

communities, and contributes to the continuing overrepresentation of Aboriginal children in foster care.

## **Jurisdictional disputes**

Jurisdictional responsibility for child welfare is intensely contested. Historically, the federal government and provincial and territorial governments have tried to shift responsibility for Aboriginal child services from one level of government to another. The federal position is that responsibility for child and family services lies solely within the jurisdiction of the provinces and territories. Canada contends that the federal government is responsible for funding only on-reserve services. In contrast, the provinces maintain that the federal government has constitutional responsibility for ‘Indians,’ and argue that Ottawa has off-loaded that responsibility to the provinces to provide services to an increasingly urban, non-reserve population.<sup>30</sup>

The result is that there are often disputes over which level of government or department is responsible for paying costs. The repercussions of these disputes can be serious, with Aboriginal children paying the highest price—in particular, children with complex developmental, mental health, and physical health issues.<sup>31</sup>

In 2007, the House of Commons unanimously supported the adoption of “Jordan’s Principle,” named in honour of a Manitoba infant born with complex medical needs who spent all of his short life in hospital, caught up in a federal–provincial jurisdictional dispute over responsibility for funding his care.<sup>32</sup> According to Jordan’s Principle, the government department that is first contacted for a service available only off-reserve must pay for it and later pursue reimbursement for the expenses.<sup>33</sup> But Jordan’s Principle was not passed into law; rather, it is a statement of principle by the Canadian parliament.<sup>34</sup> Many inter-governmental cases of disputed responsibility continue.

## **Call to Action:**

- 3) We call upon all levels of government to fully implement Jordan’s Principle.

## **Improving outcomes for children**

Although there is now considerable Aboriginal control of child-welfare services, Aboriginal agencies still struggle for adequate funding. There is a need for more funding and research into preventive services that can support Aboriginal families. At the same time, many of the conditions that result in disproportionate Aboriginal involvement in the child-welfare system are related to more intractable legacies of residential schools,