



A 360° view on family policing

Why the Child Welfare Communities of Practice Project matters

This special edition of the Winter LEAFlet examines the context of our Communities of Practice Child Welfare project. With community members, Elders, families, advocates, lawyers, and others on the front lines of the family policing system, we seek to transform an approach that stigmatizes and punishes parents and communities. We are working to carve pathways for family well-being out of a colonial legacy.

Challenging the framing

West Coast LEAF has been working in the area known as “child welfare” or “child protection” for several years. As we have taken up this work, we have been privileged to learn from families, Nations, and advocates in BC and beyond who have generously shared their wisdom with us.

As part of our learning journey, we have been reflecting on the power of language to name and describe what is often referred to as the “child welfare system.”

Scholar and advocate Dorothy Roberts challenges us to question whether our framing and use of language accurately reflects the impacts of these systems on the well-being of children and families.

Through this learning and reflection, we have adopted Roberts’ more appropriate term: the family policing system.

This term describes how the system maintains power and control over the lives of families and children—most often Indigenous families and children—through surveillance, regulation, and punishment.

What we are calling for

We use the term “child and family well-being system” to name what we are calling for in place of the family policing system. This broad term incorporates different frameworks, such as social determinants of health and Indigenous determinants of health. A child and family well-being system would resource and support children, youth, families, communities, and Nations to thrive according to their own wholistic understanding of well-being.

To learn more, read our resource guide, [*The Power of Language: What do “Family Policing” and “Child and Family Well-Being” Mean?*](#)

Environmental Context

Cultural continuity

Indigenous identity is inseparable from land and place. Access to land is important for cultural continuity and belonging.

Removal of Indigenous children from their communities destroys kinship ties as well as ties to land and culture.



Indigenous sovereignty

When Canada was settled, the reserve system was used to restrict Indigenous movement so that settlers could lay claim to the best land. The residential school system was designed to continue that process by removing Indigenous children from their land and “killing the Indian in the child.”

Many argue that the child welfare system is a continuation of this process of removing children from their families and their land at a time when people are calling for #landback.



Resource extraction

Many Indigenous communities in BC are fighting resource extraction projects that have not been given their full, prior, and informed consent.

These projects threaten food sources for communities who hunt and gather on their land. By pushing ahead with these projects, the government continues to undermine Indigenous sovereignty and advance the settler-colonial project.

Land defense

Land defenders opposing resource extraction projects on the front lines have faced a militarized response from the police. This tactic keeps families and children off the land with the threat of violence.



Rural and remote community impacts

For poor and rural communities the narrative is that resource extraction is a way out of poverty, and will lead to the betterment of the community and its well-being.

However, there are many reports of violence against Indigenous women resulting from the creation of so-called “man camps,” or industrial camps, where workers move temporarily into northern and rural areas for resource extraction projects.



Legal Context

Legislative progress: Bill C-92

Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth, and families* passed in 2019. It gives First Nations, Inuit, and Métis communities the authority to take over child welfare responsibilities.

On paper, these shifts should improve child welfare for Indigenous families. The struggle is to bring that to life in practice. This federal legislation does not address how child and family services for Indigenous peoples will be funded.



Access to Justice crisis

Cuts to legal aid over the last 20 years have led to a crisis in access to justice. It's even worse in rural and remote areas. Lack of legal representation may be a barrier for parents and caregivers trying to regain custody of their children.

Parents Legal Centres have been tasked to mediate but cannot represent families in court, limiting options for those who want to go through the courts.

Compensation for discrimination

In 2019, the Canadian Human Rights Tribunal found that Canada discriminated against First Nations children and ordered the government to pay compensation to each child on-reserve who was forcibly removed from their home, and for children and caregivers denied essential services.

Some argue the total compensation is too low for the number of children covered and that the process for accessing the payments is unclear. The CHRT is currently deliberating.

No oversight

Accessible and meaningful mechanisms of accountability and transparency for families are lacking. Families may not be clear on their rights when interacting with the system, resulting in power imbalances and fear.

Modernizing the system

There is a new desire to modernize the *Child, Family and Community Service Act*, resulting in increased consultations with community.

The Ministry of Children and Family Development (MCFD) has made a commitment to work with Indigenous communities and Nations, see fewer children enter care, and explore less intrusive options to meet the needs of children and families.

However, it is unclear how it will dismantle and transform the system's colonial legacy.

Economic Context

Deepening economic divide

One of the most common reasons for child apprehension is “neglect,” which is often a codeword for poverty.

The communities who were most economically impacted by the Covid-19 pandemic are already facing the most severe poverty and oppression, including Indigenous communities.

This is happening in the context of decades of “belt-tightening.” Preventative services, such as mental health supports, have long been underfunded or are inaccessible.



Underfunding of supports & services

The push to “return to normal” and end pandemic measures has created further economic and housing insecurity, and the gains that were made through rapid response emergency measures are now being lost:

- organizations are having to reduce services because their funding wasn't renewed
- top-ups to income assistance, disability assistance, and seniors supplement were made permanent but at a reduced amount
- eviction ban for non-payment of rent ended
- rent freeze ended



Affordable housing crisis

Families who are fighting through economic barriers to stay together are also facing a housing crisis.

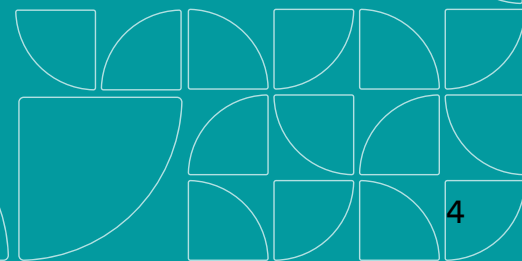
There is a lack of housing for families. Parents and caregivers may lose their family housing when their kids are apprehended, and not be able to regain custody until they have again secured appropriate housing.

If the family fails to secure housing, MCFD might say they are not adequately working towards the return of their children and remove their benefits, making the search for housing even more difficult.

Community support

The rise of mutual aid has filled some of the gaps created by underfunded supports and services, a widening economic divide, and a housing crisis. People are increasingly stepping up to crowdfund, donate, and support their communities.

This need to create alternatives is due to the government not addressing structural issues and is not sustainable long-term.





Social Context

Gender-based violence

Families struggle to stay together without much-needed social supports.

Gender-based violence reporting has increased during the Covid-19 pandemic, due in part to increased economic stressors and the impact of isolating at home in dangerous family situations.

Mothers experiencing violence may be expected to end their relationship without necessary supports, like safe housing.

Housing Crisis

Because of the housing crisis, mothers and children facing abuse from a partner may not be able afford to leave home to seek safety. Transition houses frequently lack options that keep older families together, for example those with teenage sons, and supports for queer and trans families are lacking.

Cutbacks to public transportation further reduce safety, especially in rural and remote areas.



Drug poisoning crisis

We are in the middle of a drug poisoning crisis.

Parents and caregivers who use substances may not seek help and supports, fearing that their children will be apprehended.

Because of the stigma for parents and caregivers who use drugs, families have been absent in the development of harm reduction responses.

Parents and caregivers who experience family separation because their children are apprehended are more likely to overdose, while the overdose itself is viewed as justification for removing the children.



Family policing, not protection

There is a widespread perception that the family policing system is primarily protecting children.

MCFD's risk assessment process often views family struggles as individual failings, not as reflections of systemic injustices like racism and poverty.

The Communities of Practice project challenges MCFD's framing of risk, which claims that intervention by apprehension is the only way.



Political context

National conversation around Truth & Reconciliation

The release of the Truth and Reconciliation Commission's Final Report and Calls to Action has prompted a national conversation about reconciliation.

The identification of unmarked graves at residential schools across the country has led to a growing awareness of the ongoing effects of colonialism.

BC has passed legislation committing to align its laws and policies with the UN Declaration on the Rights of Indigenous People, but the impact of this legislation on family policing has not yet been made clear.

Reform of the Ministry of Children and Family Development

MCFD is working to reform their approach, bringing in new legislation in response to Bill C-92, and conducting consultations.

However without rooting out the current culture of risk and surveillance and investing in desperately needed structural supports for families, any proposed changes will continue the legacy of profoundly harming families.

Advocacy for children and families

The Representative for Children and Youth has produced many recommendations for reform but the government has been slow to implement them.

A 2016 report from MCFD's special advisor provides recommendations to overhaul the family policing system and focus on strengthening families.

State Violence

There are increasing reports of police violence, particularly towards Indigenous people. Police are rarely held to account meaning victims do not get justice.

The history of the RCMP is embedded in colonization and the apprehension of Indigenous children. Police are still actively used in apprehensions today.

Politics and Economics

Canadian politics are being influenced by inflation, austerity measures and political shifts that may result in cuts to social supports.



Technological Context

Government data collection

Information sharing between agencies gives MCFD access to personal information that can impact custody decisions.

In *T.L. v Attorney General of BC*, MCFD accessed personal data from the mother's health and psychiatric records when deciding whether to apprehend her children.

When MCFD requests a parent's health information, this may be informed by bias and stereotypes about the ability of parents with disabilities to take care of their children.



Truth and Reconciliation Call to Action #2

The TRC calls on the federal government, provinces, and territories to collect data for annual reporting on the number of Indigenous children in care compared to non-Indigenous children, reasons for apprehension, and spending on services to support child welfare.

Data collection and disaggregation would help ensure Indigenous communities have the resources they need when taking over jurisdiction for child welfare, but these requirements were not included in Bill C-92.

Drug testing

Social workers require drug testing of parents and caregivers but are not well trained to interpret results. Children may be apprehended based on incorrectly interpreted test results.

Stigma around harm reduction and safe supply can be a barrier to parents and caregivers seeking support.



Digital surveillance

Parents and caregivers who are activists, journalists, and involved in social justice movements are surveilled by police and have been targeted with threats of child apprehension.



Digital divide

Many Indigenous communities—especially northern and rural communities—do not have strong internet connectivity. People in remote communities need internet and smartphones to access social and health services.

The use of technology during the Covid-19 pandemic means that many legal process, like custody hearings, have shifted online.



CHALLENGING MCFD'S CULTURE of RISK and SURVEILLANCE



The Outcome
The FAMILY POLICING SYSTEM is Tearing Families Apart and PROFOUNDLY HARMING KIDS & PARENTS

CURRENT APPROACH to RISK

FAMILIES OFTEN FEAR (FOR GOOD REASON) that they will be PUNISHED or IGNORED if they offer Alternative Understandings about their Strengths + Struggles

DOES NOT address how RACISM, COLONIZATION, ABLEISM, CLASSISM, + MISOGYNY are built into the CULTURE and PRACTICES of the GOVERNMENT

FAMILIES may NOT EVEN know they're being Assessed
They may feel pressured to go along with it
FEAR

The RISK ASSESSMENT PROCESS Lacks TRANSPARENCY

THE SOLUTION
WORK with INDIGENOUS NATIONS, COMMUNITIES + impacted Families to DEVELOP & AFFIRM New Ways of understanding and PROMOTING SAFETY
HOLD GOVERNMENT accountable to address the structural Problems that PUT Families AT RISK!
CREATE Processes and SYSTEMS that Support Families to STAY Together + Honour each Family's Strengths + Needs

IN the FAMILY POLICING SYSTEM, workers assess "risk" using their clinical judgement & tools like:

- Checklists + Questionnaires
- ☐ mmm?
- ☐ bbb?
- ☐ llll?



J.U.D.G.E.M.E.N.T.S about RISK are often based on HARMFUL DISCRIMINATORY ASSUMPTIONS

S.T.I.G.M.A may lead a CHILD WELFARE worker to assume a CHILD is in Danger because a Parent uses SUBSTANCES

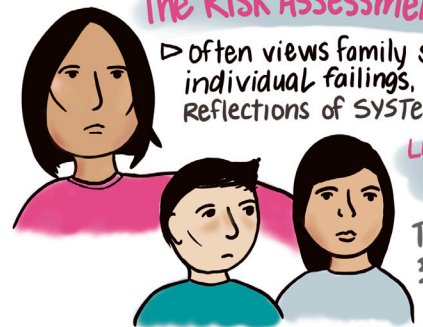
OUR PROJECT VALUES
JUSTICE, FAMILY-CENTRED WHOLISM, HARM REDUCTION, ACCOUNTABILITY, Trauma-informed, EQUALITY, DECOLONIZATION, Relationship-centred, SELF-DETERMINATION, CULTURAL SAFETY

The Risk Assessment Process

Often views family struggles as individual failings, NOT AS Reflections of SYSTEMIC INJUSTICES

Like RACISM and POVERTY

The SYSTEM UNJUSTLY BLAMES Families + regards them as DEFICIENT



TAKE ACTION

- ▶ Have Your Organization Sign our Open Letter to the Premier + select standing Committee on children, Youth + Families
- ▶ Send a Letter to your MLA