

including poverty, addictions, and domestic and sexual violence. We believe that in order to redress the legacy of residential schools and to move towards more respectful and healthy relationships, the Government of Canada, in meaningful consultation with First Nations, Inuit, and Métis communities, must recognize and address the broader context of the child-welfare crisis. This includes matters of child poverty, housing, water, sanitation, food security, family violence, addictions, and educational inequities. Effective child-welfare reform will require both measureable targets and timelines for reducing the numbers and proportion of Aboriginal children in care, greater consistency in the system's regulatory framework, and the acknowledgement of the central role of Aboriginal agencies.

Canada has rejected First Nations' demands to operate services in accordance with traditional laws and traditional justice systems. By contrast, in the United States, tribal courts have played an important role in the child-welfare system since 1978. These courts have exclusive jurisdiction over custody proceedings involving Native American children living on a reservation. They may also play a role in Native American child-custody cases where the child lives outside a reservation.³⁵ While not perfect, the American system has led to greater tribal authority over the placement of Indigenous children, as well as the expansion of family preservation programs. Indigenous children are still removed from their homes in disproportionately high numbers, but the rate of overrepresentation has decreased. The rate of placement with non-Indigenous caregivers has also decreased.³⁶

Call to Action

- 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.

There is also a human dimension to improving outcomes for Aboriginal children. The intergenerational impact of the residential school experience has left some families without strong role models for parenting. An investment in culturally appropriate programs in Aboriginal communities has the potential to improve parenting skills and enable more children to grow up safely in their own families and communities.