STATUS OF METIS CHILDREN WITHIN THE CHILD WELFARE SYSTEM

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ABSTRACT/RESUME

The child welfare system in Manitoba has moved in recent years from the large scale export of Aboriginal children to parallel Indian and non-Indian systems. Métis children, some 27% of the total, have been included in the non-Indian category and continue to suffer from a lack of heritage participation and control. The problem is considered to be systemic.

Le système de la sécurité sociale des enfants au Manitoba est passé ces dernières années de l'exportation générale des enfants autochtones aux systèmes analogues indiens et non-indiens. Les enfants métis, environ 27% du total, sont comptés dans la catégorie non-indienne et continuent à souffrir du manque de participation et de contrôle de l'héritage. On considère le problème comme étant systémique.

In a national briefing paper prepared by the Métis National Council (1989), the position was taken that with few exceptions, the provincial child and family services and their supporting legislation are geared to urban areas and to values and concepts originally derived from Europe. Further, these services are delivered by staff who have little sensitivity to Métis culture or values. Neither are there observed plans on the part of the mainstream system to change this situation.[1]

The result is that a disproportionate number of Métis children are being taken into care, many for no other reason than the real life Métis situation of living in poverty and overcrowded conditions. In effect, Métis children are frequently being alienated from their families, their communities and their culture for economic reasons. Such children often are condemned to a succession of foster homes, thus creating a terrible instability in their lives which defeats the reasons for taking them into care in the first instance (Manitoba Métis Federation, Inc., 1989).

Poverty has never been an acceptable reason for depriving children of their natural parents and their place in the extended family. The fact that the practice is so prevalent in Métis communities suggests the degree to which the Métis are a devalued people as well as the degree to which provincial family and child welfare institutions and Métis society are alienated from each other. Perhaps more importantly this type of intervention has tragic consequences for these Métis children, consequences illustrated by documented high rates of adoption breakdown, and suicide, as well as by high rates of juvenile delinquency (Barkwell et al, 1989).

The provinces so far have not taken any large scale measures to adapt their family and child welfare services to Métis needs. It was the judgement of the Métis National Council (Ibid.) that this was unlikely to occur, judging from past experience, without aggressive action on the part of the federal government. Provincial authorities, in the past, have tended to adopt the view that the very large numbers of Métis children coming into care are a result of inherent defects in Métis families, and not the outcome of serious shortcomings in their own operations.

In an 1989 submission to the Aboriginal Justice Inquiry in Manitoba, the Manitoba Métis Federation (MMF) developed an analysis which clearly demonstrated that of the many factors which interact to produce the over-representation of Métis people as offenders (with high reinvolvement rates), the single most highly weighted root factor was the treatment of Métis children within the child and family service system. In addition, all of the factors noted above interacted to make Métis people more susceptible to victimization.

The operant conditions for the perpetuation of this cycle are as follows:

1. There has been an historical repression of Métis customs, social structures and support systems;
2. The Métis have little discretionary time or money available to respond as a community to the problems of child welfare and crime;
3. Official responses to social problems within the Métis community are usually framed in terms of social control rather than social development;
4. Aboriginal people as a visible minority have been denigrated and their history has been conveyed in a distorted way. This leads to self-derogation, feelings of helplessness and alienation in young people;
5. The intended child welfare remedies have not worked for Métis children;
6. Official justice system interventions have been culturally alien and/ or irrelevant and poorly understood by the Métis community;
7. Participation in law making and the administration of laws, particularly family law, has been effectively denied to the Métis;
8. The official justice system has acted in ways which engender disrespect and cynicism within the Métis community;
9. In many instances child welfare, correctional and other related services have been denied or not made available to the Métis.

When a people are weakened by these factors which we view as additive as well as interactive, the symptoms of socially problematic behaviors are inevitably found to be in ascendancy.

It has been a long held contention of Métis and other Aboriginal people that, due to the fact that they have no control over child and family services, and the fact that they are both poorly served and much devalued by the mainstream system, their children and youths are cast by default into the youth justice system.

This paper will review the overrepresentation of Métis children both in the child welfare system and the criminal justice system of Manitoba. It will also review how government policies and the implementation of those policies, have exacerbated this overrepresentation. The authors will then show that this situation is founded upon a lack of concern for and awareness of Métis culture, and a consequent lack of community-based services for these people.

We have found compelling evidence that this is indeed what is happening. In the following section we will relate two instructive cases recently heard by the Manitoba Court of Appeal.

The Young Offender - Child Welfare System Link

The first case is the appeal application of a 14 year old Métis youth against a one year sentence to secure custody by the Youth Court.[2] This youth was found guilty of four charges of break, enter and theft, one charge of possession of stolen goods, one charge of assault, and one charge of driving a motor vehicle without a licence. At point of disposition the youth was 13 years old but three of the offences were committed when he was twelve. He had no prior record of offences. At disposition the Youth Court judge sentenced him to secure custody for one year on the break, enter and theft from a dwelling (the only charge on which he was eligible at his age for a custody sentence). He was also sentenced to two years of probation supervision, following his release from custody, on each of the other charges.

The Appeal Court noted that, with respect to the most serious charges, other youths had also been charged as co-accused, but had received sentences of probation supervision.

The background information given to the Court of Appeal indicated that the youth came from a small rural town with a mixed population, Indian, Métis and non-Native. He lived as part of a single parent family. His mother, three siblings and four other relatives lived in the nine person household. His family described the youth as being beyond control. The local child and family service agency was active with the family but had not apprehended the young offender, despite the fact that he had been expelled from school. The school authorities described the lad as bad tempered, disrespectful, violent and defiant. The school had referred him to child and family services because of his behaviour and their concern over his intimidation of other students. The court was also told that the youth claimed to drink regularly and that he smoked marijuana when it was available. There was some indication that his associates left something to be desired and the lad himself admitted that disassociation from his friends was one way he could try to stay out of trouble.

The sentencing judge felt that the community and its institutions had not done enough, and that for the young offender's own welfare, he should not be allowed to remain in the environment within which his habits and attitude had developed. The sentencing judge had said:

> It's pathetic that the community could allow this to happen...I feel that we should nip whatever problem he has in the bud and get him the heck out of this community. If Child Welfare won't do it, the Court better do it...

Although the youth was under fourteen years of age and had no previous Criminal Code convictions, he was sentenced to a term of

custody under the Young Offenders Act exception clause (Sec. 24 (4),a; "the offence is one for which an adult would be liable to life imprisonment").

Twaddle, JJ.A., speaking for the Court of Appeal, had this to say about the sentencing:

> Strictly the learned judge had authority for imposing this sentence, the lad having been found guilty of break, enter and theft in relation to a dwelling house for which an adult would have been liable to imprisonment for life... The learned judge did make reference to the protection of society and the seriousness of the offence. I do not suggest that society is not entitled to protection from burglary nor do I belittle the seriousness of the young person's participation in such a crime, but in comparison to the other offences of burglary this was amongst neither the most serious nor the most alarming. The judge took into account the totality of the lad's criminal behaviour, but that is not, in my view, the proper criterion in the case of a young person under the age of 14 who has not been found guilty previously of a criminal offence. The judge also substituted secure custody for the care and control which the child lacked and which the local child welfare agency had been tardy in providing.

The Court of Appeal then pointed out that even when the case first came for hearing before them there was still no plan proposed for the child's future care and control. They had then adjourned the hearing to give the boy's attorney the opportunity of presenting "a plan which would offer guidance and assistance to the lad as well as provide for his care and control." This, they pointed out, was Counsel's duty. When the adjourned hearing resumed, the Appeal Court was advised that the child welfare authority was ready to apprehend and to take the steps necessary for the court's determination of his needs.

The Court then commented on the dilemma of "Hobson's choice" that had been offered to the sentencing judge: send the boy to custody or send him back to an inadequate home environment. It was clear to all that the youth required direction more than punishment, and help to find a purpose to his life "rather than a mere temporary interruption of an existence without aim." Thus, the sentence to a term of secure custody had been clearly inappropriate:

> Where it is apparent that an accused young person is in need of protection, the child welfare authority should not wait until the court has sentenced the young person: such a delay prejudices the young person because there are then fewer acceptable options open to the court for dealing with the young person's conduct. The young

> person in such circumstances should be apprehended and proceedings for guardianship taken as soon as the need of protection can be identified and a youth court judge should adjourn proceedings, if necessary, to permit the child welfare agency to intervene. Although a sentence should reflect the young person's circumstances, it should not penalize him or her for want of a proper guardian.

Therefore, the Manitoba Court of Appeal reduced this youth's term of secure custody to time served, but directed that he comply with the terms of a probation order for two years.

Our second example is the case of a 15 year old status Indian who was appealing his custody sentence, imposed upon conviction for setting fire to papers within two business premises. For these offenses he had been sentenced to 18 months secure custody to be followed by six months open custody and one year probation supervision.[3]

The youth's background was described by the court as pitiful. He resided in a large urban centre as part of a seven person single parent family. His father had been incarcerated for sexual assaults upon two of his siblings. Another sibling within the previous year had attempted suicide. The presentence investigation had revealed the youth himself had been the victim of physical abuse at home at the hands of parents who were described as having alcohol problems.

At the time of the offences the youth was attending, on an irregular basis, a special education program. He had been involved in altercations with other students and had previously been referred to probation services for setting a fire in his school. An assessment prepared for the Court by the forensic psychologist indicated that the youth was of borderline intelligence and had relationship difficulties. He was deemed to have poor judgement and comprehension and an inability to learn from experience. The forensic recommendation was for a lengthy period of secure custody to be followed by child welfare intervention "since the need for child protection will continue."

In the words of the Court; "fortunately for the youth, he was referred by his counsel to Dr. Ellis, also a psychologist, who is on the faculty of the Department of Psychiatry of the University of Manitoba." Dr. Ellis noted that the youth seemed to have a lack of experience with anyone being interested in what he thought or felt. He exhibited concrete thinking and a lack of knowledge about relationships, feelings, and normal family life expected of the average child. He did exhibit the capacity to learn and Dr. Ellis pointed out that he had been able to perform 30 hours of community work as a consequence for his referral on the previous fire setting. His response at that time had been described by the authorities as extremely positive.

Dr. Ellis noted that his delinquent career was of recent origin and coincided with a major family upheaval. Thus he assessed his current involvement as being reactive to major family stress. He commented "...it is no wonder that he did not perform well in a forensic assessment on a one shot basis with a stranger he did not know and experienced as potentially dangerous." He then concluded that in view of the fact that the youth had never received treatment, he could not justify a term of custody which would deprive him of the appropriate treatment. Dr. Ellis also expressed the opinion that the child welfare authority had ignored the youth's plight both before and after his criminal involvement. They had been involved with his siblings due to the father's abusive behaviour, and thus knew of this lad's circumstances as well as his mother's inability to cope. After the youth was charged the court was informed that his Attorney had contacted child welfare but was told that they did not wish to become involved until after he had been sentenced on the pending charges.

The Court of Appeal then ruled that in this case the sentencing judge had erred in imposing a custodial term totalling two years. They reduced the term of custody to six months with two years probation to follow. The Court noted that the lower court disposition had obviously been influenced by the absence of a suitable guardian as well as the lack of a suitable plan for supervision and guidance. Undue weight had been given to protection of the public.

Twaddle, JJ.A. stated in the court's decision:

> There is, in my view, something wrong with a system that, in the case of a 14 year old lad convicted of no heinous crime, with no previous findings of guilt on criminal charges against him and with this lad's disadvantaged background, confronts a judge with a choice between imposing a lengthy period of custody and returning him to oblivion...
>
> I am of the view that (the commission of these crimes) was a cry by the youth for help. The response of society should not be the imposition of a custodial term of two years... The protection of the public is a proper principle of sentencing young offenders, but the same public has a responsibility to prevent criminal conduct by young persons. It is not reasonable to ignore the special needs of a young person such as this lad..."

These stories of a lack of needed child welfare services come from all parts of Canada. In an address to the Second National Métis Child Care Conference in 1988, Larry Desmeules, president of the Métis Association of Alberta, related the case of a Métis youth who had literally been cast out into the cold (Desmeules, 1988). This 16 year old lad had been forced to wander the streets finding temporary shelter with friends and strangers.

Although he was a permanent ward of Social Services, there was no permanency planning, for whenever he asked his social worker for help, he was referred to the Youth Emergency Shelter. In Desmeule's analysis:

> ...this young man didn't want just shelter. He wanted a home - a real home - and not just a room in an institution. He's been a ward of the government since he was two, and has been moved at least 40 times between foster homes and institutions. Most recently, he lived with a youth worker who kicked him out after a disagreement. The longest he has lived in one place is one year. That is his tragic story as a temporary ward of the government for 12 years, and a permanent ward for the past two years. The system is failing this young man, and who knows how many others. Hopefully, he won't come to the tragic end of Richard Cardinal, who hanged himself at 17 after a tragic life that included 28 moves between foster homes and institutions.
>
> Cardinal's death spurred creation of a new Child Welfare Act in Alberta that was to prevent further such tragedies. Obviously that isn't enough (Desmeules, 1988).

It is simply tragic that more often than not, Métis children have to come into conflict with the law before they are provided with any support services. The Manitoba Métis Federation child and family service workers have received scores of service requests from Métis families who have been denied service from the mainstream mandated agencies. Most often when they ask for help for a youngster who is behaviorally beyond their control, they are told, "he's not in enough trouble yet to justify our agency taking action." Then pathetically, mothers whose children are locked up on charges so serious that they can not get them released on bail, are told that the child and family service agency wants to wait until the youth is sentenced before doing any planning.

From the stories and evidence as related above it might be surprising to learn that the over representation of Métis youths committed to custody sentences by the youth courts (Table 1), mirrors the over representation of Métis children brought into care by child and family services (Table 2). To us, the reason is quite evident. Simply put, preventive services are either not offered to Métis families, offered only after problems have become severe, or are of such a weak intensity that the penetration into custody situations or removal from home is not averted.

TABLE 1: YOUTH ADMISSIONS TO CUSTODY
Manitoba 1984 - 1987

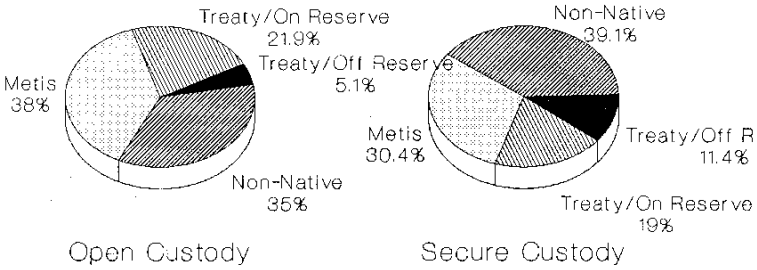
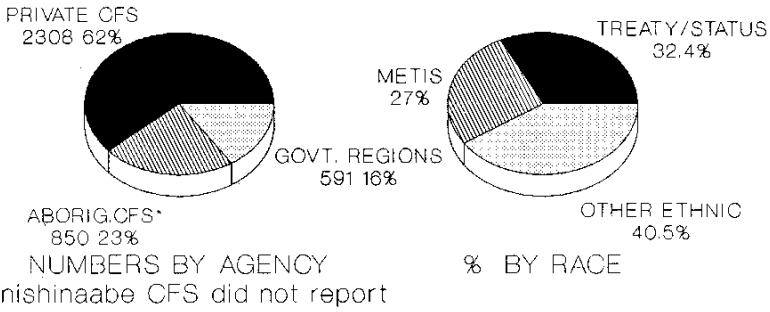


TABLE 2: CHILDREN IN PLACEMENT: WARDS AND VOLUNTARY PLACEMENTS
Community Services Annual Report



*Anishinaabe CFS did not report

Critique of the Child Welfare System

It is our observation that those agencies mandated by the Province of Manitoba to provide child and family services have done little to establish helping networks within the Métis Community. First, their location is often distant from the people served and they usually provide only itinerant social work service delivered on a crisis basis. Second, preventive services such as parenting courses and teen treatment groups are seldom offered. Third, the intervention of these agencies is culturally alien and few workers speak the languages common to the Métis population. Thus the service offered (as with the youth justice system) is little more than physical removal of the child from the home community.

In a study of child and family services commissioned by the Manitoba Métis Federation, Ryant (1988) reported that although agencies were aware of the fact that services should reflect the cultural and linguistic heritage of the client there was an evident lack of priority given to this. The number of Aboriginal workers on staff - if any - is minimal in most of the mandated agencies, and "the apparent lack of priority for Native awareness could imply a lack of cultural sensitivity when dealing with Métis families. This affects the effectiveness of service and could mean that more Métis children end up in care than necessary." He went on to note that if there were more focus on preventive and supportive services which are culturally appropriate there could be a significant reduction in the number of Métis children in care.

Ryant (1988) also found that there were many impediments (mostly financial), to alternate care being provided to Métis children within the Métis community. He recommended the following measures to rectify the situation:

1. A greater use of special needs foster care rates thus allowing more Métis families to provide foster care.
2. Implementation of Section 73 of the Child and Family Services Act, which deals with subsidized adoption. The use of subsidized adoption would assist Métis families who wish to adopt but cannot do so without financial assistance.
3. Section 5(1)(f) of the Social Allowances Act states that financial assistance may be made available to a child whose parents "are unable to contribute to his maintenance and who is wholly dependent on another person for his basic necessities." Too often, the income security workers ignore the fact that the *child* can be given the needs test for eligibility and test the care-providers instead. Because the foster family is not in dire straits, aid to which the child

would be entitled in his or her own right is withheld. A different implementation of 5(1)(f) would permit more Métis children to be cared for by relatives or neighbours.

4. Another impediment to many Métis homes being accepted for foster care may involve the standards set for approval of provincial foster homes. Physical requirements of space, availability of running water and material resources may not reflect the life circumstances of many Métis families and communities. Often, those who design these standards are not familiar with cultural and traditional values of Native groups. Standards may be both inappropriate and extremely difficult for many Métis homes to reach.

Under these policies and this method of service delivery it is estimated that, from the 1960's to the early 1980's, about 3,000 Aboriginal children were removed from their homes in Manitoba and exported out of the province for adoption. In most cases they were placed with urban non-Native families. "The Indian and Métis children were submerged in another culture, and their Native identity soon disappeared. They became a lost generation" (York, 1989:206). At the beginning of the 1980's from 40 to 60 percent of all children removed from their families in western Canada were Indian or Métis. For Canada as a whole, five Native children were removed from their families for every non-Native child placed. York states that in 1981 about 55 percent of Manitoba's adopted Aboriginal children were sent out of province while the rate for Caucasian children placed out of province was only 7 percent.

> Indian and Métis communities had virtually no control over the children who were seized from their homes. Until 1976 there was not a single native-controlled child welfare agency in Manitoba. Decisions about the future of native children were made by white social workers and urban-based bureaucrats (York, 1989:207).

In 1981, the Manitoba Métis Federation acted on the available public information regarding the numbers of Métis children being exported to the United States and to other provinces to non-Native families. It had been learned that many of these children had experienced post-adoption breakdowns that were having a disastrous effect upon them. Others had become the victims of physical and sexual abuse. Therefore, the MMF lobbied successfully for the Government of Manitoba to institute a moratorium on out-of-province adoptions and out-of-province placements for "treatment". The MMF developed a rural and urban strategy for implementation to ensure increased Métis involvement in the child and

family service jurisdiction.

In March of 1982 the government of Manitoba agreed to impose a moratorium on out of province placements of Aboriginal children. The province also established a Review Committee on Indian and Métis Adoptions and Placements headed by Associate Chief Family Court Judge Edwin Kimelman. After reviewing the file of every Native child who had been adopted by an out-of-province family in 1981, Judge Kimelman stated in the committee's 1984 File Review Report: "having now completed the review of the files... the Chairman now states unequivocally that cultural genocide has been taking place in a systematic, routine manner" (Kimelman, 1984:51).

The statistics given by Judge Kimelman were even worse than the Métis people had suspected through anecdotal reports.

TABLE 3: STATISTICS OF MANITOBA CHILDREN PLACED OUT OF PROVINCE IN 1981

	Number Palced	Percent of Total
Registered Indians	52	48%
Indian (other)	4	4%
Métis	37	34%
Non-Native	15	14%
Totals	**108**	**100%**

Source: KImelman, 1984:23

The Review Committee noted that 53% of the children placed outside of Manitoba were sent to the United States and 86% of the children placed out-of-province were of Native ancestry. Meanwhile at the end of 1981 the departmental statistical bulletin indicated that there were 145 adoption homes in Manitoba which had been approved but were not in use and there were 1,377 adoption applications which were awaiting study for approval. Was it any wonder than that Aboriginal groups felt there was a racial bias in operation?

Judge Kimelman was of the opinion that the political and administrative acquiescence to these practises had served to delay the development of Aboriginal resources and specialized services to Aboriginal people. "Rather than providing the resources on reserves to build economic security and providing the services to support responsible

parenting, society found it easier and cheaper to remove the children from their homes and apparently fill the market demand for children in Eastern Canada and the United States."

He also noted that under the guise of providing children with a family of their own, children were not only separated from their parents, but were also separated from their siblings. The study also revealed that for the majority of older children who became wards, the chances of adoption were remote, and the reality for most of them was to be placed in a series of foster homes and institutions with the " ...real possibility of spending some of their adult years as residents of the province's correctional facilities."

In 1982, the MMF established a Board committee, which was to be responsible for the operation of the Métis Child and Family Support Program. The MMF also submitted a position paper to the provincial government, calling for local control over child and family services for Métis people.

The MMF immediately established local community-based Métis child and family service committees. The committees assumed responsibility for:

a) developing community awareness of needs of children;

b) assessing community needs and currently available resources;

c) developing resources and participating in training;

d) con-joint planning with social workers from mandated agencies, in order to reach decisions on child and family services issues respecting the community;

e) strengthening Métis families in the community;

f) reviewing and recommending changes to relevant legislated standards, policies and practices to more properly reflect the needs of Métis children, families, and communities.

The MMF readily identified the following difficulties involved in the implementation phase of this specific mandate:

a) lack of an agreed upon definition of Métis people;

b) lack of access to existing child and family service files;

c) provincial regulations regarding foster home standards and payment rates, which excluded potential Métis foster homes;

d) lack of knowledge of referral procedures within the mandated agencies;

e) lack of MMF resources to respond to the volume of referrals;

f) referrals so late in the process that effective plans could not be formulated in the time available.

The MMF began support service delivery under the terms of a

negotiated bilateral agreement with the department of Community Services and Corrections. This funding enabled the MMF to employ a provincial coordinator to develop a model for local control of support services. The MMF contracted two additional family support worker positions and at the request of the Director of Child and Family Services, established pilot projects in the Dauphin and Thompson regions.

In 1984, the MMF signed the first memorandum of agreement commonly referred to as Policy Directive 18. A subsequent agreement was signed in 1985 regarding the MMF's role in the notification of the placement of Native children outside of Native homes.

Policy Directive 18: This directive to mandated child and family service agencies (those who are empowered to take guardianship), was issued by the Child and Family Support Directorate in 1984. The directive outlines the proper procedures to be used in notifying, reporting, and placing Native children away from their natural parents.

The intent of this directive was to elicit the fullest possible participation of Native agencies. It is based on the principle that the best interests of the child are served when the child's cultural and linguistic heritage and life-style are taken into consideration.

Under Directive 18, when an agency becomes involved in the protection of a registered Indian child, they must inform the appropriate Native agency of all details of the case for purposes of identifying placement resources.

When the agency is in contact with a Native child who is not a registered Indian, it may ask if the family wishes to declare, and if so, to sign a self-declaration form. The mandated agency is then obliged to notify designated persons within the Native organizations which have entered into a legal agreement with the Director of Child Welfare. However, this does not hold for voluntary surrender of guardianship, and MMF is only notified in cases where the family has declared itself Métis.

Since 1987, the MMF has been funded with approximately $140,000 annually for these activities, whereas Indian agencies have been granted some $8 million yearly to deal with Indian child care matters. This financial limitation, and the fact that referral frequently occurs too late in the process to permit the MMF to be involved appropriately, has given the mandated agencies an image of the MMF as having a relatively minor role.

Since it is not clear how Métis citizens are being identified (workers frequently are not aware of self-declaration procedures), and because there are difficulties with the self-declaration practices themselves, referrals from mandated agencies to the MMF have been few or non-existent.

For example, over the last two years, there have only been forty-one referrals to the MMF regarding Métis children and families throughout the province of Manitoba (Moar, 1989). Incredibly, some agencies have not made even one referral.

Over the two year time period the following referrals were received:

The mandated agencies have not moved with alacrity on this standard. It is obvious that Policy Directive 18 (and its replacement, known as Standard 421) are not meeting their intended purpose. It is estimated that of the 3,803 children in the care of mandated child and family service agencies, 1,027 are Métis children (27%), 1,235 are Indian children (32.5%), and 1,540 are of other ethnic backgrounds (40.5%) (Longclaws,

TABLE 4: REFERRALS TO MANITOBA METIS FEDERATION

Manitoba Community Services Regional Services		**Private Mandated Child & Family Service Agencies**	
Eastman	0	C&FS Central Manitoba	0
Interlake	0	C&FS Western Manitoba	14
Norman	2	C&FS Eastern Manitoba	3
Parklands	5	C&FS Winnipeg West	2
Thompson	2	C&FS Notheast Wpg.	2
		C&FS Winnipeg South	0
		C&FS Northwest Wpg.	11
		C&FS Central Wpg.	0
Total	**9**	**Total**	**32**

1989). Given the large disparity between the number of Métis children brought into care and the actual number of cases that are referred to the MMF, one has to doubt whether the government has any commitment to implement its own policy and standards.

An MMF survey of members (University of Manitoba Research Ltd., 1988) found that child and family services were a key concern for 90% of those surveyed. Eighty-three percent stated that they would like to see child welfare services provided by a Métis organization. Over 7% of the respondents indicated that they have a child under the age of 18 placed away from home. Ten percent of the families indicated they were raising a child who was not one of their own. This is convincing evidence that the Métis community is carrying the bulk of the burden for child and family services without payment and out of its own resources through custom adoptions and placements with relatives. These matters are not being referred to the "official" agencies. Thus, Métis people are not receiving their fair share of government resources.

There are a number of reasons for reluctance to approach the mainstream system, one of which is a survey showing that 71% of Winnipeg Métis respondents feel that child welfare does not give enough consideration to Métis culture (University of Manitoba Research, 1988).

Another reason is the previously cited finding that potential Métis foster homes are often turned down because of a lack of material resources. Since this has become widely known potential applicants are now reluctant to come forward.

In a study commissioned by the MMF (Ryant, 1988) it was revealed that:

a) Even with Directive 18, Native children are still being placed in non-Native foster homes, because agencies, using existing resources, have not been able to develop a sufficient supply of Native foster homes.

b) There is an inappropriate concern with material standards in approving potential foster homes in the Indian and Métis communities.

c) There is unwillingness (or inability) on the part of agencies to authorize special foster rates where these would clearly be appropriate for Native placement.

d) There have been cases where the child caring agency has not made use of a placement resource which was referred by the designated group.

e) Oftentimes, notification of a Native child in care comes too late in the process for the designated resources to locate a culturally appropriate placement.

The deplorable situation described above has been made worse by changes to Directive 18. A section which clearly identified procedures with regard to non-status Indian and Métis families was removed. The current standard, Native Child Placement, Section 421 (Manitoba Community Sercies, 1984: 1-7) in the Child and Family Services Program Standards Manual, effectively buries the reference to Métis children.

It is the current assessment of MMF child and family service staff (Moar, 1989) that:

a) The majority of child and family services social workers in Manitoba are poorly informed or uninformed regarding Directive 18 and Program Standard 421. It seems the only persons who have a working knowledge of these are Native social workers and field staff.

b) People are asked to declare as Métis only if the workers "think they are Métis".

c) It was only with much badgering that MMF began receiving referrals.

d) When the MMF forwards names of Métis families wishing to foster or adopt, many are placed on waiting lists and many are never contacted for home assessment.

e) The MMF has not been able to push for more referrals due to lack of staff and budget.

f) The 1982 moratorium has resulted in fewer Métis placements outside the province, but has not reduced the number of Métis children placed outside the Métis community.

g) The MMF was effectively left out of negotiations on the development of Standard 421, and did not receive a satisfactory reply to its submitted negotiating document.

h) As the proportion of Métis children removed from their homes under the Child Welfare Act so closely approximates the proportion removed from home under the Young Offenders Act, there is strong evidence to support the MMF thesis that Métis people are subjected to a high degree of social control while social development needs have gone unmet.

Although the thrust of the Kimelman report, *No Quiet Place* (Kimelman, 1985), and the intent of subsequent child and family service revisions to placement and adoption standards, was to ensure that Indian and Métis children were either placed or adopted into culturally appropriate homes, our research reveals that there are still significant numbers of aboriginal children being adopted into non-Native homes, a practice which Judge Kimelman had earlier denounced as "cultural genocide" (1984:51).

In the period between January 1988 and October 1989, 29.2% of registered Indian adoptees went into non-Native homes and 55.8% of Métis adoptees went into non-Native homes. Furthermore, 62% of all the Aboriginal children placed by way of adoption during this time period were Métis.[4]

Clem Chartier has argued that under the Canadian Charter of Rights and Freedoms (Part I of the Constitution Act, 1982), the practice of adoption of Métis children into non-Métis homes violates what should be a recognized group right in addition to the child's right to remain in the group... "based on the section 7 security of the person provision (of the Charter) particularly as it applies to cultural heritage. In the absence of this right, and in the face of the continuing removal of Métis children from the Métis community, Canada could be viewed by the international community as committing ethnocide, which is basically a form of cultural genocide" (1988:55).

An additional issue is the repatriation of Métis children who were

TABLE 5: MANITOBA ADOPTIVE PLACEMENTS
January 1988 to October 1989

Registered Indians Adopted	24	
Placements		
1. Registered Indian Homes	15	(62.5%)
2. Other Native Homes	2	(8.3%)
3. Non-Native Homes	7	(29.2%)
Non Status Indians Adopted	2	
Placements		
1. Non-Native Homes	2	(100.%)
Métis Adopted	43	
Placements		
1. Métis Homes	19	(44.2%)
2. Non-Native Homes	24	(55.8%)
Total Non-Native Placements	33	(47.8%)

adopted by families outside of Canada. The complex set of issues is outlined by Audreen Hourie (MMF Education Co-ordinator) in a 1989 submission to the Aboriginal Justice Inquiry.

Public records may not indicate actual figures on numbers of Aboriginal children who are lost to their families but it is believed by the Aboriginal community to be many. These children are now attempting to return to their province of birth and the barriers they face are numerous. Many have reached the age of majority (18 yrs.) and require established citizenship to receive service in the Province of Manitoba.

The Province of Manitoba as represented by the Department of Community Services claims little or no responsibility to repatriate adults who were in their care or custody as children. Citizenship papers and birth certificates were confiscated on apprehension, new names given and a new identity forced upon the children...

There were many cases during the ‘Aboriginal Justice Inquiry' of grievance relating to specific cases that would reflect abduction as opposed to apprehension e.g., one very young Métis boy crossing the U.S. border in a van filled with children, being taught their new names in preparation for border crossing.

Too many times, Aboriginal people have attempted to raise questions about missing children. One small survey in the Métis community of

Camperville and surrounding area indicated that approximately fifty children were missing, no known whereabouts. Remote communities attending a meeting in Thompson where the subject arose "Where are the missing children?" led one very quiet mother to say," They took my boy a long time ago, he would be fourteen years old now, they said they would send me a picture, they never did" (Hourie, 1989).

Conclusions

It is our assessment that there are a number of factors which account for the high number of Métis adoptions in comparison to the number of children at risk and these same factors account for the fact that over one-half of these adopted Métis children go into non-Native homes.

1. The Métis do not have an agency of their own mandated to provide adoption services.
2. The Manitoba Métis Federation Child and Family Service is not funded to provide province-wide preventive services.
3. Referrals to MMF Child and Family Services come infrequently or too late in the process to make a difference. Although adoptions account for only a small proportion of the Métis children removed from their families, over the last two years MMF received only 41 referrals under Standard 421, while the provincial government's own figures show that there were at least 43 Métis children placed for adoption alone.

These studies and material lead to the obvious conclusion that Métis children and families have not been served well by traditional child and family service agencies. In fact the consensus of Métis people is that they have received inadequate and inappropriate services. The feeling of the Métis community as a whole (at least as expressed by their elected officials on the Board of Directors of the MMF) is that this disparity in service is racially motivated. The MMF applied for recognition and funding of a child and family service agency that would lead to a full mandate to deliver these services to Métis people. They have received no positive response to date.

NOTES

1. The opinions expressed herein are those of the authors, and do not necessarily represent those of their employers.
2. J. M. v. R., Manitoba Court of Appeal, October 2, 1986 (unreported).
3. A. L. v. R., Manitoba Court of Appeal, October 3, 1986 (unreported).

4. These figures and those contained in the table which follows were obtained through interviews with departmental officials of Child and Family Services.

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