

USING RESEARCH TO HELP CREATE AN INDIGENOUS YOUTH PROTECTION GOVERNANCE MODEL IN UASHAT MAK MANI-UTENAM

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THE ENCOUNTER

In 2006, after having worked five years as Director of professional services - Social for the Cree Board of Health and Social Services of James Bay, Christiane Guay decides to go back to school for doctoral studies in applied social sciences at UQO.

After making contact with the coordinator of Uauitshitun Social Services, Uashat mak Mani-Utenam Health and Social Services Centre, Christiane begins her field research in the summer of 2009. During this trip, she meets Nadine Vollant for the first time. Nadine, who has been working in the field of youth protection since 1995, has recently become clinical supervisor for Uauitshitun. For both women, it is clear that they wanted to collaborate since this first discussion.

The connection naturally happened. I felt Christiane had sensitivity, a commitment to the cause, and was able to listen. A willingness to learn to listen and understand. I could feel that with her. During my story, I was quite generous because of this trust inspired by Christiane. I shared information that I don't easily provide... (Nadine Vollant)

Something clicked. During our meeting that lasted two-and-a-half hours, Nadine spoke to me about one of her dreams: that one day, the community would have governance over youth protection. To contribute to the accomplishment of this dream undeniably guided my work as a researcher. (CG)

THE FINDING THAT SPARKED THIS COLLABORATION: THE SERIOUS INADEQUACY OF YOUTH PROTECTION SERVICES FOR FIRST NATIONS

For Nadine, the interview with Christiane brought her to put a name on certain aspects and questions she had had for many years in her daily practice: the interventions prescribed by the youth protection system do not meet the needs of the children and families of her community.

I was concerned because, from a human point of view, I could very well see that our interventions were harmful to the families. My indignation was confirmed by my readings in that area. Authors such as Cindy Blackstock contributed to the construction of my thinking regarding what was amiss with youth protection here. (NV)

She recalls that this finding became more obvious in the aftermath of the work done with the legislative reform of the Youth Protection Act (YPA) which led to the adoption of amendments to the YPA in the fall of 2007. Moreover, most First Nations organizations anticipated that the prescribed changes would not be to the advantage of First Nations families.

During the course of my reading, I came upon the Dumais Report [The Protection of Children, a Better Sharing of the Responsibility], published in February 2004. The Dumais Report is the expert report providing direction for the legislative amendments of 2007. In this report, among other elements, much attention is on the importance of the bonding in children's development. To protect this bond, recommendations were made for the implementation of measures such as the maximum placement period. Upon reading it, it seemed obvious to me that the implementation of such recommendations would create problems for First Nations after. I therefore called the AFNQL to tell them that, as a worker in the field, I felt that the recommendations would affect us negatively and something had to be done. Why? Because as a field worker, we saw that parents needed time to recover and granting priority to children's life plans would entail numerous placements until the children reach the age of majority which, in many cases, is undesirable, for both children and parents. I am able to understand since my mother attended residential schools. Therefore, I quite understand the situation in which our children and our children's children find themselves, having inherited all of this. (NV)

Section 91.1, YPA

91.1. If the tribunal orders that a child be entrusted to an alternative living environment under subparagraph e, e.1 or j of the first paragraph of section 91, the total period for which the child is so entrusted may not exceed, depending on the child's age at the time the order is made,
12 months if the child is under two years of age;
18 months if the child is two to five years of age;
24 months if the child is six years of age or over.

[Duration of other measures.] To determine how long the child is to be entrusted, the tribunal must, if it concerns the same situation, take into account the duration of any measure entrusting the child to an alternative living environment included in an agreement on the voluntary measures referred to in subparagraph e, e.1 or j of the first paragraph of section 54. It must also take into account the duration of any measure entrusting the child to an alternative living environment it previously ordered under the first paragraph. It may also take into account any prior period when the child was entrusted to an alternative living environment under this Act.

[Continuity of care.] If the security or development of the child is still in danger at the expiry of the periods specified in the first paragraph, the tribunal must make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

[Return to family on the short term.] However, the tribunal may disregard the periods specified in the first paragraph if it is expected that the child will be returned to his family in the short term, if the interest of the child requires it or for serious reasons, such as failure to provide the services agreed upon.

[Continuity of care.] At any time during a period specified in the first paragraph, if the security or development of the child is still in danger, the tribunal may make an order aimed at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

As the preceding text box indicates, for each age group, an upper limit is set for the duration of placement. When this period has expired and the parents have still not complied with the requirements imposed on them, the Director of Youth Protection must refer the case to the court in order to determine the appropriate life plan for the child in placement. In these situations, life plans include placement with a significant person, placement in a foster family, an institution, tutorship, adoption, and the youth's autonomy.

I was disturbed by the establishment of this regime. I knew that if this model was applied, many parents whom I was monitoring were at risk of forever losing custody of their children. Previously, the process allowed for greater flexibility for parents and the possibility of returning to one's family was very real. When Christiane came to Uashat mak Mani-Utenam, we were starting to see the scope of the effects brought on by this change. (NV)

Nadine was also especially outraged with the conditions imposed by the State for allowing First Nations communities to avail themselves of Section 37.5 of the Youth Protection Act, which allows for the implementation of a specific child protection regime within First Nations communities. The first condition to invoke Section 37.5 is that the community provide front-line services. At the time, most First Nations communities in Québec did not have such services because the federal programs did not fund them.

The imposition of such a criterion was unfair to the extent where, in Québec the front line has been in existence for years. So, they did what they usually do, that is, impose criteria that make absolutely no sense to the communities. In reality, for the communities, the first contact for front-line services was youth protection. In other words, for a large number of communities, there is no social services infrastructure specific to First Nations children apart from youth protection. In fact, this was demonstrated by a report produced by the Commission des droits de la personne et de la jeunesse on the services infrastructure in Pikogan during the hearings of the Viens Commission. For example, the report specifies that to have access to a psychologist, one had to report their child to the DYP, which is nothing more and nothing less than an aberration. (CG)



Nadine Volland, at the Commission Viens. Source: Radio-Canada/ Émilie Rivard-Boudreau. Online: <https://ici.radio-canada.ca/nouvelle/1062688/un-juriste-innu-propose-la-mise-en-place-dun-systeme-juridique-autochtone-au-quebec>

Nadine recalls that when Christiane came to Uashat mak Mani-Utenam for her doctoral field work in 2009, Nadine herself was still in a learning situation with respect to her practice, and therefore had not yet developed the critical approach she has today.

In all humility, I recognize that I was "a good little Indian". I did the things I was told to do. I wanted to become an expert in my practice. I wanted to know the legislative framework in all its details; for me, it was the only way of being able to change things. There are very few First Nations experts in the area of youth protection. And for an Indigenous person, it is even more challenging to work in youth protection because we interact with the families daily. Not all workers are able to live well in these conditions. Few workers stay long enough to become experts in this area. It is a challenge, and even more so with the reference framework that became extremely complex over the past 20 years. It has grown from 250 pages in the 1990's, to 950 today, including the regulations. It is

difficult to master, to say the least. Right now, I feel like I'm between a rock and a hard place. My authority is conferred upon me by the DYP. It is quite an exercise to have to vindicate substantive changes within the system that hires you. (NV)

For Nadine, becoming an expert in her practice was both the best way to support her community as best she could in a system that did not meet their needs, as well as one of the milestones that would help her fulfil her dream.

This is what I have consistently tried to do over the last ten years. But then again, you need credibility, structured thinking skills, and a good understanding of the practice. Because it goes without saying that our families criticize the framework but unfortunately, they don't have the knowledge of it to be credible. Sometimes they don't understand they are being wronged. (NV)

This is therefore the context in which the research partnership with Christiane fits in.

AFTER THE DOCTORATE, THREE RESEARCH PROJECTS

The year following Christiane's field work, all her energy is dedicated to writing. Eventually, the discussion arose about the project of establishing governance of youth protection in the community.

One of the elements that had come out of my thesis is that non-Indigenous people showed a lack of knowledge of Innu (and Indigenous in general) intervention methods and cultural practices, as well as mistrust. It seemed to us that a first step within this context was to showcase and raise awareness about certain cultural practices. (CG)

Christiane became professor of social work at the Université du Québec en Outaouais in 2010 and, in collaboration with Sébastien Grammond, law professor at the University of Ottawa, applied for a SSHRC grant to conduct research on Innu educational practices.

The first research project following Christiane's thesis was borne out of these concerns [...]. The idea was to document and showcase how Innu parents care for their children. We had to be able to have our parents' practices acknowledged because they were deemed by intervenors to be bad parents. But they have a different way of educating their children. But that, we had to prove. (NV)

Parallel to this, they also filed an application with the FRQSC. This time, the purpose was to develop another aspect of the thesis: territory as a way of healing and intervening. The idea was to study current initiatives and practices, always from a biographical approach. The results for both applications were positive. The following year, the recipient of the grant from the major research partnership État et cultures juridiques autoch-

tones : un droit en quête de légitimité approached Christiane and Sébastien Grammond, asking them to lead another project on customary adoption, a little known practice at the time.

This practice had not been formally identified at the start as a research topic but emerged over time and with financing opportunities. (CG)

DOING RESEARCH TOGETHER: REVIEW OF METHODOLOGICAL AND ETHICAL PROCESSES

From the beginning of the work on educational practices, the research activities were led by a research committee. Today, this committee is composed of Nadine, the social services coordinator, an Innu collaborator, researchers involved in specific projects, a professional and a research assistant.

During the first three years of the projects, the partnership evolved without Nadine's participation who, during this period, was on maternity leave. Marie-Andrée Michel then played an important role in the different projects. She organizes the research fields; she is there to establish contacts, coordinate the validation processes for the stories. Distance and travel expenses meant that research partners had to take advantage of the new technologies to ensure dialogue and continuous transfer of information.

Sept-Îles is quite far from Gatineau... 4 to 5 hours by plane or 13 hours on the road. So, I don't go to the community regularly. I went to the community for large data collections, that is, about twice a year, accompanied by students. And we must remember that there was a lot of material to be written due to the simultaneous deployment of the three projects. But we maintained regular contact by videoconference. (CG)

In compliance with the guidelines provided by the community, expressed very clearly by the political representatives, the ethics for this research is based on the principle of reciprocity.

The only criteria that we have in the community is simple: if we give, we need to know why and that it gives us something back. Research must make sense for us and allow us to benefit from it. In general, First Nations people are generous people. But it is important to ensure that people not abuse of this generosity and that reciprocity is at the core of the discussions. It is very much within this spirit that the research partnership was built. (NV)

Over time, it became obvious that the research partnership supported the interests of the community and there would be something back in return for the data collected. The relationship resulted in the creation of written materials allowing the community to be understood and deemed credible.

In the eyes of our interlocutors, what is not written doesn't exist. In other words, though our knowledge is one of the richest in the world, if it is transmitted orally, it does not have the required credibility. Let us put our knowledge to writing to make it understandable and therefore be able to practice it and transfer it. This is the reflection we developed with Christiane and she has always supported us toward this objective. What I retain is that the research was designed based on our concerns, which was not always the case with other people who came in our community to do research. With the experience we have on hand right now with respect to research collaboration, a bond was created between research and the community, which facilitated knowledge sharing; knowledge must flow between both sides. I understand the necessity of protecting knowledge, but I don't know if this posture is beneficial in the long term. We are able to document our knowledge, and have it recognized; why deprive ourselves of the benefits this recognition could bring? (NV)



In 2018, all the projects were officially finalized. Most of the articles and reports published in relation to these are available online.

FOR MORE INFORMATION

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In addition to the research projects, the partners contributed to the recent reforms of child protection legislation and the amendments to the Civil Code regarding adoption, based on the vision and values of community members. For Nadine, it is obvious that if the argument for these changes was solid, it is because it was based on the studies and the development of parenting practices and customary guardianship, and on listening carefully to local perspectives.

This is the documentation that allowed our community to be at the forefront of these issues; without it, we would probably not have been able to play the role that we did. The fundamental quality of the researchers collaborating with us is to have a good listening ear. One of our political representatives who is quite qualified to understand the issues read one of the papers produced by the researchers. Her reaction was to say, "My goodness! This is us!" For her, it was absolutely amazing to recognize herself. To read something that represents us, our vision, our culture, our values, our realities. Amazed to see that we can use written words to describe a practice that, for them, can only be experienced. For them, they experience it. (NV)

Ultimately, the amendments to the Civil Code concerning adoption led to the implementation of a committee whose mandate was to provide the Uashat mak Mani-utenam community with a policy on customary adoption in order to establish a competent authority.

The working group's functioning was simple: Sébastien and I wrote the policy; we then submitted the document to the committee members who read it and proposed changes. And this is how the policy was built, with many discussions back and forth. I remember what an elder said during one of these meetings: "How do you manage to so faithfully describe the practice?" I replied: "I've been listening to you for many years." From the beginning, my work has been based on biographical stories. The research methods I use allow for the precise understanding of the meaning of the words and practices. It is not something innate. Years of listening have enabled this. What also helped us as non-Indigenous researchers was to work on three projects at the same time. People don't shorten their stories. Life does not follow categories. Therefore, each discussion is a source of information helping to understand relevant elements. (CG)

MOVING TOWARD GOVERNANCE OF YOUTH PROTECTION

In 2016, Christiane is again approached to develop a new research project within the framework of another major partnership entitled Accès au droit et à la justice (ADAJ). Because of this proposal, Christiane approaches Nadine with the idea that this opportunity could lead to phase 2 of their research collaboration, that is, a project for the implementation of an Innu youth protection regime in the Uashat mak Mani-Utenam community.

Over the past two years, we completed the reports, we worked on a family policy for which work is still ongoing, and we will now work with the support committee on the development of the youth protection governance project. The data collected in the preceding projects; the practices documented and showcased, the principles and values at the core of these will be the foundations of this governance model. (CG)

Furthermore, another research project undertaken in 2018 will contribute to the work on the governance project. This time, the research partnership will study the trajectories of Innu youth in youth protection (a potential sample of about 300 youth) by engaging in a mixed research method that is both quantitative and qualitative.

This project is the result of a specific request from Nadine. The idea was to study and eventually demonstrate that, despite placements, the delays imposed and the obligation to place youth in permanent life plans, many of them run away and end up going back to their community on their own or after a judicial decision toward the age of 15. Successfully demonstrating a convergence of trajectories based on an adequate sampling would be a strong argument for allowing the community to develop alternative proposals to what is imposed by the YPA and have those accepted. (CG)

Moreover, this research project is compatible with the orientations of the amendments to the YPA (Bill 99), adopted on October 4, 2017 (see text-box for more details). In the aftermath of the consultations to prepare for the adoption of these amendments, Uashatmak Mani-Utenam social services developed an “identity” program for children in foster care. Anchored in the perspectives shared by the youth, this program encourages the transfer of Indigenous knowledge through practices at the heart of the community’s culture.

Youth tell us they want to learn the language, know the culture, beading, the ceremonies, the practises on the land. We were so concerned about the behavioural or learning difficulties of youth that we completely missed a fundamental need they express: to experience their culture. We are currently in an experimental phase of this program. And the culture and knowledge transfer, we are not the experts for this, the members are. We must therefore work closely with the bearers of culture to define objectives and means of reaching out to them in a way that is relevant to them. (NV)

Since the second phase of the research partnership was launched, the directors of the project communicate even more regularly than before. In fact, they work actively in the development of a work plan to be submitted to the new committee members during the month of November 2018.

The support committee we are about to launch will include parents, youth, representatives from the school sector, elected officials

in charge of the social services and elders portfolio. Representativity will be extended if we compare the composition of this new committee with that of our former working committees. (CG)

It is very important for those who have less knowledge of the practice, such as professionals, elders, members of the community and those involved in our work because of their legal training, to know what we have achieved and understand the direction we are taking. We always present the process, the stages we are at. This allows us to clearly explain what each meeting will be about, what themes will be discussed with them, etc. Then, the meetings are more of a discussion forum where people express themselves. This is the way we work as a committee. (NV)

Bill 99 was adopted on October 3, 2017. From the First Nations’ perspectives, two additions seem to be favorable. Section 3 now specifies that in the case of a child who is a member of a First Nations community, the preservation of their cultural identity is considered when determining the child’s best interest. As for Section 4, it specifies that a decision made for a child who is a member of a First Nations community must tend to entrust this child to a substitute environment able to preserve their cultural identity.

TRAINING FOR WORKERS ON CULTURAL SAFETY CURRENTLY UNDER DEVELOPMENT

To better meet the needs on the field, Nadine and her team are currently developing training on cultural safety.

Very few training sessions are currently offered in the communities. It is utopian to think that a one-day training session dedicated to both the historical aspect and the alternatives for intervention would have concrete impacts in the workers' practices. From my perspective, training offered in two phases is required to better equip practitioners: therefore, one in health, another in social services, and finally, one in youth protection. (NV)

Moreover, this training will include two other experiential days during which culture will be at the core of the teaching.

This could be in the form of meal preparation, ceremonies. The idea is that people absorb tangible experiences and develop human relations. That they realize the wealth of knowledge First Nations Peoples possess. That they learn how things were done in the past at Uashat mak Mani-Utenam. That they learn our local history. (NV)

It also means being informed by the work of the Truth and Reconciliation Commission.

The TRC, even if it was deployed nationally, is very little known. I read the report. From my perspective, it is impossible to remain indifferent in reading these stories. These stories must be made known and they will be within the framework of training on cultural safety that we are currently constructing. (NV)

For those in charge of the social services portfolio, skills development in cultural safety for the practitioners is a huge challenge.

There is no mistaking it: interventions without sensitivity and knowledge of context are dangerous for our families. It is absolutely fundamental that workers be able to decode the messages. And the role of First Nations managers in the current context is to tell workers to review their interpretations and validate with the families rather than infer things according to irrelevant models. Training therefore aims at increasing the number of people capable of understanding parents and families to eliminate any aberrations. (NV)

When all the research projects will have been finalized, an enhancement phase for this training is planned accounting for the results obtained.

IN CONCLUSION...

At the core of the research partnership reside very clear purposes: change the way things are done at all levels and be heard with the interlocutors who understand the world on the basis of principles and values that are very different from those of the Innu and the First Nations in general.

The research permitted us to document the aspects more globally and proceed to the practise of integrating all this knowledge into a system. Despite this openness provided for by the law (Section 37.5), the fact remains that we are not masters in our own home. This flexibility provided by the State is very compartmentalized; I know this, I experience it every day. From my perspective, all the research done in my community has the potential of enhancing current and future initiatives of First Nations in youth protection. One day we will write a book on youth protection in a First Nations context. (NV)

(French only)

Accès au droit et à la justice

<https://chantier14adaj.openum.ca/>



NADINE VOLLANT

is one of the recipients of the Hommage award for the 40th anniversary of the Charter of Human Rights and Freedoms - an honour received in 2015.

http://40ansdelacharte.org/ambassadeur-fr-79-Nadine_Vollant (French only)

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In 2017, **CHRISTIANE GUAY** and **SÉBASTIEN GRAMMOND** are the recipients of the Rights and Freedoms award granted by the Commission des droits de la personne et des droits de la jeunesse, for their contribution "to the development of knowledge of First Nations governance in youth protection, an area that is still not well documented among French-speaking First Nations since close to ten years."

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