



A scoping study of Indigenous child welfare: The long emergency and preparations for the next seven generations

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ABSTRACT

This scoping study yielded 37 empirical studies published in peer-reviewed journals addressing one of the most pressing, sensitive, and controversial issues facing child welfare policymakers and practitioners today: the dramatic overrepresentation of Indigenous families in North American public child welfare systems. These studies indicate that relative to other child welfare-involved families, Indigenous families typically experience intense social challenges in the face of few available services. They also may experience racism when accessing available county, state and provincial child welfare services that undermines trust and engagement. Some promising research suggests that partnerships between government child welfare systems and Indigenous tribes and communities may improve services to struggling families. Given the seriousness of the social justice issues, as well as the sheer volume of empirical research in child welfare, the question of how to strengthen child welfare with Indigenous families clearly is under-researched. Notable gaps in the existing literature include the voices of Indigenous children and parents involved in the child welfare system and attention to cultural variation in child protection beliefs and practices across the many Indigenous communities of North America. More work also is needed to design, implement, and evaluate culturally-based child welfare practices; and examine how to build capacity at the tribal level.

1. Introduction

This scoping study addresses one of the most pressing, sensitive, and controversial issues facing child welfare policymakers and practitioners today: the dramatic overrepresentation of Indigenous¹ families in North American public child welfare systems. In Canada, for instance, Indigenous children comprise 52% of foster children under 14 years of age despite representing just 8% of that age group in the Canadian population (Statistics Canada, 2016). In the U.S., Indigenous children under approximately age 17 have the highest rate (14.2 per 1000) of substantiated maltreatment reports (Children's Bureau, 2018), and are in foster care at a rate 3.3 times that of white children (Child Welfare Information Gateway, 2017; Kids Count Data Center, 2016).

These and other disparities persist in the U.S. and Canada despite legislation designed to improve outcomes for Indigenous families. In the U.S., the federal Indian Child Welfare Act (ICWA) of 1978 (U. S. Public Law 95–608) was passed at the request of the tribes to reduce the involvement of Indigenous children in the child welfare system, halt the removal of Indigenous children from Indigenous communities, and reclaim their cultures. It focuses on Indigenous family preservation as integral to tribal sovereignty and reparative justice (Red Horse, Martinez, Day, Poupart, & Scharnberg, 2000). It recognizes that the removal of Indigenous children from their families is devastating not

only for those families, but for Indigenous communities as a whole. Maintaining Indigenous children in Indigenous homes or foster homes ensures continuation of Indigenous communities for future generations.

In summary, ICWA places exclusive jurisdiction of child welfare laws and regulations on tribal lands with tribes. Off-reservation, ICWA requires tribal notification by county or state child protection agencies of child maltreatment allegations and child custody proceedings involving Indigenous children eligible for tribal enrollment. The law requires “active efforts” before placing children in foster care, which is a higher standard than “reasonable efforts” used before removing non-Indigenous children from their families. To remove Indigenous children from their families, the law requires testimony by a qualified expert witness familiar with the child's culture. If out-of-home care is necessary, the law also specifies preferences for placements first with relatives, then members of the child's tribe and, lastly, another Indigenous family. Only after these placements have been considered can a child be placed with a non-Indigenous family.

Despite the centrality of ICWA to the well-being of Indigenous families and communities, the absence of a federal agency overseeing state compliance with ICWA has resulted in many instances of inadequate training and poor compliance. In view of the continued high rate of disparities in the removal of Indigenous children, the Bureau of Indian Affairs has made major changes in its rules to strengthen

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¹ For consistency, we will refer to Indigenous communities and peoples of North America (Canada and the U.S.) as “Indigenous,” unless their specific tribal, Indigenous, First Nation or Aboriginal names are specified in the research or when referring to a specific law (e.g. Indian Child Welfare Act).

compliance with ICWA and enhance the preservation of tribal communities by maintaining families and safeguarding children's connection to their communities (Federal Register, 2016; U. S. Department of the Interior, 2018).

Unlike Indigenous child welfare in the U.S., Canadian child welfare has several systems (Sinha & Kozlowski, 2013). Child welfare mandates differ across the 13 provincial/territorial areas. Each provincial system is shaped by federal, provincial, and First Nations legislation. There is no universal definition of child maltreatment across the Provinces. There is, however, a shared goal of protecting children from abuse, and basic understandings of sexual abuse, physical abuse, neglect and emotional maltreatment, and exposure to interpersonal violence or substance abuse (Sinha et al., 2011).

1.1. Indigenous child welfare in historical context: the long emergency

The history of North America did not begin with the Colonial era. It began thousands of years prior when Indigenous people lived and thrived on “Turtle Island.” The history of Indigenous genocide and historical trauma in North America is manifested today in many forms of oppression, violence, and structural racism including within child welfare systems (Brave Heart, Chase, Elkins, & Altschul, 2011). To heal from the destruction of colonization and genocide, and to ensure the survival and reclamation of their ways of life, many contemporary Indigenous nations embrace the Seven Generations Philosophy. This philosophy considers how each decision made today will affect the next seven generations and beyond (Lyons, 2018).

Consistent with the Seven Generations Philosophy, the high rates of Indigenous families involved in child welfare may be viewed as a “long emergency.” Climate change scientists concerned with the effects of global warming use the concept of the long emergency to refer to sustained stress to social and ecological systems caused by multiple disasters affecting generations (see Orr, 2016). For example, the aftermath of Hurricane Maria in Puerto Rico occurring in the midst of a long term, financial crisis resulted in unmet needs in the face of depleted resources. Indigenous people in the United States and Canada also have endured a long emergency from systemic actions to destroy their families, cultures, lands, and spiritual belief systems beginning > 500 years ago with the colonization of North America by Europeans.

Beginning in the early 1800s and continuing well into the 20th century, Indigenous families and children were victims of U.S. and Canadian governments' efforts to forcefully and brutally assimilate Indigenous people. Implementation of official policies severed children from their culture and kinship networks through forced removal from their families, displacement from tribal homelands, and mandatory boarding school attendance (see Adams, 1995; Bussey & Lucero, 2013).

During the U.S. boarding school era of the late 19th through the mid-20th centuries, the U.S. government established Indian boarding schools to force Indigenous children and youth to assimilate into European American culture. The goal was to sever Indigenous children from their families and communities via off-reservation boarding schools so that they could more easily coerce them to adopt the ways of European American culture (Adams, 1995). During this time, children were not only deprived of the care, nurturance and protection of traditional tribal child rearing practices, many experienced abduction and then emotional, physical, and sexual abuse in militaristic schools. While some children survived this treacherous process, many died from disease, malnutrition, and harsh conditions (Adams, 1995; Child, 1998; Lomawaima, 1994; Smith, 2004). The forced separation of children from their families and communities during the U.S. boarding school era continues to affect Indigenous families and communities today.

Indigenous children in Canada also were forcibly taken from their families. In 1920, the Canadian government mandated that all Indigenous children of school age attend a residential school. During the height of the Residential School System Era in the 1930s and 1940s, between 90,000 and 100,000 children were institutionalized. Although

most of these schools closed in the 1950s and 1960s, the forcible separation of Indigenous children from their families and communities continued during the “Sixties Scoop.” Through the late 1950s and into the 1980s, thousands of Indigenous children were “scooped” (forcibly removed) by the Canadian government from their families and communities and adopted into predominantly white, middle class families in Canada and the U.S. Many adoptees lost a sense of cultural identity. Their forced removal from their birth families and communities continues to undermine adult adoptees and Indigenous communities today (see Blackstock, 2011; Johnston, 1983; Milloy, 1999).

The history of government oppression and genocide has undermined Indigenous cultures and created risks for child maltreatment. Historical trauma, that is, the intergenerational trauma from unresolved grief and disruptions to normative, Indigenous child socialization processes, continues to resonate in many communities (Brave Heart et al., 2011). Inadequate exposure to Indigenous parenting role models, personal trauma histories, poverty and racism has weakened generations of Indigenous families (see Bussey & Lucero, 2013). This history also has seriously damaged both the capacity of many Indigenous parents to trust potentially helpful services from child welfare agencies and staff members (e.g., Horejsi, Craig, & Pablo, 1992), and the capacity of non-Indigenous child welfare agencies and staff to understand, evaluate and engage in effective services with them.

Bussey and Lucero (2013) summarized three challenges Indigenous families involved with child welfare face: a fear of losing their children as have others before them, the caseworker's lack of cultural knowledge, and being judged as an inadequate parent based on non-Indigenous cultural values. Furthermore, they point out that European American-based approaches to child welfare stress individualism, independence, confidentiality, and authority through formal education. These values not only conflict with traditional Indigenous values, they are quite similar to those that provided the foundation and justification for assimilative U.S. Indian policy in the late 19th century, including Indian boarding schools and the Dawes Allotment Act of 1887 that devastated Indigenous communities (Adams, 1995). From an Indigenous perspective, families are strengthened through kinship bonds; community and tribal connections; values and traditions; language; spirituality, and cultural practices (see Red Horse et al., 2000).

1.2. Conceptual framework

We approach this scoping study sensitized by multiple conversations with Indigenous elders from the Ojibwe (including Priscilla Day, personal communication, November 21, 2017) and Fond du lac (including Julia Jaakola, personal communication, March 19, 2018) tribes, as well as their writings (e.g., see Red Horse et al., 2000). For decades, Indigenous elders and scholars, who have personally experienced the impact of colonialization and historical trauma in their own families and communities, have been practicing, explicating, and advocating for culturally-based child welfare practices to improve services to struggling Indigenous families (e.g., see Red Horse et al., 2000).

We also approach this scoping study sensitized by concepts from developmental cultural psychology (Gaskins, Miller, & Corsaro, 1992; Miller, Hengst, & Wang, 2003), specifically, “universalism without uniformity” (Shweder & Sullivan, 1993). Certain human challenges, such as caring for the young and elderly, family conflict and child maltreatment, are common across cultural groups worldwide (“universalism”). The historical and cultural contexts of these common challenges, however, vary widely (e.g., the historical trauma experienced by Indigenous peoples, discussed, above). Thus, how they are understood and approached is culturally nuanced (“without uniformity”). Understanding such cultural nuance is necessary to avoid homogenizing families from diverse cultural communities including diverse Indigenous cultures. It also is critical to providing social services that make sense and are sustainable within diverse Indigenous cultural communities. An understanding of “universalism without uniformity” is

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