
ONE VISION ONE VOICE

CHANGING THE ONTARIO CHILD WELFARE SYSTEM
TO BETTER SERVE AFRICAN CANADIANS

PRACTICE FRAMEWORK PART 1: RESEARCH REPORT

September 2016



Table of Contents

Acknowledgements

Preamble

EXECUTIVE SUMMARY

PART 1: INTRODUCTION.....	1
1.1 Purpose	1
1.2 Project Rationale.....	2
1.3 Process for Developing the Practice Framework	5
1.4 Values and Principles	7
PART 2: CONTEXT	9
2.1 Definitions and Key Concepts	9
2.2 African Canadian Population in Ontario.....	13
2.2.1 Population Overview.....	13
2.2.2 Population Growth	14
2.2.3 Diversity.....	15
PART 3: LITERATURE REVIEW.....	19
3.1 Racial Disproportionality and Disparities in Child Welfare	19
3.2 Systemic Forces that Bring Families of African Descent into Contact with Child Welfare.....	22
3.2.1 Actual rates of child maltreatment	22
3.2.2 Funding formula	25
3.2.3 Biases of mandated referrers.....	26
3.2.4 Poverty	28
3.2.5 Access to social services	31
3.3 Decision-Making Within Child Welfare Agencies	32
3.4 Impact of Child Welfare on Children, Youth, and Families of African Descent	36
3.4.1 Impact on children, youth, and families.....	36
3.4.2 Impact of transracial fostering and adoptions.....	37
3.4.3 Criminalization	39
3.5 Promising Practices	40
3.5.1 System changes.....	40
3.5.2 Setting the organizational context	43
3.5.3 Direct service practice	47
3.5.4 In care.....	53
PART 4: PERSPECTIVES FROM THE COMMUNITY	57
4.1 Consultation Findings.....	57
4.1.1 Issues that bring African Canadians into contact with the child welfare system	57
4.1.2 Challenges that African Canadians experience when they become involved with Ontario’s child welfare system.....	65
4.2 Community Recommendations for Change	82
PART 5: RECOMMENDATIONS FROM THE STEERING COMMITTEE.....	91

References

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Most of all, we are grateful to the youth, parents, advocates, and community agencies involved with the child welfare system who gave generously of their time by sharing their experiences and offering their recommendations to create a child welfare system that better serves African Canadians.

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Changing the Ontario Child Welfare System to Better Serve African Canadians

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ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

Preamble

For over a century, Ontario's child welfare system has been mandated to protect the province's most vulnerable children from abuse and neglect. With roots in the early twentieth century, the child welfare system emerged as a response to the growing marginalization of poor families and children who were victims of social and economic hardships produced by rapid industrialization and urbanization. Like other Canadian institutions, child welfare agencies have evolved within an historical context of white supremacy, colonialism, and anti-Black racism, all of which have been woven into the fabric of child welfare policies and practices, leading to the creation of long-standing disproportionalities and disparities for African Canadian and Indigenous communities. The success of African Canadian families in spite of this context is a testament to the resilience of communities and cultures of African descent.

Today, the child welfare system is in the midst of wide calls for major transformation that would create greater equity, accountability, efficiency, and effectiveness. These calls are situated within a wider sociopolitical context of rising collective consciousness and mobilization around anti-Black racism across North America, and a political climate that is beginning to recognize and respond to anti-Black racism. This moment represents a critical historical opportunity to move the needle on transformative, anti-racist change in child welfare and other institutions such as policing, corrections, and education. This Practice Framework, funded by the Ministry of Children and Youth Services and developed by the African Canadian community with support from the Ontario Association of Children's Aid Societies, represents one piece of that larger effort, and will guide practice and systemic changes within child welfare agencies. We recognize, however, that the impact of the Practice Framework will only be as great as the institutional commitment demonstrated, as well as by the financial and human resources devoted to its implementation.

Our Steering Committee consists of 17 African Canadian community members with varying roles, affiliations, expertise, ethnic and gender identities, and ideologies, who remain united in a shared concern about African Canadian children, youth, and families. Collectively, we have decades of experience in fields such as child welfare, law, counseling, community development, youth development, academia, social work, and government.

After much deliberation, we came to consensus on "One Vision One Voice" as the title of this project. One Vision, because we recognized that the ability to initiate and sustain meaningful transformative change would require a clear, compelling, and collective vision. One Voice, because we believed that our power to speak truth, name injustice,

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

and call for change should be grounded in a unified voice that honours and amplifies that of our community.

While we strived to achieve this vision, we encountered many challenges, such as time constraints, the enormity of the issues, and the rapid growth of the project. We have worked to negotiate these challenges, taking them as important learnings within a longer struggle for social justice, and believe that this Practice Framework remains a promising next step toward an equitable and just child welfare system in Ontario. We believe it is worth noting that despite the challenges, the Practice Framework (which consists of two companion documents — Part 1: Research Report and Part 2: Race Equity Practices) was produced within one year of the project's launch. We feel this is commendable for a project of this size.

The Steering Committee envisions the Practice Framework as a critical tool for systems change. We hope it will enable policymakers in child welfare agencies, OACAS, and the Ministry of Children and Youth Services to examine their practices through a race-based lens. This report includes recommendations for the Ministry and policymakers that speak to transforming legislation, policy, practices, and funding to best meet the needs of the African Canadian community and addressing the culture of child welfare through anti-oppression, anti-racism, and anti-Black racism training and education in all areas of child welfare.

For child welfare workers and supervisors, the Practice Framework will be a tool to guide their understanding of anti-Black racism and to encourage critical self-reflective practice. This Practice Framework should facilitate the initiation of programs and interventions that can create better outcomes for African Canadian children, youth, and families, by providing guidelines for tangible, practical, holistic, family-oriented approaches. We underscore our observation that many existing agencies and programs have been doing outstanding work with African Canadian communities, and believe that child welfare workers must increase their engagement and collaboration with these agencies within a framework of shared responsibility.

As members of the Steering Committee, we are grateful to the many community members who demonstrated the courage and commitment to sharing their stories and perspectives in the community consultation meetings. We are also grateful to the Ministry of Children and Youth Services and the Ontario Association of Children's Aid Societies for their leadership in seeking change within the structural system of child welfare for African Canadian youth and families. We thank Kike Ojo, Tana Turner, and Jean Samuel for their work with the Steering Committee and for integrating community input into this Practice Framework. We also acknowledge our fellow Steering

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

Committee members, who have shown tremendous commitment and leadership, giving their time and expertise to help develop the Practice Framework with the hope of bringing about structural and transformative changes in child welfare in Ontario.

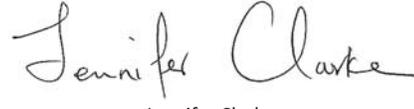
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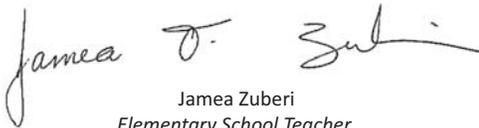
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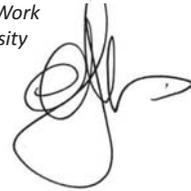
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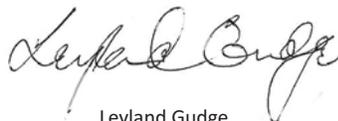
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EXECUTIVE SUMMARY

For decades, African Canadians, advocates, service users, community partners, and most recently the media have raised concerns that African Canadian children and youth are overrepresented in Ontario's child welfare system. Recently, researchers at the University of Toronto analyzed provincial data from the Ontario Incidence Study of Reported Child Abuse and Neglect (2013) to better understand the overrepresentation of certain racial groups in child welfare. The study demonstrates the intersection between race, poverty, and child welfare.¹ Additionally, various studies, service users, as well as observations by service providers and advocates at Children's Aid Society (CAS) offices, family courts, group homes, and various family and youth events sponsored by CASs confirm the perception that African Canadians are overrepresented in the child welfare system. Further, the data recently released by the Children's Aid Society of Toronto shows a disproportionality rate of 4.8, with the African Canadian community representing 40.8% of children in care, yet only 8.5% of the Toronto population. Advocates along with those in the child welfare field suggest that this disproportionality is not just an issue within Toronto but is a reality throughout the province.

In addition to disproportionality, African Canadians also report that they experience disparities after they come into contact with the child welfare system, in that they are treated differently than their White counterparts, don't have access to culturally appropriate services, and experience poorer outcomes than their White counterparts.

In response to these concerns the African Canadian Legal Clinic and other community organizations have been advocating for changes in the child welfare system. In its 2012 and 2016 reports, the United Nations Committee on the Rights of the Child raised concerns about the significant overrepresentation of Indigenous and African Canadian children and youth in Canada's child welfare system and recommended that Canada "take urgent measures" to address this racial disproportionality.² Recent articles in the Toronto Star have also brought this issue to the fore for the general public and provincial politicians (see "Why are so many black children in foster and group homes," December 11, 2014; "Black kids stay longest in care," August 26, 2015; "Report shines light on poverty's role on kids in CAS system," August 15, 2016).

¹ Ethno-racial Categories and Child Welfare Decisions: Exploring the Relationship with Poverty (2016)

² United Nations Committee on the Rights of the Child (2012)

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

This confluence of developments has made this the time to explore the root causes of these issues and act to address them. Without bold and consistent action, the outcomes for African Canadian children, youth, and families involved with the child welfare system will worsen, the racism within the systems and larger society that created the racial disproportionality and disparities we see today will be further entrenched, and the human and social costs will continue to mount.

In 2015, the Ontario Ministry of Children and Youth Services funded the African Canadian community through the Ontario Association of Children's Aid Societies to facilitate the development of a Practice Framework that would support child welfare agencies in providing better service to African Canadian children, youth, and families. A project manager and consultant were hired to implement this project. A Steering Committee, consisting of individuals from the African Canadian community from across Ontario, was formed to guide the work.

In addition, a Reference Group comprising primarily African Canadian employees of various child welfare agencies from across Ontario was also established to provide input into the project and insights into the child welfare system and its impact on African Canadian children, youth, and families.

Between September 2015 and March 2016, 16 community consultation sessions were held to gather feedback from African Canadian service users, advocates, community agencies, and service providers about the issues that bring African Canadians into contact with a CAS, their experiences once involved with a CAS, and their recommendations for change so that CASs better serve African Canadians. Over 800 individuals participated in these consultations. This document is Part 1 of the Practice Framework and is meant to provide the context for the implementation of the Race Equity Practices contained in Part 2.

This document summarizes the research conducted, including literature and best practice reviews, along with what we heard through the community consultations. It is divided into five sections:

- Part 1 provides an introduction to this project and document;
- Part 2 defines some key terms and describes the composition, growth, and diversity of Ontario's African Canadian population;
- Part 3 summarizes what the literature tells us about racial disproportionality and disparities in child welfare. It also summarizes some of the promising practices

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

implemented by various child welfare agencies in Ontario and other jurisdictions to address disproportionality and disparities.

- Part 4 summarizes the issues and recommendations for change provided through the community consultations conducted for this project; and
- Part 5 includes additional recommendations from the Steering Committee that, along with the Practice Framework, will make the systemic changes needed to create a child welfare system that better serves African Canadians.

Based on the input from the community consultations, Steering Committee, and Reference Group, the Race Equity Practices were drafted. These Practices were used to hold a consultation session with child welfare staff. Fifty people participated in this daylong consultation, including executive directors, directors of service, quality assurance leads, human resource managers, and others. They provided input on the Practices and made suggestions about what tools and resources they will need to make and sustain change that reduces the disproportionality and disparities experienced by African Canadian children, youth, and families in the child welfare system. The Race Equity Practices were then further revised and refined by the Steering Committee.

The African Canadian Population in Ontario

Data from the 2011 National Household Survey show that there are 945,665 African Canadians in Canada, representing 3% of the country's population. Fifty-seven percent of all African Canadians (539, 205) live in Ontario, representing 4% of the provincial population. Of those in Ontario, the vast majority (74%) live in the Toronto census metropolitan area, representing 7% of the area's population.

Ontario's African Canadian population is growing at a faster rate than the provincial population overall. In 2001, just over 411,000 African Canadians lived in Ontario, representing 3.6% of the provincial population. In 2006, this number had grown by 15% to 473,000. By 2011, the African Canadian community had grown a further 31% to 539,000 and represented 4.3% of the provincial population. By comparison, the provincial population had grown by 7% between 2001 and 2006, and 11% between 2006 and 2011. Projections by Statistics Canada indicate that Ontario's African

Canadian population could double in size by 2031, reaching between 896,000 and 1 million people.³

Perspectives from the Community

Throughout the consultations, individuals shared their experiences with the child welfare system and what they feel contributes to the overrepresentation of African Canadians in the child welfare system. It is important to note that participants indicated that their critique of Ontario's child welfare system in no way diminishes the important role that child welfare agencies play in the protection of children when their parents are unable or fail to protect them.

Throughout the consultations, participants identified the role that other systems play in creating and maintaining the racial disproportionality in Ontario's child welfare system. They noted that child welfare agencies rely on referrals of suspected abuse and neglect from professionals such as teachers, police, and medical practitioners. As such, the disproportionality in child welfare reflects, in part, the biases in these other systems.

In the consultations, participants raised concerns that anti-Black racism operates throughout child welfare agencies at three levels:

- Systemic racism embedded within organizational policies and practices;
- Racism and racial biases embedded within the culture of the child welfare system as a whole and within individual child welfare agencies; and
- Individual racism, where a lack of cultural understanding or biases about people of African descent impacts interactions with and judgements made by child welfare staff.

Participants shared concerns about a Eurocentric child welfare system that does not serve the African Canadian community. As such, many felt that not only does the child welfare system fail to meet the needs of African Canadian children, youth, and families, but the system also undermines the stability and well-being of these families.

The community members and youth involved with the child welfare system in particular named anti-Black racism as a significant issue within the child welfare system, and also within the communities and foster homes in which youth are placed. They shared concerns that the child welfare system prioritizes their physical well-being over their cultural, emotional, and mental well-being. So while youth may be removed from their

³ Statistics Canada (2010)

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

families for what is seen to be neglect, they experience cultural, emotional, and psychological harm in the child welfare system. This harm was particularly voiced by youth who were removed from families in more diverse urban areas and moved to White homes in White communities, which increased their exposure to racism in the foster home, in the community, and in schools, simultaneously leaving youth without the necessary resources and supports to help them emotionally cope with and navigate this racism. The youth further shared their difficulty coping in environments that do not support the development of positive mental health, cultural connections, and racial pride. This damage is compounded when African Canadian children and youth are removed from their parents, siblings, and communities for long periods of time.

Throughout the consultations, participants expressed concerns about the lack of cultural understanding of child welfare workers and noted that workers themselves may harbour anti-Black racism or biases that impact their interactions with African Canadian families and their decision-making. They noted that this interaction may be further influenced by class bias. Some participants expressed the belief that to a large extent the treatment of, and outcomes for, African Canadian families and children who come into contact with child welfare depends on the worker they have rather than organizational policies.

Further, participants noted that the cultural norms and values of African Canadians are not recognized or respected by child welfare staff, and that assumptions are made about African Canadian families without asking questions to seek out the correct information.

Throughout the consultations the African Canadian community issued an urgent call to action. They were concerned that as the issues are researched, families continue to be torn apart, children are growing up without their parents, and youth are transitioning into adulthood unprepared and more likely to face homelessness, low educational achievement, high unemployment rates, and increased involvement with the criminal justice system. The community made it clear that the time to act is now.

Race Equity Practices

The document that accompanies this research report — Part 2: Race Equity Practices — outlines 11 recommended practices that come out of this research that, if fully implemented, will create a child welfare system that better serves African Canadians. These include:

A. ORGANIZATIONAL PRACTICES: Setting the Organizational Context
1. Commit to courageous leadership.
2. Collect and analyze data to measure racial disproportionality and disparities.
3. Evaluate programs and monitor performance.
4. Allocate appropriate and dedicated resources.
5. Engage African Canadian parents and communities.
6. Engage and educate mandated referrers.
7. Establish effective internal complaint mechanisms.
8. Enhance human resource management.
B. DIRECT SERVICE PRACTICE: Delivering Child Welfare Services that Support Equitable Outcomes for African Canadian Children and Families
9. Provide daily supervision, ongoing training, and supports for staff, volunteers, and caregivers.
10. Establish collaborations and partnerships.
11. Strengthen the ability of caregivers to support African Canadian children and youth.

Additional Recommendations

In addition to shaping the Practice Framework, the Steering Committee has also made the following recommendations for changes that will support improvements in the child welfare system.

The Steering Committee recommends that:

The Ontario Ministry of Children and Youth Services:

1. Amend the *Child and Family Services Act* to acknowledge the historical significance of African Canadians in Canada's history and Canada's long history of anti-Black racism, establishing the need to ensure equitable outcomes for African Canadians in the child welfare system.
2. Establish and appropriately fund African Canadian Child and Family Services Agencies in relevant communities that will deliver proactive services that focus on strengthening and keeping families together by supporting the well-being of African Canadian children, youth, and families and reducing the need for child apprehension.
3. Develop a protocol that requires and supports child welfare agencies to engage the African Canadian Child and Family Services Agencies once an African Canadian child or family is brought to the attention of the agency.
4. Establish a Disproportionality and Disparity Unit that would lead and direct OACAS and Ontario's child welfare agencies in addressing racial disproportionality and disparities by providing leadership, strategies, implementation, and expertise to the field.
5. Establish mandatory requirements for the collection and annual reporting of disaggregated race-based data by child welfare agencies through the Child Protection Information Network (CPIN), Ontario Looking After Children (OnLAC), and Crown Ward Review. Mandatory requirements should stipulate that such data be used as a basis for strategic planning, program development, and service delivery related to the African Canadian community, and that child welfare agencies report annually on performance measures to both the Ministry of Children and Youth Services and the community.
6. Ensure that the updated Child Protection Standards, released in June 2016, are reviewed through an anti-Black racism lens and integrate the Practice Framework into those standards, to establish mandatory minimum performance expectations for child welfare agencies to address disproportionalities and disparities.
7. Conduct all Ministry- and OACAS-funded service and policy review initiatives through an anti-Black racism lens.

8. Allocate appropriate human and financial resources to support the implementation and evaluation of the Practice Framework.

The Province of Ontario:

9. Through the Anti-Racism Directorate, establish a systems-wide training initiative to address anti-Black racism in education, community and social services, community safety and correctional services, and healthcare.
10. Support the establishment of a body to facilitate the coordinated planning, implementation, monitoring, and evaluation of inter-sectoral efforts to address disproportionality and disparities in child welfare. Funds should be allocated for staffing to support ongoing coordination. The body should report to the Anti-Racism Directorate and include representation from key referring systems. The model should be based on similar statewide efforts to address disproportionality and disparity in the United States.
11. Conduct a review of complaint mechanisms for child welfare (i.e., Provincial Advocate, Ombudsman) and put in place mechanisms to ensure adequate oversight and investigation into complaints of racial discrimination and unfair treatment from African Canadian service users. Ensure that complaint mechanisms include protections for complaints from service providers who experience reprisals from child welfare agencies for advocating on behalf of African Canadian children, youth, and families.
12. The Ontario Ministry of Community and Social Services establish a targeted fund to support the development and enhancement of culturally responsive services for African Canadian families, including capacity building for Black-focused community agencies.
13. Provide better oversight of the child welfare system similar to the oversight of other sectors, such as education and healthcare.

Federal, provincial, and regional/municipal governments:

14. Increase funding for services that address basic needs of vulnerable families, including universal child care, affordable housing, public transit, and living wage standards.

The Ontario Association of Children's Aid Societies:

15. Establish an African Canadian Advisory Committee to provide advice on an ongoing basis regarding disproportionality and disparities experienced by African Canadians in the child welfare system.
16. Update the OACAS-designed new worker training to include the history, experiences, and voices of African Canadian children and youth in the child welfare system. The training should also ensure that workers have an understanding of disproportionality, disparities, equity, and anti-Black racism. The training will be developed and delivered by African Canadian community members chosen by the Advisory Committee.
17. Establish a specific team at OACAS whose goal will be researching and leading the elimination of disproportionality and disparity using an anti-racist, anti-colonial, and anti-oppressive framework. The research will be conducted in full partnership with the African Canadian community through the African Canadian Advisory Committee, which will provide input into the design, implementation, analysis, and publication of the data.
18. Develop training, with input from the African Canadian Advisory Committee, for OACAS staff to enable them to lead the field in addressing racial disproportionality and disparities. Ensure training is delivered by trainers with expertise in teaching anti-Black racism.

PART 1: INTRODUCTION

1.1 Purpose of this Document

In 2015, the Ontario Ministry of Children and Youth Services funded the African Canadian community, through the Ontario Association of Children's Aid Societies, to facilitate the development of a Practice Framework that would support child welfare agencies in providing better service to African Canadian children, youth, and families.

Between September 2015 and March 2016, 16 community consultations were held to gather feedback from African Canadian service users, advocates, community agencies, and service providers about the issues that bring African Canadians into contact with the child welfare system, their experiences once involved with a child welfare agency, and their recommendations for change. In May and June 2016, One Vision One Voice held feedback sessions in seven cities to provide consultation participants with a summary of input received from all the consultation sessions to ensure that we accurately captured the community's perspective and gave community members the opportunity to provide additional input.

This document summarizes the research conducted, including literature and best practice reviews, along with what we heard through the community consultations. It is divided into five sections:

- Part 1 provides an introduction to this project and document;
- Part 2 defines some key terms and describes the composition, growth, and diversity of Ontario's African Canadian population;
- Part 3 summarizes what the literature tells us about racial disproportionality and disparities in child welfare. It also summarizes some of the promising practices implemented by various child welfare agencies in Ontario and other jurisdictions to address disproportionality and disparities. This section is not meant to be an exhaustive review of the literature or promising practices. Instead, it is meant to contextualize the issues and provide some insight into how various organizations and jurisdictions are addressing the issues of racial disproportionality and disparities.
- Part 4 summarizes the issues and recommendations for change provided through the community consultations conducted for this project; and

- Part 5 includes additional recommendations from the Steering Committee that, along with the Practice Framework, will make the systemic changes needed to create a child welfare system that better serves African Canadians.

Based on the input from the community consultations, Steering Committee, and Reference Group, the Race Equity Practices were drafted. These Practices were used to hold a consultation session with child welfare staff. Fifty people participated in this daylong consultation, including executive directors, directors of service, quality assurance leads, human resource managers, and others. They provided input on the Practices and made suggestions about what tools and resources they will need to make and sustain change that reduces the disproportionality and disparities experienced by African Canadian children, youth, and families in the child welfare system. The Race Equity Practices were then further revised and refined by the Steering Committee.

1.2 Project Rationale

For decades, African Canadians, advocates, service users, community partners, and most recently the media have raised the issue of overrepresentation of African Canadian children and youth in Ontario's child welfare system. Recently, researchers at the University of Toronto analyzed provincial data from the Ontario Incidence Study of Reported Child Abuse and Neglect (2013) to better understand the overrepresentation of certain racial groups in child welfare. The study demonstrates the intersection between race, poverty, and child welfare.¹ Additionally, various studies, service users, as well as observations by service providers and advocates at Children's Aid Society (CAS) offices, family courts, group homes, and various family and youth events sponsored by CASs confirm the perception that African Canadians are overrepresented in the child welfare system.

In addition to disproportionality,, African Canadians also report that they experience disparities after they come into contact with the child welfare system, in that they are treated differently than their White counterparts, are criminalized, lack access to culturally appropriate services, and experience poorer outcomes than their White counterparts. They have identified anti-Black racism operating at three levels in the child welfare system as being at the root of their experiences: systemic racism embedded within organizational policies and practices; cultural biases embedded within the culture of the child welfare system and individual agencies; and interpersonal

biases, including anti-Black racism, a lack of cultural understanding, or biases about people of African descent that impact interactions with and decisions made by child welfare staff.

In response to the concerns of the community, the African Canadian Legal Clinic and other community organizations have identified the overrepresentation of African Canadians in the child welfare system as a serious issue and have been advocating — for decades — for change. These organizations have engaged directly with various child welfare agencies, the Ministry of Children and Youth Services, as well as the general public through the media. In the African Canadian Legal Clinic's 2013 Annual Report, it notes:

The ACLC continues to coordinate advocacy, law reform and outreach initiatives to raise awareness and effectively address the gross overrepresentation of African Canadian children and families at all stages of the child welfare system in Ontario... The status quo is no longer acceptable as the child welfare system is an early form of institutionalization for our children and youth.⁴

In both 2012 and 2016 the United Nations Committee on the Rights of the Child raised concerns about the significant overrepresentation of Indigenous and African Canadian children and youth in this country's child welfare system. In 2016 the Committee recommended that Canada "take effective measures to address the root causes of overrepresentation of African-Canadian children in care institutions."⁵

Coverage of this issue in the African Canadian media has reflected the concerns of the community (see "Prof calls for Black children's aid society," *The Caribbean Camera*, December 18, 2014). Articles in the *Toronto Star* have helped to bring this issue to the fore for the general public (see "Why are so many black children in foster and group homes," December 11, 2014; "Black kids stay longest in care," August 26, 2015; "Report shines light on poverty's role on kids in CAS system," August 15, 2016).

In December 2015, the Black Community Action Network of Peel released a paper, *Pathways and Prevention of African-Canadian Disproportionalities and Disparities in the Child Welfare System: A Position Paper*. In it, the organization issues a call to action:

⁴ African Canadian Legal Clinic (November 2014), p. 18

⁵ United Nations Committee on the Rights of the Child (2016)

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

Because of these information gaps, we believe that an urgent and comprehensive response is needed to address Black disproportionalities and disparities in Ontario's child welfare system. We believe that the response must be prevention-oriented, with a focus on addressing systemic and structural factors that lie at the root of such inequities.⁶

The Children's Aid Society of Toronto, the first child welfare agency in Ontario to publicly share race-based data, has held a series of community consultations to share its data with the community and seek their advice regarding solutions. These data confirm the concerns expressed throughout the African Canadian community and show that African Canadians are significantly overrepresented within the child welfare system. These data show that while African Canadians make up 8.5% of the population of Toronto, they constitute 40.8%⁷ of the children in care of the Children's Aid Society of Toronto.⁸ Advocates along with those in the child welfare field suggest that this disproportionality is not just an issue within Toronto but is experienced throughout the province.

Finally, the Ontario *Human Rights Code* requires that child welfare agencies be non-discriminatory in service delivery to Ontarians. Responding to the issues raised by the African Canadian community, the Ontario Human Rights Commission has called on the Ministry of Children and Youth Services to help all child welfare agencies collect and report disaggregated data for Indigenous and racialized children in care. Further, the Chief Commissioner recently contacted each of Ontario's child welfare agencies to request that they share data on their service users by race and other human rights protected grounds.⁹ The letter sent to each agency notes that the Commission is "concerned that the over-representation of Indigenous and African Canadian children and youth in child welfare may be indicative of systemic and persistent discrimination."¹⁰

This confluence of developments has made this the time to explore the root causes of racial disproportionality and disparities and act to address them. Without bold and

⁶ Hasford (2015), p. 1

⁷ Children's Aid Society of Toronto (2015)

⁸ Note that the City of Toronto is served by four Children's Aid Societies: CAS of Toronto, Catholic CAS of Toronto, Jewish Family and Child Services, and Native Child and Family Services of Toronto

⁹ The letter from the OHRC to each child welfare agency can be accessed at:
http://www.ohrc.on.ca/en/news_centre/children%E2%80%99s-aid-societies-ontario-re-request-disaggregated-data-regarding-children-and-youth-ontario

¹⁰ Rankin (2016)

consistent action, the outcomes for African Canadian children, youth, and families involved with the child welfare system will worsen, the racism within the systems and larger society that created the racial disproportionality and disparities we see today will be further entrenched, and the human and social costs will continue to mount.

While the lack of province-wide and local data on the representation of African Canadians in the child welfare system suggests that more research is needed, the urgent call to action expressed by the community suggests that African Canadian children, youth, and families cannot wait. Community members are concerned that as the issues are researched, families continue to be torn apart, children are growing up without their parents, and youth are transitioning into adulthood unprepared and more likely to face homelessness, low educational achievement, high unemployment rates, and increased involvement with the criminal justice system. The community has made it clear that the time to act is now.

1.3 Process for Developing the Practice Framework

The Practice Framework consists of two companion documents. Part 1, the Research Report, provides the context for the implementation of the Race Equity Practices contained in Part 2. The information and process used to develop the Practice Framework includes:

Literature review: A review of the literature was conducted to identify the issues with respect to disproportionality and disparity for the African Canadian community in Ontario's child welfare system. While this literature review is not meant to be exhaustive, it helps to set the context for the issues and challenges experienced by African Canadians, which the Practice Framework is meant to address.

Review of promising practices: A review was conducted to identify practices that are emerging as among the best in child welfare to address the issues faced by people of African descent. While the effectiveness of these practices and programs may not as yet be assessed and the review not exhaustive, they offer principles and approaches that can be adopted or adapted for use throughout Ontario's child welfare system.

Practical considerations for identifying promising practices to include in this report were:

- Whether the innovative programs and practices align with what the literature identifies as issues for children and families of African descent; and
- Whether these programs can be easily adapted for use in the Ontario context.

Community consultations: An essential element of this work was hearing directly from the community. The province-wide consultations helped the project team understand how youth, parents, and families have experienced the child welfare system and the particular issues faced in the Ontario context.

From September 2015 to March 2016, 16 community consultation sessions were held to allow families, service providers, advocates, educators, social workers, and others to offer their insights into how Ontario's child welfare system impacts African Canadians and provide their recommendations for change.

In total, over 800 individuals and community organizations provided input through the following sessions:

- North York, Toronto (September 15, 2015)
- Scarborough, Toronto (September 21, 2015)
- LGBTQ-focused session, Toronto (September 25, 2015)
- Durham Region (September 26, 2015)
- Hamilton (September 28, 2015)
- Windsor (October 1, 2015)
- York Region (October 3, 2015)
- London (October 5, 2015)
- Ottawa (October 7, 2015)
- Peel Region (November 6, 2015)
- Downtown Toronto (November 7, 2015)
- Sudbury (January 28, 2016)
- Thunder Bay (March 17, 2016)
- Sessions for youth who are currently or have been in care (Windsor, November 3, 2015; Toronto, November 14, 2015; Ottawa, December 2, 2015).

In addition, a number of individuals also prepared written comments that were submitted to the project manager.

In May and June 2016, feedback sessions were held in seven cities to provide consultation participants with a summary of input received from all the consultation sessions. The intention of these feedback sessions was to ensure that we accurately captured the community's perspectives, and to give community members the opportunity to provide additional input.

Input from the Steering Committee: A Steering Committee consisting of 17 individuals from the African Canadian community who are familiar with the issues was established to guide this work. The Steering Committee provided direction for the project, including the locations and form of the community consultations, literature/best practice reviews, and the development of the Practice Framework.

Input from the CAS Reference Group: A Reference Group consisting of 13 African Canadian employees and allies from various child welfare agencies across Ontario was also established to provide input into the project and provide insights into the child welfare system and its impact on African Canadian children, youth, and families.

1.4 Values and Principles

This project recognizes that policy development is a value-laden process that should be guided both by empirical evidence and a principle-based framework. These values and principles were distilled from the discussions with the Steering Committee and have been used to guide this project and the development of the Practice Framework.

Anti-Black Racism

The project acknowledges that anti-Black racism exists in Canadian society and in the child welfare system as evidenced by the racial inequities experienced by African Canadian people in multiple systems, including child welfare, criminal justice, education, and the labour market. As such, this project was not focused on proving whether anti-Black racism exists, but instead focused on exploring how anti-Black racism is manifested in the child welfare system and how it impacts outcomes for African Canadian children, youth, and families.

Equity

Progress will be measured by equity of outcomes, not the intentions or actions by the child welfare system that may or may not create meaningful and sustained change.

Honour Community Voice

The process for consulting with the community and developing the Practice Framework will reflect the voice of the community. As such, the project honours the community's voice by virtue of being led by a Steering Committee of community members and privileging the input of African Canadians in community consultation sessions, particularly those of African Canadian youth in care.

Community Empowerment

While the community consultations are critical to hearing the voice of the community, we also endeavoured to educate community members and provide them with tools they can use to advocate for themselves and engage with their local child welfare agency to create change.

Transparency and Accountability

This project took transparency and accountability to the African Canadian community seriously. As such, the community was provided with detailed background information about this project, including its process, leadership, and outcomes.

Diversity and Intersectionality

This project recognizes the diversity of identities within the African Canadian community, and the intersections of these identities and their impacts on the experiences of individuals.

PART 2: CONTEXT

2.1 Definitions and Key Concepts

The following definitions reflect various terms and concepts used throughout this document.

Africentric: The import, respect, and dignity afforded persons of African descent, the multitudes of African cultural expression, values, and, in light of the pervasiveness of racism and systemic oppression, the right of people of African descent to strive for self-determination. It recognizes that common ancestry serves as the critical linchpin for African Canadians, whether they are multi-generation Canadian or have immigrated to Canada by way of Africa, the Caribbean, South or Central America, England, the United States, or elsewhere. At its core, Africentricity seeks to combat a complex history of anti-Black racism and colonialism.¹¹

African Canadians: This term refers to all people whose ancestry is indigenous sub-Saharan African, residing in Canada, regardless of their cultural identity or where they are born. It includes those born in Canada, the Caribbean, Africa, England, the United States, Latin America, and elsewhere.

Anti-Black racism: Anti-Black racism is a conceptual framework for understanding a dialectic that involves “a particular form of systemic and structural racism in Canadian society, which historically and contemporarily has been perpetrated against Blacks” and highlights the “resistance against dominant and hegemonic systems of Whiteness and the building of agency and social transformation against racism and other forms of oppression.”¹²

Anti-Black racism is prejudice, attitudes, beliefs, stereotyping, and discrimination directed at people of African descent and is rooted in their unique history and experience of enslavement. Anti-Black racism in Canada is often subtle and is generally not accompanied by overt racial slurs or explicitly prohibitive legislation. However, it is deeply entrenched in Canadian institutions, policies, and practices, such that anti-Black racism is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of

¹¹ Adapted from Adjetey (2012)

¹² Benjamin, 2003, p. ii

opportunities, lower socio-economic status, higher unemployment, significant poverty rates, and overrepresentation in the criminal justice system.¹³

Anti-racism: An action-oriented strategy for institutional and systemic change to address racism and the interlocking systems of social oppression. Anti-racism uses race as the main prism through which to understand and respond to interlocking systems of oppression.¹⁴

Anti-oppressive practice: Anti-oppressive practice (AOP) is concerned with eradicating social injustice perpetuated by societal structural inequalities, particularly along the lines of race, gender, sexual orientation and identity, ability, age, class, occupation, and social service usage.¹⁵

The Child Welfare Anti-Oppressive Roundtable further explains AOP:

An anti-oppressive perspective looks at the use and abuse of power not only in relation to individual and organizational behaviour but also in relation to broader social structures such as the health, education, political, economic, media and cultural systems and their routine provision of services and rewards to powerful groups. These factors impinge on people's life stories in unique ways that have to be understood in their socio-historical complexity.¹⁶

Bi-racial: For the purpose of this report, a bi-racial person is someone who has one parent of African Canadian descent and one parent of another racial background.

Cultural safety: Cultural safety is a concept that emerged in the late 1980s as a framework for the delivery of more appropriate health services for the Maori people in New Zealand. A commonly used definition is:

An environment that is spiritually, socially and emotionally safe, as well as physically safe for people; where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together.¹⁷

¹³ African Canadian Legal Clinic (2015)

¹⁴ Dei (1996) p. 25

¹⁵ Dumbrill (2003), p. 57

¹⁶ Child Welfare Anti-Oppression Roundtable (2009), p. 7

¹⁷ Williams (1999), p. 213

Cultural safety is also seen as an outcome. Used this way, it is defined as the outcome of interactions where individuals experience their cultural identity and way of being as having been respected or at least not challenged or harmed. It is determined by the recipient of a service or the participant in a program or project and includes:

- Respectful relationships
- Equitable partnerships that appreciate that all parties have the right to influence the terms of engagement
- The quality of the engagement¹⁸

Discrimination: Unequal treatment based on one or more of the prohibited grounds, under the Ontario *Human Rights Code*. Discrimination can be intentional or unintentional, direct or indirect, but the result is adverse on prohibited grounds.¹⁹

Disparity: Disparity occurs when the rate of disproportionality, poor outcomes, or deficient services of one group exceeds that of a comparison group.²⁰

Disproportionality: Disproportionality is evident when the percentage of a certain group within any system, including the child welfare system, is higher than its representation in the general population.²¹

Equity: Equity is both a process (fair, inclusive, and respectful treatment of all people) and a goal (equitable outcomes for all groups). Equity does not mean treating people the same without regard for individual differences. Instead, it recognizes that treating people differently is sometimes necessary to achieve equitable outcomes.²²

Efforts to achieve equity must therefore begin with an analysis of the context in which inequity operates. This analysis will inform the design of programs and policies tailored to address the root causes and consequences of inequity. These initiatives must be developed in collaboration with community partners who can help identify appropriate strategies for promoting equity.²³

¹⁸ Ball (nd)

¹⁹ Children's Aid Society Toronto (2015)

²⁰ Harris (2014)

²¹ Harris (2014)

²² Adapted from Ontario Ministry of Education (2009)

²³ Adapted from EvalPartners

Eurocentric: Interpreting the world in terms of European values and perspectives and the belief that they are superior.²⁴

Individual racism: Prejudgement, bias, or discrimination by an individual based on race.²⁵

Institutional / systemic racism: Policies, practices, and procedures that work better for White people than for racialized people, often unintentionally or inadvertently.²⁶

Kinship care/ service: Kin are individuals who have a relationship with a child or youth and may include biologically related kin or individuals without a biological connection but with a significant social connection. Examples include a stepparent, godparent, friend, teacher, coach, and neighbour.

Kinship care refers to the day-to-day care and nurturing of children by relatives or others described as family by a child's immediate family members for children who are in need of protection. It can include an approved family member, godparent, stepparent, familiar friend, or community member who has a blood or existing relationship with a child or youth in care.

Kinship options are always explored for children who are in need of protection prior to having a child placed in foster care or a group home. Sometimes children need to be placed in temporary foster care while the Children's Aid Society (CAS) seeks kin.

Kinship service occurs when a child or youth is placed in the home of an approved kin but the child does not have "in-care" status.²⁷

LGBTQ: This is a shortened acronym meant to refer to the entire lesbian, gay, bisexual, trans, queer, questioning, intersex, pansexual, two-spirit, and asexual communities, otherwise referred to as LGBTQQIP2SA.²⁸

Racial microaggressions: Brief and commonplace daily verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults towards racialized people.²⁹

²⁴ Delgado & Stefancic (2001), p. 162

²⁵ Government Alliance on Race and Equity (2015)

²⁶ Government Alliance on Race and Equity (2015)

²⁷ OACAS website <http://www.oacas.org/childrens-aid-child-protection/permanency/>

²⁸ adapted from Ontario Human Rights Commission (nd)

²⁹ Sue et al. (2007)

Racialized: Recognizing that race is a social construct, the terms “racialized person” and “racialized group” are used instead of the more outdated and inaccurate terms “racial minority,” “visible minority,” “person of colour,” or “non-White.”³⁰

Structural racism: The history and current reality of institutional racism across all Canadian institutions. The racism within various institutions combines to create a system that negatively impacts racialized communities.³¹

Transracial foster home: A home in which the caregivers are of a different race than the children placed in their care.

2.2 African Canadian Population in Ontario

2.2.1 Population Overview

Data from the 2011 National Household Survey show that there are 945,665 African Canadians in Canada, representing 3% of the country’s population. Fifty-seven percent of all African Canadians (539,205) live in Ontario, representing 4% of the provincial population. Of those in Ontario, the vast majority (74%) live in the Toronto census metropolitan area, representing 7% of the area’s population. Table 1 shows the number of African Canadians in select municipalities across Ontario and the proportion of the municipal population they represent.

³⁰ Ontario Human Rights Commission (nd)

³¹ Government Alliance on Race and Equity (2015)

Table 1. African Canadian Population in Ontario for Select Municipalities (2011).			
Municipality	Municipal Population	African Canadian Population	% of Municipal Population
Toronto	2,576,025	218,160	8%
Peel Region	1,289,015	116,265	9%
Ottawa	904,910	50,350	6%
Durham Region	601,605	41,890	7%
York Region	1,024,225	25,870	3%
Hamilton	708,175	19,060	3%
Halton Region	495,440	10,970	2%
Windsor	315,460	10,575	3%
Kitchener–Cambridge–Waterloo	469,935	10,485	2%
London	467,260	9,255	2%
St. Catharines–Niagara	383,970	6,340	2%
Barrie	184,330	2,895	2%
Kingston	153,900	1,215	1%
Guelph	139,670	1,755	1%
Peterborough	116,175	765	1%
Ontario	12,651,790	539,205	4%

Source: Statistics Canada, National Household Survey, 2011, summarized in 2011 NHS Bulletin: Ethnic Diversity and Religion, May 2013. Region of Peel.

As the table shows, the largest number of African Canadians (218,160) live in Toronto, constituting 8% of the population. Peel Region has the next largest number of African Canadians (116,265), constituting 9% of that municipality's population. The data also show that far fewer African Canadians live outside the five municipalities that make up the Greater Toronto Area (Toronto, Halton Region, Peel Region, York Region, and Durham Region). Not only are they smaller in number, but they make up a much smaller proportion of the municipal population.

2.2.2 Population Growth

An important feature of Ontario's African Canadian population is its rate of growth. Table 2 shows the size of Ontario's African Canadian population in 2001, 2006, and 2011 and its rate of growth compared with that of the total Ontario population.

Table 2. Rate of Growth of African Canadian Versus Ontario Population, 2001– 2011.

Year	African Canadian Population			Ontario Population	
	No.	% of Ontario Population	Rate of Growth Since 2001	No.	Rate of Growth Since 2001
2001	411,100	3.6%	—	11,410,000	—
2006	473,800	3.9%	15%	12,160,000	7%
2011	539,205	4.3%	31%	12,651,795	11%

Source: Statistics Canada, Census of Canada, 2001; Statistics Canada, Census of Canada, Special Custom Cross-Tabulation, 2001 (includes residents in private households only); Statistics Canada, National Household Survey, 2011.

As the table shows, Ontario’s African Canadian population is growing at a faster rate than the provincial population overall. In 2001, just over 411,000 African Canadians lived in Ontario, representing 3.6% of the provincial population. In 2006, this number had grown by 15% to 473,000. By 2011, the African Canadian community had grown by 31% to 539,000 and represented 4.3% of the provincial population. By contrast, the Ontario population overall grew by 7% between 2001 and 2006, and by 11% between 2001 and 2011.

Projections by Statistics Canada estimate that the African Canadian population in Canada could double in size by 2031, reaching between 1.6 million and 2.0 million people.³² This means that the provincial African Canadian population could increase to between 896,000 and 1 million people (assuming that 57% of Canada’s African Canadian population continues to reside in Ontario) and could represent 6% of the provincial population in the near future.

Statistics Canada data show that immigration is a major source of growth of the African Canadian population. In 2011, over half (55%) of all African Canadians were born outside the country. Of African Canadians who are immigrants, 17% are newcomers who arrived between 2006 and 2011.

2.2.3 Diversity

As the African Canadian population in Ontario grows, so too does the ethnic, religious, and linguistic diversity within the population. There are communities of African descent in southwestern Ontario whose ancestors came to Canada via the Underground

³² Statistics Canada (2010)

Railroad, various communities with large immigrant populations, as well as communities with a large and growing second- and third-generation African Canadian population.

People of African descent have lived in Canada since the 1600s. The first Africans came to Canada as explorers. Others were later enslaved and brought to Canada via the transatlantic slave trade. Many came from the United States, fleeing slavery and oppression, while the Black Loyalists who fought for the British in the American Revolutionary War were promised land and freedom in Canada.

In the 1960s, Canada changed its immigration policies, which were originally designed to limit the number of racialized people able to immigrate to Canada. Since then, the African Canadian population in Canada has grown considerably, with immigrants from Africa and the Caribbean, and their children and grandchildren, now making up the majority of Ontario's African Canadian population. While the Caribbean population has historically accounted for a large proportion of immigrants of African descent, immigrants from continental Africa are increasing in numbers.

Table 3 shows the ethnic origins for African Canadians in Ontario. The ethnic groups shown are those with over 7,000 members.

Table 3. Select Ethnic Origins of African Canadians in Ontario (2011).	
Ethnic Origin	No.
Jamaican	218,060
Trinidadian/Tobagonian	51,340
Somali	33,970
Barbadian	23,380
Ghanaian	22,035
Nigerian	20,025
Ethiopian	17,325
Haitian	15,830
South African	15,165
Grenadian	11,975
Cuban	11,675
Vincentian/Grenadian	10,105
Congolese	7,795
Eritrean	7,475
Sudanese	7,360
Dominican	7,085
Total African Canadians	539,205
Source: Statistics Canada, National Household Survey, 2011.	

As the table shows, there is a great deal of ethnic diversity within the African Canadian population. It is also important to note that the proportion of African Canadians born in Canada is the second highest among all racialized groups — 43% of all people of African descent in Canada were born in the country. Further, 9% of African Canadians have been in Canada for three or more generations, i.e., they were born in Canada to Canadian-born parents.³³

While there is a great deal of diversity at the provincial level, the composition of African Canadians within each municipality varies greatly. For example, communities in southwestern Ontario have higher proportions of African Canadians who are third-generation or more, with connections to the Underground Railroad; the bilingual city of Ottawa is home to more Haitians and those from French-speaking African countries; and larger cities such as Toronto have a larger mix of African Canadians from various cultural backgrounds.

Also of note is that the African Canadian population has a younger age profile than the general population. The data show that the median age of the African Canadian population is 29.5 years, with 27% of African Canadians aged 14 and under, compared with 17% of the total population.³⁴

While data that explore the diversity of the African Canadian population in all dimensions of diversity are not readily available, we know that similar to the overall Canadian population, there is a great deal of religious and linguistic diversity within this population. Further, various studies estimate that the LGBTQ population as a proportion of the general population is between 3% and 10%, which is likely also the same within the African Canadian population.

³³ Statistics Canada, National Household Survey, 2011

³⁴ Statistics Canada, National Household Survey, 2011

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Changing the Ontario Child Welfare System to Better Serve African Canadians

In recognizing the diversity within the African Canadian community, we also need to recognize the rich and diverse forms of families within this community. Within African communities, family is defined as “a primary group of persons whose members are embedded in a complex web of social, psychological, and legal relationships... [and] are defined as more inclusive than simple blood ties and/or legal relationships.”³⁵ People of African descent have a long tradition of making family bonds based on emotional and economic ties, not simply legal ties such as birth, marriage, and adoption. These forms of family and the supports they offer are increasingly important to those who have migrated to Canada without blood relations.

³⁵ Harris (2014), p. 17

PART 3: LITERATURE REVIEW

This section offers a brief overview of the literature on racial disproportionality and disparities in the child welfare system. This is not intended to be an exhaustive review of the literature, but is meant to highlight some key issues affecting African Canadians in the child welfare system to contextualize the concerns raised during the community consultations.

As we conducted this review, the lack of race-based Ontario data and limited research exploring the issues for African Canadians in the child welfare system became evident. As such, we have also included research from the United States to help explain racial disproportionality and disparities.

3.1 Racial Disproportionality and Disparities in Child Welfare

Racial disproportionality and disparity in child welfare has received increased attention in Australia, New Zealand, England, the United States, and Canada.³⁶ Australia has a history of intergenerational removal of Indigenous children from their families and placement in foster care. Indigenous children in Australia are currently nine times more likely to be in foster care than their White counterparts. New Zealand also has a history of placing Maori children in residential schools, and the overrepresentation of Maori children has been an issue for a number of years. Black and other racialized children are overrepresented in England's child welfare system, and studies show that they experience discriminatory treatment when in contact with the child welfare system.

Both the United States and Canada have a history of removing Indigenous children from their homes and placing them in White adoptive homes and residential schools. Further, in the United States, African American children are overrepresented in the child welfare system. In Canada, the recently released report of the Truth and Reconciliation Commission has focused attention on the intergenerational impact of the country's residential school system and calls for sweeping changes to the country's child welfare system.³⁷ Attention has also been drawn to the overrepresentation of African Canadians in the child welfare system, particularly in Ontario and Quebec.

³⁶ Harris (2014)

³⁷ Truth and Reconciliation Commission (2015)

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Racial disproportionality occurs when one particular group of people, in this case African Canadians, is represented in the child welfare system at a higher rate than its representation in the general population. Disparity occurs when the rate of disproportionality, poor outcomes, or lack of access to services of one group (e.g., African Canadians) exceeds that of a comparator group (e.g., White Canadians).³⁸

Data from the United States show that African Americans are overrepresented in the foster care system in every state. The racial disproportionality rate is calculated by dividing the representation of African American children in foster care by their representation in the state population under the age of 18.³⁹ The Center for the Study of Social Policy classifies the racial disproportionality rates for African Americans as follows:⁴⁰

- Comparable representation occurs when rates are under 1.50
- Moderate disproportion occurs when rates are between 1.50 and 2.49
- High disproportion occurs when rates are between 2.50 and 3.49
- Extreme disproportion occurs when rates are 3.50 and over

Table 4 shows the racial disproportionality rate for various states and Toronto, the first jurisdiction to collect and share disaggregated race-based data in Ontario.

³⁸ Harris (2014)

³⁹ National Council of Juvenile and Family Court Judges (2011)

⁴⁰ The Center for Community Partnerships in Child Welfare of the Center for the Study of Social Policy (2006)

Table 4. Racial Disproportionality of Children of African Descent in Foster Care for Selected American States (2009) and Toronto (2011).			
Jurisdiction	% of Population	% of Children in Care	Racial Disproportionality Rate
California	5.6%	23.3%	4.1
Florida	20.4%	36.1%	1.8
Georgia	33.6%	47.4%	1.4
Illinois	16.5%	56.9%	3.5
Minnesota	7.4%	18.1%	2.5
New York	15.9%	48.2%	3.0
Texas	11.8%	24.9%	2.1
Utah	1.1%	4.9%	4.4
Wyoming	0.8%	4.8%	6.0
United States	14.5%	30.1%	2.4
Toronto	8.5%	40.8%	4.8
Source: National Council of Juvenile and Family Court Judges (2011) and the Children’s Aid Society of Toronto.			

While 2011 Statistics Canada data show that 8.5% of Toronto’s population is African Canadian, the Children’s Aid Society of Toronto reports that 40.8% of the children and youth in care as of September 23, 2013, were African Canadian. This results in a racial disproportionality rate of 4.8. Based on the Center for the Study on Social Policy’s rating scale, this racial disproportionality rate is considered extreme.

While these data examine racial disproportionality in various care settings, additional data from the Child Welfare Anti-Oppression Roundtable examine disproportionality in group care. The data for one Ontario city indicate that African Canadian youth represent 65% of the children in group care while only representing 8% of the municipality’s population.⁴¹ This racial disproportionality rate of 8.1 is also extreme, and highlights the need to examine the various placement types, not just foster care, for African Canadian children and youth.

The American data further indicate that African Americans are vulnerable to being overrepresented in child welfare systems, regardless of whether they constitute a large or small percentage of the wider population. For example, states in which African Americans make up a large proportion of the population, such as Georgia (34%) and

⁴¹ Child Welfare Anti-Oppression Roundtable (2009)

New York (16%), show moderate and high rates of disproportionality, respectively. Yet states in which African Americans make up a small proportion of the population, such as Wyoming (0.8%) and Utah (1%), still exhibit extreme rates of disproportionality. Further, researchers who have analyzed the data for Illinois' child welfare system have found the same pattern within states. For example, in Illinois the study found higher disproportionality rates in areas of the state outside of Cook County, which is the state's main urban county and includes Chicago, which has a large African American population.⁴²

3.2 Systemic Forces that Bring Families of African Descent into Contact with Child Welfare

While calculating the extent of racial disproportionality is relatively easy, understanding its causes and the factors and conditions that bring families into contact with the child welfare system is much more complicated. This section will discuss some of these factors, including actual rates of child maltreatment, the funding formula, biases of mandated referrers, and poverty.

3.2.1 Actual rates of child maltreatment

The starting point for understanding racial disproportionality is understanding whether the rate of racial disproportionality reflects actual rates of maltreatment.

The Ontario Incidence Study of Reported Child Abuse and Neglect collects information about the children and families that are investigated by Ontario's child welfare system.⁴³ To date, there have been five cycles of the study, with reports completed in 1993, 1998, 2008, and 2013. The data collection tool does collect ethno-racial data; however, an analysis by race (other than Indigenous) is not included in the study's report. This analysis by race is reported in separate articles.

The most recent data show that African Canadian children and youth are 40% more likely to be investigated compared to White children, 18% more likely to have their abuse be substantiated, 8% more likely to be transferred to ongoing services, and 13% more likely to be placed in out-of-home care during the investigation.⁴⁴ Only Indigenous children showed greater disparities than African Canadians.

⁴² U.S. Government Accountability Office (2007)

⁴³ See <http://cwrp.ca/provincial-studies/ontario-incidence-study>

⁴⁴ Fallon et al. (2016)

Data from the Canadian Incidence Study of Reported Child Abuse and Neglect show that at system intake, African Canadian families were overreported for child maltreatment, compared with their representation in the population. While African Canadians make up only 3% of the general population, they comprised 5% of the reports of suspected abuse and neglect in 2003.⁴⁵ Their analysis also found that this overrepresentation also exists at the substantiation and placement stages. An analysis of the data by form of reported maltreatment found that neglect was substantiated at similar rates for both Indigenous and African Canadian children and youth. The analysis also found that racialized children who experience physical abuse, particularly Asian children, experienced it in relation to corporal punishment, and that, "The extent of physical abuse in visible minority families appears to be closely associated with disciplinary methods and child-rearing practices different from those advocated by the majority culture."⁴⁶

Further, while Lavergne et al. indicate that a more comprehensive investigation is needed to get an accurate picture of these issues, they suggest that the findings echo those of other studies showing that a certain level of bias affects the substantiation of reported cases of maltreatment.⁴⁷

Three national studies in the United States have found no difference between maltreatment rates for African American and White children.⁴⁸ Further, when factors such as income, unemployment, and location (urban or rural) are controlled for, African Americans are found to have lower rates of child maltreatment than their White counterparts.⁴⁹

Given these findings, various researchers and child welfare experts link disproportionality to racial biases among those reporting abuse, racial biases among those investigating these reports, societal inequities that overexpose African American families to the child welfare system, and child welfare policies that rely too heavily on child removal instead of family support.⁵⁰ They also argue that African Americans are not inherently more likely to be associated with poverty, single parenting, and other risk factors associated with child maltreatment. Instead, African Americans are victims of historic and ongoing

⁴⁵ Lavergne et al. (2008)

⁴⁶ Lavergne et al. (2008), p. 73

⁴⁷ Lavergne et al. (2008), p. 74

⁴⁸ Casey Family Programs (2006)

⁴⁹ Ards (1998)

⁵⁰ Roberts (2002)

racism in other systems — including education, criminal justice, and employment sectors — that put them in a seriously disadvantaged position in society.

Further, they argue that poverty does not predispose one to child maltreatment. Instead, poverty exposes families to greater scrutiny and limits their ability to challenge the child welfare system when they come under its scrutiny. In fact, one study found that poverty, not the type or severity of maltreatment, is the single most important predictor of placement in foster care and the amount of time spent there.⁵¹ Further, they argue that if poverty predisposes one to child maltreatment, then both African Americans who live in poverty and their White counterparts should be equally represented in the child welfare system. Yet, racial disproportionality still occurs for low-income as well as middle- and upper-income African Americans.

As such, they see the goal of reforming the system to be achieving equity, that is, reducing the rates at which African American families are reported to child welfare and ensuring that African American children are removed from their homes at rates no greater than their representation in the general population.

Other studies suggest that there are in fact marked differences in the rates of child abuse and neglect among African American and White families, and that it is this difference that is reflected in the racial disproportionality rates. For example, for the first time, the National Incidence Study of Child Abuse and Neglect (2004–2009) found racial differences in maltreatment rates, with African American children experiencing higher maltreatment rates than White children. They concluded that the results were partly due to the widening gap between the economic well-being of African American and White children.⁵² These studies suggest that the characteristics that are predictors of child maltreatment are higher within the African American community, including poverty, unemployment, single-parent status, and living in low-income neighbourhoods. For these researchers, real differences in the underlying incidence of maltreatment indicates that child welfare agencies should focus on preventing maltreatment from occurring and providing better interventions when maltreatment does occur.

In any event, the cause of racial disproportionality reflects a complex web of economic and societal factors that extend far beyond what occurs within the child welfare system. As such, the solutions cannot be found within the child welfare system alone and must include other systems.

⁵¹ Lindsey (1992)

⁵² Sedlak et al. (2010)

3.2.2 Funding formula

Some researchers link the extreme disproportionality of African Canadians in child welfare to a funding formula that prioritizes child removal over prevention, family preservation, and support.⁵³ This funding formula has been compared to the federal funding of residential schools in Canada. Churches were paid on a per capita basis, which incentivized the apprehension of Indigenous children and increased the number of Indigenous children removed from their families and communities. In the 2011 report *A New Approach to Funding Child Welfare in Ontario*, produced by the Commission to Promote Sustainable Child Welfare, Ontario was criticized for providing a financial incentive to remove children from their homes. This report concluded that the funding formula created a “perverse incentive” for child welfare agencies to maximize the volumes of higher-cost services, such as bringing children into foster and group care, rather than the lower-cost services and alternatives such as providing them with in-home services.⁵⁴

Referencing the Commission to Promote Sustainable Child Welfare’s report and the former funding model, the African Canadian Legal Clinic suggested that Ontario’s funding formula contributes to the overrepresentation of African Canadian children and youth in care:

The current funding formula⁵⁵ thus creates an incentive among provincial children’s aid societies to contravene Article 9 of the Convention and remove children from their homes even when it is not in their best interests to do so. Given the socio-economic vulnerability of the African Canadian population, and the over monitoring that African Canadians are often subjected to due to pervasive stereotypes about their inherent aggression, criminality and lack of intelligence, it is not surprising that the cost of this “perverse incentive” is largely borne by African Canadian children and their families.⁵⁶

Ontario’s funding model for child welfare changed in fiscal year 2013–2014. In prior years, Ontario’s child welfare system operated on a volume-based funding allocation model. That is, funding to each child welfare agency was based on the number of

⁵³ Pon et al. (2011)

⁵⁴ Commission to Promote Sustainable Child Welfare (2011)

⁵⁵ In this quote, the ACLC was referring to the funding model in existence at the time, which changed in fiscal year 2013–2014.

⁵⁶ African Canadian Legal Clinic (2012), p. 11–12

children and families served and the number of children they had in care. The funding model implemented in 2013–2014 moves towards allocating funds based on the need for child welfare services within the community, which is measured in part by socio-economic composition (e.g., child population, low-income families, single-parent families, remoteness, and number of Indigenous children) and in part by the volume of child protection activities in the community (e.g., investigations completed, average number of open protection cases, average number of children in care, number of children moving to permanency).⁵⁷

Since the change to the funding formula in 2013–2014 the number of children in care has declined from 17,697 as of March 31, 2012, to 15,625 as of March 31, 2015.⁵⁸ However, no analysis has been conducted to determine whether the same decline has also been observed for African Canadian children and youth in care.

3.2.3 Biases of mandated referrers

At the beginning of the child welfare continuum are the referral sources that bring suspected child maltreatment to the attention of the child welfare system. While anyone can report suspected child maltreatment, certain professionals, such as teachers, child care providers, healthcare professionals, and law enforcement officers, are mandated by law to make such reports. As the first point of contact with the child welfare system, the point of referral becomes the first point at which disproportionality can be introduced to the system.

Lavergne et al.'s analysis of the Canadian Incidence Study of Reported Child Abuse and Neglect data found differences between the main referrers of racialized groups to the child welfare system and the main referrers for Indigenous and White children. They found that "reports about children from visible minority groups came chiefly from professional referral sources, whereas those involving Aboriginals and whites originated primarily with nonprofessional sources."⁵⁹

A study from Quebec echoed these findings, indicating that Quebecers of Haitian origin under age 18 are twice as likely to be reported to the child protection system as their French Canadian counterparts. Further, researchers found that the primary sources

⁵⁷ Ministry of Children and Youth Services (June 2015)

⁵⁸ These figures provide the average number of children in care for the year ending March 31. Figures provided by the Ministry of Children and Youth Services.

⁵⁹ Lavergne et al. (2008), p. 67

of these reports were from healthcare and education professionals, while French Canadian youth were most often reported by their immediate or extended family.⁶⁰

Another Quebec study found significant differences in the reasons for reporting African Canadians and Whites. For the cases where the report is based on a single reason, White children are most frequently reported for “neglect” (25%), while African Canadians and other racialized groups are most frequently reported for “physical abuse” (29% and 23%, respectively).⁶¹ The authors note that the situations of physical abuse of racialized children “appear to be very closely associated with disciplinary methods and educational standards different from those approved by the majority group.”

Studies in the United States have shown that less than 50% of reportable child maltreatment is actually reported and that there are racial and economic differences in who is reported, who reports, and the types of maltreatment that are reported.⁶² Other studies point to conscious or unconscious stereotypes and biases that lead professionals and others in society to scrutinize and report people of African descent more often to child welfare agencies. These biases interact with cultural incompetence and the vague definition of neglect to cause mandatory referrers to report people of African descent more often. For example, studies have shown that when presented with similar issues, hospitals are more likely to report racialized families for child abuse. In fact, these studies find that healthcare professionals underreport White families when presented with evidence that suggests abuse may have occurred, e.g., when young children are hospitalized with fractures.⁶³ In another study, healthcare professionals ordered postpartum drug tests more often for new African American mothers than for their White counterparts because of assumptions that drug use was more common among racialized groups.⁶⁴ In some cases, pregnant African American women were routinely tested for illegal drugs in their system without their knowledge or consent.⁶⁵

When examining the propensity of teachers to report African American families to child welfare, researchers raised concerns that teachers “may have difficulty distinguishing the effects of poverty from actual neglect and may also confuse cultural differences

⁶⁰ Bernard and McAll (2009)

⁶¹ Dufour et al. (2010)

⁶² Hines et al. (2004)

⁶³ Hill (2006)

⁶⁴ U.S. Department of Health and Human Services (2003)

⁶⁵ Martin (2015)

with neglect.”⁶⁶ As such, they suggest that teachers also overreport African Americans to the child welfare system. In one study, social workers reported that teachers often contact child welfare for issues related to poverty, such as coming to school in dirty clothes, rather than actual abuse and neglect.⁶⁷

3.2.4 Poverty

Various studies have found poverty to be strongly correlated with reports of abuse and neglect. Some further argue that even though lower income parents may not abuse their children at greater rates than higher-income parents, poor children are more likely to enter the child welfare system, often for child neglect rather than abuse. As noted earlier, one American study found that poverty, not the type or severity of maltreatment, is the single most important predictor of placement in foster care and the amount of time spent there.⁶⁸

Clarke notes that Canadian researchers have also found similar poverty-related links to involvement with the child welfare system.⁶⁹ In fact, as one researcher notes, the correlation between poverty and child welfare intervention is so persistent that there seems to be a “consensus that child maltreatment is related to economic inequality and occurs disproportionately more often among economically and socially disadvantaged families.”⁷⁰

Wharf found that “83% of families served by a Children’s Aid Society in Toronto had incomes below the Statistics Canada low-income cut-off and a further 11% were economically vulnerable.”⁷¹ A joint study by the Toronto CAS and the University of Toronto’s Centre for Urban and Community Studies found that in 2000, 11% of children in care were not returned to their parents because of their poor housing situation related to poverty.⁷²

The Quebec Human Rights Commission’s *Review of Racial Profiling and Systemic Discrimination* notes that the definition of what constitutes parental neglect closely reflects indicators of poverty in both the material (e.g., few financial resources) and

⁶⁶ Child Welfare Information Gateway (2011)

⁶⁷ Kelley (2002)

⁶⁸ Lindsey (1992)

⁶⁹ Clarke (2010)

⁷⁰ Wolfe (1987), p. 21

⁷¹ Wharf (1993), p. 182

⁷² Chu et al. (2001)

symbolic (e.g., little educational and social capital) meanings.⁷³ As such, racial disproportionality can result, given that poverty creates conditions under which parents can be deemed unfit and that African Canadians are overrepresented among those living under the poverty line. In his examination of the racialization of poverty, Galabuzi notes the overrepresentation of African Canadians living below the poverty line:

- 25% of African Canadians in Canada live below the poverty line, compared with 11% of Canada's overall population;
- 40% of African Canadians in Toronto live below the poverty line, compared with 10% of all Torontonians; and
- 41% of African Canadians under the age of 15 live below the poverty line, compared with 29% of all children under age 15.⁷⁴

Families living in poverty have greater difficulty accessing safe and affordable housing, mental health services, and other services needed to keep families stable and children and youth safe.⁷⁵ They may not have access to adequate food, may be without adequate clothing, may be unable to wash clothes regularly, or may be unable to achieve an adequate standard of living. Providing adequate supervision for children may be difficult particularly for the working poor, who may work multiple low-wage jobs. Further, living in a poor neighbourhood or in public housing, combined with negative stereotypes, can result in oversurveillance as well as intrusive access and scrutiny by child welfare workers in ways that contribute to disproportionality. Those who live in poverty are also more likely to come into contact with mandated reporters, such as law enforcement and social service agencies.

At the same time, middle- and upper-class families are able to avoid the attention of public agencies and have the financial resources to resolve issues that might bring them into contact with the child welfare system. They also have the funds to hire legal representation should they be investigated by a child welfare agency.

In her examination of the experiences of African Canadian service users, Clarke identified poverty as a common theme. She quotes one youth who has lived in care for 14 years:

⁷³ Eid (2011), p. 82

⁷⁴ Galabuzi (2014)

⁷⁵ U.S. Government Accountability Office (2007)

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

Being poor and involved with children's aid is no myth. The majority of kids in care come from welfare, mothers on allowance, or something like that. There is definitely a certain class of people whose kids are in care. There are no rich kids in care. All of us come from the projects, Ontario housing, single-parent families. You know how hard it is to find a kid who is from a two-parent family? Children's aid is set up to work with pauperized people.⁷⁶

Clarke notes that not only is poverty connected to involvement with child welfare, but that racism is connected to poverty, resulting from the high rates of unemployment and underemployment that African Canadians experience. As such, "it is evident that when racism intersects and interlocks with poverty and other forms of oppression, Black families experience cumulative disadvantage."⁷⁷

Various studies connect child maltreatment and poverty, concluding that the severity and incidence of maltreatment is higher among low-income parents. In 1990 the National Center for Children in Poverty in the United States found that the incidence of child abuse and neglect, as well as the severity of the maltreatment reported, is much greater for children from low-income families than for others. Other research suggests that the conditions of poverty lead to greater rates of child maltreatment and links a number of poverty-related factors to child maltreatment, such as depression, isolation, teenage pregnancy, unemployment, substance abuse, and domestic violence.⁷⁸ They have found that low-income parents experience multiple stressors that weaken their ability to appropriately parent and that families who come to the attention of the child welfare system are vulnerable families with complex needs.⁷⁹

However, while reported child maltreatment is connected to poverty, there is no way to determine whether these rates reflect actual child maltreatment rates or the overreporting of families living in poverty. Further, if poverty is the cause of child maltreatment, one would expect that poor Whites would also be disproportionately represented among those involved with child welfare. However, studies find that even among poor families, African Americans were more likely to be reported and have allegations of abuse substantiated than their White counterparts.⁸⁰

⁷⁶ Clarke (2012), p. 234

⁷⁷ Clarke (2010), p. 276

⁷⁸ Hill (2006)

⁷⁹ Chipungu and Bent-Goodley (2004)

⁸⁰ Children's Services Practice Notes for North Carolina's Child Welfare Social Workers (2001)

While there are no Ontario data available to determine the extent to which families on social assistance come into contact with the child welfare system or the impact of the cuts to welfare payments in the 1990s on the number of children and youth in care, American research indicates that the receipt of welfare benefits doubles the risk of substantiation.⁸¹

3.2.5 Access to social services

The literature also points to how structural inequality contributes to a lack of access to social services for African Canadian parents, leading to a situation that can then be equated with neglect. Notable is the lack of access to subsidized child care and adequate housing and its connection to involvement with the child welfare system. In her examination of the experiences of African Canadians with the child welfare system, Clarke notes that child welfare workers and mothers involved with the system identified the lack of access to appropriate child care as an issue.⁸² Because of the lack of access to affordable child care in their neighbourhood, African Canadian mothers may rely on an older sibling to pick up a younger child from school or the mother may leave a child at home alone. This puts them at risk of involvement with the child welfare system because of lack of “proper supervision”. Lack of access to services is particularly challenging for those who are working multiple jobs to provide for their family or those who are on social assistance trying to further their education to get off welfare. Further, if the child care is not in their neighbourhood, parents may have difficulty picking up their child on time, which serves as a trigger for childcare staff to call child welfare.

Participants in Clarke’s study also reported that inadequate housing was identified as a reason for child welfare intervention. Even while the wait lists for subsidized housing are long, wages remain stagnant, and housing costs continue to rise, African Canadian mothers are being penalized for their lack of access to affordable, adequate housing. Clarke quoted one child welfare worker as saying:

Depending on the worker, housing could be an issue. It might be as simple as kids sharing a room, but housing problems are frequently at the center of many workers’ decisions to place a child in foster care. Again you have to understand, many of the workers come from middle-class family backgrounds so they don’t fully understand the issue of poverty and its implications on the family’s ability to provide. Plus, many children end up staying in care longer because their mothers

⁸¹ Barth (2001) and George & Lee (2001), cited in Derezotes (2003)

⁸² Clarke (2010)

are often unable to find proper housing. I mean proper according to the worker's standards.⁸³

As Clarke notes, these structural failings get framed as personal failings: "This framing of neglect as personal failing or lack of responsibility blames mothers and removes responsibility from the state for not providing [adequate social services]."⁸⁴ By blaming individuals for their circumstances without accounting for or understanding the context that gives rise to those circumstances, the remedy then is also individualized. For example, the parent may be required to take parenting classes rather than be provided with assistance to secure adequate housing.

This points to the larger issue of the challenge for social workers to take an anti-oppressive approach to practice. As Maiter notes, social work programs are increasingly teaching from a social justice and anti-oppressive perspective, yet social work is typically not practiced from this perspective. She notes, "Despite the greater focus on structural factors that contribute to people's problems, social workers still tend to neglect this kind of assessment; typical interventions continue to require individuals to change. Social workers thus struggle to include an anti-oppressive approach to practice."⁸⁵

3.3 Decision-Making within Child Welfare Agencies

Equally important when examining racial disproportionality and disparities is the differential treatment of children, youth, and families of African descent when they come into contact with the child welfare system. Of particular concern is the impact of systemic and individual anti-Black racism on the experiences of people of African descent once they are involved with the child welfare system.

While there are different perspectives in the literature, various Canadian researchers have argued that anti-Black racism is embedded in Ontario's child welfare system and impacts the experiences of African Canadian service users.⁸⁶ Bonnie and Pon argue that the 2007 *Child Protection Standards in Ontario* and *Ontario Child Protection Tools Manual*, by being race-neutral and focusing on microlevel symptomatology, omit the consideration of anti-Black racism on African Canadian children, youth, and families.⁸⁷

⁸³ Clarke (2010), p. 237

⁸⁴ Clarke (2012), p. 236

⁸⁵ Matier (2015), p. 88

⁸⁶ See Bonnie and Pon (2015), Clarke (2010, 2012)

⁸⁷ Bonnie and Pon (2015)

As such, the very tools designed to support consistent service delivery throughout every stage of the child protection process may contribute to racial disproportionality and disparities.

In their review of these tools, Bonnie and Pon identify four key themes. They note that the tools falsely assume neutrality of institutional power and assume that social workers are unbiased. As such, the impact of institutional power and the biases that social workers bring to the interaction with parents are left unacknowledged and unexamined. These individual biases could then impact the worker's assessment of risk and well-being. "However, the worker's interpretation of risk is filtered through existing social constructs, such as assuming Black families live in inherently "risky" situations, which may lead to biased outcomes."⁸⁸

Further, in examining the well-being of the child, the child's social context is left unexamined. As they note, "The five areas of the child's functioning ignore any social determinants of well-being such as anti-Black racism, poverty and poor housing, thereby maintains a highly individualistic, asocial perspective of well-being."⁸⁹ The failure to assess structural factors is also omitted from the Ontario Child Protection Tools Manual for teachers and caregivers, which includes: often loses temper; rather solitary, prefers to play alone; and many worries or often seems worried. As such, these measures of mental health fail to consider the impact of environmental issues such as discrimination and racism, which may be perpetuated or allowed to persist by the referrer themselves.

They argue that by failing to recognize racism, particularly anti-Black racism, as a key social determinant of health, these tools perpetuate and embed racism within the child welfare system by allowing "covert racism to safely live within bureaucratic structures and hide itself within policies, processes, assessments, and day-to-day child welfare decision making: these factors lead to disparities and inequitable outcomes."⁹⁰ As such, they note that while a number of Ontario child welfare agencies are implementing various strategies to mitigate the oppressive impact that the child welfare system has on marginalized communities, "change must also occur at the Ministry level."⁹¹

⁸⁸ Bonnie and Pon (2015), p. 112

⁸⁹ Bonnie and Pon (2015), p. 112

⁹⁰ Bonnie and Pon (2015), p. 116

⁹¹ Bonnie and Pon (2015), p. 117

Further, there are a number of studies that link racial disproportionality and disparities with a highly subjective decision-making process that allows the conscious and unconscious biases of caseworkers to negatively impact families of African descent. In one American study, participants identified that racial bias was a common problem that interfered with child welfare workers' ability to make fact-based decisions. Participants raised concerns that White staff lacked exposure to other cultures and, as a result, had no context for understanding the cultural norms and practices of African American and other racialized clients.⁹² Further, a Canadian study found that when assessing a situation within White families, workers are more likely to include a variety of factors contributing to the conflict, while for families from racialized groups, culture is positioned as the problem.⁹³ As these researchers note, "A common intervention that flows from this assessment is that an adolescent is in need of 'rescue' from parents who have not acculturated to Canadian norms and standards."⁹⁴

Other American studies point to funding decisions that lead to negative outcomes for children and youth of African descent when they are removed from their homes, in particular the difference between the funding of kin and foster care. While kin care has been shown to have better outcomes for children and youth than foster care, governments have historically funded kin care differently than foster care. As Hill notes, "These differential government benefits structurally discriminate against kin families, since it does not cost less to care for a child because it is with a relative than it would if the child were with a nonrelative."⁹⁵ This would have an adverse impact on families of African descent, as they have a long-standing cultural tradition of kin care.

Further, a number of American studies show that worker biases negatively impact African Americans at each decision point in child welfare and that the client's race is related to decisions made at almost every stage of the process, even when African American families have the same characteristics as White families:⁹⁶

- **Child maltreatment investigation determination rates.** In one study of cases in five U.S. states, African American children had a 90% investigation rate versus a 68%

⁹² U.S. Department of Health and Human Services (2003)

⁹³ Alaggia and Maiter (2006)

⁹⁴ Alaggia and Maiter (2006), p. 96

⁹⁵ Hill (2006), p. 70

⁹⁶ Hill (2006)

investigation rate for White children.⁹⁷ Further, child maltreatment is more likely to be substantiated when families are African American than when they are White.⁹⁸

- **Placement in out-of-home care.** Race is an important predictor of who enters foster care, with White children more likely to receive in-home services (72%) than African American children (44%).⁹⁹
- **Length of stay.** The median length of stay for African American children is 18 months; for White children it is 10 months.¹⁰⁰
- **Number of placements or moves.** African American children in care are twice as likely to have experienced three or more moves compared with White children in care for an equivalent length of time.¹⁰¹
- **Limited services while in foster care.** Some research shows that racialized families have less contact with child welfare workers and receive fewer services than their White counterparts.¹⁰² Further, African American children in care have fewer familial visits, fewer written case plans, and fewer developmental or psychological assessments.¹⁰³
- **Exiting care.** Many studies reveal that racialized children exit care through family reunification and adoption at slower rates than White children.¹⁰⁴ Further, African American children are less likely than White children to be reunited with their families and are more likely to age out of the child welfare system (that is, they are more likely to reach the age of 21 without being adopted or reunited with their family).¹⁰⁵ Analysis of the data found that race is a strong predictor of reunification, even after controlling for other factors.¹⁰⁶

⁹⁷ Lemon et al. (2005)

⁹⁸ Hill (2006)

⁹⁹ U.S. Department of Health and Human Services (2005)

¹⁰⁰ Child Welfare League of America (nd)

¹⁰¹ U.S. Department of Health and Human Services (1999)

¹⁰² Roberts (2002)

¹⁰³ Courtney et al. (1996)

¹⁰⁴ U.S. Department of Health and Human Services (2005)

¹⁰⁵ Child Welfare League of America (nd)

¹⁰⁶ Hill (2005)

3.4 Impact of Child Welfare on Children, Youth, and Families of African Descent

3.4.1 Impact on children, youth, and families

Dorothy Roberts, in her book *Shattered Bonds*, argues that the current child welfare system is a racist institution that disrupts, restructures, and polices families of African descent.¹⁰⁷ Not only are African American children and youth disproportionately permanently separated from their parents, and in many cases separated from siblings, but parents are also permanently separated from their children. Further, the overrepresentation of African American children and youth in the child welfare system harms entire communities as it interacts with legal and social structures, including criminal law, education, and employment.

For children and youth caught up in a system that does not serve their needs, the impact can have lifelong implications, as it puts them at risk of emotional, behavioural, and developmental problems.¹⁰⁸ First of all, any child, whether they are maltreated or not, experiences trauma and grief at the separation from, or loss of the relationship with, their parents. They may also face emotional and psychological challenges adjusting to often changing environments. Even being removed from their parents for short periods of time can be harmful. Within three months of being in foster care, many children show signs of depression, aggression, or withdrawal. Children who already have attachment disorders may exhibit signs of sleep disturbance, food hoarding, excessive eating, self-stimulation, rocking, or failure to thrive.

Even when removal from their home offers protection from maltreatment, children and youth who have experienced maltreatment and are placed in foster care for long periods of time experience short- and long-term risks to their well-being.¹⁰⁹ This increases their risk of unintended pregnancy, substance abuse, lower educational achievement, unemployment, and involvement with the criminal justice, welfare, and mental health systems. In Ontario, the data show that there is a high correlation between children and youth in care and other poor life outcomes. For example:

¹⁰⁷ Roberts (2002)

¹⁰⁸ Kortenkamp & Ehrle (2002)

¹⁰⁹ Bartholet (2011)

- Youth in care have a high school graduation rate of 44%. By contrast, the current high school graduation rate for all youth is 83%;¹¹⁰
- 68% of homeless youth had previously been in foster care, in group home placements, or in youth centres¹¹¹; and
- 82% of children in child welfare have diagnosed special needs.¹¹²

Further, there is evidence to suggest that their experience while in foster care can also contribute to mental health issues. As one study found:

Moreover, while most African American children have few mental health problems when they enter foster care, their mental health deteriorates markedly by the time they leave or age out of the system as a result of continual shifts from home to home and inadequate social and psychological services.¹¹³

Children and youth in care who are of African descent are further disadvantaged in the educational system. Various studies in Canada and the United States show that children and youth of African descent are already at risk of being inappropriately placed in special education or applied programs, are more likely to be disciplined, and are less likely to finish high school. When in foster care, their education is put at further risk as they face the additional barriers of moving from school to school, often without anyone to help address issues of racism they may experience within the school or to ensure that their educational needs are met.¹¹⁴ Those in foster care can also experience difficulty forming friendships because of the stigma associated with being in care.

3.4.2 Impact of transracial fostering and adoptions

Many Ontario child welfare agencies take a race-neutral approach to fostering and adoption. The assumption is that race is not an important consideration and that a good parent is a good parent, regardless of race. As such, workers don't take race into account when placing children and youth into foster and adoptive homes. This race-neutral approach may be problematic, however, as the evidence suggests that

¹¹⁰ Ontario Association of Children's Aid Societies (2011)

¹¹¹ Raising the Roof (nd)

¹¹² Ontario Association of Children's Aid Societies (2011)

¹¹³ Curtis et al. (1999)

¹¹⁴ Yu et al. (2002)

transracial fostering can cause further harm to African-descent children and youth in care.

From infancy through adolescence, race and culture play a significant role in the development of children and youth of African descent in a predominantly White society.¹¹⁵ As early as age 2, children are aware of differences in skin colour and culture.¹¹⁶ As they progress through early and middle childhood, children become increasingly aware that differences in skin colour have social meaning and become aware of social inequities based on race. It is at this time that they also often encounter their first prejudicial experiences. If not appropriately handled and if the child isn't helped to understand these issues, they can be put at risk of developing a negative self-image or even self-hate.

In adolescence, it is critical that children are supported to develop a positive identity, particularly as they become acutely aware of social differences and inequalities. Further, as they are faced with what may seem like insurmountable racial barriers, adolescents of African descent may experience feelings of anxiety, hopelessness, and despair.¹¹⁷

These studies suggest that race-neutral fostering and adoption policies do not serve African-descent children and youth well, as it does not allow them to develop a positive racial self-image or develop the skills needed to negotiate a sometimes hostile world. They argue that placing children and youth of African descent into homes of White caregivers, no matter how caring and compassionate, can exacerbate the risks and struggles that African-descent children and youth face. White foster and adoptive parents may be unable to help African-descent children and youth understand, navigate, and respond to the racism they may experience in the schools, by police, and in the community because they don't have an understanding of the scrutiny and stereotypes that children and youth of African descent are exposed to.

Being the only child or youth of African descent in a household or community can be isolating and can cause further emotional harm to a child or youth already experiencing trauma from being separated from their parents and community. In addition, when Black children and youth are placed in homes outside their racial group, communities, and neighbourhoods, they are at risk of losing critical cultural

¹¹⁵ Chipungu & Bent-Goodley (2004)

¹¹⁶ Chipungu & Bent-Goodley (2004)

¹¹⁷ Chipungu & Bent-Goodley (2004)

connections,¹¹⁸ as White families may not give African American children opportunities to positively experience their culture. As early as the 1960s, the National Association of Black Social Workers condemned transracial adoption of African American children and youth as cultural genocide because it puts these children and youth at risk of losing vital cultural connections and resources that shape their development and well-being.¹¹⁹ Further, if they are not appropriately screened and trained, White families may act out their own biases on the African American children and youth in their care.

Of most benefit to children and youth of African descent is engaging in practices that support cultural safety and support and protect many paths to well-being. This provides a nurturing and protective foundation that can foster resilience for a child during tough times.¹²⁰ An African-descent household can also help connect African-descent children and youth in care to important principles of communalism, social responsibility, and interdependence as well as racial pride by being in “a family and community system that connects them to a larger historical and contemporary experience.”²⁹

3.4.3 Criminalization

Clarke identified experiences of criminalization by mothers and youth involved with the child welfare system and the impact on the entire family. Through her interviews with child welfare workers, they noted that police involvement in child welfare investigations has resulted in an increased number of parents being charged with assault for hitting or physically disciplining their children.¹²¹ One child welfare worker noted that in his experience, African Canadian newcomers are unaware that they cannot physically discipline their child and identify this as the main reason that many African-descent children and youth from the Caribbean are coming into care. Two of the mothers Clarke interviewed were charged with assault for physically disciplining their children. One shared her experience of spending a few days in jail and being unable to return home for six months. Another shared the experience of being arrested in front of her husband and children.

Further, Clarke’s examination of the criminalization of African Canadians involved with the child welfare system highlights how racial biases of police officers intersect with

¹¹⁸ American Humane Association (nd, a)

¹¹⁹ Alexander (2010), p. 7-8

¹²⁰ Chipungu & Bent-Goodley (2004)

¹²¹ Clarke (2012), p. 244

those working within the child welfare system. She quotes the observations of one child welfare worker:

Police use of discretion powers in determining who gets charged and who's not, who is followed and who is not, is very questionable. In the majority of cases that I've seen, Black mothers were more likely to be charged than White mothers for the same type of abuse.¹²²

In this study, youth also shared their experiences of being treated as suspects and being closely watched within the foster or group home and then being followed by police when they leave the house or group home.

Other studies have found there to be a high correlation between those children who grow up in the child welfare system and those who end up in the criminal justice system. One American study found that many youth who age out of the foster care system end up in adult correctional institutions.¹²³ The authors found that the majority of felons in many states were formerly in foster care. Some have referred to this as the "child welfare to prison pipeline."

3.5 Promising Practices

Various jurisdictions have taken different approaches to addressing racial disproportionality and disparities in child welfare. Recognizing that there is no "one size fits all" approach, these are promising practices from which Ontario can learn to develop a "made in Ontario" approach that can contribute to better outcomes for African Canadian children, youth, and families. Included here are also some of the promising practices being implemented in Ontario.

3.5.1 System changes

a. Focusing attention on disproportionality

Various American states have undertaken different strategies that focus attention specifically on addressing issues of racial disproportionality and disparities. For many, it begins with a public acknowledgement of the issue, which serves as a starting point and justification for further activity. Various jurisdictions have formed councils or

¹²² Clarke (2012), p. 245

¹²³ Jonson-Reid & Barth (2000)

commissions that also provide leadership to build capacity for understanding and addressing the issues. For example, the Illinois African American Family Commission:

Develops, evaluates and advocates for public policies, plans, research and programs that will strengthen and preserve families, family economics, workforce participation, health status, safety, education and training, and quality of life for African Americans.¹²⁴

The Commission also monitors legislation and programs, assists in designing new programs on behalf of African American families, and facilitates the participation of African Americans in establishing community-based services.

In May 2009, the American Humane Association partnered with the Colorado Department of Human Services Division of Child Welfare to launch the Colorado Disparities Resource Center to address racial disproportionality and disparities in child welfare.¹²⁵ The Center works with child welfare professionals, advocates, and communities to conduct research and develop tools and strategies to serve vulnerable children and families through a race equity lens. It uses sophisticated data analysis to inform and develop the tools and resources needed to eliminate unequal outcomes for racialized children and families and ensure that child welfare services are culturally relevant and free from bias.

The Centre's goals include:¹²⁶

- Monitoring the development of state and county plans to implement recommendations to reduce or eliminate inequitable outcomes; and
- Establishing baseline disparity rates and monitoring changes over time.

b. Working across systems

Many child welfare officials and researchers stress the need to work across different systems, because many of the factors that contribute to disproportionality lie outside the child welfare system. This approach recognizes that changes made within the child welfare system, while necessary, are not sufficient to reduce racial disproportionality. Further, advances in the child welfare system to address disproportionality can be undone or undermined by policies and practices in other systems. There is also a need

¹²⁴ Illinois African American Family Commission.

¹²⁵ Colorado Disparities Resource Center

¹²⁶ Colorado Disparities Resource Center

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for collaboration among social service agencies such as juvenile justice and education, “because disproportionality in child welfare often results when families have not had their service and support needs met by other agencies.”¹²⁷

In Texas, the Center for Elimination of Disproportionality and Disparities was created in September 2010 to address disproportionality and disparities and ensure racial equity in the delivery of services across all health and human services agencies and partners, including child welfare, education, and policing. The following are key elements of the Texas model:¹²⁸

- Data-driven strategies that require public agencies to collect, research, analyze, and proactively share data on system outcomes by race and ethnicity;
- Leadership development that enhances the skills of both systems and community leaders;
- Culturally competent workforce that has the understanding and skills to review and examine its work through an anti-racist and humanistic lens;
- Community engagement strategies that recognize the strengths of grassroots community, seek its ideas, and incorporate them into the change process;
- Cross-systems collaboration that encourages data sharing, training, and discussions with systems, institutions, and agencies that serve the same populations;
- Training defined by anti-racist principles that trains staff and partners in principles that address inequities and encourage justice; and
- An understanding of the history of institutional racism and the impact on poor and racialized communities that allow all staff to have a common analysis of racism and the history that led to current outcomes.

A notable success of this multisystem approach is reducing disproportionality within the Texas child welfare system. During the implementation of this model, Texas experienced a statewide reduction of foster care placements for all children. This reduction was most pronounced in the specific counties where the model was fully implemented. Further,

¹²⁷ U.S. Government Accountability Office (2007), p. 48

¹²⁸ Miller et al. (2014)

evaluators found no increase in rates of repeat maltreatment, suggesting that children's safety was maintained within their families of origin.¹²⁹

In 2004, Illinois passed the African American Family Commission Act, which connected racial disproportionality and disparities in education, employment, income, health, and child welfare. The Act seeks to promote family preservation and strengthen families, and mandates the African American Family Commission to work with every department, agency, and commission within the state government to improve outcomes for African American children, youth, and families.

c. Education of referrers

Because the evidence suggests that disproportionality in child welfare begins with the differing rates of reporting among referral partners, various state child protection agencies conduct educational outreach for mandated reporters to help ensure that they are not inappropriately referring families to child welfare.¹³⁰ Based on the referrals to child welfare, these states recognize that mandated reporters may require more specific guidelines and better training materials. They provide specific guidelines for detecting symptoms of abuse and neglect, help reporters distinguish between neglect and poverty, and incorporate cultural awareness. Some jurisdictions also provide lists of community resources that mandated reporters can use to connect families to the needed services.¹³¹ For example, Bridging Refugee Youth and Children's Services has designed a tool to help teachers and schools distinguish between cultural differences and child maltreatment when determining whether to report suspected maltreatment.¹³²

3.5.2 Setting the organizational context

a. Data collection and analysis

The collection and analysis of data is critical to understanding racial disproportionality and disparities and developing strategies to address the underlying causes. In the United States, collecting, analyzing, and disseminating data is considered fundamental to the ability of child protection agencies to address disproportionality. The data are not limited to overall disproportionality rates, but can also include information that

¹²⁹ Baumann et al. (2010)

¹³⁰ U.S. Government Accountability Office (2007)

¹³¹ Child Welfare Information Gateway (2011)

¹³² Bridging Refugee Youth & Children's Services (2010)

identifies the extent to which disproportionality occurs, rates for children of different ages, rates along the child welfare process, and geographic differences.

The Children's Aid Society of Toronto has collected, analyzed, and beginning in 2013, shared the data with the African Canadian community.¹³³ This analysis has allowed the CAS to engage the community in the development of strategic approaches to addressing the identified issues.

King County, Washington, commissioned a detailed assessment of disproportionality that helped determine the extent to which disproportionality exists at each child welfare decision point.¹³⁴ This analysis allows for targeted interventions to be developed to address the institutional factors that contribute to the problem.

b. Staff training and development

Agencies use training to improve their workforce's capacity to design programs for and work effectively with children, youth, and families from diverse backgrounds. This includes training on anti-Black racism to increase staff's ability to reflect critically on their own assumptions about race and culture and understand the effects of these biases on service delivery and decision-making. This training recognizes that an anti-racist approach is a developmental process that is not achieved by attending a conference, workshop, or training session. Further many organizations require training of all staff in recognition that "child welfare workers, supervisors, administrators, researchers, and policy makers need to have cultural sensitivity, cultural awareness and self-awareness, and some degree of cultural competency in all facets of work with a diverse group of children of color and their families."¹³⁵

In the Texas Health and Human Services Commission's Center for Elimination of Disproportionality and Disparities, all state employees (e.g., child welfare workers, judges, border patrol agents) receive an intensive anti-racism training called *Undoing Racism*, conducted by The People's Institute for Survival and Beyond. In the training, participants analyze the ways in which structural racism may affect their decisions and explore the impact of structural and institutional racism. Requiring all state employees to take the training ensures that all staff are exposed to the same framework and are working towards the same equity goals.

¹³³ Children's Aid Society of Toronto (2015)

¹³⁴ Miller (2008)

¹³⁵ Harris (2014), p. 65

The American Humane Association recently launched the Child Welfare Training Institute.¹³⁶ The institute offers in-person sessions to help advance knowledge and skills in the field and allow participants to engage in an active adult learning environment that reflects key child welfare competencies. The Institute brings training to various agencies and can tailor each session to meet the individual needs of the agency or community. The training topics include:

- Father Engagement
- Immigration in Child Welfare
- Cultural Competency in Child Welfare
- Disparities and Disproportionality in Child Welfare
- Differential Response
- Child Welfare Supervision
- Safety and Risk Assessments in Decision-Making
- Family Group Decision-Making
- Community-Based Prevention of Child Abuse and Neglect
- Chronic Neglect
- Working with Youth in Child Welfare

c. Anti-Racism / Anti-Oppression and Critical Reflective Practice

Some organizations have developed training and various supports to assist caseworkers with implementing organizational anti-racism / anti-oppression policies.

Peel Children's Aid Society developed an anti-oppression practice / critical reflective practice workbook to help staff integrate the organizational commitment to anti-oppression practice into their day-to-day work. It supports staff to look deeply into their assumptions and ask questions in relation to power. It further supports staff to look at the use and abuse of power not only in relation to individual and organizational behaviour, but also in relation to broader social structures such as health, education, economic, and cultural systems. The workbook is designed to disrupt the presumption that child

¹³⁶ American Humane Society (nd, a)

welfare is a neutral institution that impacts all social groups in the same way and provides the basis for a differential approach to serving the African Canadian population.

The Children's Aid Society of Toronto requires that all staff resource workers, kin workers, foster parents, and any other service provider involved with African Canadian youth take anti-oppression / anti-racism training.

d. Child welfare supervision

Various child welfare agencies recognize that supervisors who work from an anti-oppressive perspective are the first line of assistance to caseworkers in appropriately responding to a diverse client population. As such, they have infused anti-oppressive supervision of child welfare workers as one way to bridge the divide between child welfare workers and their clients. They have found that the supervisor's willingness to have conversations with child welfare workers regarding race, racism, and their struggles to objectively apply rules to be important, as it allows the supervisor to monitor the decision-making process as it relates to race.¹³⁷ The process provides all caseworkers with the opportunity for self-reflection on their own family functioning, values, codes of conduct, and parenting practices, and an understanding of how operating from this frame of reference may benefit or harm the African-descent families with whom they work.

e. Programming for children and youth of African descent

Some child welfare agencies also provide specific programming for children and youth of African descent to meet their cultural needs and support the development of a positive racial identity.

In 2009, Peel Children's Aid Society established The Village to meet the needs of African-descent youth in care or affiliated with the agency.¹³⁸ The Village is a place where youth of African descent meet once a month to connect with staff who are sensitive to their needs and identity. It offers programming and a safe space for youth to learn about anti-oppression and African Canadian history, and supports youth involved with the criminal justice system.

¹³⁷ Parrish & Hargett (2010)

¹³⁸ Peel Children's Aid Society (nd)

The Children's Aid Society of Toronto offers a range of cultural programs for African Canadian children and youth in care, including:¹³⁹

- Souljourney — African Canadian youth in care have the opportunity to go on a fully funded week-long trip to sites that have historical or cultural significance to the Black experience;
- Kwanzaa Celebration — This celebration is open to youth in care, foster parents, and staff, allowing them to honour African cultural traditions, food, and beliefs;
- Caribbean / African Cultural Cooking Workshops — These workshops are offered throughout the year to youth in care aged 13 to 17; and
- Beautiful Hair, Beautiful Me — This program provides hair care services and hair care products to African Canadian youth in care, as many are placed with caregivers who are not familiar with the hair care needs of African Canadians.

Further, the Children's Aid Society of Toronto offers services for African Canadian families, including:

- Resource Fair — This annual fair showcases the culturally specific services and supports available across Toronto;
- Ujima House — This program supports African Canadian fathers to engage more effectively with their children and enhance their co-parenting skills. The Children's Aid Society of Toronto has contracted with Ujima House to provide on-site assessment and intervention services for families who have access to their children in care; and
- African-Caribbean Canadian Enrichment Program — This program provides parenting and family support to families involved with the CAS to, if at all possible, avoid admission of youth to the Society's care.

3.5.3 Direct service practice

a. Prevention

To reduce the number of families that come into contact with the child welfare system, various American states have developed or expanded programs that provide support

¹³⁹ Children's Aid Society of Toronto (nd)

for poor families or families assessed as being at risk for child maltreatment. Some states use funding available through the Temporary Assistance to Needy Families Block Grant to provide support services to families.¹⁴⁰

These programs focus on family preservation and addressing the factors that put children at risk for maltreatment. By reducing family risk factors, these programs also produce substantial public savings. These approaches keep children and families together with the support of access to a range of services and well-coordinated networks. Outcomes are also improved, as these programs result in improved educational, behavioural, and emotional outcomes as well as long-term community benefits. Specific prevention and early intervention programs are also offered to teen parents, which helps them to stay in school and learn to be successful parents.

Tennessee's Department of Children Services contracted with community-based agencies at three sites to serve 1,500 children and their relative caregivers in 16 counties. The families participate in strategic planning with their own communities to identify both the needs of children and their caregivers and the existing resources available to them. The services provided by the program include individual and family counseling, legal services, financial aid, recreation, homemaker services, support group participation, and case management, as well as concrete needs such as beds, mattresses, and clothing. Further, families with guardianship of children are not required to relinquish custody to the state to receive services.¹⁴¹

b. Structured decision-making tools

Research has found that structured decision-making tools at the investigation stage can help remove biases from the decision-making process and consequently reduce racial disproportionality.¹⁴² As such, many child welfare agencies have developed a risk assessment tool that helps the worker systematically collect information about a family and more objectively assess the level of risk of keeping the child at home. Further, some agencies strengthen the tools by including culturally relevant questions about what constitutes abuse and neglect to further limit the impact of bias.¹⁴³

Two studies have found particular risk assessment tools to be both race-neutral and a more accurate predictor of future harm than caseworker judgement alone. A 2004

¹⁴⁰ U.S. Government Accountability Office (2007)

¹⁴¹ Roberts (2002)

¹⁴² Weibush, Freitag & Baird (2001)

¹⁴³ Child Welfare Information Gateway (2011)

study of five counties in California found that minority groups often show a lower risk of maltreatment than Whites when the assessment tool was applied, which means it could help reduce the representation of some groups in the child welfare system.¹⁴⁴ The California Family Risk Assessment was developed in the late 1990s to help workers assess the risk of maltreatment occurrence. An analysis that specifically explored possible problems with racial bias in the tool found that use of the instrument would not disproportionately identify racialized families as being at high risk.¹⁴⁵ The California risk assessment tool is based on the Structured Decision-Making Model developed by the Children's Research Centre in Wisconsin, which was also used to develop the Ontario Child Protection Decision-Making Model.

Further, in engaging with clients of different cultural backgrounds, the caseworker can use guided questions to recognize and honour cultural and other differences. Buncombe County developed a tool called Recognizing and Honoring Differences to support caseworkers in acknowledging cultural and racial differences and their impact on the relationship with the family.¹⁴⁶ Rather than simply collecting data related to risk, safety, and mandated demographics, it allows case workers to ask questions that bring out racial or cultural differences. The assessment includes the following guidance to help the caseworker engage in a focused conversation during the initial assessment:¹⁴⁷

- Inquire about and acknowledge any cultural / ethnic / racial differences and, if applicable, ask family members if they are comfortable with a social worker managing their case if there is a difference;
- Ask the family if there is anything about their cultural / ethnic / racial background that the family feels the social worker needs to know;
- Ask the family if there is anything in general they would like to know about the social worker's culture to better understand the social worker's viewpoint;
- Advise the family that the social worker does not want to assume he or she understands the family if they are of a different background; and
- Share with all families that the social worker / agency is trying to better acknowledge and understand cultural / ethnic / racial differences.

¹⁴⁴ Johnson (2004)

¹⁴⁵ Johnson (2005)

¹⁴⁶ Kent (2009)

¹⁴⁷ Kent (2009)

Clients were also provided with an anonymous survey (with a postage-paid envelope) that they could use to provide additional feedback to the agency, with the assurance that their response would not impact their case decision.

c. Guidelines for caseworkers to engage families of African descent

Supports can be developed and made available to caseworkers to provide practical information about how to provide bias-free service to African Canadian children, youth, and families from a strengths-based approach.

The State of Minnesota developed *A Practice Guide for Working with African American Families in the Child Welfare System* as a tool for social workers within the state's child welfare system.¹⁴⁸ The guide focuses on supporting practice and systemic change at the caseworker level. It is designed to help the caseworker identify, develop, and support strengths in African American families involved with the child welfare system. It provides information intended to:

- Augment or develop caseworkers' skills in client engagement;
- Understand cultural differences between the caseworker and African American clients;
- Appreciate the differing worldviews of caseworkers and clients that may be shaped by family tradition, race, culture, and socioeconomic factors; and
- Develop new methods of engagement that can lead to improved child safety, well-being, and permanency outcomes for African American children.

The Ontario Association of Children's Aid Societies has developed *The Other Side of the Door: A Practice Guide for Child Welfare Professionals working with First Nations, Inuit and Métis Peoples*, a practice guide to support caseworkers who work with Indigenous families.¹⁴⁹

The objectives of the practice guide are to help child welfare professionals:

- Be sensitized to the history of colonization within child welfare;

¹⁴⁸ Rockymore (2006)

¹⁴⁹ Ontario Association of Children's Aid Societies (2012)

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- Understand the requirements of child welfare practice when working with Indigenous families and communities; and
- Be better prepared to fulfill their unique obligations under the *Child and Family Services Act* with respect to child welfare practice and providing culturally appropriate services to Indigenous families.

The Children's Aid Society of Toronto has developed guidelines for working with LGBTQ clients, *Out and Proud Affirmation Guidelines for Equity in Gender and Sexual Diversity*. The document specifies that its fundamental goal is "to ensure positive outcomes for all the children, youth and families we serve, in relation to gender and sexual identity."¹⁵⁰ It is intended to guide caseworkers in four ways:

- To reflect and "re-vision" ideas about girls and boys — what they can do, who they can be, who they can grow up to love, and what messages we give a child about who they are;
- To ensure our practices promote positive outcomes for all children, youth, and families by being respectful, effective, and encouraging authenticity, especially for those who may be lesbian, gay, bisexual, transsexual, transgender, two-Spirit, intersex, queer, questioning, or gender independent;
- To create safe, affirming, inclusive positive spaces for children, youth, and families to flourish in who they are and to express their genuine gender and sexual identities; and
- To eliminate stigma, bias, discrimination, and oppression based on gender and sexual diversity, and to achieve equity, especially for the LGBTQ and gender-independent people being served.

d. Family group decision-making

Family group decision-making (FGDM) is another approach that has been implemented in Ontario and a number of American states. Ontario's *Child and Family Services Act* indicates that FGDM can be used to resolve any issues related to a child or a plan for a child's care. FGDM originated from legislation in New Zealand enacted in 1989 that incorporated Maori cultural perspectives in child welfare practice by mandating greater family involvement. The American Humane Association describes

¹⁵⁰ Gale (2012)

FGDM as a practice that is “family-centered, family strengths-oriented, culturally based, and community based,” in which “families are engaged and empowered by child welfare agencies to make decisions and develop plans that protect and nurture their children from enduring further abuse and neglect.”¹⁵¹

While the American Humane Association has identified the need for comprehensive, outcome-based research on the impact of FGDM, it reports that the implementation of FGDM has produced promising trends, including a decrease in the number of children living in out-of-home care and an increase in the number of children living with kin.¹⁵²

In Texas, an anti-racism perspective has been integrated into the use of FGDM, which has helped to increase its effectiveness. One study found that when African American families in Texas participated in FGDM, there was an increase in family reunification, earlier exits from the child welfare system, and more reports of positive experiences by birth parents and extended family members. Further, children reported feeling less anxious and more adjusted in kinship placements if their families participated in FGDM. The study concluded that “FGDM is a practice that is culturally sensitive and congruent with the natural support system that has been prevalent in families of color for many generations.”¹⁵³

e. Differential response systems

Differential response is a child welfare practice that allows for more than one method of initial response to reports of child abuse and neglect.¹⁵⁴ It is a more family-focused and less adversarial approach to keeping children safe and supporting the well-being of families. Differential response is used when maltreatment is not related to physical or sexual abuse, but to conditions of chronic poverty, substance abuse, or domestic violence. This approach has shown positive outcomes for both African American and White families.¹⁵⁵ The 2007 *Child Protection Standards in Ontario* revised the mandatory framework for the delivery of child welfare services in the province, which included a new Differential Response Model.¹⁵⁶

The following are the basic tenets of differential response systems:¹⁵⁷

¹⁵¹ American Humane Association (nd, b)

¹⁵² Roberts (2002)

¹⁵³ Sheets et al. (2009) cited in Harris (2014), p. 63

¹⁵⁴ Child Welfare Information Gateway (2008), p. 3

¹⁵⁵ Loman and Siegel (2004)

¹⁵⁶ Ontario Ministry of Child and Youth Services (2007)

¹⁵⁷ Child Welfare Information Gateway 2008, p. 8

- **Assessment-focused.** The primary focus is on assessing the family's strengths and needs rather than substantiating the alleged incident.
- **Individualized.** Cases are handled based on the family's unique needs and situation, which takes into account structural racism that families of African descent experience.
- **Family-centred.** A strengths-based family engagement approach is used.
- **Community-oriented.** As needed, families are referred to services that meet their needs and issues. This requires the availability and coordination of appropriate and timely community services and presumes a shared responsibility for child protection.
- **Selective.** The alternative response is not employed when the most serious types of abuse are alleged, such as sexual abuse or severe harm to the child.
- **Flexible.** The response can be changed based on ongoing risk and safety considerations.

Evaluations of this approach in Missouri and Minnesota found that it led to increased cooperation between families and the child welfare agency. The Minnesota study also found that families who participated in the alternative response system received significantly greater access to support services and had lower rates of new maltreatment reports than families in a control group.¹⁵⁸

3.5.4 In care

a. Kinship care / service

Numerous studies conclude that children are better served in their families and in their communities. The practice of supporting kinship care is therefore a best practice, particularly for children of African descent.

Various state agencies increasingly rely on kinship foster care to place African American children in out-of-home care. Some experts have championed kinship foster care as a way of enhancing the stability of placements and keeping African American children in their extended families and their communities, solving some of the concerns

¹⁵⁸ U.S. Government Accountability Office (2007)

about disproportionate removal of these children from their parents.¹⁵⁹ Further, kinship foster care affirms a traditional African American family structure that was historically “strong, intact, resilient and adaptive.”¹⁶⁰

The San Francisco Department of Human Services is participating in the Family to Family Initiative, which addresses two key decision points: placement and reunification. The initiative has created a process that supports staff in engaging the extended family and community in keeping racialized children out of the foster and residential care system and reunifying families whenever possible. The process has increased the number of foster and kinship homes, leading to more children remaining in their own communities.

b. Family-centred child welfare services

Family-centred child welfare services focus on helping families develop their own solutions while tapping into the family strengths and community resources available. A family-centred approach focuses on addressing the needs of the family unit, such that children remain in the care of their families and their communities.

In San Francisco, the Child Welfare Redesign Project incorporates various service strategies, such as the Family Assessment and Stabilization Team Program and the Family Intervention and Recovery Services Team Program, which provide wraparound services to the family to avoid removing the child or youth from their home. It also develops teams that provide support to families and assist in developing and implementing plans.

c. Transracial foster parent training / practice guidelines

Washington State has developed a video and a companion workbook entitled *Keeping It Real* to support the needs of African American children in out-of-home care. The video was designed to candidly discuss the racial discrimination that African Americans face with White foster and adoptive parents, to help caregivers better support the needs of children in their care. Content includes:¹⁶¹

- Facts and statistics
- Words to know and their definitions

¹⁵⁹ Scannapieco & Jackson (1996)

¹⁶⁰ Scannapieco & Jackson (1990)

¹⁶¹ Washington State Department of Social and Health Services (2009)

- Awareness
- Safety (e.g., dating, dress and grooming, associations, signs and symbols)
- Maintaining connections with the African American community
- Responding to racism
- Addressing racism within the education system

d. Subsidized guardianship programs

Eight states have obtained federal waivers to implement subsidized guardianship programs, in which states use federal funds to pay stipends to relatives who serve as permanent legal guardians of children in foster care for whom a return home and adoption are not realistic options. Subsidized guardianship provides financial assistance and legal authority to relative caregivers who are often reluctant to pursue a termination of parental rights, which is required for adoption. Preliminary evaluation of Illinois' program shows encouraging permanency rates and social functioning among children placed with guardians, but confusion among guardians about the state's role and services.¹⁶²

e. Increasing availability of permanent homes

Various states also have strategies to increase the number of permanent homes for African American children who cannot be reunified with their parents. This helps reduce the length of time they are in foster care and increases the likelihood they will be adopted. This approach includes involving fathers and their extended family, recruiting more African American adoptive parents, and providing financial subsidies for caregivers (often relatives) who are willing to act as permanent guardians for foster children.¹⁶³

Given that searching for paternal kin was not routine, one county in North Carolina requires social workers to use a structured protocol in contacting and gathering information about family members.¹⁶⁴ Further, because relative caregivers are also more likely than nonrelative foster parents to be low income, they may be unwilling to adopt because it may be difficult for them financially to forego foster care payments or

¹⁶² Roberts (2002)

¹⁶³ U.S. Government Accountability Office (2007)

¹⁶⁴ U.S. Government Accountability Office (2007)

because adoption entails terminating the parental rights of their kin. Some states are providing ways for foster children living with relatives to convert this to a more permanent arrangement by creating subsidized guardianship programs.¹⁶⁵ These programs provide financial subsidies for foster parents who agree to become legally responsible for the child, but are unable or unwilling to adopt. When Illinois and California implemented such programs, they saw an increase in permanent placements for all children. These programs resulted in permanency for 40% of children who were in long-term relative foster care. Further, these programs were found to be cost-neutral because the administrative costs associated with maintaining a child in foster care are no longer incurred with permanent legal guardianships.

To recruit more African American adoptive families, states have utilized various strategies such as contracting with faith-based organizations and forming adoption support teams.¹⁶⁶ The AdoptUsKids initiative and website, a service of the U.S. Department of Health and Human Services, provides training and technical assistance in cultural competence and "diligent recruitment" practices for agencies and states that want to recruit foster and adoptive families from diverse backgrounds.¹⁶⁷

Ontario has also moved towards more subsidized care and provides financial assistance to adults caring for a child who has been deemed in need of protection by a child welfare agency. This assistance is provided to kin or other caregivers providing kinship service.

¹⁶⁵ U.S. Government Accountability Office (2007)

¹⁶⁶ U.S. Government Accountability Office (2007)

¹⁶⁷ <http://www.adoptuskids.org>

PART 4: PERSPECTIVES FROM THE COMMUNITY

4.1 Consultation Findings

This section summarizes the key themes and issues shared through written submissions and during the 16 community consultation sessions held throughout Ontario from September 2015 to March 2016, in which over 800 individuals and organizations participated. In the consultations, participants were asked to identify the issues that bring African Canadians into contact with the child welfare system, and what the issues were for African Canadian children, youth, and families once involved. They were also asked to provide their recommendations for changing the child welfare system to better serve African Canadians. Participants included a range of service users, community members, community organizations, child welfare staff, and senior leaders who engaged in difficult, and at times tense, conversations. Although there were instances in which community members expressed concerns about power imbalances between CAS staff and African Canadians during the consultation meetings, the overall response to the consultation processes was very positive, with all stakeholder groups expressing gratitude for the opportunity to share and hear views and experiences.

In May and June 2016, feedback sessions were also conducted in seven cities to provide consultation participants with a summary of input received from all the consultation sessions. These feedback sessions were intended to ensure that the community's perspectives were accurately captured and to allow participants the opportunity to fill any gaps.

The information collected through these consultations was analyzed to identify key themes for this report. The information included in this report is a summary of what was heard rather than a detailed examination of every issue raised.

4.1.1 Issues that bring African Canadians into contact with the child welfare system

Participants identified a number of issues that bring African Canadians into contact with the child welfare system, including issues within the family, biases in other systems, lack of access to social services, poverty, immigration and settlement, and a lack of understanding of role of the child welfare system.

a. Issues within the family

Participants noted that their critique of Ontario's child welfare system in no way diminishes the important role that child welfare agencies play in the protection or care of children when their parents are unable or fail to do so. Participants noted that there are, and will continue to be, legitimate reasons for child welfare contact and intervention, such as domestic violence, child neglect, sexual or physical abuse, substance misuse, and child abandonment. They also noted that there may be times when a parent or guardian may become unable to care for the child through death, disability, or mental illness.

A number of African Canadian youth in particular acknowledged the need for CAS in these situations. Further, African Canadian LGBTQ youth reported that the child welfare system was a valuable service to them after they experienced rejection or even abuse from their families when they came out. As one young woman noted, "CAS saved my life," when she was experiencing abuse at home. They also identified specific aspects of the system that contributed to a positive experience in care, including being placed with an African Canadian family, which allowed them the opportunity to maintain strong cultural connections and develop a positive racial identity.

Some youth, however, noted that while they understood the reasons why they were apprehended, they felt that CAS could have done more to keep their family together:

They could have tried to keep us together instead of just automatically taking us away.

You have to look at everything, not just take them away. We are human, try to keep families together.

CAS tears apart families more than they try to help even though they probably try to help.

There were also those who talked about the impact of intergenerational trauma, resulting from a legacy of colonialism and enslavement, on the ability of some people to parent:

A lot of parents are broken, having experienced all kinds of abuse. You have broken parents trying to parent children. And it creates a cycle of trauma.

These participants raised the issue of post-traumatic slave syndrome¹⁶⁸ and the need to understand the issues within African Canadian families in the context of slavery and colonialism. They identified an ahistorical approach to understanding African Canadian families as problematic and instead insisted that the past must be examined to understand how it affects the present. They referenced various studies that focus on how the trauma experienced by Holocaust survivors is passed on to subsequent generations through genes,¹⁶⁹ and the Truth and Reconciliation Commission's work linking the current situation of Canada's Indigenous people to the history of residential schools. They insisted that the same attention be paid to understanding African Canadian families.

Participants shared that this history has resulted in the unique challenges facing African Canadian families, which can only be addressed by providing access to culturally appropriate services.

b. Biases and racial profiling in other systems

Throughout the consultations, participants identified the role that other systems play in creating and maintaining the racial disproportionality in Ontario's child welfare system. They noted that because child welfare agencies rely on referrals of suspected abuse and neglect from mandated referrers, biases in other systems contribute to the disproportionality in the child welfare system.

Further, they shared their feelings of being racially profiled by these other systems and being labelled and stereotyped. They felt that anti-Black racism is reflected in the policies and practices of these systems as well as the behaviours and decisions made by individuals working within these systems. They also drew attention to the role of the news and entertainment media in reflecting and reinforcing anti-Black racism throughout Canadian society. They felt that racial profiling in these other systems results in African Canadian children, youth, and families being overreported to the child welfare system, contributing to racial disproportionality.

Consultation participants also noted that because these referrals are coming from professionals in other public institutions, the referrals are taken much more seriously by child welfare staff and the concerns raised given more weight than if the same issues were reported by an individual. They also noted that even if the issue is deemed to be

¹⁶⁸ Leary (2005)

¹⁶⁹ Yehuda et al. (2015)

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

minor and not in need of investigation, the call itself brings the family to the attention of the child welfare system and each subsequent call about the family is noted in their file. They compared this to the police practice of “carding” or “street checks,” which serves to document a large proportion of the African Canadian population. They note that the history is then taken into account with each subsequent call about the family, which could trigger an investigation.

Specifically, they raised concerns about being racially profiled by educators, police, and medical professionals. Some participants spoke about how the child welfare, education, and criminal justice systems work closely to racially profile and marginalize African Canadian children, youth, and families. Further, they noted that this close relationship means that the child welfare system rarely, if ever, holds these other systems accountable for the abuse and maltreatment of children and youth.

Of great concern throughout the consultations was the significant cultural gap between African Canadian children, youth, and families and their teachers, the majority of whom are White and middle class. They noted that this cultural gap results in the stereotyping of African Canadian children, youth, and families and the problematizing of their behaviours. Further, they felt that anti-Black racism and this cultural gap results in a lack of empathy from teachers and a lack of personal connection to African Canadian children and youth.

Some participants were concerned that the perceived firm parenting styles of African Canadian parents, because it is different from the perceived permissive parenting styles of White families, is problematized by teachers. Without an understanding of the different parenting styles, borne out of the need for parents to keep their children safe in a society that views African Canadians as threatening, it may be reported to child welfare as abuse.

Further, African Canadian parents and some who work within the education system themselves indicated that teachers are quicker to call child welfare when there is a concern about an African Canadian student. Whereas, if teachers had a similar concern about a non-Black student, they would call the parents. Some examples of when child welfare has been the first call made include a parent late to pick up their child from school, a student who has multiple absences, a student brings what the teacher deems to be an inadequate lunch, or when a student uses dramatic language such as, “My mom is going to kill me.” A further example provided by a participant is that an educator contacted child welfare in anticipation of abuse when a student had

poor grades on their report card. In this case, the Jamaican heritage of the student caused sufficient concern on the part of the teacher that child welfare was called on the day report cards were sent home.

Concern was also raised that the behaviours of African Canadian children and youth in response to microaggressions from teachers, racial bullying by peers, or marginalization in the schools are sometimes seen as reflecting issues within the home. As such, the behaviours exhibited in the classroom, without an understanding of the school or home context, may be seen as indicative of parental abuse or maltreatment. Others expressed concern that because some teachers don't take the time to get to know their African Canadian students as they might other students, they are not aware of the challenges or issues the student may be facing. As such, African Canadian students aren't extended the same care and compassion that other students receive.

African Canadian educators who participated in the consultations emphasized that the duty to report requires that teachers contact child welfare when they have reasonable suspicion of neglect or abuse, and that often because of stereotypes and anti-Black racism, that bar is significantly lower for African Canadian children and youth than it is for White and other racialized children and youth. Further, they identified that the recent high-profile deaths of African Canadian children and youth, where educators had reasonable grounds to contact child welfare but didn't, has amplified the overreporting of African Canadians to child welfare. Some educators shared their perception that their colleagues overreport to shift liability from themselves to the child welfare system.

African Canadian teachers and school administrators also shared that even when they see teachers contacting child welfare for trivial matters, they cannot intervene because it is the educator's duty to report their suspicions. From their perspective, teachers' biases, lack of cultural understanding, fear of African Canadian students, and in some cases fear of African Canadian parents, all feed an overreporting of African Canadian students to child welfare.

In some of our discussions with child welfare staff, some also acknowledged the overreporting of African Canadian children and youth for trivial matters. Further, staff acknowledged that no feedback is provided to school boards by the child welfare agency about the types of calls received and the potential overreporting that may be occurring.

Consultation participants also raised concerns that African Canadian children and youth are subjected to surveillance by police and control by schools in ways that White and other racialized children and youth are not. As such, an African Canadian child walking home alone or being responsible for picking up a sibling after school is more likely to be noticed, and when noticed, more likely to be seen as in need of intervention.

Service providers also raised concerns about the overreporting of African Canadians by healthcare professionals. Of particular concern is that certain hospitals routinely call child welfare when HIV-positive racialized women, particularly those who are African Canadian, give birth, regardless of how well these women's conditions are being managed or how good their parenting ability or capacity.

c. Lack of access to social services

Consultation participants noted that the lack of social services and a lack of culturally appropriate services in particular can limit the capacity to prevent child maltreatment. Further, participants noted that some African Canadians may contact the child welfare agency themselves seeking support and referrals to social services. In particular, it was noted that the name of many child welfare agencies, i.e., Children's Aid Society, is misleading to new Canadians, as they may contact the agency seeking social services, not understanding that it is a child protection agency and unaware of the implications of involvement with CAS. Child welfare staff acknowledge that while they may be able to help the family or refer them to another agency, when a family comes to the attention of the child welfare agency a file is opened. Further, each time a parent contacts them for support it is documented. This history of contact is taken into account with each call and could trigger an investigation.

Throughout the consultations, participants noted that these calls to child welfare can lead to a lifetime of involvement with the agency. When describing involvement with child welfare, they described being trapped in a never-ending maze, with some saying, "Once you get in, you can't get out."

d. Poverty

Poverty was also identified by consultation participants as another factor that brings African Canadians into contact with the child welfare system, as it may result in homelessness as well as limited access to healthy food, appropriate clothing, and adequate housing. With the move towards precarious employment in the labour

market (e.g., more part-time and contract work) along with higher unemployment and underemployment rates because of persistent racial discrimination in the labour market, African Canadians are more likely than Whites to live in poverty. In addition, given limited resources and the resulting limited access to childcare, parents may rely on older children to care for their younger siblings or may leave them at home alone. Each of these situations can trigger a call to child welfare by educators, police, and others.

Some consultation participants also felt that child welfare workers targeted low-income residents who live in subsidized housing or poor neighbourhoods. As one person noted:

You are very unlikely to have a CAS worker knock on your door if you make over 75k or own a detached home.

The youth who are currently or who have been in care also noticed that the other children and youth that they encountered while in care were primarily from low-income families, with parents living in public housing or on social assistance. They noted that they rarely if ever see middle-class children and youth in care.

e. Immigration and settlement

In some communities the discussions about child welfare were interwoven with discussions about the challenges of immigration and settlement. Participants noted that the migration process itself can result in grief and trauma and can challenge the strength of a family resettling in a new country. Further, the culture shock, coupled with the challenges newcomer parents have in securing a job that reflects their qualifications and experience, can change the dynamics within the family. For example, the father, who may have been the primary breadwinner in the country of origin, may have to take a job far below his level of education and experience, and far below the wage needed to support his family. As a result, the mother, who may not have worked outside the home before, may have to work full time to help support the family. Further, the clash of Canadian culture and values with their more traditional values can cause conflict between parents and their children.

Participants also noted that newcomers often lack knowledge of Canada's "parenting rules," such as the age at which they can leave a child at home alone and rules about corporal punishment, which can result in contact with child welfare. Further, they indicate that this information is never communicated to newcomers, yet they are required to meet these expectations. In one session, a newcomer shared that her son

was apprehended one month after arriving in Canada as a result of her son's teacher contacting CAS because she had spanked him. She has spent the past 4 years involved with the CAS trying to get him back.

Some participants also noted that for some families, the migration process can separate parents from their children for long periods of time. For some families, the parents may migrate first, leaving the children in their home country in care of extended family. When the parents are able to bring their children to Canada they may experience difficulty reestablishing their bond. Further, the children may also experience challenges integrating into a new family if a parent has remarried and (or) has had other children since migrating to Canada.

There were also consultation participants who felt that caseworkers capitalized on immigrants' lack of knowledge about Ontario's child welfare system. They felt that many immigrants come from countries that don't have a formal child protection system, and as such, don't understand the powers of caseworkers and child welfare agencies. As one participant stated:

The introduction of CAS is under the guise that they are here to help. They are deceptive.

Participants suggested that what happens too often is that while the worker may gain entry into the families' lives through an offer of assistance, their children end up being apprehended.

f. Lack of understanding of the role of child welfare

As mentioned earlier, parents noted that they may contact a child welfare agency in search of support and information and may find themselves under the scrutiny of a caseworker. Further, they noted that their children receive misinformation in schools and elsewhere about child welfare and, as a result, don't understand the serious implications of calling child welfare, oftentimes for minor issues. As one participant noted:

They tell our kids to call children's aid if you don't like what your parent is doing. Call children's aid. But they don't tell the kids what happens afterward. How they will come in and break up your family. So kids think that they will come in and help to fix things, but they don't. They make things worse.

Further, some participants noted that children are told that if they come into care, they escape poverty and have access to various perks such as a computer. Yet while they may escape poverty by being in care, these parents share their concern about how the child welfare system damaged their children and changed the trajectory of their lives. As one mother told us:

CAS sold a dream to my daughter. They stole my daughter at age 15.

Some consultation participants were also concerned that the fear of CAS involvement was shared with newcomer parents and children by others in the community. They felt that this fear was such that it stopped many from contacting CAS even when they should.

4.1.2 Challenges that African Canadians experience when they become involved with Ontario's child welfare system

a. Systemic racism / Eurocentric child welfare system

Throughout the consultations, participants shared overarching concerns about racism and Eurocentrism embedded in a child welfare system that impacts the experiences of African Canadian children, youth, and families. More specifically, they felt that anti-Black racism was embedded throughout the system, driving the disproportionality and disparities experienced by African Canadians.

Many participants shared their perception that the child welfare system was designed to support the needs of White families and is primarily staffed by White decision-makers and caseworkers. As such, many felt that not only does the child welfare system not meet the needs of African Canadian children, youth, and families, but contact with the child welfare system can also destroy African Canadian families. As a few consultation participants noted:

Systems are designed and governed by White Eurocentric values that require these values of their clients to properly interact.

The CFSA is a colonial document that is applied to all people which oppresses the African Canadian community.

In fact, many participants in the consultations found it difficult to provide examples of how the child welfare system serves African Canadians. As one participant noted:

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I have been working in this field, advocating for families that come into contact with CAS for 20 years. I can't think of any example of how CAS has been supportive of Black families.

Some participants expressed their view that the child welfare system applies a “one size fits all” approach to addressing the needs of children. As such, the system doesn't consider cultural or racial diversity and meeting the needs of children and families from diverse backgrounds and communities, nor does it consider how racism might impact outcomes for families and children involved with the system. Further, concern was expressed that the focus of child welfare was on meeting the physical needs of the child (i.e., housing, clothing, and food), and not on meeting the social, cultural, emotional, and spiritual needs of the child, which are critically important to their well-being. Thus, African Canadian children and youth may be removed from their home because of their parents' inability to provide for their physical needs, but greater harm may be done in a foster home that doesn't meet the needs of the whole child or youth. In addition, some parents noted that when African Canadian children and youth need counselling because of the trauma of being removed from their parents' home and their community and being placed in an unsupportive environment, it is difficult to get ethno-culturally appropriate counselling.

They also noted that there is anti-Black racism embedded within the child welfare system — embedded both in the policies and practices of the agencies, and also in the attitudes and decision-making of individual staff. Throughout the consultations, participants shared their perception that anti-Black racism, coupled with a lack of understanding of the history and culture of people of African descent, leads to a greater chance of African Canadians being investigated, and subsequently the child removed from their home, when referrals are made to child welfare. Some also felt that the fear of liability intersects with anti-Black racism when child welfare staff are conducting investigations. As one former CAS staff person noted in a written submission:

The fear of liability often factors into child welfare decision-making. The element of risk is required when determining child welfare involvement, and risk is subjective based upon the worldview of the child protection worker. The negative stereotypes that are perpetuated about African-Canadians often factors into the determination of risk, therefore decisions can be made to be more intrusive to protect the system more than families.

The youth who participated in the consultations also identified anti-Black racism as a significant issue for them — some identified it as the number one issue they face in care. While they shared experiences of individual racism, they also indicated that the race-neutral approach taken when placing them in foster homes exposes them to racism in foster homes, communities, and schools.

Youth shared experiences of being placed in White foster homes in White communities outside of the larger and more diverse urban areas in which they lived. They talked about facing racism in foster homes, communities, and schools in various forms:

We face a lot of stereotypes with White kids at school.

One foster parent thought automatically that I was a thief. Or that when I came home late, I've done something wrong.

They think I'm gang banging somewhere when I'm late.

Foster parents are just rude. I've heard a lot of racist comments.

One White foster parent said, "You are like our little chocolate chip!"

Youth also shared facing harsher discipline than their White counterparts for similar behaviours, including facing criminal charges:

The consequences are harsher for me even though another kid would have done the same thing.

There were two White girls that were full on fighting and they just got restrained and everything went back to normal. I want to know why they couldn't do that with me. Instead they charged me right away. For Black kids the discipline is always out of proportion.

I feel like the staff are scared of us Black kids, so they try to get rid of us quickly. They don't try to understand us.

The youth were also concerned about the biases and racism of staff hired in group homes and the ability of these staff to appropriately interact with youth in care, particularly African Canadian youth:

A lot of group homes hire ex-cops and not CYWs so they don't have the training to deal with us. They treat us like gangsters and then they wonder why we have so much anger.

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Changing the Ontario Child Welfare System to Better Serve African Canadians

I've seen how the one White kid in a house full of Black youth gets treated better.

If you are throwing a 12 year old down to deal with them, you shouldn't be working with young people.

Further, they shared experiencing an uncaring system that does not serve their emotional, cultural, and spiritual needs:

I've lost my culture. I don't know anything about my Black culture because I've only been in White homes.

Being in care has only made my mental health issues worse.

Growing up as a Crown Ward, I feel scattered and all over the place because I never had a true sense of family. We've had to make our own social supports and learn to survive. Now I feel like I'm just surviving.

Workers should be more detailed and ask you how you are feeling and be more concerned as opposed to just having my physical needs met.

It's hard to say what you want when no one is asking.

While participants expressed their belief that African Canadian families are being harmed by the child welfare system, they also expressed a belief that White staff and foster parents are benefiting from the current system. As some participants noted:

Child welfare is treated as an industry. It focuses on self-preservation and job protection rather than making decisions in the best interest of families.

Black children are being used as a means of revenue.

Participants further noted that this examination of the experiences of African Canadians with the child welfare system should be done within the broader context of anti-Black racism in Canadian society and the insidious ways it is reflected not only in child welfare, but also in the interconnections of the child welfare system with the education and criminal justice systems. As noted in an earlier section, they shared concerns about how interconnected these systems are and how they work together to marginalize African Canadians.

Many participants noted that in a Eurocentric child welfare system that takes a race-neutral approach, caseworkers don't understand systemic racism and don't take a range of factors into account when creating plans of care. As one person noted:

African Canadian parents do not receive the proper supports and do not receive empathy from mainstream supports. CASs individualize / pathologize problems rather than contextualizing them, which leads to unrealistic expectations.

Another noted:

Families have challenges following the service plan. Some parents and kids have mental health and other health challenges. Most have multiple challenges. And if they're not following through on the service plan it's hard to get the child back. Is that service plan realistic? Many things can contribute to challenges completing the plan. There needs to be a reassessment as new issues and challenges arise. It is not so cut and dry. So fix the issues.

Many participants suggested that the present-day experiences of African Canadians in Ontario's child welfare system reflect the "rescue movements" associated with historically moving Indigenous children from their homes and placing them with White families or into residential care. They noted that the racist and assimilatory underpinnings of the system lead to cultural genocide and intergenerational trauma, as they are witnessing African Canadians who have grown up in care having children who are themselves growing up in care.

Given that this perspective of the child welfare system was heard at almost every consultation, participants noted that tinkering with the child welfare system will be insufficient to make meaningful change. As one participant said:

The whole thing needs to be torn down and rebuilt.

They also talked about the importance of reflecting on past wrongs in order to make meaningful change. In one consultation session, youth indicated that there is a need for "truth and reconciliation" within the child welfare system:

The government and the children's aid societies need to acknowledge their wrongdoings and engage with the community if they want to change.

b. Lack of compassion / cultural understanding

Throughout the consultations, participants expressed concern about the lack of cultural understanding of child welfare workers and noted that workers themselves may harbour anti-Black racism or biases (including class bias) that impact their interactions with and decisions made about African Canadian families. Some participants expressed the belief that to a large extent the treatment of, and outcomes for, African Canadian

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

families and children who come into contact with child welfare depends on the worker rather than organizational policies. In some sessions, participants noted that frontline child welfare staff are oftentimes White, young, and without children themselves. As such, there is an inherent cultural divide between child welfare workers and African Canadian parents. Many participants felt that, for the most part, caseworkers aren't well trained and don't all approach this work with a good understanding of the diverse communities with which they interact, make judgements about, and make critical decisions about. As one person noted, "it is hit and miss" with caseworkers. "Sometimes you get a good caseworker, but usually you don't."

They noted that the potential for biased, subjective decision-making always enters into the equation when humans are involved. As such, in assessing African Canadian families, child protection workers might not rely solely on objective assessments based on complete information to guide their investigations. Thus, African Canadian mothers, when advocating for themselves and their children, are often seen as "angry Black women" and their voices are not heard, or worse, are criminalized. Further, some indicated that stereotypes and assumptions about African Canadian men mean that fathers are also treated unfairly or are ignored altogether.

Participants raised concerns about workers who lacked empathy or cultural understanding, or who they thought were blatantly racist. Participants noted that cultural differences are misunderstood by caseworkers, and they identify abuse and neglect where there is none. In some consultations, participants expressed concern that caseworkers lack the capacity to view cultural differences as differences rather than deficiencies; they assess what is normal or even healthy from a cultural perspective as abnormal or unhealthy.

Further, they noted that the cultural norms and values of African Canadians are not recognized or respected by child welfare staff, and they make assumptions about families without asking questions to seek out the correct information. They also talked about White privilege and how they felt it was evident in the interactions with African Canadian families, and how African Canadian families are harmed by workers' inability to understand their White privilege or interact effectively across cultures.

Participants felt that given the power that caseworkers have and the diversity of Ontario's population, child welfare staff should have a greater understanding of, and greater capacity to interact effectively across, cultures. For example, one consultation participant noted that from the workers' perspective hot dogs are seen as healthy and

adequate food, yet their traditional foods, which are unfamiliar to White Canadians, are questioned.

Participants felt that the composition of the household also raised concerns for caseworkers. For example, there were concerns that single-parent and grandparent-led households were not seen in the same light as households led by two parents, even when it is a healthy and loving home for the child.

Some also felt that workers were quicker to remove African Canadian than White and other racialized children from their homes. They felt that any ambiguity regarding the safety of a child was resolved by removing the African Canadian child from the home and returning children to their parents only when they demonstrated to the satisfaction of the caseworker that their homes were safe and secure. By contrast, they felt that for White families, when there is ambiguity regarding the child's safety, these families are given the opportunity to work with the caseworker, supported by various services, to ensure a safe and secure environment for the child.

Some participants compared the experience of African Canadians with the child welfare system with that of the Indigenous population and described the current overrepresentation of African Canadians in child welfare as a "scoop." They shared their experience of child welfare workers who have a "White saviour mentality" and as such make decisions to remove the child from their home to "save the child" from their family, when removal was unnecessary.

Some noted that this cultural divide is further complicated when the African Canadian home is not heterosexual. One same-sex couple that was seeking to adopt talked about their experience of trying to navigate the biases that were evident to them to ensure that they were deemed suitable adoptive parents. They believed their only option was to recreate their home as a middle-class White home. As such, they told us:

We had to de-Black and de-gay our home to make sure we passed the home inspection.

Throughout the consultations, we also heard very personal stories of the lack of compassion shown to African Canadian children, youth, and parents. One service provider shared one of the most heartbreaking experiences she has had to deal with:

The mother was dying and lost the children to CAS even though they were teenagers. She was dying and wanted to say goodbye to her children. CAS was

not willing to sit down with the agency and community to help assist with this experience. Their mother died and the children did not get to say goodbye.

There were also those who shared experiences of how child welfare agencies treat African Canadian families unfairly. One striking story was shared by an African Canadian woman seeking to adopt, who also worked in a community agency that helps women involved with CAS. Because she was working with mothers to get their children back after they had been apprehended, she made it clear to the CAS that she didn't want to adopt children of any of the clients of her agency. The agency assured her that this would not happen. She was eventually matched with two children, but when she learned about the background of these children, she realized that they were children of a woman she was currently working with. So while the CAS had them up for adoption, their mother was desperately trying to get them back. This consultation participant told us that because of this experience she decided not to adopt because she didn't want to participate in a system that would treat families in that way.

In addition, African Canadian child welfare staff shared stories from within the system of how African Canadian families and staff are treated. They shared stories of being "tricked into aiding in apprehensions." One person shared that they were asked to attend a meeting with a family, not knowing that the police were meeting them at the home and the objective was to apprehend the children.

c. Lack of kin placements

Many also spoke of the lack of willingness on the part of child welfare agencies to place African Canadian children and youth with extended family members, and noted that "kinship is not recognized by the system." So, even though the children may have family members or family friends who are willing to care for the children, they are not sought out. Instead, to many it appears that child welfare agencies feel that African Canadian children and youth will be better cared for — physically, emotionally, and culturally — in the home of strangers, who are oftentimes White. Some pointed out that this practice contradicts what the research tells us about kin care.

We also heard concerns that family who may be willing and able to take in the children of a friend or relative may be reluctant to do so because they fear exposing themselves to CAS. They fear that if they have children themselves, involvement with CAS exposes them to also having their children apprehended, particularly if they felt the apprehension was unnecessary.

d. Power imbalance

In many consultation sessions, participants spoke about the power imbalance in the relationship with child welfare. From their perspective, the oftentimes young and White caseworker holds all the power in that interaction, with little recourse for the African Canadian families that may feel they have been unfairly treated. They noted that given this power dynamic, if the African Canadian parent gets angry or becomes too expressive with the worker, the parent is seen as uncooperative, hostile, and threatening, and is “penalized.” Participants noted that the response of African Canadian parents to the intervention by the child welfare workers, particularly if they come to the home accompanied by police, is then used against them. From their perspective, being uncooperative or assertive with a child welfare worker is as important (some suggest more important) to the outcome of the investigation as the issue of abuse or maltreatment being investigated. However, others noted that if the African Canadian parent shows little emotion, that is also used against them, as they are seen to be “uncaring.”

Participants also noted that in many cases African Canadians parents don’t know their rights and often don’t understand the language used by child welfare staff and other professionals. As one participant noted:

Our community lacks the knowledge of their rights to defend themselves and protect their children.

The result is that parents often need to hire a lawyer or get the support of a community agency in an attempt to get their children back after they have been apprehended by child welfare. However, the cost of a lawyer, coupled with having to take time off work to attend court, places additional strain on the family and can destabilized and push the family further into poverty.

Further, some consultation participants who work in community agencies note that it is next to impossible for an African Canadian mother to get her children back from child welfare without outside assistance, particularly if she is a newcomer. Not only is it difficult for the woman to understand and navigate the system, but often the system refuses to engage with the woman. As one person who works in a community agency noted:

When the organization or the service agency calls CAS they are then willing to work with the mother. Otherwise, it's impossible to negotiate your position or navigate the system.

For a number of reasons, including the power imbalance, African Canadian families are fearful of becoming involved with child welfare. Further, parents are defensive and apprehensive when they do come into contact with child welfare, which can then be misinterpreted by the caseworker.

e. Impact of CAS involvement on individuals and families

Throughout the consultations, participants shared the long-term implications for individuals and families involved with child welfare. Some participants noted that, in some cases, the child welfare system removes African Canadian children and youth unnecessarily from their homes and exposes them to greater emotional or physical harm in foster care. As such, the trauma that all children and youth experience when removed from their parents, siblings, and communities is made worse by the harm some children and youth experience in foster care. The negative impact can be further compounded when African Canadian children and youth are in non-Black homes for long periods of time, as they experience a loss of culture and identity, along with alienation from their family and community.

In one consultation, a participant questioned a system that removes children from their homes, and then causes further harm. She asked:

Why are they taking our children from us, and doing worse than what they were taken out of our home for? And why are we held to a higher standard for the treatment of our children than CAS is?

Some participants shared the psychological harm that African Canadian children and youth experience in care. They talked about youth attempting suicide or trying to bleach their skin to avoid the racism they experience. Others discussed the internalized racism that results from growing up in a racist system with no positive role models.

Further, participants talked about how children being removed from their homes, even for short periods of time, damages the parent-child relationship. They noted that parents can feel stigma, shame, or like "a villain" because of their involvement with child welfare, while the child can feel guilty for breaking up the family, particularly if other children have also been removed from the home. Further, they talked about how the system prioritizes children's rights over the rights of the parents and the well-being of

the family, which is in conflict with traditional African culture. As such, when the child is returned home, the family can be destabilized, as parental authority is undermined and family dynamics disrupted. The different parenting styles of White foster parents can further damage the family when African Canadian children and youth return home. As participants noted:

Our children are not the same when they come home. They are never the same again.

They took my daughter and I had to go to court to get her back. When she came back home she was unruly, and they provided no support to me.

Participants shared their concern that African Canadian children and youth are moved repeatedly and raised concerns about the ability of African Canadian children and youth to form attachments and grow into well-adjusted and successful adults when they are repeatedly moved from foster home to foster home, community to community, and school to school. One participant noted that a child was moved 11 times in 6 years and spoke about the emotional harm to the child and also the disruption to this child's life, including her education. The youth with whom we consulted also talked about "moving constantly" and being unable to develop long-term friendships. They expressed their feelings of being treated unfairly when they aren't given notice that they are moving. One young person shared her experience of being moved without notice:

I made plans to meet up with a friend at the mall on the weekend, but when I got home I was told I was moving. I think about her waiting at the mall for me. I didn't even get to say goodbye.

Participants were also concerned that, despite the significant negative impact of child welfare involvement, no supports are provided to help the family heal or support their reunification once the child is returned home.

f. Transracial placement of African Canadian children and youth

The placement of African Canadian children and youth in White foster homes for long periods of time was seen as particularly problematic by consultation participants. Some compared their experience to the cultural genocide of Indigenous children and the resulting intergenerational trauma caused by residential schools and the Sixties Scoop, in which Indigenous children were removed from their families and adopted by White families. They likened transracial fostering and adoptions to cultural genocide,

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

particularly when the child welfare agency makes little or no effort to recruit African Canadian foster or adoptive parents. They argue that it causes significant emotional and psychological harm when African Canadian children and youth are not exposed to their racial and cultural heritage, as they experience identity and self-esteem problems, especially when they enter adolescence.

As noted earlier, of particular concern is the removal of African Canadian children and youth from homes in Black or racially diverse communities and placement in White homes in White communities outside of more diverse urban areas. Not only are the children exposed to racism and a lack of culturally appropriate books, toys, and foods within the home, but it exposes the children to racism in schools and the communities, with lack of access to relevant services to support them. The family may also have an inadequate understanding of the racism the child experiences in the school or community, and as a result may not adequately deal with the issue, may lack the capacity to offer emotional support to the child, or may be unable to help them develop effective coping strategies.

In the consultations, the youth shared their concerns about the placements, across both race and culture, and the difficulty of fitting in and feeling comfortable in White homes. They also shared feeling isolated and depressed when they are “the only one” in the home, community, or school. As some youth noted:

I want to be in a home I'm comfortable in. Not one you think is comfortable for me.

They can't scrub my blackness away.

They should create a Black-care 101 book for foster parents and group home so they understand our culture, and our hair and food.

In addition to race, youth talked about the importance of culture and religion, and wanting to be in homes that can support them culturally and religiously as well. As one youth noted, “We're not all Jamaicans!”

Being placed great distances from their family can cause further harm when parents must travel long distances to visit their children, particularly if they rely on public transportation. Missed visits can be interpreted as a lack of caring for their child or unwillingness to cooperate with the requirements placed on them, rather than a consequence of their socio-economic status and the systemic problems that place their children at great distances away from their communities.

ONE VISION ONE VOICE:
Changing the Ontario Child Welfare System to Better Serve African Canadians

The participants were concerned that the various child welfare agencies had different levels of understanding of the needs of African Canadian children and youth, and as such, offered different levels of support to White families who have African Canadian children and youth in their care. For instance, in one consultation, we heard that some agencies provide White foster parents with supports to understand and appropriately care for African hair. However, we also heard that some White foster parents do not want or are unable to devote the time needed to care for the hair of African Canadian girls, and that some don't want to wait in a Black hair salon while the foster child's hair is being done. In one consultation session we heard stories of White foster parents who routinely shave off the hair of the African Canadian children and youth who come into their care — both boys and girls — causing a great deal of psychological harm. We heard other stories of foster parents who damage the child's hair by washing it too frequently.

Youth spoke about the importance of their hair and noted that it is integral to their identity as African Canadians. There were also some consultation participants who spoke about the importance of that bonding time when an African Canadian mother is doing her daughter's hair, an experience that many in care are missing. Further, the lack of understanding of skin care issues means that African Canadian children and youth can go without basics, such as skin lotion.

Youth who participated in the consultations commented on the lack of understanding of their hair and skin care needs and also the lack of care shown to them in their foster homes:

I haven't used lotion since I was 10. I'm terrified to ask for anything in my foster home. And I don't want to owe them anything. There was a hole in my shoes before my foster parents realized I needed new shoes.

Some things should just be provided and not be based on behaviour, like hair care or skin cream.

I had to fight to get a proper haircut from a proper place. They took me to First Choice and they messed up my hair.

I'm a guy. I think that Black females in care have it worse off than Black boys. They have to care about hair and we don't. They should do something for Black girls in care.

Youth who participated in the consultations noted that they have a need for connection and belonging that is made worse by transracial adoptions, as it further disconnects them from their community. In particular, they raised concerns about growing up in White households in White communities. Many felt that they did not have exposure to positive role models and “positive images of blackness.” As such, they indicated that they didn’t “know how to be Black” other than to mimic the stereotypes that they have been exposed to. They talked about how growing up in White foster homes has led to a loss of their cultural and racial identity. As some noted:

I'm with a White family. I'm raised as White, but I can't say I'm White. I'm Black. White people see me as Black and Black people see me as Black. It upsets me that I lack the culture. I want to be placed in a Black family. But I'm with a White family and I have to accept it. Where else is there for me to go?

We lose our identity in CAS and don't know where we come from.

I want to keep my culture but I can't cause I move from home to home and they don't know my culture.

The youth who were placed in African Canadian homes shared experiences that were in sharp contrast to that of their peers:

I was in the same foster home for 13 years. They were African Canadian. I belonged. I liked the food. Nobody asked if they were my real family.

g. Parenting styles

As noted previously, consultation participants felt that the parenting styles of African Canadians are problematized by child welfare workers. Outside of an understanding of the past and present cultural context of African Canadians, their firm approach to parenting is seen as inappropriate and problematic. This difference then is used as further evidence to support a decision to remove children from their homes.

Further, African Canadian parents who are required to take parenting classes are not provided access to culturally appropriate classes. As such, even as more permissive parenting styles are being criticized,¹⁷⁰ this style of parenting is held up as a model to which African Canadian parents must aspire.

¹⁷⁰ See "The Collapse of Parenting: How we hurt our kids when we treat them like grown-ups," by Leonard Sax, 2015.

The youth themselves recognized the different parenting styles in African Canadian and White homes:

I felt that CAS gave me some freedom. Freedom I would not experience in a Black home. I was with White people. The Black culture can be strict.

As some parents noted, this difference can create difficulty when the child is returned home and are expected to comply with their parents' strict rules.

Parents and youth also talked about the difficulties when the values of the foster parents don't align with that of the birth parents. One parent talked about having her child in cadets, swimming, and soccer, and the emphasis she placed on education. But she felt the foster parents made little effort to keep her son in these activities. She notes that after 4 years in foster care he is no longer participating in all of these activities and his grades have dropped.

The lack of support for the education of African Canadian children and youth was also seen as an issue by some youth. Despite the importance of education to their success as adults, it was not emphasized by foster parents nor the CAS. As one youth noted:

I don't like that CAS supports me in sports not in my education. They push me to do more sports and put my education aside.

h. Lack of access to culturally appropriate services and supports

While the *Child and Family Services Act* states that children's services should be provided in a way that "respects a child's need for continuity of care and for stable relationships within a family and cultural environment," consultation participants felt that they weren't able to access programs and services that take their cultural, emotional, and spiritual needs and differences into consideration.¹⁷¹ As such, while they may be required to attend various courses or programs, the underlying issues that led to child maltreatment may not be addressed. Further, accessing services that are not culturally appropriate may cause further harm to individuals or to the family.

Many felt that mainstream agencies take a Eurocentric approach to service delivery that isn't consistent with the values, perspectives, and needs of African Canadians. They also expressed concern that the provincial and municipal governments don't

¹⁷¹ Child and Family Services Act, R.S.O. 1990, c.C.11

appropriately fund African Canadian agencies to provide the needed social services. As such, even when the CAS is seeking out culturally appropriate services, they may not be readily available within the community.

i. Issues related to African Canadian LGBTQ youth and families

African Canadian LGBTQ youth who participated in the consultations shared the difficulties they experience in care. While they recognized and were grateful for a child welfare system that offered them support and protection from abuse, some noted that they were taken out of a home because of disapproval of their sexual or gender identity and placed in a foster home that did not recognize or support their racial identity. Further, some shared concern that LGBTQ youth “fall through the cracks” and end up living on the street because they are maltreated in their foster homes. As one participant noted:

There is nowhere to go to get help if the system is homophobic or foster parents are homophobic.

They suggested that African Canadian LGBTQ youth will not be well served simply by focusing on their racial identity when identifying appropriate foster homes. They need to be seen as Black and queer and placed in homes that will be supportive of all their identities.

They also noted how much more difficult it is for them in a Catholic CAS. As one participant noted:

Youth have to take risks in Catholic CAS to come out and hope the worker is supportive.

Throughout the consultations we also heard participants voice several concerns that the various practices of Catholic child welfare agencies were contradictory and unsupportive of good outcomes for African Canadian children and youth. For example, they noted that Catholic CASs hired LGBTQ staff, had same-sex foster parents, and also cared for LGBTQ children and youth. However, they did not allow Catholic same-sex couples to be adoptive parents.

j. Challenges advocating for African Canadians and race equity

The community consultations also included some foster parents and African Canadian CAS staff (both current and former), who indicated that it was a challenge for them to advocate for change or equitable treatment of African Canadian children, youth, and

families. Some noted that within child welfare agencies, advocacy, particularly for African Canadians, is not encouraged or supported, and is in fact punished. As one person noted:

The system turns against you when you advocate for Black children.

African Canadian staff shared being marginalized within the child welfare agency and their reputation and career being undermined when they advocated for African Canadian children and youth or tried to make changes to better serve African Canadian children, youth, and families.

k. Group homes

African Canadian youth in care saw group homes as particularly problematic and as contributing to their poor outcomes, because group homes don't provide a loving environment that all children need to thrive. Further, one youth who was the only African Canadian at a residential facility shared how isolating and depressing the experience was for her as "the only one."

In one of the consultation sessions with youth, they discussed how unnatural and challenging group homes are:

It's like putting a lion, a tiger and a bunny rabbit together in one room and thinking they're going to get along. It doesn't work. Group homes should be shut down.

Group homes are like jails. They are not good places to be.

In another consultation session, participants suggested that group homes should be closed:

Eliminate group homes. These are open custody facilities that over medicate youth. Or at least provide adequate training and funding as well as culturally relevant staff.

4.2 Community Recommendations for Change

Based on their understanding of and interaction with the child welfare system, consultation participants offered a number of recommendations for changing the child welfare system to better serve African Canadians. They felt that given the disproportionate number of African Canadian children and youth in care and the issues faced by individuals, families, and communities, it is necessary that the provincial government and individual child welfare agencies take immediate action to develop and implement strategies that will reduce the disproportionate number of African Canadian children and youth in care and support better outcomes for African Canadian children, youth, and families.

Consultation participants recognized that change will not come easily, but will require a major reconsideration of priorities, staffing, and funding. They also recognized that these changes might compete with other system priorities. Further, they recognized that anti-Black racism will get in the way of creating and maintaining system change, and that it will need courageous leadership, clear objectives, monitoring and accountability mechanisms, and the engagement of the African Canadian community as full partners.

While change will not come easily, community members stressed the urgency of immediate and consistent action to improve outcomes for African Canadian children, youth, and families. As one participant noted:

While we continue to talk, Black children are suffering. They are attempting suicide and they are dying. That is my concern.

The recommendations from the community have been organized into three groups:

4.2.1 Changes to Ontario's child welfare system

- (1) **Change the funding formula.** From the perspective of many participants, public funds are being spent in the wrong place and a reallocation of funds is needed. Further, they suggest that given the projected growth in the African Canadian population, growing inequality in society, and the tendency of CASs to apprehend African Canadian children and youth rather than supporting their well-being in their homes, the current model is financially unsustainable:

Support families before a crisis. Shift from crisis response to prevention. The current model is unsustainable given the growing social disparities. Cases will only increase.

Consultation participants suggested that appropriate funding be allocated to family services and intervention programs, such as kinship care programs, nursing and well-baby programs, parent education intervention programs, and family reunification programs.

Participants compared the cost of parenting classes, income supplements, and other supports to the \$60,000 it costs to maintain a child in care for 1 year. Further, they noted that society would see a greater social return on investment if public funds were spent supporting the well-being of families rather than removing children from their homes and paying for their care in foster and group homes. The further costs of trauma, poor educational outcomes, and poor overall life outcomes that children in care experience suggests that society would benefit both socially and financially if investments were made to support the family and keep the family together, with the children removed from their homes only when absolutely necessary.

- (2) **Create an African Canadian Children's Aid Society.** A recurring theme throughout these consultations was that Ontario's current child welfare system does not serve the needs of, nor does it benefit, African Canadian children, youth, and families.

As such, a consistent recommendation offered was for the creation of an African Canadian Children's Aid Society to provide culturally appropriate services to African Canadian families. They pointed to the agencies that have been created to serve Catholic, Jewish, and Indigenous families as models, and precedence, for this approach.

While this recommendation was made in all but one consultation session, there wasn't universal agreement for this recommendation. Some felt that an African Canadian CAS would not receive the same funding as other agencies and would have a limited mandate, which would mean that African Canadians would not have access to the needed programs and services. They suggested that the community would benefit more from an agency that focuses on supporting the well-being of African Canadian children, youth, and families. This would reduce involvement with the child welfare system.

To ensure that the needs of LGBTQ youth are met, some also suggested that a special office be established within an African Canadian CAS.

(3) Mandatory collection and reporting of disaggregated race-based data.

Participants throughout the consultations recognized that a seemingly race-neutral child welfare system has had serious negative implications for African Canadians. Further, many questioned this project's reliance on American data and research to understand how the child welfare system is serving African Canadians and asked why Canadian data are not available. As such, they recognized the need for race to be considered in child welfare practice and in the development of policies and practices, beginning with the mandated collection and analysis of disaggregated race-based data.

In many consultations, participants noted that in order for the government and the community to understand the extent to which African Canadians are overrepresented within child welfare, the disparities they face once involved with CAS, how their experiences and outcomes may vary across the province, and the complex factors that contribute to disproportionality, all child welfare agencies must be required to collect, analyze, and publicly report on race-based data. They also noted that the collection and analysis of these data is important for better oversight and to hold each agency accountable for equitable treatment of and outcomes for African Canadians.

Some participants also noted that there are a number of biracial children in the care of Indigenous child welfare agencies who have not been included as part of this discussion. As such, they suggest that the data collection tools developed capture biracial children as well.

(4) Greater oversight and accountability. Participants expressed concern that unlike Ontario's educational system, the provincial government takes a much more "hands-off" approach to the child welfare system. They recommended that the child welfare system needs greater oversight by and accountability to the provincial government. They suggest that the government ensure that Ontario's 47 CASs take a consistent approach to child welfare and that there be consistent reporting on outcomes for children in care, particularly African Canadian children and youth.

Participants also expressed concerns that there was a lack of knowledge within the African Canadian community about who they can turn to when they think

they have been unfairly treated. As such, participants suggested that there needs to be an office that will take and investigate complaints of unfair treatment. Further, many suggested that the Ministry of Children and Youth Services should have more accountability structures in place to ensure public accountability of child welfare agencies.

- (5) **Curriculum of the schools of Social Work.** There was concern that the training students receive in the social work programs at Ontario's colleges and universities does not prepare them to work with African Canadian children, youth, and families. Participants recommended that all college and university social work programs in Ontario commit to an anti-racist, anti-oppressive approach. Further, they recommended that these programs ensure that social workers are properly educated about the history and impacts of slavery and colonialism on people of African descent.
- (6) **Increased funding for African Canadian community agencies that provide services to children, youth, and families.** Participants also noted the need for more community and social services to support healthy African Canadian children, youth, and families, including culturally appropriate parenting classes and counselling. They also felt it was important for funding to match the needs of the community.
- (7) **Disproportionality and Disparity Office.** Participants also suggested that an office be established to assess and address racial disproportionality and disparities. This office would work with child welfare agencies to implement, document, and share best practices and support training as well as policy and practice change. This office would also report to the community on the system-wide changes as well as outcomes.
- (8) **Develop a "Bill of Rights" for parents and children.** A common theme throughout the consultations was the need for parents to have a better understanding of the child welfare process and their rights. As such, it was suggested that a "Bill of Rights" that addresses both the rights of the parents and children should be developed and shared with all families who come into contact with a child welfare agency. This document would clearly articulate the role of the child welfare agency and the support that it offers to African Canadians. This Bill of Rights would support African Canadians to advocate for themselves and have access to the same supports and services provided to other families. This

document should also educate service users about the complaints mechanisms available to them.

Participants suggested that such a document would also add a level of transparency to the process that currently does not exist.

- (9) **Establish an African Canadian Advisory Committee.** The community also recommended the establishment of an African Canadian Advisory Committee, consisting of community organizations, foster parents, and youth, that would provide advice and support to the Ministry of Children and Youth Services regarding disproportionality and disparities and input into strategies to address the issues.
- (10) **Review Ministry guidelines and standards through a race equity lens.** Participants suggested that the Ministry standards for child welfare, e.g., the number of bedrooms and windows required to foster children, be reviewed through a race equity lens to identify any barriers that they might create for African Canadians to become foster and adoptive parents.

4.2.2 Changes within child welfare agencies

- (11) **Family-centred approach to child welfare.** A consistent recommendation from these consultations is that the basic approach of CASs and the role they play in society needs to change. Participants suggested that the child welfare system needs to shift its focus from removing children from their homes to supporting the well-being of children in their families. They noted that all children need a family and that removing children from their parents' care should be the last resort, used only when all reasonable efforts have been made to support parents to safely care for their children. Further, they point to poor outcomes for children in care overall as evidence that the entire system needs to be changed to support better outcomes for all children.

They suggested that the focus should be on maintaining connections of children with their families and communities, working proactively to provide services and supports to vulnerable families, supporting kin placements, and providing more supports to reunify families.

- (12) **Greater use of kinship placements.** Participants noted that in many cases, when a child needs to be removed from the home, family or close friends are able to

care for the child. While they note that kinship arrangements are used effectively in the White community, they do not believe it is used to the same extent in the African Canadian community. The use of kinship placements could reduce the trauma to the child and family and support reunification when the child is returned to the care of their parents.

- (13) **Cultural matching of foster and adoptive families with children and youth in care.** Participants saw the ethno-racial matching of children and youth with foster and adoptive families as critical to supporting the well-being of African Canadian children and youth in care. They contended that child welfare agencies throughout the province must do more to ensure that African Canadian children and youth are placed in African Canadian homes. They also noted the great deal of cultural and religious diversity among African Canadians, and further recommended that, where possible, attention be placed on matching by culture and religion as well. This would require that child welfare agencies make efforts to recruit foster and adoptive parents who represent the racial and ethnic backgrounds of African Canadian children and youth in foster care.
- (14) **Focus on keeping children and youth in their communities.** Participants recommended that CASs focus on ensuring African Canadian children and youth remain in their home communities as much as possible so that they are able to attend the same schools, daycares, churches, and community programs and have access to cultural programs and culturally appropriate services.
- (15) **Supports to White foster and adoptive parents.** When it may not be possible to place African Canadian children and youth in African Canadian homes, diligent efforts should be taken to ensure that they are placed in culturally diverse communities, and that appropriate supports for White and other racialized families be provided to enable them to support the physical, emotional, and cultural well-being of African Canadian children and youth in their care. This must include an understanding of and supports for hair and skin care. Further, participants suggested that White families should also be required to create a plan for meeting the cultural and spiritual needs of African Canadian children to ensure that they maintain a connection to their racial and cultural heritage.
- (16) **Appropriate financial supports for African Canadian children and youth.** In almost all sessions participants spoke of the additional financial costs associated with caring for African hair and skin. They suggest that these costs should be

routinely provided by each child welfare agency for each African Canadian child and youth in care and that child welfare workers need to ensure that African Canadian children and youth have access to not only appropriate hair and skin care products, but also the services needed to help them understand how to take care of their hair and skin. Further, they suggested that appropriate financial resources should be allocated to ensure that each African Canadian child and youth in care has access to cultural experiences and programs that help them maintain connections to their racial and cultural heritage.

- (17) Ensure African Canadian children and families have access to culturally appropriate services.** Participants noted the importance of culturally appropriate services to strengthen and stabilize families, improve parenting skills, promote child safety and well-being, and enhance child development.

The youth in care who participated in the consultations noted that they wanted to see more and better services provided to their parents so that they can return to their homes sooner.

- (18) Better education and training of child welfare staff.** Consultation participants suggested that fundamental to better serving African Canadian families is the need to change how frontline (and indeed all) staff view African Canadian children, youth, and families. Some point to the resistance exhibited by CAS staff in the consultation sessions as evidence of the need for this training. They recommended that better and ongoing education and training should be provided to child welfare staff to help them better understand anti-Black racism, how it works at the systemic and interpersonal levels, their own biases about African Canadians, and how these interact to create racial disproportionalities and disparities in child welfare. They also recommended that child welfare staff receive training on the history and impacts of slavery and colonialism on people of African descent, and that White child welfare staff be supported to examine how White privilege and their values, biases, and power relations affect their perceptions of and interactions with service users.

- (19) Engage and partner with the African Canadian community.** Participants recommended that child welfare agencies radically restructure their approach to and relationship with the African Canadian community. They suggest that child welfare agencies engage with the local African Canadian community to: educate the community about the role of child welfare; educate African

Canadian parents on how to navigate the child welfare system; recruit African Canadian foster and adoptive parents; and better understand African Canadian families, children, and community and the services and supports available in the community.

Further, they suggested that child welfare agencies partner with community agencies and other service providers to identify, develop, and deliver culturally appropriate services needed to serve African Canadian children and youth.

- (20) Develop and implement an Employment Equity Program.** In all sessions, participants noted that child welfare staff, particularly those at the frontlines, do not reflect the community served. As such, many thought that this created a cultural divide between child welfare staff and the African Canadian families that they assess and make critical decisions about. While participants noted the need for anti-Black racism and cultural competency training, they also noted that child welfare agencies should hire more African Canadian staff, not only on the frontlines but also in decision-making positions.

Further, they suggested that not only should race-based data be collected for service users, but also for employees to allow child welfare agencies to analyze the extent to which staff represent the community served at all levels of the organization. These data should be publicly reported.

While they noted that this will help to ensure that child welfare workers are making decisions with a better understanding of the culture of the family, they recognized that an increase in the number of African Canadian staff is necessary but not sufficient to make the required changes. From their perspective, increased diversity of child welfare staff will effect little change without a change to the role of child welfare agencies, a change to who is in positions of authority within these agencies, and the full inclusion of African Canadian staff within child welfare agencies.

Participants also suggested that the agencies' hiring processes should assess job candidate's knowledge and experience in anti-oppression and anti-Black racism. They also suggested that the hiring of African Canadian staff should reflect the full diversity of the community in terms of religion, ethnicity, gender identity, and sexual orientation.

- (21) **Educate mandated referrers.** Many participants also shared the need for the child welfare system to educate the main referral sources — e.g., educators, police, and healthcare professionals — about racial bias in reporting to address the overreporting of African Canadians to child welfare. They felt that referrals need to be analyzed and referral sources educated about patterns of racial bias as well as concerns about overreporting. They felt that much work is needed to ensure that referral sources have a much more nuanced understanding of child abuse and maltreatment and understand how their biases can impact their referrals.

CASs should evaluate their referral sources and, if identified, hold anti-oppressive and culturally specific workshops on a regular basis for these referral sources to address the identified issues.

4.2.3 African Canadian community

- (22) **Coordination of community services.** Participants also felt that the African Canadian community has a role to play in ensuring better coordination of community services that serve African Canadian children, youth, and families, and that the local child welfare agencies should be made aware of these services.
- (23) **Educate parents.** Participants also felt that the community itself has an important role to play in educating the parents about the role of the child welfare system.

PART 5: RECOMMENDATIONS FROM THE STEERING COMMITTEE

Based on the feedback and many recommendations from the community, the Steering Committee has identified recommendations that address priority issues related to the disproportionality and disparities faced by African Canadians in child welfare, particularly those that extend to systems beyond the mandate of individual child welfare agencies.

The Steering Committee recommends that:

The Ontario Ministry of Children and Youth Services:

1. Amend the *Child and Family Services Act* to acknowledge the historical significance of African Canadians in Canada's history and Canada's long history of anti-Black racism, establishing the need to ensure equitable outcomes for African Canadians in the child welfare system.
2. Establish and appropriately fund African Canadian Child and Family Services agencies in relevant communities that will deliver proactive services that focus on strengthening and keeping families together by supporting the well-being of African Canadian children, youth, and families and reducing the need for child apprehension.
3. Develop a protocol that requires and supports child welfare agencies to engage the African Canadian Child and Family Services agencies once an African Canadian child or family is brought to the attention of the agency.
4. Establish a Disproportionality and Disparity Unit that would lead and direct OACAS and Ontario's child welfare agencies in addressing racial disproportionality and disparities by providing leadership, strategies, implementation, and expertise to the field.
5. Establish mandatory requirements for the collection and annual reporting of disaggregated race-based data by child welfare agencies through the Child Protection Information Network (CPIN), Ontario Looking After Children (OnLAC), and Crown Ward Review. Mandatory requirements should stipulate that such data be used as a basis for strategic planning, program development, and service delivery related to the African Canadian community, and that child welfare agencies report annually on performance

ONE VISION ONE VOICE:

Changing the Ontario Child Welfare System to Better Serve African Canadians

measures to both the Ministry of Children and Youth Services and the community.

6. Ensure that the updated Child Protection Standards, released in June 2016, are reviewed through an anti-Black racism lens and integrate the Practice Framework into those standards, to establish mandatory minimum performance expectations for child welfare agencies to address disproportionalities and disparities.
7. Conduct all Ministry- and OACAS-funded service and policy review initiatives through an anti-Black racism lens.
8. Allocate appropriate human and financial resources to support the implementation and evaluation of the Practice Framework.

The Province of Ontario:

9. Through the Anti-Racism Directorate, establish a systems-wide training initiative to address anti-Black racism in education, community and social services, community safety and correctional services, and healthcare.
10. Support the establishment of a body to facilitate the coordinated planning, implementation, monitoring, and evaluation of inter-sectoral efforts to address disproportionality and disparities in child welfare. Funds should be allocated for staffing to support ongoing coordination. The body should report to the Anti-Racism Directorate and include representation from key referring systems. The model should be based on similar statewide efforts to address disproportionality and disparity in the United States.
11. Conduct a review of complaint mechanisms for child welfare (i.e., Provincial Advocate, Ombudsman) and put in place mechanisms to ensure adequate oversight and investigation into complaints of racial discrimination and unfair treatment from African Canadian service users. Ensure that complaint mechanisms include protections for complaints from service providers who experience reprisals from child welfare agencies for advocating on behalf of African Canadian children, youth, and families.
12. The Ontario Ministry of Community and Social Services establish a targeted fund to support the development and enhancement of culturally responsive

services for African Canadian families, including capacity building for Black-focused community agencies.

13. Provide better oversight of the child welfare system similar to the oversight of other sectors, such as education and healthcare.

Federal, provincial, and regional/municipal governments:

14. Increase funding for services that address basic needs of vulnerable families, including universal child care, affordable housing, public transit, and living wage standards.

The Ontario Association of Children's Aid Societies:

15. Establish an African Canadian Advisory Committee to provide advice on an ongoing basis regarding disproportionality and disparities experienced by African Canadians in the child welfare system.
16. Update the OACAS-designed new worker training to include the history, experiences, and voices of African Canadian children and youth in the child welfare system. The training should also ensure that workers have an understanding of disproportionality, disparities, equity, and anti-Black racism. The training will be developed and delivered by African Canadian community members chosen by the Advisory Committee.
17. Establish a specific team at OACAS whose goal will be researching and leading the elimination of disproportionality and disparity using an anti-racist, anti-colonial, and anti-oppressive framework. The research will be conducted in full partnership with the African Canadian community through the African Canadian Advisory Committee, which will provide input into the design, implementation, analysis, and publication of the data.
18. Develop training, with input from the African Canadian Advisory Committee, for OACAS staff to enable them to lead the field in addressing racial disproportionality and disparities. Ensure training is delivered by trainers with expertise in teaching anti-Black racism.

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