

RESEARCH ARTICLE/ÉTUDE ORIGINALE

Crisis in Care: Structural Poverty, Colonization and Child Apprehensions in Canada

Lorna Stefanick¹  and Myra J. Tait²

¹A settler and professor, Centre for Social Sciences, Athabasca University, Athabasca, AB T9S 3A3, Canada and ²A member of Berens River First Nation, Myra J Tait is Anishinaabe and holds a JD and LL.M. She identifies as an independent scholar since being put on unpaid leave by Athabasca University in 2023.

Corresponding author: Lorna Stefanick; Email: lornas@athabascau.ca

Abstract

The Canadian child welfare system has been characterized as being in crisis for over a decade; the number of children in care (and dying in care) has increased dramatically, straining an overburdened system. Physical or sexual abuse is not the reason most children are removed from their homes; rather, the state deems them lacking the necessities of life, usually because their family is impoverished. Because the majority of children in care are Indigenous, the child welfare system is described as the new version of residential schools. Using the lens of historical institutionalism, this study argues that the current child welfare system reflects colonial and neoliberal assumptions that some parents are incapable of sound decision making by virtue of their race or socio-economic situation. Canada's child welfare system is both a product and contributor to the institutions and policies that reinforce inter-generational poverty, a key determinant of removing children from their families.

Résumé

Le système canadien de protection de l'enfance a été caractérisé comme étant en crise depuis plus d'une décennie. Le nombre d'enfants pris (et morts) en charge a augmenté de façon spectaculaire, mettant à rude épreuve un système surchargé. La raison principale pour laquelle la majorité des enfants sont retirés de leur foyer est la pauvreté de la famille. La majorité des enfants pris en charge sont autochtones. En tant que tel, le système est décrit comme la nouvelle version des pensionnats indiens. En utilisant le prisme de l'institutionnalisme historique, cette étude soutient que la situation actuelle reflète les hypothèses coloniale et néolibérale selon lesquelles certains parents sont incapables de prendre des décisions judicieuses en vertu de leur race ou leur situation socio-économique. Le système canadien de protection de l'enfant est à la fois un produit des, et contribue aux, institutions et politiques qui augmentent la pauvreté intergénérationnelle, un facteur déterminant du retrait des enfants de leur famille.

Keywords: settler-colonialism; structural poverty; Indigenous child welfare policy; Indian residential school; historical institutionalism

Mots-clés: colonialisme de sentaient; la pauvreté structurelle; politique de bien-être des autochtones; pensionnats indiens; institutionnalisme historique

© The Author(s), 2024. Published by Cambridge University Press on behalf of the Canadian Political Science Association (l'Association canadienne de science politique) and/et la Société québécoise de science politique

In 2012, a major news outlet ran an article with the headline “Canadian Foster Care in Crisis, Experts say.” It reported that children removed from their families were being placed in hotels, overcrowded foster homes, or inadequately screened homes (CBC News, 2012). Experts identified the increasing reluctance of foster parents to care for children as the problem, with no mention of the increasing number of children removed from their families, and in particular, Indigenous children. Census data from 2021 show that Indigenous children comprised almost 54 per cent of all children in state care, despite being less than seven per cent of Canada’s population (Canada, Indigenous Services 2023). The prognosis for these children is bleak; compared to children not in state care, they experience poorer health (McGuinness and Schneider, 2007: 296), lower rates of high school completion and higher rates of homelessness and incarceration (Evenson and Barr, 2009: 12 and 20).

We argue that Canada’s foster care crisis is the natural outcome of neoliberal child protection policies that have grafted neatly onto Canada’s colonial nation-building project or “Project Canada.”¹ Historical institutionalism provides a useful framework for understanding the evolution of law and policy to deal with what state officials described as the “Indian problem,” as well as the development of the state’s social welfare policies, and specifically, child welfare. When examining critical junctures in Project Canada, an identifiable pattern of domination emerges, granting entitlement of the few to the detriment of many. The subordination of Indigenous interests to Project Canada was operationalized through state control over all aspects of First Nations life by way of the *Indian Act* (in direct contradiction to nation-to-nation relationships established by the Numbered Treaties), residential schools, the shift from federal to provincial control over on-reserve child welfare, the expansion of neoliberal orientations within the social work profession and welfare policies of surveillance and control. Canadian institutions reflect a nation-building agenda with a particular vision for the utility of Indigenous people and others who were (and are) vulnerable to exploitation. The harms revealed in this analysis demonstrate how the Canadian state embedded inequality into institutional structures, capitalizing on racism and sexism, to advance its nation-building project. Neoliberalism is amplifying, reproducing, and broadening the scope of inequalities, resulting in increasing numbers of Indigenous and non-Indigenous families struggling financially and socially.

Despite institutional and policy changes intended to address constitutionally entrenched inequality predating Confederation, the ideational foundation of the child welfare system has remained remarkably consistent; poor people are deemed inherently unfit parents, whose children must be removed from their care. Dominic O’Sullivan’s analysis of the legacy of colonial policies in Australia and New Zealand concludes that when described as a crisis, the growing numbers of Indigenous children in care appear to disrupt a normative political order. Canada’s current child welfare system, however, represents “the moral crisis of an enduring idea,” as opposed to “the crisis of sporadic and unconnected instances of policy failure” (2022: 1). The layering of policy that historical institutionalists suggest might produce a system shift has instead entrenched and broadened the existing institutional order because of the resilience of the ideational foundation. The result is a rapidly growing population of children and their families being immeasurably harmed by a

child welfare system that is both a product and a contributor to the institutions and policies that reinforce intergenerational poverty and social exclusion.

This qualitative analysis of available census data, legislation, policies and reports pays particular attention to Alberta, given this province's "business government" historical development (Macpherson, 1953), and the studies that support the assertion that neoliberal policy frameworks across a variety of policy areas are most obvious in Alberta (Laxer and Harrison, 1995; Carroll and Little, 2001: 39 and 41; Shrivastava and Stefanick, 2015). Canadian data reveal that physical, sexual or substance abuse are not the reasons most children are apprehended; most are removed from their homes because they have either witnessed intimate partner violence or because of neglect, wherein the state deems that children lack the necessities of life, usually because their family is impoverished (Canada, Public Health Agency of Canada, 2010: 30–31). The child welfare system was and continues to be, based on a Euro-Canadian perspective that believes that certain groups of people are innately inferior. Both colonial and neoliberal governance share the ideational perspective that some citizens need to be controlled and incentivized to conform to the familial and market ideals necessary to advance the liberal nation-building project. These ideas continue to inform child welfare legislation and policy. The article concludes that the fundamental problems of racism, sexism, and the current driver of prejudicial policies, namely neoliberalism, must be addressed in order to break the cycle of poverty and child apprehensions.

The Normative and Institutional Foundation of Child Welfare in Canada

Historical institutionalism is a useful framework for analyzing how the institutions of the Canadian state combine with the nation's normative social order to produce its current child welfare system. While the behaviour of state actors is important to understanding political struggles, it is the institutional setting that mediates these struggles. Canadian institutions were created through colonialism, that is, the unfettered application of power to subjugate and dominate people occupying a territory to secure economic advantage for settlers. Joyce Green observes that:

Canada exists as it does because it was imagined into being in the nineteenth century by corporate and political elites who thought that the autonomous federal state rather than the dependent colonies, and the Westminster structure would best accommodate the significant political and class interests of the day. Initially, citizenship consisted of the limited franchise vested in propertied white men, while others were simply subjects of the Crown (2001: 721).

While the franchise now includes all Canadian citizens, institutional arrangements prioritize neoliberal norms of capitalism and liberalism that, in turn, privilege some people but disadvantage others based on individual ability to compete in a global marketplace. Smith's definition of neoliberalism is helpful, describing it as "... a social, political, and economic ideology according to which markets, not states, should be the fundamental allocators of values in society" (Smith, 2015). As state institutions reduce their influence on the economy through privatization, fiscal austerity and financialization, power shifts from the state to the market and from

elected representatives to corporate shareholders. In practice, the devolution of power is uneven across policy areas. With respect to Indigenous people, however, the impact of neoliberal ideology on Indigenous social policy represents a continuation of colonial practice as opposed to a new policy trajectory.

While federalism provides the basic framework for Canadian governance, Indigenous matters are an uneasy fit. Provinces have responsibility for health, education, and child welfare, with the exception of Indians, over whom the federal government assumed control. This anomaly created a historic practice of the state either providing substandard services (Hawthorne, 1966; Shewell, 2004) or alternatively, considering on-reserve social services a burden to be kicked to provincial governments, with neither taking full responsibility (Canada, Truth and Reconciliation Commission, 2015: 142). Changes to the institutional context produce new opportunities and barriers for various actors in the policy process. With respect to First Nations social policy, the creation of the *Indian Act*, the residential school system, the inclusion of Indian reserves within provincial social welfare systems and the neoliberal social work focus on the rights of the child as opposed to wellbeing of the family are pivotal historic moments in the entrenchment of policy driving the apprehension of Indigenous children.

These developments are not the “big bangs” of transformational change. Nor should they be viewed as incremental change as the result of “silent revolutions” (Hacker, 2002) or the “not-system-shifting-changes” that eventually produce major transformation (Hinrichs and Kangas, 2003). Incremental change as the result of policy layering involves “the grafting of new elements onto an otherwise stable institutional framework,” which “can alter the overall trajectory of an institution’s development” (Thelen, 2004: 35). This study demonstrates, however, that policy layering also can entrench the institutional framework and the trajectory of its policies.

Béland argues that to understand the direction that policy takes “...one must recognize the central role of ideational processes in politics and policy making” (2007: 203). Ideational variables underpin not only formal rules expressed as legislation and policy but also norms and standard practices. As such, they are an important influence on the outcomes of policy (Jacobs, 2015). For settler states like Canada, viewing Indigenous peoples as savages in need of civilizing was the key ideational variable that informed the *Indian Act* (Tobias, 1991). While obviously racist, this perception ultimately “reflected and expressed the imperial materialism and liberal culture that supported racism” (Shewell, 2004: 11). The *Indian Act* was firmly grounded in these Western cultural and economic perspectives; its impact on the trajectory of settler-state Indigenous relations cannot be overstated.

As the primary tool used to dispossess First Nations of their land and isolate them on reserves, the *Indian Act* removed impediments for the Crown to take up land for economic development and settlement, which “ultimately served to exclude and discriminate against Indians and simultaneously protect settlers” (Shewell 2004: 9). This protection minimized conflict and provided moral justification to take land (and the resources on them) that was critical to Project Canada.

Nation building was seen as the embodiment of Western progress and modernism; Indian peoples were retrograde forces if their traditional land tenure impeded the development of the nation. In nineteenth-century bourgeois liberalism, the achievement of statehood was a key indicator of a society's maturity. A liberal state provided the foundation for a market society, that is, a society of choice in which people were free to pursue private self-interest. Such states were emblematic of liberal ideology (2004: 10).

The introduction of the Indian Residential School system is an example of policy layering upon a racist foundation, representing a shift from isolation to assimilation. In 1894, section 137 of the *Indian Act* was amended to enable the Governor in Council to make regulations that empowered police or Indian Agents to force First Nations children, their parents under threat of "fine or imprisonment, or both," to attend industrial or boarding schools (Hinge, 1985: 164). Aimed at "civilizing" children, schools sought to "take the Indian out of the child" and aggressively assimilate First Nations children into Canadian society. Under the portent of Western "education," children, unlike their parents, were seen as malleable to the civilization project. "Assimilation was a substitute for outright extermination. The administration of Indian matters became a silent war against the First Nations: its objective was to pacify, dominate, and repress those nations. Assimilation policy and its euphemistically named successors thus provide the overarching principle for every form of Indian administration to follow, including welfare relief" (Shewell 2004: 9).

The ideational variables that underpin neoliberal approaches to child welfare policy look remarkably similar to the colonial approach for dealing with the "Indian problem" through the *Indian Act*. Colonial ideas informed the development of institutional structures and policies of the nineteenth century and continue to influence current structures and policies that frame the relationship between the welfare state and marginalized people (including Indigenous peoples). The following section provides an overview of the Canadian child welfare system, with a focus on Indigenous children and the concept of "neglect" as a form of maltreatment.

Children in Care: Data Problems and Patterns

Data on children in care are both limited and inconsistent. This is due to the fragmented oversight of the childcare system; however, is also attributable to organizational reluctance to collect or release data that would expose systemic inequities. With over 300 provincial and territorial child welfare agencies (Canada, Statistics Canada 2016a: 6), the greatest barrier to a systematic analysis of Canada's children in care is the lack of data due to jurisdictional differences and administrative secrecy (Strong-Boag, 2011: 174). For Indigenous children, the picture is further muddled by the complications of Indigenous identity, tied to state-determined criteria such as gender. Until 1985, First Nations women were forcibly enfranchised into the Canadian state (losing status under the *Indian Act*) if they married a non-status man (Hinge, 1985: 12). While their descendants can now reclaim status, many children and grandchildren of women stripped of status were placed in state care, estranged from their families and without their First Nations identity. Further,

the Canadian Constitution only recognizes three groups of “Aboriginal” individuals (Indian, Inuit, and Métis), whereas the term Indigenous covers all three constitutionally recognized groups, as well as those who self-identify as Indigenous without state recognition. Much of the poverty data employs this larger category. Over half of Indigenous People in Canada are First Nation and half of First Nation peoples live on reserves (MacDonald and Wilson, 2016: 7). This analysis reflects those ambiguities and recognizes that the data hinders precise comparisons. Generally, the most accessible data regarding children in care data refers to First Nations children. Regional differences further complicate gathering detailed, comparable data.

Most data concerning children in state care are confidential, in part because children are minors; access to information requests often result in heavily redacted reports. Privacy protection extends to reporting deaths in state care; provinces prohibit identifying children even when biological parents request that media use their children’s names when reporting their deaths (CBC News, 2013). Sadly, deaths of Indigenous children in care are escalating rapidly across Canada. The case of Alberta is again illustrative; in 2022, deaths of children in care have more than doubled since 2013 (Alberta, Ministry of Children’s Services, 2022). This level of care involving natural parents would be met with outrage; however, the state is able to shield its dismal performance from public scrutiny by withholding information.

Government secrecy has resulted in high-profile conflict between governments who defend the right to privacy versus those who see information access as key to accountability. Alberta journalists Karen Kleiss and Darcy Henton waged a four-year battle to review internal government reports of children who died in state care between 1999 and 2009. In 2009, the same month journalists made the request for access to information, the province implemented an internal investigation process for deaths in care, which produced no written recommendations. Alberta’s Information and Privacy Commissioner eventually ordered the province to release records, revealing 145 children died during this period, more than three times the figure officially cited in government reports. The vast majority of the children were Aboriginal (Kleiss and Henton, 2013). Even in death, the treatment of children differs; a review of organizations, systems, preventive policies, and processes is routinely undertaken in only half of Canadian provinces and territories (Saskatchewan Prevention Institute, 2016). Given the reluctance of provinces to share data, it is unsurprising that the federal government is similarly unable, or unwilling, to provide accurate data. In this, governments are following the example of institutions like the Catholic Church, which until recently, refused to release records regarding children who attended their residential schools (Grant, 2022). Without access to administrative data, the federal government and others are unable to explain what happened to “missing” Indigenous children, who presumably died in government-funded schools.

The state’s failure to take meaningful steps to track data and to ameliorate poverty are not oversights; they are attributable to foundational nation-building liberal ideas regarding race, the ideal family, and the supremacy of the market whereby the state actively drives impoverishment of the vulnerable peoples its child welfare system purports to help, while providing market opportunities for the fortunate few. The expression of these ideas in Canadian institutions (including the definition of child neglect) impacts not only Indigenous peoples, but also any low-income

Canadians, particularly those who experience intersectional forms of marginalization, including previous interactions as a child with the child welfare system.

The Colonial, Neoliberal, and Racist Roots of Structural Poverty in Canada

In his article “Neoliberalism and Poverty: An Unbreakable Relationship,” Guy Feldman argues that “Popular understandings of why people are poor and how poverty should be addressed reflect the broader political-economic dynamics and relations that prevail at a particular historical moment” (2019: 340). In contrast, Banting and Thompson argue that to understand the failure of contemporary public policy to address racial inequality “...requires an understanding of Canadian political development since the middle of the twentieth century” (2021: 871). Because current policies exist within a framework of imported values, laws and institutions, this time frame should begin at European contact with Indigenous peoples of Turtle Island. Neoliberalism, grafted onto well-established colonial institutional structures, creates, and perpetuates an impoverished underclass of people. This phenomenon is noted by O’Sullivan referencing Australia and New Zealand: “states use manufactured crisis of Indigenous personal deficiencies to justify colonial authority” (2022: 1).

In Canada, the government gave itself sweeping powers over every aspect of Indigenous life, including restricting freedom of movement, religion, and identity through the passage of various laws, such as the *Gradual Civilization Act*, the *Gradual Enfranchisement Act*, and the *Indian Act*. While Banting and Thompson may be correct that the postwar norms of human rights universalism “tended to steer attention away from the use of racial categories in policy design and evaluation” (2021: 872), this was only true for settler Canadians. The freedom of Indigenous people during this period was severely limited, supposedly to protect them from their own decision making. In addition, Indigenous peoples were ineligible for benefits and opportunities enjoyed by Canadians based on race, establishing structural deficits that persist to present day. While O’Sullivan’s focus is on presumed justifications for colonization, a similar rationale underpins neoliberal thought that blames women for becoming pregnant, deficient self-control for substance abuse and poor life choices for domestic abuse and poverty. Larger structural problems that create or contribute to circumstances are ignored, while individual decisions and those who make them are scrutinized. “Poor” decisions provide justification for disciplinary action, including the “choice” to live in poverty.

Challenges to accessing up-to-date, accurate and comparable data notwithstanding, the vast majority of children taken into state care globally come from poor families (McGuinness and Schneider, 2007: 296–97). While a variety of reasons account for removal of children, neglect is the overwhelming concern (Ferguson, 2011: 29; McGuinness and Schneider, 2007: 296). In this context, neglect means the basic needs of a child are unmet, typically because the family lives in poverty. **Table 1** shows that in Alberta, a third of maltreatment cases involve neglect, followed closely by exposure to intimate partner violence. Exposure to violence as cause for removal is increasing; in Ontario, it has surpassed neglect as the most common reason for removing children (Canadian Child Welfare Research Portal, 2018b). Despite media exposure of horrific abuse, in both provinces substantiated investigations

Table 1: Substantiated Maltreatment Investigations in Alberta, 2008²

Category of maltreatment	Number	Rate per 1,000 children	Per cent
Neglect	5,328	6.87	37%
Exposure to intimate partner violence	4,883	6.30	34%
Emotional maltreatment	1,974	2.55	14%
Physical abuse	1,933	2.49	13%
Sexual abuse	285	0.37	2%

Source: (Canadian Child Welfare Research Portal, 2008a)

involving physical, sexual, or emotional abuse (combined) account for approximately a third or less of all cases.

As justification for removal, “neglect” is particularly concerning for Indigenous children. Reports of neglect involving Indigenous children are double those involving non-Indigenous children (Blackstock et al., 2004: 908). When the category of neglect is broken down, the primary factors that account for over-representation are caregiver poverty, poor housing, and substance use (Monchalin, 2016: 169; Blackstock et al., 2004: 911).³ With respect to maltreatment, Indigenous children are far less likely to be reported to child welfare authorities for exposure to domestic violence, or physical, sexual, and emotional abuse than non-Indigenous children. The number of cases of physical abuse (often punishment related) is also lower for Indigenous children (Blackstock et al., 2004: 901).

The primary form of maltreatment of almost half of Indigenous children who come to the attention of the authorities is “failure to supervise child at risk of physical harm” (Blackstock et al., 2004: 908). The concept of neglect, especially as it relates to supervision, is both culturally, temporally, and economically determined. Pre-colonial Indigenous parenting emphasized fostering independence and autonomy, and is described as gentle, bereft of physical force. Most importantly, raising children was a community responsibility (Johnston, 1983: 68). This approach is markedly different from the nuclear family “father knows best” approach of the colonizers. Stevenson observes that only a generation ago, Indigenous children were scooped from reserves for adoption to white homes by social workers “(a)rmed with a middle-class value system and goal of ultimate assimilation.” She explains that “The perspective of social workers was and is rooted in Euro-Canadian cultural superiority and lack of knowledge of Indigenous culture and kinship systems” (Stevenson, 2019: 1242). An exclusive focus on parents (usually the mother) denies the nurturing and supervision provided by the community.

Neglect in child welfare terms is also defined as the inability to provide the minimum necessities of life; in other words, it applies directly to those living in poverty. The Centre for Canadian Policy Alternatives notes that while Canada is the middle of the pack of OECD countries with respect to its 13 per cent of non-racialized and non-immigrant children living in poverty, the picture changes dramatically when only immigrant and racialized Canadian children are considered (32 per cent of immigrant and 22 per cent of racialized children live in poverty). While these disparities are alarming, it is worse still for Indigenous people. Over half of status First Nation children live in poverty; the on-reserve proportion is 60 per cent. Indigenous child poverty rates are highest in Western Canada (Macdonald and

Wilson, 2016: 6). In Manitoba, for example, 76 per cent of on-reserve First Nation children live in poverty. When data for Indigenous children are included, Canada's overall rate of child poverty grows significantly, placing it among those OECD countries with the highest rates (Macdonald and Wilson, 2016: 6). The impact of construing poverty as neglect exemplifies neoliberal ideation that serves to reinforce a policy trajectory growing well beyond its racist institutional foundation.

The increasing influence of neoliberal policy in the 1980s and the subsequent decline of the welfare state has produced an ever-widening gap between income earners both in Canada and globally (Brownlee, 2005). As Madland argues, underinvestment in education and infrastructure in the USA over the last few decades accounts for spending cuts in the range of \$89 billion per year (2015: 17). Nobel laureate Joseph Stiglitz and others posit that this decline will continue, with a widening gap contributing to greater inequalities between the have and have-nots, that in turn will produce increased political and financial instability (2012). In Canada, programs that benefited the middle class were expanded, while unemployment programs were cut. Progressive systems of taxation were reduced (Banting and Thompson, 2021: 879–80). Neoliberalism de-emphasizes income redistribution and government spending on basic services for all citizens to encourage effective market participation through increased consumption. Market participation is seen as the way for poor people to improve their lives. As such, Keynesian programs that sought to mitigate perceived market dysfunctions were replaced with programs that served market interests.

With respect to public administration, the rise of the New Public Management approach to social service provision replaced discretion of service providers to exercise individual judgment with performance-based metrics. Put another way, service is only provided if recipients, conceptualized as the “deserving poor,” conform to the expectations of market actors and interests, by moving from welfare to paid work. Participation in the market economy is incentivized by punishingly low levels of support, intentionally set at levels lower than what is needed to survive. In 2022, 63 per cent of Canadian households experience food insecurity and rely on social assistance income to meet their basic needs (Tarasuk et al, 2022: 5). Those who fall short of state expectations to engage in wage labour are disciplined by having support cut off. Yet even those who are employed often remain in poverty; their only “success” is securing low-paying jobs that move them from the status of welfare recipient to the working poor. In Canada, low-income earners who moved up the income ladder fell 12 per cent between 1987–1992 and 2007–2012 (Canada, Statistics Canada, 2016b: 20).

Neoliberal reforms have widened inequality generally, creating greater hardship for low-income families. In Canada, the income of the top 10 per cent of income earners increased from 34 per cent of the total income earned in 1980 to 47 per cent in 2016. This follows the patterns of other jurisdictions. In the US and Western Europe, the top one per cent of earners increased their share of total income from 10.5 per cent in 1980 to 20 per cent in 2015, while the share of the bottom half decreased from 20.5 per cent to 13.5 per cent. Health and social problems are more evident in countries with high levels of inequality (Feldman, 2019: 345). Moreover, as Wilkinson and Pickett found, “almost all problems which are more common at the bottom of the social ladder are more common in more

unequal societies” (2009: 18), suggesting social ills are not merely a product of poverty alone. Like countries that embrace neoliberal policies, the numbers of unhoused in Canada have grown since the 1980s, as have incarceration rates, mental health and addiction issues, and the removal of children from their families into state care. Those most impacted by poverty and the attendant social issues are women, Indigenous people, people of colour, LGBTQIA2S+, immigrants, people with intellectual, mental, or physical impairments, and children who have aged out of state care (Race and Stefanick, 2020: 47–50). While neoliberal policies negatively impact all low-income families, it is those on the bottom of the economic ladder who fare the worst: children born to parents who live in poverty.

In Canada, low-income Indigenous families face the double hardship of neoliberalism and colonialization. From its beginnings, Canada officially regulated Indigenous participation in the economy through legal means, including using the *Indian Act* and the pass system to constrict movement and access to resources, and unofficially through unchecked institutional racism and sexism impacting education, employment, and fair treatment before the law. Courts further advanced policies that relegate Indigenous peoples to poverty by severely limiting Aboriginal and treaty rights, interpreting these rights as limited to only “furnishing them with the necessities,” equated with a “moderate livelihood [but excluding] open-ended accumulation of wealth” (*Supreme Court of Canada, R v. Marshall*, 1999: para 7). Combined with policy and legislation that perpetuate both the reality and perception of the “poor Indian,” notably provisions of the *Indian Act* and the pass system,⁴ it is a cruel twist for governments to further punish Indigenous families for failing to provide the necessities of life to their children.

Similarly, from its inception, Canada consistently withheld funding for services to Indigenous peoples that entrenched and continues to maintain social inequalities. The unwillingness to adequately fund services for Indigenous peoples is hard-wired into Canadian institutions. Inequitable service provision came to the attention of the public more than a century ago through a 1907 Department of Indian Affairs report penned by Chief Medical Officer of the Department of Indian Affairs, Peter Bryce (1907: 15–18). This service provision gap is, in part, derived from the complicated federal-provincial division of responsibilities; governments wanting to avoid responsibility capitalize on ambiguities, such as in the well-known case of Jordan River Anderson.

Service gaps are not simply an issue of jurisdiction; they are the result of the assumption that Indigenous peoples are inherently inferior to Euro-settlers.

Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ...the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship” (Canada, Department of the Interior, 1877: xiv).

While the paternalism expressed in this statement might suggest the Canadian state recognized its obligations to Indigenous peoples, subsequent state action underscores how the state view of Indigenous peoples as less than fully human and, as such, unworthy of basic human rights such as access to water, food, shelter, and medical care. Interventions claimed to be indispensable were not only withheld, but when policy failure ended in premature death of Indigenous peoples, they were blamed for their own demise. In his response to Bryce's report of the deplorable conditions of Indian residential schools, the Minister responsible countered:

It is readily acknowledged that Indian children lose their natural resistance to illness by habitating so closely in these schools, and that they die at a much higher rate than in their villages. But this alone does not justify a change in the policy of this Department, which is being geared towards the final solution of our Indian Problem (Scott, 1918).

Bryce was eventually fired for his criticisms of Canada's treatment of Indigenous children, and in 1922 wrote *The Story of A National Crime*. Almost a century later, Cindy Blackstock, an outspoken and tireless Gitksan child welfare expert, filed a human rights complaint implicating the child welfare system.⁵ Despite the concurrence of its own Officer of Parliament, the response of (then) Prime Minister Harper's government was eerily similar to the treatment of Bryce; it subjected Blackstock to invasive surveillance and harassment for four years in an attempt to discredit her. In 2013, the Privacy Commissioner of Canada ruled that this state surveillance was a violation of Canada's *Privacy Act*, which along with Blackstock's original complaint, drew international attention from human rights advocacy groups (NationTalk, 2013).

The discrimination of the federal government toward Indigenous peoples is replicated at the provincial level. While social services are a provincial responsibility, the federal government provides direct financial support to parents through the Canada Child Benefit. For those children in state care, the agency responsible for them receives federal funds in the form of Children's Special Allowance. These funds can be used to provide things or experiences that might otherwise be out of financial reach of foster families. Beginning in 2006, however, Manitoba required that agencies remit the federal money back to the province to offset the cost of child welfare services. In Manitoba, almost 90 per cent of children in care are Indigenous. The Court of Queen's Bench found Manitoba violated equality rights by denying benefits to children in care that are available to other children (Olijnyk, 2022).

The prolonged battles over governments refusing to provide equitable treatment to all children in Canada, regardless of ethnicity, reflects the long legacy of colonial thought on policy making in Canada. This legacy informed the treatment of Indigenous peoples, as well as so-called undesirables such as Black, Chinese, Sikh, Eastern European, Jewish, and Japanese-Canadians. More recently, the poor have joined the ranks of those viewed with suspicion. More generalized economic inequality in Canada has become acceptable because of the ascendance of neoliberal thought, which valorizes citizens as autonomous free market actors, rather than citizens with collective responsibilities as well as rights. This emphasis has produced

increasing social and economic insecurity, undermined trust in government, and eroded social cohesion, which in turn creates justification for removing children from families who live in poverty. While Indigenous children are most impacted, all children living in poverty are vulnerable to harms resulting from their apprehension into state care.

The Hamster Wheel of Structural Discrimination

While the debate rages on over who has responsibility for addressing both structural and policy reasons for poverty-related neglect, the prospects of children in care once they “age out” of the system are not promising. International studies demonstrate that foster children are more likely to be high school dropouts, unemployed, living in poverty, homeless, dependent on social assistance, involved in the criminal justice system and to have substance use or mental health issues (Gaetz et al., 2016: 50; Brownell et al., 2020: xvii–xviii). Because child protection systems are designed for children under the age of fifteen, “youth encounter barriers to service because they are too old for children’s services and not old enough for adult services” (Baskin, 2007: 98). Just as Indigenous youth are over-represented as children in care, they are also over-represented in the unhoused population; over 30 per cent of unhoused youth are Indigenous (Gaetz et al., 2016: 92). The cycle is perpetuated when at-risk youth have babies of their own. Previous involvement with child protection services (as a child) is viewed as a major risk factor, and often results in birth alerts and the immediate apprehension into state care of newborns (Canada, Missing and Murdered Indigenous Women and Girls [MMIWG], 2019a: 364–65).

Studies of children in care in Manitoba and British Columbia found that children who had spent any time in care were more likely to be charged with a criminal offence than to graduate from high school (Brownell et al., 2020: 87). By the time former wards of the state in Manitoba turn 21, almost half of them will have been charged with a criminal offence (Brownell et al., 2020: 84). It should be noted, however, that most charges against children relate to administrative offences for breaching conditions imposed on them in previous encounters with the judicial system (Brownell et al., 2020: 87). Staying out past curfew, associating with prohibited people, and drinking alcohol are activities that many teenagers engage in, however, for children in state care these behaviours will result in increasing youth criminal justice sanctions. While much has been written about the pipeline between the child welfare system into the juvenile and adult justice systems, the state has done little to address its role in the creation and maintenance of this pipeline.

Mirroring other countries, Canada’s neoliberal focus on individual responsibility has resulted in the state punishing marginalization with incarceration. The rate of female incarceration has risen steadily; however, the incarceration rate for Indigenous women has increased dramatically. Over half of all female inmates in federal prisons are Indigenous, even though they account for only five per cent of women in Canada. The Office of the Correctional Investigator Canada concludes “that this over-representation is largely the result of systemic bias and racism, including discriminatory risk assessment tools, ineffective case management, and bureaucratic delay and inertia” (2022: 20). This dramatic and increasing carceral over-representation supports the argument that Indigenous women are not

happenstance victims of a system that perpetuates inequality and racism. Rather, they are deliberately targeted by organized, systemic and co-ordinated state violence as a form of genocide that replicates one of the goals of the residential school system: separate women from their children.⁶ Seventy per cent of women in prison have children under the age of 18; they are more likely than men to be supporting children when they were incarcerated (Canada, Office of the Correctional Investigator, 2015: 50). Given that the impact of COVID-19 hit poor communities the hardest, it is reasonable to expect that this pre-pandemic picture of outcomes for impoverished children and their mothers is worsening, increasing the likelihood that their children will be taken into care.

Growing up without familial stability and connection compounds the psychiatric/neuropsychiatric issues related to trauma. The strong correlation between childhood trauma and suicide is well-known (Bahk et al., 2017). Levels of income dictate the neighbourhoods where people can live; even families who are able to provide care considered appropriate by the state cannot control the larger environment in which they live. Working class families historically have provided foster care, and though they are screened for suitability, these families may have significant problems of their own. Moreover, Indigenous children face racism in a white settler environment, given the structural racism of the state and the embedded settler-state perspective in schools, communities, and social networks. A shortage of families willing to provide care results in children being placed in hotels or less suitable or unsafe homes (CBC News, 2012; Becken, 2023). The results can be devastating. As Dudley Jr. notes:

For children, repeated exposure to violent trauma, particularly in the absence of parental nurture, support and protection that might mitigate the impact of such trauma can have devastating effects on their psychiatric and neuropsychiatric development. These include the development of mutually exacerbating disorders: neurological difficulties, trauma-specific psychological difficulties, developmental difficulties and other associated functional difficulties (2015: 14).

Indigenous children who have been exposed to multi-generational trauma created by the residential or day-school system are especially vulnerable; removing them from families deemed inferior or dysfunctional by the settler state locks them into the cycle that brought them to the attention of authorities in the first place. As Martin notes, “the social service system provides these children with continuity: from child welfare to young offenders, to social assistance, to corrections and then to halfway houses” (1996: 7). If the discharge plan from prison does not provide access to stable housing, youth offenders may end up without homes, which increases their risk of recidivism. “There is a strong link between the institutionalization of Aboriginal children and youth and the high rates of Aboriginal youth homelessness in some cities. Due to poverty and the lack of stable affordable housing options, many Aboriginal youth have been caught up in the cycles of care/custody/incarceration” (Evenson and Barr, 2009: 21).

Again, this link is the most obvious for Indigenous peoples; however, it is instructive for policy makers who fail to recognize the structural problems facing any person raised in poverty, apprehended because of poverty, and who attempts

to break the vicious circle of poverty in an environment where housing, food, and other necessities of life are increasingly unaffordable. Ironically, while children are removed from their families because of neglect, placing children in state care, where they are exposed to violence and neglect, is considered in their best interest. Similarly, the underfunding of children's services and funding disparities for Indigenous children are not considered neglect, even though it, in effect, denies the children the necessities of life. In short, the state has proven itself an unfit parent.

Paths Forward

The short answer to the question of what can be done to fix the broken Canadian child welfare systems requires that all levels of governments acknowledge state-produced systems of privilege, and then dismantle them at the macro level. The massive over-representation of Indigenous children in state care is the legacy of efforts to erase Indigenous people to make way for Project Canada. The trajectory of initial institutions and policy that underpin this system reflects an ideational perspective where genocide is preferred, or assimilation if we must. As such, the solution rests with settlers whose forefathers created institutional systems that, by design, undermine social wellness for all. While devolving authority for child welfare to Indigenous organizations signals recognizing agency, it should not be the responsibility of Indigenous people to fix problems created by settlers. Moreover, if devolution maintains vertical accountability, it will become another example of policy layering that entrenches power relationships and continues to compromise Indigenous autonomy (Macdonald and Levasseur, 2014: 112).

The passage of Bill C-92: *An Act respecting First Nations, Inuit and Métis children, youth and families* in 2019 could be viewed as a “big bang” that changes the trajectory of the delivery of Indigenous child and family services by affirming the rights and jurisdiction of Indigenous peoples in child welfare. Accordingly, “Indigenous communities and groups will be free to develop policies and laws based on their particular histories, cultures, and circumstances” (Canada, Indigenous Services, 2019). Sections 21 and 22(3) of the *Act* provide certainty that where a conflict between provincial law and Indigenous law arises, Indigenous law has paramourcy. In March 2022, Wabaseemoong Independent Nations, Ontario, and the federal government signed a trilateral co-ordination agreement implementing the *Wabaseemoong Independent Nations' Customary Care Code*. Before this agreement was finalized, a constitutional challenge was already underway in Quebec, contesting the inherent jurisdictional authority of Indigenous peoples to exercise self-determination on child and family matters. While the Court of Appeal of Quebec determined the law constitutional, it found sections 21 and 22(3) to be beyond the jurisdiction of the federal government. The Court reasoned that the “Canadian constitutional architecture is built on the basis of co-ordinated—not subordinated—governments, with the aim of guaranteeing each government autonomy “to pursue [its] own unique goals” (Quebec, 2022, para 569). Notably, the goals of Indigenous peoples and their governments are excluded from consideration. The matter went before the Supreme Court of Canada, with Quebec seeking to strike down the entire Act, and Canada seeking

to uphold the inherent right of Indigenous peoples to determine their own child and family services. All provinces had a stake in the outcome, and Manitoba, Alberta and Northwest Territories were intervenors. While the Court upheld the Act's constitutionality, the institution of federalism was once again used as a foil to undermine self-determination, albeit unsuccessfully.

Global policy solutions might produce better results. Given that poverty-related neglect and family violence are the leading cause for removal of Canadian children from their homes, solutions begin there. The COVID-19 pandemic is an exogenous event that foregrounded issues of domestic violence and inequality as widespread societal problems that reach beyond Indigenous peoples. Ameliorating familial poverty would be a huge step toward breaking the cycle of violence experienced by poor families. While a small number of caregivers willfully withhold proper care, for most caregivers, deficits in care are the result of structural and circumstantial impediments such as a lack of a livable income, stable housing, and affordable childcare (Child Welfare League of Canada, 2022: 20). Universal policy initiatives such as implementing a guaranteed income, pay equity, increased supports for day-care and affordable housing initiatives would contribute to solutions. It is noteworthy that in 2020, the child poverty rate was cut in *half* and income inequality decreased when the federal government implemented COVID-19 income supports (Canada, Statistics Canada, 2022). Along with measures to empower victims of domestic violence, income supports would not only help those currently living in poverty, they would help those who are unable to leave violent partners because of the impossible choice between losing their children due to living in poverty versus losing their children due to living with a violent partner. Just as poverty-related neglect is structural, exposure to violence also can be structural. Future studies might examine how economic inequality impacts the ability of women (including Indigenous women) to leave their partners and protect their children from witnessing family violence. In the post-COVID world, family financial problems are a rapidly spreading contagion due to the sharp rise in housing costs, high-interest rates, and crippling inflation (Canada, Employment and Social Development, 2023). Threats of a recession, a stock market meltdown and labour market challenges also loom on the horizon for middle and high-income earners. Universal programs will not only assist families already trapped in a cycle of impoverishment, but they also will prevent others from falling into poverty.

With respect to embedded racism, education is key. These efforts should not only focus on Indigenous peoples. The greatest steps forward involve dismantling what Stevenson refers to as “public education for ignorance”; the state's deployment of education that veils the destructive nature of Project Canada that perpetuates relations of oppression (2019: 1241, note 4). In this, universities play a critical role in educating a new generation of Canadian voters, many of whom will assume leadership roles in politics, law, economics, and social affairs. Universities must do more than recite pro forma land acknowledgements and tokenistic hires. Through research and teaching, universities are fundamental tools for critically assessing and disseminating research findings regarding how past and present institutional arrangements and ideas continue to violently subjugate groups of people, in particular, Indigenous peoples. The dual strategy of acknowledging and then addressing the macro material and ideational foundations of the Canadian state was

highlighted by the 2015 Truth and Reconciliation Commission of Canada, which issued Calls to Action to address problems. The real question becomes, what will motivate Canadians to finally take action?

Canada's Invisible Children: Out of Sight, Out of Mind and Expendable

There is much concern in Canadian society when shocking stories about the deaths of children in state care appear in daily news. How could the child welfare system fail so miserably in protecting vulnerable children and their families? Using the lens of historical institutionalism, this study demonstrates that colonial and neoliberal governments created the very conditions of poverty that underpin a leading cause of removing children from their homes: neglect. Statistics Canada reports that neglect can be related to low socio-economic status “which is a broader social structural issue and not a behavioural issue displayed by a parent, guardian or adult” (Canada, Statistics Canada, 2023: 1, note 1). The state, however, refuses to acknowledge that its conceptualization of maltreatment is problematic. Subsequent policy layering further entrenches a flawed ideational foundation.

O’Sullivan points out that policy is not just a technical process nor is it ideologically neutral; colonialism presupposes that “some people are less entitled than others to exercise authority in relation to their own affairs and to contribute to the public life of the state according to their own values and aspirations” (2022: 14). The same can be said of neoliberal orientations toward those experiencing poverty. Canada’s foster care crisis is the consequence of foundational and enduring ideation that results in the state creating institutions and policies to operationalize colonial and neoliberal goals that subordinate particular interests. Poverty-related “neglect” is emblematic of the micro-focus on a child’s wellbeing, as opposed to a more macro focus on family and community wellbeing. Providing family and community supports to address socio-economic barriers to prosperity rather than traumatic re-homing of children would be a first step to challenging the narrative that poor and racialized individuals (especially mothers) are the authors of their own misery. This type of policy layering could be the “not-system-shifting-changes” that eventually shakes up the oppressive ideational foundation that underpins Canadian institutions and policy, thus creating transformational change.

State educational systems are critical in helping the next generation to understand how racism is operationalized through a “blame the victim” narrative that targets those deemed inferior and in need of state control. While all families living in poverty are vulnerable to losing custody of their children, Indigenous families are particularly vulnerable because of the state’s disruptive influence based on assumptions of the inferiority of Indigenous peoples and their culture and their inability to manage their own affairs. These beliefs spawned the long history in Canada of removing Indigenous children from their families to be incarcerated in residential schools. The devastating impact of these schools on Indigenous peoples and their families is well-known, and while state actors might acknowledge the impact that this racist legacy has on current child welfare practices, mitigating measures do not relinquish state control over Indigenous lives, and especially, the lives of Indigenous women. Due to a lack of funding, consultation, or an understanding of the interconnection of issues, these measures are doomed to fail. Most

importantly, they fail to recognize the human right of all children to the necessities of life, such as clean water, affordable food and decent shelter, which fall in the purview of governments. As Banting and Thompson point out, "...overtly racist intentions are not required in order for prevailing structures and institutional arrangements to leave racial hierarchies unchallenged, preserving the many advantages of white Canadians" (2021: 886). The obvious advantage in this case is economic: the ability to provide the necessities of life for their children. The escalating numbers of children removed from their homes in Canada should be alarming from at least a social justice perspective. The current trajectory, however, portends a tsunami of problems in the future for all families through policies that perpetuate an underclass of deeply traumatized and impoverished people within a prosperous state where systemic discrimination is hidden behind a narrative of rights and respect for all.

Acknowledgement. The authors thank Joyce Green, a citizen of the Ktunaxa Nation and Professor Emerita, University of Regina, for reading an earlier version of this article. She observed that there was a larger story to be told. That story was the basis of a second article, forthcoming in *Feminist Formations*, spring 2024. The authors also thank the anonymous reviewers for their helpful suggestions.

Competing interests. The authors declare none.

Notes

1 Joyce Green coined the term "Project Canada" over twenty years ago; it neatly summarizes the Canadian nation-building project. It refers to "the state constructed from the colonies by colonial and then settler elites, evolving but firmly grounded on the original and continuing appropriation of indigenous land and resources, and built on racist and sexist practices that create the forms of privilege that dominate the state today" (Green, 2001: 716).

2 The five categories of maltreatment are: physical abuse (assault), sexual abuse (sexual gratification through exposure or contact); emotional harm (including the diagnostic term "failure to thrive"); exposure to family violence; and neglect. Neglect is defined as: "Failure to supervise, leading to physical harm or to sexual harm; permitting criminal behaviour; physical neglect; medical neglect; failure to provide psychological treatment; abandonment; and educational neglect" (Canada, Child Maltreatment in Canada, 2023). Exposure to family violence used to be commonly folded into the category of emotional abuse, however, it now typically comprises a separate category, undoubtedly because of its prevalence as a leading cause of removal of children.

3 What comprises "poor housing" is a moving target, particularly with respect to the concept of "overcrowding." For example, the settler author's mother shared a bed with three sisters in the 1930s, while Indigenous children lived in state-sanctioned residential schools that were "badly constructed, poorly maintained, overcrowded, unsanitary fire traps" (Canada, Truth and Reconciliation Commission, 2015: 46–47). Both these situations were unremarkable at the time. The prosperous postwar period saw families with less economic opportunities (and thus who live in "poor housing") attract intervention from state social services. It is difficult to see how minors living in overcrowded foster care homes or who are unsupervised in hotels is preferable to living in overcrowded homes with family (see CBC, 2012), unless however, the point of the exercise is to ensure poor families remain marginalized.

4 See Myra J. Tait. 2017. *Examining the Provisions of Section 87 of the Indian Act as a Means to Promote Economic Participation and Treaty Implementation*. [LLM Thesis, University of Manitoba]. <https://mspace.lib.umanitoba.ca/bitstream/handle/1993/32202/MYRA%20J%20TAIT.pdf?sequence=1>; and Williams, A. (Producer/Director) & James Cullingham (Executive Producer). (2016). *The Pass System* [motion picture].

5 See Canadian Human Rights Tribunal. 2016. *First Nations Child and Caring Society of Canada et al v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, File No.: T1340/7008, April 26. (September 18, 2022).

6 In 2012, David B. MacDonald and Graham Hudson argued in this journal that the use of the word genocide with reference to Indian residential schools could not be definitively settled *at this time* (emphasis original). A decade later there is sufficient evidence: consider, for example, the 2015 Supplementary Issue of the Missing and Murdered Indigenous Women and Girls (Canada, MMIWG, 2019b: 5); MacDonald's 2019 book *The Sleeping Giant Awakens: Genocide, Indian Residential Schools, and the Challenge of Conciliation*; the 2021 discovery of unmarked graves at Indian residential schools across Canada; and the Pope's 2022 admission that Church-run residential schools amounted to genocide.

References

- Alberta, Ministry of Children's Services. 2022. *Deaths of Children, Youth and Young Adults Receiving Child Intervention Services*, April 1, 2013 to July 31, 2022. <https://open.alberta.ca/dataset/7153dfa5-e636-45fa-9916-df079fee76e8/resource/550b134b-724d-496a-a7ab-e587a04aed03/download/cs-deaths-of-children-youth-or-young-adults-receiving-child-intervention-2022-03.pdf> (November 10, 2023).
- Bahk, Yong-Chun, Seon-Kyeong Jang, Kee-Hong Choi, and Seung-Hwan Lee. 2017. "The Relationship between Childhood Trauma and Suicidal Ideation: Role of Maltreatment and Potential Mediators." *Psychiatry Investigation*. 14 (1): 37–43.
- Banting, Keith, and Thompson Debra. 2021. "The Puzzling Persistence of Racial Inequality in Canada." *Canadian Journal of Political Science*. 54 (4): 870–91.
- Baskin, Cyndy. 2007. "Indigenous Youth Talk about Structural Determinants as the Causes of their Homelessness." *First Peoples Child & Family Review*. 3 (3): 31–42.
- Becken, Bob. 2023. *Why Some Ontario Children with Complex Special Needs Are Living in Hotels*. October 25. <https://www.cbc.ca/news/canada/windsor/ontario-childrens-aid-society-crisis-hotels-1.7007480>. November 9, 2023.
- Béland, Daniel. 2007. "Ideas and Institutional Change in Social Security: Conversion, Layering and Policy Drift." *Social Science Quarterly*. 9 (1): 20–38.
- Blackstock, Cindy, Nico Trocmé, and Marlyn Bennett. 2004. "Child Maltreatment Investigations Among Aboriginal and Non-Aboriginal Families in Canada." *Violence Against Women*. 10 (8): 912–16.
- Brownell, M, Nickel N, Turnbull L, Au W, Ekuma O, MacWilliam L, McCulloch S, Valdivia J, Boram Lee J, Wall-Wieler E, Enns J. 2020. *The Overlap Between the Child Welfare and Youth Criminal Justice Systems: Documenting "Cross-Over Kids" in Manitoba*. Winnipeg, MB. Manitoba Centre for Health Policy. http://mchp-appserv.cpe.umanitoba.ca/reference/MCHP_JustCare_Report_web.pdf (November 10, 2023).
- Brownlee, Jamie. 2005. *Ruling Canada: Corporate Cohesion and Democracy*. Halifax: Fernwood Publishing.
- Bryce, Peter. 1907. *Report on the Indian Schools of Manitoba and the North West Territories*. Canada. Department of Indian Affairs. <http://educate-yourself.org/cn/Report-on-the-Indian-Schools-1907-Dr-Peter-Bryce-2.pdf> (November 10, 2023).
- Canada. Department of the Interior 1877. *Annual Report of the Department of the Interior for the year ended 30th June, 1876*. Department of the Interior. Parliament, Sessional Papers, 40 Victoria, No. 11, p. xiv. <https://primarydocuments.ca/wp-content/uploads/2018/07/SessPapers111876Jun30.pdf> (November 10, 2023).
- Canada. Employment and Social Development. 2023. *Blueprint for Transformation. The 2023 Report of the National Advisory Council on Poverty*. https://www.canada.ca/content/dam/edsc-edsc/documents/programs/poverty-reduction/national-advisory-council/reports/2023-annual/NACP_2023-Report-EN%20Final.pdf (November 10, 2023).
- Canada. *Indian Act*. RSC 1985, c I-5.
- Canada. Indigenous Services. 2019. *Bill C-92: An Act respecting First Nations, Inuit and Métis Children, Youth and Families receives Royal Assent*. News Release. <https://www.canada.ca/en/indigenous-services-canada/news/2019/06/an-act-respecting-first-nations-inuit-and-metis-children-youth-and-families-receives-royal-assent.html> (November 10, 2023).
- Canada. Indigenous Services. 2023. *Reducing the Number of Children in Care*. <https://sac-isc.gc.ca/eng/1541187352297/1541187392851> (November 10, 2023).
- Canada. MMIWG. 2019a. *Reclaiming Power and Place: The Final Report of the Nation Inquiry into Missing and Murdered Indigenous Women and Girls*. Vol. 1a. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf (November 10, 2023).

- Canada. MMIWG. 2019b. *Supplementary Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Analysis of Genocide. Vol. 1b.* National Inquiry into Missing and Murdered Indigenous Women and Girls. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf (November 10, 2023).
- Canada. Office of the Correctional Investigator. 2015. *Annual Report of the Office of the Correctional Investigator 2014–2015.* <https://oci-bec.gc.ca/en/content/annual-report-office-correctional-investigator-2014-2015#s10> (November 10, 2023).
- Canada. Office of the Correctional Investigator 2022. *Annual Report of the Office of the Correctional Investigator 2021–2022.* <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022#s8> (November 9, 2023).
- Canada. Public Health Agency of Canada. 2010. *Canadian Incidence Study of Reported Child Abuse and Neglect–2008: Major Findings.* Ottawa. <https://cwrp.ca/sites/default/files/publications/en/CIS-2008-rprt-eng.pdf> (November 10, 2023).
- Canada. Statistics Canada. 2016. *The Evolution of Income Mobility in Canada: Evidence from the Longitudinal Administrative Databank, 1982 to 2012.* <https://www150.statcan.gc.ca/n1/en/pub/75f0002m/75f0002m2016001-eng.pdf?st=y0W6X2hi> (November 10, 2023).
- Canada, Statistics Canada. 2016. *Living Arrangements of Aboriginal Children 14 years and under.* Statistics Canada Insights on Canadian Society, April 13. <http://www.statcan.gc.ca/pub/75-006-x/2016001/article/14547-eng.pdf> (November 10, 2023).
- Canada. Statistics Canada. 2022. *Canadian Income Survey 2020. The Daily. March 23* <https://www150.statcan.gc.ca/n1/daily-quotidien/220323/dq220323a-eng.htm> (November 10, 2023).
- Canada. Statistics Canada. 2023. *What Do We Know About Child Maltreatment in Canada.* Economic and Social Reports. <https://www150.statcan.gc.ca/n1/en/pub/36-28-0001/2023001/article/00001-eng.pdf?st=9oLzwXj3> (November 10, 2023).
- Canada. Truth and Reconciliation Commission of Canada. 2015. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation of Canada.* <https://web-trc.ca> (November 10, 2023).
- Canadian Child Welfare Research Portal. 2018a. Alberta Statistics, 2008. http://cwrp.ca/provinces-territories/alberta?quicktabs_1=0#quicktabs-1 (November 10, 2023).
- Canadian Child Welfare Research Portal. 2018b. Ontario Statistics, 2013. <http://cwrp.ca/provinces-territories/ontario> (November 10, 2023).
- Carroll, William K. and William Little. 2001. “Neoliberal Transformation and Antiglobalization Politics in Canada: Transition, Consolidation, Resistance.” *International Journal of Political Economy*. 31 (3): 33–66.
- CBC News. 2012. *Canadian Foster Care in Crisis, Experts Say.* February 19. <https://www.cbc.ca/news/canada/canadian-foster-care-in-crisis-experts-say-1.1250543> (November 10, 2023).
- CBC News. 2013. *Unreported Child Deaths Lead to Call for Public Inquiry.* November 25. <https://www.cbc.ca/news/canada/edmonton/unreported-child-deaths-lead-to-call-for-public-inquiry-1.2439461> (November 10, 2023).
- Child Welfare League of Canada. 2022. *Moving Beyond Neglect: Recommendations and Future Directions for Child Welfare Policy and Practice.* Prepared by Eden Haber. https://www.cwlc.ca/_files/ugd/f54667_834c35b5fb924abfd4b0d2be05f0f65.pdf (November 10, 2023).
- Dudley, Jr., Richard G. 2015. “Childhood Trauma and Its Effects: Implications for Police.” *New Perspectives in Policing*. July. <https://www.ncjrs.gov/pdffiles1/nij/248686.pdf> (November 10, 2023).
- Evenson, Jeff and Carolann Barr. 2009. *Youth Homelessness in Canada: The Road to Solutions.* A report produced by Raising the Roof. https://raisingtheroof.org/wp-content/uploads/2020/12/RTR_En_RTS_SmmryDoc.pdf (November 10, 2023).
- Feldman, Guy. 2019. “Neoliberalism and Poverty: An Unbreakable Relationship.” In *Routledge International Handbook of Poverty*, ed. B. Greve. New York: Routledge.
- Ferguson, Harry. 2011. *Child Protection Practice.* London: Palgrave.
- Gaetz, Stephen, Bill O’Grady, Sean Kidd and Kaitlin Schwan. 2016. *Without a Home: The National Youth Homelessness Survey.* Toronto: Canadian Observatory on Homelessness Press.
- Grant, Tavia. 2022. “Records of Canadian Residential Schools in Rome Can Help with Identification of Missing Indigenous Children.” *Globe and Mail*. August 1, 2022 <https://www.theglobeandmail.com/canada/article-records-of-canadian-residential-schools-in-rome-can-help-with/> (November 10, 2023).

- Green, Joyce. 2001. "Canaries in the Mines of Citizenship: Indian Women in Canada." *Canadian Journal of Political Science*. XXXIV (4): 715–38.
- Hacker, Jacob S. 2002. *The Divided Welfare State: The Battle Over Public and Private Social Benefits in the United States*. Cambridge: Cambridge University Press.
- Hawthorn, Harry. ed. 1966. *A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies*. Vol. 1. Ottawa: Indian Affairs Branch.
- Hinge, Gail. 1985. *Consolidation of Indian Legislation. Volume II: Indian Acts and Amendments 1868–1975*. Canada: Department of Indian and Northern Affairs. https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-158-2-1978-eng.pdf
- Hinrichs, Karl and Olli Kangas. 2003. "When Is a Change Big Enough to Be a System Shift?" *Social Policy and Administration*. 37 (6): 573–91.
- Jacobs, Alan M. 2015. "Process Tracing the Effect of Ideas." In *Process tracing in the Social Sciences: From Metaphor to Analytic Tool*, eds. Andrew Bennett and Jeffrey T. Checkel. New York: Cambridge University Press.
- Johnston, Patrick. 1983. *Native Children and the Child Welfare System*. Toronto: James Lorimer Limited.
- Kleiss, Karen and Darcy Henton. 2013. "Fatal Care: Foster Care Tragedies Cloaked in Secrecy." *Edmonton Journal and Calgary Herald*. <https://edmontonjournal.com/news/edmonton/alberta/fatal-care-foster-care-tragedies-cloaked-in-secrecy> (November 13, 2023)
- Laxer, Gordon and Trevor Harrison. 1995. *The Trojan Horse: Alberta and the Future of Canada*. Montreal/New York: Black Rose Books.
- MacDonald, David. 2019. *The Sleeping Giant Awakens: Genocide, Indian Residential Schools, and the Challenge of Conciliation*. Toronto: University of Toronto Press.
- MacDonald, David and Daniel Wilson. 2016. *Shameful Neglect: Indigenous Child Poverty in Canada*. Canadian Centre for Policy Alternatives. https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2016/05/Indigenous_Child%20_Poverty.pdf (November 10, 2023).
- Macdonald, Fiona and Karine Levasseur. 2014. *Canadian Public Administration* 57 (1): 97–117.
- McGuinness, Teena M. and Kristina Schneider. 2007. "Poverty, Child Maltreatment, and Foster Care." *American Psychiatric Nurses Association*. 13 (5): 296–303.
- MacPherson, Crawford Brough (C. B.). 1953. *Democracy in Alberta: The Theory and Practice of a Quasi-Party System*. Toronto: University of Toronto.
- Madland, David. 2015. *Hollowed Out: Why the Economy Doesn't Work without a Strong Middle Class*. Oakland: University of California Press.
- Martin, Fay. 1996. "Tales of Transition: Leaving Public Care." In *Youth in Transition: Perspectives on Research and Policy*, eds. Burt Galaway and Joe Hudson. Toronto: Thompson Educational Publishing.
- Monchalin, Lisa. 2016. *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*. Toronto: University of Toronto Press.
- NationTalk. 2013. *Invasive Surveillance of Human Rights Defender Cindy Blackstock*. May 30. <https://nationtalk.ca/story/invasive-surveillance-of-human-rights-defender-cindy-blackstock> (November 10, 2023).
- Olijnyk, Zena. 2022. "Court of Queen's Bench Rules Manitoba Misused Benefits Meant for Children in Foster Care." *Canadian Lawyer*. <https://www.canadianlawyermag.com/practice-areas/litigation/court-of-queens-bench-judge-rules-manitoba-misused-benefits-meant-for-children-in-foster-care/366778> (November 10, 2023).
- O'Sullivan, Dominic. 2022. "The Crisis of Policy Failure or the Moral Crisis of an Idea: Colonial Politics in Contemporary Australia and New Zealand," *Political Science*. 74 (1): 1–17.
- Quebec. 2022. *Reference to the Court of Appeal of Quebec in relation with the Act respecting First Nations, Inuit and Métis children, youth and families* (Order in Council No. 1288-2019) [Re: *Act respecting First Nations*].
- Race, Lynsey and Lorna Stefanick. 2020. "Mother-Child Programs in Prison: Disciplining the Unworthy Mother." In Karine Levasseur, Stephanie Paterson, and Lorna A. Turnbull, *Mothering and Welfare: Depriving, Surviving, Thriving*. Bradford Ont: Demeter Press.
- Saskatchewan Prevention Institute. 2016. *Child Death Review in Canada: A National Scan*. May 2016. https://cwrp.ca/sites/default/files/publications/en/2-460_child-death-review-in-canada-a-national-scan.pdf (November 10, 2023).

- Scott, Duncan Campbell. 1918. *Letter from Duncan Campbell Scott to BC Indian Agent General-Major D. Mackay*. UBC Learning Circle presentation by Angela White. 2013. "Colonialism, History & Impacts: Indian Residential Schools." <https://learningcircle.ubc.ca/files/2013/08/IRS-Colonialism-History-Impacts-2013.pdf> (November 10, 2023).
- Shewell, Hugh. 2004. *"Enough to Keep Them Alive": Indian Welfare in Canada, 1873–1965*. Toronto: University of Toronto Press.
- Shrivastava, Meenal and Lorna Stefanick. 2015. *Alberta Oil and the Decline of Democracy in Canada*. Edmonton: Athabasca University Press.
- Smith, Peter (Jay). 2015. "Petro-politics in Alberta and Canada: A New Spatiality of Political Contestation?" In *Alberta Oil and the Decline of Democracy in Canada*, eds. Meenal Shrivastava and Lorna Stefanick. Edmonton: Athabasca University Press.
- Stevenson, Allyson. 2019. "Child Welfare, Indigenous Children, and Children's Rights in Canada." *Direito e Práxis*. **10** (2): 1239–60.
- Stiglitz, Joseph E. 2012. *The Price of Inequality: How Today's Divided Society Endangers Our Future*. New York: W. W. Norton & Co.
- Strong-Boag, Veronica. 2011. *Fostering Nation?: Canada Confronts Its History of Childhood Disadvantage*. Waterloo, Ont: Wilfrid Laurier University Press.
- Supreme Court of Canada. *R v. Marshall*, 3 S.C.R. 45. 1999. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1739/index.do> (November 10, 2023).
- Tarasuk, Valerie, Tim Li, Andrée-Anne Fafard St-Germain. 2022. *Household Food Insecurity in Canada, 2021*. Toronto: Research to Identify Policy Options to Reduce Food Insecurity (PROOF). <https://proof.utoronto.ca/> (November 13, 2023).
- Thelen, Kathleen. 2004. *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*. Cambridge: Cambridge University Press.
- Tobias, John L. 1991. "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy" in *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. J. R. Miller. Toronto: University of Toronto Press.
- Wilkinson, Richard and Kate Pickett. 2009. *The Spirit Level: Why Greater Equality Makes Societies Stronger*. New York: Bloomsbury Press.