

## **On the Matter of Cross-Cultural Aboriginal Adoptions**

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The appropriateness of adoption of Aboriginal children by non-Aboriginal people is an issue that has been hotly debated for many years. Despite court battles on individual cases, human rights tribunals related to class action from both sides, and considerable newspaper and related media attention to the issue, there exists no real consensus on what is in the best interests of Aboriginal children in need of long-term care.

This chapter presents an argument against the adoption of Aboriginal children by non-Aboriginal families. The arguments presented are from the cultural perspective, not the political, and flow not as much from hard research as from practical experience. The major thrust of the argument follows from the cultural issues at play. Aboriginal children are presented within their cultural context with their best interests tied to cultural considerations. These in turn tie to critical developmental milestones, such as identity formation in adolescence. It is observed that far too many Aboriginal to non-Aboriginal adoptions break down, and is concluded that cultural dynamics must play a significant role in this process.

I am informed primarily by my experience in the field of child

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welfare, an experience dating from 1973 that has put me in contact with hundreds of people who sought out or were referred to social services. Admittedly, there may be a significant number of Aboriginal children or youth who have had happy and successful experiences in cross-cultural adoptions with whom I have not come in contact. Still, a great many have not had positive experiences. I am further informed through my work at the University of Toronto, where I have taught cross-cultural social work practice for a number of years. Finally, I am informed by the stories I have heard over the past years, stories that are not always written down, but nevertheless are compelling arguments in support of intra-cultural placements of Aboriginal children.

### **THE BROADER CONTEXT**

With the introduction of the Canada Assistance Plan (CAP) in 1966, significant changes were effected regarding the delivery of child welfare services to Aboriginal and First Nation communities. Prior to this, few resources were dedicated to delivering services on reserves and staff from off-reserve child welfare authorities were generally directed to enter reserve communities in their official capacity only if it were a matter of "life or death."

The CAP resolved issues of jurisdiction and responsibility by allowing provincial governments authority on reserve and by providing federal cost sharing to offset provincial costs. As a result, child welfare authorities became more active within First Nations and children began to be apprehended at rates dramatically disproportionate to the size of the First Nations child population. By 1977, 20% of all children in care across Canada were Aboriginal, and in British Columbia that figure rose to 39% (Kline, 1992).

Trocmé, Knoke, and Blackstock (2004) reported that approximately 40% of children and youth living in out-of-home care in Canada in 2000–2002 were Aboriginal. With the apprehension of Aboriginal children came the issue of state-directed care arrangements. Most were not placed with Aboriginal families, and they were less likely than were non-Aboriginal children to be returned to their families in their home communities. They were also less likely than non-Aboriginal children to be adopted, and more likely to have mul-

tiple foster care placements until the state relinquished its responsibility at the child's age of majority (Kline, 1992).

With regard to adoption, the total number of First Nations children adopted by non-Aboriginal families increased five-fold from the early 1960s to the late 1970s. From 1969 to 1979, 78% of all First Nations children who were adopted were taken in by non-Aboriginal families (Fournier & Crey, 1997). Today, the establishment of Aboriginal child welfare authorities and more than 100 First Nations child welfare agencies across Canada have resulted in a paradigm shift toward a growing emphasis on taking culture into account. As a consequence, fewer Aboriginal children are being removed from Aboriginal communities, and more are benefiting from stable community placements. A recent report from the federal Department of Indian Affairs and Northern Development (1997) indicates a progressive drop in the number of placements, from 6.5% in the mid 1970s to just 3.6% in 1995/96. Among many professionals, Aboriginal and non-Aboriginal alike, there is emerging consensus that the shift toward the control of Aboriginal child welfare by Aboriginal communities holds more promise than historical mainstream child welfare practices. Although Aboriginal child welfare is still in the early stages of development, many people believe that Aboriginal children are now better off in the newer, developing Aboriginal controlled systems than they were before.

### **THE BEST INTERESTS OF THE CHILD**

This principle has evolved over time, through policy, social work practice, and the courts, to become the primary consideration in planning for a child. Although the principle seems self-evident and culturally neutral, it is operationalized subjectively through a value, knowledge, and practice base that is decidedly Anglo-European. The notion of the child and his or her best interests, as being separate and distinct from family, community, and culture, is one that has its roots in the individualist orientation of European culture (Hall, 1981). The child is seen as a discrete unit, whose relationships are measured in accordance with the degree to which they are harmful or helpful to the child's good and welfare.

This view stands in contrast to the world-views in tribal societies,

including those found in North America. Within the tribal worldview, individuals, while acknowledged and valued, are contextualized within families, communities, and cultures. The best interests of a child are inexorably linked to the best interests of the community and vice versa. As children are seen as the embodiment of their culture, they, as a result, are required to be nurtured within it. Given this symbiotic relationship, the community is, thereby, compelled to do its best in producing well-adjusted and productive adults to further strengthen the collective through the generations. This is not only good for the child, but also necessary for the overall survival of the community of which the child is a part. Here, the notion of rights of any one party is subservient to the notion of responsibility to care for children. The children themselves, because cultural and community survival depend on them, are considered sacred. The idea of the child being considered apart from the child's context simply cannot be fathomed by collectivists.

For the child, the collective not only nurtures but also provides a clear identity and a sense of belonging. Regarding Aboriginal children specifically, but all children generally, this is a critical indicator of successful adjustment in adult life.

Anglo-European ideology, on the other hand, may consider culture and community as a factor, but its fundamental linkages to the child's best interests are often superseded by considerations more compatible with that world-view. Both tribal societies and Anglo-European cultures are concerned with the best interests of the child, but defining best interest and considering factors related to it are clearly culture bound. Given that the child welfare system, its legislation, standards, practices, and processes, were crafted by the Anglo-European settler, it is not surprising that the cultural context of the Aboriginal child bears little weight. What is given the greatest weight is that which conforms to the dominant paradigm. For example, child developmental psychology, as written primarily by those with an individualist orientation and tested with non-Aboriginal children, is given credence over non-scientific beliefs about a child's best interests held within the tribal context. One application of this is that "bonding" and "continuity of care" are often cited by the mainstream courts as key considerations in decisions relating to the child's best interests, as they attend to what is considered important from the indi-

vidualists' orientation. While bonding and continuity of care are also considered important within the tribal perspective, they are balanced by other considerations related to the cultural context of the child and his or her best interests within it.

The dichotomy identified here is not merely an academic argument. It has had profound effects on judgments related to the best interests of the Aboriginal child. By emphasizing one world view and marginalizing another, the child welfare system has historically missed or discounted critical Aboriginal components in the assessment of Aboriginal children. These components, among other things, help to shift the mindset of the practitioner toward a more inclusive and holistic framework for assessing the best interests of the Aboriginal child. In short, practice is informed by culture. Moreover, child welfare legislation now exists that not only enables culture to be taken into consideration, but also demands that it gets the attention that it arguably deserves.

### **BONDING AND ITS RELATIONSHIP TO FUTURE SUCCESS**

Of significance is that, even when Anglo-European frames of reference are applied to Aboriginal children, they often fail in their efforts at predicting successful outcomes. Bonding, the tie between an individual caregiver and a child that implies an in-depth and deeply attached emotional relationship, has increasingly been a primary consideration guiding both mainstream practitioners and the courts in their efforts to make appropriate decisions in the best interests of a child. This, not surprisingly, is consistent with the individualistic ideology of Anglo-European culture. It is also reinforced by a generic knowledge base informed almost exclusively through the study of non-Aboriginal children and families.

On the surface, this consideration seems valid and appropriate, but the fact remains that an Aboriginal child bonded to her non-Aboriginal caregiver is not—and many case histories will attest to this—necessarily going to maintain the bonded relationship over time. Sometimes, the well-bonded four-year-old becomes the raging adolescent, bent on both personal and familial self-destruction. Although bonding is believed by many to be an accurate predictor of

adoption success, we have little information, if any, that this is the case in the context of Aboriginal children being adopted by non-Aboriginal parents. Again, practical experience in the field leads one to conclude that bonding as an accurate predictor of success in adoptions is clearly challenged by reality, at least in reference to Aboriginal children.

Why is bonding between an Aboriginal child and a non-Aboriginal caregiver not a good indicator of success during the adolescent and adult years? The Aboriginal adolescent adopted into a non-Aboriginal family is a child who sometimes faces almost insurmountable challenges on the path toward adulthood. In addition for dealing with the problems associated with adolescence, the child must also attend to facts related to his or her cultural identity, namely, an Aboriginal child adopted into a non-Aboriginal world. This idea is expanded in the paragraph below.

Child development, as articulated by Western theorists, is predicated on the successful completion of various life stages—all leading to the creation of an emotionally intact and functioning adult. One of the most challenging stages occurs in adolescence when a child must resolve all issues related to identity formation. In this stage, a child is compelled to "individuate" or, put more simply, to develop a sense of self separate and apart from the parents. Self-esteem, the ability to trust, a sense of where one is placed in the broader scheme of things, a history that can guide and inform, all are important components of the process.

The developmental goal of adolescence is to separate oneself from parents, but the process is informed by the parents themselves, the environment in which they live, and what the child sees in the mirror. If the information appears contradictory or confused, or is experienced in a negative way by the child, then problems may well emerge that can have serious consequences for both the child and the parents.

Often, the adopted child, whether Aboriginal or not, must deal with what may be viewed as a chronic doubt as to individual worth. No matter how sensitive adoptive parents may be to the issue, the child is often questioning why the birth family let him or her go. Children may feel they did something wrong, or that they were not wanted in the first place. Each child may have doubts based on his or

her own interpretation of the facts but many conclude that they were at least partially at fault. When this occurs, the negative impact on self-esteem can be substantial. This presents a challenge that many adolescents do not deal with adequately. When feelings of abandonment felt by many are added, the challenge is greater than many adolescents can handle.

Research suggests that adoptees who appear unmistakably different from their adopted parents are most likely to encounter societal discrimination (Feigelman, 2000). Apart from the obvious differences in appearance, Aboriginal adoptees into non-Aboriginal families are further challenged by their Aboriginal status. They often have little information to help them interpret their present situation and instead rely on messages garnered from their parents, and the broader environment in which they live. Subtle and not so subtle messages will often "inform" Aboriginal adolescents that they are lucky to be out of their birth culture and that the Aboriginal community is not capable in providing good care for children. They rarely see the diversity of Aboriginal life and absorb the stereotyping, often negative, that abounds in North American mainstream society.

Dr. Leo Steiner, former director of the Aboriginal Community Crisis Team at the Toronto East General Hospital, in an affidavit to the Family Court in Toronto in 1990, said the following in a case regarding the importance of role of identity in cross-cultural Aboriginal adoption:

A child who is conflicted about his identity is severely handicapped. He may have developed a host of functional skills, but he is also subject to a gnawing, chronic self questioning. The child becomes a victim of a self fulfilling prophecy, self sabotaging his own attempts at success for he strongly believes he is doomed to failure. With low self-esteem and a confused sense of self, the child is ill equipped to form healthy and mature relationships with others. He is then more likely to seek short-term pleasures rather than more productive realistic long term goals. Unable to interact meaningfully in adulthood, he often develops a self-centered, impulse pleasing self-destructive life style. (Excerpted from a confidential court document held by Native Child and Family Services, Toronto)

### **CONTINUITY OF CARE FROM THE ABORIGINAL PERSPECTIVE**

Continuity of care is a term that has been considerably used in recent years in making child welfare decisions. The primary assumption when using this term, is that every child benefits from consistency over time in his or her care arrangements. Continuity of care is seen as one important way to promote the positive bond between a child and at least one caregiver. When mainstream social workers consider continuity of care, the focus of analysis is on individual nuclear families, and usually on parents or set of parents. Grandparents and other related caregivers are sometimes factored into the assessment, but only if they have taken an active role in parenting the child. On the whole, though, continuity of care, like the best interests of the child, has been developed, understood, and used exclusively within the Anglo-European cultural context and by those holding an individualist world view.

The traditional Aboriginal family is no family at all in the Anglo-European world-view. Rather, it is in fact a community of people, some related by blood, some tied by clan or other Indigenous social structures, all of whom have responsibility for the good and welfare of the community's children. As such, a child may be cared for by the natural mother, an aunty, and a cousin at different points in the child's life. Such an arrangement is not a problem for the children or for an Aboriginal community that takes a traditional approach. In fact, it is usually seen as desirable, because a child can experience the wider tribal experience—its values, knowledge, and ways of behaving. Thus, what may have been misunderstood and judged by non-Aboriginals as inconsistent parenting, or a disorganized family life, was often simply cultural practice taking its course. A variety of family structures and child-rearing practices around the world illustrates that there are numerous effective ways of organizing child care. Children develop into well-adjusted, happy, and productive adults in most cultures. Such has been the historic experience of Aboriginal people across this country.

When a dominant culture judges another to be flawed simply because family structures and child-rearing practices are different, a colonial mindset results. Such mindsets are almost always racist, and

contribute to cultural and personal damage to the less dominant culture.

### **ABORIGINAL CULTURAL MAINTENANCE IN A NON-ABORIGINAL CONTEXT**

Adoptive parents of Aboriginal children inevitably will agree to make efforts towards nurturing the child's cultural self as an Aboriginal person. Although this is well-intended, it is almost impossible to achieve, and may, in fact, exacerbate the problem of identity for Aboriginal children.

Culture is complex, but its method of transmission is quite simple. Put a child within a cultural milieu and an organic process of acculturation occurs. It is through everyday living that the values, beliefs, and culturally prescribed behaviours are learned. Immersion in culture is the vehicle of acculturation. The agents of it are primary relationships in the child's life: parents, relatives, educators, and others. If an Aboriginal child is being raised in a non-Aboriginal environment, he or she will acculturate within its cultural context. I have met full-blooded Aboriginal children who were culturally Dutch, British, and Swiss.

Casual and superficial exposure of an Aboriginal child who has been brought up outside his or her birth culture to Aboriginal life, such as attending a pow wow once a year, can serve to exacerbate identity formation problems. Such exposure may enhance cultural literacy—leaving a few words of the language or skills in certain crafts—but fundamentally, they are estranged from their heritage and may be viewed as tourists in their Aboriginal land. If the child has identity confusion, or is otherwise conflicted, then exposure to Aboriginal culture may trigger chronic anxiety, and all its consequences. Children are reminded of their estranged status and are told, sometimes subtly, sometimes not, that they are not "real Indians." If a child also feels that he or she is not a legitimate part of the adoptive family's cultural heritage, which many Aboriginal children and adolescents do, then the child is in real danger of facing insurmountable barriers to identity formation. As a result, he or she may not feel comfortable in relationships, may alienate, and be alienated from, those who care about the child.

But simply moving Aboriginal children and adolescents back to their home communities is not always easy either. This is illustrated by the comments of one father, after his sons returned to their home reserve after years in adoptive care:

It was not easy... they showed no respect for their mother, they expected to be looked after, they expected their meals on time, they swore in front of the girls, they talked "man" this and "man" that... They couldn't fit into our life. They are strangers... (Native Child and Family Services of Toronto, Stevenator and Associates and Budgell, 1999)

### **EXPERIENCE AT NATIVE CHILD AND FAMILY SERVICES OF TORONTO**

Toronto, because it is situated in the centre of a large population into which many Aboriginal children were adopted, has experienced first-hand the legacy of decisions made in the best interest of children some 20 years ago. The precise number of adoptions is elusive, but many Aboriginal children from all over Canada were adopted by non-Aboriginal families living in southern Ontario.

Native Child and Family Services of Toronto (NCFST), founded in 1985, provides child welfare related services to the estimated 40,000 Aboriginal people in the Greater Toronto Area. It has a full range of prevention programs, provides treatment and healing services, is a licensed foster care provider, manages the Aboriginal child welfare caseload, and has an extensive program for youth on the street.

Of significance is the number of people served by NCFST who are experiencing adoptive breakdowns. Adoption breakdowns are simply those adoptions where the child leaves the home prior to reaching the age of majority. We have found that, of the approximately 300 women served in our child welfare related services and in our treatment and healing programs, about 200 were not raised by their natural extended families in their home communities. Rather, about 100 were raised by the State in foster care and/or institutions, and about 100 were adopted at an early age and sent far from their home communities. Of the 100 adopted women, at least half left due

to adoption breakdown.

It is useful to look at what happened to these women. Typically, after their adoption broke down, they did not return to their home communities, nor did they establish relationships with their natural families. Some became chronic runaways and gravitated to the streets of large urban cities, such as Toronto. Many finished their adolescence in a series of placements provided by the child welfare system and were simply discharged with little or no follow up on reaching the age of majority (age 16 as defined by the *Ontario's Child and Family Services Act*). All were alienated from both their adoptive family and from their home communities. Many carry significant unhealed trauma that contributes to higher addiction rates and a tendency to enter and stay in abusive relationships. Most got pregnant early and quickly slid into a life of isolation, loneliness, and despair. Almost all are poor and many will lose their own children to the child welfare system in the future.

The irony here is that somewhere, when these mothers were children, a well-intentioned social worker made a decision in a child's best interests that, in reality and over time, led to the replication of the very circumstances that led to their own apprehensions. This time, it is their own children who are at risk, and the cycle is repeated into yet another generation.

The situation is even bleaker for Aboriginal youth on the street. Aboriginal youth are over-represented in the homeless population in seven major cities of Canada, including Toronto. In 1997, Arboleda-Florez and Holley reported that Aboriginal people make up 25% of the homeless population of Toronto, though they make up only 2% of the city's total population.

A profile of the typical Aboriginal youth on the street is that of a young male, often a runaway from an adoptive home, who has been on the street since he was 14 years of age. He will likely have some involvement with the criminal justice system, and will often be cross-addicted to both alcohol and street drugs. He likely carries considerable unhealed trauma related to physical and/or sexual abuse and has probably contemplated, and perhaps attempted, suicide at least once. He is not likely to avail himself of services unless he has no choice, and he is one who rarely follows through on any formulated case plans. He is either "a loner" or is part of group of other Aboriginal

youth in similar circumstances and from similar backgrounds. He has little hope for the future, believing that his fate is likely to be jail or, as is sometimes the case, a violent death on the street. Though the Aboriginal youth on the streets share many characteristics with abused street youth in general (Parliamentary Research Branch, 1999), they experience the additional burden of racism associated with their Aboriginal identity.

In our experience, these youth, without assistance, will follow a predictable pattern. Being on the street at an early age, they become, over time, the hard core and hardest to serve of all youth on the street. They are not making use of the conventional services available and are to a large extent, alienated even from conventional street culture. They are highly visible when in an intoxicated state, as they often are, yet at the same time make themselves almost invisible when sober. They tend to exist in this state for years until they either die violently, of lifestyle-related causes, graduate to being adult street people, or are incarcerated, often for petty crimes that are repetitive and thus dealt with harshly by the courts.

Special mention must be made of the deaths of Aboriginal youth on the street. NCFST has lost six youth since we began our youth program. Two have died of AIDS, but four died violently on the street. One died on the streets of Ottawa after being beaten and doused with cooking sherry and set on fire by two other Aboriginal street youth. He experienced an adoption breakdown and did well in our program but moved to Ottawa to start anew. Without supports such as those provided by NCFST, he went back to the street and died.

Another young man, again an adopted child, lived an uneventful life in his adoptive placement until he reached 12 years of age. As a child, he and his brother were removed from his family in northern Ontario and adopted by a school principal and his wife in a small southern Ontario community. On reaching adolescence, he and his brother began acting out. They both began skipping school and getting involved in petty theft. Although the family, who by all accounts were loving and caring to these children, tried to understand what had happened to these boys, their behaviour escalated to the point where they began running away for days at a time. They would go to Niagara Falls or Toronto, where they got involved in life on the streets. Alcohol, drugs, and violence became themes in their lives.

Eventually, the older brother killed himself by leaping into the Niagara River just below the famous falls. The boy we knew left his adoptive home soon after, and made his way to Toronto where he became involved in the NCFST youth program. He appeared to be making progress, but he died under suspicious circumstances on the street one year ago. His family and our program staff still mourn his loss.

NCFST has a photograph of four young men, all smiles and good looks at our summer residential camp. All four were adopted into non-Aboriginal homes as young children. Of the four, three are dead and one is still on the streets, addicted to both heroine and alcohol.

## **CONCLUSION**

Aboriginal provisions in child welfare legislation, those that recognize the significance and importance of Aboriginal culture when considering the best interests of the child, are there for good reason. Emerging knowledge and considerable practice experience are providing us with evidence that as much weight must be given to the cultural context of the child as has been given to culturally biased interpretations of bonding or continuity of care.

The lack of research associated with adoption and other issues related to Aboriginal child welfare is truly remarkable. With the advent of devolving mandates to Aboriginal authorities, it seems urgent that we get a sense of the scope of child welfare related problems associated with Aboriginal children. The Aboriginal authorities need not only good research on the nature of the problems, but also an articulation of probable solutions, best practice models of service.

Huge sums of money are currently being spent in court battles where the life courses of vulnerable Aboriginal children are being decided. These are mostly based on incomplete, biased, and subjective information touted as science. A fraction of the dollars spent on lengthy litigation, if routed toward quality research, could serve to get our field beyond the rhetoric and emotionalism that characterizes the current discourse.

Finding consensus is the challenge to all stakeholders. It is a challenge that deserves to be addressed, not for the sake of argument but for the sake of the children affected.

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