



Parenting Capacity Assessments and Indigenous Parents in Canada

Policy Brief



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Executive Summary

Issue: Are parenting capacity assessments appropriate tools for evaluating the parenting competence of Indigenous parents?

Background: A central concern for child welfare professionals in Canada is the determination of a parent's capacity to care for his or her children when the child is at risk of harm. Parental capacity assessments (PCAs) are an integral component of a child welfare practitioner's toolkit for evaluating parenting competence. They are utilized at various phases of child welfare cases and presented in court as part of expert testimony. This policy brief examines the applicability of PCAs to a well-defined group of Canada's population—Indigenous parents. The issue is of paramount importance for two central reasons. First, in Canada, the rate of investigations of neglect for Indigenous children is three times higher than the rate of White children and Indigenous children are disproportionately more likely to be removed from their homes and placed in care compared to White children. Second, decisions informed by PCAs have a life-long impact on the lives of both children and parents. PCAs that fail to adequately assess a caregiver's potential to parent run the risk of harming the child by either removing the child prematurely from a family or by subjecting the child to continued harm if returned to the family; and for parents, the removal of a child from the family home can make them susceptible to psychological and physiological disorders such as depression, anxiety, stress, pain, grief and guilt.

Findings: PCAs, in their current form, are not appropriate tools for evaluating the parenting competence of Indigenous parents. Parenting capacity assessments are found to be deficient in their treatment of Indigenous culture and traditions; incorrect in their conceptualization of family and child-rearing; utilize inappropriate assessment methods; ineffective in overcoming inherent biases; and continue to reinforce Canada's colonial legacy.

Policy Recommendations: To address the limitations of PCAs, five core recommendations are presented. First, revisions to existing PCAs must incorporate culturally appropriate methodologies and tools for the assessment of Indigenous parents. Second, Indigenous peoples must be included in the assessment conversation, particularly in the conduct of PCAs. Third, alternatives to PCAs, particularly Indigenous led alternatives should be explored by drawing upon the experiences of other countries with significant Indigenous populations. Fourth, a commitment to the collection and preservation of data regarding Aboriginal children in care, reasons for their apprehension, spending on preventive and care services by child- welfare agencies and the effectiveness of various interventions is required for purposes of evidence- based policy. Fifth, efforts are needed to expand the knowledge of social work students on Indigenous worldviews, history and cultural practices and engage Indigenous populations in this process.

Parenting Capacity Assessments and Indigenous Parents in Canada: Policy Brief

1.0 Introduction

A central concern for child welfare professionals in Canada is the determination of a parent's capacity to care for his or her children when the child is at risk of harm (Choate, 2013; Conley, 2003/2004). The immediate and life-long implications of parental neglect and abuse on children are well documented in empirical studies showing the breadth of developmental issues—physical, emotional, cognitive, social and various forms of psychopathology—children are at risk of when exposed to ineffective parenting and/or child neglect (Conley, 2003/2004: 16). Parenting capacity assessments (PCAs) are an integral component of a child welfare practitioner's toolkit for evaluating parenting competence. They are utilized at various phases of child welfare cases and presented in court as part of expert testimony (Choates, 2015, 2012; Abraham et al., 2009; Curtis, 2009; White, 2005).

The use of PCAs in child protection cases has been at the center of considerable debate among child welfare advocates, practitioners, legal professionals, and professional child welfare organizations (Choate, 2019, 2018, 2015, 2013, 2009; Choate et al., 2020a & b. and 2019; Choate and Engstrom, 2014; Choate and Hudson, 2014; Choate, Hartland and McKenzie, 2013; White, 2005; Conley, 2003/2004). Issues of concern include: the qualifications of those conducting the assessment (the "assessors"); the choice of assessment methods and tools; the content of assessments; and the weight assessments should be given when determining what is in the child's best interests (Choate, 2018, 2009; White, 2005; Conley, 2003/2004). Criticisms regarding their efficacy are more pronounced when PCAs are applied to Indigenous populations (Choate, 2018: 37; Choate and Lindstrom, 2018, 2017; Lindstrom and Choate, 2016; Choate and MacKenzie, 2015).

This policy brief examines the applicability of PCAs to a well-defined group of Canada's population—Indigenous parents¹. The brief seeks to answer the following key question: are PCAs appropriate tools for evaluating the parenting competence of Indigenous parents? The question is of paramount importance for two central reasons. First, decisions informed by PCAs have a life-long impact on the lives of both children and parents. PCAs that fail to adequately assess a caregiver's potential to parent run the risk of harming the child by either removing the child prematurely from a family or by subjecting the child to continued

¹ The term Indigenous is used interchangeably with Aboriginal throughout this brief. As defined by the Government of Canada, Aboriginal identity refers to whether a person identifies with the Aboriginal peoples of Canada. This includes those who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are Registered or Treaty Indians (that is, registered under the Indian Act of Canada), and/or those who have membership in a First Nation or Indian band. Aboriginal peoples of Canada are defined in the Constitution Act, 1982, Section 35 (2) as including the Indian, Inuit and Métis peoples of Canada (Statistics Canada, 2017b).

harm if returned to the family (Conley, 2003/2004). For parents, the removal of a child from the family home elicits a wide range of psychological and physiological feelings—depression, anxiety, stress, pain, grief and guilt—feelings often associated with the tragic loss of a child (Broadhurst and Mason, 2017) and a reminder of past histories of victimization (Rise, 2019; Broadhurst and Mason, 2017). In Ontario in 2018, First Nations children were approximately three times more likely to be involved in child welfare investigations with an estimated rate of 174.43 per 1,000 children, compared to non-Indigenous children with a rate of 59.51 per 1,000 children (Crowe et al., 2021). In Canada, the rate of investigations of neglect for Indigenous children is three times higher than the rate of White children and Indigenous children are disproportionally more likely to be removed from their homes and placed in care compared to White children (Ma et al., 2019: 58). The issues that have contributed to an overrepresentation of Indigenous children in Canada's foster care system are considered to be "complex and multi-faceted" stemming largely from the intergenerational effects of colonialism and associated child welfare practices (Ontario Human Rights Tribunal, 2018: 2).

2.0 Unravelling the Components of a Parenting Capacity Assessment

2.1 Defining "Parenting Capacity"

For child welfare professionals, assessing parenting is a difficult, but core child protection task requiring an assessment of parenting capacity when determining whether a child is at risk of maltreatment and/or whether a child should remain or be removed from the family home (Budd, 2005: 430; White, 2005: 7).² Simply defined, parenting capacity refers to "the ability to parent in a "good enough" manner long term" (Conley, 2003/2004: 16).³ It differs from "parenting ability" where an individual may be able to effectively parent for a short period of time under special circumstances, but lacks the capacity to parent effectively in the long term (Conley, 2003/2004: 16). Some researchers suggest that the definition is largely a clinical judgement, open to interpretation (Keddell, 2011; White, 2005). A "good enough" parent may signify that a child is receiving a consistent and optimal level of care or it may signify that a child is receiving the minimal amount of care to meet his or her needs (White, 2005: 15). Research suggests (Conley, 2003/2004: 378) that the term "lacks any formal, cohesive or commonly accepted definition or understanding about what it fully means" which is problematic because it has become a widely accepted standard for the evaluation of parenting

² As pointed out by Budd (2005: 430): "[a]t their best, parenting assessments can provide an informed, objective perspective that enhances the fairness of child welfare decisions...At their worst, they can contribute inaccurate, biased and/or irrelevant information that violates examinee's rights and/or impairs the decision making process."

³ This includes parents ability to nurture their children, protect them from risk and enhance their developmental experiences in the long run.

competence (Choate and Engstrom, 2014).⁴ Moreover, the ambiguity surrounding the concept allows assessors to utilize their own personal conceptions of adequate parenting in the process of collecting relevant data required for a PCA (White, 2005: 15; Azar et al., 1998). Both parenting and children’s development emerge and grow in a medium of culture. Therefore, the definition of good parenting is very dependent on the culture (Bornestein, 2012).

2.2 What is a Parenting Capacity Assessment?

PCAs involve the investigation and preparation of a report evaluating a parent’s ability to care for their child(ren) (Curtis, 2009). The central question of PCAs for child protection cases is whether or not there is a parent who is “good enough” to raise the child (Choate, 2013; Choate, 2009).

Figure 1. Functions of a Parental Capacity Assessment



What can PCAs <i>do</i> ? 	What can PCAs <i>not do</i> ? 
<ul style="list-style-type: none">• describe characteristics and patterns of a parent’s functioning in adult and child-rearing roles• explain possible reasons for abnormal or problematic behaviour and the potential for change• identify person-based and environmental conditions likely to influence the behaviour positively or negatively• describe children’s functioning, needs and risks in relation to the parent’s skills and deficits• provide directions for intervention	<ul style="list-style-type: none">• compare an individual’s parenting• draw conclusions about parenting adequacy based on indirect measures• predict parenting capacity from mental health diagnoses• rule out effects of situational influences (e.g. time limitations demand characteristics, current stressors, cultural issues) on the assessment process• predict future behaviour with certainty• answer questions not articulated by the referral source

Figure 1 provides a summary of the utility of PCAs. PCAs are considered to be an “integral part of good case management as [they are] a vital method for determining the ability of a parent to meet the emotional, physical and developmental needs of their children” (Choates, 2012; n.p.; Abraham et al., 2009; Curtis, 2009). They are best described as “complex examinations of the parenting environment and the fit between parent and child” (Choates, 2012). PCAs are comprehensive evaluations in that they clearly identify a parent’s ability to adequately care for children and include an objective measurement of the adult’s parenting skills (Ralph, 2011; Abraham et al., 2009;

Sources: Budd, K.S. (2005). “Assessing Parenting Capacity in Child Welfare Context,” *Children and Your Services Review*, 27: 429-444. White, A. (2005). *Assessment of Parenting Capacity: Literature Review*. Ashfield, New South Wales: NSW Department of Community Services.

⁴ See Choates and Engstrom (2014) for a detailed analysis of the term and its application to PCAs.

Curtis, 2009; White, 2005).

A recent review of PCA models showed some common key features and characteristics in published models; however, there was wide variation in terms of recommended processes. There is no empirically supported ‘gold standard’ against which assessments can be evaluated or compared, and there is a lack of evidence evaluating the predictive accuracy of PCA models in estimating the likelihood of future child maltreatment (Whitcombe-Dobbs, 2020).

2.3 Rationale for a Parenting Capacity Assessment

Requests for PCAs are governed by provincial/territorial legislative frameworks (Curtis, 2009). In Ontario, a PCA is typically ordered by the Court at the request of a Children’s Aid Society to “determine the capacity, or measure of competency of an individual—a parent— to implement certain parenting skills or abilities with such consistency on an ongoing basis as to optimally raise a child into a capable and autonomous adult” (Choate and Hudson, 2014; Abraham et al., 2009; Curtis, 2009; White, 2005).⁵ Requests for PCAs are typically made in instances when there are issues surrounding parenting characteristics such as emotional, cognitive, psychosocial, social and psychiatric functioning of parents with histories of maltreating children (Conley, 2003/2004). A request may also be submitted in situations when child related problems such as injuries to the child, developmental delays, atypical responses to parents and non-organic failure to thrive cannot be explained by child protection workers’ observations (Conley, 2003/2004: 16).

2.4 Who are the Assessors?

The knowledge and skills of individuals tasked with carrying out a PCA are critical for effective assessments (White, 2005: 15; Choate and Hudson, 2014; Abraham et al., 2009; Curtis, 2009; White, 2005). A professional designation, however, does not ensure that an individual is qualified to carry out the work involved in an assessment.

Research (Choate, 2013: 4-5) suggests that “understanding child development, the role of parents in the life of a child, the impact of mental illness, inter personal violence and addictions are all areas of specialist knowledge” for which there are no specialist licenses. In such cases, an “expert” develops his/her capacity in the area through training and supervision in



Image Credit: National Post, 2018.

⁵ In Ontario, under provisions of the province’s Child and Family Services Act, parents are also permitted to request formal PCAs (Conley, 2003/2004: 16). See also Curtis (2009:12) for a brief description of provisions for PCAs in Ontario.

addition to their professional qualifications; however, given the complexity of child protection matters, even experienced assessors are confronted by issues that may challenge their abilities to adequately carry out a PCA (Choate, 2013). Assessors are often trained in the following: life-span development, normal and abnormal behavior, family dynamics, attachment theories, functional and dysfunctional relationships, testing and measurement, social work and social welfare procedures, counseling and report writing” (Choate and Hudson, 2014; Choate, 2012; Abraham et al., 2009; White, 2005). An assessor is expected to remain neutral and unbiased throughout the assessment process. Their opinions exert tremendous influence, particularly with the courts which have a propensity to follow their recommendations (Choate, 2018: 48, 2015; Choate and Hudson, 2014).

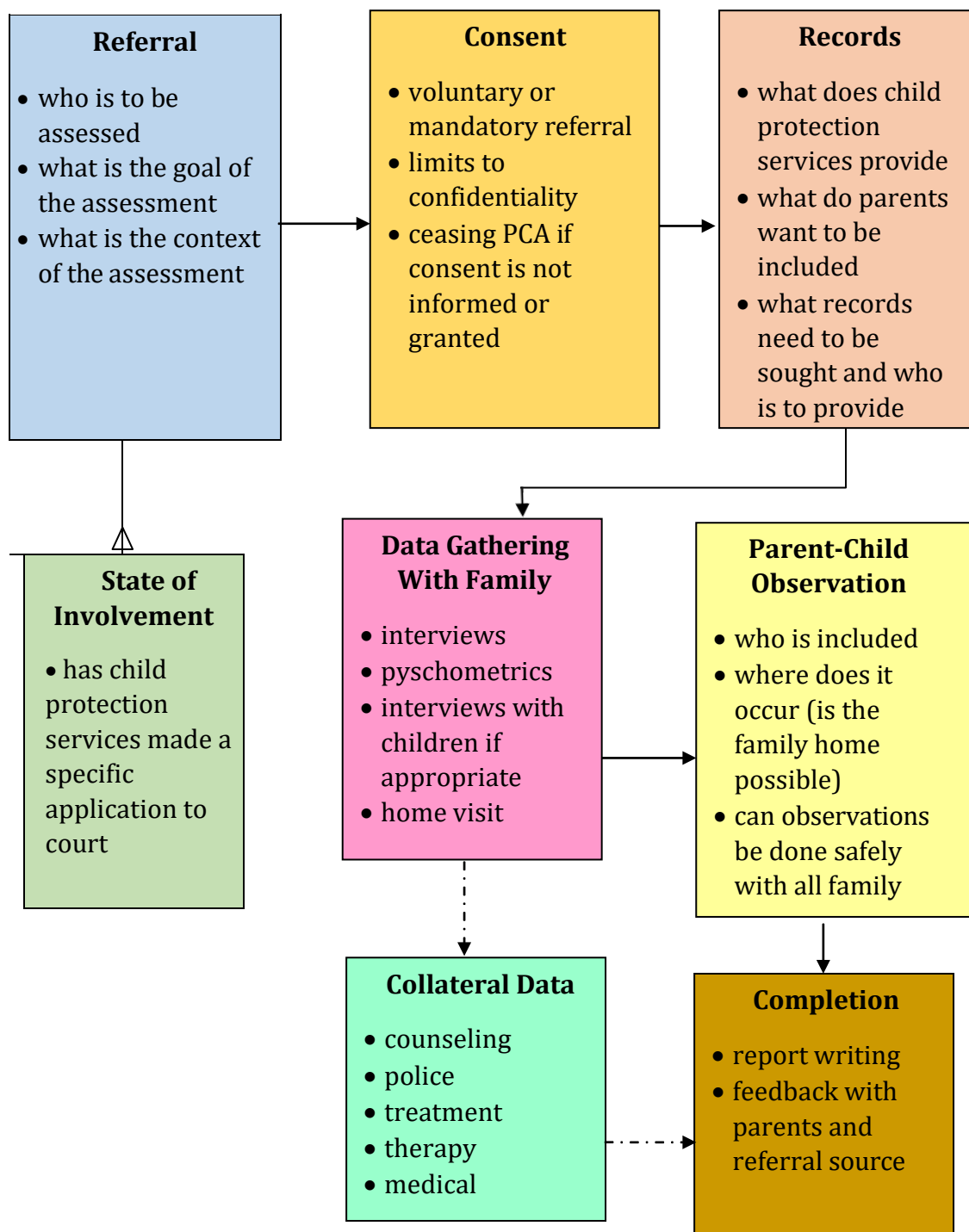
2.5 Assessment Process and Methods

The assessment process involves a series of steps and the use of appropriate assessment methods for the collection of the required information for the final report. Completion times, process and assessment tools used by assessors vary according to the complexity of the case and jurisdiction, however the literature and generally accepted professional standards show a pattern of PCAs that is typically followed (Choate, 2018, 2009).



Image Credit: Free for Commercial use, no attribution required.

Figure 2 illustrates a typical flow pattern for a PCA, identifying the most common methods used in an assessment which includes: checklists; interviewing both the parent and child; parent/child observation; establishing a chronology of events leading to the request for a PCA; home visits; and the use of psychometric measures to assess a parent's personality and parenting knowledge and identify any possible mental health and or addiction issues (Choate and McKenzie, 2015).

Figure 2. Flow Chart of Parenting Capacity Assessment Process

Source: Choate, P.W. (2018). *Assessment of Parental Capacity for Child Protection: Methodological, Cultural and Ethical Considerations in Respect of Indigenous Peoples*. Doctoral Dissertation. Kingston University. London, England. Page 47.

Assessments typically adhere to guidelines⁶ designed to support clinical judgment and use information obtained from checklists, observation, interviews and psychological tests— four of the most identified methods⁷ discussed in the literature—to assess the various components of parent and/or child functioning (White, 2005:3, 10; Budd, Poindexter and Felix, 2001; Azar et al., 1998). There is agreement in the literature (White, 2005: 3, 10) that a major consideration in conducting PCAs is the accuracy of checklists, observation, interviews and psychological tests used in the collection of information on which assessments are based. Guidelines typically include a caveat indicating that the tests have not been validated for parenting capacity (White, 2005:3, 10; Risley-Curtiss et al., 2004; Budd, Poindexter and Felix, 2001; Azar et al., 1998).

3.0 Canada's Indigenous Children and Foster Care

Considered to be among Canada's most vulnerable population, children in foster care were first counted in the 2011 Census. The results of the 2011 Census, in conjunction with the 2011 National Household Survey, revealed that there were 14,200 Aboriginal children aged 14 and under who were foster children in Canada. Aboriginal children were overrepresented among foster children—they accounted for 48 percent of all foster children in Canada—even though they made up only seven percent of the overall population aged 14 and under (Turner, 2016).



Image Credit: CBC News, 2017

The over-representation of Indigenous children occurs at every phase of child welfare intervention from reports, investigation, substantiation, entry into care and placement in permanent child welfare care (McMurtry, 2015; Blackstock, 2007; Trocmé et al., 2006). The rate of Indigenous overrepresentation in foster care continues to grow each year as Indigenous children are brought into care of the welfare system at an

increasing rate (Statistics Canada, 2016). Data from the 2016 Census showed that Indigenous children continued to be overrepresented in foster care relative to Canada's child population with 52% of children in foster care identified as Indigenous, yet Indigenous children account for only 8% of Canada's child population. This means 14,970 out of 28,665 foster children in private homes under the age of 15 are Indigenous (Statistics Canada, 2016). The situation is exacerbated

⁶ In Canada, the late Dr. Paul Steinhauer, a psychiatrist and child welfare advocate developed the Toronto model, a widely recognized clinical approach to assessments. For a review of the various approaches that have been developed see Choate and Lindstrom (no date).

⁷ For a detailed discussion of these methods see White (2005: 10-12)

by the fact that, in many cases, once in foster care, Aboriginal children remain in care longer (often remaining in permanent care) and are less likely to be returned to their families compared to their non-Aboriginal counterparts (Office of the Child and Youth Advocate Alberta, 2016; McKenzie et al., 2009: 11). Although there has been some success in placing Indigenous children within their own community with extended family, a family with shared ethno-cultural background or foster care that is connected to the family unit, the majority of Indigenous children continue to be placed in non-Indigenous care resources (McKenzie et al., 2009: 11).

4.0 Canada's Child Welfare System

Canada's decentralized child welfare system consists of over 400 provincial and territorial child welfare agencies, operating under the jurisdiction of 13 provinces and territories (Choate, 2019; Turner, 2016; Trocmé et al., 2010). The underfunding of services for children on reserves is one of the challenges of welfare services for the Indigenous population (Choate, 2019). Although highly fragmented, Canada's child welfare system, like that of the United States is founded on the central principle that child welfare must put the child at the centre of all interventions, decision making and services (Jud et al., 2015: 10; Brownell, 2015). Often referred to as a "child safety approach to children's welfare," Canada's approach requires the removal of the child from the home if a welfare agency identifies the child at risk (Brownell, 2015). The various provincial and territorial child welfare systems include Indigenous agencies⁸ with limited powers to help to facilitate the provision of child welfare services to Indigenous Peoples⁹ as well as various service provisions for Aboriginal children, families and communities in their child welfare legislation such as: band notification of court or placement; aboriginal involvement in case management; Aboriginal involvement in service planning or delivery; prioritization of kinship care; band submission of cultural connection plan invited; and connection to Aboriginal culture in the best interest of the child (Sinha and Kozlowski, 2013: 8-10).¹⁰ Yet, in Canada, Indigenous populations have not achieved self-governance. While Indigenous communities have their own child welfare services, these often operate within the boundaries of provincial or territorial legislation. Therefore, any changes to policy, practice and legislation remain deeply vested with the dominant government (Choate, 2019).

Table 1 shows the number of First Nations children living on reserve in care in Canada from 2009-2019 according to information from Indigenous Services Canada (2021).¹¹

⁸ For a list of agencies across Canada, see The First Nations Child and Family Caring Society of Canada (2016) and Canada (2015).

⁹ This includes First Nations and Métis.

¹⁰ For a detailed discussion of these provisions, see Sinha and Kozlowski (2013).

¹¹ There is no information about the reason for changes from 2013-2016, whether it resulted from changes in definition and reporting methods, changes in intervention services, placement policies, or changes in socio-economic conditions and related risk factors (Saint-Girons et al., 2020).

Table 1. Number of First Nations Children Living on Reserve in Care in Canada 2009-2019

Year	Number of Children in Care
2009 to 2010	8,686
2010 to 2011	9,241
2011 to 2012	9,423
2012 to 2013	9,482
2013 to 2014	8,675
2014 to 2015	8,428
2015 to 2016	8,488
2016 to 2017	9,078
2017 to 2018	9,247
2018 to 2019	9,312

Source: Indigenous Services Canada (2021)

5.0 Main Findings

5.1 Exclusion of Indigenous Culture



Image Credit: Government of Canada, 2019

An overarching theme found in the literature is the exclusion of Indigenous cultural¹² considerations in child welfare decisions, particularly when assessing parental competence (Harnett & Featherstone, 2020; Choate, 2018; Haight, et al., 2018; Lindstrom and Choate, 2016; Lindstrom, et al., 2016; Choate and Engstrom, 2017;

Muir and Bohr, 2014; Ralph, 2011; Secretariat of National Aboriginal and Islander Childcare, 2011; McKenzie et al., 2009; Commonwealth of Australia, 2006). Not recognizing and/or acknowledging

¹² The term “culture” has many different meanings. A few of the most common definitions include the following: “the customary beliefs, social forms, and material traits of a racial, religious, or social group,” “the set of shared attitudes, values, goals, and practices that characterizes an institution or organization the set of values, conventions, or social practices associated with a particular field, activity, or societal characteristic,” and “the integrated pattern of human knowledge, belief, and behavior that depends upon the capacity for learning and transmitting knowledge to succeeding generations” (Merriam Dictionary) What is central to each of these definitions is a common set of shared experiences that shape a group or community’s views and values.

the cultural diversity of Indigenous Peoples in Canada is one of the most common mistakes when engaging with Indigenous communities in the context of child welfare decisions which results in devastating effects on families and communities (Stewart, 2009).

Existing PCAs are based on a Euro-centric approach to understanding the family (Harnett & Featherstone, 2020; Lindstrom and Choate, 2016: 47; Budd, Clark and Connell, 2011; Choate, 2018, 2009; Budd, 2005, 2001; White, 2005; Pezzot-Pearce and Pearce, 2004; Reder et al., 2004) and are not rooted in culturally relevant science with any consideration to Indigenous knowledge, culture and practices (Choate, 2018: 60).¹³

5.2 Definition of Family

The assessment of parenting capacity in child protection matters is based on a Euro-centric approach to understanding the family which defines family as nuclear units consisting of parent(s) and children (Riggs, 2012; Budd, Clark & Connell, 2011; Choate, 2009; Pezzot-Pearce & Pearce, 2004; Budd, 2005; White, 2005; Reder et al., 2003; Budd, 2001). This is in stark



Image Credit: Government of Canada, 2017.

contrast to the Indigenous view of the family where the family system has an extended family structure which includes the larger community (Riggs, 2012; Lindstrom and Choate, 2016). For example, the family structures of First Nation, Métis, and Inuit are often extended, with a shared collective responsibility, known as customary care towards children. Families may be related by blood, but can also be tied by clan or other social structures. Raising a child in an Indigenous community means intersecting with multiple people fulfilling several parental and caregiving roles (Choate, 2019; Lindstrom and Choate, 2016; Riggs, 2012).

However, it is important to also note that family settings vary considerably within the Indigenous population with children living in family settings that reflect their distinct cultures, languages and diverse communities (Riggs, 2012: 15). Some Indigenous families consider the parents' brothers and sisters to be called 'little fathers and little mothers', and a child's siblings extend beyond brothers and sisters, to include cousins as well. If a mother and father are not able to care for their child, another family or community member will raise the child as a family member even if the intention is to return the child to parental care in future (Choate, 2019). The bond between

¹³ Blackstock (2009) found this to be the case in the broader field of social work in which basic but critical concepts, theory and methodology have failed to incorporate Aboriginal considerations, relying largely on Euro-centric approaches and attempting to apply them to Aboriginal situations.

grandparents and children is very strong and grandparents are involved with raising the children (Choate et al., 2020a). The distinction between these opposing approaches to understanding family is an important one, particularly for child welfare advocates, because it broadens the responsibility of raising, care, education and disciplining of children beyond the nuclear family to include not only biological parents, but also the entire community (Lindstrom and Choate, 2016; Riggs, 2016). Community and tribal membership is a critical component of the Aboriginal identity that plays an integral role in providing a support system for raising and nurturing a child (Lindstrom and Choate, 2016: 48). For assessments to adequately assess the parenting capacity of Indigenous parents, Lindstrom and Choate (2018: 48) found that it is essential that an Aboriginal perspective of family be included in child protection practice.¹⁴

By focusing on an ethnocentric view of what constitutes and acceptable form of parenting, PCAs distort the lens through which a parent is judged to be a “good enough” parent (Choate and Engstrom, 2014: 376). Hence, parenting behavior that does not meet the norms of those established by a PCA may be interpreted as neglect, and thus increase the likelihood that a child is removed from the family home (Choate, 2018). Take for example the differentiation between the role verbal interaction plays in Aboriginal and Euro-centric approaches to parenting (Muir and Bohr, 2014; Lindstrom and Choate, 2016: 49). Verbal interaction and direction is less prominent in Aboriginal parenting than Euro-centric approaches where language plays a central role in parenting. As a result, milestones in a child’s language development may follow a different trajectory in an Aboriginal family when compared to the prevailing Euro-centric standards, which can be interpreted as the child being delayed.

5.3 Variations in Western and Indigenous Philosophies of Child-Rearing

PCAs are based on Western philosophies of child-rearing which are different from those of Indigenous peoples (Scrine, et al. 2020; Choate et al, 2019; Choate, 2018; Choate and Engstrom, 2014; Lindstrom, et al., 2016; Muir and Bohr, 2014; Olynick et al., 2016; Ontario Association of Children’s Aid Societies, 2012; Ralph, 2011; Secretariat of National Aboriginal and Islander Childcare, 2011; Wabano Parenting Society, 2011; McKenzie et al. 2009). Table 2.0 provides a brief summary of the variations between Western and Indigenous philosophies of child-rearing (Mushquasha and Bova, 2007). Lindstrom and Choate (2016: 47) note, “a parent cannot be validly assessed in that role if the cultural standards used as a base of comparison are not relevant to the parent.” This is both evident and problematic in a number of different aspects of PCAs: the definition of family; philosophies of parenting; assessment methods; and the continuation of

¹⁴ Lindstrom and Choate (2016: 48) also suggest that an Aboriginal perspective of the family should also be adopted within the jurisprudence of family courts in Canada who follow a Euro-centric approach to adjudicating child welfare cases. This is most evident in the Court’s notion of what is in the “best interest of the child” which is based on the idea that a child is an independent being. In contrast, the Aboriginal view considers care for the child within the broader system to which it belongs. Hence, rather than focusing on the immediate parents or caregivers, the Court would broaden its scope to include a child interests from a communal perspective.

Colonial policies. In assessing parenting capacity, cultural differences in child-rearing practices can be ignored or misconstrued as risk factors. Protective factors, such as connection to culture and community, are not sufficiently appreciated (Harnett & Featherstone, 2020)

Table 2. Variations in Western and Indigenous Philosophies of Child-Rearing

Western Philosophies/ Principles of Child-Rearing	Indigenous Philosophies/ Principles of Child-Rearing
Patriarchal organization of the family unit.	Matriarchal organization of the family unit.
Preference for male children.	Equal value placed on both male and female children.
Concept of the “Chattel of the Patriarch” (i.e. children are viewed as property of the men of society).	Children are “a gift on loan to us from the Creator.”
Children viewed as possessions and seen as playing a primarily economic function in the household.	Children must be given the support and tools to carry out their higher purpose.
Male authority over the function of the household.	Female authority over the function of the household.
Father plays the lead role in discipline of the children.	Entire family equally responsible for discipline of the children including extended family.
The nuclear family is the primary unit that raises the children.	The extended family system is the primary unit that raises the children. The clan system plays a key role in forming the sense of belonging of the child to the community and nation.
Parents were instilled with the sole responsibilities to raise their children.	The entire community and especially grandparents were highly valued in traditional child-rearing and education.
Children fill an important economic purpose in western society.	Children are sacred beings. Each child has a higher purpose.
Corporal punishment model acceptable. Disapproval shown by threats, punishment, sometimes violence or guilt.	Hitting children shunned by the community. Discipline practiced through history telling and teasing.
Children were to be seen and not heard.	Children were involved in the entire function of the community and were a part of every social gathering.

Emphasis on the institutional care and education of children. Removal of children from the home and community for education.	Children were placed at the center of the community within a child centric societal model.
Doctrine of “spoiling” which believes that there is a danger in spoiling children.	One can never spoil a child.
Must control and direct the child’s behavior in order to create obedience and conformity. Mould the child to a predetermined family/occupational pattern; secure control by regulation habits and early training to accept authority and discipline.	Principle of non-interference in the sacred path of each child. Children need the freedom and autonomy to learn from the natural consequences of their actions.
Children are naturally selfish and demanding which must be corrected and controlled.	Each child must learn to develop their four aspects: mental, physical, emotional, and spiritual in order to become a balanced human.
The mother or female is entirely responsible for nurturing.	Both women and men have an important role to play as nurturers.
Fear to explore the world from the child’s point of view.	Encouragement to see the world through the eyes of a child.
Competition, materialism, and acquisition are important aspects for the preparation of children to enter adulthood.	Encouraged reciprocity and cooperation in the family unit. Taught children about the concept of “give-away” by redistributing material wealth and possessions.
Emphasis on giving children physical and material security.	Teach children how to develop their character and inwardness so that they can be a “good human being.”
Church and state play a significant role in the parenting foundation in Western culture.	The parenting foundation is spiritual in nature and this forms the basis for the foundation for the teachings that guide the Indigenous child-rearing way.
Disconnection of children from natural world.	Encouragement of children to learn and bond with the natural world.

Source: Wabano Parenting Society. (2011). *Parenting Bundle: Appendix: Forms and Evaluations/Support Materials and Handouts*. Page 73. Ottawa, Ontario: Wabano Centre for Aboriginal Health.

5.4 Assessment Methods

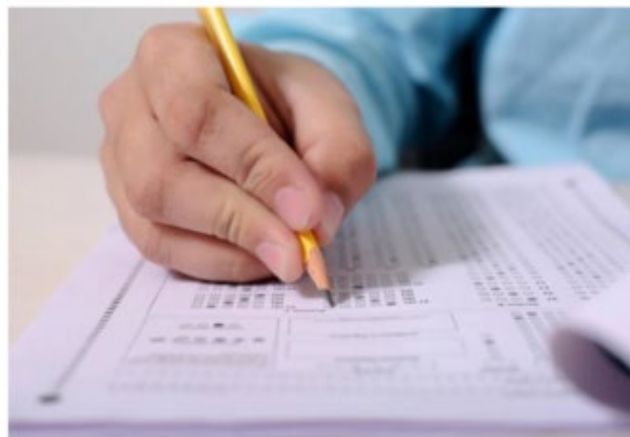


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Four of the most common assessment methods used in the collection of data for a PCA are checklists, observation, interviews and psychological tests.¹⁵ Of the four methods, psychological tests, or more specifically psychometrics which have become an integral part of PCAs, elicit the greatest criticism (Choate and McKenzie, 2015: 32; Budd, Clark and Connell, 2011; Pezzor-Pearce and Pearce, 2004).

Psychometric assessments involve the collection of data concerning personality, parenting knowledge, mental health and addiction issues using a number of

standardized quantitative tests (Choate and McKenzie, 2015). Critics advise against using these tools in PCAs involving Indigenous peoples because they: are grounded on White, Western, Christian notions of child rearing; are normed on non-Indigenous populations; and yield categories that do not reflect Indigenous perspectives of parenting (Canadian Psychological Association, 2018: 15;

Of particular concern according to Choate and McKenzie (2015: 37) and Musquash and Bova (2007) is the fact that these assessment measures do not adequately incorporate the presence of Aboriginal peoples or the complexity of the population which is far from homogenous with First Nations, Métis and Inuit peoples living on over 2200 reserves, in 596 bands and a large number living off reserve in Canada. Moreover, others (Harnett & Featherstone, 2020; Choate et al., 2020a; Neckoway, Rownlee and Castellan, 2007; Choate and McKenzie, 2015: 38) suggest that the foundational constructs that shape PCAs are not supported by Aboriginal cultures in Canada. For example, attachment theory,¹⁶ which is an integral component of PCAs, is not interpreted in a manner that is reflective of family and cultural structures of Aboriginal peoples (Neckoway, Rownlee and Castellan, 2007; Choate and McKenzie, 2015: 38). This is problematic because it undermines the foundation upon which PCAs of Indigenous peoples are based (Neckoway, Rownlee and Castellan, 2007; Choate and McKenzie, 2015: 38). For these as well as other reasons¹⁶, critics advise against the use of psychometrics in PCAs involving Indigenous parents because they may result in incorrect assumptions about the level of risk to which children are exposed (Choate, 2018).

¹⁵ For a discussion and critique of each method, see Choate (2009).

¹⁶ For a discussion of attachment theory and a review of the literature, see Schneider (1991).

5.5 Racial Bias

In 2018, the Ontario Human Rights Commission (OHRC) released its report, *Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Child Welfare*, which confirmed that services provided under Canada's system of child welfare were racially biased against Indigenous peoples (Choate, 2018: 5; McKay, 2018). Racial biases linked to child welfare have a spillover effect by influencing policy, decision making about placement in out-of-home care, and ultimately, contributing to the overrepresentation of Indigenous children in care (Choate, 2018: 5, 32; McKay, 2018, Drake et al., 2011). The OHRC traced chronic family concerns such as poverty, poor and unsafe housing, substance use, mental health issues and social isolation to decades of oppressive and discriminatory policies such as Canada's Indian Residential Schools and Sixties Scoop which led to the removal of children from their family structures (McKay, 2018). Many of the structural biases that contributed to the Indian Residential Schools and Sixties Scoop are still being incorporated, and to some extent enhanced with child welfare decision making tools such as PCAs (Choate, 2018: 33). The OHRC noted that child welfare authorities can misinterpret poverty or cultural differences as neglect, and therefore refer members of racialized populations, such as Indigenous peoples to child welfare services more often (McKay, 2018). If practitioners and assessors are not sufficiently trained in cultural differences in child-rearing, Western parenting models could be particularly troubling, given that practitioners hold stereotyped views of Indigenous families (Harnett & Featherstone. 2020).

5.6 The Legacy of Colonialism

The TRC (2015a, 2015b, 2015c) has shown that Canada's history of Indigenous child protection has not only been incorrect, but also culturally destructive to generations of Indigenous peoples (Lindstrom and Choate, 2016: 47; Blackstock, 2007). The Indian Act, Canada's Indian Residential Schools, forced sterilization, the Sixties Scoop, the millennium scoop and colonization have victimized generations of Inuit, Métis and First Nations children, as well as the lives of their descendants (Riggs, 2012: 60). Pain, rage and grief of unresolved trauma from these tragic events have left many Aboriginal adults unable to deal with the complex demands of parenting and family life, without the necessary experience or adequate preparation for its demands, a fact that is overlooked by Canada's child welfare system (Riggs, 2012: 60; Lindstrom and Choate, 2016: 47). In many cases, Indigenous parents are simply deemed as not "good enough" requiring the removal of children from their families (Lindstrom and Choate, 2016: 47).

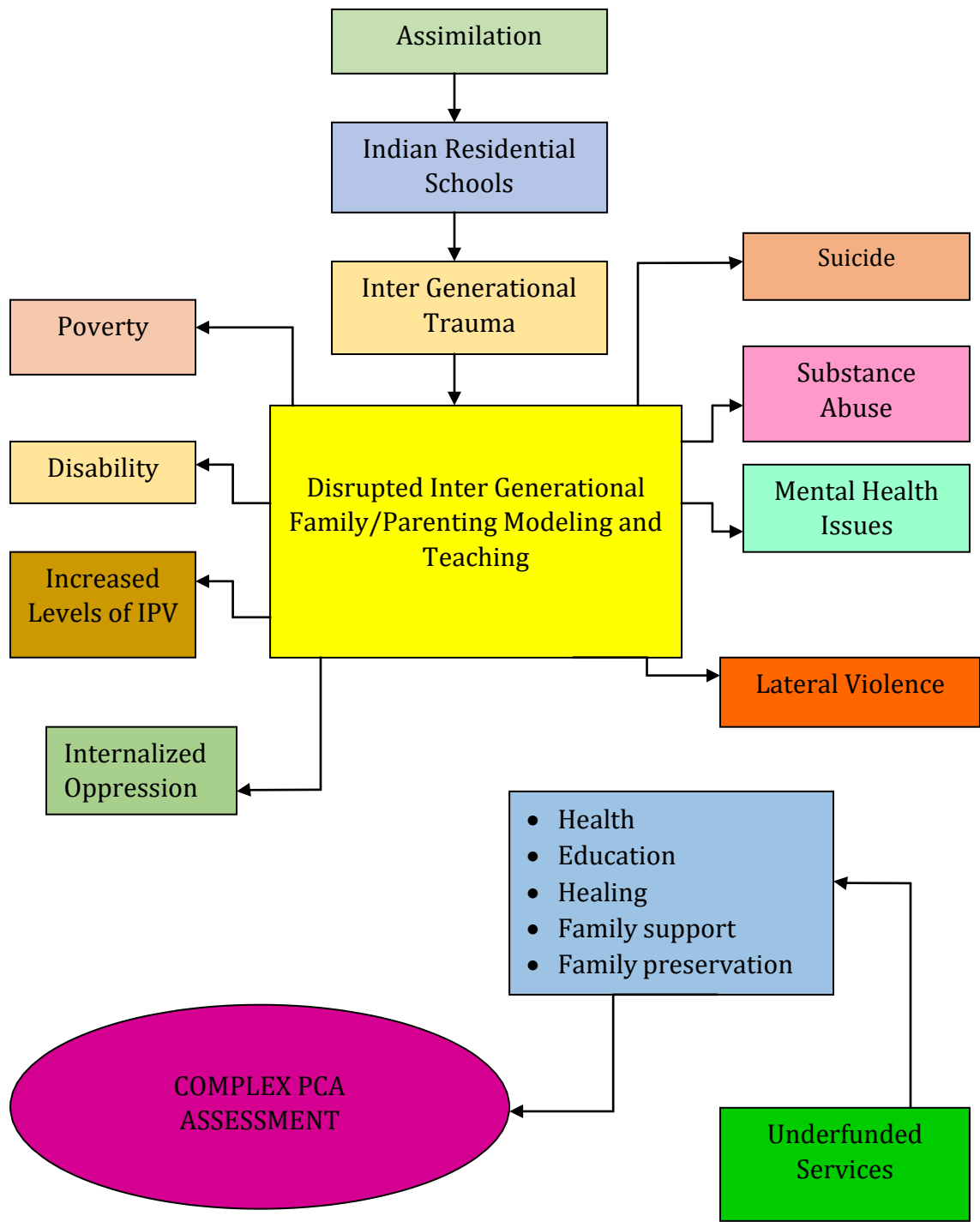
¹⁶For detailed assessment of psychometrics and their use with Indigenous populations, see Choate and McKenzie (2015) and Choate (2009).

Assessments of Indigenous populations have, and continue to reinforce the colonial position of child protection in relation to Aboriginal populations (Choate, 2018; Choate and Lindstrom, 2017; Lindstrom et al., 2016; Churchill and Sinha, 2015; Muir and Bohr, 2014; McKenzie et al., 2009), yet they fail to capture the complexity between PCAs with Indigenous parents (Choate, 2018; Lindstrom and Choate, 2016). Figure 3 provides a visual summary of this relationship by illustrating the multitude of factors that intersect with parenting that should be considered in understanding an Indigenous context (Choate, 2018).

Acknowledging and incorporating the intergenerational traumas that have been perpetuated by Canada's past into the relationship between child protection and Aboriginal peoples is critical to future generations of Indigenous parents and children (TRC, 2015c). This will require redefining how child protection is conducted, the framework in which it is conducted and modifications to the assessment tools, methodologies and definitions being used (Lindstrom and Choate, 2016: 48; TRC, 2015c). McCaslin and Boyer (2009: 62) find that "[healing and] transformation require new patterns of thinking, acting and behaving that honour and respect Aboriginal cultures as traditions." Lindstrom and Choates (2016:48) argue that PCAs should be "part of the healing process rather than the root of ongoing fracturing of the community."

Choate (2019) also suggests that changes in social work education could help to make students more reflective in understanding and acknowledging their own biases, particularly as many students are only now learning about Canada's colonial legacy. Such changes would help students enter the workforce with an understanding of Indigenous worldviews and community, social, familial, parenting, and cultural practices. In this respect, some areas for improvement in social work education have been identified, such as knowing more about colonization, assimilation, and genocide by sharing personal and lived experiences of Indigenous people, connections with them at a nonprofessional level, and attending Indigenous-based events for gradual knowledge development (Choate et al., 2020b).

Figure 3. Intersectional Complexities of Parental Capacity Assessments with Indigenous Parents



Source: Choate, P.W. (2018). *Assessment of Parental Capacity for Child Protection: Methodological, Cultural and Ethical Considerations in Respect of Indigenous Peoples*. Doctoral Dissertation. Kingston University. London, England. Page 69.

6.0 Conclusions and Policy Recommendations

In 2015, The Truth and Reconciliation Commission (TRC: 2015a) released 94 “Calls to Action” to redress the legacy of Canada’s system of residential schools and advance the process of reconciliation, which included changes to Canada’s Indigenous system of child welfare. Included in the TRC’s (2015a:1) Calls to Action were: the adoption and implementation of initiatives designed to reduce the number of Indigenous children in care; the collection and storage of data regarding the number of Aboriginal children in care, the reasons for the displacement of Aboriginal children, the costs of preventative care and effectiveness of interventions; the implementation of Jordan’s Principle;¹⁷ the enactment of Aboriginal focused child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases; and the development of culturally appropriate programs for Aboriginal families.

In response to the TRC’s Calls to Action, the Government of Canada engaged in a series of discussions with Indigenous partners — First Nations, Inuit and Métis — along with provinces and territories on reforming Canada’s Indigenous system of child welfare.¹⁸ On June 21, 2019, Bill C-92—*An Act Respecting First Nations, Inuit And Métis Children, Youth And Families*—received Royal Assent by the Government of Canada.¹⁹ The *Act* affirms the rights and jurisdiction of Indigenous peoples of Canada over child and family services and establishes three key principles²⁰—the best interests of the child, cultural continuity and substantive equality — that would guide the provision of Indigenous child and family services across the country (Canada, 2019b). According to the

¹⁷ Jordan’s Principle is a “child-first” principle designed to ensure that in situations where there is a funding dispute between federal and provincial governments, or between federal departments with regards to the provision of health services (this includes, but is not limited to services such as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy), First Nations children do not experience delays, disruptions or denials of services typically available to other Canadian children. (Canadian Pediatric Society, 2019; Government of Canada, 2019a). Under provisions of Jordan’s principle, the government department of first contact is required to pay for the service(s) provided to a First Nations child, and that funding issues be resolved after services are provided (Canadian Pediatric Society, 2019; Government of Canada, 2019a). Jordan’s Principle is named in honour of Jordan River Anderson, a First Nations child from Norway House, Manitoba, requiring complex care who died in hospital while the federal and provincial governments battled over funding responsibilities for Jordan’s at-home care (Canadian Pediatric Society, 2019; Government of Canada, 2019a; *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, 2017).

¹⁸ For a legislative timeline, see Canada (2019c).

¹⁹ For a legislative history of Bill C-92, consult LEGISinfo (<https://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=C92&Language=E&Mode=1&Parl=42&Ses=1&billId=10344307&View=0>), the Government of Canada’s portal for legislation before Parliament.

²⁰ These three principles are aligned with the 1989 United Nations Convention on the Rights of the Child, the TRC’s (2015a) calls to action, and the 2007 United Nations Declaration on the Rights of Indigenous Peoples.

Government of Canada, the passage of Bill C-92 marks an “important first step” in overhauling Canada’s Indigenous child welfare system by delegating control over these services to Indigenous governments.²¹ To build on these efforts, a close reexamination of the current system of PCAs is necessary.

Existing PCAs are ineffective tools for the assessment of the parenting capacity of Indigenous parents. This is attributed to a number of factors: the absence of Indigenous cultural consideration; definitions of family and child-rearing that are based on Western, Euro-centric views of family and child-rearing; the use of culturally inappropriate psychometrics in the assessment process; inherent biases; and the continuation of a colonial child protection narrative that ignores intergenerational trauma and its impact on Indigenous peoples. To address these limitations, policy makers should explore the following four recommendations:

Policy Recommendation 1: Modify existing PCA methodologies and tools

- Establish culturally appropriate methodologies and tools for the assessment of Indigenous parents that incorporate a broader range of assessment parameters that include the extended family and non-biological connections.

Policy Recommendation 2: Include the participation of Indigenous Peoples in the assessment conversation

- Include Indigenous peoples in the assessment conversation; this includes their participation and input in the formulation and conduct of PCAs.

Policy Recommendation 3: Explore alternatives to PCAs

- Explore potential alternatives to PCAs, particularly Indigenous-led alternatives by drawing upon the experiences of other countries with significant Aboriginal populations.

Policy Recommendation 4: Improve data collection

- As recommended by the TRC (2015a:1) and Saint- Giron (2020), the collection and preservation of sound data regarding Indigenous children in care, including reasons for their apprehension, spending on preventive and care services by child-welfare agencies and the effectiveness of various interventions is necessary for purposes of evidence based research.

²¹ The Assembly of Manitoba Chiefs, a leading critic of the legislation, argues that the Government of Canada failed to adequately consult Indigenous leaders for their input in drafting Bill C-92, and that the legislation does not adequately address issues of funding and resources required to deliver services to Indigenous populations (Assembly of Manitoba Chiefs, 2019). Questions have also been raised surrounding jurisdiction and equity in the provision of services across different Aboriginal groups.

Policy Recommendation 5: Expand knowledge about Indigenous history and culture among social work students and engage Indigenous populations in this process

- Social work students should enter the workforce with an understanding of Indigenous worldviews and community, social, familial, parenting, and cultural practices, which would make them more reflective in understanding and acknowledging their own biases, particularly as many students are only now learning about Canada's colonial legacy.

The passage of Bill C-92 may be an important “first step” in addressing the inequalities and injustices with Canada's existing Indigenous child welfare system; however, much more remains to be done, particularly with respect to the use of PCAs as tools for the assessment of parenting capacity of Indigenous parents. A drastic restructuring of the current system of PCAs which reflects the unique circumstances and experiences of Canada's Indigenous peoples is necessary to ensure that PCAs provide a fair and objective professional opinion regarding a parent's ability to provide their child with the necessary care to thrive.

Moreover, research on provincial and national trends in child welfare placements will support monitoring to differentiate the changes in reporting methods from changes resulting from intervention, placement policies, or changes in socio-economic conditions and the other related risk factors (Saint-Girons et al., 2020).

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