Marginalized Children and Discrimination: A Focus on Child Welfare, Race, and Culture

The goal in what follows is to convey how discrimination acts through institutions (collective bodies), and my focus in this regard is discrimination acting through the child welfare system. Of concern is the welfare and rights of marginalized children, with special attention paid to the effects of race and culture (following the main themes identified in the Reports from across the country). Indigenous children are particularly vulnerable in relation to the child welfare system. As Landon Pearson notes in the Introduction to the Toronto (2019) and Ottawa (2018) Reports: “In Canada, Indigenous children continue to be discriminated against and so are racialized children.”

Child Welfare, Discrimination, Race, and Culture

Children requiring the support and services of the child welfare system are amongst the most marginalized children in the country. Canada’s history is rife with examples of the child welfare system contributing to discrimination against these children. In terms of the status of these children, this is lived and experienced as ‘lesser-than’ the general population, and certain disadvantaged groups have been particularly vulnerable – notably Indigenous children and youth. Unfortunately, child welfare provides a prime example of discrimination acting through institutions and thus contributing to marginalization.

Sometimes the general discrimination emanating from this system affects all children in or requiring care. As an example, for the most part, the field continues to employ inappropriate language that objectifies children, and solidifies stigma. As I’ve noted in the past, children in care are referred to as ‘clients’, ‘cases’, ‘placements’, and ‘runaways’. Terms and phrases like ‘apprehension’, ‘custody’, ‘ward of the state’, ‘intake’, ‘visits’, and ‘records’ – associated with institutional settings like prisons – are employed (Waldock, 2007). And this despite the fact that youth in care have identified stigmatization as a central concern; for example, they single out a portrayal in case files or ‘records’ that “read like rap sheets with full documentation of negative behaviours and attitudes” (National Youth in Care Network, 2005). In this regard, such terminology is objectifying and dehumanizing (Wharf, 2000), and while it may suit bureaucratic processes like classification and categorization, it is not child-centred, nor does it accord with empowerment or the full citizenship status of the UNCRC.

The good news is that some progress on this front has been made. For example, terminology is addressed to some degree in Ontario’s new Child, Youth, and Family Services Act (in force on April 30, 2018) (Government of Ontario, n.d.). For example, the term ‘ward’ is no longer employed; and the new Act does not refer to children being ‘abandoned’ or to ‘runaways’. Even if there remains a long way to go in terms of improving child welfare discourse, the recent changes are more in line with Article 2 (discrimination) of the UNCRC.
Discrimination and Child Welfare: A Focus on Indigenous Children

Intersections of age and class-based discrimination emanate from the child welfare system, but one also can single out the effects of racial discrimination. Race has played a central role in relation to government intervention in the lives of children and families, and in this regard, child welfare has been the state’s ‘instrument’ of intervention, exercising its legislative power to intervene in the lives of families and communities. Unfortunately, these chapters of Canadian history have not been ‘relegated to the past’ in two respects. First, the effects of such policies and practices continue to be felt in the present. In particular, Indigenous children and families continue to be affected by the legacy of residential schools (19th – late 20th century). But secondly, the policies and practices themselves continue, – albeit at times in different forms – to the present day. While child welfare’s Sixties Scoop (between the 1950s and 1980’s) saw thousands of Indigenous children removed from their families and placed primarily in white foster families, the vast overrepresentation of Indigenous children in care continues unabated.

Moreover, in this regard concerns about racial discrimination continue to be as prevalent today as in the past. While one would think that progress would be evident given the ‘wrongs’ of the past, this is not the case. Perhaps levels of awareness have increased, – and some might even debate this – but if they have, this has not lead to progress in reality. There are more Indigenous children in care now than at the height of residential schools (Blackstock, 2003, p. 331). The over-representation of Indigenous children in care exists across the country, and at varying levels in virtually every provincial jurisdiction. In terms of the country as a whole, Indigenous children represent over 50% of all children in care, while making up only 7.7% of the overall child population. In Ontario, Indigenous children represent roughly 30% of the children in care despite being only 4.1% of the population (OHRC, 2018). In British Columbia, Indigenous children represent over 60% of children in care, but less than 10% of all children (B.C. Representative for Children and Youth, 2017). In Manitoba, roughly 90% of children in care are Indigenous, despite being less than 30% of all children in the province (Sinha et al., 2011). In short, the disproportionate number of Indigenous children in care continues, and there is no sense in which this crisis can be relegated to the past. Commentators now refer to the ‘Millennium Scoop’ in order to reflect the persistent nature of child welfare intervention in the lives of Indigenous children and families.

While governments at all levels need to make serious efforts to address poverty and intergenerational trauma, – these certainly are factors in the overrepresentation of Indigenous children in care – racial discrimination also needs to be confronted because it continues to play a role in the child welfare sector. Concerns continue to be raised with regard to policies, practices, and organizational culture (OHRC, 2018). For example, even after controlling for variables such as case characteristics and risk factors, a child’s Indigenous identity or background may affect child welfare decision-making, resulting in the greater likelihood of Indigenous children being placed in care (Fallon et al., 2013). In short, racial bias continues to play a role in child welfare decision-making.

This simply compounds other longstanding issues related to the overrepresentation of Indigenous children in care, not the least of which is the reality that ‘neglect’ cases – which at times can be related to poverty and living conditions – largely underlie child welfare interventions in Indigenous families (Sinha et al., 2011, p. 319). Of course, all of these issues and realities need to be put into the context of Canada’s colonial legacy. That is to say, the overrepresentation of
Indigenous children in care needs to be put into the context of our collective responsibility for the disruption of Indigenous communities. To make matters worse and to add insult to injury, the dominant child welfare paradigm doesn’t emphasize supportive services for families. And moreover, the underfunding of Indigenous children on reserves continues to be a reality. The historic 2016 Canadian Human Rights Commission (CHRC) decision – after nearly a decade-long process (thanks to the government’s combative approach) – confirmed that this underfunding constituted discrimination against Indigenous children (CHRT, 2016). On reserve funding is up to 38% lower than funding elsewhere, where services are provided by provincial and territorial governments. Importantly, this underfunding in turn affects the ability to provide preventive services.

The field of child welfare provides ample evidence of how ‘discrimination acts through institutions (collective bodies)’. It also highlights how race and culture can underlie interventions into the lives of Indigenous children and families. Perhaps the project of reconciliation now underway will contribute to a more positive future where discrimination against Indigenous children and families can finally be relegated to the past. Nowhere would the benefits of this transition be more apparent than in the field of child welfare.

References


