional maltreatment investigations was 5.4 times greater for the First Nations population, the rate of substantiated physical abuse investigations was 2.1 times greater for the First Nations population, and the rate of substantiated sexual abuse investigations was 2.7 times greater for the First Nations population served by sampled agencies than for the non-Aboriginal population served by sampled agencies.

Figure 11 shows the distribution of substantiated maltreatment investigations across primary maltreatment categories, for First Nations and non-Aboriginal children. In total, there were 59.8 substantiated child maltreatment investigations for every 1,000 First Nations children living in the geographic areas served by sampled agencies.

Neglect was the primary category of maltreatment in 27.7 (or 46%) of these investigations. In contrast, there were 11.8 substantiated child maltreatment investigations for every 1,000 non-Aboriginal children living in the geographic areas served by sampled agencies, and 3.5 (29%) of these investigations involved neglect as the primary category of maltreatment. Because the disparity in First Nations and non-Aboriginal rates was more pronounced for neglect than for other maltreatment categories, neglect represents a much larger percentage of the substantiated maltreatment investigations involving First Nations children than non-Aboriginal children.

In contrast, physical abuse and sexual abuse, those categories in which the disparity in rates of substantiated investigations involving First Nations and non-Aboriginal children was least pronounced, represent a smaller percentage of the substantiated maltreatment investigations involving First Nations children than non-Aboriginal children. For every 1,000 First Nations children living in the geographic areas served by sampled agencies there were 5.6 substantiated physical abuse investigations (9% of substantiated maltreatment investigations involving First Nations children). In contrast, for every 1,000 non-Aboriginal children living in the geographic areas served by sampled agencies, there were 2.7 substantiated physical abuse investigations (23% of substantiated maltreatment investigations involving non-Aboriginal children). Similarly, the 1.0 substantiated sexual abuse investigation for every 1,000 First Nations children living in the geographic areas served by sampled agencies represented 2% of substantiated First Nations investigations, while

FIGURE 11: Primary categories of maltreatment in substantiated maltreatment investigations, involving First Nations and non-Aboriginal children, conducted in sampled agencies in 2008
(rate per 1,000 First Nations or non-Aboriginal children in areas served by sampled agencies and percent)



the .4 substantiated sexual abuse investigations for every 1,000 non-Aboriginal children living in the geographic areas served by sampled agencies represented 3% of substantiated non-Aboriginal investigations. Additional information on maltreatment characteristics can be found in Chapter 7 of this report.

The overall picture presented by these data is one in which the overrepresentation of First Nations children is driven largely by cases involving neglect. Research on neglect suggests that it is more likely than other forms of maltreatment to be chronic and that the consequences of chronic neglect for children are as severe as (and in some domains, more severe than) for other forms of maltreatment. Research also shows that neglect is closely linked with household/family structural factors and caregiver risk concerns like those identified in a large proportion of First Nations investigations; factors such as poverty, caregiver substance abuse, social isolation and domestic violence can impede caregiver's abilities to meet children's basic physical and psychosocial needs.

Chronic need versus urgent need for child protection

CIS-2008 data on household/family structural factors, caregiver risk factors and categories of substantiated maltreatment all suggest that many First Nations children who were investigated by sampled agencies live in environments shaped by chronic difficulties, which research indicates can have devastating long term effects for children. However, data on child functioning concerns, documented emotional harm resulting from maltreatment and physical harm resulting from maltreatment also show that, in most of the investigations involving First Nations children which were conducted by sampled agencies, workers concluded that children did not already exhibit severe emotional, behavioural, cognitive or physical consequence of maltreatment.

Workers were asked to indicate whether they had concerns about a range of physical, emotional, cognitive, and behavioural child functioning issues which may be diagnosed, observed or disclosed during a four to six week investigation period.

Figure 12 shows that, in the majority of First Nations investigations conducted by sampled agencies, workers did not note any child functioning concerns. For every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 87.9 investigations in which workers noted no child functioning concerns, 15.9 investigations in which only one concern was noted and 36.8 investigations in which multiple concerns were noted. Workers noted no child functioning concerns in 63% of First Nations investigations and only one child functioning concerns in an additional 11% of First Nations investigations conducted by sampled agencies. Additional information on child functioning concerns can be found in Chapter 4 of this report.

Workers were also asked to indicate whether investigated children showed signs of any mental or emotional harm resulting from maltreatment and whether they knew/suspected that children experienced physical harm as a result of maltreatment. Figure 13 shows that, in most of the investigations involving First Nations

children which were conducted by sampled agencies, workers indicated the child did not show signs of emotional harm resulting from maltreatment. For every 1,000 First Nations children living in the geographic areas served by sampled agencies, there were 118.6 investigations in which workers either found no reason to investigate whether a child had already been maltreated (risk investigations), did not substantiate maltreatment, or did not document emotional harm as a result of substantiated maltreatment. Workers indicated that a child showed signs of emotional harm resulting from maltreatment in 22 of the 140.6 investigations which were conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies (16% of investigations involving First Nations children). Workers further indicated that the signs of emotional harm experienced as a result of maltreatment were so severe that the child required therapeutic treatment in 12.4 of the 140.6 investigations conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies (9% of investigations involving First Nations children).

Figure 14 shows that workers did not know of, or suspect, any physical harm resulting from maltreatment in the majority of First Nations investigations conducted by sampled agencies. For every 1,000 First Nations children in the geographic areas served by sampled agencies, there were 136.5 investigations in which workers either found no reason to investigate whether a child had already been maltreated (risk investigations), did not substantiate maltreatment, or did not document physical harm resulting from maltreatment. Workers

FIGURE 12: Child functioning concerns in First Nations investigations conducted in sampled agencies (per 1,000 First Nations children in areas served by sampled agencies)

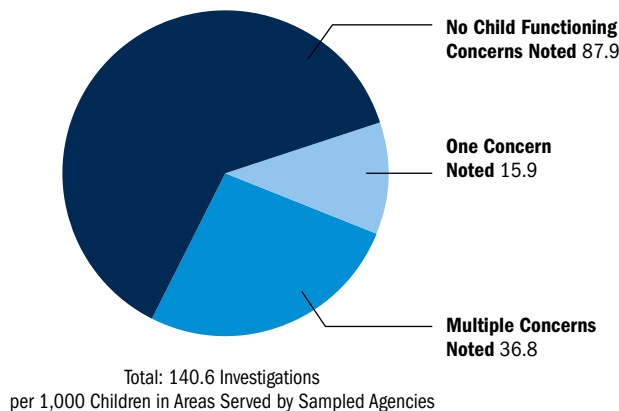
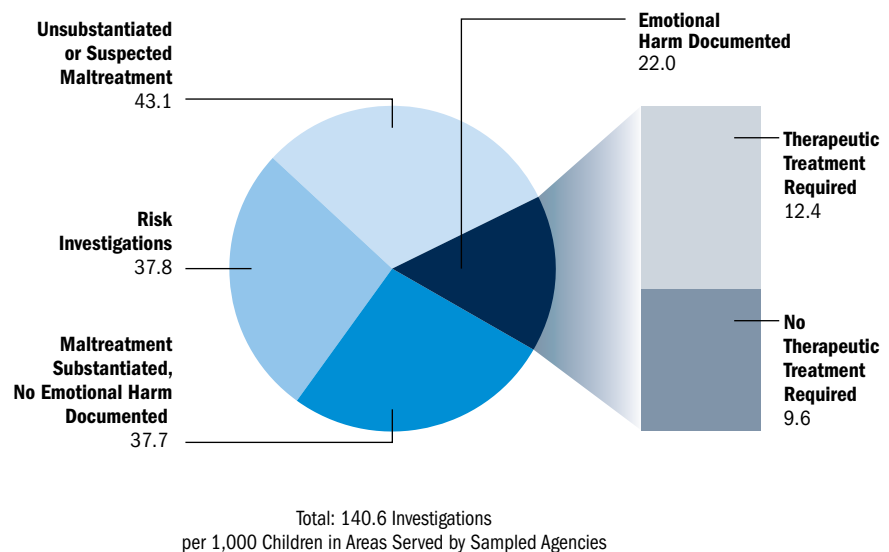


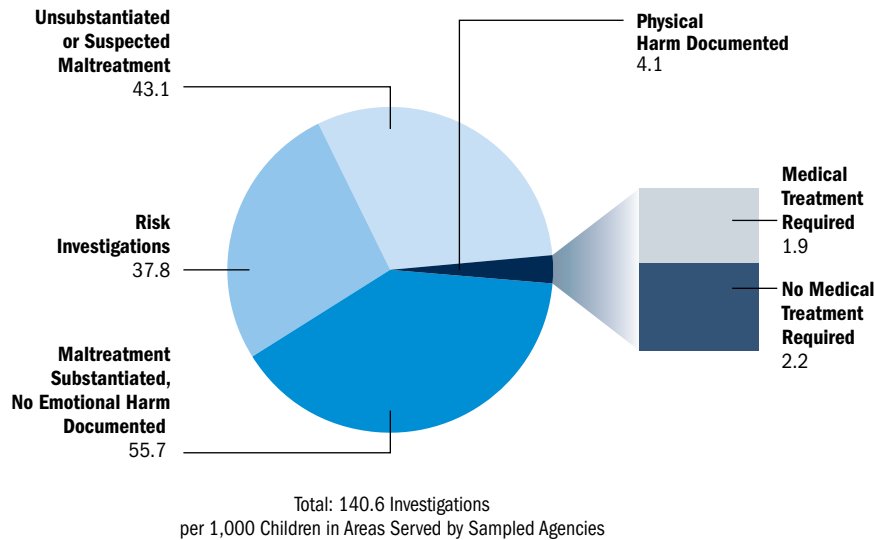
FIGURE 13: Documented emotional harm in investigations involving First Nations children, conducted in sampled agencies in 2008 (per 1,000 First Nations children in areas served by sampled agencies)



indicated that they knew of or suspected physical harm resulting from maltreatment in 4.1 of the 140.6 investigations which were conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies (3% of investigations involving First Nations children). Workers further indicated that the physical harm resulting from maltreatment was so severe that the

child required medical treatment in 1.9 of the 140.6 investigations conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies (1% of investigations involving First Nations children). Additional information on emotional and physical harm can be found in Chapter 7 of this report. Data on child functioning, physical harm, and emotional harm are based

FIGURE 14: Documented physical harm in investigations involving First Nations children, conducted in sampled agencies in 2008
(per 1,000 First Nations children in areas served by sampled agencies)



on assessments workers made during four to six week long investigations; they do not take into account functioning issues or symptoms of harm which were manifested, observed or disclosed in the post-investigation period. Accordingly, it is likely that they underestimate the true levels of child functioning issues, and of emotional and physical harm

experienced by investigated First Nations children. However, even if the rate of First Nations investigations documenting physical harm requiring medical treatment (1.9 investigations per 1,000 First Nations children living in the geographic areas served by sampled agencies) or emotional harm requiring therapeutic treatment (12.4 investigations per 1,000

First Nations children living in the geographic areas served by sampled agencies) were doubled, these cases would represent a minority of the 140.6 total investigations conducted for every 1,000 First Nations children living in the geographic areas served by sampled agencies. Protecting children from severe physical and emotional harm is of paramount importance and child welfare agencies must be equipped to act in the best interest of children in need of urgent protection. However, the data presented in Figures 11 through 14 suggest that protection from immediate, severe emotional or physical harm is not the central concern for most of the First Nations children investigated by sampled agencies. Rather, the difficulties facing many of the families involved in these First Nations child welfare investigations may require programs offering longer term, comprehensive services designed to help them address the multiple factors – such as poverty, substance abuse, domestic violence and social isolation – which pose chronic challenges to their abilities to ensure the well being of First Nations children.