CHAPTER 10

Aboriginal Children: Maintaining Connections in Adoption

Jeannine Carriere and Sandra Scarth

This chapter examines adoption of Aboriginal children, with a focus on First Nations, and highlights diverse experiences and knowledge involving adoption of Aboriginal children by non-Aboriginal families. It begins with a conversation that led the Adoption Council of Canada to further explore cross-cultural adoption of Aboriginal children. Reports, statistics, and personal accounts of negative experiences have resulted in the adoption of Aboriginal children by non-Aboriginal families as being considered the most intrusive alternative in permanency planning for these children. There are, however, some positive experiences that underline the importance of focussing on the factors that made a difference in these instances. Presentations at a Prairie Child Welfare Consortium symposium by Carolyn Peacock, Roy Walsh, and Jeannine Carriere in 2005 provided some such examples. Also included in this chapter are some highlights of research by Carriere (2005), involving interviews conducted with adult First Nations adoptees and talking circles with First Nations Elders, adoptive parents, and First Nations social workers. Her conclusions and recommendations for the development and delivery of First Nations

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adoption programs, which emerged from this research and discussions with Aboriginal youth, are presented as context for legislative and policy reform from an Aboriginal perspective.

BACKGROUND

In 2004, Kenn Richard, Executive Director of Native Child and Family Services in Toronto, met with Sandra Scarth, President of the Adoption Council of Canada (ACC) to deliberate on the issue of adoption of Aboriginal children by non-Aboriginal families. At this time, two contentious custody battles were underway between First Nations agencies and non-Aboriginal foster parents wishing to adopt their Aboriginal foster children. Richard noted that the cases were being tried "in the courts and in the press" to the detriment of everyone involved, particularly the children. He felt there was a need for all parties to look at their common interest in helping children to have the kind of family and connections they need to grow into caring and successful adults. The ACC had been focussing on the large number of Aboriginal children in the foster care system as one of its highest priority areas. Richard suggested a roundtable at the October 2004 ACC conference to begin this discussion.

The initial conversation at the ACC conference confirmed the vastly different perspectives that needed to be bridged before any common position could be adopted. A number of Aboriginal people and organizations agreed to take part in future discussions. The First Nations Child and Family Caring Society of Canada lent its support to this. The starting point for the ACC was developing a position statement on cross-cultural adoption of Aboriginal children, articulating that all children have a fundamental right to family, identity, and cultural connections. An article in the November 2004 ACC newsletter (Scarth, 2004) set out the commitment of the ACC to continue discussing this issue. This article acknowledged that the ACC did not have the answers, but it did have a series of questions to initiate what might be, for some, difficult conversations. These questions asked: How do we develop sufficient trust, and how do we deal with the reality of colonization and assimilation, and move forward to action? How do we get beyond conflicting ideologies about whether an Aboriginal child should be placed in a non-Aboriginal family and

whether, if placed, they should be removed from these homes after they developed attachments to their non-Aboriginal parents?

The process of struggling to answer the questions posed by the ACC began in earnest at a symposium, entitled *Putting a Human Face on Child Welfare*, that was presented by the Prairie Child Welfare Consortium (PCWS) in 2005. Highlights of three presentations are presented below.

Lived Experiences Within a First Nations Agency

Carolyn Peacock (2005) shared her experiences as a child raised in a custom adoption, as a mother and grandmother, and as a professional who developed the open custom adoption program of Yellowhead Tribal Services Agency (YTSA) in 1997. First Nations had their own words, ceremonies, and processes for adoption long before contact with European settlers. Historically, child rearing was a shared responsibility, and children often resided with adults who were not their biological parents (Durst, 1999). Peacock was adopted as an adult by her maternal aunt and uncle through a unique legislative process. The open custom adoption program she developed at YTSA was an alternative to the provincial foster care system. Through this program, First Nations children from the five tribal communities that make up the Yellowhead Tribal Council can be placed in temporary care with extended family or other caregivers who were approved and supported by the agency.

In 1999, with the guidance of Elders and others in the community, the agency decided to try to legalize custom adoptions, while still honouring the traditional ways. After many challenges, and working closely with the Alberta Ministry of Children's Services and the Court of Queen's Bench, the first custom adoption was legally completed in November 2000 (YTSA, 2001). This was the first time in Canada that a Supreme Court judge had visited a reserve to finalize an adoption. Since then, the agency has completed 63 open custom adoptions. Peacock outlined the many challenges posed by custom adoption, including:

- recruiting adoptive families, particularly off-reserve families, without funding support from Indian and Northern

Affairs Canada (INAC) or other sources;
- the vast amount of time required to do this work in a quality manner;
- number of non-Aboriginal families that want to adopt children;
- adoption process bureaucracy;
- keeping adopted children connected with their communities and culture;
- responding quickly to young mothers wanting their babies placed with an Aboriginal family; and
- large numbers children in care, both on- and off-reserve.

According to Peacock, the YTSA first tries to place children with family members, secondly with a family in the community, and thirdly with a family from another First Nation. She described a recent ceremony involving two non-Aboriginal families who had raised their foster children from birth. The birth family, Chief, Council, and community members agreed to adopt both these families to keep the communication open so that the children could stay connected to their community and culture and the families could adopt the children. This unique process of the YTSA open custom adoption program involved the birth family extending itself to the adoptive parents in order to encircle the child in one family.

Sharing Lived Experiences of a Non-Aboriginal Adoptive Parent

Roy Walsh (2005), former executive director of Halton Children's Aid Society in Ontario, shared some of his personal experiences as the adoptive father of 11 children, most of whom are Aboriginal. Walsh spoke about his adopted son, Rick, who had recently died of sudden heart failure at 35 years of age. Rick was the eldest of four siblings, all of whom were adopted by the Walsh family. They were living in three separate foster homes before they came to live with the Walsh family. When he was about 11 years of age, Rick was described by a psychologist as "not a candidate to enter high school, let alone complete it," but Rick proved him wrong. He completed high school, undertook trades training, and got a job at Purolator,

where he worked for 10 years. At his wake, his regional manager described Rick as a model employee—kind, hard working, and always willing to help his colleagues and customers. As a token of its respect for Rick, the company put up a plaque with his name on it and gave the Walsh family a cheque for $800 to go to Rick's baby daughter, who was born two weeks before he died.

Although Walsh was modest about what might have encouraged Rick to become a balanced and healthy individual, he described how his family approached Rick's cultural needs. As the children were growing up, the Walsh family tried to keep their children connected with their birth families by encouraging telephone calls and correspondence, and by inviting the families to visit. Initially, the families did not respond but one day, Rick's whole family arrived from Northern Ontario in two carloads. The Walshes had no idea they were coming until they received a telephone call asking the Walsh family to find a hotel where they could stay. The birth family stayed at the Walsh house for the weekend and the grandmother, who was 80 years old, spent time sharing stories with the children. Their uncles told them how much they looked like their father, who had died at a young age of heart failure. At dinner, the Walshes thanked the family for coming and told them it was a joy to give them back their children and that they hoped they had done well by them as their guardians. After that weekend, the children made periodic visits north to see their birth family. During Rick's last visit with his adoptive parents, he showed them the ultrasound picture of his expected baby and said, "Dad and Mom, I'm really happy we were part of this family because it allowed us to achieve, and we can go back and have our family proud of us."

Walsh noted that Rick was the epitome of being connected. He was connected on his own terms with his family of origin, his siblings, adopted brothers and sisters, his parents, friends, clients, and colleagues. Walsh said, "If we are to succeed in this dialogue, it will be with the understanding that parents are not proprietary owners of children. Whether they come to us by birth, by legal sanction, by blended families, or unanticipated circumstances, we are only entrusted with their care for a short time. We are accountable to them for this privilege." It is a statement such as this that can lead the way to develop an adoption policy and practice that allows children to

flourish with the full knowledge of who they are and where they come from.

Lived Experiences of an Aboriginal Scholar

Jeannine Carriere made some recommendations for working with First Nations children in care, based on her personal and professional experiences and her recent research. Carriere discussed the connection of her life to her work. As an adoptee herself, Carriere had first-hand experience with the importance of maintaining connections to birth family and community as part of developing and maintaining an overall sense of identity and inclusion in the world. When collecting data for her PhD dissertation entitled *Connectedness and Health for First Nation Adoptees*, Carriere was drawn back to her own adoption experience, which she described as a "personal rationale for conducting the study." Her story is woven throughout this study as "a way of knowing, an epistemological sensitivity, and personal testimony to the importance of knowing who you are and where you come from in the experience of adoption." She further described that, in her own life, there was trauma that she can associate with feelings of disconnection from the rest of the world, based in hidden knowledge and silent grief.

The rationale for her dissertation also stemmed from her practice as a social worker, especially in Alberta, where a policy existed at that time regarding adoption of First Nations children. The Policy Directive in the Adoption of First Nation Children (Alberta Children's Services, 1997) required the consent of the Chief and Council for a First Nations child to be adopted—but in practice this policy was not always followed. The history of First Nations child welfare in Alberta is contextualized in the broader history of colonization, including the "sixties scoop," whereby thousands of First Nation children were removed from their communities and adopted into non-Aboriginal homes. Conducting interviews with adult adoptees for her dissertation, Carriere found identity loss was a major theme.

IDENTITY AND CONNECTEDNESS IN CROSS-CULTURAL ADOPTIONS

Carriere (2005) identified themes around identity and connectedness in the context of cross-cultural Aboriginal adoptions. She found that identity has been discussed as a prevalent issue in cross-cultural and First Nations adoption literature, and that it is important to understand the importance of tribal identity in order to recognize the impact of separation or disconnection from tribal knowledge and connection for First Nations children. Cajete (2000) explained that:

> Relationship is the cornerstone of tribal community, and the nature and expression of community is the foundation of tribal identity. Through community, Indian people come to understand their "personhood" and their connection to the communal soul of their people. (p. 86)

Yeo (2003), stated that "spirituality is the cornerstone of identity" for Aboriginal children (p. 294). In *An Evaluation of the Southern Manitoba First Nation Repatriation Program*, Bennett (2001) interviewed First Nations adoptees who later returned to their birth family and community. A majority of interviewees felt that it was important to know about their ancestral background. One of the most common reasons that First Nations adoptees wanted to be reconnected to family and community was to gain "official recognition of who they are, as an Indian person" (Bennett, 2001, p. 14).

Anderson (2000) illustrated her search for identity as an Aboriginal woman who grew up away from her family and community. She described how she struggled with growing knowledge about Aboriginal people, especially while taking university classes and examining issues from the voice and writings of others. Anderson proposed a theory of identity formation for Aboriginal people that includes four steps:

1. Resisting definitions of being, or rejecting negative stereo types
2. Reclaiming Aboriginal tradition

3. Constructing a positive identity by translating tradition into the contemporary context
4. Acting (e.g., using one's voice) on a new positive identity

Kral discussed the concept of identity in his study of meanings of well-being in Inuit communities. He noted that Aboriginal people have *collective selves*, which "see group membership as central to their identity, whereas individualistic selves are more autonomous from any particular group and may value individualism quite highly" (Kral, 2003, p. 8). The collective worldview values kinship as the foundation of social life. Kral posited that in Inuit communities, kinship connection is viewed as an important way to transmit traditional knowledge. The importance of family and kinship was the most prominent theme across Kral's 90 interviews with Inuit people, who explained that this connection was a determinant of well-being and problem prevention.

Grotevant, Dunbar, Kohler, and Esau (2000) challenged the argument that adoption policies, such as confidentiality and severing ties to the birth family, promote attachment to adoptive parents. They refuted, in particular, the notion that adoptive parents can replace biological parents by erasing all existing pertinent information about the biological parents. The authors concluded that changing policy can challenge this assumption, and that openness in adoption likely will have an impact on a variety of complex adoption issues, including identity formation, which they described as "central to the emerging understanding of adoptive identity" (2000, p. 385). Grotevant et al. (2000) also identified a need for further research in adoption and, in particular, investigation into the diverse social contexts that can influence identity formation.

In summary, the complexity of identity as it relates to adoption and First Nations children is enhanced by various political and legal dynamics. For example, what would be the impact on adoption policy and practice for First Nations children if culture and identity were viewed as protective factors for resilience? Indigenous scholars have proposed that individual identity is inseparable from the collective identity of Aboriginal people (Anderson, 2000; Bennett, 2001; Brendtro, Brokenleg, & Bockern, 1990; Kral, 2003).

Stories Untold

The literature provides some contextual data around the issue of Aboriginal children and adoption. Carriere (2005) wanted to ensure that the voices of First Nations adoptees were heard. In the course of the study, some of the adoptees spoke at length about identity confusion and the need to reconstruct themselves from a continual flow of new information as they met their extended family members.

The methodology used to gather this knowledge was in-depth interviews with 18 First Nations adoptees, who were adopted during the 1960s and 1970s through closed adoption procedures. Talking circles were also utilized to discuss adoption with First Nations Elders, adoptive parents, and Yellowhead Tribal Services Agency staff. Thematic analysis and grounded theory procedures were used to analyse the data. The entire research process was reviewed by, and received guidance from, a First Nations community advisory committee made up of representatives of the five First Nations of the Yellowhead Tribal Council, Elders, and staff from the YTSA's Open Custom Adoption Program. Its role was to provide suggestions regarding the research process, including community protocols and political or cultural matters that informed this study. The committee recommended potential adoptees and key informants for inclusion in this study, and provided feedback on research questions. This feedback was carefully considered in developing the interview guide. The committee also made recommendations regarding the dissemination of research results.

Several cultural practices were observed for receiving permission and spiritual grounding for this study. The researcher participated in ceremonies to ensure that the cultural process was honoured and that the blessings of the Elders were received as crucial elements of the research. One of the major contributions of the 18 adoptees interviewed was their recommendations for changes in adoption policy and practice. The following section reports on the recommendations from the 18 adoptees and key informants, and is supplemented by an analysis from Carriere (2005).

RECOMMENDATIONS FOR THE DEVELOPMENT AND DELIVERY OF FIRST NATIONS ADOPTION PROGRAMS

1. Open and Custom Adoption Programs Across Canada

Throughout the study, both the adoptees and key informants discussed the importance of openness in adoption practices. Open records and open adoption are different concepts. With open records, information can be provided through adoption registries where the adoptee can have access to records at a certain age, provided there is no veto entered by a birth family member. In open adoption, the birth family is usually involved in the adoption. (For additional information on the terminology used in Adoption, please refer to the Adoption Council of Canada Website at http://www.adoption.ca/). When the participants discussed openness, they were referring to complete information about the adoption being shared with the adoptee. The participants perceived that the secrecy associated with adoptions was the biggest barrier to their search for identity, creating undue stress about personal health information and not knowing who their relatives are. They felt that openness in adoption would help remove these barriers.

While some provinces in Canada, including Alberta, boast of having open adoption programs (Child and Family Services Act, 1990; Child, Youth, and Family Enhancement Act, 2000), these programs continue to be developed and implemented under provincial legislation based on mainstream cultural perspectives. These programs might look very different if the First Nations communities had been involved in their development. From a First Nations perspective, open adoption programs must be based on an Indigenous, holistic paradigm that considers the child's physical, mental, emotional, and spiritual development. Although First Nations people believe that maintaining links with the community is critical for the spiritual development of the child, this is flagrantly disregarded by a legal system directed by Euro-centric worldviews. For example, Saskatchewan has a policy, similar to Alberta's Policy Directive in the Adoption of First Nations Children, which prevents First Nations

children from being adopted without the consent of the child's First Nation. However, in a recent court hearing involving five First Nations children, a Court of Queen's Bench judge refuted the First Nation agency's claim that it had the authority to "speak for the children" and ruled that there is no constitutional basis or Aboriginal rights related to equality, liberty, and security in this matter (Saskatchewan Court of Queen's Bench, 2004, p. 28). This case is a good example of how easy it is to disregard policies unless they are legislated.

Custom adoption is a traditional extended family value and practice for First Nations and the reality of poverty and the shortage of resources in extended family networks should not be insurmountable barriers. Indian and Northern Affairs Canada should stop patronizing First Nations child and family service agencies (FNCFSAs) by proposing that they develop adoption programs on menial budget allocations. Indigenous literature suggests that custom adoption practices need to be revived in First Nations communities, with adequate financial support (Alberta Ministry of Children's Services, 2000; De Aguayo, 1995; YTSA, 2001).

2. Financial Support for First Nations Adoption Programs

The key informants stressed the need for financial support for First Nations adoptive homes. This need is also supported in the literature on Aboriginal adoptions (Rechner, 2001; Trocmé, Knoke, & Blackstock, 2004).

INAC's financial allocations for adoption must be reviewed by a standing committee on First Nations adoption comprised of FNCFSA directors and representatives from the Assembly of First Nations. The standing committee could make recommendations based on research and statistics comparing the social cost of adoption breakdown with the benefits of financial support to FNCFSA for adoption. In addition, child and family service agencies both on- and off-reserve should offer adoption services in addition to child protection services.

3. Adoption Registries and the Concept of Veto

Some of the participants discussed problems and experiences with adoption registries. The access to registries was described as difficult or unclear, and inconsistent from province to province. The adoptees interviewed suggested that adoption registries should address the enormous demand for First Nation "friendly" adoption registries. This type of registry would clearly identify a child's First Nation ancestry and be expanded to include extended family members. Also, registry staff should receive training in working with First Nations communities to provide the type of counsel required for First Nations adoptees pursuing a search.

The participants suggested that the issue of veto be revised in consultation with First Nations communities. The concept of an individual vetoing the right of another to have information that is pertinent to his or her identity was considered questionable. Such a concept was perceived as stemming from a non-Aboriginal worldview that did not take into account issues of legislated rights accorded to the First Nations persons, or the issue of rights of the collective, as opposed to those of an individual.

4. Adoption Social Work Practice

Key informants suggested that adoption workers need to begin adoption work with a consultation session with the child's First Nation community, through delegated child protection workers or others who represent the interests of the leadership and community. Mirwaldt (2004) discussed the high number of Aboriginal children needing permanent care, and stated that "meaningful case consultation with the Aboriginal community is stressed as being fundamental to good permanency planning practice" (p. 18).

4.1 Relinquishment counselling

The participants recommended that counselling be provided for birth family members to ensure that relinquishing the child truly reflects their personal choice, and the best choice for the child. A study of young mothers involved with the British Columbia child welfare sys-

tem reports that, "In BC today, as has been true throughout the last century, those who are most likely to lose their children are poor, young, Aboriginal, and come from families that have historical involvement with child welfare" (Rutman, Strega, Callahan, & Dominelli, 2001, p. 6).

In addition, counselling should encourage birth parents to provide as much information as possible about family and medical histories as well as extended family and community of origin.

4.2 Photos

A number of participants said that photos of birth families are precious and that photos of birth parents, siblings, and/or extended family members should be saved for the adoptee, in a resource such as a Life Book. This would be a valuable source of information and comfort, and would facilitate a future reunion for both adoptees and birth families. They described, for example, the importance of "looking like someone." Life Books can take the form of scrapbooks, or other collections of photos and history, which can enhance connectedness for adopted children (Fulcher, 2002).

4.3 Information on birth fathers

Knowledge and information about birth fathers are critical for adoptees because this essentially is the other half of the parental equation (Coles, 2004; Menard, 1997). The importance of having information and knowledge about the birth father was reiterated by the adoptees in the study. It is imperative that birth mothers provide this information to the best of their knowledge and that it becomes part of the relinquishing file documentation. This information can be a legislated requirement, but will require further consideration in light of privacy legislation.

4.4 Registration for Indian Status

Registration for Indian status requires birth parents *and* adoptive parents to ensure that eligible children be registered as Status Indians with INAC. Some participants in this study described some difficulties in being registered. In order to preserve a child's treaty rights as

a First Nation person, adoption workers need to be diligent about identifying First Nations children who are placed for adoption.

4.5 Training for adoptive parents and adoption workers

A few of the participants in the study suggested that training might have assisted their adoptive parents in understanding their background and culture. Training for adoptive parents and adoption workers should involve the development of a module that explains the rights of a First Nation child, details historical information, and identifies resources where additional information can be obtained (Society of Special Needs Adoptive Parents, 2003). It was also suggested that a First Nation person should deliver this training in order to provide some necessary context and Aboriginal worldview. Additionally, such training should include a component of culturally competent adoptive care of First Nations children. Some of the adoptees suggested that this training be included as part of the services provided to adoptive parents.

While sharing this information may be difficult in closed adoptions because of stringent confidentiality rules, adoption legislation and policies must address this issue. Adoption workers also need to be trained to be culturally competent in working with Aboriginal children and families. For example, some of the adoptees in this study were not sure about their tribal background, and assumed a tribal ancestry that was inaccurate. This could have been avoided if both the adoption workers and the adoptive parents had been trained in culturally competent adoptive care of First Nations children.

5. Cultural Plans

According to the key informants, cultural plans should be mandatory for First Nations children. These plans contain provisions to maintain contact with the child's First Nation community and culture, and are signed by both the adoptive parents and representatives of the child's First Nation community. Fulcher (2002) also recommends that this practice be mandatory in the adoption of all First Nations children.

6. Repatriation Services

All the participants in the study considered that First Nations agencies need to be supported in repatriation services for adult adoptees. It was suggested that this support should be provided through INAC funding for child and family services. This critical service should be free for adoptees who wish to be reconnected to their First Nations communities.

7. Counselling and Peer Support for Adoptees

The adoptees suggested that, if needed, First Nations adoptees should be provided with therapeutic supports and interventions to assist with issues related to loss and adoption.

Therapeutic supports and interventions can range from Western approaches, such as individual counselling and peer support, to traditional Indigenous methods, such as ceremony and meeting with Elders. These approaches may require additional resources, which should be provided as part of the repatriation services for First Nations on and off reserve.

8. First Nations Community Mentors

First Nations child and family services agencies need to establish a list of community mentors for adoptees who return to their home communities, according to the participants. The names of these individuals can be recorded at the Band Office of the child's First Nation. Mentors could provide family history and other required information to adoptees or assist in making linkages with extended family. Training for mentors should be funded and provided by FNCFSAs, through resources from repatriation budget allocations.

9. Health Information

Adoption files should contain family health history for both birth parents as a mandatory requirement and be provided to the adoptive

parents during the adoption process. Adoptees in this study provided examples of how this lack of information affects their lives and the lives of their children.

10. First Nations Adoption Legislation

FNCFSAs and First Nation, provincial, and federal governments should work towards the development of national legislation for First Nations adoption. At the very least, provincial adoption legislation should have clear guidelines and policies around Aboriginal adoption. In Canada today, some jurisdictions remain silent on the issue (Adoption Council of Canada, 2004).

SUMMARY

In summary, the issue of First Nations adoption is eloquently captured in the following:

> For natural parents and for adopted people, it is not forgetting your past and your history that allows you to move forward with your life. Rather, it is acknowledging the past and honouring its impact that makes the present more meaningful and allows you to look to the future with confidence. (Robinson, 2000, p. 57)

The presenters at the PCWC symposium echoed this sentiment while presenting their diverse experiences and views on First Nations adoption. They recognize the importance of sharing their views and stories for how we will collectively "look to the future with confidence."

AUTHORS' NOTES

1. This chapter represents part of an ongoing dialogue between Aboriginal and non-Aboriginal people working in child welfare about the importance of maintaining connections to family and culture for Aboriginal children who have to be cared for away from their birth family and community. The authors wish to acknowledge the significant contributions in

the area of Aboriginal adoption by their PCWC symposium co-presenters: Roy Walsh, Carolyn Peacock, and Deborah Parker-Loewen. The authors hope they captured the spirit of their presentations in this chapter.

2. Some of the adoptees interviewed for Carriere's PhD study were involved with the Manitoba First Nation Repatriation Program. As such, some findings presented here replicate findings from the evaluation of the Southern Manitoba First Nation Repatriation Program.

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