

CHAPTER 4 The Champagne/Aishihik Family & Children's Services: A Unique Community Based Approach To Service Delivery

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In April, 1989, the signing of the *Family and Children's Services Agreement* between the Champagne/Aishihik Social Services Society and the Government of the Yukon signalled the successful completion of a three year pilot project delegating child welfare services delivery to an Indian band. The new agreement confirmed the continuance of the project as a social services program receiving core funding from the Department of Health and Human Resources. For the Government, the pilot project proved that Section 109 of the *Children's Act* providing for delegation of statutory child protection authority could be implemented successfully. And for the Band, the pilot project allowed them to develop and demonstrate achievement in using "the Indian way" of child welfare practice.

From its inception to the present day, the child welfare and now, family and children's services project, has weathered many storms and misunderstandings as well as accomplishments. This article will describe some of those accomplishments as well as the administrative and practice features of this unique effort in community-based, community controlled delivery of family and children's services.

Background

The Chief and Council of the Champagne/Aishihik Band have been working toward a well articulated vision of a self-sufficient, healthy community for a number of years. The Band continues to be involved in a variety of economic development activities ranging from construction to tour companies to high-tech mapping firms. Band members are encouraged to participate through employment and investing in these activities. The vision of economic independence relies on a stable and healthy workforce comprised of Band members. Like many Native leaders, Champagne/Aishihik Band leaders believe they cannot have successful economic development without successful social development.

Consistent with their vision of self-determination and self-reliance, in 1983 the Band made a proposal to contract with the Yukon Government for delivery of social programs along the north highway. For a number of reasons this proposal was turned down. However, in 1984 the Government did agree to work toward delegation of child welfare service.

In March of 1985, the Champagne/Aishihik Child Welfare Pilot Project was initiated and after 14 months of community consultation and negotiations with the Band's lawyer, the Yukon Territorial Government signed a 3-year pilot project agreement with the Champagne/Aishihik Band. The agreement included an Order-in-Council implementing section 109 of the *Children's Act*, delegating responsibilities of the Director of Family and Children's Services to a society created for that purpose by the Band. The Chief and Councillors became the President and Board of Directors for the Champagne/Aishihik Social Services Society which employed its own social service worker. Although the right to legal custody and guardianship for children in care remained with the Director, supervision and care and custody services were delegated, e.g. taking children into care, foster home recruitment, placement and supervision.

The addition of the child welfare services broadened the scope of the existing Band Social Services which included social assistance (status members only), adult home care, community health, education liaison, alcohol and drug services, and housing. With the exception of housing, each social service program had its own staff member. A Supervisor of Social Services, and the fact that all social service staff lived and worked in the Haines Junction area, provided the vital links between programs.

Three important committees were required in the pilot project agreement. A *Joint Committee* whose membership included two Government employees and two Band representatives was responsible for carrying out supervision, inspection and evaluation of the project. The *Working Committee* comprised of Band Social Services staff was to meet weekly to oversee the day-to-day operations of the Society. The third committee, the *Child Welfare Committee*, whose membership changed with each case, included the Coordinator of Social Services, the Supervisor of Social Services, extended family members of the child, and a Band Councillor responsible for social programs. It was the responsibility of this last committee to plan for and review each case.

All those eligible as Champagne/Aishihik land claims beneficiaries residing in the Yukon fell within the jurisdiction of the Child Welfare

Agreement. Most of the 500 members residing in the Yukon live in the Haines Junction and Whitehorse areas. Haines Junction is situated 160 kilometres west of Whitehorse on the Alaska Highway. The traditional lands border on what is now Kluane Park and extend east and north to Aishihik and Champagne. It was a territory rich in wildlife, fish and natural beauty. Many Band members participate in subsistence lifestyle activities including hunting, trapping, and fishing to supplement their incomes and more importantly to promote ties with their culture and traditions. Fishing is particularly important, with Band members congregating at traditional fish camps each year to catch and process their winter supply of fish.

It is not surprising then that one of the significant features of the Champagne/Aishihik agreement is their insistence upon delivering child welfare services "differently" than the Department of Health and Human Resources. The Elders and community members wanted services that drew on the experience of traditional child care practices, that supported the authority of the extended family and the community, kept children in their community and returned those who had been removed.

In 1988 a formal evaluation of the project was completed by a team from the University of Victoria (Armitage, A., et al, 1988). Of the 36 recommendations put forward by the evaluators the first two were the most important for the Band and the Government.

1. The assumption of responsibility for child welfare by the Champagne/Aishihik Social Services Society should continue.
2. The approach to practice used by the Society and described in this report should be continued.

The remaining 34 recommendations addressed a variety of issues with the main theme of increasing autonomy, responsibility and accountability for the Band.

In April of 1989 the Government and Band signed another three year agreement which incorporated the majority of the relevant recommendations proposed in the evaluation. Recommendations that addressed negotiations with other bands, required legislative changes or were the sole responsibility of the Band were not addressed in the new agreement.

There are several administrative and practice features of the Champagne/Aishihik project that distinguish it from Indian child welfare projects across Canada and contribute to the vision of integrated, community controlled services.

Distinguishing Administrative Features

Both the initial three year pilot project agreement and the present agreement between the Champagne/Aishihik Band and the Yukon Government are among a few bi-lateral arrangements in Canada. The Department of Indian and Northern Affairs is not party to the agreements, has not participated in any negotiations, and does not pay any of the direct costs.

There are some generally accepted benefits to this bi-lateral approach. The first is the speed with which the agreement was negotiated and signed: 14 months from approval of terms of reference to signing of agreement. Second, and more important, is the mandate provided to the Band to deliver services to all beneficiaries in the Yukon. Services are not restricted to "reserve" lands and they are available to status and non-status Band members. Third, with the signing of the 1989 agreement the Joint Committee was disbanded and there is now no direct supervision of the program by the Department of Health and Human Resources. Accountability to the Department is through annual reports and annual audits.

It is difficult to imagine these administrative features occurring in larger jurisdictions. Certainly all the features owe, in some way, their existence to the easily accessed political process in the Yukon, but the most dramatic impact of this accessibility was the speed with which the pilot project agreement was reached. At the time of signing the agreement, the Minister of Health and Human Resources was a Native woman with close ties to the Champagne/Aishihik Band. Her interest in and understanding of the needs of Indian children and her commitment to improving Indian participation and control of decisions affecting First Nation people created a rather immediate impetus and accountability for Departmental officials to "produce". As well, the Minister and the Department were working within a larger Government vision of citizen participation and consultation in Government decision-making.

A cost of this speed was the absence of a start-up phase when the pilot project began. With the signing of the pilot project in 1986 the Band automatically assumed responsibility for all their children. They had no staff, no policy and procedures manual and no child-care homes. While this situation created some practical and legal difficulties, they were short-lived as the Band moved to take control of the program.

In larger jurisdictions, because of the emphasis on the responsibility of the Federal Government for status Indians, provincial

governments are less able or willing to enter into bi-lateral agreements with bands. Related to this, the small size and population of the Yukon facilitate the delivery of service by the Band to members throughout the Territory rather than restricting service to status members on "reserve" or lands set aside. The moccasin telegraph is very efficient. The layers and numbers of social services people are small with most people knowing one another, at least by name. The small network and community scrutiny of anything new contributed to the reduced need for administrative control and supervision. Important information has a way of surfacing and coming to the attention of those who need to know.

The agreement between the Government and the Champagne/Aishihik Band leaves a significant amount of control in the hands of the Band with regard to programming. The Band is able to design their own program according to identified needs and to allocate funds from block funding. They have control over the training of their staff and the qualifications in hiring of Band social work staff are left up to the Band. The amount of control assumed by the Band has proven to be crucial in developing the style of practice of child welfare within the project. Key to their child welfare practices are the Indian sense of family and their sense of community. The principles of the child welfare project agreement and in the second agreement signed in 1989 state

"the family is the first resource for the nurture and protection of children, but some families need support for their parenting roles and children for a variety of reasons may need substitute care."

The agreement goes on further to say that

"any delegation of the powers of the Director should serve to:

1. Strengthen and unify the community through the provision of supportive services to families and children in need of protection;
2. Encourage and assist the Society in the planning, designing and controlling of its own child and family support program requirements appropriate to the traditional customs, culture and way of life;
3. Create an environment which will eliminate those circumstances requiring removal of Band children from their homes."

These principles which identify a family-centred, community-based approach are made operational in a number of ways. Through the child care committees, extended-family members are expected to participate in the planning and reviewing of cases involving children

of their families. The extended families are encouraged and supported in the process of coping with problems involving their children through parenting programs, and through frequent visits from the social worker. Families have access to other social programs within the Band. The intent is to develop an holistic approach to families and their problems rather than isolate "child welfare" problems. The family's financial situation, their health, their educational needs, issues related to alcohol and drug abuse, and employment are dealt with.

The Elders are encouraged to be involved. There is a requirement in the agreement that the Directors and social service staff consult with Elders as appropriate, regarding families and children's needs. In particular, in this matrilineal society, it is important that the maternal grandmother be involved in any consultations about family and children's issues.

The sense that the native community has a right and a responsibility to care for its children has manifested itself in a number of ways with the Champagne/Aishihik project. The five children in care of the Yukon Government when the pilot project agreement was signed in 1986 were living in Whitehorse foster care or group homes. Since 1986, all of these children have returned to the Haines Junction area to the care of family or Band members. As well, the Band has responded to two cases from British Columbia to repatriate Champagne/Aishihik children to their extended family and community.

For the Champagne/Aishihik Band, Community means membership, regardless of where the members live. The Band continues to develop improved access to its services. In the winter of 1988, the Band hired a resident Native social services worker to deliver family and children's services in Whitehorse. Recently the Band leadership has begun to consider ways to deliver federally funded social services such as N.N.A.D.A.P. and social assistance to members living in the Whitehorse area. This initiative, if successful, will be the first in the Yukon.

Integration of the social programs and staff, an holistic approach to families, the development of two locations for delivering services and greater flexibility in resource allocation through recently signed block funding agreements are leading the Band toward a generalist model of service delivery. The social services staff have begun to implement the evaluation report recommendations to develop a social services team with two levels of responsibility: for community development and for direct services. Work has begun to integrate the

policies and procedures manual for all social service programs and to reflect the "Indian Way" of practice. All these initiatives support the vision and practice of family-centred, or community-based programs where workers and family members have extensive and sometimes intimate knowledge of the full range of issues facing those in need. In addition to providing more coordinated and effective services for clients the generalist team concept provides much needed support and training for the staff.

Distinctive Practice Features

When the pilot project began, the Band hired a staff member who was untrained in child welfare and child protection matters. She was a Native Yukoner and long-time resident of Haines Junction who brought with her an extensive knowledge of the Band, its members, their extended family members, their histories and their ways of life. As the Evaluation report identified, her approach to work was largely intuitive and informal. One of the great benefits of the evaluation report is that it describes her practice approach and connects it with current theories of child protection, child welfare and family services. It describes her style in the following way:

1. she works by establishing trust with the parents and the child;
2. identifying the needs and strengths of the family;
3. indicating acceptance of parents, but insisting that they own the problem;
4. together with the parents, and extended family if necessary, developing a plan of action; and
5. identifying resources in the community, connecting family to those resources, and providing supportive counselling.

(Armitage, A. et al, 1988)

While there has been considerable criticism of hiring an untrained worker it very quickly became evident that the approach taken by the Band was effective. At the time the pilot project was being negotiated, and previous to that, very few Champagne/Aishihik children in the Haines Junction area came to the attention of the Department. Within one year of the signing of the agreement, 13 children were in the care of the Band (including the children in care when the Band took responsibility for them). This sharp increase in children coming into care has been attributed to the knowledge Band staff had of the membership and their needs, knowledge not available to government

social work staff. Also, implicit community support to assist the children and families in need of protection services was granted to the Band staff once the Band was delivering the service. This is not to say that the Band social worker was welcomed in homes with protection concerns. She tells of the fear and anger she encountered during the first years of the pilot project. However, as the program, its services and its practices became known within the Band the mistrust and anger subsided. Band members began to ask for assistance and point out families and children in need as they recognized that children would remain in their community and that they would be returned to their parents as soon as possible.

In 1987/88 the average number of days in care per month were 224. In 1988/89 average days in care dropped to 86 days per month. As of May, 1989, 18 children had been taken into care by the project. 17 of these children were placed with extended family members and 15 have been returned to their parents. Since September 1989, the number of children in care has been increasing. The Band social service staff view the increase as a cresting wave which will diminish over time. They attribute the increase to acceptance of the program and the willingness of the community and families to seek help. The staff's knowledge of the community, of the families and the social and economic circumstances provide them with the ability to see the big picture and to know that increasing numbers of children in care is not a crisis, particularly since the care takes place in the community and for short periods of time.

The reliance on extended family for support, guidance and placements has proved to be successful yet there are lingering concerns from Government staff about this approach. The concern is twofold:

1. there may be circumstances where the available extended family members are too dysfunctional to be of assistance; and
2. children may be at risk in extended family placements given that the majority of the child abuse and neglect is perpetrated by family members and multigenerational transmission of abuse.

Increasingly, Band officials are aware of these issues. If numbers of children in care increase or sexual abuse emerges as a major issue the Band may have difficulty in obtaining resources within their relatively small population.

In addition to the concern of Government social workers with regard to the protection of children, permanency planning has been a very significant issue for the Band and for the Government social workers. The evaluation report identified the style of care as an

“intermittent flowing care pattern” in which children can move from parents to relatives to foster home and back again (Armitage, A. et al, 1988). This kind of pattern of care is not possible without the Indian sense of children belonging to the community, without the sense that families do not necessarily have to be primary caregivers for children. Identifying the support in child welfare literature for this kind of practice has done much to improve the Band’s sense of confidence and to provide information to assist in articulating their practice.

For the Indian community, the ability to keep children in the community, to know where they are, and to know what they are doing, has been tremendously helpful to their sense of their own community healing. Some statistics have been presented indicating success of the child welfare program. In a broader context the Champagne/Aishihik Band has very few people on social assistance; they also report a significant decrease in the amount of public drinking and drunkenness. While this is not necessarily attributed to the pilot project, the Band and community see these differences in the behaviour of their members. They know they have the wherewithal within the Band to provide more improvements, to provide more support and more help to their Band members.

Conclusion

As the Family and Children’s Services Project moves into its fifth year of operation, the Champagne/Aishihik will also be entering in the final round of land claims negotiations which will determine the self-government powers of their Band. Their experience with establishing their own style of practice, with moving towards integrated and generalist practices and with the positive result achieved to date will no doubt shape the final content of their self-government powers.

While this article has focused on the strength, unique features, and achievements of the Champagne/Aishihik projects there are hurdles for both the Government and the Band to overcome. There is a need for a cooperative approach to provision of specialized services to deal with a few very disturbed children and families. On-going evaluation is now the responsibility of the Band. Evaluation techniques are a new endeavour for the Band and will require education not only for the staff, but also for the Chief and Council members. Open communication within the community and between the Band Social Service staff and other resource people such as police and teachers requires a level of trust that is greatly improved yet not complete. Time, tolerance and collaborative training initiatives will

help, as well as an acceptance by both the Band and Government staff and officials that there are some situations which none of us can "fix." Overlapping roles and relationships in a small population can present difficulties when those in authority must deal with immediate and extended family members. Again, training, developing strong generalist skills and consensus decision-making can provide a structure to deal with these circumstances. Lingering concerns about "quality of care" and debates about permanency planning vs "flowing pattern of care" will continue. Evaluation reports from the Band and agreement of the Band and Government as to a set of measurable standards could address these concerns.

Despite these hurdles there is no question of the benefits of the project. It has provided invaluable experience for the Government and Yukon First Nations as final land claims negotiations begin, by demonstrating some of the jurisdictional, policy and membership issues. It has led to more comprehensive and integrated social services at the community level. It has granted the Band sufficient authority to determine their own direction and to permit "learning by mistakes". It has fostered a new relationship of growing trust and understanding between the Band and the Government "welfare" officials. And it has allowed the Champagne/Aishihik Band to express its commitment to its children, its families and its future.

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Commentary on CHAPTER 4

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The assumption of responsibility by First Nations peoples for their family and children's services from provincial governments is one of the recent success stories of Canadian social policy development. This follows on a history of intercultural relationships that was damaged by both the effects of the residential schools and then by the history of provincial responsibility for child welfare. By the mid-1970s, the proportion of First Nation children-in-care was 6.5/100.¹ By 1987, approximately one-third of Indian bands had entered agreements² accepting responsibility to some extent and the proportion of children in care had declined to 4.0/100. The Champagne/Aishihik experience with one of these agreements shows what is happening in a small community that is operating a child welfare program under agreement with the government of the Yukon.

The objectives of First Nations peoples in assuming responsibility for child welfare have important common features. (1) A major objective has been to take control of provincial practices which had disrupted many communities and families through the apprehension and removal of children. Many of the children had returned very confused as to their heritage and identity, and some did not return at all.³

(2) A second objective has been to ensure that Native children are raised in their own cultural tradition in accord with the advice and direction of elders. (3) A third objective has been to support community integrity and roles.

First Nations have, at times, expressed concern about assuming child welfare responsibility as many have never accepted the legitimacy of the exercise of provincial jurisdiction. Entering agreements with the provinces or territories can appear to validate provincial

¹ Indian and Northern Affairs Canada, *Basic Departmental Data, 1989*. Ministry of Supply and Services, Ottawa, 1989.

² Indian Affairs and Northern Development Canada, *Indian Child and Family Services in Canada*. Ottawa, 1987. This report provides a complete reference source to all agreements and a review of their common features and context.

³ For a full discussion see Brian Wharf, *op. cit.*, p.40-41.

authority. A second cause of concern with the transfer of responsibility has been concern that adequate resources to perform responsibilities may not be provided.

Each agreement is a unique document addressing these concerns through a variety of provisions and providing recognition of the unique characteristics of the First Nation community entering the agreement. Some unique features of the Champagne/Aishihik agreement include the wide jurisdiction of the agreement, extending to all Band members wherever they are in Yukon; the small size of the Champagne/Aishihik Band (app. 500 members and 150 children); and the high public profile that has accompanied all stages of the agreement and implementation process. Resources for the Champagne/Aishihik agreement come directly from the Yukon government, rather than through a bilateral or tri-partite agreement involving Indian and Northern Affairs Canada.

The Champagne/Aishihik agreement and evaluation also confirm the importance to First Nations peoples of a holistic approach to community and family that has not been characteristic of provincial child welfare. Provincial child welfare has been dominated by concepts like "neglect" and "abuse" that are perpetrated on children by parents. Children are saved from these practices by the actions of social workers and the decisions of the courts. This model neglects the importance of the extended family and community as supportive systems that can obtain the objective of appropriate child care practices without separating the child from all whom he or she knows. Although, at one level, social workers are aware of the importance of the extended family and the community they are often not in a position to turn concept into practice. Factors preventing them include a lack of knowledge of the strength and social obligations of particular community members, and provincial policies that emphasize a primary duty to ensure the child's safety once neglect or abuse is identified.

The First Nation community that administers its own child welfare is able to overcome these obstacles through depth of knowledge of family and cultural ties. This, in turn, creates increased confidence in the child welfare system so that situations in which children are at risk are identified. The result, as with the Champagne/Aishihik, is that child welfare caseloads may increase, albeit accompanied by marked reduction of, or complete elimination of, the courts. Children are separated from their parents, when the parents can not care for them, with the support of the extended family and community, aided by the band social worker. The removal is undertaken on a temporary basis through agreement and with consent. These are signals that

what has been called the “environmental modification” of the community is occurring.⁴

Sharon Hume raises two “lingering concerns” with these changes in child welfare practice:

- (1) There may be circumstances where the available extended family are too dysfunctional to be of assistance; and (2) children may be at risk in extended family placements.

There are several responses to these concerns. One response is based on the knowledge that child welfare practice in any jurisdiction is far from perfect. Children in care are not completely safe from further abuse. Social workers and courts are not perfect judges of the child’s best interest; and time, and a maturing and healing process involving community, parents and children may be a better long term solution than family and community disruption, even in cases of established abuse and neglect.

A second response is to look to the resource network which supports the community which assumes child welfare responsibility. A community of 500 people may never have the resources to work with severely disturbed children, and there may be occasions in which all parties, child, family and community agree that some time out of the local community is needed. Resources for consultation are also needed for the community which is caring for very difficult children. In addition the small community is vulnerable to problems of local inequalities, conflicts of interest, and personal stress.⁵ Band social workers may themselves need respite time, and, on occasion, may need to be relieved of their responsibility without disrupting the ability of the community to provide care. Some of these considerations may have contributed to the recent Department of Indian Affairs proposal to limit support to child welfare agreements to agreements that cover more than 1000 children.

It is important that small communities are able to assume the child welfare responsibility as they represent the culture and traditions of the people. As a consequence the resource network which supports the community is an essential part of any agreement. Where there are several small communities who individually assume responsibility it

⁴ For a full discussion see Brian Wharf, *op. cit.*, p.40-41.

⁵ For a fuller discussion of the problems of “localism” see, Brian Wharf, *Towards first nation control of Child Welfare*, University of Victoria, February, 1989, p.33; and, John Montgomery, “The Populist Front in Rural development: Or Shall we eliminate the bureaucrats and get on with the job?” *Public Administration Review*, Jan/Feb 1979, p.59-60.

may be possible to develop a second "tier" of Indian resource and support service agencies which are the local community's resource for consultation and backup services.

A third approach is to look for a solution along the lines of the New Zealand *Children and Young Persons Act*, 1989. In this new act the authority to remove children from their community and extended family remains vested in the state, but this authority can not be exercised without the court hearing evidence on the capacity of the community and extended family to care for the child. Before a court order is granted, a report must be made to the court on why extended family and community can not make provision for the safety of the child. The effect of this provision is to expand responsibility for child welfare from the nuclear family to the extended family and community, reserving the exercise of the state level jurisdiction until these levels of protection have been fully explored.

Evaluation also remains important. Sharon Hume indicates that "on-going evaluation is now the responsibility of the Band", but beyond the responsibility of monthly monitoring, there is the need to evaluate the effectiveness of agreements over time. The approach here could be more like an accreditation process, combining evaluation with an examination of the community systems which support the effective conduct of the child welfare function. In any such evaluation or accreditation process it is important to recognize the different cultures and belief systems that exist. The issues that this creates are discussed in a recently published article based on the evaluators' experience with the Champagne/Aishihik evaluation.⁶

The Champagne/Aishihik community based approach to family and child service delivery demonstrates what is possible when the community embraces the opportunity to manage its own child welfare. It is a good example of how the problems of size and localism are not insurmountable and sets a precedent which other small communities can follow.

⁶ Frances Ricks, Brian Wharf and Andrew Armitage, "Evaluation of Aboriginal Indian Child Welfare: A Different Reality", *Canadian Review of Social Policy*, No. 25, 1990.