

**ASSESSMENT OF PARENTAL CAPACITY FOR CHILD PROTECTION:  
METHODOLOGICAL, CULTURAL AND ETHICAL CONSIDERATIONS IN RESPECT OF  
INDIGENOUS PEOPLES**

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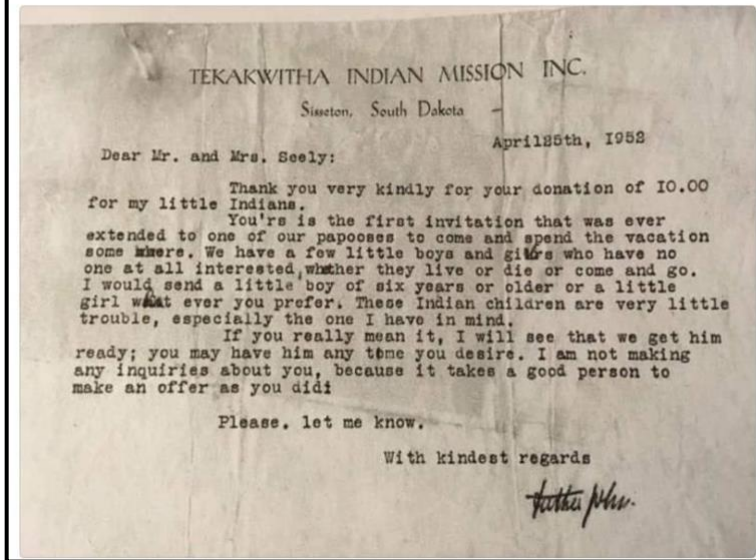
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## Dedication

Daily reminder that in 1952 (66 years ago) you could buy a Native Child for \$10



*Photo 1 - Cost of an Indian Child for Adoption – 1952 – American Example*

This thesis is dedicated to my First Nations teachers, in particular Elder Leonard Bastien of the Piikani First Nation who first challenged me to consider the intersection between Child Intervention practices, the impact of Colonization and the over representation of Indigenous children in the care of Alberta Child and Family Services, as it was then known. Leonard has taught me through humour, challenge and questioning. Without his education, I am unsure I would understand the issues discussed in this thesis.

## Abstract

Parenting capacity assessments (PCA) have been used in the child intervention system in Canada since at least the 1970s. They are used in other Western jurisdictions including the United Kingdom, Australia, New Zealand and the United States. There is a relatively large literature that considers the ways in which these assessments might be conducted. This thesis, drawing upon the prior work of the candidate, seeks to show that, despite widespread use, the PCA is a colonial methodology that should not be used with Indigenous peoples of Canada. The PCA draws upon Eurocentric understandings of parenting, definitions of minimal or good enough parenting, definitions of family and community as well as the use of methods that have neither been developed nor normed with Indigenous peoples. Using critical theory, particularly “Red Pedagogy” which is rooted in an Indigenous lens, the PCA is deconstructed to examine applicability to Indigenous populations of Canada, and potentially other populations that do not fit a Eurocentric understanding of family and parenting. Implications for clinical practice with Indigenous peoples are drawn which may have relevance for other populations.

## Table of Contents

Chapter 1 - Introduction.....	1
Chapter 2 – Locating the work and situating the author .....	5
Chapter 3 – A few words about words.....	10
Chapter 4 – Theoretical background and questions .....	13
Theoretical Questions .....	16
Chapter 5 – The context for the work .....	18
Funding and Structure of CI in Canada .....	18
Other Changes Underway .....	19
The place of CI within Indigenous History.....	23
Assimilation and Inter-Generational Trauma related to Child Welfare Intervention .....	27
Child welfare as a means of ongoing Colonialism .....	28
Application of Racial and Structural Bias.....	31
Chapter 6 - Method .....	36
Chapter 7 - Proposition 1: The PCA is a valid assessment tool supporting decision making in child welfare intervention .....	46
Chapter 8 - Proposition 2: The PCA may not fulfill assessment objectives across all clinical situations .....	51
Chapter 9 - Proposition 3: The PCA is not valid and applicable to Indigenous Canadian populations .....	62
Chapter 10 – Conclusions .....	71
Chapter 11 – Limitations and Future Directions.....	72
References.....	78
Cases Cited.....	109

## Table of Abbreviations and Terms

<b>Term</b>	<b>Definition</b>
<b>Aboriginal</b>	is a term that refers to people who were the original inhabitants of the land. It is also the legal term enshrined in the Canadian Constitution Act, 1982, and includes status Indians, the Métis, and the Inuit.
<b>CHRT</b>	Canadian Human Rights Tribunal
<b>CIRNA</b>	Crown – Indigenous Relations and Northern Affairs – one of two Canadian Federal ministries responsible for Indigenous matters.
<b>CIS-2003; CIS-1998</b>	Canadian Incidence Studies of Child Maltreatment
<b>CYFEA</b>	Child, Youth and Family Enhancement Act of Alberta (2000)
<b>CSA</b>	Child Sexual Abuse
<b>Custom Adoption</b>	Occurs within First Nation communities, from strong historical roots. The child, following tradition, is adopted by extended family or band member
<b>DECA</b>	Drug Endangered Children Act (Alberta) (2006)
<b>Defining Indian</b>	The Indian Act (Canada) has been amended on multiple occasions but, in all cases, who is an Indian is determined by Federal legislation not by Aboriginal communities or methods of self or group identity. An example of the ongoing emergence of definition, The Parliament of Canada recently passed Bill S-3 expanding the definition which permits the Registrar of Indians to consider applications from individuals whose lineage was not previously registered.
<b>DFNA</b>	Designated or Delegated First Nations Authority - First Nation child and family services agencies which are established, managed and controlled

	by First Nations and delegated by provincial or territorial authorities to provide child prevention and protection services. They are typically required to follow provincial or territorial child welfare legislation. The level of authority delegated or designated varies by jurisdiction.
<b>FASD</b>	Fetal Alcohol Spectrum Disorder
<b>First Nations</b>	This is a collective term that refers to the Aboriginal people of Canada who live below the arctic.
<b>INAC</b>	Indian and Northern Affairs Canada – the former Canadian Ministry responsible for managing Indigenous issues in Canada.
<b>Indigenous</b>	This is a generic term that refers to First Nations, Inuit and Métis peoples in Canada. It is also used in other countries to refer to the original inhabitants of a land.
<b>Inuit</b>	refers to the Indigenous peoples living in the Arctic
<b>IRS</b>	Indian Residential Schools
<b>ISC</b>	Indigenous Services Canada – one of two Canadian Federal ministries responsible for Indigenous matters
<b>Jordan’s Principle</b>	This is a child-first principle intended to resolve jurisdictional disputes within, and between, provincial/territorial and federal governments concerning payment for services for First Nations children when the service is available to all other children. It was named in memory of Jordan River Anderson, a young boy from Norway House Cree Nation, who spent more than two years unnecessarily in hospital while Canada and Manitoba argued over payment for his at-home care. Administration remains uneven and problematic.
<b>Métis</b>	“ <i>Métis</i> means a person who self-identifies as <i>Métis</i> , is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.”

	<a href="http://www.Métisnation.ca/index.php/who-are-the-Métis/citizenship">http://www.Métisnation.ca/index.php/who-are-the-Métis/citizenship</a> They are a mix of Indigenous and European descent.
<b>PCA</b>	Parenting Capacity Assessment
<b>R. v</b>	Title in legal case indicating Regina (The Government of Canada) versus the other named party
<b>Registered Indian</b>	Treaty Indian status- Registered Indians are persons who are registered under the Indian Act of Canada. Treaty Indians are persons who belong to a First Nation or Indian band that signed a treaty with the Crown. Registered or Treaty Indians are sometimes also called Status Indians.
<b>Reservation</b>	An Indian Reserve is a tract of land set aside under the Indian Act and treaty agreements for the exclusive use of an Indian band. Band members possess the right to live on reserve lands, and band administrative and political structures are frequently located there.  Reserve lands are not strictly “owned” by bands but are held in trust for bands by the Crown. The Indian Act grants the Minister of Indian Affairs authority over much of the activity on reserves (First Nations Studies Program, 2009)
<b>RCAP</b>	Royal Commission on Aboriginal Peoples
<b>SCC</b>	Supreme Court of Canada
<b>Sixties Scoop</b>	The term was coined by Patrick Johnston, author of the 1983 report Native Child and the Child Welfare System. It refers to the mass removal of Aboriginal children from their families into the child welfare system, in most cases without the consent of their families or bands.  <a href="http://indigenousfoundations.arts.ubc.sixties_scoop/">http://indigenousfoundations.arts.ubc.sixties_scoop/</a> This went from the late 1950’s to the 1970’s.
<b>TPR</b>	Termination of Parental Rights
<b>TRC</b>	Truth and Reconciliation Commission of Canada

<p><b>Treaty</b></p>	<p>Between 1871 and 1921, the Crown entered into treaties with various First Nations that enabled the Canadian government to actively pursue agriculture, settlement and resource development of the Canadian West and the North. Because they are numbered 1 to 11, the treaties are often referred to as the “Numbered Treaties.” The Numbered Treaties cover Northern Ontario, Manitoba, Saskatchewan, Alberta, and parts of the Yukon, the Northwest Territories and British Columbia.</p> <p>Under these treaties, the First Nations who occupied these territories gave up large areas of land to the Crown. In exchange, the treaties provided for such things as reserve lands and other benefits like farm equipment and animals, annual payments, ammunition, clothing and certain rights to hunt and fish. The Crown also made some promises such as maintaining schools on reserves or providing teachers or educational help to the First Nation named in the treaties. <a href="http://www.aadnc-aandc.gc.ca/eng/1100100032291/1100100032292">http://www.aadnc-aandc.gc.ca/eng/1100100032291/1100100032292</a> There remains dramatic disagreement as to whether or the degree of follow through of treaty obligations by Canada.</p>
<p><b>UNDRIP</b></p>	<p>United Nations Declaration on the Rights of Indigenous Peoples</p>



KANLOOPS INDIAN RESIDENTIAL SCHOOL  
KANLOOPS, B. C.

November 18, 1948.

Dear Parents,

It will be your privilege this year to have your children spend Christmas at home with you. The holidays will extend from DECEMBER 18th. to JANUARY 3rd. This is a privilege which is being granted if you observe the following regulations of the Indian Department.

1. THE TRANSPORTATION TO THE HOME AND BACK TO THE SCHOOL MUST BE PAID BY THE PARENTS.

The parents must come themselves to get their own children. If they are unable to come they must send a letter to the Principal of the school stating that the parents of other children from the same Reserve may bring them home. The children will not be allowed to go home alone on the train or bus.

2. THE PARENTS MUST BRING THE CHILDREN BACK TO SCHOOL STRICTLY ON TIME.

If the children are not returned to School on time they will not be allowed to go home for Christmas next year.

I ask you to observe the above regulations in order that this privilege of going home for Christmas may be continued from year to year. It will be a joy for you to have your children with you for Christmas. It will be a joy also for your children and it will bring added cheer and happiness to your home.

*Photo 2 -Letter granting permission for children from a residential school to be allowed home over Christmas. As will be seen in this thesis, the Indian Residential Schools (IRS) had a significant and enduring impact on Indigenous family and parental functioning*

## List of Photos, Figures and Tables

### *Photos*

- Photo 1 - Cost of an Indian Child for Adoption – 1952 – American Example..... i
- Photo 2 -Letter granting permission for children from a residential school to be allowed home over Christmas. As will be seen in this thesis, the Indian Residential Schools (IRS) had a significant and enduring impact on Indigenous family and parental functioning ..... viii
- Photo 3 - © Study for Black Robe - Kent Monkman (2017) – Reproduced with permission – This painting illustrates the historical apprehension of children by Canada to Indian Residential Schools operated by various Christian orders..... xi

### *Figures*

- Figure 1 - Distribution of First Nations across Canada (Source: Government of Canada) ..... 19
- Figure 2 - Distribution of First Nations Languages across Canada (Source: Statistics Canada, 2016) ..... 21
- Figure 3 - Map of Indian Residential Schools throughout Canada..... 24
- Figure 4 - Major Inter-Related Elements of Assimilation in Canada ..... 26
- Figure 5 - Risk Model (adapted from Drake et al., 2011, p. 471)..... 32
- Figure 6 - The Bias Model (adapted from Drake et al., 2011, p. 472)..... 33
- Figure 7 - A Thematic Emergence of Critical Analysis and Deconstruction of PCA as they relate to Indigenous Peoples in Canada ..... 37
- Figure 8 -“Ani to pisi” Spider Web gifted to the author by Elder Roy Bear Chief as told to him by his brother Clement Bear Chief. .... 42
- Figure 9 - Flow patterns for a Parenting Capacity Assessment ..... 47
- Figure 10 - Major areas of inquiry in drug manufacturing cases..... 52
- Figure 11 - Map showing the over representation of Indigenous children in child intervention by province and territory. Note the particular significance in western and northern Canada. Source:

Statistics Canada / Macleans ..... 62

Figure 12- Traditional Lands of the Blackfoot Peoples (Source: Unknown) ..... 65

Figure 13 - Interconnected Domains for Developing the Child in Blackfoot Culture - Lindstrom & Choate, 2016 ..... 67

Figure 14 - Intersectional Complexity of PCA Elements to be contextualized in assessment ..... 69

*Tables*

Table 1 - Journals published in and target audiences ..... 4

## Acknowledgements



*Photo 3 - © Study for Black Robe - Kent Monkman (2017) – Reproduced with permission – This painting illustrates the historical apprehension of children by Canada to Indian Residential Schools operated by various Christian orders.*

This work has been inspired by the many conversations and work I have done alongside Elder Leonard Bastien of the *Piikani* First Nation. Through him, I have met Elders Wilton Good Striker, Evelyn Good Striker, Audrey Weasel Traveller, Stuart Breaker and Kathy Breaker, all from the Blackfoot Confederacy. They permitted me to engage in lengthy conversations about First Nations parenting and the intersection with child protection. Through them, I came to work with Gabrielle Lindstrom (nee Weasel Head) also from the Blackfoot Confederacy. They have all served to inspire my questioning of child welfare methodology building upon concerns I expressed. This work would not have evolved without their wisdom and the sharing of the knowledge.

Elder Roy Bear Chief of the *Siksika* First Nation served as a mentor through insight and conversation around the work. Elder Gilman Cardinal from Treaty 6 offered thoughts and encouragement in conversations I had when he supported the work of the Minister's Child Intervention Panel in Alberta, of which I served as a member in 2017-2018.

The name of *Nistwatsiman* project was gifted by Elder Wilton Good Striker. The ceremony to open the project was offered by Elder Leonard Bastien. The *Ani to pisi* name was gifted to another project by Elder Roy Bear Chief. That project was opened with ceremony by Elder Charles Fox of the Blood Tribe.

All Elders consulted were given tobacco which honours protocol and their willingness to share based upon building a respectful relationship.

No thesis can be successfully maneuvered without strong support from the student's committee. Their questions, critical thinking and open communication made this journey a good one to travel. Thank you, Rick, David and Isabel.

Then of course, is my constant companion, friend and support, April, my wife of 42 years as at this writing. Life walked in such mutual love makes endeavours achievable and worthwhile.

## Chapter 1 - Introduction

The Parenting Capacity Assessment (PCA) is used in many Western child intervention systems to determine if a parent is good enough to care for their child and, if not, what might be done. This thesis deconstructs the PCA to determine appropriateness for use with Canadian Indigenous peoples. The collection of papers used for this thesis examines how a PCA is designed to be administered and then goes on to explore applicability with populations over represented in child protection, including the Indigenous peoples of Canada. The results will have implications for other Indigenous populations such as in Australia, New Zealand and the United States.

The thesis is rooted in critical inquiry from the perspective of Red Pedagogy (Grande, 2004, 2008, 2015), which adds an Indigenous lens to the approach of critical inquiry including being critical of the colonial assumptions of the systems interacting with Indigenous peoples.

There are 10 papers being used for this thesis which, as a collection, act as a social critique of child welfare intervention methodology of assessing parents. The papers evolve from describing the general application of the PCA through to deconstructing the application to various populations, with a specific focus on Indigenous peoples. The papers that are jointly written were all led by me as first author. Paper 8 is slightly different. I was the lead on this project. However, as this paper arose from the consultation with six Blackfoot Elders, who in their tradition, sought the first publication to be led by Gabriel Lindstrom, PhD who is from the *Kainai* First Nation.

The publications are as follows:

1. Choate (2009) – This paper lays the foundation of understanding how the PCA is typically constructed and its role in the child welfare intervention environment. It outlines the standard methodology used.
2. Choate, Harland, and McKenzie (2012) – This paper begins to explore application of PCA methodology in more specific groups, in this case, parents involved in drug manufacturing.
3. Choate (2013) – This paper explores the PCA's applicability to parents diagnosed with Fetal Alcohol Spectrum Disorder (FASD). It considers whether adjustments to the methodology can serve a marginalised population.
4. Choate and Engstrom (2014) – PCAs are identified as judgmental processes attempting to determine if a parent is 'good enough' to raise their child or whether child welfare must either support improving the parenting or seeking alternate caregiving for a child. This article explores and challenges the definition of 'good enough' as well as whether a PCA can effectively predict both present and future risk.
5. Choate and Hudson (2014) – This paper questions whether the PCA should be done automatically in child welfare cases. It examines how the assessment is done, by whom and in what context. The authors explore the power of the PCA recommendations and how they influence case planning.
6. Choate (2015) – The PCA is a powerful tool in the family court systems, often receiving deference from judges. The paper explores how PCAs should be

directly linked to the questions before the court and thus, the decisions that must be made including the possibility of Termination of Parental Rights (TPR).

7. Choate and McKenzie (2015) – Most PCAs use psychometric tools. In Canada, Indigenous peoples are the most common population involved with child welfare systems (Sinclair, 2016). The focus of this paper is to determine if the psychometrics used are appropriately applied to this population.
8. Lindstrom and Choate (2016) – This paper examines how one group of First Nations in the Blackfoot Confederacy sees the raising of children as part of a communal system that does not rely upon bloodline. In this context, the paper examines the appropriateness of PCAs with Indigenous peoples.
9. Choate and Lindstrom (2017) – This paper builds upon the prior works to ask the question of whether a PCA meets the test for expert evidence as laid out by the Supreme Court of Canada (R. v Mohan, 1994).
10. Choate and Lindstrom (2018) – The authors note child welfare is over involved in the lives of Indigenous peoples. Having established the PCA is not applicable to Indigenous peoples, this paper explores the PCA as a tool extending colonization.

The journals and target audiences are listed in Table 1 below:

Publication	Article No.	Target Audiences
Forensic Examiner	Paper 1	Forensic assessors in psychology, social work and mental health
Michigan Child Welfare Law Journal	Paper 2	Lawyers representing families within various child welfare systems



First Peoples Child and Family Review	Papers 3, 7 and 8	Social work, academic and social action groups, Aboriginal agencies and policy makers
Child Care in Practice	Paper 4	Social work and allied family related practitioners and researchers
Canadian Family Law Quarterly	Papers 5 and 9	Lawyers and judges involved with child welfare matters in judicial systems across Canada
Journal of Family Social Work	Paper 6	Social work practitioners, researchers and academics considering the interaction between the profession and family front line work
Prairie Child Welfare Consortium	Paper 10 (Book Chapter)	Child welfare researchers, academics and practitioners from within Aboriginal and non-Aboriginal audiences

*Table 1 - Journals published in and target audiences*

## Chapter 2 – Locating the work and situating the author

My work is based in the child protection systems of Canada. A process of reconciliation is underway between the Indigenous peoples of Canada and the dominant historical settler society (Truth and Reconciliation Commission, 2015a). With that in mind, it is necessary to locate the author in relation to this process. Sinclair (2003) describes this as “revealing our identity to others; who we are, where we come from, our experiences that have shaped those things, and our intentions for the work we plan to do” (p.122).

The Truth and Reconciliation Commission (2015a) reported a legacy of colonial based cultural genocide against the Indigenous peoples by the Governments of Canada over the past 150 years as well as by the colonial governments of Britain and France that preceded it. The TRC has challenged Canada to find pathways to reconciliation. In its Calls to Action (Calls 1-5), the TRC report (2015a) has specifically pointed to social work and child protection as sectors needing targeted efforts (TRC, 2015a, p.320). The TRC calls upon social work to consider both how they do their work, and how the profession educates its new entrants. Linking to that, are Calls to Action to post-secondary institutions to examine their involvement in the continuation of the colonial thinking, research and pedagogy (Call to Action 63.3). Revisions are called for to change social work education and practice that include Indigenous ways of knowing.

Relative to that, each social worker should consider their location in order to move beyond collective or professional group understandings to develop insight into one’s own practice. The Canadian Human Rights Tribunal (CHRT) (2016, 2017, 2018) concluded that Canada’s child intervention services have been racially biased against Indigenous peoples. Social

workers are the instruments of delivery of child intervention public policy and legislation. The Canadian Human Rights Tribunal decisions (2016, 2017, 2018), further pressured the Government of Canada to change child intervention funding on reserves. This resulted in letters being issued to Designated First Nations Child Welfare Authorities (DFNA) across Canada changing the funding formula retroactively to January 26, 2016, although it leaves social workers still grappling with colonial methodology as only the funding is being changed. Funding alone does not address systemic bias. Methodology and theory remain formulated in Eurocentric understandings (McKenzie, Varcoe and Brown 2016; Loxley & Puzyreva, 2017). The point for social workers is that personal location intersects with systemic functioning.

In the *Nistewatsiman* project (Lindstrom & Choate, 2016) conducted with Elders from the Blackfoot Confederacy of southern Alberta, I as the only non-Aboriginal member of the research group, was directed to contemplate my social position relative to the issues under consideration. As one Elder stated, “you cannot ever fully understand but you surely will not understand if you do not change the way you look” (Personal communication, Elder Leonard Bastien, September 2015).

With that in mind, I have begun that journey, although the Elders I have been honoured to work with were clear that it is a journey begun but lacking an ending.

I am descended from the early settlers in Canada. I understand my paternal family came to the eastern portion of Canada at the time when the United States was separating its ties with British rule. My family roots are those of United Empire Loyalists. Later, my family would move to what is now part of Ontario, the land of the Mohawk peoples. Although family records are vague, it seems the family benefitted from the period when settlers were granted land while Aboriginal peoples were being segregated onto reserves. The TRC (2015a) documents this was a

period of relational deterioration between Indigenous peoples and settlers, as public policy moved to enrich the latter at the expense of the former. Elders have encouraged me to acknowledge, share and contextualize that history as part of my work with Indigenous peoples.

I was born and grew up in Vancouver, British Columbia in Western Canada, which is the traditional lands of the *Musqueum*, *Squamish* and *Tslel-Waututh* First Nations. I lived very close to the *Musqueum* reserve, although had virtually no interaction with the people who lived there. They did not inhabit our streets, shop at our stores, attend our churches or mingle in our schools. They were a nation unto themselves not because we recognized their rights, but because we engaged in segregation and racism that was not acknowledged.

My first two degrees were obtained at the University of British Columbia (UBC). It sits on the traditional lands of the *Musqueum* peoples. Yet, during the years I attended there in the late 1960's and mid 1970's, there was no recognition of the land and its Indigenous roots. In my social work masters' education, there was virtually no mention of Indigenous matters. This is changing as per the direction of the TRC (2015a) and its predecessor the Royal Commission on Aboriginal Peoples (RCAP) (Canada, 1996). There is much yet to be done.

In the society in which I grew, there was little mention of Indigenous peoples except as savages that were being civilized through education (which I would later learn would be the Indian Residential Schools) and conversion to Christianity. Our high school and university texts were devoid of anything further and the national discourse reflected this. When Indigenous peoples were discussed, it was typically related to substance abuse and a derogatory view of the peoples.

It would be direct work with Indigenous peoples that began to change my understanding of culture, place, history and the role of the Creator, albeit at more of an individual level than societal or structural. My membership on the Alberta Minister's Child Intervention Panel in 2017-2018 afforded an opportunity to listen to the voices of Indigenous peoples and communities across the province.

Knowing this helps to understand the lens from which my world view has both developed and emerged. Said (1979, 1994) put forward an argument that European society created discourses that produce political, social, military, ideological and scientific understandings of the "other" culture (in his case the Orient). The more powerful colonial forces of Europe dominate the story being told, thus the "other" becomes the creation of the dominant force. In Canada's case, paralleling Said's arguments (1979, 1994), the colonizing forces came to write the dominant story of Indigenous peoples as inferior, and needing to be civilized. This was done through the legislative process as well as framing the sociopolitical discourse which then frames direct practice. Manuel (2017) echoes Said's thinking by noting that "Colonialism has three components: dispossession, dependence and oppression" (p.19). These themes will be evident throughout this thesis.

The social representation of the Indigenous family, community and children become told in these colonial ways, and get replicated in systems and practice (Walmsley, 2005). For social work, this has meant we have developed, supported and administered systems of delivery that draw upon the "Indian as savage" narrative (Thira, 2006). Having practiced social work for over 40 years, I see the ways in which this has been true at micro to macro levels. I still see it. This learning has informed the approach taken in the writings related to this thesis. The challenge has been to widen my knowledge, alter perspectives while being able to place the role of child

protection within both broad and specific spaces that acquaint me with Indigenous world views and the need for children to have their rights affirmed.

It is within the last decade during which I have had a deeper, reflective, although incomplete, journey. I am approaching this work, as a settler, but also in the various roles of researcher, clinician, expert before the courts, academic and teacher as well as a social advocate.

### Chapter 3 – A few words about words

Words matter when writing about Indigenous peoples as they have often been the source of dispossession, denigrating laws, statements and descriptions and false promises. One of the most quoted examples comes from the Deputy Minister of Indian Affairs (Government of Canada) Duncan Campbell Scott, who is largely (dis)credited with establishing, expanding and sustaining Indian Residential Schools (IRS):

I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continually protect a class of people who are able to stand alone. That is my whole point. Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department, that is the whole object of this Bill. D.C. Scott, 1920. (TRC, 2015a, p.3)

This quote is typically viewed as the statement summing up efforts at assimilation, which the TRC (2015a) argue continues today. The legislation Scott was referring to, was the one requiring that all Native children from ages seven to fifteen attend Indian Residential Schools (IRS). However, the TRC (2015a) notes that colonization and the trauma of cultural genocide occurred but assimilation did not.

Terminology in this type of work is challenging. For example, in Canada, “Indian” is a word embedded in federal legislation thus representing the oppressive power of settlers over the years. However, it is also the foundation of the representation of these legally defined peoples in the Canadian Constitution. For the purpose of this thesis, Indigenous will be used inclusively of First Peoples and Inuit peoples being the populations that existed prior to contact with the

settlers. Another important term is the *Métis*. Following the settler populations' arrival, they are distinct people descended from European and Indigenous relationships. This group was defined by the Supreme Court of Canada as "Indian" for the purposes of the constitution (*Daniels v Canada*, 2016). Thus, *Métis* people will be included in the term Indigenous. Elder Gilman Cardinal of Treaty 6, advised me that the use of Indigenous to represent First Nations, Inuit and *Métis* peoples is acceptable (Personal communication, January 24, 2018). Exceptions will be made when context requires a specific use of a word such as in legislation, policy or documents quoted.

There are three core concepts that first should be reviewed to assist the reader. The first is colonialism. This is the subjugation of Indigenous peoples to the laws and beliefs of a dominant power or culture – the concepts of race and the socio-political positioning of ways of life and knowing. Power, authority and state paternalism shape policy and actions determining the way of life of a population, in this case Indigenous peoples. In Canada, this also meant the loss of lands (Browne, 2005). Colonialism has used ethnicity, history and identity to define those who are colonized as opposed to those who represent the dominant society or the colonizers (Young, 2009).

The second concept is post-colonialism. It envisages an end to a colonial period and the beginning of something else (Young, 2009). As Sidhu (2018) puts it, post-colonialism explores the aftermath of colonialism. This thesis works from the premise that colonialism continues. To do otherwise, is to suggest the domination of the colonial scheme is over (Said, 1979, 1994). It is not but lives on in systems and practices that marginalize and diminish the place and worth of Indigenous peoples. The Parenting Capacity Assessment will be used as an example of the ways



in which methodology that is built upon colonial assumptions and beliefs is used to sustain colonial relationships with Indigenous peoples.

Gaudry (2011) and Sinclair (2003) state research utilizes Western knowledge and approaches sustaining colonial ways of seeing, exploring and understanding issues. They argue that colonialism cannot be seen as having ended when institutions and their systems, such as universities and research (and by extension methodology drawn from them), continue to apply Western knowledge and pedagogies to Indigenous populations. Thus, I am approaching the notion of post-colonialism not so much as looking at the cultural legacy of colonialism but rather from the position that colonialism continues through the rules of law such as the Indian Act, provincial and territorial child protection legislation, funding formulas that hinder the quality of education, health and child welfare intervention services on reserves. I prefer the position that we are in a process of decolonization (Sinclair, 2004) as opposed to the more traditional sense of post-colonialism that speak of the aftermath of “(in)direct colonial rule on the material, symbolic and institutional worlds we inhabit” (Sidhu, 2018, p.3).

The third concept is oppression which is the unjust exercise of power by, in this case, Canada and its systems of government and justice over the Indigenous peoples of Canada (Mullaly & West, 2018). Young (2014) outlined oppression’s five faces which can be seen through exploitation, marginalization, powerlessness, cultural imperialism and violence, which fits the Aboriginal story of Canada (TRC, 2015).

These three themes of colonialism, ongoing colonialism, and oppression will be seen throughout this work.

## Chapter 4 – Theoretical background and questions

The Parenting Capacity Assessment is a method to determine the ability of the parent to be, as Winnicott first described, (1957,1964) ‘good enough’; not perfect but having enough capacity for the child to basically thrive. The parent is expected to have the ability to recover from ‘failing’ at an aspect of the role (Bettelheim, 1987; Winnicott, 1957, 1964). The PCA considers the personal strengths, characteristics and skills of the parent, within the ecological position of the family and the ability to meet the specific needs of the child. The issues considered include basic care, emotional warmth, safety, stimulation, guidance, boundaries and safety. The ecological considerations might include housing, income, family history and functioning and supports systems (see for example Budd, Clark & Connell, 2011). It tries to consider what happens not just in the moment but rather the pattern over time. The process includes interviews, observations, psychometrics, collateral data collection and the review of related information that may be available from a variety of sources (Kellett & Apps, 2009; NSPCC, 2014; Scaife, 2013).

This thesis does not challenge the obligation of child intervention to determine the ways in which families meet the needs of the child. The thesis challenges universal applicability of methods to do so when applied, in this case, to Indigenous peoples.

The foundation of the PCA draws upon the literature in parenting, and clinical and forensic assessment. The PCA is based upon clinical application of theories related to attachment, mental health and substance abuse, child abuse and neglect on the parental side of the equation with the developmental needs of the child on the other side (Budd, Clark & Connell,

2011; Choate, 2009; Michigan Infant Mental Health, 2016; Pezzot-Pearce & Pearce, 2004; Reder, Duncan & Lucey, 2003; Reder & Lucey, 1991,1995; Scaife, 2013; Steinhauer, 1991).

The PCA serves both front line workers and courts to make more informed decisions about whether or not a family unit can or should be preserved. Without a PCA methodology, child intervention workers may lack data for their decisional framework. They must move from the presenting problem regarding the safety of the child and determine if a pathway to change in parental functioning can be accomplished. If not, they need to decide if the child is to be placed in other settings, such as foster, or kinship care, institutional placement or adoption. These challenging decisions based upon expert assessment assist child intervention workers making decisions that will impact the life course of the child. The front-line worker is not seen as expert in assessment of parenting which results in the PCA being contracted to supposed experts in parenting, including psychiatrists, psychologists and social workers in health, court based or private practice environments (Choate, 2009; Choate & Hudson, 2014; Houston, 2014).

In my clinical work, accepting both theoretical and practice parameters, served as a way to complete the PCA and present the evidence to court. I have served as an expert witness in over 150 child intervention cases and completed over 500 such assessments. The PCA offers the courts a structured basis upon which to consider the legal questions before it. Courts in Canada, and elsewhere, have accepted the PCA as a valid approach and a foundation for expert testimony (Choate, 2015; Choate & Hudson, 2014).

For me, questioning the PCA arose from a series of cases where the PCA process failed. This experience fell into three groupings:

- Parents presenting with involvement in the criminal justice system charged with various crimes around drug manufacturing and distribution;
- Parents with Fetal Alcohol Spectrum Disorder who were not profoundly impacted by the FASD but had challenges with parenting. Yet, they were utilising support systems, both formal and informal, to address their own deficiencies in parenting capacity. Their role in the life of their child ranged from that of a friendly visitor to primary caregiver; and
- Indigenous parents whose connection to culture and communal based family and caregiving systems could not be assessed effectively using the PCA. Questions, tools and frameworks failed to connect with what was actually going on for the child.

As my work has evolved, applicability of the PCA to other populations has come into question. Immigrant and refugee families who bring their own communal, religious and cultural foundations to their understanding of family would be one example. My clinical work offered insight into how these groups saw family differently from the clinical literature in important ways. In many cases, community plays an integral part of raising a child that was more than a tertiary form of support. Rather, community members acted in parental ways.

Extended family and community members in Indigenous communities served parental functions which the biological parent did not. (Brownlee & Castellan, 2007; Graham & Daveron, 2015; Muir & Bohr, 2014; Neckoway, 2011; Van de Sande & Menzies, 2003). In more traditional Indigenous communities, customary adoption was undertaken where a child may be raised more by extended family or a band member. The parent may remain deeply involved in the child's life

(Poitras & Zlotkin, 2013). This remains an unsettled area in law in Canada (Murphy, 2018, February 23). Even so, it illustrates the complexity of the assessment environment where not only must the considerations of the parental capacity be evaluated but must be done so in the context of culture, society and the law. Assessment occurs at the intersection of these variables.

Other examples included human trafficking cases where a family had been brought to Canada and then required to care for a drug manufacturing operation. The criminal activity was evident but the context under which it was occurring was one of significant indenture.

I was also faced with the clinical dilemma of Indigenous and immigrant families struggling with the meaning of questions asked by practitioners (including those on psychometric tools), the validity of the context to their cultural understanding of parenting as well as the role of children within their cultural and family systems.

This led me to a series of inquiries rooted in these concerns. The core theoretical question was whether or not the PCA was meeting the clinical needs of both parents and child welfare or was it distorting data in a way that was prejudicial to certain parties? This has been the fundamental theoretical question guiding this thesis and the works upon which it relies.

### *Theoretical Questions*

Given the concerns noted above, the thesis brings together the work in the 10 papers that explore the validity of the PCA across clinical and population groups. Particular attention will ultimately be paid to the interaction between colonial and assimilation efforts upon Indigenous peoples in Canada and the question of whether the PCA acts to sustain colonial methods. This inquiry is broken down by asking:

- Is the PCA an appropriate methodology for use with populations that may not fit mainstream Eurocentric or Western worldviews of good enough parenting? Does the PCA meet the needs of diverse populations?
- Given that Indigenous children and families are over represented in Canada's child welfare systems and their over representation is the result of colonial actions and policies (TRC, 2015a), is PCA methodology appropriate or applicable to this population?
- If it is found that applicability does not exist, what are the implications for child welfare intervention policy and practice?

This chapter lays out the foundation for the working theory of this these which is the PCA model does not effectively work across populations due to their foundation in Eurocentric definitions of family and parenting and should not be applied to Indigenous populations in Canada due to lack of validity. In the next chapter, the context in which child intervention functions in Canada is explored.

## Chapter 5 – The context for the work

### *Funding and Structure of child welfare in Canada*

Child welfare intervention in Canada is managed under the legislation of 13 provincial and territorial jurisdictions operating about 300 different child protection agencies. Indian peoples are subject to Federal jurisdiction and, thus, Federal legislation and administration impacts funding services to families on reserves. In some provinces, delivery of some child welfare intervention services to Indigenous peoples are delegated by the governing authority to a “Delegated First Nations Authority” (DFNA) to deliver child welfare interventions on their reservation, and, in some cases, for their people living off reserve. There are about 121 such agencies in Canada. With only a couple of exceptions, Indigenous agencies must operate under Territorial or Provincial law (Sinha and Kozlowski, 2013). First nations child welfare intervention agencies, whether serving children on or off reserve, are funded at approximately 30% lower as opposed to provincial funding levels, and typically offer only marginal opportunities to deliver prevention as opposed to response service (First Nations Child and Family Caring Society, 2016). As a result of CHRT decisions (CHRT, 2016, 2017, 2018), and following a significant delay, there is change underway regarding the funding formula which will offer increased opportunity for prevention and family preservation work (Personal communication, K. Provost, May 22, 2018).

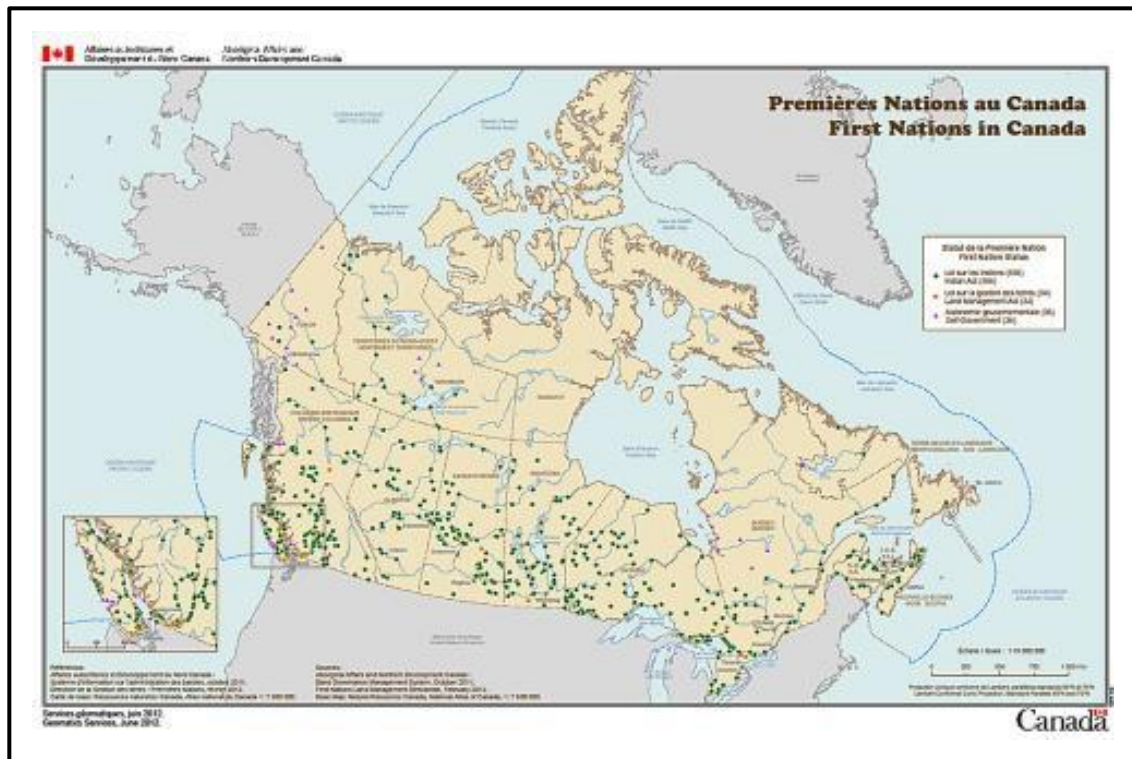


Figure 1 - Distribution of First Nations across Canada (Source: Government of Canada)

### Other Changes Underway

On January 26, 2018, the Government of British Columbia announced agreement with the *We'suwet'en* Nation to develop a system for some First Nations in that province to deliver child welfare services directly. This may include the use of their own legislation and legal structures. (British Columbia, January 26, 2018). A few days later, Le Province du Québec announced an agreement with the council of the Nation *Atikamekw* to establish a “unique” child welfare program “that respects and takes into account the cultural realities and Aboriginal values of the *Atimakekw* community” (Le Province du Québec, 2018 January 29). Alberta is undertaking a number of legislative and policy changes focused on the relationship between child welfare and Indigenous communities and nations that will seek to address funding and methodological



colonial approaches (Alberta, 2018). Alberta has also recently signed a tri-partite agreement with the Federal government and several First Nations to ensure Jordan's Principle is followed in that province. (Alberta, 2018 November 9) The government of Canada and the *Huu-ay-aht* First Nation in B.C. have signed a funding agreement to keep children from being removed from the Nation through child welfare involvement (McArthur 2018/08/22).

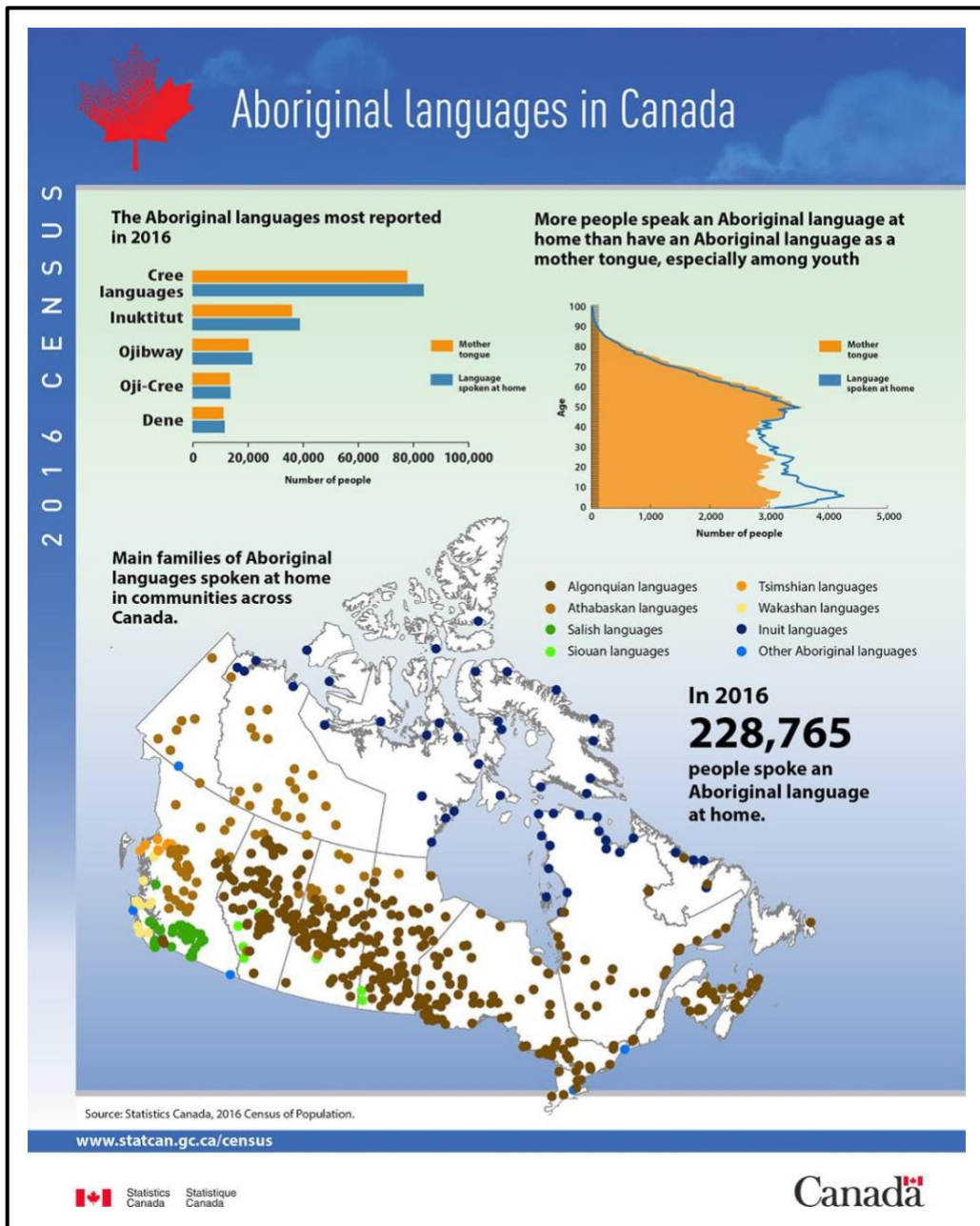


Figure 2 - Distribution of First Nations Languages across Canada (Source: Statistics Canada, 2016)

The Namgis First Nation, along with K'Wak'Walat'si Child and Family Services, have an agreement with the Province of British Columbia to not remove children from the nation when they are in need of care away from their parents (White, 2017).

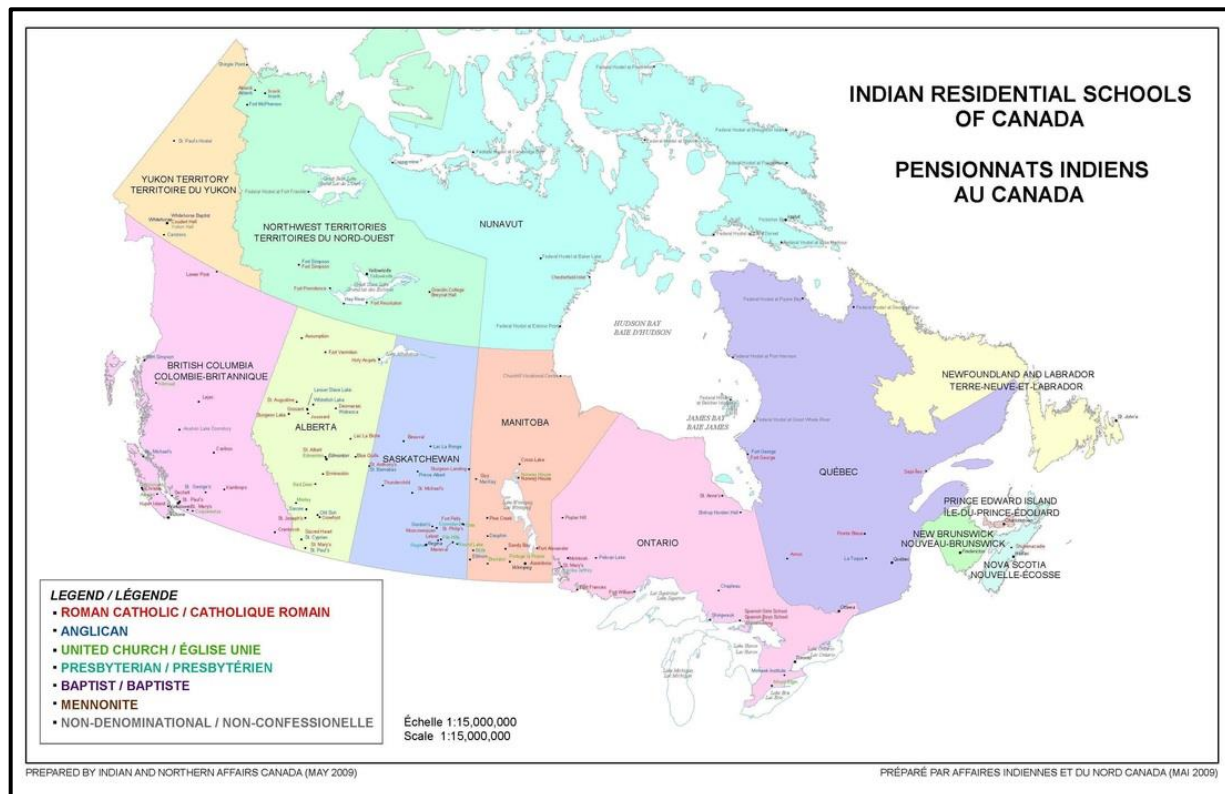
Other changes are underway through Indigenous led initiatives in partnership with various levels of government. In Alberta, Designated First Nation Authorities and Band Councils in Treaty 8 have come together to open an urban, off reserve office in Edmonton. The goal is to serve all of their children and families whether living on or off reserve. They would replace delivery to families by the Province of Alberta. Treaty 8 is also discussing the possibility of using their treaty and Constitutional rights to develop their own child welfare legislation. They have developed their own child welfare practice standards (Nations of Treaty 8, 2018). The *Siksika* Nation in Treaty 7 has run an urban office in Calgary for many years. They are considering developing their own legislation as well (Personal communication, Elder Roy Bear Chief, July 23, 2018). Other Treaty 7 nations are proposing to also open urban offices (Personal communication, K. Provost, May 22, 2018). British Columbia has entered an initiative with the *Métis* peoples which includes the right to develop their own legislation (Hernandez, 2018/07/07).

The challenge with these changes is they represent piecemeal and isolated efforts as opposed to broad scale changes to child welfare across Canada. For the vast majority of children in care across Canada, these changes will not make a difference in their lives as the changes are restricted to specific geographical areas, although they do serve as models for other possible changes.

### *The place of child welfare within Indigenous History*

For the family or caregivers, there can be no doubt that the child welfare system has the legal authority to control the placement destiny of their child. The PCA is seen as part of the child welfare intervention process by social workers, courts and professionals as well as the parents (Choate, 2009). Sinha et al., (2011) note about 85% of children are involved with child welfare in Alberta for reasons related to poverty and lack of access to needed services. Poverty acts as a mechanism to sustain power as child welfare has not only the legislation but also access to resources. Poverty and lack of access to resources available to Indigenous peoples skew the capacity to parent towards survival as opposed to achieving what might be “good enough” parenting (Blackstock & Trocmé, 2005; King, et al., 2017; Sinclair, 2005; Sinha, Delaye & Orav-Lakaski, 2018). This is seen in other Western child welfare intervention systems (Armitage, 1995; Briskman, 2007; Roberts, 2002, 2003, 2014; Walmsley, 2005). Poverty is a risk factor for child welfare intervention involvement and is also closely connected to the assimilation efforts referred to above. Agencies serving Indigenous peoples on reserve have not received funding for prevention services that would assist with poverty and resource limitations. Funding is only available if the child is brought into care. The Government of Canada has announced changes, but it cannot be lost that the federal government also controls many aspects of health, economic, education and other essential services for life on reserves, which they also continue to significantly underfund (Booth, 2017; Harper & Thompson, 2017; Matthews, 2017).

Indian Residential Schools (IRS) resulted in the breakup of the family, parenting and community structures that sustained Indigenous peoples (see Figure 3 which shows the widespread distribution of IRS across Canada). Inter-generational patterns of transmitting caring, nurturing, parenting, ceremony and spirituality, communal supports were all badly damaged with the IRS and what would become the Sixties Scoop (Benzies, 2014).

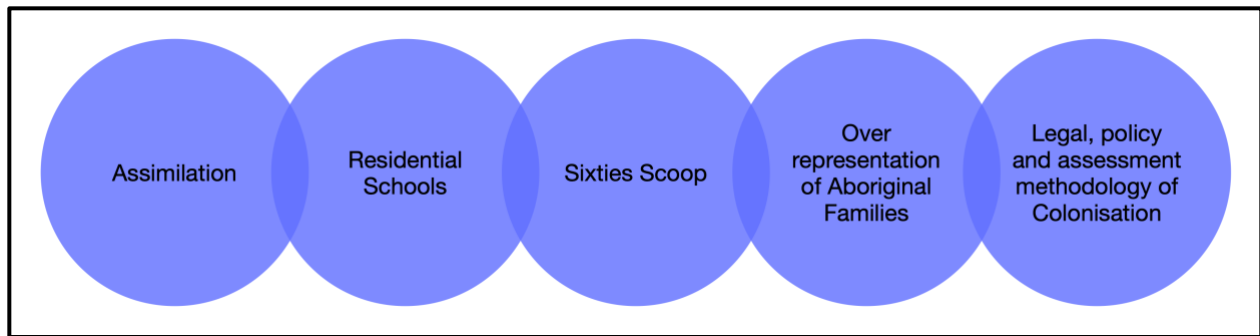


*Figure 3 - Map of Indian Residential Schools throughout Canada*

Significant efforts are underway to invigorate family support, culture and traditional parenting practices (B.C. Aboriginal Child Care Society, 2010; Fearn 2006; Graham & Davoren, 2015; National Collaborating Centre for Aboriginal Health, 2015; Neckoway, 2011).

The IRS is often seen as beginning in the late 19th century (TRC, 2015a). Yet, a more thorough history shows that the earliest schools began in 1620 in New France (now Québec) (Carney, 1995). The last school closed in 1996. The legal foundations of most IRS go back to the mid 19th century during which it was believed that civilizing, and then assimilating, ‘Native’ people was inseparable from the role of Christianity being introduced into their lives (Armitage, 2007, p. 76). The IRS was then endorsed by the Bagot Commission in 1842 “as the central instrument of social policy” (Armitage, 2007, p. 77). Via education in IRS, “a massive attempt to use educational methods to change both their cultures and their characters. This attempt at large-scale social engineering was fundamental to the policy of assimilation” (Armitage, 2007, p. 100). As Armitage (2007) points out, there is little evidence that the majority of students gained anything but the most meagre of educational instructions (see also TRC, 2015b). In total, about 150,000 Indigenous children went through the schools (BCTF, 2015).

The IRS and child welfare systems overlapped with many schools used for child welfare intervention purposes starting in the 1950’s. In 1951 the federal government amended the Indian Act to transfer responsibility for child welfare to the provinces and territories (Aboriginal Justice Implementation Commission, 1999, ch. 14). Apprehension of Aboriginal children then accelerated with the 60’s Scoop, which actually started in the late 1950’s, (Sinclair, 2007). Children were widely adopted into non-Aboriginal families including outside of Canada. A strong link developed between the traumas of the IRS and the 60’s Scoop along with ongoing marginalization through child welfare and federal legislation (Figure 4). Poverty, inter-generational trauma, loss of parenting and family infrastructure and mental health and substance abuse issues dominate the legacy of these policies (NCCA, 2017; TRC, 2015a).



*Figure 4 - Major Inter-Related Elements of Assimilation in Canada*

In *Brown v Canada* (2017) the court has determined that Canada breached its common law duty to take reasonable steps to preserve cultural identity for children removed during the Sixties Scoop. This has led to a national settlement between Canada and the Sixties Scoop survivors, which, was approved August 2, 2018 (Residential Schools Settlement, n.d.)

These structural factors, the IRS and the Sixties Scoop, and their long-term impacts act as powerful drivers of child welfare involvement but are underplayed in the PCA (Choate and Lindstrom, 2018). The narrative of the “savage Native” who cannot function appropriately is enmeshed in the systemic view (TRC, 2015a; Walmsley, 2005). Inter-generational trauma, which will be discussed shortly, becomes entrenched and opportunity for resolution is rarely available within the child welfare systems (Blackstock, 2007; TRC, 2015a). Sinclair (Bruyere, Hart & Sinclair, 2009) argues that social work practice in Canada is intertwined and rooted in colonialism both historically and currently (Personal communication, May 4, 2018). As a result, trauma moves through the generations, which continues to disrupt the capacity for the caring of children. This connects directly with the overrepresentation of Indigenous children in the care of child welfare. It is well established the child welfare population tends to experience Inter-

Generational Trauma (IGT) (Stone, 2014) which has impacted the heart of family life throughout Indigenous communities in Canada, the United States, New Zealand and Australia (Armitage, 2007; Briskman, 2007; Harris-Short, 2012; Lajimodiere & Carmen, 2014; Tilbury, 2015; Walmsley, 2005; Wub-e-ke-niew, 1995). Ormiston and Green (2015) describe that for children who went through Indian Residential Schools:

The only parenting they knew for up to 10 years was from the religious orders (nuns and priests) and they had been deprived of opportunities to develop positive cultural parenting skills. When these residential school survivors became adults and parents, the government ultimately labeled them as incompetent and unable to raise their own children and deemed them to be in social need. (p. 764)

#### *Assimilation and Inter-Generational Trauma related to Child Welfare Intervention*

O'Neil et al. (2016) outline how inter-generational trauma is transmitted from the first affected generation onto subsequent generations. These traumas, linked specifically to processes of colonization, disrupted community, family, traditions and relationships which led to the impacts of trauma across generations. Duran, Duran and Yellow Horse Brave Heart (1998) and Duran, Duran, Yellow Horse Brave Heart and Yellow Horse-Davis (1998) have coined the term “soul wounds” which are chronic reactions to the traumas. In this way, trauma is not being used as a diagnostic but rather a descriptive term of lived experience.

For Indigenous populations, the structural nature of the inter-generational trauma is directly linked to public policy (Armitage, 2007; Walmsley, 2005). Assimilation has fractured the relationship between Indigenous peoples and their lands resulting in loss of traditional methods of living including economy, community, culture, family, and parenting (RCAP, 1996;



TRC, 2015a). Roberts (2014) makes the point that child welfare intervention tends to be heavily racialized and that the factors associated with marginalization, economic disparity and surveillance of populations that do not fit the dominant (particularly white) societal norms will be most represented in child welfare intervention populations. While Roberts (2014) is focused on black people in the USA, her positions strongly reflect the nature of child welfare with Indigenous peoples (Armitage, 2007; Walmsley, 2007). Assimilation efforts across Canada (such as, IRS, land transfers away from Indigenous peoples creating resource poor reservations and the Sixties Scoop) (TRC, 2015), have meant Indigenous peoples have been chronically deprived which has a cumulative effect, resulting in over representation in child welfare (Blackstock, 2007; Sinha, et al., 2011). There is no identifiable research which shows these factors being considered in PCAs, nor do we have a current method to do so (Choate and Lindstrom, 2018).

Inter-generational trauma is related to dysfunctional coping mechanisms that intersect with poverty and other legacies such as interpersonal violence, substance abuse and mental and physical health problems along with housing and food insecurity (Hackett, Feeny & Tompa, 2016; Wilk, Maltby & Cooke, 2017). These factors intersect with the legacy of colonialism which is sustained through the over involvement of child intervention in the lives of Indigenous families and communities.

### *Child welfare as a means of ongoing Colonialism*

In the Canadian context, colonization has been the source of power imbalance between the settler culture and the Indigenous peoples. The presence of child welfare interventions in the lives of Indigenous peoples becomes greater over time. With each generation impacted by inter-generational trauma, child welfare becomes more intrusive in the lives of families, with that

intrusion crossing generations. (Choate & Lindstrom, 2017). Learned helplessness and chronic dependency along with multiple socio-economic concerns result from the child welfare presence. Child welfare interventions practiced from a colonial perspective do not make things better (Choate & Lindstrom, 2017). Social work has played a powerful role in assimilation (Razack, 2009) and sustaining Colonial methodologies (Sinclair, Hart & Bruyere, 2009; Choate & Lindstrom, 2016; Choate & McKenzie, 2015; Lindstrom & Choate, 2017). Blackstock, (2007) Choate & Lindstrom (2017), LaBoucane-Benson, Sherren & Yerichuk, (2017) and Rae (2011), have all shown that colonially based systems, structures and practices continue in Canada. It is in that context PCAs are used with Indigenous peoples.

Kline (1994) wrote that racism is the product of dominance embodied in the laws of Canada. Kline's argument is Canadian laws were developed upon an ideological representation of "Indianness" which continues. When linked to the results of the TRC (2015a) and the CHRT (2016, 2017, 2018) it is evident colonialism has a long-standing place in the relationship between Canada and Indigenous peoples. For example, Brown (2017) illustrates how even with legislative efforts to emphasize the importance of cultural connection for Indigenous peoples, Eurocentric concepts of bonding and attachment continue to override culture under the guise of best interests of the child, subjugating Indigenous identity, culture and connection (see also Kline, 1992).

The Supreme Court of Canada (SCC) determined in *Racine v Woods* (1983) the child's best interests lay with the "psychological parents". "In my view, when the test to be met is the best interests of the child, the significance of cultural background and heritage as opposed to bonding abates over time. The closer the bond that develops with the prospective adoptive parents the less important the racial element" (p.187). Justice Bertha Wilson, writing the *Racine* decision for the SCC paid significance to the position of family as a social construct but held to

Eurocentric nuclear definitions, dismissing the social construct rooted in the collective kinship and extended family, which mattered greatly to Indigenous peoples (Calder, 2009). This line of reasoning continues in Canadian courts as the basis for transcultural adoption (See for example, *RP v Alberta*, 2015; *H.M.A.*, 2015; *N.J. v Alberta*, 2016; *D.P. v Alberta*, 2016; *URM*, 2018). For example, in the *D.P. v Alberta* (2016) case, an attachment assessment served as the basis for the clinical evidence relied upon by the Court. Lindstrom and Choate, (2016, 2017) raise concerns about the applicability of attachment theory in assessing Indigenous parents as a possible source of culturally based error in assessment, including PCAs (see also Choate, Kohler et al., 2018). In essence, *Racine v Woods* (1983) determined that an assessment should see bonding (more recently referred to as attachment) to be the primary matter in the PCA when there are choices regarding the disposition of the child.

The issues of attachment theory and the notion of the ‘psychological parent’ have been raised by Indigenous groups throughout the Minister’s Child Intervention Panel (Alberta). These presentations followed the thinking laid out in Kline’s (1992) representation of the persisting problems of how culture, adoption, attachment, bonding and best interests are defined (see also Sinclair, 2016). This adds to the concerns of Choate and Lindstrom (2017) that Canadian courts have not solved the competing interests of the Eurocentric view and the Indigenous view of family and child raising. They continue to rely upon Eurocentric views (Choate & Lindstrom, 2016; Lindstrom & Choate, 2018).

Indigenous peoples see the lack of cultural preference to keep the child within the kinship, community system as extension of colonial practices. Referring to a child welfare case in Calgary (*URM*, 2018) where the court is being pressed to choose between long term non-Aboriginal foster care or a kinship placement for two First Nations children, the *Siksika* First

Nation noted that, “The deliberate placement of Indigenous children to non-Indigenous homes is repetitive of the historic agenda of Canada that continues to interfere with Indigenous family structures” (*Siksika*, 2018 February 19). *URM* (2018) is now under appeal as the court sided with the attachment argument and declined pursuing the other issues related to colonialism.

The concepts of assimilation noted above, have been characterized as cultural genocide (TRC, 2015a). van Krieken (2004) frames it quite well in relation to the focus of this thesis:

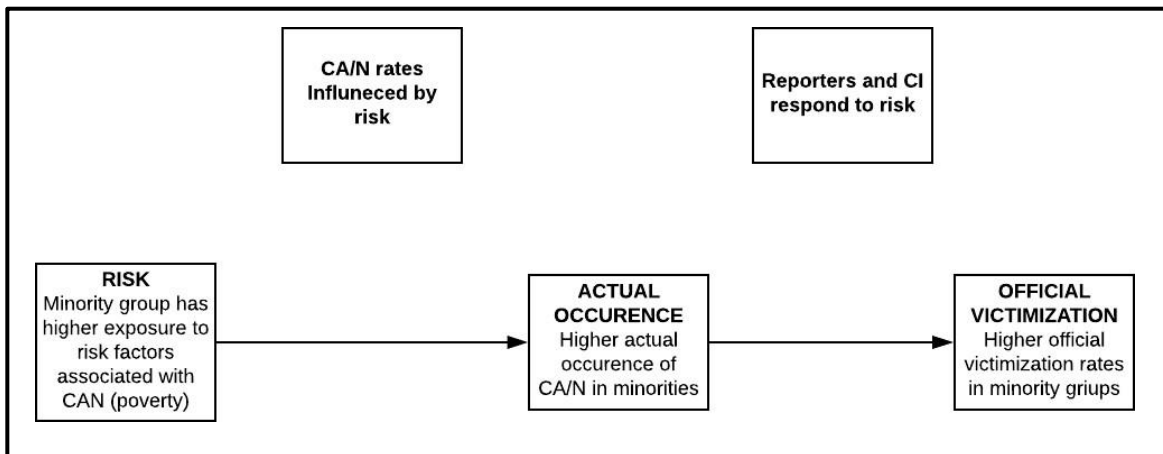
...the removal of Aboriginal children from their families constituted acts defined as genocide by Article II of the Convention (United Nations Convention on the Prevention and Punishment of the Crime of Genocide) acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group’, including, (e) Forcibly transferring children of the group to another group. (p. 126)

The Royal Commission on Aboriginal Peoples (1996), the Truth and Reconciliation Commission (2015a), and the recent decisions of the Canadian Human Rights Tribunal (2016, 2017, 2018) have all noted the significant role social work has played in supporting colonialism and assimilation efforts and continue to do so. Foster (2018) and Mosher (2018) describes social work as actively involved in removing children from Indigenous families now as they were. As will be shown, this is very strongly connected to the context of the PCA.

### *Application of Racial and Structural Bias*

Racial bias is linked to the involvement in child welfare which also leads to the over representation of Indigenous children. Drake et al., (2011) show how both a risk and a bias model may work to sustain bias in populations where child abuse and neglect are assumed to be more prevalent. Their work is important as it shows that a child welfare system can operate from

approaches that can be valid from an evidentiary perspective, such as data frequency counts, but still fail to address the Inter-generational trauma and other environmental factors. The risk model is seen in Figure 5 which conflates the over representation of Indigenous children in care for reasons of poverty driven neglect rather than abuse (Sinha et al., 2011).



*Figure 5 - Risk Model (adapted from Drake et al., 2011, p. 471)*

When placed in the context of child welfare interventions with Canadian Indigenous populations, these factors in Figure 5 will create high response rates as they are common issues arising from the assimilation policies in Canada, connecting to over representation of Indigenous children in child welfare (Trocmé, Knoke & Blackstock, 2007). Drake et al., (2011) offer an alternative approach which is the bias model (see Figure 6). In this model, the notion is that the child welfare systems have structural bias to specific racial populations.

The bias model offers a perspective that over representation of minority children is linked to systemic racial bias. Drake et al., (2011) showed this in the United States except for Hispanic families where other factors may be at play. As seen in Figures 5 and 6, risk and bias both

operationalize in ways that highlight structural deficiencies that are linked to race and economic vulnerability. As will be seen, these biases operate in PCAs.

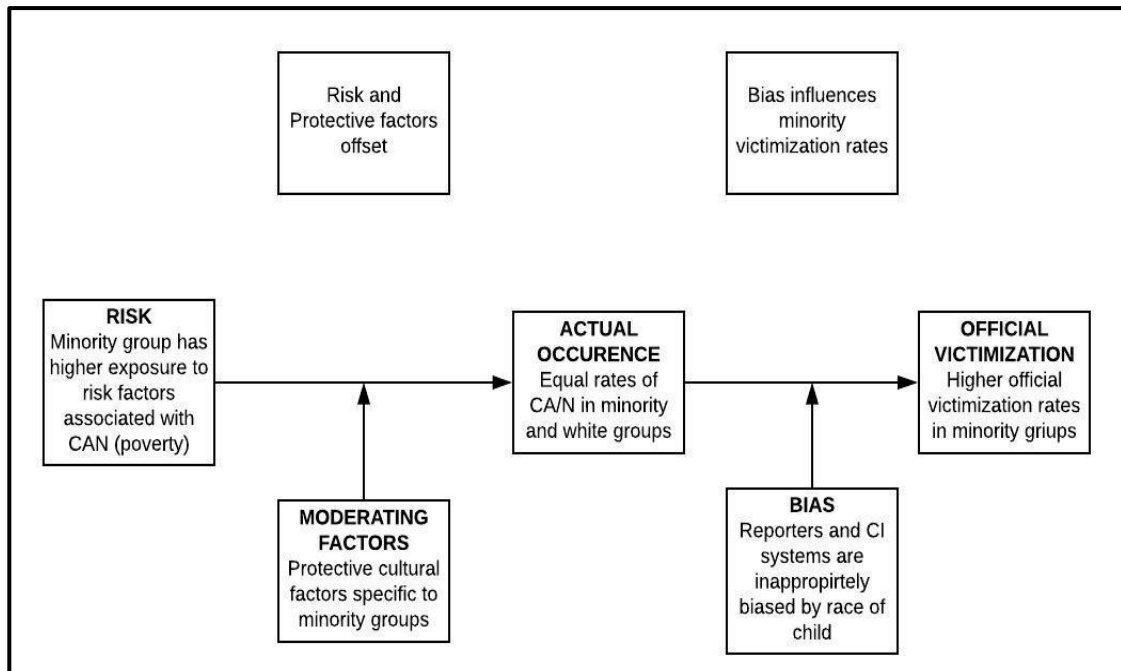


Figure 6 - The Bias Model (adapted from Drake et al., 2011, p. 472)

Structural biases are still being incorporated, perhaps even enhanced, with child welfare intervention decision making tools. Predictive analytics being developed in Australia, New Zealand and the United States use historic factors that are linked to child welfare intervention, serve as the reference data to build the algorithm (Eubanks, 2017). Risk factors lead to predictions drawing upon what is already known about child welfare populations. If racially and economically vulnerable peoples represent the population of child welfare intervention historically, then their factors are highlighted in the predictions. Populations, such as the Indigenous peoples, will be poorly served by such approaches given the impacts of assimilation

and inter-generational trauma. Predictive analytics will continue to sustain over-representation acting as a way to deny human rights to populations targeted in this fashion (Molnar & Gill, 2018).

Similarly, Cram, et al., (2015) illustrate that these models when applied in New Zealand do not successfully account for the role of assimilation. A deeper understanding of the drivers of child abuse and neglect in Indigenous populations is needed. The underlying impacts of colonization and cultural genocide are needed so that the factors driving over representation of Indigenous child in child welfare's care can be the point of intervention, not the removal of children (Cram et al., 2015; Sinha et al., 2011; Sinha et al., 2018). When the true needs are not addressed, then assessment becomes biased. Risk modelling appears to enhance the alleged concerns and could bias the PCA. Yet, there are indications of predictive analytics being accepted as something as an inevitable pathway (Robert, O'Brien & Pecora, 2018). It remains an area of concern and debate which may alter child welfare decision making (Church & Fairchild, 2017; Schwarts, York, Nowakowski-Sims & Ramos-Hernandez, 2017; Thurston & Miyamoto, 2018).

Assimilation and inter-generational trauma lead to child welfare intervention tools and methodology that do not reflect the experiences of Indigenous peoples (Briskman, 2007; Cram et al., 2016; Lindstrom & Choate, 2016; Sinclair, 2016). Indigenous legal and caring systems are replaced by those of the colonizing culture (Ormiston & Green, 2015) and methodologies, such as the PCA, of the assimilating force are put in place (Brown, 2017; Choate & Lindstrom, 2017). The PCA then links data to judicial decision-making adding bias to the evidence (Choate & Hudson, 2014; see also Sinclair, 2016).

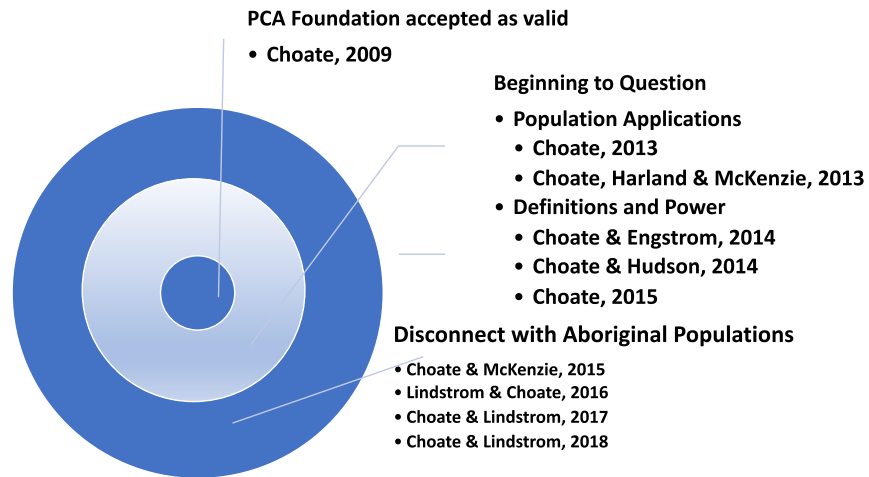
It is in this context this thesis approaches the theoretical questions and the place of the PCA in child welfare intervention practice with Indigenous peoples.



## Chapter 6 - Method

There are ten papers upon which this research draws (see Figure 7 below). The papers begin by asking the question, what is the “correct” way to conduct a PCA. Later papers consider application of the methodology to special populations such as parents with FASD and those who might be involved in drug manufacturing. Finally, the body of work looks at the application of the PCA to Indigenous peoples who were colonized but not assimilated yet live with the traumatic effects of colonization (TRC, 2015a). This is a project of deconstructing a methodology to see where it may or may not fit in the intersection between child welfare intervention and Indigenous peoples. The emergence of this inquiry can be seen in Figure 7 below.

## Emergence of thinking about PCA from acceptance to questioning to challenging application



*Figure 7 - A Thematic Emergence of Critical Analysis and Deconstruction of PCA as they relate to Indigenous Peoples in Canada*

Critical inquiry suits the project (Bhavani et al., 2014) as it allows for the exploration of relationships that provide meaning for a collection of works. Bhavani et al., (2014) note such an approach enables the recognition of the interaction between the researcher and the data. No research is without bias starting with the formation of the questions being asked through to the ways in which data is assembled and interpreted. The researcher must be reflexive. No researcher is a neutral party in the process as they define the purpose, questions, method and data collection. The researcher must be aware of creating confirmation bias in the work. Reflexivity creates the opportunity to consider the presence of such bias by considering the meaning and context of the

data examined (Bhavani et al., 2014). The progression of the papers illustrates how this reflexivity evolved my position on the validity of the PCA.

Evans, et al. (2014) argue research can be an artifact of colonization. They link research bias against Indigenous peoples of Canada as contributing to the overrepresentation of Indigenous children in child welfare intervention. Research methodology reinforces the imposition of Eurocentric ideas and questions (such as asking if parenting is good enough as defined by the professional narrative) as opposed to opening up a dialogue in which Indigenous people formulate the questions, include their stories and world views, so as to inform the way that child welfare intervention is done. Indigenous scholars note how research is formulated makes a difference (Ermine, Sinclair & Jeffrey, 2004).

Research has typically been done using Western methodology which is itself culture bound. This leads to the replication of Eurocentric views and understandings about what is and is not appropriate and acceptable (see for example, Kee, 2010). Western research is informed by colonized perspectives and methods as opposed to Indigenous epistemology to the benefit of the scholar as opposed to the Indigenous peoples (Sinclair, 2003). Lindstrom and Choate (2016) used the voices of Elders to determine how the research would be structured and the questions explored (see also Sinclair, 2003). The PCA research is heavily Eurocentric with nominal attention paid to cultural variations (Choate & Lindstrom, 2018, 2017).

Grande (2004) articulates “Red Pedagogy as not only sustaining the lifeways of Indigenous peoples but provides an explanatory framework that helps us understand the complex and intersecting vectors of power shaping the historical–material conditions of indigenous schools and communities” (p.29). This brings critical inquiry (Kincheloe & Steinberg, 2008) together with Freire’s (1970; 2000) call to become conscious of the intersection of non-

oppressive knowledge and Indigenous cultural practices (Grande, 2004, 81). Red Pedagogy informs the process of connecting the articles for the thesis by placing the moral position of Eurocentric knowledge in contrast to Indigenous knowledge. It provides the framework of critical thinking for this challenge while allowing a way to come upon the unifying conclusions around validity of the PCA. The use of this approach (Grande, 2015) allowed me to deconstruct the PCA, looking at each element. This opens the way to critiquing the PCA, challenging application with Indigenous peoples and possibly rejecting the model even though it has been applied for years in child welfare intervention onto Indigenous families (Choate 2009; Choate & Lindstrom, 2018).

Inquiry into child welfare intervention requires a willingness to interrogate the gap that exists between Western views of family and parenting and those of other cultures. Concepts such as time, modernity, family planning, self-esteem and identity and the roles of caregivers vary across cultures (Kee, 2010). Western approaches have seen the Eurocentric approach as the standard, thus dismissing and white streaming judgments and methods (Choate & Lindstrom, 2018; Lindstrom & Choate, 2016; Kee, 2010). Black communities raise similar concerns (Adjei & Minka, 2018).

The Elders in the *Nistawatsiman* project (Lindstrom et al., 2016; Lindstrom and Choate, 2016) validated Indigenous ways of knowing. They told stories of caregiving and connecting that offered pathways to support the development of children, inclusion in the community and culture and preparing a child for successful transition to adulthood as an Indigenous person. Research, to be valid, needs to step into the way knowledge is constructed in the culture and not impose a way of knowing through research (Matsuoka, et al., 2013) as has been the norm in child welfare intervention research, policy and practice (Choate & Lindstrom, 2018; see also Sinclair, 2016).

Grande (2015) invites us to challenge the moral superiority of Western knowledge as a vehicle for determining what is acceptable. To do otherwise is to extend colonization. She argues for a critical inquiry to deconstruct Western methodology which is the goal thesis. Therefore, who owns the identity and how is it defined - by Colonial forces or by Indigenous peoples (Grande, 2008)?

If the PCA is found wanting, then its right to a moral position within child welfare is removed. If, as Evans et al. (2014) note, research should not be a source of harm (p. 181), but should then become a way to alter the homogeneous, power and privileged view of a heterogenic population. I argue the same is true of clinical application of research and theory (Grande, 2015). This work recognizes what Gubrium and Holstein (2000) refer to as the interplay between the discourse mediated by the institutional functioning (in this case child welfare and the PCA) and the operation of that power in the everyday life of people (the client being assessed).

The critical theory of “Red Pedagogy” (Grande, 2004, 2008, 2015) moves the discourse from the colonial perspective to one where the Indigenous voice is valid and essential (Grande, 2008). She points out Red Pedagogy as the intersection between Western critical theory and Indigenous knowledge. She sees it as a “space of engagement”, (p.234) allowing for the demon of colonization to be addressed. The goal is to understand how the PCA exists in the relationships of power between an oppressed population, in this case Indigenous, and the colonizing population. Using Grande’s Red Pedagogy (2008), along with Critical Theory (Bhavani et al., 2014) we begin to see patterns play out and who controls and who responds to them within the child welfare system. This thesis proposes, by imposing definitions, methodologies and solutions, it is the colonizer / settlers who are in control. The PCA serves as the linkage between child welfare and case planning and the family, child, community and

culture. The PCA has the power to tilt the decision making (Choate & Hudson, 2014). If colonialism drives the pivotal assumptions underlying the PCA, then it starts from a biased position towards colonial structures and understandings. This then translates into a force over the Indigenous parent being assessed (Choate & Lindstrom, 2018).

Child welfare has continued defining the “Indian” from the socio-political need of the colonizer nation-state as seen in the quote from Duncan Campbell Scott above (p.9). The Red Pedagogy Grande (2008) describes steps into understanding the ways in which Indigenous peoples become defined by the processes, methodologies and perceptions of the colonizing forces. The Aboriginal no longer defines the self but the nation-state does. Red Pedagogy offers an alternative way to construct the narrative that replaces the colonial narrative for an indigenous one (Grande, 2008).

The work in this thesis seeks to deconstruct the colonial approaches to assessing parenting by showing how the historical approach to PCA has been rooted in class and economic exploitation of Indigenous peoples which impacts the fabric of Indigenous ways of knowing and living, in order to assimilate (Grande, 2008; TRC, 2015a). McLaren (2015) challenges that “The structures of governance must match the needs and concerns of Indigenous peoples, despite what the “traditional” concerns might be in a Euro-American playing field” (p. 82).

Aanother way to critically view the child welfare processes as coming from a “whiteness lens” is provided by Young (2008). As she notes, child intervention was created in the desire of “Europe to shape the globe in its image” (Young, 2008, p. 105). This is similar to the notion of the “other” outlined by Said (1997,1994). In Canada, the goal was full assimilation so that the Indigenous person was the “other” who should not be allowed to stay that way (TRC, 2015a).

A Red Pedagogy does not seek to develop inclusive definitions or approaches to child welfare, but rather to see the uniqueness of Indigenous world views and the incapacity to measure that for child welfare purposes (in this case PCA). We cannot just adapt the Indigenous world view into the colonial or Eurocentric approach or vice versa. Indigenous world views are distinct as seen in Figure 8 which serves as an example of when we bring Red Pedagogy lens to the work.

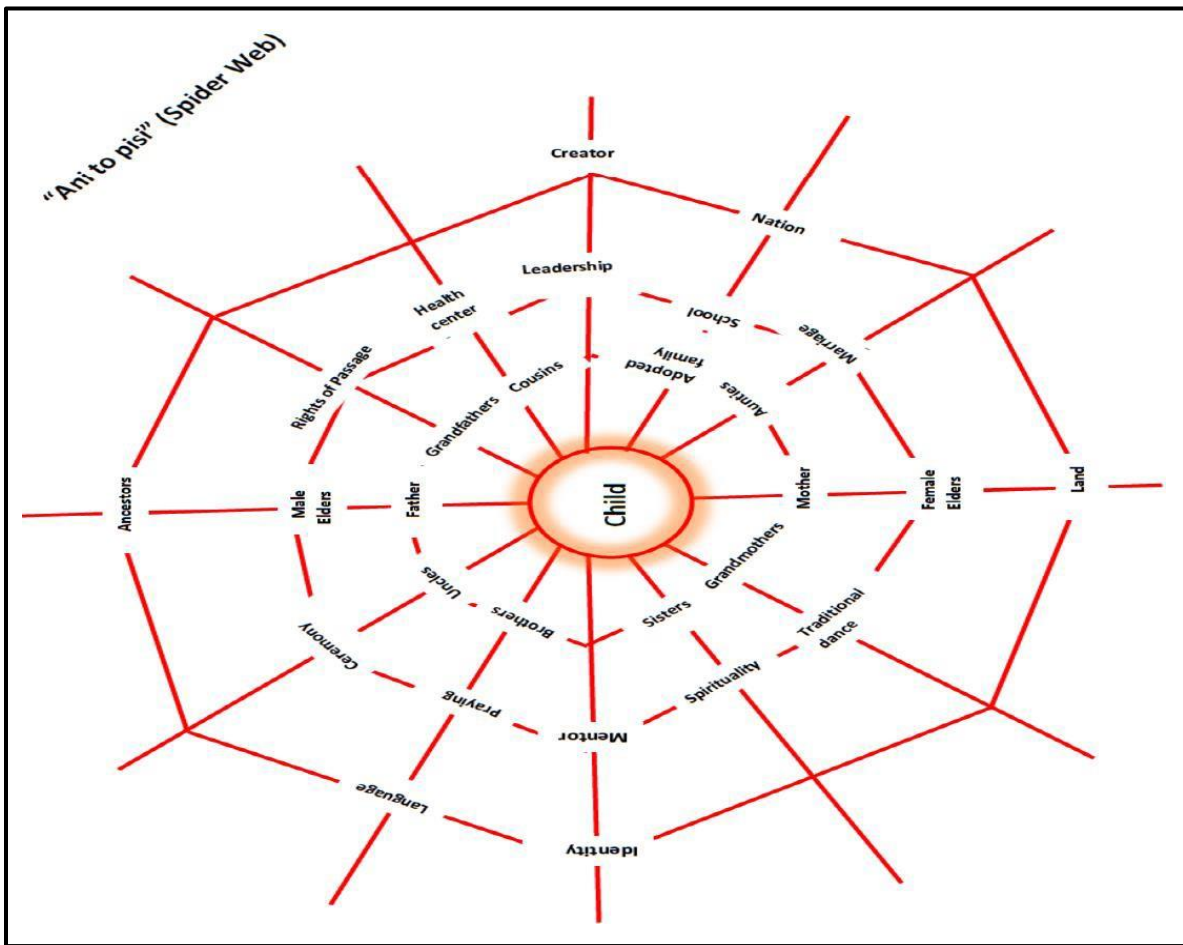


Figure 8 - "Ani to pisi" Spider Web gifted to the author by Elder Roy Bear Chief as told to him by his brother Clement Bear Chief. Elder Roy Bear Chief from the Siksika Nation tells the story of how the Ani to pisi (Spider web) can explain the intricate connections involved in the care of people. Creator asked the spider to make a web and surround the people with this protective

*web. If there was a disturbance in the thread, (which Roy referred to as a vibration) Creator would be there to help calm the vibration and restore balance. The spider web can be used to map out supports systems and resources. Vibrations (disturbances) can be quelled by the assistance of the supports that make up the web. In this adaptation it is being used to show the relational connections involved in the raising and care of an Indigenous child. This diagram might not represent all Indigenous views but is being used as a mechanism to demonstrate the complexities of the relationships built within one's culture.*

This is not to argue that child welfare should be absent from Indigenous family and communal systems. It argues the way child intervention is done must be different basing itself not in a dominant worldview but rather one that is developed by and within the Indigenous communities. It means disrupting the ways in which the dominant worldview imposes upon Indigenous cultures rather than becoming an expert in Indigenous ways of knowing (Dumbrill & Green, 2008). To do this, one must understand the Western way of knowing and its application in order to disrupt present approaches rooted in Western ideology (Rice-Green & Dumbrill, 2005). The re-examination of colonial approaches to social work should trouble those who presently hold the power. Young (2009) indicates child protection has remained at the fringes of debates about changing theory and practice away from colonial perspectives (p. 107).

If social work as practiced in Western countries is grounded in Eurocentric world views and value systems, even an Indigenous person taught social work in most post-secondary environments is taught from a Eurocentric world view which they are then told to apply to Indigenous peoples (Briskman, 2010; Weaver, 2010). The *Nistewatsiman* project shows that applying Indigenous knowledge onto Western methodology does not work (Lindstrom & Choate, 2016; see also Baltra-Uloa, 2013). This thesis will argue that the PCA cannot be modified to be Indigenous as it does not validly assess parenting from an Indigenous perspective (Choate & Lindstrom, 2018; Lindstrom & Choate, 2016). The goal of the PCA is to determine whether a



parent is ‘good enough’ to raise their children (Choate & Engstrom, 2014). That is a Eurocentric notion and draws upon the belief that universal definitions can be created. Battiste and Youngblood Henderson (2000) assert that cannot be done noting three problems in trying to apply such definitions to Indigenous peoples:

1. is difficult to understand from a Eurocentric perspective;
2. is not uniform, nor homogenous, but rather complex and with many variations based upon the nation and the multiplicity of cultures and languages seen in Figures 1 and 2; and
3. “is so much a part of the clan, band or community, or even the individual, that it cannot be separated from the bearer to be codified into a definition.” (p.35-36).

My overall body of work is a political call to challenge the relationship between child welfare and Indigenous people using the example of the PCA. These papers created an iterative development starting with seeing the PCA as a valid tool for broad application to a view its application is narrower as a result of its lack of inclusiveness for certain populations, such as the Indigenous peoples. The influences on this shift in perspective came from clinical practice, research and teaching as well as the raising of self-consciousness that came from greater connection with populations impacted by the PCA, particularly Indigenous peoples.

My emergent thinking goes from acceptance of the PCA methodology (Choate, 2009) to questioning application in specific situations and contexts (Choate, 2013; Choate & Engstrom, 2014; Choate, Harland & McKenzie, 2012; Choate & Hudson, 2014) and onto challenging the application of PCA to a population (in this case Indigenous) in a way that sustains a colonial power (Choate & Lindstrom, 2017, 2018; Choate & McKenzie, 2015; Lindstrom & Choate,

2017). Thus, the PCA becomes a mechanism of power within the overall power-based relationship between parent and child welfare (Reich, 2012) as opposed to a way to inform decision making by child welfare. The ultimate challenge is that the PCA does not meet the legal requirements in Canada for expert evidence when used with Indigenous families (and likely other populations different or marginalized from the dominant Western culture) (Choate & Lindstrom, 2017). There are three themes emergent from the works that inform this thesis, and which are considered within three propositions to be examined starting in the next chapters:

- The PCA as a valid assessment tool supporting decision making in child welfare
- Questioning whether the PCA can fulfill the assessment objective across all clinical situations; and
- The failure of the PCA to be valid and applicable to Aboriginal Canadian populations.

This chapter has outlined the ways in which a critical inquiry, combined with Red Pedagogy (Grande, 2015, 2008) can act as a methodological approach to deconstruct the PCA, bearing in mind the gaps between Eurocentric, Western approaches to assessing parenting for child intervention and Indigenous ways of knowing and raising children. This has served as the basis for moving into an examination of the three propositions noted above.

## **Chapter 7 - Proposition 1: The PCA is a valid assessment tool supporting decision making in child welfare intervention**

In Choate (2009) I argue the PCA is a valid methodology for assessing parental competence within child welfare. It can assist child welfare decision makers answering three core questions:

1. Is this parent good enough to be able to raise their child;
2. If not, what can be done to help the parent become good enough; and
3. If that is not possible, what is the alternative plan for permanency of the child?

These three questions arise from a review of the literature in an attempt to determine the purpose of the PCA (Choate, 2009). There remains a growing body of literature which, in various ways, reinforces this approach to PCA as outlined in Choate (2009), with only mild cautions about cultural issues (Budd, Clark & Connell, 2011). Legislation typically also fails to provide clarity on when a parent is good enough.

There is no definition of parenting, family or safety that is effective across cultures and would support methodology for child welfare or the PCA. Child welfare looks to the expert in parenting to determine if the parents are good enough and how change might be accomplished (Choate, 2009; Christine Tortorelli, Associate Director, Children's Services Alberta, Personal communications, May 8, 2018).

A review of the literature on PCAs showed there were patterns recommended for the assessment inquiry. In some fashion each approach, saw the intersection between the nature or

demands of the child; the ability of the parent to engage and safely support the child across developmental stages and to look at the context in which the family operated, such as support networks, neighbourhoods, economic and other social resources (Choate, 2009). Figure 9 shows the processes suggested in the literature and professional standards.

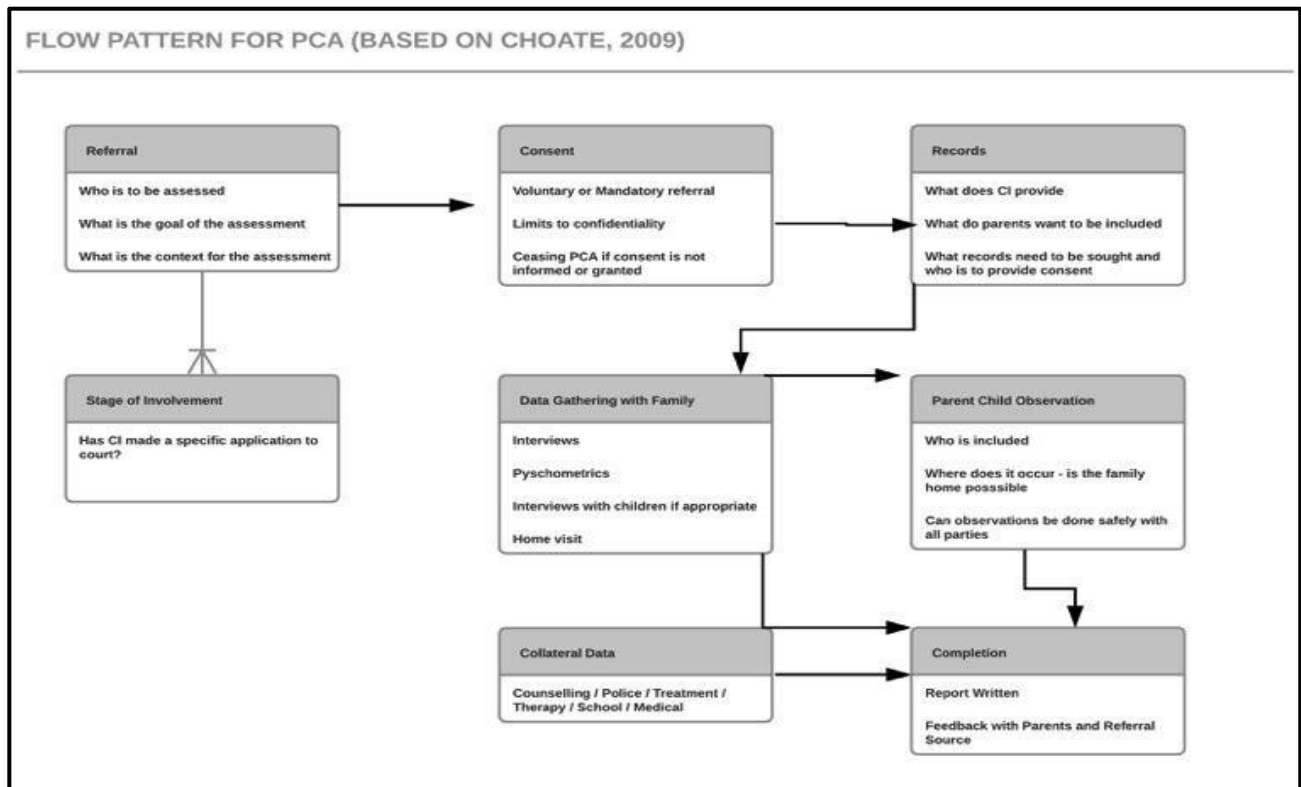


Figure 9 - Flow patterns for a Parenting Capacity Assessment

Sustaining family is vital to the position of child welfare as most child welfare legislation sees family preservation as a primary goal. Choate (2009) notes the destruction of the family unit is seen by the U.S. Supreme Court as a “devastatingly adverse action” (p. 53). The SCC stated, “Families are the core social unit” (Choate, 2009; *New Brunswick (Minister of Health and Community Services v G.*,1999; *Children's Aid Society of Algoma v P. (K.)*, 2000). As will be noted in later works, the term “family” has no particular definition, although practice is more

prone to the Western notion of nuclear families (Choate & Lindstrom, 2017, 2018; Lindstrom & Choate, 2016). Again, legislation is not typically helpful. Yet the courts will rely on the PCA believing it to offer expert knowledge to help with such decisions as termination of parental rights (TPR) (Choate, 2015).

The PCA is one mechanism to determine the viability of sustaining the family unit, although they may not be timely (Choate & Hudson, 2014), thus impacting family preservation efforts. Often the child will end up staying in care during the assessment process creating concerns that the child is attaching to the alternative caregivers as opposed to the mother or guardian to be assessed. (*Director v. L.D.S and C.C.C.*, 2018).

Choate (2009) indicates the assessor is meant to hold a neutral position but their recommendations sway a great deal of power. Courts are prone to follow them (Ben-David, 2015; Choate, 2015; Choate & Hudson, 2014). The assessment represents an understanding of the parent(s) at the time undertaken but is meant to provide some sense of future direction whether through sustaining or enhancing the present capacity or as a result of identified interventions. However, an issue then (as now) is that understanding what standard is to be used for the purpose of assessment lacks clarity and may not be reliable across cultures, community or professional standards. There are no actuarial tools for PCAs at this time. Despite the concerns of predictive analytics noted above, tools being developed may be moving into the territory of determining what is acceptable (Eubanks, 2017).

The notion of parenting assessment, in general, is that there is a minimal acceptable level of parenting, although there is a paucity of research defining what that is (Choate, 2009, p. 53; Choate and Engstrom, 2014). There has to be some standard against which an assessment is operating, otherwise what is an assessment telling the reader? Choate (2009) represents the

beginning of the struggle for me to find a mechanism bringing some sort of overarching understanding to the constructs being used for judgment of parenting skills.

Several authors (Budd, Clark & Connell, 2011; Michigan Infant Mental Health, 2016; Pezzot-Pearce & Pearce, 2004; Scaife, 2013;) have and continue to propose forensic approaches to the PCA such as laid out in Choate (2009). Calder (2017) raises concerns about the challenge of accurate prediction of future risk while offering a framework that is similar to Choate (2009) with both authors perceiving a gap between theory and practice:

- The illusion of scientific validity to a process that is largely clinical;
- Concerns with the standards against which a family is judged; and
- Applicability of psychometrics to all families within the child welfare including concerns with language and culture.

Pointing to a large body of clinical research, Choate (2009) suggests the PCA can be used with Eurocentric populations if done in accordance with generally accepted guidelines. Thus, in response to the first proposition, there appear to be situations and populations for which the PCA can offer guidance to child welfare.

Then, as now, I have been unable to find outcome research showing PCAs, when followed correctly, assessed the problems faced by the parents, and a pathway to change that served the family and/or the best interests of the child. A major challenge for both assessment and outcome research involves the myriad of constant change in social circumstances, new partners, partners leaving; family or community supports coming and going; changes to physical or mental health. This is why a PCA is merely a snapshot in time, although hopefully, if done

well, a reasonable snapshot (Choate, 2009). However, we are then faced with the question of generalized applicability.

## **Chapter 8 - Proposition 2: The PCA may not fulfill assessment objectives across all clinical situations**

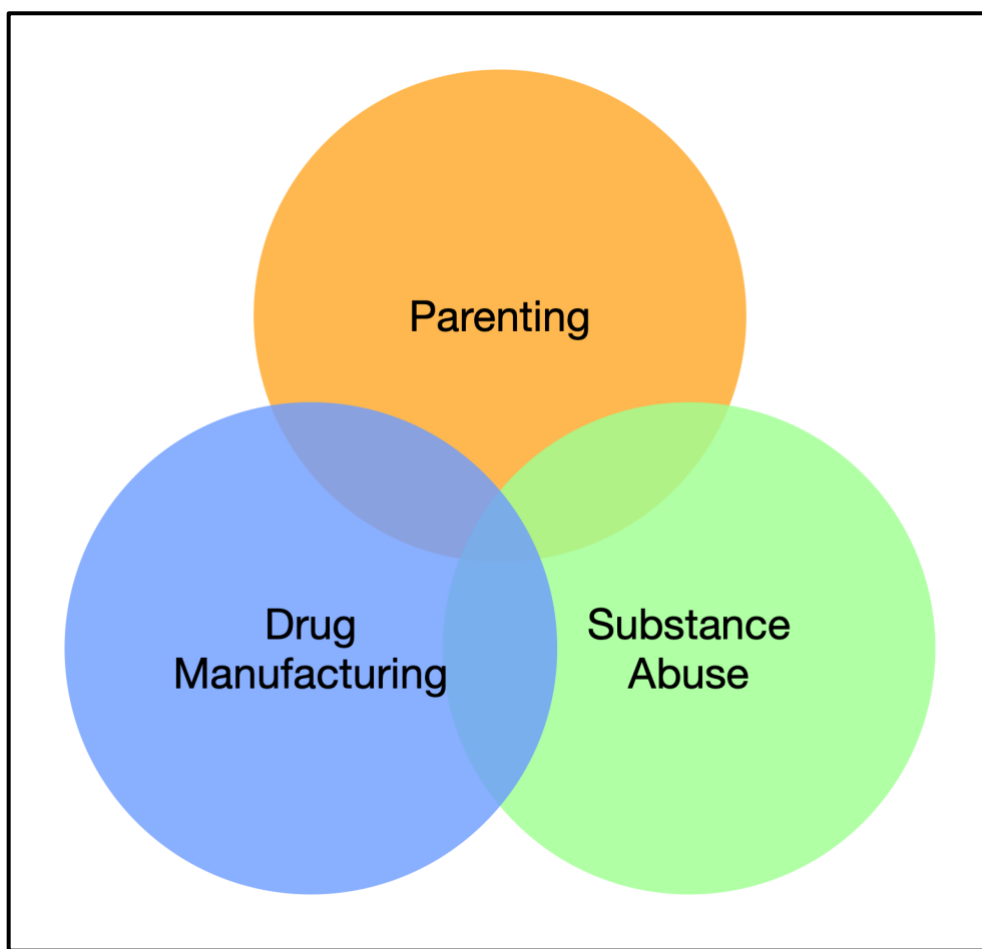
A question that began to emerge from the prior work (Choate, 2009) and the clinical application of the methodology described in that article was how to apply the approach to populations it did not seem to fit. My clinical work with Indigenous, disabled, immigrant and refugee populations increasingly raised questions about the accuracy and applicability of the PCA across populations. The PCA is an influential document in court (Ben-David, 2015; Choate, 2015; Curtis, 2009) and should thus be able to assist the court in its determinations. In Choate, Harland and McKenzie (2012), reflecting the presence of both substance abuse and drug manufacturing cases being seen clinically, the authors felt the standard assessment approach was not answering assessment needs.

Substance abuse issues are thought to represent one of the most common areas of concern in child welfare placing children at significant risk for poor outcomes (Choate & Engstrom, 2014; Solis, et al., 2012). Assessment, however, is meant to step away from such generalizations to specific circumstances of the case (Choate, 2009).

Drug manufacturing assessments are fraught with difficulty. Choate, Harland and McKenzie (2012) felt there was an assumption drug manufacturing and substance abuse are mutually inclusive, but the authors' clinical work questioned that. A further assumption was criminal activity, such as drug manufacturing, is of necessity a risk to a child. Choate, Harland and McKenzie (2012) sought to integrate traditional PCA approaches, along with specific areas



that might arise from drug manufacturing. This is an example of the necessity of considering the primary and specific issues cases present, rather than utilizing generic approaches. As figure 10 shows, we were not of the view each domain was unique or distinct but very interactional. The discreet areas did not operate independently but intersected in ways that influenced each area (see Figure 10).



*Figure 10 - Major areas of inquiry in drug manufacturing cases*

PCAs involving drug manufacturing and trafficking begin in the criminal justice process but quickly intersect with child welfare when children are involved. The two systems operate in

parallel but not in tandem. Alberta became so concerned about the possible harm to children in these cases that it passed the *Drug Endangered Children's Act (DECA)* in 2006 (Alberta, 2006,2013).

*DECA* takes a broad approach about what constitutes potential harm, including exposing the child to the risks of contact with the drugs, or to the manufacturing, and the chemicals that would be used, the trafficking or other activities.

Choate, Harland and McKenzie (2012) proposed drug manufacturing and/or criminal activity were not necessarily mutually inclusive. We noted drug manufacturing may occur away from the family home and involved parents who were not drug users. This challenged a priori assumption of risk. It was our view assessment required asking, were the parents able to construct a lifestyle where the safety and needs of the child were looked after or were they neglected? This will become an area of expanding interest as Canada moves to the legalization of marijuana use along with small amounts of personal cultivation and larger scale commercial manufacturing. Scott and Gustavsson (2016) describe the potential for significant change in how child welfare interventions need to address drug usage in the family context. Reid (2012), working with Association of Canadian Police Chiefs determined that harm was not a necessary outcome and there was a need for a continuum of responses that may include alternatives to increased punitive approaches and more support, change and therapeutic approaches which may or may not involve removing children.

When criminal charges are involved, in order to sustain the children within the family system, one parent may take full responsibility for the manufacturing while leaving the other parent absolved of any involvement. This leads to criminal charges being withdrawn against one parent. The parents then take the position there remains a caring, connected adult to raise the

children. Choate, Harland and McKenzie (2012) argued that should be considered. The remaining parent may need to be considered on their own merits including questions about the capacity of that parent to manage in the absence of the incarcerated parent. This is where extended and kinship systems may act in supportive roles.

The criminal system can take much longer to get matters to trial (depending upon the jurisdiction) meaning child welfare decisions need to be taken long before the criminal matter is resolved. Defense counsel typically tell clients to avoid providing information to child welfare or those involved at the request of child welfare, such as assessors. Some legislation, such as the *Child Youth and Family Enhancement Act* (Alberta, 2000/2017) set time limits for child welfare to determine permanency for a child. These are much shorter than is typical in the criminal trial process. PCAs are then done with criminal charges pending but not decided which the assessor must consider, while not treating the criminal matter as a de facto element of parental incapacity (Choate, Harland & McKenzie, 2012). Assessors make recommendations with criminal matters pending which can influence the child welfare decision making, particularly given that the child welfare burden of proof is lower than the criminal matter. Thus, acquittal in the latter may still see child welfare hold the alleged crime as negatively influencing parenting (Bala & Kehoe, 2017).

Given the limitations to psychometrics noted in Choate (2009), we suggested there are no psychometric approaches that assist in assessing drug manufacturing cases, although there may be some that assist in looking at the presence or absence of substance abuse within the parenting environment. Choate, Harland and McKenzie (2012) could not find research that identified a causative relationship between drug manufacturing and quality of parenting (Reid, 2012).

Inherently, we argued that a parent, even one engaged in criminal activity, could act in a way where the essential needs of the child are managed. Illegal activity would not, in and of itself, be the criteria a parent was not good enough. Intuitively, many parents engage in a variety of criminal activity which does not take away agency to care for children. Rather, we suggested, it was the interaction between parenting and risk management in respect of the child that needed consideration. If risk to the child was not managed (which might be done by circumstance or intentionally), then an argument could be mounted the best interests of the child were not being honored by the parents, dropping them below good enough. The contrary position would be the parents were aware of the risks and managing to ensure the safety of the child. Choate, Harland and McKenzie (2012) suggest assessors doing the PCA need to balance exposure to or protection from risks, that are part of drug manufacturing. While there appears to be no specific research literature, Choate, Harland and McKenzie were aware in the preparation of the 2012 article they had seen several clinical cases where drug manufacturing was directly linked to human trafficking. In these cases, individuals had been trafficked into Canada and were beholden to their traffickers. This led to requirements to manage marijuana grow operations, for example. The parents in these cases did not use the drugs.

A related area of concern is Fetal Alcohol Spectrum Disorder (FASD) which is linked to parental alcohol use during pregnancy. The true prevalence of FASD is unknown. Recent research indicates prevalence may be much higher than previously thought (May, Chambers, Kalberg et al., 2018; Popova et al., 2018). In a study of youth in child welfare care in Manitoba, Canada, Fuchs, et al., (2005, 2007) estimated that 17% had a diagnosis or were suspected to have FASD. This means that FASD is not a rare disorder (Lange, Rehm & Popova, 2018) but rather

one that occurs in the population with some frequency. The data from Fuchs et al., (2007, 2005) suggests that child welfare sees cases that are more significant and challenging to manage.

In a presentation to an international FASD conference, Choate (2017) notes people diagnosed with FASD are heavily stigmatized due to brain and functional disabilities. Thus, they are presumed incapable of parenting (Choate, 2013; Choate & Badry, 2019). A challenge to that view is necessary if a form of a PCA might be conducted effectively. Choate (2013) raised different options for an assessment conclusion – can the parent be good enough to care for the child with supports or can the parent be involved in the life of the child when in kinship or other forms of care? Choate and Badry (2019) argue the view of a person with FASD, including in the role of parent, must step away from the stigmatized presumption of incapacity.

There is a dearth of data on how to assess a parent with a disability. Feldman and Aunos (2010) have created a functional assessment approach for parents with intellectual disabilities. In this approach, attention is paid to how the parent may function in a variety of interactions with children; their ability to perceive and attend to the needs of the child and to do so either on their own or through a system of supports. Such an approach steps significantly away from a traditional PCA by looking at ability and capacity performance within a support system rather than through traditional clinical assessment as outlined by Choate (2009). In other words, there is a greater emphasis on direct observation, including with supports, over a variety of parenting circumstances.

Aunos and Feldman (2007) essentially ask the question of how parents operate when faced with the functional demands of the role and in the context in which parenting occurs. They also step away from stigmatized perceptions of intellectual disability with a lens suggesting some

may be able to parent on their own, some may need supports, some may be able to have a relationship with their child without parental obligation and some may not be able to sustain contact (Feldman and Aunos, 2010). This builds upon the earlier work of Booth and Booth (1994) which showed parenting capacity can and does exist even when parents struggle with intellectual disabilities.

FASD and intellectual disability are not the same thing, although FASD often co-exists with intellectual disability (May & Gossage, 2001; Spohr, Willms and Steinhausen, 2007; Tarlton (2013). Feldman and Aunos (2010) support the notion disability, per se, is not necessarily a barrier to parenting (Choate, 2013, 2017). An example of this view was seen in a workshop the author was moderating in April 2018 at the 8th International Conference on Adolescents and Adults with FASD, in Vancouver, B.C. The focus of that workshop was allowing parents diagnosed with FASD to explore how they are involved in parenting and raising their children.

FASD should be seen as a specialized area of practice that does not lend itself to generic assessment approaches. Choate (2013) suggests, "...there is a real need for 'moral courage' to create an environment in which assessments are done from a depth of understanding that takes into consideration the diagnosis, the functional capacity of the parent, the needs of the child and the profound environmental issues arising from poverty, the history of oppression and its effects" (p. 89).

So then, upon what basis are we to determine a parent should be allowed in the life of their child, as either a caregiver or a significant figure? Choate (2013) and Choate and Engstrom (2014) struggled with this question. They found the term 'good enough' was used in the

professional literature, but perhaps even more importantly, in court decisions as the basis for determining the outcome for the child and the family. The concept has appeal. It accepts perfection is not attainable and the human reality of interactions between people (parents and children) will have challenges.

There is no definitive way to determine “good enough”. It remains a clinical judgment (Choate & Engstrom, 2014). There are many cultural roots to how a child is raised that are normative to one culture and not another (Breland-Nobel, 2014; Chan, et al., 2010; Choate & Engstrom, 2014; Selin, 2014). Choate and Engstrom (2014) raised warning flags about PCA noting the fertile ground for error when attempting to predict future parental behavior. As noted above, such predictions are fraught with concerns and may well be biased.

Choate and Engstrom (2014) raise cautions about the universality of PCAs. They worry about ethnocentric and oppressive views of what constitutes good enough. What is the lens through which assessors view the behaviours of a parent? A failure to understand the dominant cultural view an assessor may be working with, impacts awareness of filters whereas being overly aware can create reverse bias of cultural preference that is equally ill informed (p. 376).

This perspective is reinforced by Calder (2017) noting systems and process challenges can adjust the focus of the assessor “from the client and their potential outcomes to the system and the desired outcomes” (p.292). Referring to Australian Aborigine peoples, Ralph (2011) raised caution about applying PCAs within the wide variation of Aboriginal child rearing practices. Neckoway (2011) documented how parenting in First Nations can look quite different from the dominant culture while still being effective.

Taking the view from the legal system, Choate and Hudson (2014) cautioned PCAs should be done, not as a matter of course, but rather as a matter of relevance and necessity. Courts tend to defer to the authority and expertise of the assessor (Ben-David, 2015; Choate, 2015). They do so in Canada relying upon the Mohan test (*R. v Mohan*, 1994) which set out specific criteria to determine if a witness can be qualified as an expert. These include the court determining the evidence is necessary for the matter at hand to be decided; that it is relevant to the question before the court and the evidence is reliable. It is the latter which is distinctly of concern to the role of PCA. Reliability requires that the evidence has been adduced such that, “The trial judge should consider the opinion of the expert and whether the expert is merely expressing a personal opinion or whether the behavioural profile which the expert is putting forward is in common use as a reliable indicator of membership in a distinctive group” (*R. v Mohan*, 1994, part 2).

This brings to the fore the idea that the PCA must not only be culturally appropriate but also for use when child welfare and / or the court is not in a position to advance the data needed to make a disposition for the care of the child. Choate and Hudson (2014) flag the previously noted concern that assessment is not science but clinical judgment (Curtis, 2009). This falls very much into the second proposition where the validity of the process across situations and needs is questioned. Two questions are suggested which Choate and Hudson (2014) feel should be put to any assessor. The first is whether the clinical approach used falls within current best practice. The second is whether the assessor has an expert handle of current research. This would include Indigenous world view (Sinclair, 2003).

The latter question is particularly critical for this thesis given the hypothesis PCA methodology with Indigenous peoples is not rooted in culturally relevant science. Thus, even if



the processes outlined in Budd, Clark and Connell (2011), Calder, (2017), Choate, (2009), and Pezzot-Pearce and Pearce, (2004), are followed, there is a lack of norming in Indigenous knowledge, culture and practices. I have been unable to find any studies validating the PCA within an Indigenous culture in Canada.

In accordance with Mohan test (*R v Mohan*, 1994) the PCA needs to be relevant to the questions at hand before the court and/or child welfare and is needed for the decision makers (the test of necessity) (Choate & Hudson, 2014). PCAs will tend to delay decision making until the assessment is completed. Delays add to foster care drift and work against achieving stability for the child or increases the challenges of reintegration to family later on.

Choate and Hudson (2014) argue that a PCA should not be used as a tool to outsource the obligations of the child welfare social worker nor should they be used as fishing expeditions to try and bolster the case at trial (p. 35). Choate and Hudson (2014) add courts need to be careful to not see a PCA as science. In a case that involved an Ontario First Nation (*The Children's Aid Society of Hamilton v E.P., D.T., L.M., Six Nations of the Grand River*, 2013), Choate and Hudson (2014) report the court needing to be “mindful that a PCA is not a scientific inquiry; it will often be based on hearsay evidence; and can have a disproportionate effect on the final result” (Paragraph 40). The court went substantially further in limiting the PCA in that case following reasoning similar to Choate and Hudson (2014).

A PCA is done from a neutral professional position, although it is typically contracted by child welfare either at their own initiative or at the request of the courts (Choate & Hudson, 2014). Who bears the burden of the PCA recommendations? The assessor ultimately defends the report and recommendations which, if they are followed by child welfare, puts child welfare and the assessor in an alliance position. As noted earlier, courts tend to rely on the recommendations

(Ben-David, 2015). This weight becomes crucial when TPR is recommended or some other form of care that does not involve the parents. The Alberta courts place the onus on child welfare, and by default, also on the PCA assessor to show that the parent is not good enough (Choate, 2015). In the case of *RW v Alberta* (2011), the court showed that parents do not have to show they are the best, or even better than the alternative as long as they are adequate.

This line of thinking has recently been affirmed by the Nova Scotia Supreme Court (Family Division) in *Nova Scotia (Minister of Community Services) v S.C.* (2017) when noting parents cannot be blamed for social ills they find themselves in, stating “The parents cannot be faulted for their inability to afford homes in better neighbourhoods” (Para 82). The Court considered a variety of social issues from this same contextual view including the nature of the parental relationship (instability is not a reason for child welfare involvement in and of itself) nor is the presence of mental health. These are issues often in question in Indigenous cases.

Thus, proposition 2 is confirmed that the PCA cannot fulfill the assessment needs across many cases where specialized situations dictate a different approach or where the constructs underlying the PCA, such as cultural determinants, would not be valid. The next question is whether the PCA valid for Indigenous peoples. This will be explored in the next chapter.

## Chapter 9 - Proposition 3: The PCA is not valid and applicable to Indigenous Canadian populations

Having established the nature of what a PCA is, along with raising questions about the use and utility of them across a variety of situations and contexts, the question arises about the validity with the Indigenous peoples of Canada. Across Canada, Indigenous children are over-represented in the child welfare systems as seen in Figure 11.

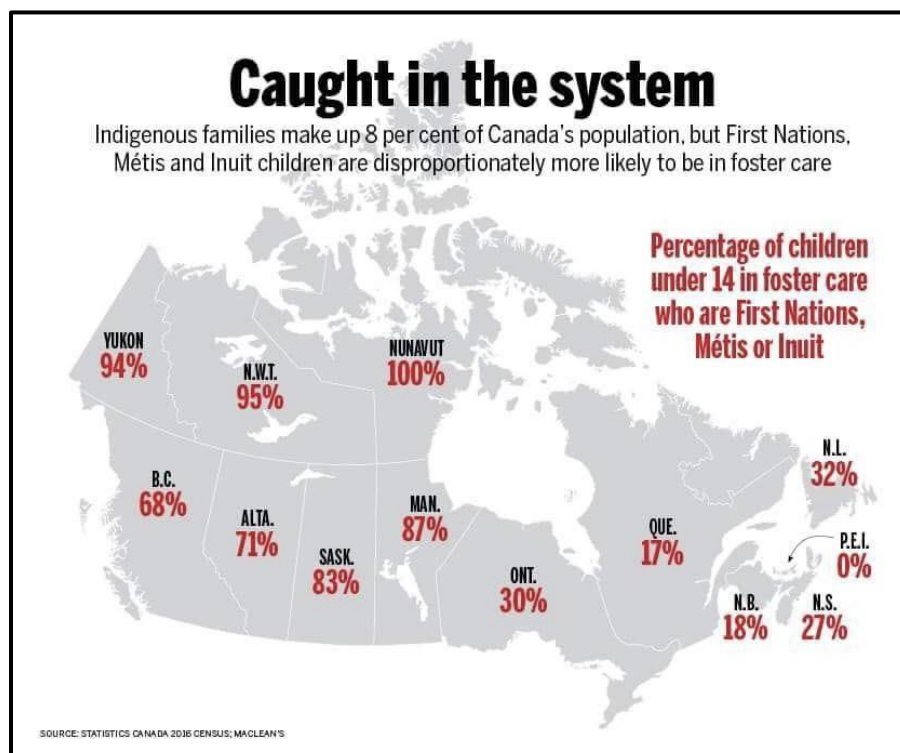


Figure 11 - Map showing the over representation of Indigenous children in child intervention by province and territory. Note the particular significance in western and northern Canada.

Source: Statistics Canada / Macleans

<https://www.macleans.ca/first-nations-fighting-foster-care/>

Indigenous children and families are the “main consumer” of child welfare. In 2015, Aboriginal children represented 4.3% of the national population in Canada and 48% of the children in the care of CI across the country. In Manitoba, the percentage of Aboriginal children in care is the highest at 90 per cent (Aboriginal Children in Care Working Group, 2015). Are the methods used relevant, valid and applicable to that population? It is vital to note Indigenous communities and cultures are not homogeneous. Quite the opposite is true (Lindstrom & Choate, 2016, see also Figures 1 and 2 above). Thus, there is not a pan-Indigenous solution, and, by inference, there cannot be a pan-Indigenous approach to the PCA. Each individual must be seen within the context of their culture (Restoule, 1997).

Exploring the issue of methodological relevance and validity to Indigenous peoples, considered whether the major psychometric tools being used in PCAs were valid for Indigenous parents. The answer was clearly ‘no’ due to problems with norming. Norming is an important part of the process in determining applicability of a psychometric to a specific population. Psychometrics should assess what they purport to assess and be relevant to the population upon which they are being administered.

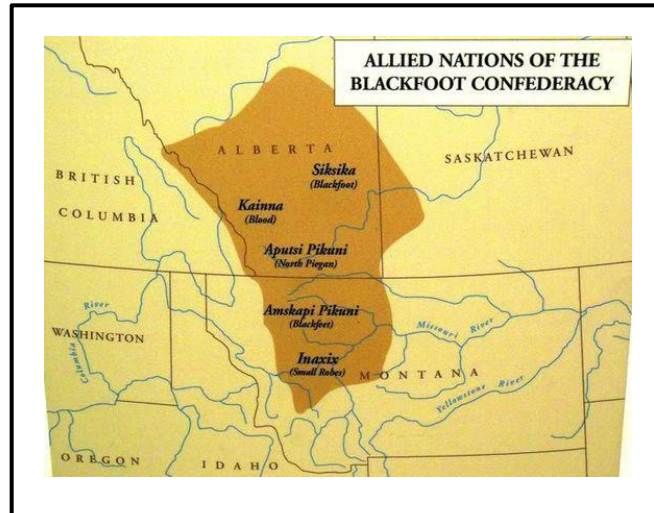
Choate and McKenzie (2015) reviewed the norming of the most common psychometrics used in PCAs. All failed to meet norming requirements for reliability for assessment of Indigenous peoples, although they may well be appropriate for other populations. Choate and McKenzie (2015) urged caution if psychometrics are used with Indigenous parents, bearing in mind the commentary of Drew, Adams and Walker (2010) that assessment is a socially and culturally mediated process.

When a methodology does not reflect the population being assessed, then it goes on to reflect the power dynamic that exists, in this case, between the settler population and the

Indigenous peoples. Choate and McKenzie (2015) express larger concerns about the overall validity of the PCA process in application to Indigenous peoples. Choate and McKenzie (2015) concluded the Mohan test (*R. v Mohan*, 1999) noted above could not be met due to deficiencies in norming.

In a criminal matter, (*R v Ewart*, 2018) the Supreme Court of Canada determined the use of methodology not found valid for Indigenous peoples should not be used until and unless research can determine validity. This has applicability to child welfare cases. The Psychology Association of Canada (Task Force, 2018) has stated the use of psychometrics with Indigenous people has been prejudicial and should only be used with significant caution.

With the concerns about applicability to Indigenous people Lindstrom and Choate (2016), undertook an expert consultation over a two-year period with six traditional Elders from the Blackfoot Confederacy in southern Alberta (see Figure 12). The conversations resulted in an analysis of the failure of PCAs to understand the meaning of family, connection, caring, culture and community in the raising of children in this collection of First Nations (Lindstrom & Choate, 2016). This work clarified the language and approach of PCAs was distant from the ways in which Indigenous peoples think about the place of children in their societies and how children, gifts from the Creator, are to be cared for. The Elders made it clear they could not speak for all Indigenous peoples due to the heterogeneity of the cultures across Canada.



*Figure 12- Traditional Lands of the Blackfoot Peoples (Source: Unknown)  
 The Blackfoot Confederacy, sometimes referred to as the Blackfoot Nation or Siksikaitstapi is comprised of three Indigenous nations, the Kainai, Piikani and Siksika. People of the Blackfoot Nation refer to themselves as Niitsitapi, meaning “the real people”, a generic term for all Indigenous people or Siksikaitstapi <https://www.thecanadianencyclopedia.ca/en/article/blackfoot-nation/>*

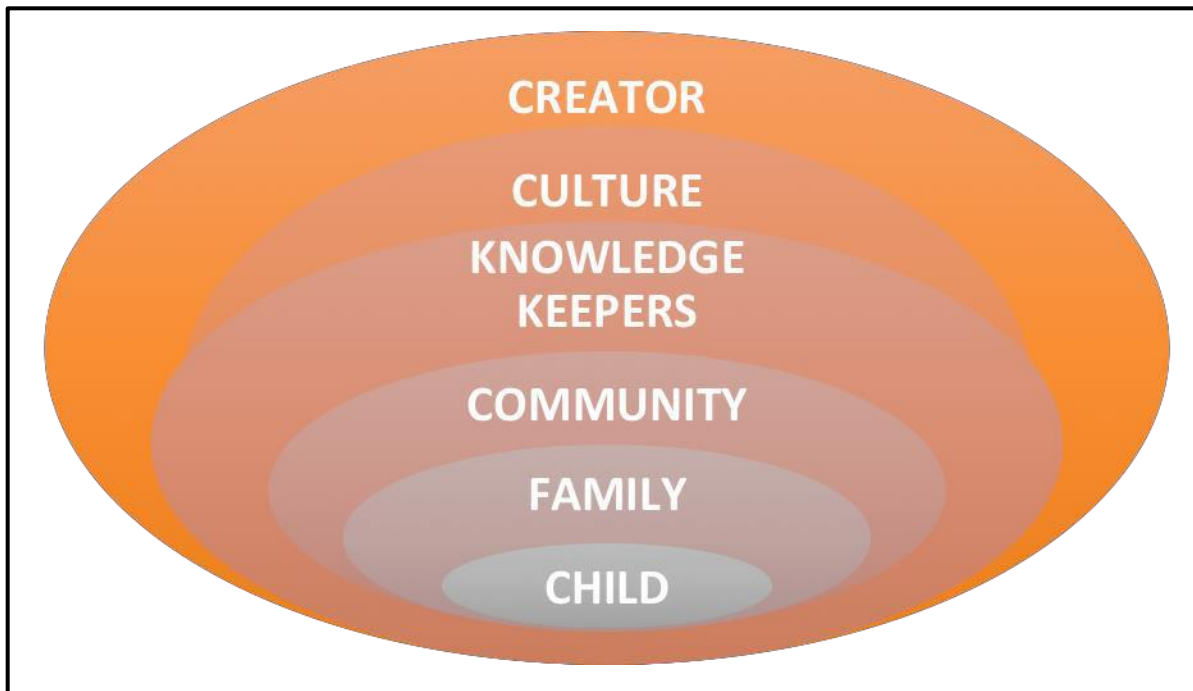
The Elders stated that family is not a term that necessarily means biological connections but may include many people who have roles in raising a child. These people may be called aunts and uncles but do not have a direct biological link. Nonetheless, they are seen as members of the caretaking circle for a child. There are multiple roles throughout the communal system that Western worldviews would see as belonging to biological family systems or those brought together through legal means such as blended families. The Elders countered the Western view is not their way and does not reflect their worldview.

Such an interpretation is seen in other work such as that from Ormiston and Green (2015) who also spoke about the broader nature of family in Canadian Indigenous cultures. Rae (2011) drew a similar line of reasoning for Inuit child welfare assessments. Rae’s description has similarities and differences to the Blackfoot narrative in Lindstrom and Choate, (2016). Rae

(2011) notes that Inuit children, for example, maintain ties to biological parents while being raised in other family units (p.2).

A literature review conducted as part of the *Nistawatsiman* project identified not only that there is a gap between Eurocentric understanding of family and parenting, but also there is a vibrant “grey” literature on parenting within Indigenous communities, practitioners and healers (Lindstrom, et al., 2016). This review showed significant differences typically exist between Indigenous practices for raising a child and those of other cultures. Herein lies an essential argument. Family is defined by the culture (in this case, Indigenous cultures) which must then be captured in the definition of family, parenting, good enough and capacity to raise a child. If the standards are not culturally relevant, then neither can the methodology, measurement or assessment of the PCA (Choate & Lindstrom, 2018; 2017; Lindstrom & Choate, 2016).

Lindstrom and Choate (2016) argued that, a PCA would need to assess many people in the caretaking circle which the *Nistawatsiman* project outlined (Lindstrom, et al., 2016). Roles would vary from circle to circle; community to community; clan to clan; nation to nation. There would not be a common way to assess Indigenous families in the ways that the dominant society would think. Each assessment would need to take into consideration the interconnected world view of the Aboriginal nation or community. Lindstrom and Choate (2016) explored this with the Elders who drew out the connections as seen in Figure 13, again noting that others may have a different way to present the inter-connectedness. They also emphasized that solutions should come from within the caregiving circle and not be formed by outside cultural approaches such as Family Group Conferencing (FGC) (Knoke, 2009) or Signs of Safety (SOS) (Turnell, 2012), although they acknowledged that others may well feel differently.



*Figure 13 - Interconnected Domains for Developing the Child in Blackfoot Culture - Lindstrom & Choate, 2016*

Choate and Lindstrom (2018) build upon this framework by addressing the ways in which connection represents the linkages for a child throughout an Indigenous community. The collective notion of raising a child means the caretaking role does not belong exclusively to the parents. The dyadic versions of attachment theory (Bowlby 1969;1997; George, 2017), so prominent in the PCA literature, do not hold for Indigenous peoples. The focus should be upon connections. They do not see the notion of dyadic parent child relationships as primary bringing into question the validity of a Eurocentric expression of attachment theory for Indigenous family systems (Carrier & Richardson, 2009; Neckoway, 2011; Neckoway, Brownlee & Castellan, 2007; Neckoway, Brownlee, Jourdain & Miller, 2003 ). Keller (2013) raises concerns about the underlying assumptions of attachment theory that are not included in the PCA methodological literature:



These assumptions characterize the psychology of parent-child relationships in Western middle-class families, which compose less than 5% of the world's population (Keller 2007). There are, however, accounts of substantial differences of socialization goals, caretaking strategies, and parent-child behavioral relationships across cultural communities... (p.179)

Granqvist et al., (2017) report that attachment theory has been misapplied to child welfare matters. For example, they state disorganized attachment often appears with maltreatment in infants but “it does not necessarily indicate maltreatment” (p. 535). They go on to say, “misapplications are likely to selectively harm already underprivileged families” and “may violate children's and families' human rights and represent discriminatory practice against minorities in need of social and material support” (p. 536).

Applications of attachment theory that build heavily upon dyadic relationships (particularly mother – child) are contrary to the Aboriginal worldview (Choate, Kohler et al., 2018; Choate & Lindstrom 2017, 2018; Davis, Dionne & Fortin, 2014). PCAs reliant upon attachment could be seen as invalid and again would not meet the Mohan test (*R. v Mohan*, 1999). Yet, attachment theory remains a central focus of courts in Canada as noted above (*Racine v Woods*, 1983). The work of Choate and Lindstrom (2017, 2018), Lindstrom et al., (2016), and Lindstrom and Choate, (2016) challenge that precedent, although further efforts are required in the court system (Choate, 2018).

Assimilation efforts have created social contexts that are much more complex in Indigenous communities compared with other Canadian populations and communities (Bennett, Blackstock and De La Ronde, 2005). Choate and Lindstrom, (2017, 2018) and Lindstrom and Choate (2016) take the position that, to be valid, these intersectional complexities arising from assimilation must be contextualized in PCAs as must resilience and survival (Lindstrom &

Choate, 2016). As seen in Figure 14, there are a multitude of factors that intersect with parenting that an assessor must contextualize in understanding an Indigenous context.

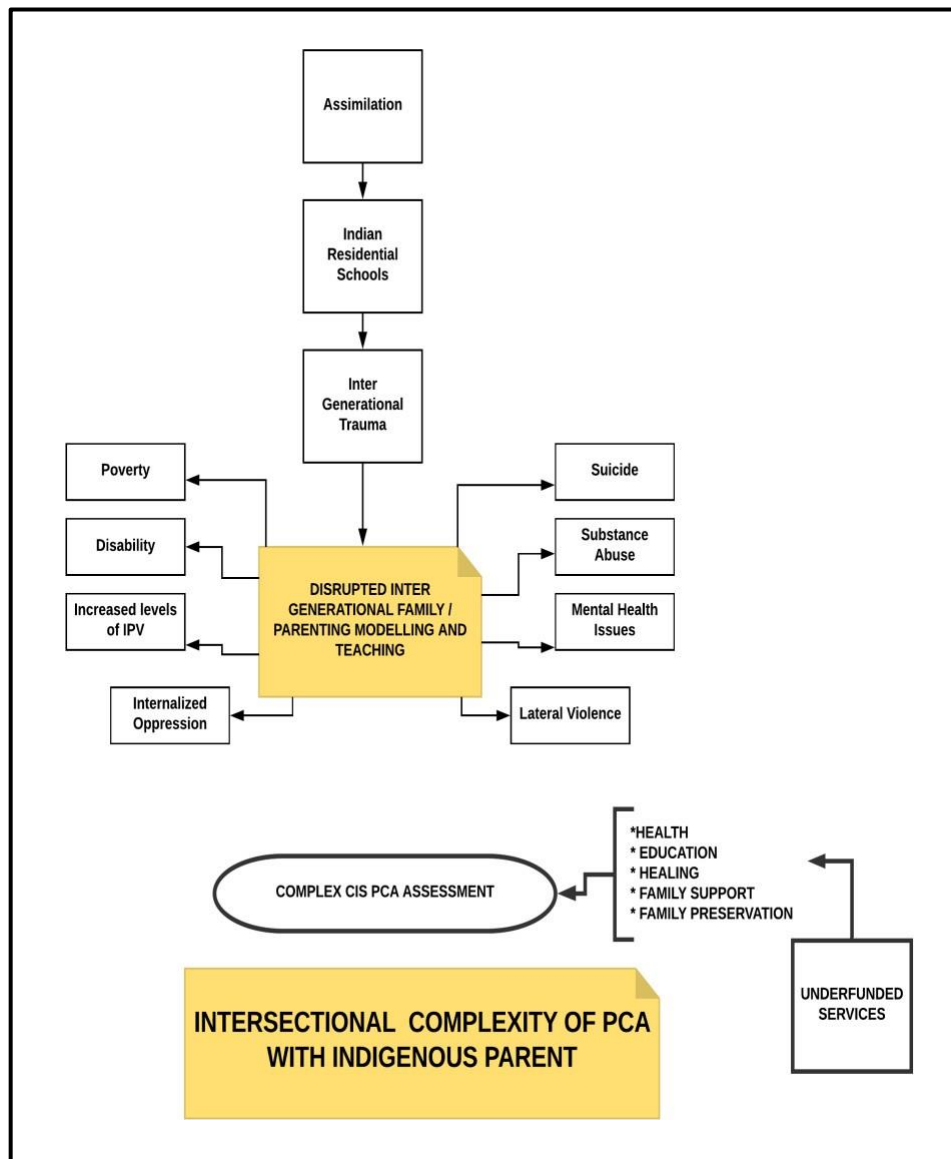


Figure 14 - Intersectional Complexity of PCA Elements to be contextualized in assessment

(Adapted from Lindstrom & Choate, 2016)

Choate and Lindstrom (2017) question definitions common to legislation, practice frameworks, social work assessment methodology and case planning as being rooted in

Eurocentric understandings that are imposed upon the Aboriginal parent. Lindstrom and Choate (2017) bring together a framework linking Colonial practices with current approaches to child welfare in Canada. As seen in Figure 14, PCAs as assessment, remain linked to the history of assimilation. (Choate & Lindstrom, 2017, 2018; LaBoucane-Benson, et al., 2017).

This begins to reflect an understanding of how social work education must shift to create room for Indigenous ways of knowing and voice so that reflective practice allows workers to create space for these different world views (Choate & Lindstrom, 2017; 2018; Young & Zubrzycki, 2011). Grey, et al., (2013) challenge social work as does the TRC (2015a) and Lindstrom and Choate (2016) to do social work and its applicable methodology differently.

This requires an understanding of the many different ways a child can be raised but it also demands social work advocate for the decolonization of its practices while supporting Indigenous communities to seek solutions within rather than from the Colonial powers (Gray, et al., 2013, p. 323).

The PCA likely can be used with populations that align with Eurocentric, nuclear definitions of family. The challenge, as noted earlier, is that most families coming to child welfare's attention tend to be either from the socio-economic-political margins and/or belong to cultural groups that approach parenting and family from other perspectives. When the PCA is applied to these "other" populations, in particular Indigenous populations for the purpose of this thesis, they do harm arising from the inherent biases. Thus Proposition 3 is affirmed that the PCA should not be used with Indigenous peoples.

## Chapter 10 – Conclusions

As the analysis has shown, the PCA may have utility with certain populations who parent from a Eurocentric perspective. Populations that do not, will not only be ill served by such an assessment, but also be subject to bias. Given the stakes for a parent involved with child welfare, an invalid approach sets parents up for greater difficulty meeting the expectations for either keeping their children or having them back in their care. The analysis has also shown that factors related to historical trauma and assimilation efforts are not a part of the assessment process, further biasing the assessment of Indigenous parents.

Through this work, there is a call to change but the solution will not be found in mild adaptation of the PCA. The thesis shows that, based upon respect for Indigenous knowledge and the capacity for self-determination, the PCA is unlikely to serve the needs of either child welfare or Indigenous peoples. The PCA as outlined in this thesis should be stopped being used with populations for which it is not valid. It is unethical to use such a tool and would be a violation of professional standards of practice to continue to do so. Such use would also fail to meet the requirements of the Supreme Court of Canada's determination of valid expert evidence (*R. v Mohan*, 1994, 2 SCR 9).

To end this practice with Indigenous populations (and likely other populations that do not parent from a Eurocentric approach) creates a gap for child welfare. Thus, this leads to an urgent need to reconsider how the question of whether a parent can raise their own child is to be answered. There are limitations to this work, but also significant implications for practice.

## Chapter 11 – Limitations and Future Directions

The limitations of this work start with the Indigenous Elders consulted coming from three nations of the Canadian Blackfoot Confederacy (*Siksika, Piikani* and *Kainai*). There is not a pan-Indian or pan-Canadian solution to the problems with PCA and Indigenous peoples. Even this work only goes to the point of seeing what is wrong but does not offer a solution. Indigenous communities will need to find the solution that best fits them, although the strength of this work is that it shows the present approaches are not culturally appropriate. That opens the door for new thinking within child welfare.

If the present approach should not be used, then what? The answer, in a mode of reconciliation, belongs to the Indigenous peoples, not to this body of work nor to the systems sustaining and extending assimilation and colonization. This follows the work of Grande (2015) in which Indigenous knowledge and science has value and voice. It can replace Eurocentric approaches that are not valid. Using Grande's notion of the moral positioning (2015) the Eurocentric approach becomes untenable as its invalid use is immoral.

There is a long history in Canada of the dominant society saying they have the solutions, even if the Indigenous people achieve agreement with the dominant society on defining the problem. Decolonization requires an understanding that it is the Indigenous peoples of Canada who own both defining the question and the pathway to solution. This is a significant step and forms part of the thinking upon which the Minister's Child Intervention Panel (Alberta, 2018) recommendations have been built. Yet, even there, government is the legislative and policy holder.

The work identified in this thesis acted as part of the data set used by the Minister's Child Intervention Panel to formulate recommendations. Ultimately, however, the impact is to be measured by reductions in the real numbers of Indigenous children in care, as well the percentage of the total population of children in care.

Change needs to occur in legislation creating more inclusive definitions of family and how family can be preserved. The Minister's Child Intervention Panel in Alberta has begun that process but it is just one jurisdiction. There also remains the hurdle of shifting the types of legal precedents seen in *Racine v Woods* (1983) which has been cited over 500 times by courts following the direction to apply attachment theory over cultural considerations (Choate, Kohler et al., 2018). We must not only challenge the application of attachment theory, but also push for courts to see the ecological systems Indigenous people live within. In the court cases referred to earlier, but in particular *URM* (2018) we see the older interpretations of *Racine v Woods* (1983) still hold sway. Efforts are now underway to challenge the courts with evidence that belies the priority strength of attachment over culture and other ecological factors (Choate, 2018).

The overarching argument is present definitions, approaches to assessment, standards and protocols, methodology and legislation are rooted in colonial, Eurocentric understandings of family and parenting. The easy next step is to just write a different approach. That would be an extension of Colonialism as it tends towards a belief that the child welfare knows what is best. This body of work leads elsewhere.

1. Child welfare methodology for Indigenous peoples should be developed by them;
2. Courts should no longer be willing to accept as evidence, particularly expert evidence, data informed by Colonial perspectives; and

3. A new set of partnerships will need to be developed rooted in a belief that Indigenous communities can determine what is acceptable care for their children and share that knowledge in ways that sustain culture and connection while also preserving the well-being of their children.

This creates a very uncomfortable vacuum for the child intervention system. Stopping that which is no longer deemed valid does not lead easily to creating something that is valid. Managing in uncertainty tends to make child intervention workers more cautious (Choate, 2016a, 2016b; Jones, 2014).

Solution is in a willingness to build partnerships and acknowledge that the dominant culture does not have answers. There can be an argument for finding some middle ground as we move along the process. During the Minister's Child Intervention Panel hearings, Indigenous groups repeatedly indicated their patience for middle ground solutions was exhausted. They have heard these many times, without real progress.

Choate and Lindstrom (2017) note, the Canadian Human Rights Tribunal decisions and the application of Jordan's Principle require a bold step (Blackstock, 2012). Doing it the same way simply will continue the over representation of Indigenous children in the care of child welfare. Tinkering has been tried before as a result of a multitude of serious injury and death inquiries (Choate, 2016a). That has not resulted in a lessening of Indigenous children in care nor a shift in theory and practice. Politically, it is a choice point. Taking the risk of change comes with pitfalls, yet the existing practice is not improving outcomes. Young and Zubrzycki (2011) make clear, Canada is not alone in trying to address these ongoing colonial impacts, but Choate and Lindstrom, (2017, 2018) lay out the need for Canadian solutions. If we do not change the methodology, then assimilation and structural racism continue.

Brown (2017) illustrates the challenges of change. She adroitly lays out the narrowness of how courts approach definitions such as who is or is not Indigenous based upon a principled interpretation of laws. Vowel (2016) outlines that Canada is often bound by legal definitions of who is or is not “Indian” which do not link to Indigenous identity which is the root of the being, the family and the community. She adds the present structures do not offer a level playing field between Indigenous and other Canadians. She equally reminds us the SCC in *Tsilhqot’in* Nation British Columbia (2014) said translating pre-contact Indigenous practices into the modern day cannot be done by “shoving everything into a common law box. Aboriginal perspectives must inform the translation process” (Vowel, p. 124)

Future work will need to tackle how to manage assessing parents for what is essentially a legal based system, child welfare, rooted in jurisdictional legislation alongside the cultural, historical and socio-economic realities of a colonized population. Choate and Lindstrom (2017, 2018) make it clear we do not know how to do that, but in partnership with Indigenous peoples that is possible (NAC, 2018).

Future research is faced with at least three core questions:

1. Is the construct of a PCA appropriate for use in Indigenous societies?
2. If the PCA is invalid for the collectivistic Indigenous societies, is it also invalid for other collectivistic groups and cultures that do not parent from a Eurocentric perspective?
3. Are there other colonial artifacts within the child welfare system that also need to be challenged?



Indigenous populations are not the only ones affected by racially based child welfare policies (Ojo, 2016). This work should be extended to challenge assessment practices across child welfare systems relative to populations being served. This work also raises concerns with how risk is defined which impacts the PCA. The connection between the PCA and predictive analytics presents a possible worrying trend that has not been explored with Indigenous peoples in Canada. This will be an important area for future work.

Essential to the Minister's Child Intervention Panel recommendations (Alberta, 2018) is a belief for Indigenous peoples, this work must be developed with Indigenous academics and practitioners leading the work, as opposed to the prior Colonial approaches. These latter approaches used consultation, trials of methods and research "on" Indigenous peoples as the approach to introduce change. The Minister's Child Intervention Panel (Alberta, 2018) states this is no longer acceptable (see also Choate & Lindstrom, 2017; 2018).

This thesis joins other voices (CHRT, 2018, 2016; RCAP, 1996; TRC, 2015a, 2015b; UNDRIP, 2008) in saying child welfare can be defined, managed or even legislated by Indigenous peoples. It should no longer be done by colonially structured child welfare systems. The work outlined in this thesis acts as a voice for change joining the many others noted throughout this thesis. The result of this critique is a practice gap which the dominant society is going to have to allow to be while Indigenous peoples use their ways to determine if the gap needs filling and, if so, by what.

Where I go from here is the challenging of colonial definitions but also the teaching of social work. The courts must be addressed as the ultimate expression of society's power and its continuing hold on the use of Eurocentric definitions. So too must social work education. It is not

enough to speak of Indigenizing, but rather it must find ways to present the voice of Indigenous knowledge, science and methods (St-Denis, Choate & Maclaurin, 2018).

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**ASSESSMENT OF PARENTAL CAPACITY FOR CHILD PROTECTION:  
METHODOLOGICAL, CULTURAL AND ETHICAL CONSIDERATIONS IN  
RESPECT OF INDIGENOUS PEOPLES**

Publications for the PhD

Choate 2009	Tab 1
Choate, Harland and McKenzie 2012	Tab 2
Choate 2013	Tab 3
Choate and Engstrom 2014	Tab 4
Choate and Hudson 2014	Tab 5
Choate 2015	Tab 6
Choate and McKenzie 2015	Tab 7
Lindstrom and Choate 2016	Tab 8
Choate and Lindstrom 2017	Tab 9
Choate and Lindstrom 2018	Tab 10