Caught in Contradictions:

A discussion of same race adoption law

policies and practices in relationship to Native

children in Ontario and the historical context in

which they developed

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A thesis submitted to the Faculty of Education
in conformity with the requirements for the degree of
Master of Education

Queen's University

Kingston, Ontario, Canada

July, 1998.

Canada

ABSTRACT

The adoption of Native children into White families—transracial adoption—has been and continues to be a controversial and complicated issue. The EuroAmerican perspective supports the practice to ensure that a child has a family with whom to grow up. Concerned about cultural genocide and the child's potential to develop a Native identity, the Indigenous perspective opposes the practice. This thesis describes the historical context in which these attitudes developed and were influenced by social, political, and economic forces in both the EuroAmerican and Native communities. It focuses on the evolution of Ontario child welfare law, policy, and practice, and explores the practical consequences of this evolution, elaborating on viewpoints of both extreme perspectives.

In brief, EuroAmerican assimilation policies impoverished Native communities and led to the loss of children through the residential schools and the child welfare system. Same race laws and policies in adoption practice were eventually developed in response to increasing resistance to assimilation policies and increased EuroAmerican sensitivity to cultural issues. The implementation of these policies, which led to strict adherence to same race matching in adoption by front line social workers, has not resolved many outstanding issues. For any child with special needs, for example, it is difficult enough to find an adoptive family—let alone a Native family—that can address all of the child's needs. Moreover, as a consequence of same race matching, many Native children remain in temporary foster care system for extended periods of time, further compounding any emotional problems they might have and often precluding contact with their own culture. Nevertheless, the policies have led to an amelioration of Natives' concerns about adoption practices. Native adoptive homes in which to place Native children, particularly those with special needs, are currently scarce. Transracial adoption practice is a viable alternative but adoptive parents need assistance in helping Native children identify with their heritage.

ACKNOWLEDGEMENTS

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CHAPTER 1

MAPPING THE JOURNEY

The focus of this thesis is on the development and practice of same race adoption

policies. The practice of placing children of Native heritage in Native families has become an

important part of child welfare adoptions in Ontario. Through an examination of historical

literature, it becomes easier to see the influence of prevailing social attitudes, political and

economic situations, and their impact on adoption practice and Native child welfare practice.

However, it is important to examine and understand the complications and contradictions of

these same race adoption policies with which I am confronted in everyday practice.

The concept of adoption and the care of children has changed in both Native and

EuroAmerican societies. Policies and practices developed to guide adoptions—particularly

those of Native children—have been problematized by historical, political, and societal change.

It is a history about women and minority races living in a EuroAmerican male-dominated

society. Social attitudes, economics, emerging psychological theories and the supply of children

to EuroAmerican middle class infertile couples have all influenced the changing concept of

adoption and the laws associated with adoption. Poverty and associated problems such as

alcoholism are frequently factors in decisions made about adoption for both child welfare

workers and birth parents. Historical attitudes toward women, particularly single women, have

also had a major impact on adoption issues. It is necessary to examine the historical and social

context in which same race policies were developed in order to understand both the Native and

EuroAmerican perspectives on same race policy and practice issues.[1] The history reveals the

relationship and the tensions between the two communities and the reasons for the different

perspectives.

The dominant EuroAmerican community effectively colonized Native communities.

Each community affected the other but not necessarily with the same force or impact. When

Steedman (1991) describes her own history, she suggests that in order to write "history," the

writer has to make two movements in time:

> First of all, we need to search backwards from the vantage point of the present in order to
> appraise things in the past and attribute meaning to them. When events and entities in the
> past have been given their meaning in this way, then we can trace forward what we have
> already traced backwards, and make a history. (p. 3)

She further suggests that individual stories do not always fit into "official" versions of history,

resulting in tension. Once a story is told, "ways of seeing are altered" (Steedman, 1991, p. 22).

Adoption practice itself is rooted in attitudes toward women, children, race and the consequences

of poverty. It is a social process that can be traced forward and backward over time to

understand how culture is reproduced or changed over time. The practice of transracial

adoptions further complicates adoption practice. Both inrace and transracial adoptions should be

understood in the context of the cultures in which they are practiced.[2]

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[1] The importance of understanding the history and context of adoption practice and the
reasons for an adoption became very apparent to me after a discussion with an orphaned Korean
woman. She spoke very positively about her adoption experience and actively supported more
transracial adoptions. This seemed to be a reflection not only of her experience but the history
of her country.

[2] Concepts will be described further in the section under definitions.

The word "culture" applies to many cultures within this framework, including Native culture, EuroAmerican culture, the emerging blends of those cultures, adoption culture and child welfare culture, all influencing each other. Williams (1981) defines culture as a "constitutive process" and a "signifying system through which...the social order is communicated, reproduced, experienced and explored, not necessarily without conflict" (p. 13). He suggests that in order to understand changes in culture over time, we need to explore social relations and practices which produce an "ideology" as well as understand the conflicts which frequently lead to change.

My Perspective: Working Within a Traditional Children's Aid Society

My perspective has been formed both by my direct work experience in child welfare and through the historical context of White colonialism in which my ancestors came to Ontario. My interest in transracial adoption evolved over years of working in the field of adoption. I am a White middle-class social worker who has worked for the Children's Aid Society (CAS) in a mid-size community since 1978. Prior to that I worked within the prison system and in a home for battered women. At the CAS I have had different job responsibilities, beginning with child protection and prevention, later foster and child care and finally adoption. Through the CAS I have had occasion to work with children and families of different racial backgrounds. I have listened to adoptees and their adoptive parents' struggle with ethnic and racial issues.

The work that I do for CAS is mandated by the Child and Family Services Act, 1984 (CFSA, rev. 1990), a provincial Act. The policies and practice have been developed by the Ontario Ministry of Community and Social Service officials, CAS managers and law makers. Funding is provided by the provincial government. The agency is a public organization with a

traditional hierarchical structure. The community-based Board of Directors, at the top of the agency hierarchy, develops and establishes agency policy and oversees agency practice. The provincial government oversees the Board of Directors to ensure that appropriate implementation procedures are being established and regularly provides material which guides agency practice and policy. Decisions are made by administrators, board members and provincial authorities often according to their interpretation of the law, financial restraints and varying politics and philosophies. Decisions comply to the framework of the CFSA.

The board members are made up primarily of White upper-middle-class male volunteers. Most have a business background. Within the hierarchal structure, the percentage of females increases significantly as job status decreases in the agency hierarchy. Indeed, at the bottom of the hierarchy within this system are the single mothers. The next level up consists of front line social workers and child care workers who again are predominantly female. At the management level, the number of males and females is more equitable, with the Director typically being male. The primary decision makers within the agency are middle and upper managers who are guided by the CFSA (1984) and Ministry guidelines and documents. Many of the things front line social workers do are based on decisions made by those far removed from direct practice. Therefore, the actual consumers and those with direct contact with the consumer have little input into the decisions. A recent report by the Ontario Association of Children's Aid Societies (Park & York, 1996) reflected the same pattern in the CAS's across Ontario.

The agency structure can be regarded as a reflection of society as a whole, a microcosm, with the predominately male wealthy and powerful at the top and the predominately female working poor at the bottom. Decision making and policy making flow from the top down, and

change is controlled and dictated by those in authority. The people most affected by policy and practice, front line workers, families (both adoptive and biological) and particularly the children, have to deal with the consequences of decisions based on policy. Child welfare workers are confined by the organization's structure and are quite powerless in changing policies and laws by which they are constrained every day. They are busy with day-to-day issues and often do not have the time (or energy) to protest or examine some of the policies and decisions. According to Callahan, Lumb, and Wharf (1994), "It is surprisong that women and feminist thinking have not had more influence when 70% of the front line workers are women, most hving professional degrees (p. 183). Consumers of the service are limited by what the front line workers are able to offer.

The primary consumers being discussed in this research are adoptive parents, the children in the foster care system, the children who have been adopted and their families. These are the people directly affected by same race policies. Adoptive clients form a minority group within the Canadian population and tend to have a small voice. Adoptive parents tend to be reluctant to disclose personal issues such as the reasons they wish or need to adopt. Foster and adoptive children are also unlikely to be open about their personal issues and often the children do not have skills to advocate for themselves.

The community in which I work is a fairly homogenous White middle class community, tending toward conservatism, with a few small pockets of ethnic families. There are several prisons in the area, and many families of prisoners move to the area, including Native families. There is a small Native community. Sometimes the CAS becomes involved with Native children because Northern children's medical needs cannot be addressed in their Northern community and

they may be flown to this area, sometimes remaining because of their medical needs.

My current job entails training and preparing foster and adoptive families for the placement of children with difficult histories. I work with adoptive families through the entire process from initial contact with the agency, training, placement of children in the home and follow up after placement—often for years after an adoption is finalized. Even with successful adoptions many adoptive parents want and need assistance in dealing with issues such as race, including how to cope effectively with racism. Often the children whom they adopt have remained in their biological homes for long periods of time prior to entering the foster care system and had suffered forms of neglect and abuse. Long-term forms of intervention and support are needed due to the intrusive measure of removal from the home, the consequent losses and the history of abuse.

Both traditional EuroAmerican and Native agencies provide services under the CFSA (1984, rev. 1990) Today, the prevailing philosophy underlying the CFSA is the "least intrusive measures" (CFSA, 1984, rev. 1990, p.5). This is interpreted to mean that families need to be supported in remaining together. The expectations within the CFSA is that a child will only be involuntarily removed from a family if supports to the family over an extended period of time have been unsuccessful. The CFSA (1984) states that before a court order is made, the court will consider "what services have been provided or offered under this Act to the person who had charge of the child immediately before intervention" (rev. 1990, C 11, Sec. 65, 3 (c), p. 61) and "what is the least restrictive alternative that is in the child's best interests" (rev. 1990, C 11, Sec. 65, 3 (h), p. 61).

Before removal, many children have had a variety of caretakers other than the birth

parents. When a child is finally removed from the home, the parent(s) are encouraged to seek counseling and possibly parenting courses to address their problems. Following this, the child is usually returned to the home. The children available for adoption through the CAS tend to present major challenges to adoptive and foster parents because of the long history of physical or emotional harm the children have suffered (Keck & Kupecky, 1995; Steinhauer, 1991). Cultural and racial issues present adoptive parents with additional challenges. From the perspective of front line CAS workers, adding the challenge of finding an adoptive home to match the child's racial/ethnic/cultural identity only makes this task even more difficult because it narrows the potential supply of families even further.

Frequently, criticism is directed at the CAS for not providing enough prevention and support services for families and for not apprehending children whom the community perceives as at risk. Conversely, criticism is also directed at CAS when a child is not removed from a family. Both arguments render the worker as incompetent. The worker is charged with two contradictory responsibilities: that of the investigator and that of the support person. For example, recently a child died within our community. The mother has been charged with stabbing her but to date, the matter has not been determined within the court system (Flynn, 1997; Sheppard, 1998; Tripp, Phillips, & Yangisawa, 1997). The family was being supported and supervised by the CAS. Outside my office there are daily protesters with signs claiming CAS does not protect children. In the case of the child who died, the agency is being criticized for not removing the child. Marchildon (1997a,b) has reported that other communities have had children killed at the hands of their parent(s). CAS is also criticized for not providing services to the home. This includes a lack of support for adoptive parents. The fact of the matter is there are

not enough support resources available in the community to support all the families in need

(Bragg, 1997; Flynn, 1997; Steinhauer, 1996).

When a child is removed from the home permanently and placed on adoption,

adoption workers and adoptive parents are criticized if the adoption and the child are not

"perfect" after the child has lived in the adoptive home for a period of time. Most people are

unaware of the child's history and problems and believe love will solve all of the problems.

Adoptive parents are often not supported by family and friends because "they asked for the

children" (Keck & Kupecky, 1995; Steinhauer, 1991). In the front line world of adoption

practice one learns to adjust one's expectation of success which is often very different from the

larger society's expectations. The criticism tends to reflect attitudes in discussions about the

CAS and such debates clearly indicate there is a lack of knowledge about the child welfare

system and its limitations.

Personally, my interest in transracial adoption arose when I became involved in a very

controversial case which involved a Native child and a White foster family (T.L. in the matter of

the Director's Review, 1990). The child was placed in the foster home for most of the first 5

years of his life but the Native community (represented by a Native agency) wished to move him

to a Native home for adoption purposes even though the foster family wished to adopt him. This

led to a complicated court case. Eventually the child was adopted by the foster parents. Similar

issues are described in Pigs in Heaven (Kingsolver, 1993) and Losing Isaiah (Margolis, 1994).

Pigs in Heaven is a fiction about a White woman, Taylor, who stops at a roadside restaurant and

is approached by a Native woman who gives her a Native child, Turtle. Taylor learns to parent

and love Turtle, whom Taylor suspects has been abused in the past. Anawake, a lawyer with the

Cherokee Nation discovers that Turtle has been adopted illegally by Taylor and intervenes under the authority of the American Indian Child Welfare Act (1978). In Losing Isaiah, a White mother, Margaret, volunteers in a hospital nursery and cares for Isaiah when he is withdrawing from cocaine following his birth. Margaret and her husband Charles decide to adopt Isaiah but never pursue a legal adoption. Isaiah's birth mother feels unable to care for Isaiah as a newborn but eventually tries to pull her life together and wishes toparent Isaiah when he is about 2 years of age. In both situations the court system is involved in making a decision about where the respective children will live permanently. These situations demonstrate the comlexity of making decisions based on the same race matching principle.

The court case involving the Native child in the foster home left me pondering the relative merits of the different concepts presented by all of the parties involved. In particular, I have reflected on the importance of the child's welfare and attachment relative to the development of a Native identity and the importance of recognizing the continuity of the Native community. Unfortunately, in individual situations there appears to be an emotional cost to many of the participants in the debate. The issues are important and relevant for both the EuroAmerican and Native communities. It is important to develop an understanding of why this type of situation has become so emotionally charged.

The Question of Same Race Policies

In the past decade, the Ontario Ministry of Community and Social Services has developed same race adoption matching policies. The intent of the policies is to address the cultural needs of the children available for adoption through the CAS. In Ontario, the focus of these policies has been on the adoption of Native children for two reasons. First, they comprise

the largest group of minority children. Second, there is widespread concern that historically the Native community has been dealt with in a culturally insensitive manner by the child welfare system (Monture, 1989). Today CAS's function under the mandate of the <u>Child and Family Services Act</u> (CFSA, 1984, rev. 1990).[3] Written agency policies and practices are based on interpretations of the <u>Act</u>, making the CFSA in effect the written policy. The policies developed from an increased sensitivity to cultural issues in society and, more importantly, as a response to the wishes of racial minorities who opposed the adoption of minority children into nonNative families (Ward, 1984; York, 1989). The development of same race policies in child welfare is an important contribution to child welfare practice, although policies cannot capture the complexity of the situation when looking at individual children and situations. Inherent in the implementation of these policies are many practical contradictions and complications. Same race policies direct child welfare workers to find an adoptive home which is a cultural and racial match to the child. While the child's other needs are also taken into consideration, and are theoretically given equal weight in the CFSA, in practice, from my experience, cultural consideration tends to take priority.

Like many laws and policies, the principles underlying same race policies are sound, just, and important. They recognize the rights of ethnic minorities as distinct groups and ecognize the rights of the child to have a knowledge of their heritage. The Native community is suffered by the removal of children from their communities. Law and policy makers ognized and responded to it. Yet, it was primarily EuroAmerican—not Native—law and

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Names of statutes are located in Appendix A.

policy makers who developed same race policies in the 1970s and 1980s.

Unfortunately, same race policies are subject to the same pitfalls as those they replaced. For instance, same race policies allow a regression to earlier attitudes toward adoption practice when children of ethnic minorities were not considered desirable to adopt by the EuroAmerican majority and adoptive parents preferred the child to blend into the family (i.e., reverse prejudice). Furthermore, racial matching policies reinforce the concepts of secrecy associated with historical adoption practice whereby the children often did not know of the adoption or of their biological roots. There are frequently profound consequences to the practice of blanket policies when they cannot respond to individual and exceptional situations.

One major consequence of such policies is the fact that as a result of same race policies, many Native children remain in the foster care system waiting for a Native family willing to adopt them. Moreover, workers within the child welfare system face the challenge of finding a Native family prepared to adopt the children under CAS care. For a variety of reasons it is difficult to comply with same race policies and find a Native adoptive family for Native children. The Native community has suffered socially and economically and many families are unable to expand their families through adoption because of their own immediate circumstances. In addition, many children available for adoption purposes are older and present challenges to adoptive parents.

Regardless of racial background, the children available for adoption through the CAS are usually those who have been removed from their biological homes involuntarily. They have often suffered a history of extensive physical, emotional or sexual abuse and/or neglect. The practice of looking for a same race home often extends over a long period of time due to the

complexity of trying to address all of the child's needs. The additional requirement of finding a family of the same race further complicates the search. The consequences of waiting for an adoptive family further compound the child's problems, resulting in decreased chances for success of a future adoption. In some cases a family is never found.

There are two conflicting perspectives on transracial adoption. Both are legitimate and have integrity for different reasons and in fact are at the extreme ends of the debates. Most people's perspectives fall somewhere along the continuum between the two extremes. Supporters of transracial adoption (referred to as the EuroAmerican perspective in this thesis) argue that every child needs a family, no matter what race the individuals are. Opponents of transracial adoption (referred to as the Indigenous perspective in this thesis) argue that children need to be placed within a same race family in order to address their needs and develop a racial identity to learn to deal with racism. The Native community asserts that Native children must learn about their cultural heritage within their own group; otherwise, it will lead to cultural genocide for their community. In this thesis the two extreme positions are discussed but typically many individuals fall somewhere in between the extremes. Both perspectives will be explored further in the chapters following the history of adoption and the history of Native child welfare. The histories are discussed first in order to understand how these perspectives evolved.

The issue of cultural heritage, the weight given to it in addressing the "best interests of the child," and the definition of what being "Native" means result in significant complications. The Native community has changed significantly and the notion of what it means to be Native is complex and diverse. The practice of same race policies with children of mixed race heritage poses a particularly difficult problem because of the difficulties in finding an adoptive family

with the same mix background. If a family cannot be found, the issue becomes establishing

which part of the child's heritage will take precedence. Many involved in any aspect of child

welfare argue if the child has any Native heritage the child should be considered Native.

The "best interests test" (see Appendix B) includes other factors such as religion,

physical, mental and emotional needs of the child, and relationships by blood or an adoption

order but the Act does not give any direction to the weight or priority of any given issue (CFSA,

1984, rev. 1990, C 11, Sec. 37 (3), p. 34; see Appendix B). In all cases cultural heritage must be

taken into consideration (CFSA, 1984, rev. 1990, C 11, Sec. 37, (3); Ontario Ministry of

Community and Social Services, 1985). Often this can lead to individual agencies interpreting

the "best interests test" in different ways, leading to inconsistencies in practice. The CFSA goes

further with Native children and states:

> where a person is directed in this part to make an order or determination in the best
> interests of the child and the child is an Indian or Native person, the person shall take into
> consideration the importance, in recognition of the uniqueness of Indian and Native
> culture, heritage and traditions, of preserving the child's cultural identity. (R. S. O. 1990,
> C 11 Sec. 37, p. 34)

The CFSA (1984, rev. 1990) further asserts that "all services to Indian and Native children and

families should be provided in a manner that recognizes their culture, heritage and traditions and

the concept of the extended family" (Chap. C 11, Sec. 1, p. 6). This re-emphasizes same race

matching principles with Native children in agency practice.

In adoption practice today, the first step in locating a family for a Native child is to

search for a Native family. This is required by adoption policy. This practice can conflict with

emerging policies which allow birth parents to have input into adoption placement decisions.

Child welfare policies define the limitations within which Native birth mothers must comply in choosing a family for their child in both voluntary and involuntary relinquishment if they wish to have a choice in where the child is placed. This is further complicated by the fact that one section of the CFSA recognizes the Native community as a party to a child welfare hearing involving a Native child: "Where the child is an Indian or a native person, a representative chosen by the child's band or native community" is considered to be a party to a hearing (CFSA, 1990, C, Sec., 39 (1), p. 36). Therefore, a representative of the Native community must be served notice of all hearings involving Native children. The CFSA (1984) also clearly states that when it is necessary to remove a child from the family

> where the child referred to in subsection (4) is an Indian or Native person, unless there is substantial reason for placing the child elsewhere, the court shall place the child with (a) a member of the child's extended family; (b) a member of the child's band or Native community; or another Indian or Native family. (1990, C. 11, Sec. 57, (5), p. 52)

The band or Native community is notified when a Native child first comes into the care of the CAS and when a child is going to be placed in an adoptive home in order to give them the opportunity to be involved in planning and placement decisions. The parties in a child protection hearing include the child, the parent, other persons a board may specify and a representative chosen by the child's band or Native community (CFSA, 1984, rev. 1990, C 11, Sec. 36, (4), p. 30). This can potentially limit Native parents' input into placement decisions about their child. This is particularly true when birth parents wish to voluntarily relinquish their child for adoption and want their child to have certain opportunities where it is perceived that a EuroAmerican family could more readily provide these. The Native community may intervene with a plan which is not consistent with the birth parents' wishes. For example, when a Native

mother does not wish to have her child placed on the same reserve as herself, the Native community may decide the child will be placed on the same reserve. This is further complicated by the issue of confidentiality. The Ontario Ministry of Community and Social Services (1985b) described this:

> However the requirement of notice to an Indian band, set out in S. 134 (3), could mean that no Indian woman would be able to place her child for adoption without the knowledge of her home community. The notice requirement could be viewed as a hardship for Indian women, which all other women in Ontario do not have to bear. (p. 12)

While a birth mother may not wish her community to know of her position, her community has the right to be notified of any court hearings about her child.

As a result of fulfilling policy requirements of placement practice and the typically long, drawn out court processes, a child can remain in temporary care for years. As the child matures, any emotional problems resulting from earlier child abuse or neglect are compounded by the extended temporary living arrangements. This further complicates the search to find an adoptive family that can accept and accommodate the child's needs, when the child is legally free for adoption. When a Native child becomes legally free and the decision is made to locate an adoptive home, the CFSA (1984) requires that "the society shall give the band or Native community thirty days written notice of its intention to place the child for adoption" (rev. 1990, C 11, Sec. 139, (3), p. 115). Again this places another delay on locating an adoptive family. If and when a family is found for the child, the family may not be of the same race or ethnic background as the child. Adoptive parents, in these cases, deal with cultural and racial issues, in addition to more general adoption issues such as the losses of important people in the child's

life. Transracial adoptions such as these are currently the focus of much concern within the

Native community and child welfare systems. As a result of the aforementioned issues, many

children including Native children are never adopted after being in the foster care system for

extended periods of time. Based on my experience, I believe that there are prospective

adoptive parents who would be prepared to adopt Native children with support and assistance,

but are presently reluctant to adopt older children because of lack of supports in the community

and some are discouraged by same race policies. They instead turn to the international adoption

network, adopting children from countries such as China.

Purpose and Rationale

The purpose of the research is to explore the development of same race adoption policies

through the historical context in which they developed and to understand the implications of

implementing these policies into practice in the present day context. Ginsberg (1994)

acknowledges the importance of this:

> Part of the competence of a professional is systematic knowledge of one's role and
> reasons for one's work. In the human services the simple following of rules and
> regulations, which implement social policy, minimizes the professional role of the
> professional. One should know why the policy is being applied; the social values the
> policy reflects: the alternative policies that might be applied; the sources of funding and
> financial alternatives and the effectiveness of the policy. (p.154)

The EuroAmerican and Indigenous perspectives have been formed through both immediate

experience and the historical context. The Native perspective has been formed through present

day individual and community experience and the historical experience of colonialism and what

it means to Natives. The EuroAmerican perspective has been formed through European

influence, the historical colonial mentality, and present day experience. Both perspectives have

been influenced by social and economic forces and the historical context in Ontario and must be examined to understand the practice of same race placements in adoption.

It is important to understand the beliefs of both opponents and supporters of the adoption of Native children into EuroAmerican families as it may further facilitate communication and negotiation between the two groups. My intention is to clarify the issues involved for adoptive parents, adoptees and policy makers in the hope that it will assist in coping with some of the problems. Both groups believe in the principle that a child needs a family and that ideally it should be a same race family. Both recognize that this is not always possible but often do not agree on solutions to this problem.

The degree to which research supports current transracial policy and practice is considered in this thesis. However, the research is complicated by the changing meaning of concepts studied. For example, the meaning of the term "racial identity" may be very different in research done in the 1970s compared to that in the 1990s. The available research appears to be primarily from a EuroAmerican perspective, but it does contribute some knowledge to the field and demonstrates the complexity of the problem. Policy, research and literature evolved in response to the actual practice of transracial adoption taking place. Different people have written about it, from those who have actually experienced it to those who have observed it from a psychological position, thereby offering alternative viewpoints.

Clarification of Terms

The development of policies takes place within different contexts and for different reasons. In Ontario, same race polices were developed to address cultural and racial concerns raised by the Native community. Social policy in social work is considered social welfare

policy. Social welfare includes the total system of programs, services and policies which

provide for human well-being. These services only develop when there are social policies that

create, finance, and provide for administering them. Social work is based on the belief that

human problems are not simply individual problems, but can be dealt with, and sometimes

prevented, through social policy. In contrast, it is also believed that social policies can cause

human problems. For example, policies requiring Native children to attend residential schools

removed them from their families and communities resulting in devastating consequences. In

The Social Work Dictionary, Barker (1991) defines social policy as:

> The activities and principles of a society that guide the way it intervenes in and regulates
> relationships between individuals, groups, communities and social institutions. These
> principles and activities are the result of society's values and customs, and largely
> determine the distribution of resources and level of well being of its people. Thus, social
> policy includes plans and programs in education, health care, crime and corrections,
> economic security, and social welfare made by government, voluntary organizations, and
> the people in general. It also includes social perspectives that results in society's rewards
> and constraints. (p. 220)

Social problems are often the targets of social policy. Marris (1988) defines a social problem as

"general patterns of human behaviour or social conditions that are perceived to be threats to

society by significant numbers of the population, powerful groups, or charismatic individuals

and that could be resolved or remedied" (p. 6). Barker (1991) states that "social problems

involve conditions between people leading to social responses that violate some people's values

and norms and cause emotional or economic suffering" (p. 220).

In social policy, the government and prevailing social attitudes determine the allocation

of the community's resources to individual social welfare problems. There is an assumption that

they address basic human needs such as the need for shelter. The significant feature of social

welfare policy is that access to these resources depends on political status (being an entitled

citizen) rather than on market status (having money to purchase benefits). Social welfare policy

and practice help to secure social survival.

Policies, laws and programmes are designed to address social problems which are felt to

be resolvable (Ginsberg, 1994). The social policies which I am discussing are the laws in the

CFSA and agency policies and practices (unwritten policies) which were developed in response

to the Native communities' perceived concern about the breakdown of their community. In some

ways, current policies are a social and political response to Native concerns about transracial

adoption placements but could be perceived as one way of "making up" for past abuses.

Child welfare laws are specific rules and frameworks whereas policies are formal

statements based on the mandate and are more general and conceptual than the laws. Policies

and laws set the framework for sound welfare programmes but the implementation of these

programmes can enhance, inhibit or distort both policies and laws. While laws are made

publicly, they are created and implemented by professionals and bureaucrats who are guided by

a labyrinth of policies. Individual administrators interpret child welfare law and develop policies

to give guidance to child welfare workers within agencies. There can be discrepancies in

different agencies depending on who interprets laws and in turn how the policy and practice is

interpreted and carried out within agencies. Administrators have discretion in interpreting policy

and can also initiate policy. Social policy is not just mechanical but socially constructed through

a conflictual fluid process involving politicians, bureaucrats, professionals, and the public. In Of

Reformation, Milton stated: "There is no art that hath bin more canker'd in her principles, more

soyl'd, and slubber'd with aphorisming pedantry than tha art of policie" (1641) [sic].

Policy does not just include the written policy developed within organization structures but includes unwritten practice which can be the individual's concept of what laws and policies mean. Policies can be vague. The unwritten practices, that which is understood between the individuals within the organization, can vary widely from one organization to another and be justified in different ways. Child welfare policy affecting Native adoptions involves a wide variety of people, including Native and EuroAmerican adoptive families, service providers, administrators and Native and EuroAmerican advocacy groups. As well, front line practitioners can shape, influence and change policy merely through gate keeping techniques or challenging practices. Barker (1991) emphasizes that:

> It is not only important to understand how policies develop in a historical context, but it is important to look at the provision of service and the principles behind it after a policy is in place. Those who conduct the analysis consider whether the process and result were rational, clear, explicit, equitable, legal, politically feasible, compatible with social values, cost-effective, and superior to all the alternatives, in the short term and the long term. (p. 175)

Ginsberg (1994) further proposes that sometimes a reasonable sounding policy needs to be revised and reviewed because often the consequences are not fully understood until the policy is actually implemented. In this research, I will argue that this is in fact the case in the adoption of Native children into nonNative families at this point in time. It is critical to understand that the implementation and consequences of the CFSA and the same race adoption policies which developed in response to the CFSA and Ontario Ministry guidelines.

In the following chapter the concerns raised about transracial adoptions, particularly those involving Native children adopted into nonNative families, will be discussed further and terms used in this thesis will be defined. In addition, the method of the approach to the problem

and the research methods will be explained and terms used regularly in adoption practice will be clarified.

CHAPTER 2

APPROACHING THE PROBLEM

The problem of addressing the issue of same race adoption policies is important in many ways and for different reasons from different perspectives. There are many ways of approaching the problem; I chose to approach the problem by reviewing research literature and policies. It is a complex issue and the following chapter will elaborate on issues, clarify terminology and place the problem in a social context.

Our Differences

The concept of adoption and child welfare has changed significantly during the last century. Canada has moved from a White colonial monochromatic society to a mixed cultural society over the last 100 years . EuroAmerican society effectively colonized Native society, ultimately resulting in significant and detrimental changes to Native communities. Now Native society is trying to restore some critical aspects of its culture.

Both EuroAmerican society and Native society developed approaches showing they care for children. Native society used a more communal approach, the EuroAmerican approach more institutionalized. The institutions of CAS's were established by the dominant society as a means of showing that society cared for children. They were also seen as a mechanism for dealing with situations which were perceived as problematic by the dominant society: for example, homeless children were perceived as needing a home base. The two separate approaches and experiences make it difficult for each side to understand the other. It is hoped that through the examination of policies and their development, both communities will gain some understanding of the other.

Much of the literature related to this topic, both EuroAmerican and Native, stresses the

importance of EuroAmerican Canadians gaining an understanding of the history of Native

people and the issues which face the Native community today (Ministry of Supplies and

Services, 1996). Sinclair, Phillips and Bala (1991) state:

> Social workers who are not informed of the Aboriginal communities' struggle for control
> of child welfare services, or of the cultural, social, legal and historic dynamics involved,
> will be unable to adequately meet the test of providing for the best interests of the child.
> Further, they will be unable to provide proper support to the aboriginal communities
> which are expanding their role in the child welfare system. Unfortunately, research in the
> field is sparse, and there are relatively few resources to help child protection workers
> understand these complex issues. (p.172)

This is further elaborated in a Native Services Handbook (1995), published by the Chiefs of

Ontario:

> Despite the progress made, many Native children remain in the care of non-Native
> agencies and institutions. While many of these children may never come home to their
> communities, they are nonetheless entitled to all recognition and benefits of the Child
> and Family Services Act. It remains incumbent on the nonNative sector to recognize the
> rights and entitlements of these children to treat them accordingly. Where there once was
> desecration, there is now law and it is up to those who have responsibility for Native
> children to establish relationships with the Native sector and to work together for the
> benefit of all. (p.27)

Despite the historical relationship between both Native and EuroAmerican communities are

recognizing the need for the respective communities to understand the other and work together

in the future regarding child welfare problems (Ministry of Supplies and Services, 1996).

The Concept of Adoption

According to Watson (1994), adoption is a means by which the developmental needs of a

child are met through the legal transference of

ongoing responsibility from birth parents to adoptive parents, recognizing in the process we have created a new network that forever links those two families through the child that is shared by both. This kinship network may also include significant other foster families, both formal and informal, that have been part of the child's experience (p. 1).

Adoption involves a minimum of four people (commonly known as members of the adoption triad): the birth mother and father, the child and an adoptive parent. Small (1987) points out that adoptive families are necessarily structured out of loss. The child loses the birth parents and that heritage, the adoptive parents lose their dream of a birth child and the biological parents lose their child and, possibly, a sense of continuity. When a child is adopted, the child is parented by an alternate parent.

In Ontario child welfare legislation, adoption is a legal process which involves a complete break with a child's previous identity. The child, for legal purposes, is perceived "as if" being born to the adoptive parents. There has been little written agency policy addressing adoption. Those policies which do exist have varied across the country and on many issues child welfare legislation is silent (Daly & Sobol, 1993). Practice has also varied, usually being based on provincial legislation (which varies from province to province) and on the individual agency's interpretation of the legislation. Inconsistencies have existed even amongst agencies within Ontario.

Adoptions through CAS are usually completed through the courts. In Native communities there is a tradition of custom adoption which is legally recognized. In these situations, the birth parent(s) give the child to another parental figure to parent the child and the child will often grow up knowing the birth parent(s). Other types of adoption include international adoption, and relative and stepparent adoption. The focus presented here are

adoptions which take place through the CAS.

Most adoptions, as we know them, involve the CAS or private adoption practitioners. The child is voluntarily relinquished or removed from a family because of a history of abuse or severe neglect. Private practitioners deal with voluntary relinquishment and CAS's deal primarily with the children that are removed from their homes. Voluntary relinquishment involves a written consent, whereas involuntary relinquishment involves a trial, and if the judge so orders, the child becomes a permanent ward of the state. In this event, adoption plans are usually pursued if the child is considered adoptable.

The realities of the adoption experience, changing policies, laws, politics, medical technology and the economic situation are changing the face of adoption. Adoptive parent(s) who are infertile seek medical help usually prior to making the decision to adopt. Some, who are financially able, choose to adopt privately at a cost of between 5 and 30,000 dollars. Many give up the idea of adopting children because they may be emotionally, financially and physically drained. Some choose to adopt internationally. Others make the decision to adopt through the CAS. Once the decision is made, they must go through training which helps prepare them to parent children with special needs. This is followed by an intrusive home study process. Prospective adoptive parents are required to disclose the personal and emotional issues in their lives so that another adult can determine if, when, and how they are fit to be parents. Many drop out. As a result there is a filtering system that begins with trying to conceive and ends with the final approval or the withholding of approval for becoming an adoptive family. These families are very different from those who adopted even 10 years ago. They are also fewer in numbers. These families appear to be very motivated and more educated when they finally make the

decision to adopt a child through the CAS.

Definitions

In this work, the term *transracial* is used to describe the adoption of a child from one racial background into a family from another racial background. Such adoptions are commonly termed *cross cultural* but, as most adoptions are cross cultural, the term is not sufficiently descriptive for the purpose of this work. For example, the adoption of a child who has been sexually abused in a family where sexual abuse is the norm, then placed into a family where this is totally unacceptable, can be considered cross cultural. In this case the families themselves have different cultures and norms. *Inracial* adoption is the term used to describe the adoption of children into same race homes.

The term *Native* is used to describe all those people whose ancestors were indigenous to Canada. Other commonly used terms used include *Aboriginals, First Nations People,* and *Indians. Native* is the only word that seems to cover all people of this heritage even though the term *First Nations* is popular today. In this discussion, the term *Native* is used, as it is the most frequently used term within my work setting. Native women who were consulted, for the purpose of clarification, support the term "Native" capitalized. In the CFSA if a child is identified as being of Native ancestry, every effort must be made to locate a Native family and all relevant laws applied. No matter how small a percentage of their background is Native, the child is perceived as having the need to have his/her Native cultural needs met.

Problems arise in using some of the other definitions. In the CFSA(1984), *Native person* is defined as "a person who is a member of a Native community but is not a member of a band, and Native child has a corresponding meaning" (rev. 1990, C 11, Sec. Art. 3 (b), p. 8). In effect,

a Native is a person who is ethnically Indian but does not necessarily have status (Laforme, Henderson, & Jones, 1987, p. 19). The term Status Indian refers to all those entitled to be registered under the Indian Act (1990, C 11, Sec. Art. 3 (b), p. 8). The term *Indian* refers to Status Indians who belong to tribes that signed formal agreements with the Crown. However, some tribes never signed treaties; therefore, all treaty Indians are Status Indians but not all Status Indians are treaty Indians. Nonstatus Indians are those people of Indian ancestry who, for a variety of reasons, lost or exchanged their right to be registered under the Indian Act (Johnston, 1983). Metis are recognized as a distinct group as they have a background that is Indian and French or English. In order to simplify the discussion, the terms bands, tribes and First Nations are used in this discussion. The terms are historically problematic and change in different contexts.

In the CFSA (1984), the definition of a father is clearly defined (CFSA refers to it as defined in the Children's Reform Act, 1980; see Appendix C) and a person who claims to be the father of a child must fall into one of several categories (see Appendix C). According to these categories, when a man impregnates a woman, as in a casual affair, he does not have to take responsibility for the act. One judge in Toronto referred to some men as "casual fornicators" (A. H., C. E. S. and J. M. S.; Attorney general of Ontario v. Nevinsm Prov. J. et al, 1988). The specificity of the mother is less problematic. The definition of the father suggests that the father has to display an interest in the child either in utero or after birth. In fact, the man who is considered the father may not be the biological father but someone who supported the mother during her pregnancy.

The term *in limbo* used in the field of child welfare was well described by Wilkes (1992)

as "a prolonged period of separation of a child from nurturing parents in which there is a persistent confusion, conflict or uncertainty about future plans, parental authority, family relationships and past history" (p. 2). It is the term used by professionals when describing a child who is involved with the CAS for an extended period of time and whose situation remains unresolved for years. *Attachment* and *separation* are key words used widely in the profession. Children who are "in limbo" tend to have multiple caretakers at home and in foster care before a permanent decision is made regarding their future. This often results in emotional problems associated with multiple caretakers including separation and attachment problems. These terms will be discussed further in the chapter describing the EuroAmerican perspective. Children who have difficulty attaching to anyone (because of their past) are described as having an *attachment disorder*.

The Child Welfare System

In the child welfare system, any referral must be reviewed (Ontario Ministry of Community and Social Services, 1992). There is no waiting list as in other mental health services. Caseloads are high, workers are overworked and the work is stigmatized and undervalued. Child welfare work is concerned with the private realm of the family, both biological and adoptive, and makes decisions about what is "right" for the family, particularly the children, making it very difficult for the client to be open and comfortable. There is not enough funding to provide adequate support services, although the CFSA indicates that support services must be offered to the family prior to the more intrusive intervention of removing the child from the family. In reality there are few support services available, placing workers and families in a "catch 22" situation (Sueinhauer, 1996). For example, a parent aide may teach

parenting skills to parents twice a week, but often this has little impact when parents are struggling with a child with serious behaviour problems. Often, the client is more concerned about a lack of basic necessities, such as housing or food, than about learning parenting skills.

Child Welfare Clients

The primary mandate of CAS is to investigate allegations of abuse and neglect of children and to work with families who need assistance and supervision (Wharf, 1995). Child abuse and neglect are strongly associated with poverty (Chamberland, Bouchard & Beaudry, 1986; Cohen-Schlanger, Fitzpatrick, Hulchanski & Dennis, 1995; Hughes, 1995; Meyer, 1985; Pelton, 1994; Scarth, 1993; Torjman & Battle, 1995; Trocme, McPhee, & Kwok, 1995). Child welfare officials are dealing with the consequences of poverty when attempting to address child abuse and neglect (Armitage, 1993a,b; Callahan, 1985; Callahan & Lumb, 1995; Callahan, Lumb, & Wharf, 1994; Cappeleri, Eckenrode, & Powers, 1993; Cohen-Schlanger et al, 1995; Courtney et al 1996; Daily, 1988; Garfinkel & McLanahan, 1986; Hepworth, 1985; Hughes, 1995; Martens, 1988; Monture-Angus, 1995; National Center on Child Abuse and Neglect, 1988; National Council on Welfare, 1993; Trocme et al, 1995). Statistics Canada (1994) reported that of 1,000,000 single parents, 82% are women, and, in 1993, 59% of single mothers had incomes below the poverty line. Child abuse is a result of a complicated web of factors including the powerlessness of women, the inequality of pay, lack of status associated with caring for children, the social, political and economic climate, and the effect of laws and policies. Generally, the complex interplay between public and private issues that contribute to child abuse is unknown in the general public .

Poor families are over represented in the child welfare system. Meyer (1985) describes

this: "the child welfare system is the poor people's social service system" (p.101). Those most directly affected by child welfare appear to be women and children, particularly those that are poor (Jones & McCurdy, 1992). The relationship between race and child welfare cannot be isolated from economic deprivation and single motherhood. An examination of child welfare literature found that many of the observed differences in child welfare outcomes described in terms of race and ethnicity reflected differences in economic and social well being, and those studies that accounted for this variation showed a reduced or nonexistent effect of race or ethnicity when social class was factored in (Courtney et al, 1996). Some studies of child welfare and minority children indicate the relationship between economic deprivation and child welfare and single motherhood and poverty further compounds the relationship between race and child welfare and cannot be separated from the whole (Cappelleri et al, 1993; Garfinkel & McLanahan, 1986; Hampton, 1987; Huston, 1991; Jones & McCurdy, 1992; Pelton, 1994). It is a perilous task to consider the impact of one of these factors without accounting for the others.

Some Canadian studies have documented that children who live in poverty have higher mortality rates, mental health problems, suicide rates, poorer health and school records, as well as increased likelihood of being involved in the juvenile justice system (Canadian Child Welfare Association et al, 1988a,b; Trocme, 1991; Wharf, 1995). Scarth's study (1993) reveals that 83% of the families involved with the Metro Toronto CAS are considered poor. As well, she asserts that in 74% of the apprehensions involving abuse and abandonment, there were family housing concerns, including lack of housing, over-crowded conditions, and poor physical structure. Unfortunately, there is little Canadian research on child abuse and poverty. On March 1, 1998, an article in the Toronto Star (Welsh & Donovan) stated: "After relying for decades on

American studies, the federal government is spending half a million dollars to research the causes and effects of child maltreatment" (p. 1). There are now reports of increases poverty in Ontario because of company restructuring, unemployment, and increased stresses on the family (Greenaway, 1997; Tory policies cause growth in poverty, report says, Dec. 2, 1997). Child welfare workers are already dealing with high case loads, resulting in a higher demand for service (Shephard, 1998).

In 1986, in Canada, approximately 49,000 children were in the foster care system with approximately 70% of these children being from poor families. In comparison, 20% of the total population of Canada, was considered to be poor (Canadian Child Welfare Association, 1988b). Of the population of children in foster care more than 20% were reported to be of Native origin. In comparison, only 2% of all Canadian children were reported as Native (Wharf, 1985). However, these statistics regarding Native children are not reliable because often it is only those children identified as Status Indians that are reported. In The Kingston Whig Standard (Canadians urged to adopt here, September 10, 1997), it was reported that 48,000 children were languishing in foster care in Canada because of a lack of adoptive homes and services. One report indicates that there are 5,000 children in the Ontario foster care system available for adoption (Adoption Council of Ontario, 1998). The statistics do not identify minority children.

It is those children and families whom the child welfare system serves. Poverty has affected the Native community dramatically, and the children particularly (Ross, 1996). Frequently the poor are unable to pay for child care support services and with today's urban and mobile families, many families do not have the supports of extended family. Poverty has become the accepted context for child welfare policy makers to develop policies rather than

addressing poverty and issues associated with poverty.

Researching The Available Literature

In examining current issues in transracial adoption, I place the laws, policies and practice in a historical perspective in order to better understand the changing practices. Adoption policy and practice change within different historical contexts. Those individuals involved in the adoption process can be affected differently at different points in time. Multiple resources were reviewed in the research process because there does not appear to be much research or literature addressing the issues. Books, articles and documents were the primary sources of information. This included policy manuals, Ministry documents, historical discussions, autobiographies, biographies and research. Fictionalized narratives are used to clearly illustrate the issues. The research process involved reflection of these materials and reflections of my own experience. There are a variety of books available on adoption addressing various issues, with the primary ones being secrecy in adoption practice, psychological theories, identity and reunion, and the history of the concept of adoption. I found, through the examination of the material and my experience, that advocating transracial adoption in any form often results in accusations of racism. Key words are used when discussing the adoption of Native children into EuroAmerican families, including "colonialism" and "the destruction of the Native family" (Sinclair, 1991; Monture, 1989).

One of the most interesting things I observed during the literature search was the paucity of information on the adoption of Native children. Literature addressing Native child welfare needs did not emerge until the 1960s and 1970s (Timpson, 1995). Early literature addressed the jurisdictional problems between the provincial and federal government and the difficulties

traditional child welfare agencies confronted in delivering service to the Native community.

Later, literature described the colonial relationship between EuroAmerican society and the

Native community and the negative impact traditional agencies had on Native peoples. This was

followed by literature on the development of new Native agencies. Most recently there has been

more focus of the social conditions of Native communities. Literature that addressed the

fostering and adoption on Native children was sparse until the late 1970s and early 1980s when

attention was drawn to sensational situations: for example, the case of Richard Cardinal who

hanged himself in his 16th foster home after 13 years in foster care. An investigation blamed the

cultural insensitivity of the traditional child welfare system and the lack of supports prior to his

admission to the foster care system (Thomlison, 1984, as cited in Timpsin, 1995). However, the

reasons for his admission to foster care remain unknown. Indeed, available research is primarily

quantitative, describing the numbers of Native children in foster and adoptive care and anecdotal

all the while minimizing the context from which these children came (Johnston, 1983).

Research addressing the adoption of Native children both in same race homes and transracial

homes was minimal. The research that did include children of Native heritage usually involved

a small number within a larger group of minority children (Alstein & Simon, 1987; Bagley,

1993a; Feigelman & Silverman, 1984). Little is known about the experiences of those who

remain in the foster care system and those involved in the adoption of Native children into White

families, particularly those perceived as successful by those involved. Government document

information available on the Internet consists of only three Royal Commissions alluding to the

issue of adoption: two are directed at issues of infertility, the other directly addresses adoption.

A similar lack of information is manifest in the few statistics available from the Ontario Ministry

of Community and Social Services.

The search for policy within one agency led to some obstacles. When I asked for information on transracial adoption, I was supported and given information, but frequently irrelevant information. When I asked for policy, I was offered silence. After some luck and perseverance, one colleague located a policy manual which was originally written in 1959 and revised four times with the final revision in 1986. Of note was the fact that many of the policies in 1986 did not address some of the issues in the CFSA (1984). The adoption policies add up to 10 pages, with a complete page being devoted to religion and one paragraph addressing Native adoptions. In the policy manual, reference is made to matching on the basis of the child's needs, but not to what this means or how it might be achieved. In fact, the word "culture" is not used or mentioned or included in the matching process, although religion is emphasized for both the child and the adoptive parents. Guidelines recommending placement occur within 6 months is made for a child and birth mother to ensure a speedy placement of a child. This reflects the fact that a birth parent can ask for a legal review of the case if the child is not placed in an adoptive home 6 months after a permanent order of wardship is made. This can complicate a child's life because it can further delay a child's placement if the birth parent applies for a review, even if there is a severe history of abuse. The policies indicate that if an appropriate same religion home cannot be found for the child, the child may be placed in a home of a different faith as long as "the home would not be a potential neglectful home" (CAS Policy Manual, 1986, p. 303). The only reference made to Native children is brief. It states that when the adoption is finalized, the Department of Indians and Northern Affairs needs to be notified. These policies are in direct conflict with the agency practice and the direction of the CFSA which requires that when a

Native child is placed on adoption, the band must be notified. Through discussions with workers in other agencies it became apparent that the little written agency policy in the agency in which I work reflects most agencies' practices—few written policies and many unwritten policies. Written policy appeared to be given little importance by bureaucrats prior to the 1990's. It demonstrates that policy can constantly change according to other factors in the social context, such as changes in laws. The lack of written policy would imply that the internal workings of the agency depended upon the informal information and ideological networks.

In order to understand the development of same race policies in child welfare, I felt it important to understand the historical influences of adoption law and practice and child welfare involvement in Native child welfare. Both histories have contributed to the recent development of same race policies because of a complex interplay of history and social attitudes. The review of the literature on adoption and Native child welfare clearly reveals how both are interwoven, with the history of adoption in EuroAmerican society affecting Native child welfare. Both are affected by the political and economic climate and changing social values and influences. A discussion of the history of adoption in the next chapter, particularly in Ontario, demonstrates the impact of changing social values on attitudes toward adoption. Throughout, the discussion women and children are central figures. The impact of developmental theorists is discussed in the same chapter to demonstrate their influence on attitudes toward adoption practice and the increasing acceptance by the dominant EuroAmerican society of adopting Native children.

CHAPTER 3

THE EVOLUTION OF ADOPTION POLICY AND PRACTICE

In this chapter I propose to show that historical, social, political, and economic forces have influenced adoption practice. Within this context, attitudes toward women, poverty, and the effects of poverty have played a role in influencing adoption laws and policies. Laws and policies tend to reflect social attitudes at different points in history. Laws have dictated and directed adoption practice through the form of both written and unwritten policy; practice appears to be based on interpretations of laws and policies within the current historical time period. It was not until the late 1970s and early 1980s that same race adoption placement policies were developed in response to concerns raised by the Native community in Ontario.

Early Historical Influences

Adoption practice dates back thousands of years and its routes lie in early attitudes toward women and children. The earliest recorded adoption was that of Sargon 1, the founder of Babylon (Clothier, 1939). The earliest documented beliefs about how children should be dealt with indicate children were considered the property of the parents, particularly the father, and the father could choose any form of punishment for a disobedient child, including infanticide. Whichever epoch one examines, whether Roman, Greek, Persian, Egyptian, or Gallic, one finds that fathers had absolute power over their children. The Romans went furthest in giving fathers the power to take life away (*patria potestas*). The father was, in practice, able to give the child away, as in placing the child for adoption, to families who wanted to have an acceptable heir, to ensure the continuation of religion, or even to have a child to bear arms (Clothier, 1939; Silverman, 1989; Valverde, 1991). The adoption of children served a purpose. These views were

carried forward into English law, the forerunner of adoption practice in Ontario. In the 13th

century, under English Canon Law, women were subordinate to men, and children were

expected to care for themselves. In the late 1500s, the English state began to intervene in the

economy, with the new era of Capitalism (Day, P., 1989). Poor Laws were instituted in the

1600s and extended families were expected to take care of their poor family members (Ginsberg,

1994; Hayes, 1993). As a form of alternative care for children who would otherwise be

murdered, abandoned on the streets, or left at churches, homes were established (Kaduchin,

1980). This was one of the first forms of outside intervention into the care of children in

England. Indeed, the rights of their parents to dispose of their children as they wished were

absolute under British Common Law until the 19th century, when the state became more

involved in the care of children (Davis, 1954).

With the coming of the Industrial Revolution in Britain, children were working in

industry. The same occurred in Canada until the Factory Act was passed in 1888 to prevent

child labour and efforts were made to ensure mass education (Silverman, 1989). Between 1880

and 1950, 150,000 children were sent from England to its colonies in the belief that "this would

not only take children off the streets but would increase the number of Whites and improve the

racial stock of the colonies" (Swift, 1991, p. 272). The English believed that good Protestant

children were needed to balance the French Catholic influence (Cohen, 1994). These attitudes

about religious practice influenced adoption laws and practice in the years to come.

Early Ontario Law and Practice

Traditionally, the father was considered the patriarch of the family and children played a

role similar to that of servants. Parents could abuse children, as they were considered to be the

parents' property. During the 19th and early 20th centuries, children were perceived as needing

discipline, guidance, and protection from a hostile society. Women had clearly defined

nurturing and supporting roles; authority and responsibility were exercised by the father. The

father had control over the labour of the child (frequently the child worked on the family farm)

and in return he clothed and fed the child (Armitage, 1993b). Early adoption policies and

practices were based on these assumptions about the roles in the family (Dukette, 1984).

In early adoption practice different alternatives were available to women of different

social classes and marital statuses. In the 19th century, the Poor Law refused relief to single

mothers which, according to some historians, resulted in an increase in infanticide (Hayes,

1993). Custom adoption was often practiced by the working class. When the mother could not

care for the child, she gave the child away to family, friends, or the community because the

community was seen as having a legitimate role and a responsibility to the mother and child.

Secrecy was encouraged. The practice was subject to contract law, either verbal or written

(Hayes, 1993). A child could be "farmed out"[4] as an apprentice on a contractual basis—orphans

were often used for labour (Dukette, 1984).[5] In the 1850s some children from poor families

were placed in orphanages (Rooke & Schnell, 1983) which were supported by charitable

donations (Splane, 1965). Most orphanages did not accept children of racial minorities (Hogan

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[4] The term "farming out" actually existed in pre-industrial years when the child was illegitimate or there were too many children to care for and the child was sent elsewhere. At this time, the notion of "bad blood" came into being because there was concern that the adopted child gaining any inheritance rights could threaten the blood line (Splane, 1965).

[5] In Anne of Green Gables (Montgomery, 1972), Marilla and Mathew were disappointed that Anne was not a boy, as Mathew was getting old and finding it more difficult to work on the farm.

Turner & Suir, 1988). These institutions continued to serve children through WW I and WW II

and the Depression years (Splane, 1965). By the late 1800s adoptions arranged by these

institutions were regulated by law (Bala, Hornick, & Vogl, 1991).

The Establishment of Children's Aid Societies in Ontario and Child Protection Laws

In 1891, Ontario established the first Canadian child protection agency in Toronto (Swift,

1991). In 1893, Ontario was the first province to establish laws to protect children in the form of

An Act for the Prevention of Cruelty to, and Better Protection of Children (Davis, 1954; Swift,

1991). The Act provided the administrative machinery to care for neglected children, defined as

homeless or destitute, and allowed for the removal of children from their parents' homes (Swift,

1991). Foster care was accepted as the preferred method of alternative care (Beuf, 1977;

Ontario Ministry of Community and Social Services, 1983b; Stokoe, 1994; Swift, 1995). In

1880, Kelso was appointed Superintendent of Neglected and Dependent Children to implement

the legislation (Ontario Ministry of Community and Social Services, 1983b) and held the

position until 1933 (CAS Policy Manual, 1986; Neufield, 1994). Prior to his appointment, he

had been a reporter for a local newspaper and had become involved in the plight of children

begging on the streets (CAS Policy Manual, 1986). Kelso continued to develop CAS's across

Canada. This was the beginning of the institutionalization of child welfare practice.

The child saving movement gained momentum between 1880 and 1920 (Stadum, 1995).

In many communities, Humane Societies preceded CAS's (CAS Policy Manual, 1986). The

actual work of implementing the Act for the Prevention of Cruelty to, and Better Protection of

Children was done initially by middle-class volunteers, known as inspectors or agents, primarily

women (MacMurchy, 1992; Neufield, 1994). Eventually, these became paying positions

because the numbers and consistency of volunteers were inadequate.

Many child welfare reports from this era involved unwed mothers, poverty, or an illness of the mother, notably "consumption" (Swift, 1995, p. 74).[6] Intelligence testing of children became a popular concept, as the general attitude was that single mothers were linked with immorality and therefore must be feebleminded (Swift, 1995). The child welfare mandate placed the responsibility of care for children on the parents, particularly the mother, rather than the social conditions in which they lived, an attitude which carries over to today's practice. In Heroes in their Own Lives, Gordon (1988) states that only one variable other than single motherhood was a better predictor of child removal—poverty. Gordon (1988) studied the agency's policy: children were never removed from homes for reasons of poverty alone but poverty was strongly correlated with characteristics of neglect. In the period between 1880 and 1920, documentation of neglect included: dirty clothing, soiled linen, lice and worms, crowded sleeping conditions, lack of attention and supervision of children, untreated infections, running sores, rickets, truancy, malnutrition, and overwork. Gordon (1988) concluded the agency tended to remove children from single mothers who were poor, as their poverty was associated with neglectful conditions. All of these conditions are frequently related to poverty and child welfare even today.

Up until the mid-20th century, the prevailing social attitude was that the mother should remain at home. In response to the rising concern that married women were placing their children in orphanages because of an inability to care for them, Ontario Mother's Allowance Act

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[6] Of the children in Ontario foster care in 1911, for example, 50% of the children had been removed from sole-support mothers on the grounds of poverty (Swift, 1995).

was passed in 1920. This allowed married or widowed women to reunite their families.

However, the Act excluded single mothers (MacMurchy, 1922), thereby continuing the need to

place children into alternative families or institutions.

The Institutionalization of Adoption

In response to the rising numbers of single mothers The Protection of Children of

Unmarried Parents Act and An Act Respecting the Adoption of Children Chapter 55 were

established in Ontario in 1921 to guide adoption practice (MacMurchy, 1922). Maternity homes

were provided to assist in placing infants. Many of the present adoption laws were established at

this time. The Act established: rules about relinquishment of the child, consent of parents,

agencies who did adoptions, adoption placements, adoption probation, and finalization of

adoption orders. The adoption order effectively severed the child's links to biological parents

(Griffith, 1992). The Act also provided for guardianship of the mother and child by a provincial

officer whose consent was required for all adoptions. It provided for the removal of a child if

deemed abandoned or neglected, and allowed adopted children to have inheritance rights for the

first time. Formal secrecy provisions were validated by the the Adoption Act in 1927 and

continue in the present (Bernstein, Caldwell, Clark, & Zisman, 1990). The phrase in the Act

states this (CFSA 1990, Sec. 158 (2)):

> For the purposes of the law, as of the date of making an adoption order,
> (a)the adopted child becomes the child of the adoptive parent and the adoptive parent
> becomes the parent of the adopted child, and
> (b)the adopted child ceases to be the child of the person who was his or her parent before
> the adoption order was made and the person ceases to be the parent of the adopted child,
> except where the person is the spouse of the adoptive parent, as if the child had been born
> to the adopted parent. (p.125)

This provides for formal sealing of original birth records. The new birth records are changed to

the child's new name and the names of the adoptive parents. Close matching of skin colour, religion, and racial origin became the general practice to help assimilate the child into the family and preserve secrecy (Bartholet, 1993; Dukette, 1984).

By 1925, half of the maternity homes in Ontario were primarily adoption facilities supported by charitable donations (Hoppe, 1983). The goal in maternity homes shifted from purification to rehabilitation. Single mothers were expected to keep their child as spiritual and moral retribution or give the child up for adoption. During the Depression, there was not enough voluntary funding to support maternity homes and the Charitable Institutions Act (1925) was expanded to include maternity homes, thus having another form of legislation impacting on single mothers and adoption practice.

Changing Beliefs and Economics During the Great Depression and World War I

Social workers in the 1930s were faced with the consequences of the Great Depression, with many people living on the edge of poverty. The conservative depression years supported policies in favour of the nuclear family (Rooke & Schnell, 1983). Job loss and economic stress led some men to drinking, violence, and abandonment of the family, forcing women into low paying jobs. Social workers were geared to investigating the family and the home; most families were poor and lived in poor housing conditions. Problems were attributed to deficiencies in mothers and information was shared with other agencies (Swift, 1995). When a single mother was turned down for Mother's Allowance she was automatically referred to the CAS, counseled for adoption purposes and entered a charitable home, suffering a social stigma (Cahill, 1992). Many were from working class backgrounds and did not have the money for abortions or birth control. It was not until 1957 that single women were considered eligible for financial support

through Mother's Allowance.

In the 1940s, child welfare became more concerned with the emotional health of the family and adoptions increased in numbers (Balcombe & Williams, 1941; Whitton, 1956). The prevailing attitude in adoption in the 1930s and 1940s was that if a child's physical and psychological abilities were unknown, the child should not be placed for adoption. Adoptive families did not want to take the risk. Only "healthy" babies were placed on adoption and any baby perceived as different, for example having red hair, was not adopted (Cahill, 1992; Keck & Kupecky; McWhinnie, 1967). This included children of ethnic minorities. At the time there were not enough "suitable" babies for adoption and social workers became concerned about the rights of the birth parents, adoptive parents, and the child. Agency practices included taking extensive social histories of the child and assessing the child in a mental health setting for two months to two years to determine if the child suffered from emotional or developmental problems (Adams, 1982a,b; Bartholet, 1994; Kaduchin, 1980; Smith, 1984; Spielburg, 1952; Steinhauer, 1991). Children considered less than perfect by agency workers remained in institutional or foster care.

Post War Years

The number of recorded adoptions increased 40% between 1940 and 1953 (Ontario Ministry of Community and Social Services, 1983b). Literature on child development (Bowlby, 1951, 1969) started stressing placing White healthy babies quickly. The child became the client and the focus was on finding a match for the child and meeting the individual child's needs by taking into consideration the child's physical and emotional well being. In reality, matches continued to be based primarily on physical and religious matching (Brodzinsky, 1987; Child

Welfare Act, 1955; Kaduchin, 1980). Child welfare workers focused their time on dealing with the high demand for babies and making appropriate matches. The laws outlined matching procedures and guided policy and practice. The matching of physical characteristics continued to protect the mother and child from the stigma of illegitimacy and the adoptive parents from the stigma of infertility (Bartholet, 1993; Dukette, 1984).[7] Meanwhile, caseloads with the children considered unadoptable continued to increase.

Adoption came to be seen as the solution to the moral crisis of the increasing numbers of unmarried mothers, dealing with the single mother problem and reinforcing the nuclear family. Both the birth mother and adoptive mother were seen as having something wrong with them. Single parenthood was publicly discouraged. It also became a class issue because middle class women would often get married because of social pressures and lower class women would be encouraged to enter maternity or foster homes and earn their keep (Rooke & Schnell, 1983). Adoption became the most socially acceptable way for single mothers to survive because without the child, they were marriageable. Adoption was seen as acceptable for childless couples. Unwed mothers and couples who chose not to have children were seen as unpatriotic.

The institution of adoption had created two realities. Married women who wanted children were considered normal, and single women were not normal if they wanted or had children (Hutter & Williams, 1981). Class was hidden in the push for secrecy and same race matching (Baran & Pannor, 1984). As a result, healthy White babies were provided for

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[7] Many children were not told of their adoption. I have read stories of adults finding adoption orders in their parents' safe deposit boxes after their parents' deaths when they had no idea they had been adopted.

childless couples, work loads increased for social workers, the number of children in foster care remained high, and CAS's were experiencing excessive costs. Agencies were forced to reevaluate who and how they were actually serving and changed their focus to supporting the child in the home of origin and reestablishing homes that had broken down (Ontario Ministry of Community and Social Services, 1983b).

The earlier Acts affecting adoption practice (Children's Protection Act, 1927; Children of Unmarried Parents Act, 1921; Adoption Act, 1927) were reviewed as a result of the concern of rising costs of child welfare services, and the new Child Welfare Act (1955) was passed. Child welfare concerns changed to keeping the child in the family of origin and placing those children in long term foster care in permanent families (Beuf, 1977). The matching of religion for adoption purposes was reemphasized and there was no mention of race or culture. In the 1950s, there were 140 CAS's doing adoptions in Ontario (Ontario Ministry of Community and Social Services, 1983b). CAS's and maternity homes became the primary adoption facilities and some children were matched through an adoption clearing house (known as the Adoption Resource Exchange) sponsored by the provincial government.

In the late 1950s, children from different racial groups started to come into foster care more frequently, but, seen as difficult to place simply on the basis of colour, they had little chance of being placed in a permanent family (Gaber, 1994; Hogan Turner & Suir, 1988). Consequently, the numbers of Black and Native children in foster care have historically remained high relative to the proportion in the rest of the population (Griffith & Duby, 1991; Hogan Turner & Sieu, 1988; Kroll, 1994; Ward, 1984). Agencies attempted to recruit minority adoptive families but were unsuccessful (Smith & Merkel-Holguin, 1995). Some children of

racial minorities were adopted informally but many minority adults were poor and did not have

the resources to expand families. It is difficult to determine how many minority children were

adopted through formal channels because race and ethnicity were not recorded in adoption

statistics (Ward, 1984). This time period was the "calm before the storm," preceding the growth

of the civil rights and women's movements.

The Impact of Psychology

During World War II, the arguments over nature versus nurture were gaining popularity.

Psychological health focused on the well being and development of the child. Environment

became viewed as important in a child's development and it became more socially acceptable to

expand one's family thorough adoption. Bowlby (1951) and S. Freud (1946) were instrumental

in recognizing the fundamental importance of providing children with continuity of care in a

nurturing environment. Bowlby (1951, 1969, 1973, 1976, 1980) developed new theories on

attachment and development and became very influential in the child welfare field by supporting

placement in families rather than institutions (Gaber, 1994).

More couples became open to crossing cultural lines in adoption practice with the rising

emphasis on environmental factors influencing a child's development. The acceptance of

transracial adoptions opened another route for potential adoptive couples and provided homes

for children. The image of the nuclear family became romanticized, with the mother staying

home and ensuring the child's well being. With the strong emphasis on the nuclear family, the

need for men to obtain employment, and the perceived loss of power men experienced during

WW II, there was an increased social pressure for women to give up their jobs and remain at

home (Breines, 1992).

In postwar adoption policy and practice, the therapeutic family became the centre of attention and replaced the religious philanthropic model. The family became a unit of consumption rather than production. Respectability became strongly associated with middle class standards and gender roles. The mother was the centre of the family, with increased expectations, including ensuring the child was taught to develop in cognitive and social play. It was the mother's responsibility to help the child develop psychologically and to ensure the child learned social norms. The family became its own community regardless of race, class, ethnicity, and religion; the family lacked nothing except for the child to complete itself (Adams, 1982a; Aitken, 1983; Hepworth, 1980).

Family weakness came to be seen as the cause of the social problems and child neglect came to be seen as rejection and emotional neglect on the part of the mother (Hutter & Williams, 1981). Social workers and psychologists saw problems in terms of the individual rather than in the context of the larger social structure (Kaduchin, 1980; Lindsey,1994). These attitudes placed single mothers in a difficult situation because they could be criticized for working outside the home but also criticized if they were not providing enough for the child (Hutter & Williams, 1981). However, when more middle-class single women began to get pregnant, sexuality became linked with the discourse on permissiveness in society and the breakdown of morals. In the 1960s and 1970s, the psychotherapeutic model opened up issues of identity and genealogical differences in the adoptive family. There became a heightened sense of the need for one's sense of identity and origins. Psychological theories emphasized the search for identity as a stage in child development (Erikson, 1963, 1968; Maslow, 1962; Piaget, 1965a,b).

Adoptees started to push for a more open model of adoption which included obtaining

more information about their birth history, counselling, and the potential meeting of their birth

parents. This implied a particular meaning of identity in the genealogical model, a model of

identity as a birth right or inheritance. To lack this meant to lack a core identity and to be

deprived of a sense of roots. The family of origin was to be included in the adoptee's community

and the search for origins became part of the therapeutic process. This movement affected laws

and practices in the subsequent three decades (Dukette, 1984; Feigelman & Silverman, 1983).

By the 1970s, there was a a recognition of the importance of a racial and ethnic identity and

transracial adoption came to be viewed as a means of oppression.

A Time of Social Change

In the early 1960s, there was an economic recession with high rates of unemployment in

Ontario. Child welfare demands increased with the changing emphasis in policy and practice.

Child welfare prevention and support moved to crisis oriented intervention and took a "residual

approach" (Wharf, 1995)—workers were forced to respond quickly to situations often

without the time to plan. Agency practice took on the appearance of "child rescue" functions

(Wharf, 1995). Many of the families with which child welfare officials worked were single

mothers experiencing problems associated with poverty, for example neglect and abuse. Many

of these people relinquished their children for adoption or had their children removed from their

homes (Meyer, 1985; National Council on Welfare, 1975; Pelton, 1994; Wharf, 1995). By the

mid-1960s, there was an abundant supply of babies and not enough adoptive families (Mnookin

& Weisberg, 1989),[8] but by 1976 there was a shortage of babies (Hepworth, 1980). Changing

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[8] Folklore within the agency in which I work describes a Catholic orphanage shutting down. Apparently the nuns phoned the agency because there were a number of babies that needed

attitudes toward single mothers and increased access to birth control influenced the number of

babies available for adoption.

In 1965, the Child Welfare Act was revised and allowed for people of different religions

to adopt children of other religions. It was implicitly understood that sibling groups, minority

children, older children and children with disabilities were unadoptable (Adams, 1982a).

Children with special needs remained in the foster care system, while some potential adoptive

parents were rejected for adoption purposes because they did not fit into the "middle class"

criteria (Aldridge, 1994; Day, D., 1979). Some agencies started to make concerted efforts to

find White families who would adopt minority children[9] (Adams, 1982; Brodzinsky, 1987;

Ward, 1984) but Native children continued to remain in temporary care arrangements in

disproportionately high numbers compared to White children (Hogan Turner & Suir, 1988;

Palmer & Crooke, 1996).

Transracial adoptions did start to occur after World War II, but did not get underway in a

large scale until the 1960s. The changing social values led to an increase in the number of

transracial adoptions (Keck & Kupecky, 1995). A liberal philosophy of assimilation prevailed

and transracial placements came to be seen as a positive step toward a more integrated society

(Dukette, 1984). The multicultural family came to be seen as representing an integrated

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homes and workers went looking for "appropriate" adoptive homes. The building which housed
the orphanage is now the Queen's University Day Care.

[9] Smith and Merkel-Holguin (1995) make reference to a Judge warning of the consequence of
"the arrogance or ignorance that withholds appreciation from cultural values other than our own
and the attitude of cultural superiority manifested in the field of service to children as theory that
proclaims that adults can only like children that look similar to their own" (p. 247).

society (Mnookin & Weisburg, 1989). In Ontario, the children most affected were Native children. At this time the need for ethnic minority groups to sustain themselves was not recognized (Gaber, 1994). Minority groups became more involved in the adoption process and at the same time the religious philanthropic model was being pushed aside.

Over the past few decades, the focus of having children had shifted from an economic necessity on the family farm, to filling an emotional need in the 1950s, to altruistic goals of politically and socially assured parents and the civil rights movements of the 1960s. Intervention was no longer an issue of child rescue, saving the wayward child, but healing the traumatized child whose learning problems and behavioural difficulties had been induced by early deprivation in bonding. The concepts of illegitimacy and secrecy were being questioned and adoptees felt they had a right to information (Dukette, 1984; Griffith, 1992).

Since the 1970s the concept of permanency planning has been a major thrust in child welfare because of the concern about the large number of children in foster care (Aitken, 1995; Beuf, 1977; Family Law Committee of the B. C. Association for Social Workers, 1977; Gaber, 1994). Rowe and Lambert (1973) found that children who remain in the care of CAS for 6 months have only a 25% chance of returning to their birth parents. With the changing philosophy of the Child Welfare Act (1965), a decrease in the number of babies available for adoption and the high numbers of children in foster care, the focus of child welfare policy and practice changed to placing children with special needs in permanent homes, providing support to the families, and reuniting families (Dunacan, 1988). Adopted children came to be viewed as

special.[10] From 1970 to 1978, there was a 72% decrease in the number of adoption placements

by CAS's largely because fewer unmarried parents were placing their babies on adoption through

the CAS (Smith, C., 1984). The focus on placing all children legally free for adoption created a

climate whereby the lack of transracial adoptions seemed to be reactionary and narrow minded

(Bates, 1993). With the increased emphasis on environment and permanency, adoption workers

placed children, previously considered unadoptable, in families.

The Reactions to the Changing Social Context and Practices in Adoption

In Canada and the United States, political groups publicly opposed the practice of

transracial adoptions and insensitive practices of traditional chid welfare agencies (Bartholet,

1993; Dunacan, 1988; Fanschel, 1978; Hayes, 1993; Melina, 1988b; Small, 1984; Smith &

Merkel-Holguin, 1995; Stehno, 1982; Ward, 1984). Native groups were particularly concerned

about the placement of Canadian Native children in American White homes. They felt that

cultural and community genocide were occurring and that the preservation of the family was

being threatened (Hayes, 1993; Kroll, 1994; McGillvary, 1985); Native children raised in White

homes would have identity problems and would not form a cultural identity, resulting in the

child not belonging in any particular group (Melina, 1990; Ryant, 1984; Silman, 1987; Simon &

Alstein, 1987; Williams, B., 1987); and Native children being raised by White families would be

unable to deal with prejudice and racial slurs as they had never had appropriate role models or

instruction (Fanschel, 1978; Feigelman & Silverman, 1977, 1983).

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[10] This is seen clearly in the phrases "ours by choice" or "the chosen child." These phrases continue to be used today and a column in the newspaper exists for announcements for adopted children.

By 1975, the number of transracial placements decreased significantly. Since then, the

policy and practice of placement in same race families have been encouraged and transracial

adoptions have been actively discouraged. Programmes were developed to recruit minority race

families for the minority children available for adoption (Feigelman & Silverman, 1977;

McGilvary, 1985; Ward, 1984) but there continued to be a disproportionate number of Native

children in the child welfare system and not enough Native adoptive families. Despite the new

programmes, minority children tended to wait for adoptive homes approximately two and a half

times longer than White children (Hogan Turner & Suir, 1988; Stehno, 1982).[11] A study of

Toronto agencies found that minority families were more than twice as likely to have a child in

care than their White counterparts (Beuf, 1977). By the end of the 1970s racial matching

became part of unwritten policy and practice, and religious matching was stressed less than

previously. An example of an ad in 1961 read:

> Larry is a big boned, husky 3 year old Indian Protestant boy with dark eyes, hair and complexion. He has average intelligence and is in good health. He is a shy placid child and needs a Protestant parents who will be proud of his Indian heritage. (Children Available for Adoption, 1961)

In contrast, in the 1990s, a more typical description of a family needed for a Black child who is

Protestant reads:

> A two parent black or mixed race, or white adoptive family with black children. Loving, nurturing parents who can be persistent, warm, patient, with clear expectations, and who have an ability to be empathetic toward early life experiences and separation issues. A family accepting of sibling access is desired. (Professional mail, October, 1997)

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[11] In this context, it is interesting to note that in Smith and Merkel-Holguin's study (1995), 50% of the children identified as African American have Caucasian mothers. However, they were identified by the social workers as needing Black homes.

In 1977, in Ontario, the Children's Services Division of the Ministry of Community and Social

Services assumed governmental responsibility for a number of CAS's (Ontario Ministry of

Community and Social Services, 1977a). Representatives from the Ministry were appointed to

sit on the board of directors of the CAS. In 1978, the Child Welfare Act was revised and further

stressed the needs of the child and maintaining the child in the home, but again religious, not

cultural, needs were addressed. There was increasing concern about the impact of the agency's

intrusive intervention in the family and the lack of cultural sensitivity to the family context.

Meanwhile, workers took on a protection role towards children and families, caseloads

increased, and service was directed more towards crisis (Lindsey, 1994). When a child was

apprehended in a crisis situation, social workers would place the child in a foster home, taking

into consideration the child's needs. The child assumed the father's religion unless the mother

was single. The Ministry required potential adoptive parents to be informed of the child's

religion and racial background (Ontario Ministry of Community and Social Services, Part 1, 2,

1977b). The Act also addressed the concept of permanency planning by asserting: "Every

society shall endeavour to secure the adoption of Crown Wards, having regard to the best

interests of the Crown ward" (Child Welfare Act, Sec. 68, 1978, p. 63).

Natives Gain Some Control of Child Welfare Matters

During the 1980s the Canadian Charter of Rights and Freedoms (1981) and the United

Nations Convention on the Rights of the Child had a significant impact on child welfare policy.

Early child welfare reformers assumed that they knew what was best for the family and

depended on the government to provide the laws and resources necessary to support their

position, a philosophy which ran contrary to individual human rights. The "least intrusive"

measures in child welfare and confidentiality were reemphasized; services were to be offered at

a community level and everyone had the right to participate and be represented in court hearings.

However, child welfare problems continued to affect the most vulnerable, those who lived in

poverty, single women, ethnic minorities, and the chronically ill (Meyer, 1985).

In the early 1980s, the campaigns of politically active Native groups opposing transracial

adoptions became stronger because large numbers of children were being removed from Native

communities. Traditional agencies were accused of culturally insensitive practices . Native

groups viewed the practice of transracial adoption as a symbol of repression and exploitation.

Agencies responded to the resistance by becoming more entrenched in the philosophy of same

race placing.[12] Overall, the number of agency based adoptions had declined and the focus

continued to be on placing older and children with special needs, many of Native origin.

Minority children waited for an average of 2 years for adoption placements and nonminorities

waited an average of one year. Placement rates for minority children were 20% lower than that

for nonminorities in spite of the fact that minority children studied were similar in characteristics

to nonminority children except younger in age (Westad, 1994). Westad concluded racial

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[12] Simon (1994) cites a case of a custody battle between a mixed race couple, a White mother and a Black father; the father argued he should have custody because he was Black and could teach the child about their Black heritage. The judge stated that "race is of little or no significance where the issue is custody.... It is simply one of many factors which may be considered in a contest between biological parents for custody of an interracial child.... Therefore the father's argument that custody should be awarded to him because society will perceive the child as Black must be rejected" (p. 141). Another case in the U.S. involved removing a 2½-year-old child from White foster parents after the child had lived with them for over a year. The foster parent sued the agency for its same race practice and the judge ruled that the practise was absurd (Simon, 1994).

matching was the most powerful determinant in placing practice and waiting time. The move

toward same race placements placed extra strain on societies to find same race families,

particularly for Native children in Ontario. Bartholet (1994) supports this when she states, "What

we know is that racial matching denies expediency in placement, that there is a larger proportion

of these children in care, they wait longer and are less likely to be placed" (p.158).

In 1981 and 1983, Ministry guidelines stated that every agency should have written

policies regarding placement of children and recommended that "the child's cultural, racial,

linguistic and socioeconomic background and religious background" should be taken into

consideration in placement decisions (Ontario Ministry of Community and Social Services,

1981, p. 45; 1983a, p. 4). Recommendations included the establishment of Native representation

on agency boards and the establishment of Native child welfare services.

Child and Family Services Act, 1984 (revised 1990)

In 1984, the CFSA was passed and major changes took place in the field of adoption.

The objectives of the Act specified: The best interests of the child, family preservation and

support services, continuity for the child, respecting cultural, religious and regional differences,

and a preference for the least disruptive course of action, thus stressing the importance of

keeping the birth family together wherever possible (Bernstein, Caldwell, Clark, & Zisman,

1990). Each issue in determining the "best interests of the child" (Appendix B) was addressed

separately but not in terms of weight or priority. Moreover, when an order was being made in

regards to the adoption of a Native child, it stated that their heritage must be taken into

consideration (CFSA, 1984, C 11 Sec. 37 (4), p. 76). The revised CFSA (1990, C 11 Sec. 36 (4)

(c), p. 30) provides for consultation with bands and Native communities when Native children

are being apprehended and placed in alternative homes. It further emphasized that a child should

be placed with the extended family, the band or Native community or another Native family

(CFSA, 1984, C 11 Sec. 53 (5)). In addition to this, a new section was added to the Act which

addressed Indian and Native Child and Family Services. This change allows the Ministry to

designate communities as being Native and provides for family and preventive services to be

provided by Native communities (CFSA, 1984, C 11Sec. 192, p.364). The tradition of

customary care (when a child is cared for by someone other than the parent) was legally

recognized (CFSA, 1984, C 11 Sec. 191).

Meanwhile, the practice of placing Native children in Native homes became very strictly

adhered to in agency practice. Adoption workers were encouraged to make a permanent plan

for Native children but only in the context of Native homes. Usually, White workers interpreted

the Act very rigidly, and any child with Native ancestry, no matter how many generations back,

would remain in temporary care while a search for a Native home took place. Social workers

would document their efforts to find a same race home. Bartholet (1994) found that in cases

which documented the attempts at racial matching, the amount of time taken to locate a family

was from 6 months to 2 years. In many cases, policies precluded placement of minority children

in White homes. In most cases social workers will support plans for a child to be adopted by a

foster parent who has fostered a child for an extensive period of time because of issues of

attachment and continuity. However, they are willing to put this aside in the case of a Native

child and are prepared to move the child to a Native home, if a home is found.[13] This

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[13] In fact this could have easily happened in the case described earlier which sparked my
interest. The agency supported the same race policy and was prepared to move the foster child.

zealousness was also practiced with other minority children. The issue of religion, even though addressed in the Act, did not carry the same weight as Native ancestry in practice. The message was clear to workers that the placement of children with Native ancestry meant these children should be placed in Native homes.[14] In reviewing one agency's written policies in the 1980s there was no written policy on race matching (CAS Policy Manual, 1986). The practice was based on unwritten policy and interpretations of the law.[15] However, unwritten policy and practice can be much more stringent in actual practice. The psychologist's statement in Losing Isaiah (Margolis, 1993) is reflective of practice in child welfare agencies in Ontario:

> The issue of mixed-race adoption is a particularly thorny one right now. Thousands of black babies languish in hospitals waiting for 'suitable' homes. Suitable homes are often a euphemism for racially compatible. There is an unwritten policy among social-service agencies to place babies with parents of their own race. (p. 227)

The unwritten policies provide more stringent guidelines than the written policy. The practice being used in agencies was based primarily on agencies' individual interpretation of the law.

However, the foster parents fought both the agency and Native community initially through the legal system. The agency later supported the foster family after the judge presiding over the case supported the foster parents' application.

[14] In Losing Isaiah (Margolis, 1993), the lawyer for the birth mother states: "The social service agencies don't like mixed race families. They just don't. We have to play up this point a lot, get experts to testify about the alienation your son will feel growing up Black in an all-White environment" (p. 151). Later in the book, the lawyer asks the director of a private adoption agency if the agency has a policy regarding transracial placements and she responds by saying, "Yes, we discourage them. Our concern is that a Black child...growing up in a White family will lose a sense of cultural identity. We're concerned that the child won't be accepted by the extended family. We're concerned because adoption is already a burden for a child to bear; the race issue only compounds this.... All agencies would prefer to place a child with the same racial background" (p. 329). I have heard this theme many times professionally in regards to Native children being discussed.

[15] This situation has been reiterated to myself by workers in other agencies.

The Adoption Resource Exchange was developed further by the Ontario Ministry. The children presented were and continue to be children difficult to place within each agency's county. Many of these children are of Native ancestry. With the push toward same race placing, agency workers would search for months, even years, for a same race placement, often unsuccessfully.[16] The philosophy of permanency planning became the focus in social services but the practice of same race placing ran contrary to this because it meant children of minority groups remained in the foster care system for extended periods of time.

The more open adoption practice of the 1980s encouraged birth mothers to choose an adoptive family. Birth mothers who wished to relinquish their child for adoption would do so through the private system because it frequently encourages more openness in the adoption process (Bachrah, London, & Maza, 1991; Barth, 1994; Bartholet, 1994; Cohen, 1990; Cohen & Westues, 1989; Daly & Sobol, 1993; Westues & Cohen, 1994). Often Native birth mothers would want the adoptive family to be able to give the baby things she could not, but with the limited choice of Native families, it was more likely she would choose a White family for her child. However, under the CFSA (1984) the Native mother lost many of her rights to choose the

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[16] On one occasion, I can remember sitting through the meetings regarding a child with Native ancestry four generations back, and the worker pleading to find a family that was a least one-sixteenth Native. This may be described as an overreaction to same race policies, but it became part of the basic practice to search for a Native family if there was any Native heritae in a child's background.

In Losing Isaiah (Margolis, 1993), the lawyer questions the director of the private adoption agency about the policy on transracial adoption. He asks if the agency ever places children transracially and she responds by saying they do it all the time because there are not enough Black adoptive families. She clarifies her statement by saying that it is only temporary until a same race is found. The lawyer questions further and asks how long it takes to find a same race home and she responds by saying, "years" (p. 331). This is typical in practice in Ontario.

type of family she would like for her child because her band could make a plan for the child after being notified of a hearing. This could effectively limit her choice of families as well as eliminate her possible desire for confidentiality in situations when she did not want the band or community to know about the plans for her child.

Present Day Law Policy and Practice

The 1990s brought significant changes in child welfare and recognition for Native groups (Simpson, 1993). More Native communities are providing their own child welfare services. Presently, there are 55 CAS's in Ontario, and four of these are Native-run agencies (Palmer & Cooke, 1995). All of these agencies are legally mandated to remove children from their families for protection reasons. At least 12 Native communities have their own preventative family services (Palmer & Cooke, 1995). Traditional agencies are now applying more culturally sensitive practices and employing Native people.

An interesting development of the 1990s is the written policy manuals. In the past, there have been very few written agency policies, and practice had been based on the agencies' interpretation of the law. Every Ontario agency is currently developing policy manuals for purposes of accreditation. Currently, 10 agencies have received their accreditation.[17] The agency within which I work added a policy in 1993 to the sparse policy manual, stating that culture, religion, and gender must be taken into consideration in planing for children and families; however, the priority of each issue is not addressed. In unwritten policy, better known

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[17] The agency with which I work has completed the policies in all areas with the exception of adoption, which is currently being drafted. The fact that it is the last area in child welfare to be addressed is reflective of the current attitude by bureaucrats, that finding adoptive homes is no longer a priority.

as practice, culture appears to take precedence. With the concept of policy development there is

an increasing awareness of professionalization and accountability to the Ministry of Community

and Social services and the public. The adherence to policies is creating more paperwork for the

individual case worker and, in effect, is reducing service to the client.

Child welfare practice has changed from working with unmarried mothers and wayward

children in the first part of the century, with a focus on the mother, to a preventive and crisis

oriented role. Presently the emphasis is on assessing the potential danger to the child. By law,

all allegations of abuse or neglect must be investigated.[18] Often, the focus of the work tends to

be on collecting evidence against the mother in case of future court action. Currently, the

Ministry has directed that all employees of CAS's must receive a new type of training geared at

improving risk assessments. Ontario law continues to incorporate the "least intrusive" principle

and requires supports be provided to the family before a child is removed.

Permanency planning, issues of continuity, separation, and attachment are currently

becoming the buzz words of the 1990s. However, in many ways the context has not changed

(Wharf, 1995). Child welfare officials are perceived as accepting child welfare issues within the

context of poverty and looking to other explanations for child neglect and abuse, such as

alcoholism (Callahan & Lumb, 1995).

The philosophy of the Act, which includes supporting families in need in a preventive

manner, has changed the type of children being removed from their homes and on to adoption.

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[18] The Ontario Ministry of Community and Social Services (1992) in standard three states: "the child is subject to a report of abuse will be seen no later than twelve hours after the receipt of the report" (p. 13).

Children coming into care have usually been chronically neglected and abused and consequently

suffer severe emotional problems (Jewitt, 1978; Keck & Kupecky, 1995; Rutter, 1979a,b,c,

1980, 1981, 1982; Steinhauer, 1983, 1991, 1996). Foster parents are no longer surrogate parents

but are becoming therapeutic parents requiring extensive training. In the last decade, children of

ethnic minorities are again remaining in care longer than their White counterparts (Gaber, 1994).

The issue of children remaining in the foster care system because of the inability of agencies to

locate same race homes is not systematically documented, nor is there documentation on how

these policies affect these children (Bartholet, 1994).

Within the CAs system it has become more difficult to place children in adoptive homes

because of the complexity of the children's problems. Many of these children have mixed racial

backgrounds and emotional, and physical, or mental complications. There is now a greater

shortage of adoptive and foster homes than previously, partly due to the fact that government

cutbacks have led to a decrease in services in the recruitment of homes (Adoption Council of

Ontario, 1988; Bragg, 1997; Brennen, 1998; Kendrick, 1990). The practice of adoption in

agencies has taken a low priority, as protection and support are the main focus of agencies (Daly

& Sobol, 1993; Torjman & Battle, 1995). In The Kingston Whig Standard (1997, September 9)

an article titled "Canadians urged to adopt here" states:

> Alarmed by the number of children in foster care officials are urging Canadians to start
> adopting children from this country rather than from abroad. Beginning in November,
> posters featuring Canadian children waiting to be adopted will be on display in Wendy's
> restaurants, libraries, health units and social service agencies and will be made available
> to adoptive parent groups. By fall, a toll-free number will be set up for interested
> families. There are 40,000 children in foster care in Canada, the majority of whom have
> been in long-term care and are considered hard to place. But only 1,250 found adoptive
> homes last year. Most children in foster care have special needs and are mostly
> school-aged children. Others are siblings who must be placed together. (p. 10)

Child welfare services have a major challenge facing them, particularly in finding Native foster and adoptive homes.

In the United States and Britain, policy and laws dictating same race practices are beginning to be questioned (Gaber & Aldridge, 1994). The American Multiethnic Act (1994) sets a time limit on the amount of time spent looking for a same race adoptive family (Melina, 1995b). It is generally widely recognized that it is in a child's best interest to grow up in a same race family, but Ontario policies and legislation do not account for unusual situations or reflect Ontario society's growing racial and cultural mix.

Under the present Conservative government in Ontario, there have been cutbacks in the child welfare sector reducing support services offered to families. Recently, the public media has drawn attention to child welfare and the lack of services and problems within the system (Brennan, 1998; Flynn, 1997). Attention is now turning to the children that wait within the foster care system, but there continues to be limited information on the numbers of children in permanent foster care in Canada and the need for foster and adoptive homes for special needs children, particularly for minority children (Marchildon, August 11, 24, 1997). Marchildon (1997) states that the CAS of Metropolitan Toronto desperately needs visible minority families to provide foster care and adoptive homes for the city's unwanted children. Scarth, head of the Child Welfare League of Canada, stated in a speech:

> In each province there are hundreds of children waiting to be adopted. There's something wrong with this. What we do know is that across Canada there are roughly 13,000 children under the age of 12 in permanent foster care. If you take out roughly 50 percent who are Aboriginal (as there are embargoes on Aboriginal adoption), you are left with 7,000 children under the age of 12. This may be addressed when more funding is available to CAS's but generally the children, once in a safe environment lose the focus of agencies, thus children become hidden within the system. (Fancott, 1997, p. 12)

The present child welfare system appears to be unable to address all of the matters required by the CFSA. Native and traditional child welfare agencies share some of the same limitations, including financial constraints on services and the high needs of many poor families with multiple problems. All agencies serve a large physical area which further limits their ability to provide services. Recently, Janet Ecker, Minister of Community and Social Services, announced that more funding would be provided for child welfare services. It is being funneled into front end services (investigations), though, rather than adoption services (Bragg, 1997).

In summary, adoption practice and policies are based on laws and have responded to the current political, social, and economic climate. However, child welfare services have been chronically underfunded over the years and tend to be unable to provide the necessary services to support families in the least intrusive way. The placement of children in adoptive homes reflects the current historical priorities and has changed over the years. However, certain concepts are maintained, such as secrecy in adoption law. The practice of tranracial adoption was socially acceptable for a short period of time in the 1960s and 1970s until Native and Black groups spoke publicly. Native children were not just being removed from their families and culture but were moved to distant places in the United States. At this point the practice of placing Native children in EuroAmerican adoptive families was questioned by Native communities. Child welfare practice in Native communities has also been affected by the current laws and policies, beginning with assimilation policies and moving towards laws and policies that allow Natives to have control over Native agencies, although operating under the same mandate as traditional agencies. The following chapter describes the historical impact of adoption laws and policies on

Native child welfare. In exploring Indigenous history, there is a clear indication of the depth of

anger felt by the Native community. Nevertheless, the problem of Native children remaining in

the foster care system persists.

CHAPTER 4

HISTORY OF NATIVE ADOPTION AND CHILD WELFARE POLICIES

When reviewed within the historical context in which they developed, child welfare laws

and policies reflect the practice of child welfare in Native communities and how the current

practices of adoption have developed. The foundation for family and Native child welfare

policy and practice was laid in the early relationship between Europeans and Natives. Europeans

institutionalized the practice of taking care of disadvantaged children through laws and policies.

Informal relationships replaced formal ones.

Literature

Literature was sparse until the 1960s when provincial child welfare officials became

more involved in providing child welfare service to the Native community. Most literature was

and continues to be written from a White perspective. Native literature is more common today

and much has been learned through years of oral story telling (Ross, 1996; Simpson, 1993). The

first writings were nontheoretical accounts published in the Journal of the Ontario Association of

Children's Aid Societies describing experiences by those involved in providing service to the

Native community (Albrecht, 1970; Bennett, 1966; Copeland, 1965; Goodwill, 1968; Lugtig,

1963). Later articles addressed problems in adoption and foster care (Brouse & Ward, 1976;

Knight, 1974; McClone, 1973; Sangster, 1977; Woolner, 1979); deprived social conditions

(Kenora CAS, 1974; Kushnier, 1976; Timpson, 1978a,b); adjustment in urban and Northern

settings (Beamish & Lee, 1973; Carlson, 1975; Hackney, 1978; Metcalfe, 1973); related services

such as education (Hackney, 1976; Rosseter & Homberg, 1973); criticism of service delivery

(Timpson, 1978a,b; Toronto Native Times, 1978); and proposed alternatives to service delivery

(King & Maloney, 1979; Timpson, 1978b). In contrast, the only professional journal to publish

articles was The Social Worker (Andrewartha, 1976; Noble, 1976). At this time, poor living

conditions and associated problems appeared to be visible only to those directly involved

in the practice.

In the 1970s the adoption of Native children into White families gained a higher profile,

particularly after a number of sensational stories regarding Native children appeared in the

media. An example of this was the story of a Native boy, Cameron, who was sexually abused by

his White single adoptive father over years. He was found guilty of manslaughter after

murdering his adoptive father (Brosnahan, 1984). As a result, there was widespread concern

about Canadian Native children being placed in White homes, particularly those placed in the

United States (Brouse & Ward, 1976; Hackney, 1976; Kushnier, 1976; Rosseter & Homberg,

1973; Ward, 1984).

Following this, the research literature identified the problems in providing services to the

Native communities (Morgan, 1968); the alarming numbers of children being removed from

Native communities (Glesnick, 1971; Hepworth, 1980; Timpson, 1993, 1995; Ward, 1984); the

jurisdictional problems between the federal and provincial governments, the colonial relationship

between Native and European societies; and the cultural insensitivity of traditional agencies

(Bagley, 1985; Blanchard, 1977; Hepworth, 1980; Hudson & McKenzie, 1981; Johnson,

P., 1983; Monture, 1989; Morse, 1984; Unger, 1977). Canadian newspaper articles described a

17-year-old Metis boy hanging himself (York, 1989). Criticism was directed at the child welfare

system for not being able to provide support to his family prior to his admission to foster care.

However, little attention was given to the fact that this was his 16th foster home in his

13 years in care (Thomlinson, 1984 as cited in Timpson, 1995). More attention was paid to issues of Native self government, the transfer of government services to Native organizations (Penner, 1983), and discouraging transracial adoptions. In later literature, there was little discussion about the experiences and problems social workers faced in providing services to Native communities, the dire conditions Native communities suffered that child welfare officials usually became involved only when the situation reached a crisis level (Timpson, 1995).

With the evolving changes in the child welfare legislation and the move to Native run child welfare agencies, subsequent literature moved from the agency level to more of a political critique of the state and relationships with First Nations communities (Hudson, 1986; Monture, 1989; Timpson, 1990b). Some criticism suggested that Native agencies continued to be extensions of the government since they functioned under the same provincial mandate as traditional agencies (Taylor-Henley & Hudson, 1992; Monture, 1989). The literature has focussed on the political relationship between the Native and White communities and blamed colonialism as being the cause for the present condition of the Native community.

Since the mid-1980s there has been more literature about the poverty and poor living conditions of Natives and the abuse within Native communities (Aquila, 1993; Armitage, 1993a; Assembly of First Nations, 1988; Bala, Hornick, & Vogl, 1991; Caribou Tribal Council, 1991; Daily, 1988; Department of Indian and Northern Affairs, 1989, 1991; Fishler, 1985; Grant, 1996; Indian and Inuit Nurses of Canada, 1990; Inuit Women's Association, 1991; Jones, 1986; Katarynych, 1991; Martens, 1988; Ministry of Supplies and Services, 1996; Ontario Native Women's Association, 1989; Richardson, 1993; Ross, 1996; Silman, 1987; Taylor-Henry, & Hudson, 1992; Timpson, 1995) and there has also been a move towards Native self government.

Native communities would like to provide services for Native children based on traditional

beliefs.

Native Families and Child Rearing

Literature describing Natives suggests that Native children are viewed as being born into

two relational systems, the biological family and the extended community, such as a clan or band

(Blanchard & Barsch, 1980; Hudson & McKenzie, 1981). The responsibility for raising the

child lies with the community, not just the family and extended family (Johnston, 1983). The

welfare of the child is important in order to maintain the community, and individual rights are

seen as less important (Ministry of Supplies and Services, 1996; Walter, Isenegger, & Bala,

1995). In Pigs In Heaven (Kingsolver, 1993), the Native lawyer Anawake describes this sense of

community:

> We're Cherokee and we look at things differently. We consider that the child is part of
> something larger, a tribe. Like a hand that belongs to the body. Before we cut it off, we
> must ask how the body will take care of itself without the hand. (p.338)

Children were considered gifts from the spirit world; failure to protect them from harm brought

shame to the family and community (Lee, 1980; Ministry of Supplies and Services, 1996).

Historical evidence suggests that Natives have a genuine fondness for their children,

children were highly valued, and Natives tended to be more gentle with their children than

their European counterparts (Johnston, 1983; Lee, 1980). The concept of building positive

behaviour was promoted by public and community opinion and corporal punishment was

considered demeaning. Humour and teasing were used as forms of discipline. Punishment and

reproof were often followed by an apology (Lee, 1982). It was believed that children learned

through modeling and a passive approach was used in allowing the child to learn by doing (much

like the theory of natural consequences). Natives taught their children in warmth and affection,

believed in learning respect for all living things, valued self reliance and taking individual

responsibility for proper conduct (Sinclair & Hamilton, 1991). Europeans tended to see this

form of child rearing as permissive, uncivilized, negligent, and irresponsible (Bala, Hornick, &

Vogl, 1991; Sinclair & Hamilton, 1991). Early settlers were scandalized by these child rearing

practices and shipped a number of Native children to England to be "civilized" (Hudson &

McKenzie, 1981).

Custom Adoption Practice

The concept of illegitimacy was unknown to the Native community. A single mother had

the right to name the father and her word was accepted even if the father denied it. From that

point, the father's family took the responsibility for the child and the child had the same honour

as if born to a married couple. If a child was orphaned or abandoned the child was often raised

by a relative or friend (custom adoption) or could be destroyed (Morrow, 1984; Simpson, 1993).

Often, while the family was on the move a child might be destroyed or given away for reasons of

basic survival in order to be able to feed the rest of the family (Morrow, 1984). In Pigs In

Heaven (1993), Taylor describes how she ended up parenting Turtle. She was at a roadside

coffee house and "The woman told me Turtle's mother was dead, and that somebody had been

hurting Turtle. She was the dead mother's sister, and it looked like somebody had been hurting

her too" (p. 53). The woman left Turtle with her. It was common for a Native mother to give up

her child to someone else when she was hospitalized for an extended period of time.[19] When

she returned, maybe a year later, she would not ask for her child back but the person who

adopted her childinformally would give her her next child (Morrow, 1984). Often, a child was

given to agrandparent to protect the grandparent from being lonely. Any adult who did not have

a child was considered unfortunate (Johnston, 1983). When Europeans arrived the practice of

custom adoption became more common because destroying a child, even for purposes of

survival, was considered unacceptable (Morrow, 1984; Simpson, 1993).

The recognition of Native custom adoption finally gained legal acceptance in Canada in

the early 1960s when the first custom adoption was recognized in the Territorial court (Johnston,

1983; Morrow, 1984). The Indian Act (1951) already recognized this practice as that which is

practiced and known by the Native community. The court does not give permission for the

adoption to take place but declares that an adoption has taken place in accordance with the

custom.[20] This practice has been included in the CFSA (1984, rev. 1990). In most custom

adoptions the child does not lose contact with birth family members and the adoption can take

place at any time, even when the child has reached adulthood because it is declaratory (Johnston,

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In Pigs In Heaven (Kingsolver, 1993), Anawake states: "We love our children more than money and there are always good-hearted people to fill in for the hardship cases.... I used to work at the hospital at Claremore, checking people in. Sometimes it would be years before we'd get straight who a kid's mother was, because one aunt or another would bring him in. Maybe the mother was too young so another family member raised him. It's not a big deal who is the exact mother" (p. 227).

There are stories of Native mothers who wish to have their child formally adopted or adopted through custom adoptions with people they consider to be friends, sometimes White friends. The practice of giving a Native child to White parents appears to be more accepted in the past then in present-day practice. A friend who is Native relayed her story to me about her mother gave her to a White woman.

1983; Bala & Miklas, 1993).

The First Peoples

Historically, Native communities were known to work together to support the community as a whole. Natives were thought to have travelled in small family groups in order to hunt to feed their families (Simpson, 1993; Ward, 1984). Men and women had equally important roles for survival of the family and community, with both being interdependent. Often, parents would go hunting and leave their children behind in camps to be cared for by other community members, creating a communal approach to child rearing (Palmer & Cooke, 1996). Traditionally, involvement of outsiders was unknown in the community because the communities were usually isolated and dealt with their own problems (Sinclair & Hamilton, 1991). The arrival of Europeans in the 15th century permanently altered the Native way of life (Ward, 1984). Initially, the relationship between Natives and the settlers was mutually supportive, with the Native community believing the land could support everyone. There were intermarriages which helped to create bonds and alliances between the two communities (Ministry of Supplies and Services, 1996). Meanwhile, the distinct group of Metis was emerging because of mixed British, French and Native ancestry, ultimately changing the concept of the term Native (Ministry of Supplies and Services, 1996). Following the demise of the fur trade, Natives were encouraged to get involved in the military and many lives were lost. By 1812 in Upper Canada, immigrants outnumbered Natives by a factor of ten to one (Ministry of Supplies and Services, 1996). European influence affected every aspect of Native life, including child rearing, the traditional economic base, and political expression, throwing the family into disarray and disintegration (Ministry of Supplies and Services, 1996; Walter, Isenegger, & Bala, 1995).

Government Policies Establish the Early Assimilationist Approach

In the 19th century, the European goal became the assimilation of Natives into European culture. The concept of British superiority was being established in the form of laws, policies, and practices regarding the relationship between the Native and White community (Bala, Hornick, & Vogl, 1991; Ministry of Supplies and Services, 1996; Sinclair & Hamilton, 1991). The Bagot Commission (1842) and the Davin Report (1879) provided guidance to the development of Indian policy (Armitage, 1993b). The goal of the Province of Canada became doing away with the tribal system (Ministry of Supplies and Services, 1996) and, in 1867, the British North America Act (BNA, 1867) established assimilation laws and policies. The BNA took away Natives' independent status and reduced Natives to be "wards" of the federal government (Sinclair & Hamilton, 1991). Since confederation Native matters have been a federal responsibility (Bala, Hornick, & Vogl, 1991). Europeans believed the traditional Native way of life would disappear and those Natives that did survive would become "civilized," clearly inferring a disdain for the Native way of life (Sinclair & Hamilton, 1991). It was hoped that Natives would enfranchise themselves—give up Native status and voluntarily assimilate themselves into European society. The Indian Act of 1876 and 1880 abolished Native self government, and land in the form of reserves was allocated for Native use (Armitage, 1993b). In 1869, lands were bought by the British, much to the confusion of Natives (Ward, 1984). British education for Natives was made compulsory, as the British decided the assimilation process should start when the children are young. It was believed best to place the children in residential schools away from the disruptive influence of the community (Armitage, 1993a,b; Miller, 1989; Sinclair & Hamilton, 1991; Wharf, 1993b).

Assimilating Natives Through Residential Schools

The Davin Report (1879) recommended that missionaries operate residential schools

because of their demonstrated commitment to "civilizing" Natives (Armitage, 1993b) and the

federal government provided operating grants to the schools (Armitage, 1993b). Protestant and

Catholic churches provided residential schools from the mid-19th century to the 1980s across

Canada with the first one being opened in 1849 in Ontario (Palmer & Cooke, 1996; Ministry of

Supplies and Services, 1996; Sinclair & Hamilton, 1991; York, 1989). These residential schools

were often far removed from Native communities, providing for only limited contact between

parents and children. Policies removed parental authority (Palmer & Cooke, 1996) and federal

agents determined who would attend school and who could visit their families during the

summer (Armitage, 1993b). The rates of Native children sent to residential schools varied in

different communities (Wharf, 1993b). Armitage (1993b) quotes Barman (1986), who

researched policies in residential schools: "Their attendance would be ensured, and all aspects of

life, from dress to the use of the English language to behaviour, would be carefully regulated" (p.

134). Even children's names were changed to English versions (Wharf, 1993b). Many Native

families naively believed that it was important for their children to be educated in European

schools (Bala, Hornick, & Vogl, 1991; Grant, 1996).[21] By 1920, attendance at residential

schools was made mandatory and, by 1940, half of all Native children were in the schools (York,

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In Barnauw's <u>Dream of the Blue Heron</u> (1966), the father is described as removing his son from the care of his grandparents because the father believed in the European educational system. His son is discouraged from speaking his Native tongue and observes cruelty and alienation in the school. The son develops a sense a alienation because he does not understand the situation and needs to find ways of surviving. His father demonstrates the basic trust he had in the European way of life.

1989) but were expected to leave school at age sixteen. Indeed, Native children received a

minimal education in comparison to their White counterparts (Armitage, 1993b; Barmen, 1986;

Wharf, 1993b). Consequently, the children were neither prepared to return to their community

nor move to urbanized White communities. By the 1950s residential schools were being

replaced by day schools closer to reserves (Wharf, 1993a). Meanwhile, Native children had

been discouraged from speaking their Native tongue, physically and sexually abused, and their

culture was pervasively degraded (Armitage, 1993b; Grant, 1996; Johnston, 1983; King, 1967;

Martens, 1988; Palmer & Cooke, 1996; Ministry of Supplies and Services, 1996; Perrault, 1991;

Ross, 1996; Walter, Isenegger, & Bala, 1995; York, 1989). As a result, the children lost

knowledge of their communities, traditions, families and relationships, had low self esteem, and

suffered emotional problems. A major consequence was many Natives did not learn parenting

skills. Anawake (Kingsolver, 1993) describes the effect of boarding schools and assimilation

policies:

> What's happened to us is that our chain of care taking has been interrupted. My Mom's generation. Federal law put them in boarding school. Cut off their hair, taught them English, taught them to love Jesus, and made them spend their entire childhoods in a dormitory. They got to see their people maybe twice a year. Family has always been our highest value, but that generation of kids never learned to be in a family. The past got broken off. Yeah, the ones my age are the casualties. We have to look further back than our parents, sometimes to find out how to behave. (pp. 227-228)

Native communities lost large numbers of their population through the removal of children

from the community, disease, and suffered high rates of suicide, poverty, alcoholism, and

identity confusion. The traditional means of child rearing broke down (Grant, 1996). Provincial

workers would not get involved in child welfare matters on reserves and Indian agents would

deal with child welfare matters by sending children to residential schools (Armitage, 1993b). Today, the Native community feels that this was the beginning of intrusive child welfare intervention in their communities.

Conflict Over Responsibility Between the Provincial and Federal Government

Conflicts between the two levels of government contributed to the lack of child welfare services on reserves. Urban Natives, particularly Metis, did get provincial service (Johnston, 1983), but the Federal government felt all Native child welfare issues fell under the provincial mandate, whereas provincial authorities felt all Native issues were the responsibility of the Federal government. In 1947, social workers and the Canadian Welfare Council presented a brief to committees of the Senate and the House of Commons expressing their concerns about: the apparently discriminatory lack of child welfare services to Native communities; the Native concept of adoption as loosely framed and devoid of legal protection; and condemned sending children to residential schools (Armitage, 1993b; Johnston, 1983; Sinclair & Hamilton, 1991).

In 1951, the Indian Act was amended to reflect the changing societal views that the separate institutions for Native and Whites were not appropriate. The amendments to the Indian Act were directed toward integrating services to status Indians and nonstatus Indians and integrating Native people into Canadian society (Armitage, 1993b; Nock, 1988; Wharf, 1993a). The federal government finally accepted responsibility for funding services. Provincial authority was extended to reserves as long as the provincial law was not considered contrary to federal law. When provincial authorities did become involved, the situation would often be at a crisis level and would usually involve removing the child from the community and placing him or her into a White foster home (Ward, 1984). Social workers were dealing with the serious

consequences of the assimilation policies and practices of the last century including poverty, loss

of relationships and support, poor self esteem, poor parenting skills, substance abuse and

physical and sexual abuse.

Expansion of Child Welfare Services to Native Communities

In spite of the transfer of federal authority and funding to provincial authorities for child

welfare matters, there continued to be problems with the child welfare services being provided to

Natives, particularly on reserves in the 1960s. The system designed for urban nonNative

communities was exported to rural Native communities (Angus-Monture, 1995; Inuit Women's

Association, 1991; McKenzie, Seidl, & Bone,1995). However, Natives and Whites did not share

the same philosophy or values on child rearing or dealing with community problems. For

example, there was a high rate of illegitimate births (Bala, Hornick, & Vogl, 1991); the Native

community did not understand the concept of illegitimate births, whereas the White community

perceived it to be a problem. Discipline techniques, such as humour and shaming, used by

Native parents, could be viewed as psychological abuse by provincial authorities. Not only were

there different values but government jurisdictional problems continued, with Native children on

reserves continuing to receive support only in crisis situations.

Most of the services in different areas services varied from providing only in care

placements to providing in home supports. Indian and Northern Affairs workers could only

remove children with the consent of the parents whereas provincial authorities could act under

the auspices of the Child Welfare Act (1965) and remove children without parental consent

(Hepworth, 1980; Loucks & Jolly, 1981). Provincial workers continued to have high caseloads,

and work continued to be geared toward crisis intervention and removal of the child (Bala,

Hornick, & Vogl, 1991; Johnston, 1983; Ward, 1984). Typically children were removed from

their family and placed in foster care, often without the parents' knowledge (Palmer & Cooke,

1996). In Pigs In Heaven (Kingsolver, 1993), Anawake describes her perception of how Native

children were apprehended:

> For this whole century, right up until 1978 when we got the Indian Welfare Act, social
> workers would come in here with no understanding of how families worked. They would
> see a child who had been left with someone else outside the family, and they would call
> that neglect. (p.284)

Child welfare workers would place children in non-Native homes because of a shortage of

Native homes (Ryant, 1984; Ward, 1984). In response to criticism CAS received for not taking

more reserve children into care, one director stated (Morgan, 1968):

> If the CAS was to "do its job," basing its thinking on the fact that all the social needs and
> inadequacies affecting the Indian would be met by removal of the children from the
> environment as advocated, one can imagine the increase in budget, staff, and facilities
> needed…for a negative concept. I am not being facetious when I say that the collective
> arrival of children into care would be likened to the march of the Pied Piper (p. 9).

Native children were described as being taken into care for "extreme" reasons such as

abandonment and neglect and were typically from poor families. At this time White children

were taken into foster care because of behaviour problems, housing problems, abuse, or neglect

(Glesnick, 1971; Timpson, 1993). As a result of high numbers of the Native population

receiving welfare services, families were experiencing problems associated with poverty such as

drugs and alcoholism. This increased the perceived need for child welfare services (Ryant,

1984; Technical Assistance and Planning Associates, 1979 as cited in Timpson, 1995; Walter,

Isenegger, & Bala, 1995). Welfare created dependence and the reserves had few opportunities

for economic growth and employment. The poor social conditions of the Native communities (Kenora CAS, 1974; Kushnier, 1976; Timpson, 1978a) and the lack of support services available to families contributed to social workers reacting to situations and removing children from communities. The rates of Native children in foster care increased disproportionately to White children in care. Once Native children entered the child welfare system they were less likely to be visited by their parents and were less likely to be returned home compared to their nonNative counterparts (Griffith & Duby, 1991; Hudson & McKenzie, 1981). There were poor family reunification and support services. This type of situation was clearly illustrated in <u>April Raintree</u> (Cullen, 1984) when April and her sister were placed in White foster homes and had regular visits with their parents. The visits finally ended after her parents quit coming. Later April found out her parents were alcoholics and her mother committed suicide. April was not adopted and lived in a few foster homes.

The impact of the adoption programme through traditional formal child welfare channels on Native families was significant. Adoption practice usually operated without voluntary consents from the birth parents, as the parents were frequently off hunting or were unavailable (Palmer & Cooke, 1996). Many children were moved to White homes in the United States because of a shortage of adoptive homes in Canada (Ward, 1984). The need for Native homes was recognized and programmes were developed to recruit Native homes but were unsuccessful for a variety of reasons including: Native families' lack of financial resources and lack of understanding of the child welfare system, different EuroAmerican expectations of what a home should offer, Native distrust of child welfare services, cultural insensitivity and misunderstanding by social workers and Native families' preference to adopt healthy infants

(Johnson, 1983; Ryant, 1984; Ward, 1984). One response to the growing numbers of Native children in permanent foster care was that of one Northern Ontario agency that flew 100 children between 1964 and 1967 to isolated Native communities in the north with little preparation (Burnford, 1969; Copeland, 1965; Timpson, 1993, 1995; Ward, 1984).

Patterns of Foster Care and Adoption

The patterns of disproportionate numbers of Native children in foster care in Canada continued through to the 1980s (Hepworth, 1980; Johnston, 1983; McKenzie, Siedl, & Bone, 1995; Monture, 1989; Ryant, 1984). Native children remained in the foster care system because they came into foster care at an older age, often having suffered abuse or neglect (Ryant, 1984). Racial matching was the preferred practice in placing children in foster and adoptive homes (Ryant, 1984; Timpson, 1995). The available statistics describing Native children in foster and adoptive care are limited (Monture, 1989). In Canada in 1976, 8% of all children in foster care were Native and in Ontario 9% of children in foster care being Native. The highest percentage was in Northern Ontario where 19% of children in foster care were Native, suggesting regional differences (Beck, 1986; Hepworth, 1980; Loucks & Jolly, 1981). In the late 1970s across Canada, 3.5% of all Native children were in foster care in comparison to 1.4% for all Canadian children (Hepworth, 1980). By the early 1980s, one in seven status Indian children was not in their biological home and one in four were spending some time in the foster care system (Armitage, 1993a). Native children were placed in foster care more frequently and stayed in care longer than their White counterparts. By 1980 only .96% of all Canadian children were in care but 4.6% of Status Indians were in care (Johnston, 1983). Many of these children were placed in White homes despite efforts to recruit Native homes.

Between 1971 and 1978, five provinces developed special programs to recruit Native

homes (Ward, 1984). By the late 1970s the number of Native children adopted by White

families increased but the number of Native children adopted by registered Indians doubled. In

1972, status Indian children had less than a one in six chance of being adopted into a status

Native home, but by 1978 the odds improved to one in four (Ward, 1984). Agencies did place

Native children in Native families when they could (Brieland, 1984; Ward, 1984). In the 1970s

many Canadian Native children continued to be placed in adoptive homes in the United States

until a moratorium in Manitoba in 1982 (Ward, 1984; York, 1989). From 1982 to 1984, 8.3%

of all children adopted in Canada were Native but by 1988, the number reduced to 5.3%.

However, 90% of these Native children continued to be placed in nonNative homes (York,

1989). Canadian figures are suggestive of a downward trend in the adoption of Native

children, from 473 in 1983 to 201 in 1990 (Daly & Sobol, 1993). In 1990, only one Native

child was reported to be placed outside Canada and one third of Native children were placed in

homes where at least one parent is Native (Daly & Sobol, 1993). However, statistics are

unreliable because of the broad definition of "Native." The statistics from the Department of

Indian and Northern Affairs do not break down when an adoption occurred but report instead

according to the year the adoptions were reported (Department of Indian and Northern Affairs,

1996). Statistics which describe children of Native heritage who do not have status have not yet

been gathered by the Ministry of Community and Social Services.[22] Clearly, statistics do

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A personal phone call on November 26, 1997, to the Ministry of Community and Social
Services office in Toronto revealed that they are hoping to have the software to develop statistics
in the next year.

indicate that social workers were trying to place Native children in Native homes with some

success.

The Impact of Social Influences on Native Children and the Community

The removal of Native children from their community and placement in a White family

was more traumatic in many ways than it was for other children because the children were being

removed not just from their families but also from their culture. This was particularly true for

older children. Often families would not go to court to fight the child welfare system because of

a fear and lack of understanding of the court process and a lack of resources (Palmer & Cooke,

1996).

Native communities were suffering from poor social conditions connected to child abuse

and neglect (Pelton, 1994). Native communities were being reported to suffer from high rates of

unemployment, poverty, alcoholism, and drug abuse (Department of Indian Affairs and Northern

Affairs, 1980; Mannes, 1995; Ross, 1996). After reviewing literature on race and poverty issues,

Courtney et al (1996) found that social class was more of an indicator of child welfare

involvement than race but little empirical work has been done on services to, and outcomes for,

Native Americans in spite of the over representation of Native Americans in the child welfare

system.

Indeed, there is a lack of Canadian research literature (Daly, & Sobol, 1993; Monture,

1989). Some Canadian studies have demonstrated that social changes in Native communities

caused high rates of Native children being in care (MacDonald, 1985; Timpson, 1993). Social

changes included the forced relocation of people from their traditional community to permanent

settlements, the addition of a road to the community, or a sudden change in wage economy.

Timpson (1993) also found that those communities which had fewer placements in residential schools lost fewer children to adoption, suggesting less family breakdown. She also found that child neglect as a result of alcoholism was the primary reason children were placed in foster care. Poor living conditions contributed to children being removed from communities and the Native community reacted to the loss of children.

Reaction to Child Welfare Practice

In 1967, government reports expressed concerns about the lack of services and the appalling conditions of reserves (Hawthorne Report) and made a commitment to again expand services on reserves and recommended forms of self government (Armitage, 1993; Hawthorne, 1968; Simpson, 1993; Sinclair & Hamilton, 1991). Traditional child welfare agencies were accused of practicing "cultural colonialism" and merely replacing residential schools. The child welfare system was blamed for the breakdown of Native society (Morse, 1984; Timpson, 1995). Johnston (1983) coined the term "sixties scoop" to describe large numbers of Native children in foster care, implying a random apprehension of Native children into foster care that infuriated Native groups.[23] In response to the Hawthorne Report (1966) the liberal government blamed the Indian Act, with its special status for Natives, as the cause for the deplorable conditions in which Natives lived as they did not have the same access to provincial services as the general population (Simpson, 1993). In 1969, a federal White Paper unsuccessfully proposed the

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As a previous worker in the field of protection and crisis intervention, I feel one of the hardest decisions is to remove a child from a family, particularly when a family has been a victim of various circumstances, as this is an extremely intrusive act. Admittedly, some workers probably maintained attitudes that assimilation of the child into White culture would help "fix" the situation.

abolition of the Indian Act and any special status to Natives (Nock, 1988; Simpson, 1993). This further ignited Native activism (Sinclair & Hamilton, 1991; Weaver, 1981).

By 1972, Native groups publicly opposed Native children being adopted into White homes (Hudson & McKenzie, 1981; Simon, 1994). In the same year, Justice Berger recommended increased Native involvement at all levels of child welfare service (Loucks & Jolly, 1981). By 1975, Native groups were labeling transracial adoption as cultural genocide and accusing Whites of "perpetuating its most malevolent scheme, that of denying Natives their future by taking away the children" (Lee, B., 1982).

Across Canada there was a greater recognition of the need for culturally sensitive child welfare services, particularly the need for prevention services and Native foster and adoptive homes.[24] In the late 1970s, Kenora CAS and Brant CAS were among the first CAS's in Ontario to develop programmes specifically aimed at Native communities (Johnston, 1983; Ward 1984). Bilateral or tripartite agreements were made to create services on reserves and funding was provided by the federal government. Bilateral agreements involved the federal government paying the costs to the province or the band, whichever provided the service. Tripartite agreements involved an agreement between the federal and provincial governments and bands (Lee, B., 1980; Timpson, 1993).

Following the passage of the American Indian Child Welfare Act (1978) in the United States there was increased sensitivity to Native issues in Canada (Brooks Johnson, 1981;

Plumbing in a foster home used to be required. It became recognized that not all Native homes had plumbing and this requirement was dropped in foster home licencing.

Johnston, 1983; Kessel & Robbins, 1984; Laforme, Henderson, & Jones, 1987).[25] In 1977 the

Task Force on Canadian Native Peoples' health recommended that legislation be passed

requiring participation of local Native political structures in finding placements for Native

children and that extended family and community members be considered first for adoption or

fostering purposes (Ward, 1984). Still, when the Child Welfare Act was revised in 1978, Native

issues were not being addressed.

In 1980, the Spalluchem Band staged a protest in British Columbia called the Indian

Child Caravan (Johnson, 1983) and won the right to provide their own child welfare services in

their community. The protest influenced Native child welfare law and policy across Canada. In

the early 1980s it became more widely recognized that changes needed to take place in Canadian

Native communities. Johnson's study (1983) influenced a major parliamentary inquiry when he

identified Native child welfare concerns (Penner, 1983). Constitutional talks accompanied the

transfer of control of many government services to Native organizations and accelerated gains

toward self government (Baran & Pannor, 1984). The Ontario Ministry of Community and

Social Services recommended guidelines to ensure that Native children and families were being

addressed in a culturally sensitive manner (Ontario Ministry of Community and Social Services

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Anawake (Kingsolver, 1993) states: "The Indian Child Welfare Act. You can't adopt an
Indian kid without tribal permission...the reason for the law being created was that there were so
many Indian kids being separated from their families and put into non-Indian homes" (p. 53).
Anawake further describes a court case which she feels describes the spirit of the law. It
involved a Native birth mother voluntarily giving her children to a White couple and the judge
overruling this decision, even though the children had never lived on a reserve. She states: "The
Indian Child Welfare Act is supposed to protect the interests of the Indian community in keeping
its children. It's not supposed to be defeatable by the actions of the individual tribe members (p.
64)...there have been kids with adoptive parents five to ten years, that the Indian Child Welfare
Act has brought back to their tribe because the adoptions were illegal" (p. 84).

Policy Development, 1983b).

On March 6, 1982, the Manitoba government declared a moratorium on Native children being placed in the United States. A commission headed by Judge Kimmelman was appointed to investigate the treatment of Native and Metis children in the child welfare system in Manitoba (Beck, 1986). Kimmelman found that Native children were being removed in excessively high numbers and felt this "wholesale" removal of children was resulting in cultural genocide for the Native community (Kimmelman, 1985). Following the Kimmelman inquiry (Rae, 1984), Native children whose adoptions had broken down were repatriated to their home communities.

The Child and Family Services Act, 1984 of Ontario (CFSA, revised 1990)

Although Ontario was slower than western provinces to draw up legislation dealing with Native child welfare issues, its legislation is now the most comprehensive (Bala, Hornick, & Vogl, 1991, Laforme, Henderson, & Jones, 1987). Ontario law now mandates Native child welfare services and defines culture in the "best interests test of the child" (see Appendix B). Native culture is described as a case of special "best interests" (Bala, Hornick, & Vogl, 1991; CFSA, 1990, Chap. C 11, Sec. 37, 3, p. 34).

The declaration of principles in the Act states that Indian and Native people should be entitled to provide whenever possible, their own Child and Family Services and all services to children and families should be provided in a manner that recognizes their culture heritage and traditions and the concept of the extended family. (Bala, Hornick, & Vogl, 1991, p. 192; CFSA, 1990, Chap. C 11 Sec.37, 3, p.34; Laforme et al, 1987, p. 1). This statement of principle is really making two statements: that Native communities should be able to provide their own services and, until they can do that, services need to be provided taking into consideration the Native

child's culture.

The Minister of Community and Social Services can designate an area as a Native community. The CFSA addresses "Indian" and "bands" as defined in the Indian Act and "Natives" as being a member of a community as designated by the Minister of Community and Social Services (Laforme, Henderson, & Jones, 1987; CFSA, 1990, C 11, Sec. 3 (1), (3), p. 8). For example, an area such as Toronto has a large urban Native population and is designated as a Native community. Thus the legislation can apply to all Native people on and off reserves (Bala, Hornick, & Vogl, 1991). The Act allows for Native involvement and the designation of Native child welfare agencies to provide all or partial services. The Act actually adds an additional party to a hearing, the interested Native community, but the court has to recognize the child as having status or belonging to a Native community (Laforme, Henderson, & Jones, 1987). If there is not a Native child welfare agency in the child's community, there are appointed band representatives who are notified of child welfare proceedings affecting Native children and can participate in the proceedings. The band representative who attends a hearing represents the best interests of the band as a community not necessarily the parents or the child. Since the implementation of the Act, any new hearings in child protection matters are to include Native representation. In effect, the Act allows for Native communities to have input into planning for Native children in order to slowly progress to becoming a secular agency specifically for Native children and families, not unlike the Catholic Family and Children's Services.

In the case of adoption placements, bands are to be notified 30 days in advance of the placement (CFSA, 1990, C 11, Sec. 140, 3, p. 115). Placements outside of Ontario can only be done within certain limitations. Ministry guidelines (1985a,b) state that the band should be

notified before an adoption placement is selected. Laws which define the "best interests" of the child are taken into consideration and include specific provisions in dealing with Native children and their child's heritage and identity; however, a hierarchy of preferences is not stated (Bala, Hornick, & Vogl, 1991; CFSA, 1990, C 11, Sec.136, 23, p. 111; Lee, 1982).

The band has the right to full disclosure of a hearing because it is considered a party to the hearing and consent of the parents is not necessary. Agencies have attempted to address this by developing policies asking the birth parents to sign a consent for disclosure. However, if a band member is present at a hearing it is impossible to maintain confidentiality. For example, in the case of a woman who has been raped by a member of her band and does not wish the band involved, she loses her right to confidentiality and can in effect have little control over, or input into, where her child is placed for adoption because the Native community can choose the placement. A White woman whose partner is Native has little control over where a child goes if she relinquishes the child for adoption. Daly and Sobol (1993) found that some Native birth mothers chose to place their child through outside facilitators rather than through a public agency because they did not want band elders to know of their pregnancy and they wanted some control over where their child is placed for adoption.

Traditional agencies do not find a child in need of protection if the child is being cared for by an extended family member. Therefore there is not a legal mandate to become involved with the family under the child welfare legislation if a child is being cared for by another member of the community. This can place extra financial stress on some families. The Act addresses this by saying that a Native family could be provided a subsidy for caring for the child (CFSA, 1990, C 11, Sec.212, p.160). This is not practiced in traditional agencies.

The Department of Indian and Northern Affairs began a moratorium on new negotiations

in 1986, pending a review of policy in response to tripling costs and the growth of Native

services. There is 25% less funding to Native agencies compared to other agencies and there is a

shortage of trained Native workers (Beck, 1986). In 1991, the Indian and Child and Family

Services Management Regime Discussion Paper (Department of Indian and Northern Affairs) set

guidelines for service and policy and insisted provincial child welfare guidelines be followed

(Armitage, 1993a). In response, the Assembly of First Nations recommended that the Native

community should pursue alternative forms of funding to avoid provincial control (Armitage,

1993a). To date, this has not occurred.

Present Day Practice

In spite of the advances made in the Ontario legislation, different agencies and people

interpret policy, laws, and practice in different ways. When the CFSA first came into being,

many practitioners, without clear explanations of the term "Native," interpreted it as being any

child with Native ancestry.[26] Extensive efforts were being made to find Native homes for

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Alice, Turtle's adoptive grandmother in Pigs In Heaven (Kingsolver, 1993), knows that she has Cherokee in her background but never described herself as Cherokee. In a discussion with her cousin Sugar, Alice finds out the definition. Alice says, "I always knew we were part Indian, but I never really thought it was blood enough to sign up" (p. 275). Sugar responds by saying, "It don't have to be more than a drop. We're all so watered down here anyway...Roy Booth over there at the gas station, he's enrolled, and he's not more than about one-hundredth. And his kids are. But his wife, she's real Methodist, so she don't want to sign up. It's no big thing. Being Cherokee is more or less a mind-set." Anawake, the lawyer questioning Turtle's adoption, states to Alice when Alice asks if it would make a difference to enroll in the Cherokee Nation, "First of all yes, if you enrolled then you would be Cherokee. We're not into racial purity, as you've probably already noticed. It's a funny thing about us eastern tribes, we've been mixed blood from way back, even a lot of our holy people and historical leaders. Like John Ross. He was half-blood. It's no stigma at all" (p. 228).

children of Native heritage. Many children were moved out of White homes if and when a

Native home was found. Others remained in a holding position while the search was made.

Some Native communities are having problems recruiting Native homes. The Native

Child and Family Services in Toronto has only enough foster homes to serve about 10% of the

children in care (Palmer & Cooke, 1996; personal communication with Native child welfare

workers). In adoption practice, northern Native agencies are continuing with the philosophy of

matching physical characteristics in order to blend the child into the family (Laforme,

Henderson, & Jones, 1986, 1987), but there continues to be a shortage of Native adoptive homes.

Consequently, Native children continue to remain in White homes.

Although there has been a reduction of Native children in care; the number of Native

children in foster care remains five times higher than the nonNative community (Armitage,

1993a). Many times an adoptive home is not found, and the children remain in the foster care

system, being bumped from one home to another. Native children are becoming older while

they remain in temporary foster care. This places many children in the category of "special

needs" not necessarily because they are Native but because they are older and require parents

willing to parent an older child with some emotional and behaviour problems (Stokee, 1994). In

Pigs In Heaven (Kingsolver, 1993), Alice, Turtle's adoptive grandmother, tells Anawake about

how Turtle was sexually abused:

> You don't know what the child goes through. She's still not over it. Whenever she feels
> like she's done something wrong, or if she thinks Taylor's (the adoptive mother) leaving,
> she just...I don't know what you'd call it. It's like her body's still there but her mind gets
> disconnected some way. It's awful to watch. (p. 226)

Taylor, the adoptive mother, describes it further (Kingsolver, 1993):

The girl I have been raising came to me when she was about three. She had been hurt badly before that The night she came to me she had bruises all over her. That's the reason I kept her. Do you honestly think I should have given her back? Later on when I took her to a doctor, he said her arms had been broken. It was almost a year before she would talk, or look at people right, or play the way other kids do. She was sexually abused. (p.320)

In Ontario, there are no statistics available describing the adoption of Native children or the placement of Native children in foster homes (Daly & Sobol, 1993). The Ontario Ministry of Community and Social Services has compiled statistics on Native permanent wards (Crown Wards) and are hoping to develop a more in depth analysis in the next year (Personal correspondence from the Ontario Ministry of Community and Social Services, December 15, 1997). From 1991 to 1996, approximately 13% of Crown wards were counted as being of Native ancestry. Of those, 9% were Status Indians and 3% were being considered for eligibility, indicating the identification of Natives on paper was done primarily by eligibility for status. Of all of the Crown wards reviewed, the average for length of Crown Wardship was 5 years, and the child averaged three homes and three workers in the time since becoming a Crown Ward, emphasizing the instability of foster homes and workers and the lack of sense of permanence for the child (Ontario Ministry of Community and Social Services, 1997). One reason for the shortage of Native homes is the poor economic situation of Native communities and associated problems.

By the late 1980s Canadian Native people were revealing the magnitude of the problems faced by Native peoples. The Neshi Institute (the first Native treatment facility for alcoholism) proclaimed that no Native person was free of the effects of sexual abuse (Timpson, 1995). The taboos of the abuse were exposed in the literature (Daily, 1988; Martens, 1988; Ross, 1996). In

many Native communities, health-care workers estimate that sexual abuse in families

spans three or four generations (Ross, 1996). The Indian and Inuit Nurses of Canada (1990)

stated that wife assault is grossly underestimated; The Inuit Native Women's Association

(1991) cited an 80% prevalence of wife assault.

At this point in time, the Native community is coping with severe problems associated

with poverty and assimilation policies and generally is unable to provide all of the needed

services (Aquila, 1993; Armitage, 1993a; Assembly of First Nations, 1988, 1991; Caribou Tribal

Council, 1991; Daily, 1988; Grant, 1996; Martens, 1988; Ontario Native Women's Association,

1989; People to People, 1996; Richardson, 1993; Silman, 1987; Taylor-Henley, & Hudson,

1992; Timpson, 1995). According to K. Richards (1995), a Native child in Canada is "likely to

be born poor and stay poor, is more likely to die in infancy, to have foetal alcohol syndrome, to

be sexually abused, to die in an accident, to drop out of school and to commit suicide in

adolescence" (p. 23). There is well documented evidence that there is a relationship between

child neglect and poverty (Cappelleri et al, 1993; Hampton, 1987; Pelton, 1994; Vega, Kolody,

Hwang, & Nobel, 1993) from which the Native community suffers. One-parent households

(usually single mothers) are more likely to be of a minority race, poor, and suffer high levels of

stress than two-parent households (Garfinkel & McLanahan, 1986, Huston, 1991). Single parent

households are common in the Native community (Ministry of Supplies and Services, 1996).

Kendrick (1990) stated that "many Natives depend on the benevolence of Whites" (p. 87). A

Statistics Canada report (Aboriginal population expected to increase, January, 1998) indicated

that the population of Natives aged 15 to 24 is projected to increase 26% by 2006 and the birth

rate is 70% higher than the general population. The article stated that "Aboriginals should enjoy

growing economic and political clout in coming years but sheer numbers could lead to rising social conflict." This too could have an impact on child welfare practice and Native self government.

By the 1990s, Native groups were very active in gaining control over institutions in all spheres of their lives. In Canada there are 240 band-controlled schools and 28% of all Native children attend these schools (Ministry of Supplies and Services, 1996). In 1997, there were four Native-controlled Child and Family Service agencies in Ontario with other agencies providing family support services (Richards, K., 1995). However, although there are community-run Native agencies, these agencies are still mandated under provincial legislation and thus are restricted in some ways in how they deliver services. Ironically, in Ontario it appears that Native-run child welfare agencies are responding to increased caseloads by acting as the traditional agencies did in the past, by removing children from their families and moving them to out of home care. Attempts are being made to place these children in culturally sensitive placements. Family services are frequently not provided to the parents because of a lack of funding (Mannes, 1995).

With these realities facing Native agencies they are likely to share some of the same problems as traditional agencies including lack of funding, resources, and high caseloads, thereby impeding the ideal of being able to serve all Native children.[27] In fact, workers, both Native and White, have discussed with me the shared problems in working in child welfare,

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Wharf (1993) describes problems that continue to exist in the Native community in spite of the existence of Native Child and Family Services. He tells of severe abuse, even one story of a Chief being charged with sexual abuse.

including a lack of foster and adoptive homes. Anawake in <u>Pigs In Heaven</u> (Kingsolver, 1993) acknowledges the existence of child welfare problems on the reserves when she says "We have child welfare problems filed in this office which could keep me busy until I am personally old and grey" (p. 275). Some Native agencies are recruiting White homes as well as Native homes. Another consistent problem is the high rate of burn out and stress-related leaves of absence among child welfare workers (Palmer & Cooke, 1996; Personal correspondence, November 16, 1996).

Along with the changes in the <u>Act</u> has come the professionalization of social work and the massive creation of policies. This has created more accountability, but more paper work is generated with less time for front line work. With high stress and high caseload expectations, it is often difficult to maintain high standards of social work delivery. Not only is time consumed by paper work, but Native agencies serve a large area and may have to fly workers to an isolated home to provide services, again consuming time.

Many Native agencies are attempting to repatriate Native children and adults who have not had successful experiences in foster and adoption placements.[28] Many of these people will bring problems to the communities with already limited resources. A couple of years ago in Kenora a traditional agency was taken over by the Ministry of Community and Social Services after an investigation which indicated major problems in that agency. In the past year, two Native agencies had similar difficulties resulting in major restructuring and Ministry

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Armitage (1993a) quotes a Native woman who is discussing the need to repatriate adopted children from urban centres. She says, "we must bring the adopted children back to their home communities, even though the whole concept of reservations is destructive. We have to think as nations. We have to think of things holistically" (p. 167)

involvement.

More attention is being paid to the crisis in child welfare and problems in the field of child welfare with newspaper articles abounding with reports of children who have remained in the family and been killed in spite of agency intervention (Quinn, 1997; Tripp et al, 1997). Child welfare practice and policy are now being investigated to determine where the problems lie. Growing unemployment and the poor economic situations are contributing factors to child neglect and abuse. Recently, the Minister of Community and Social Services announced that the CFSA would be reviewed. This seems to be in reaction to the recent deaths of children in Ontario and the recognition that the present Act supports the philosophy of keeping the family together for perhaps too long a period without the proper supports.

Native philosophy is based on a holistic interdependent lifestyle, a social and political structure based on the clan system and extended families, and a decision making process based on consensus and mutual cooperation. Child welfare policy and practice contributed to the changes in the Native community. Presently, the Native community is active in providing child welfare services but has yet to fulfill its ideals of community and cultural sensitivity and independence. It will need to develop its own resources and knowledge in order to address many of the problems it faces today. The Native community has taken a strong position against transracial adoption practices as it has become a potent symbol of the oppression of Natives through the policies of assimilation. However, the Native community has many problems in the present context and does not yet have the requisite resources. With an increased knowledge of the child welfare issues facing Native communities, others will be able to be more sensitive to the need to recognize the uniqueness and diversity of Native peoples. The social and political

influences of the past have influenced the development of both the EuroAmerican and

Indigenous perspectives presented in the following two chapters.

CHAPTER 5

THE EUROAMERICAN PERSPECTIVE, THE ISSUE OF ATTACHMENT

It seemed to me, even, that there was nothing more fragile on all the Earth. In the moonlight I looked at his pale forehead, his closed eyes, his locks of hair that trembled in the wind, and I said to myself: what I see here is nothing but a shell. What is most important is invisible.

Antoine de Saint-Exupery, The Little Prince

The EuroAmerican perspective is exemplified by the above quote. The issues of

attachment, separation, and permanency are the primary arguments used to support the practice

of transracial adoption. People who argue in favour of transracial adoption argue that the most

important thing is to look at the individual child's needs, particularly the sense of continuity and

bonding to the adults actively parenting the child. The arguments are based on the assumption

that all children need a loving home in which to grow up. The Indigenous perspective perceives

the child's needs differently and values the continuity of the Native community, the child's role

as a part of that community, and the importance of the child developing a Native identity. When

a Native child initially enters the foster care system, attempts are made to place the child in a

Native foster home as directed by the CFSA. However, frequently there are not enough Native

foster homes, particularly in urban communities (Palmer & Cooke, 1996). Attachment issues

arise after a Native child has been placed in a White foster home for years and the Native

community wishes to place the child in a Native home when the child is free for adoption

purposes.[29] Attachment becomes an issue when the foster family wishes to adopt the Native

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[29] One of Canada's most important decisions was made in the Racine v. Woods case (Stokoe, 1994). It involved a Native child who had been placed in a White home for years. The question was whether or not to return child to the birth mother. Each level of court made important decisions in regards to the best interests of the child and race. The Native child was eventually

child but the Native community does not support the plan. There do not appear to be any

books or stories written to describe this experience but the issue of attachment is clearly

illustrated in Losing Isaiah (Margolis, 1994). The adoptive parents become caught in a legal

battle when the birth mother decides she wishes to obtain custody of Isaiah. The adoptive mother

thinks:

> Who else knew the precise and unvarying configuration of pillows and stuffed animals he
> insisted on before he'd even lie down on his bed at night? Who else knew that while he
> liked his toast cut into bite-sized pieces, he'd have a tantrum if his frozen waffles were
> tampered with? Who knew that Bushel and Peck was his favourite song, the way he
> laughed every time she got to the part at the end.... Isaiah wasn't a piece of equipment
> that came with instructions. It had taken over two years to learn how to be his mother.
> (p.169)

The issue of attachment is also described in Pigs In Heaven (Kingsolver, 1993). A Cherokee

woman had given Turtle to Taylor at a roadside coffee house after Turtle's mother had died. A

lawyer with the Cherokee Nation discovers Turtle's existence after she has lived with Taylor for

a few years and questions this according to the American Indian Child Welfare Act (1978).

Taylor states "I'm sorry, I can't understand you. If you walked in here and asked me to cut off

my hand for a good cause, I might think about it but you don't get Turtle" (Kingsolver, 1993,

p.76). In both situations the adoptive parents and the children have developed a deep attachment

and in their respective situations there is the possibility of the child being removed from the

home. The issue of attachment also arises when a child is placed in a White foster home and

remains in a temporary holding situation while a search is made for a Native home to

accommodate the child's cultural needs. The search frequently takes an extended period of time;

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adopted by the White foster family.

meanwhile, the child's needs for stability are not addressed.

In all of the above situations the child is perceived to be in a state of limbo until a more permanent decision is made. In the child welfare system limbo results when: a child is moved from placement to placement; when the development of a long-term plan is postponed or the implementation of such a plan is delayed; or when a child is denied information about what has been and what will be happening (Sparrow Lake Alliance, 1996). Limbo is often characterized by confusion and uncertainty, thereby making it difficult for the child to attach to anyone because the child does not know where he or she belongs (Keck & Kupecky, 1995; Steinhauer, 1991, 1996). Generally, the research literature states that this persistent state of the unknown can result in long-term attachment problems because of the lack of permanency in the situation (Ainsworth, 1982; Fahlberg, 1991; Keck & Kupecky, 1995; Steinhauer, 1991). Permanency is seen as a basic requirement for the child to develop emotionally and developmentally.

Steinhauer (1991) states that in the child welfare system, "issues of separation and attachment are perceived as the most important psychological and developmental hazards faced by children" (p. 14). It is believed that the lack of attachment undermines the child's social, emotional, and behavioural development and integration. For optimal development a child is perceived as needing to grow up in a family that is caring and able to provide high quality parenting and continuity (Steinhauer, 1991, 1996). Attachment is viewed as a magnetic bond which exists between the child and the primary caretaker.[30] In The Velveteen Rabbit

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[30] In Losing Isaiah (Margolis, 1993), Isaiah's White adoptive mother remembers attaching to Isaiah in a different way than her birth daughter: "With Isaiah it was something else. He'd been adopted. She'd had to fall in love with him. Now, when she noticed the contrast in skin colours, it only served to remind her of how she'd fallen in love with him" (p. 183).

(Williams, M., 1983), the Skin Horse speaks to the rabbit about being loved as a way of

becoming real. He says that "Real isn't how you are made.... It's a thing that happens to you...It

takes a long time" (p. 4). When children bond and attach, in a sense they become real in a

similar way. The strength of the attachment lies in the quality and sensitivity of the primary

caregiver's ability to respond to the child's needs rather than in the amount of time the caregiver

gives to the child (Ainsworth, 1974, 1982; Rutter, 1979a,b,c; Steinhauer, 1991). The White

perspective argues against the process of lengthy court proceedings; the search for a Native

home can extend indefinitely and the child's need for permanency should be considered in

placement decisions. This does not become an issue when an agency is able to place a Native

child in a Native home immediately upon the child's entrance into foster care. However, the

longer the child is placed in a nonNative home, the more important issues of attachment and a

sense of permanency.

Development of Attachment

Ainsworth and Bowlby were leaders in theories of attachment (Bowlby, 1952; Bowlby,

Ainsworth, Boston, & Rosenbluth, 1956). Bowlby was the originator of attachment theories,

building a bridge between S. Freud (1946) and Piaget (1965a,b) by combining emotional and

cognitive development. In attachment theory, a secure attachment is viewed as critical for the

development of trust and intimacy (Ainsworth, 1967; Bowlby, 1969; Tizard & Hodges, 1978;

Tizard & Rees, 1974a,b; Tizard & Tizard, 1971). The infant's first basic need is to attach, trust,

and feel secure with the primary care giver, usually the mother (Ainsworth, 1967; Melina,

1988a). This facilitates normal development and leads to an increase in the child's self esteem

and the development of impulse control. Once formed, an attachment persists even in the

absence of the primary care giver. Attachment plays a critical role in socialization (Bowlby, 1969; Harrison, M., 1995).

If children do not form an attachment in their first 18 months, they may still have the possibility of forming an attachment but may have cognitive and social problems in the future (Steinhauer, 1991). When a child fails to bond to a primary caregiver, for example in a situation where children who are brought up in institutions with multiple caregivers, it can lead to the child having permanent and uncorrectable behaviour problems and is later associated with a series of socially inappropriate behaviours (Rutter,1979a,b). In the 1980s, Small (1986) a leading opponent of transracial adoption in Britain, argued that when suitable same race homes could not be found, the children would be better off in institutions. However, evidence suggests that children who spend many of their crucial early years in institutions show a variety of negative effects, from delayed language development to indiscriminate affection toward adults and poor self esteem and are less likely to form deep attachments (Barth & Berry, 1988; Melina, 1995; Tizard, 1977; Tizard & Hodges, 1978; Tizard & Rees, 1974a,b; Tizard & Tizard, 1971).

Disruptions in attachment are believed to cause various types of problems for children, often depending on the age at disruption and the types of attachment experienced by children (Bowlby, 1951 1969; Keck & Kupecky, 1995; Steinhauer, 1991). Prior to 6 months of age it is generally believed that infants can respond differently to the mother but are not selectively attached. Thus, even though a disruption through separation may cause irritability, infants do not appear to show an acute distress reaction (Steinhauer, 1991; Yarrow, 1967). Children are likely to feel separation acutely between the ages of 6 months and 4 years of age. They are very dependant physically and emotionally on the primary caretaker and are unable to fully

understand the reasons for the move or work through their feelings (Quinton & Rutter, 1976). Securely attached children show less short-term distress following separation than those whose attachment is ambivalent or insecure (Stayton & Ainsworth, 1973).

What happens after initial separation from the primary caregiver and the nature of the environment in which the child is placed is of paramount importance. The ability of the post-separation environment to provide security and stability can buffer the child's response to the separation and support the subsequent adjustment and behaviour (Rutter, 1972, 1979a). The sooner an adequate parent substitute can be provided, the shorter the period the child is in limbo, the sooner the reattachment to a parent will begin and the lower the risk of long term problems (Brodzinsky, 1987; Freud, A., 1960; Steinhauer, 1991). A child in foster care can remain in a temporary holding state for extended periods of time because of a court trial or while a search for a same race home is made. The child can find it difficult to trust adults and have difficulty forming an identity. If this situation persists for extended periods of time, it can lead to the child demonstrating detachment, rage, asocial, and antisocial behaviour and loss of self concept (Odenthal, 1998; Steinhauer, 1983; Wilkes, 1992). A child's reaction to separation cannot be predicted, as many factors play a role.

The term "attachment disorder" is becoming more frequently used in the mental health field to describe problems associated with the lack of or the inability to form attachments. Sometimes a child is described as detached after multiple moves. The presenting behaviours can include emotional flatness, superficial social relationships, an inability to form relationships, and attention seeking behaviour, such as promiscuity at an older age (Keck & Kupecky, 1995; Melina, 1994; Steinhauer, 1991). Many children in the foster care system are considered at risk

of attachment problems because of their past experiences.

<u>Child Welfare Consumers</u>

The typical consumers of child welfare services are families who are poor, isolated, and

stressed and who have associated problems such as substance abuse (Callahan & Lumb, 1995;

Gordon, 1985, 1988, 1990; Wharf, 1993a,b). Many of the parents are single mothers (Callahan

& Lumb, 1995; Gordon, 1985, 1988, 1990; Wharf, 1993a,b). These social variables are strongly

linked to abuse and neglect (Steunhauer, 1991; Keck & Kupecky, 1995; Timpson, 1995).

Abused and neglected children frequently get an inconsistent response from the

caretakers, leading to problems in bonding, cause and effect thinking, reciprocal relationships,

the development of the conscience, and other areas of development (Keck & Kupecky, 1995).

For example, a child in a chronically neglected environment often does not know what the

response to crying will be; it could be getting fed, being ignored, or being hit. Thus, the child

learns unpredictability at an early age. Children who come into foster care frequently have had

multiple caregivers even before entering the foster care system. The primary caregivers are

desperate for some form of relief from parenting and allow whoever is willing and available to

care for their children (Steinhauer, 1991).[31] Keck & Kupecky (1995) describe a common

situation of child neglect—three children, aged 4 years, 2 years, and 8 months, were left alone in

a trailer for several days. When the authorities arrived, there were only old beer bottles and

soured milk; the young ones had not been changed in days. Efforts to resolve the issues with the

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[31] Stories in the newspaper describe children being found with strangers, wondering the street, or even in restaurants such as McDonalds. A common occurrence in my work is the mother who asks a neighbour to care for her children while she goes to the laundromat, failing to return for several days.

family were unsuccessful and ultimately the children stayed in temporary foster care for 3 years before they were placed on adoption. This case demonstrates how long it can take before a permanent legal decision is made about a child's life. Most children who are placed in foster care experience these types of circumstances in addition to the separations they have experienced from their families (Fahlberg, 1991; Pianta, Egeland, &Hyatt, 1986; Schaughency & Lahey, 1985). Rowe and Lambert (1973) found that children who wait more than 6 months in foster care have only a one in four chance of returning to their biological home. The decision for a child not to return home is only a beginning step in the process towards a permanent plan.

While an individual child's reaction to separation will be unique, there is no doubt that the traumatic effects of separation related to being placed in foster care will be intensified by the conflict and discord that precede it. Children from chaotic or abusive environments show a more insecure attachment and tend to be more anxious and clingy (Goldberg, 1990; Steinhauer, 1991). This further intensifies the reaction to separation regardless of the response of the primary attachment figure (Lamb, Fordi, & Frosi, 1982; Quinton, Rutter, & Liddele, 1984; Ross & Goldman, 1977; Rutter, 1979a). Two or more interacting stressors have a total effect much greater than the mere sum of these same stressors considered separately (Quinton & Rutter, 1976; Rutter, Cox, Tupling, Berger, & Yule, 1975). Thus, the risk of psychological disturbance in response to family discord or abusive or violent behaviour followed by separation is multiplied (Brown & Harris, 1978; Keck & Kupecky, 1995; Rutter, 1979b).

Moreover, a child needs to work through the mourning process following separation from someone to whom they are attached. If the child does not do this, there are additional potential problems such as detachment, narcissistic behaviour, repeating past behaviours which

led to the perceived rejection, attention seeking behaviour, emotional flatness, forming

superficial relationships, and an inability to reattach or to sustain relationships (Fahlberg, 1991;

Steinhauer, 1991). The number of placements and the quality of adjustment and reactions to

those placements can affect the child's attitude and behaviour (Bates, 1993; Kagan, 1984;

Thomas, Chess, & Birch, 1968). A child who is sensitized by multiple placements and rejections

is also more likely to elicit more adverse experiences (Littner, 1960).[32] Behaviours can include

extreme and sustained distancing, an inability to trust others, an unwillingness to remain

acceptable to others, an excessive demand for attention, and poorly controlled anger outbursts.

The result is that it is difficult to integrate the child into the substitute family (if a family can be

found).

Adoption Practice in CAS

Children who have been removed from their homes involuntarily are usually the children

with whom CAS works and places on adoption. Consequently, they have experienced abuse or

neglect, sometimes in utero. In Dorris' autobiography The Broken Cord (1989) the author

adopted a Native child with foetal alcohol syndrome and describes the child's behaviour

problems, the child's lack of conscience, and the author's inability to teach his son how to cope

with some behaviours. Placing a child diagnosed with this syndrome in a permanent family is an

almost impossible task. In 1990, more than half of the province-wide adoptions in Ontario were

of children between the ages of 2 and 17 years (Ontario Ministry of Community and Social

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[32] Adams (1994) quotes a former foster child who moved too often: "You get to the point the hurt is so deep, you don't want to live anymore. There's no sense of family, belonging" (p. 1). Adams goes on to say for many permanent wards foster care is a sad progression of goodbyes to families, friends, schools, and social workers.

Services, 1993, as cited in Aiken, 1995). Many of these children are at risk of having forms of

attachment problems, delays in adoption placements, and prolonged periods of limbo which

further complicate any potential problems (Aiken, 1995; Barth & Berry, 1988; Barth, Berry,

Goodfield, & Carson, 1987; Keck & Kupecky, 1995; Steinhauer, 1991; Ward & Lewko, 1987).

When social workers look for a Native adoptive family for a Native child over an extended

period of time, for example one year, it can prolong the amount of time the child is in limbo.

This can further complicate the child's problems.

The challenges these children present make it difficult to find potential adoptive families.

It is generally felt that the substitute parents need to be stronger, more tolerant, more accepting,

and more sensitive than parents who have become parents biologically (Cohen, J., 1981, 1990;

Keck & Kupecky, 1995; Steinhauer, 1991). The degree and quality of the substitute parents'

commitment, responsiveness, and ability to tolerate the acute distress precipitated by the child's

separations will help determine whether or not the child retains the capacity to bond selectively

in time (Raphael, 1982; Tizard, 1977).

Poorer adjustment to adoption in general is associated more with the age of the child at

placement than with racial background, possibly the result of the child having suffered some

form of abuse and neglect in the birth family and coming into foster care at an older age (Barth,

et al, 1987; Barth, Berry, & Yoshikami, 1988; Cohen, J., 1981, Cohen & Weshues, 1989;

Fanschel, 1978; Festinger, 1986; Feigelman & Silverman, 1984; Kaduchin, 1970; Keck &

Kupecky, 1995; Murray, 1984, 1990; Steinhauer, 1991). In Pigs In Heaven (Kingsolver, 1993),

Taylor describes Turtle when she started to parent her:

   I didn't take Turtle from any family, she was dumped on me. Dumped. She'd already lost

her family. And she'd been hurt in many ways. I can't even start to tell you without crying. Sexual ways. Your people let her fall through the crack and she was in bad trouble. She couldn't talk, she didn't walk, she had the personality of—I don't know. A bruised apple. Nobody wanted her. (p.76)

Children like Turtle are typical of those children in the foster care system with most needing stability and parental commitment.

The permanence of an adoption placement appears to be more desirable than permanent foster care.[33] Triscliotis (1983) compared children who were adopted to those who grew up in long-term foster homes and found the adoptees to be more secure, well adjusted, and confident. According to the Ontario Crown Ward Administrative Review, prepared by the Ontario Ministry of Community and Social Services (1997), Crown wards change foster homes an average of 3 times during the first 5 years of Crown wardship. This does not include the many moves the children had in and out of foster care when agency workers were supporting the family. Minority children wait in foster care for longer periods of time than their White counterparts (Alstein & Simon, 1987; Chambers, 1989; Kroll, 1993; Melina, 1992; Ryant, 1984; Shireman & Johnson, 1986; Smith & Merkel-Holguin, 1995), increasing the chances of having multiple caretakers. There is considerable evidence that developmental and emotional damage is sustained by Black children who remain in the foster care system without permanent placement, as they are more likely to have multiple moves and suffer the consequences of not knowing or understanding what has happened (Feigelman & Silverman, 1984). Moreover, these children

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[33] Many children with whom I have worked over the years who remained in permanent foster care tend to view CAS as their family. They keep in regular touch with workers and articulate their need for some sense of continuity and connection.

never have the opportunity to be part of a permanent family; problems in attachment, the ability

to form relationships, feelings of isolation, insecurity, problems with identity, emotional damage,

and behavioural problems may result (Melina, 1990; Steinhauer, 1991). One child said, "You

get to the point where the hurt is so deep, you don't want to live anymore. There's no sense of

family, of belonging" (Adams, J., 1994, p. 5). Presently, Native children continue to be in foster

care in disproportionate numbers in comparison to their White counterparts and there continues

to be a shortage of Native foster or adoptive homes.

Ideally, Native children who enter the foster care system should be placed with Native

foster parents who are prepared to adopt the child if the child becomes free for adoption

purposes. However, most situations are not ideal within either the White or Native system.

Some Native communities are suffering from extensive problems associated with poverty

(Timpson, 1995), while other communities are self sustaining and are able to provide the needed

resources (Palmer & Cooke, 1996). There have always been problems finding Native families

willing to adopt children with difficult backgrounds because Native parents prefer to adopt

healthy babies, as do most White adoptive parents (Ward, 1984, Timpson, 1995). One Northern

Ontario agency reported that only 1 in 12 Native children were being adopted into Native homes

(York, 1989). Following the American Indian Child Welfare Act (1978) in the United States,

there was a 25% increase in Native children in foster care, in spite of a decrease in rates for other

races (Plantz et al, 1988) and one third of the children were not in Native homes (Edwards &

Egbert-Edwards, 1989). Problems associated with the reluctance of Native families to be foster

parents included the small size of reservations, unemployment, alcoholism, and loss of cultural

ways. As well, the needed resources were not available to support families in keeping or

returning the children in their home. However, the Department of Indian and Northern Affairs (1991) reported that from 1978-79 to 1990-91, the percentage of on-reserve children in care was reduced from 6.5% to 4% in Canada. Furthermore, children were more likely to be placed in Native foster homes, indicating that Native communities are dealing with some of their child welfare problems.

There is clearly a need for homes and a sense of permanency for children in the child welfare system. The changing attitudes in adoption practice in the 1960s contributed to the increase in transracial adoptions, particularly Native adoptions. The Native community is experiencing severe social problems as a result of assimilation policies and poverty; thus it requires extensive healing and resources. Presently, neither the White community nor the Native community have the resources to deal with all of the children needing assistance and homes (Steinhauer, 1991; Timpson, 1995). If more attention was directed to the problems associated with the Native community, particularly poverty, there may be a reduction in adoptive homes. In the following chapter the Indigenous perspective on the adoption of Native children is described. Both perspectives on transracial adoption have legitimate arguments to support their respective positions and should be understood.

CHAPTER 6

THE INDIGENOUS PERSPECTIVE:

THE ISSUES OF COMMUNITY AND NATIVE IDENTITY

The Native community has actively opposed the adoption of Native children into White families since the mid-1960s, following the removal of large numbers of children from their communities and their placement into White homes (Armitage, 1993a; Johnston, P.,1983; Monture, 1989; Sinclair & Hamilton, 1991; Timpson, 1993; Ward, 1984; York, 1989). The historical child welfare legislation is viewed by some Natives as a total disregard for the "indigenous factor" and the removal of children from the community is seen as weakening the entire community (Monture, 1989, p. 3). In the Native community, children are perceived as important in the cycle of life and continuation of the community (Ross, 1996). Hill (1983, as cited in Monture, 1989) describes the removal of children:

> The traditional circle of life is broken. This leads to the breakdown of the family, the community, and breaks the bonds of love between the parent and the child. To constructively break the Circle of Life is destructive and is literally destroying Native communities and Native cultures. (p. 3)

Many Natives believe that: transracial adoption practice is contributing to cultural genocide and Native children who grow up in White families cannot develop a Native identity or learn about their culture and thus do not learn the skills to live in a racist society (Armitage, 1993a,b; Bala, Hornick, & Vogl, 1991; Johnston, P., 1983; Monture, 1989, 1995; Sinclair & Hamilton, 1991). The concepts of cultural genocide, identity, and racism are difficult to define and the issues are interwoven.

The Issue of Cultural Genocide

Cultural genocide implies the death or loss of a culture. Monture (1989) describes

cultural genocide as "a situation where a people's way of life has been destroyed" (p. 4). The

Native community expresses the belief that since Europeans first came to Canada, the traditional

Native way of life has been lost. Anawake, the Native lawyer in Pigs In Heaven (Kingsolver,

1993), explains the concept of cultural genocide when she tells the story of a Jewish biological

father and his wife being awarded custody of a baby of a surrogate mother even though the

surrogate mother decided she wished to keep the child (the surrogate mother's racial identity was

not described).

> The biological father stood up and told the jury his family history. He'd lost everybody,
> every single relative, in concentration camps through WW II. That baby was the last of
> his family genes, and he was desperate to keep her so he could tell her about the people
> she came from. That's us. Our tribe. We've been through a holocaust as devastating as
> what happened to the Jews, and we need to keep what's left of our family together. (p.
> 281)

Native groups believe the loss of children through the child welfare system has contributed

to the loss of their society and culture. Those Natives that oppose transracial adoptions believe

that White parents are unable to teach Native children about their Native culture and minority

status, resulting in the loss of knowledge of cultural heritage. In addition, it is believed Native

adoptees adopted into White families do not understand fully what they had lost as they have not

shared the same history and context as other Native families. This is described by Anawake:

"there are things that I can't explain to White people. Words are not enough" (Kingsolver, 1993,

p. 232). It is believed that children who are adopted transracially will not belong to either group,

White or Native, resulting in a marginal position in society. Thus, the actual removal of children

from the community is perceived as contributing to cultural genocide.

Native mothers recognize they are responsible for the next seven generations and children continue the values and traditions of the community (Monture, 1989; Ward, 1984). Without children in the community, the Native community lost its focus on teaching the children. The Native community also recognizes that individual rights can sometimes be less important than group rights if the survival of the group is paramount (Stokee, 1994). Thus, the removal of children from their communities effectively broke the circle by not giving children the opportunity to learn about their particular culture in their own community.

In spite of the impact of European influence, the Native community has managed to survive, although in a different form, through negotiation and accommodation (Monture-Angus, 1995; Ross, 1996; Ward, 1984). Systems theory addresses this by saying that any change to a system causes change in the other parts of the system (Emery, 1976). Thus, when Europeans settled in Ontario, both Europeans and Natives affected and changed each other. Negotiation, accommodation, and Native colonization have changed the concept of what being "Native" is. The Native community recognizes that change has occurred and is inevitable. Ross (1996) refers to a Cree principle in The Sacred Tree:

> Everything is in a state of change. One season falls upon the other. People are born, live and die. All things change. These are two kinds of change. The coming together of things and the coming apart of things. Both kinds of change are necessary and are always connected to each other. Change occurs in cycles or patterns. They are not random or accidental. If we cannot see how a particular change is connected, it usually means that our standpoint is affecting our perception. (p.68)

Within this quote, there is the recognition that a person's perception can be affected by his or her own personal context.

Natives are now reporting their perception of what Native culture was like historically.

Much of Native history is passed on through story telling (Ross, 1992; Timpson, 1993). Ross

describes it when he states that an old Cree man told him:

> You cannot pass along what another person "really" told you; you can only pass along
> what you heard.... In other words, there seems to be an understanding that education
> should be on presenting events, or experiences in ways that should encourage others to
> find their own significance. As a result, neither the identity nor the intent of the teacher
> occupies center stage. At the same time, there is clear expectation that different people
> will react to "what was said" in very different ways. In fact, discussions become almost a
> celebration of the rich diversity of life, thought and feeling, rather than a contest between
> opposing views about what we "ought" to think or feel. (1996, p. ix, p. x)

The definition of "Native" and all that comprises is further complicated by the wide variety of

Native traditions and values in different tribes, different relationships with White culture, the

individual experiences of people and the meaning they give them, and the number of influences

both politically and economically which surround the individuals and groups both at community

and global levels. In fact, a distinct group of Natives, the Métis, evolved historically because of

intermarriages with Europeans (Ministry of Supplies and Services, 1996). In the 1990s

intermarriages have continued and there appear to be more biracial children and changing

attitudes toward these children (Richards, B., 1994; Simon, 1994). This has resulted in a wide

variety of differences within the Native community itself; there is controversy between the two

extremes of what is perceived as traditional and what is perceived as the new Native way

(Morissette, McKenzie, & Morissette, 1993).

Morissette, McKenzie, and Morissette (1993) identify a model that draws distinctions

between individuals who reflect different characteristics. The first is defined as traditional

because of the strong adherence to traditional values, customs, and practices. The second

includes those who reflect values and characteristics seen as neo-traditional because they express

a blend of traditional and neo-traditional values. Third are those who reflect characteristics that

are nontraditional because they have adopted the dominant societal values or have become

alienated from both mainstream and traditional Native societies. The model acknowledges that

different and often conflicting influences exist within and outside of Native communities. The

values, beliefs, and standards of actions that shape contemporary Native lifestyles must be seen

as dynamic and must be understood in the context of individuals and communities.[34]

The CFSA (1990, Chap. C. 11, Sec. 209, p. 160) recognizes that Native children and

communities may have different needs than White communities and acknowledges that various

types of Native communities do exist. For example, the CFSA recognizes the need for Native

child welfare services in predominately White urban centers and in isolated Northern

communities (Palmer & Cooke, 1996). The concepts of community and extended family are

becoming more important in the practice of child welfare matters in both Native and White

communities. This appears reflective of Native traditions and values. Living with extended

family in the immediate community is the preferred practice in child welfare and fits the

principles of the Act. The CFSA states the paramount objective of the Act is to promote the best

interests, protection, and well being of children. The least intrusive principle asserts that it is

important "to recognize the least restrictive or disruptive course of action that is available in a

particular case to help a child or family should be followed" and recognizes that some parents

need help in caring for children (CFSA, 1990, C 11, p. 5). In today's mobile society many

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[34] In Kingston, Ontario, there was originally one strong Native group which had outreach programmes. A second group was formed because of a difference in values and beliefs.

families are isolated from their families and communities and are unable to get assistance from extended family members. In addition, there are not always the necessary resources available to provide support to families, such as homemakers, who will assist a mother in the home (Cohen, J., 1990; Keck & Kupecky, 1995; Steinhauer, 1991; Timpson, 1993). The lack of support can result in placements of children in the foster care system.

Within the child welfare system, there is not only a lack of support services for families but a lack of foster homes and residential services for children. Financial restraints and cutbacks have affected Ontario CAS's in the last couple of years to further reduce child welfare services, including the number of adoptive and foster homes.[35] This effectively makes it more difficult to address all of the child's needs, particularly cultural needs, because there are fewer homes from which to choose when selecting a family in which to place a child. Native agencies have suffered from the same financial cutbacks and are only in an infancy stage of development, further complicating their ability to provide alternative homes for children (Palmer & Cooke, 1996). At this point in time, same race policies are being practiced, but it is difficult to find enough Native homes (Mannes, 1995). There continues to be a high rate of Native children in foster care, many of whom are placed in White homes. This fact also contributes to the perception of cultural genocide because the child is perceived not to be learning about Native culture (Monture, 1989; McKenzie & Hudson, 1985).

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[35] Within the agency where I work, my job in the last few years has included training and recruiting adoption and foster homes. Five years ago, there were 50 potential adoptive homes from which to choose and address the child's needs. This has been reduced to 10 homes. This is partly due to reductions in staffing and the lack of emphasis on adoption and recruitment of homes.

A further complication in placing children in Native homes occurs when considering the differences between First Nations. For example, different tribes practice different religions (Ross, 1992). Some Native groups do not want their children placed in a different tribe, causing internal conflict between different Native communities. A Native mother may wish to have her child placed in another tribe but her tribe may not allow this. Thus, even different First Nations communities have been affected differently by colonization practices, resulting in a great deal of diversity between Native communities (Timpson, 1993b).

Another complication is that the Native population is increasing at a faster rate than the general population, with increased life expectancy, due to increased birth rates and improved medical care. There are high numbers of Natives under the age of 25 which are allowing for the opportunity of maintaining Native culture (Aboriginal population expected to increase rapidly, 1998; Ministry of Supplies and Services, 1996); however, this also means there is an increased need for children's services. This places higher demands on child welfare workers, particularly in Native agencies. Many Native communities are continuing to suffer high rates of suicide, poverty, alcoholism, low self-esteem, dependence on welfare, and wife abuse—all symptoms closely connected to child abuse (Aquila, 1993; Sinclair & Hamilton, 1991; Timpson, 1993; Ross, 1996).

In spite of Native colonial history, there is a new sense of pride in the Native community (Monture-Angus, 1995; Ministry of Supplies and Services, 1996). Native people are rediscovering their past and are returning to traditional practices such as healing circles. However, the Native community has irreversibly changed. New economic bases are being established in Native communities and some Natives are becoming business entrepreneurs

(Ministry of Supplies and Services, 1996). There is also a push for self-determination and self-government in Canada. However, there is continuing concern about the removal of children from their communities. Central to this concern is the importance of the development of a Native identity.

Identity

The concept of identity implies certain values to which the individual has a right: for example, the right to meet cultural and psychological needs. The term identity is used in our daily experience and has become a key phrase which reaches deeply into our personal experience. In the 1950s and 1960s developmental theorists contributed to the idea that we all need an identity and by the 1960s the concept of identity was established in the academic and professional fields (Bowlby, 1951, 1969, 1980; Brinn, 1991; Erikson, 1963, 1968; Gellner, 1987; Richards, B., 1994). In the cultural and political times of the 1960s it was taken up on a wider scale and became part of the vocabulary of Native groups (Alstein & Simon, 1977a,b; Johnston, P., 1983). Strauss (1977) describes identity:

> Identity is not just concerned with internal workings of mind but also the external self. Identity as a concept is fully elusive as is everyone's sense of his own personal identity. But whatever else it may be, identity is connected with the fateful appraisals made of oneself by oneself and others. Everyone presents himself to the others and to himself and sees himself in the mirror of their judgements. (p. 9)

Identity is more than the sum total of the groups to which one belongs because it does not explain differences between groups and individuals. The term "self-concept" refers to one's cognitive understanding of what one is like. It includes a sense of how one is different from everyone else who has ever lived and how one is connected to people. It involves gender,

sexuality, intellectual capabilities, talents, abilities, beliefs, physical characteristics, racial and ethnic heritage, personality, temperament, interests, and relationships with others. Self-esteem is the feeling about oneself that reflects the kind of person one thinks one is. An identity is a combination of self-concept and self-esteem. The whole concept of identity has a certain tension in that it implies sameness and difference at the same time (Richards, B., 1994; Triseliotis,1983).

In order to have a strong positive identity, an individual must feel secure about his or her difference and is able to have meaningful relationships with others with an acceptance of the different qualities of individuals. According to Richards (1994), a positive identity implies sameness, commonalities with others, sharing experiences or attributes, or belonging to a larger group. A tension can arise through the contradictory nature of individuality versus collectivity and independence versus belonging. The concept of a positive identity implies hope that the person will have a good future; a negative identity implies despair (Richards, B., 1994).

There are at least three kinds of identity, including personal identity, social identity, and bureaucratic identity. The personal identity is considered a very individual term used to describe one's being—without it there is a void in our lives. Personal identity is full of meaning and considered essential to mental health (Bowlby, 1982; Erikson, 1968). It refers to the way we were formed through our interactions and relationships with other groups and individuals and how we form the meaning of these interactions in relationship to ourselves (Richards, B., 1994). Personal identity involves the unique strengths and weaknesses of individuals. Personal identity includes innate attributes with which we are born.

The social identity includes the groups to which an individual belongs and the shared qualities and interests. It includes one's parents, who bring to the family the accumulation of the

social and negotiated experiences of generations. The patterns of modifications, negotiations and

interpretations of experience can be very different in different families. Two individuals—even

children in the same family—can experience the same thing but perceive it differently. Different

circumstances affect families over time, and often parents can relate differently to children at

different points in time. Even though some things remain constant, relationships and people

change. Through a very complex process involving the transmission of feelings, roles, and

behaviors from generation to generation, personal identities of children are formed. Children

will deal with the world on an ongoing basis and their interactions will also be influenced by

those around them (Richards, B., 1994; Stryker, 1987). Children are exposed to a variety of

social groups which in turn influences their social identity. People learn through modelling,

interactions, and identification with the social groups. The social groups are further influenced

by the global situation, including both the economic and political environment. Individuals and

their identities can change and evolve at different points in time. Ross (1996) describes this

process well when he describes Native traditional wisdom:

> Traditional wisdom suggests that each of us rides a multitude of waves, some stretching
> back centuries, which we can not fundamentally change and which will still confront us
> tomorrow. Further, it suggests that each of us is confronted by very different wave
> combinations, some much more powerful and destructive than others....traditional
> wisdom suggests that we are all in constant processes of reformation within ever
> changing relationships. (p. 271)

Native groups feel that it is imperative for the child to be connected to the Native community to

know and understand what it means to be Native (Monture-Angus, 1995).

Bureaucratic identity is that by which the outside world classifies us: for example, health

card numbers. The bureaucratic concern of Natives is that Native children will not know if they

are Status Indians and have those associated rights.

The concept of authentic or personal identity evolved as a result of several developmental and psychoanalytic theorists including Piaget (1965), Erikson (1968), and Freud (1946). They saw the development of identity as crucial in emotional development. Anything that impeded the process was viewed as damaging. The terms identity, identity confusion, identity problems, and identity crisis, which have entered common usage, filtered through from the work of psychologists such as Erikson (1968). Psychologists generally feel that the care the child receives during the first few years of development contributes to the basis of identity.

Self-concept and self-esteem begin as early as the first year of life and, with adequate and sensitive parenting, are seen as crucial to the development of a positive identity. The child with positive self-esteem and self-concept is perceived as feeling loved, secure, and confident and is therefore able to build on good peer relationships in the future (Harter, 1983). In contrast, children who do not receive good parenting feel insecure, helpless and tense, and lack confidence and control over external events (Connell, 1981; Fanchel & Shinn, 1978; Harter, 1983). Self-concept and self-esteem begin when children perceive that there is a care giver outside of themselves who will either satisfy or frustrate their needs. At a young age, children often internalize their perceptions of caregivers' feelings towards them, forming the initial phases of self-esteem, self-concept and identity, or a sense of self. Following this the child begins to explore the environment and continues to develop a sense of self and confidence.

Throughout the years the child continues to develop, incorporate, and identify with family attitudes and attributes (sometimes known as modelling). There are both positive and negative attributes to the identification process and the child may appear to have similar or very

different attributes form other family members. This is one of the areas of concern of Native

groups, as they feel that a Native child in a White home will not get the opportunity to learn

from or model Native people.

When the children enter school, they will compare themselves to their peers and will

develop a more global sense of self. At this point it is important for the children to have good

self esteem in order to keep their strengths and weaknesses in perspective. In school, the self-

concept, self-esteem, and identity are reorganized. By adolescence, children sometimes

challenge and reorganize values they have incorporated from their families to develop a separate

identity (Erikson, 1968; Richards, B.). According to developmental theorists, adolescents

experience identity confusion in their attempts to integrate their identity; from this process

adolescents emerge as integrated adults. Identity confusion and integration are considered a

normal developmental process in adolescence (Erikson, 1968; Piaget, 1965a,b). However, in

adoption theory when adoptees are referred to as experiencing an identity crisis, it is usually

assumed to be the result of a bad adoption experience rather than a natural developmental

process (Haimes & Timms, 1985). In fact, all adoptees have a dual heritage that it is more

hidden in the practice of race matching. The issue of adoption adds a layer to a child's identity,

and then the issue of a racial identity adds another layer. The adopted child's consolidated sense

of identity during adolescence may be more complicated than the non-adopted child but not

necessarily more stressful (Stein & Hoopes, 1985). A sense of narrative and history is important

(Hardy, 1968) but not necessarily for the same reasons for different people (Haimes & Timms,

1985). Marion Crook (1986) describes what one of the adolescent adoptees said during an

interview:

Each one of you needs to discover the differences in yourself-that's what identity is all about, being an individual. The only way I see it as different is physically different—a little racial history would be nice—I don't see myself as mentally different or culturally different but my brother and I are different—after two weeks in the sun I'm Black. (p. 76)

Erikson's model (1968) chronicles the child who grows up, unconscious of his or her race. If the child refuses to acknowledge being a victim of racism, he or she then experiences some identity confusion. When the child experiences direct racism, it is believed to be followed by immersion in and embracing of a racial identity and the child may then become proud and political (Cohen, P., 1994). Other theories of transracial adoptees include the idea of a dual personality in which the adoptees have two separate identities. Until they fully incorporate the racial identity, they are not considered whole. The development of a racial identity is therefore seen as therapeutic (Cohen, P., 1994; Tizard & Phoenix, 1989). Cross (as cited in Melina, 1995), a Black psychologist and supporter of transracial adoptions, states that a racial identity is more than a result of socialization with parents as major influences. She feels a Black identity is not essential to good self-esteem but a person can have high self-esteem through connecting to other groups or through some personal quality that gives him or her worth.

Many in the Native community believe a child cannot develop a positive Native identity outside of the Native community (Monture, 1989; Sinclair & Hamilton, 1991; York, 1989). The Native beliefs hold that an identity is formed through past, future and present generations and that in order to understand what it means to be Native, one must grow up in the Native community. Natives express the concern that in the future Native children raised in White homes will suffer from identity confusion because they belong in neither the White or Native community and will thus develop a negative self-concept (Fanshel, 1978; Johnson, 1983;

Kimmelman, 1985; Sinclair & Hamilton, 1991). Furthermore, this will lead to low self-esteem

and poor mental health (Johnson, 1983; Kimmelman, 1985; Sinclair & Hamilton, 1991). Many

in the Native community believe only those in the Native community can teach the necessary

survival skills (Alstein & Simon, 1977a,b; Bagley, Young, & Sculley, 1993; Feigelman &

Silverman, 1984; Palmer & Cooke, 1996). The importance of developing a racial identity is one

of the strongest arguments used in court cases involving a conflict between White and Native

families.[36]

Most children entering foster care have experienced a history of neglect or abuse within a

seriously disorganized family. These children suffer from poor parenting and a lack basic

trust and a secure attachment, so critical to the development of identity. Many of these children

see themselves as unlovable and deserving of rejection (Ricks, 1985). A common consequence

to any severe emotional turmoil is interference with normal emotional and identity development,

particularly in young children (Steinhauer, 1991). If the children are moved during the toddler

years, they may see themselves as the cause of the removal, as this is a stage when children

are egocentric and assume everything revolves around them. Some of these children withdraw

and feel they can not depend on anyone. Some appear narcissistic whereas others will deal with

their losses by becoming fearful and avoidant (Quinton & Rutter, 1985; Tizard, 1977). In like

manner, remaining in a neglectful and abusive environment and not having one's needs met also

interfere with development (Steinhauer, 1991). With a stable placement, children can catch up

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[36] In Losing Isaiah (Margolis, 1994), the birth mother's lawyer argues that Isaiah has a right to his cultural heritage. The judge agrees, and awards custody to his biological mother. The issue of identity, self-esteem, and self-concept are very complex notions and need to be described in order to gain some understanding.

in development; those who bounce in and out of care will not progress as well (Fanshel & Shinn, 1978; Quinton & Rutter, 1985; Tizard, 1977) and in adolescence will have more psycho-social problems (Rutter, 1982). For children with multiple separations, each successive move makes it harder for them to feel secure and to trust (Quinton & Rutter, 1985; Tizard, 1977). Meanwhile, their motivation and ability to achieve academically and socially are lowered and their self-esteem is lowered in turn. As a result, they have poor self-esteem, a negative identity, and behaviour problems, further contributing to their low self-esteem and self-concept (Fanshel & Shinn, 1978; Quinton & Rutter, 1985; Tizard, 1977). These complications in the development of identity make it difficult to separate the importance of the development of a Native identity and problems associated with poor parenting for children in foster and adoptive care. The Native community argues that at least there would not be the loss of culture to add to the losses these children experience (Monture, 1989). However, in reality, many Native children remain in White homes.

Adoptive families do play an essential role in helping a child develop an identity and in turn promote their self-esteem and self-concept. It is important for the adoptive family to support the adopted adolescent in developing autonomy and incorporating both the biological and adoptive families into his or her own unique identity. The family is supposed to be the safe place where one learns who one is, what to do, what to expect, and what is right (Brand & Bhaggiyadatta, 1985). Without a secure base, the child does not get the opportunity to develop a positive identity. McBride (1972), a Native adoptee who grew up in a White adoptive family, states that she feels her adoption was successful and feels her culture was not denied; however, she believes adoption is a unique experience and the identity crisis is a life-long happening.

Studies have attempted to address the issue of the development of a racial identity and

self-esteem in transracial adoptees with the greatest attention paid to the adjustment of the

child (Alstein & Simon 1977a; Bagley, 1993a; Johnston, Shireman, & Watson, 1987). Closely

linked to the research is the argument that a racial identity is crucial to being able to live in a

racist society. Most Native literature discusses identity in the context of the history of

colonization and anecdotal stories but it appears that little formal research has been done by the

Native community (Lee, 1980; Timpson, 1995). A few researchers studied clinical psychiatric

cases (McKenzie & Hudson, 1985; Stokoe, 1994; Westermeyer, 1977, 1979; Westermeyer &

Neider, 1984; Westermeyer & Peake, 1983). Some researchers have used similar assessment

tools such as questionnaires and interviews (Alstein & Simon, 1977a, 1987; Fanshell, 1978;

Feigelman & Silverman, 1990; Ladner, 1977; Silverman, A., 1993). Most have assessed only

the parents' perceptions and few have assessed the child's perceptions (Alstein & Simon, 1977a,

1987; Fanshell, 1978; Feigelman & Silverman, 1984, 1990). Usually, the researchers assess a

large number of transracial placements and compare the group to another who experienced same

race placements. Usually, if they are included, Native adoptees form only a small part of the

group of the transracial adoptees being studied in primarily American research. Tests can never

measure and address the richness and complexity of a sense of identity and knowledge of

heritage. Problems of the research include small samples sizes and loss of numbers through

attrition, parental perceptions describing the adoptee, and the fact the participants were

volunteers, therefore creating a form of self-selection in the sample. The similarities of results

of these studies may arise out of similarities in methodology. Moreover, most of the studies

involved young transracial adoptees; studies of adult adoptees might lead to different

conclusions. More importantly, little is studied from a Native perspective, a perspective that may involve different assessment tools and different ascribed meanings. The research is limited in its usefulness but does address some concepts used in the debate.

Most studies suggest the transracially adopted child adjusts well and does form an ethnic identity comparable to inracially adopted children (Bagley, 1993a; Bagley & Young, 1982; Fanshel, 1978; Feigelman & Silverman, 1984, 1990; Grow & Shapiro, 1975; Johnston, Shireman, & Watson, 1987; Simon, 1994). Some studies found that a Black child in a White home develops a cultural identity earlier than his or her counterpart in a Black family and continues to maintain it (Feigelman & Silverman, 1984; Johnston, Shireman, & Watson, 1987; Simon, 1994). This may occur because the child is physically different from other members of the family (Simon, 1994). This may not always be the case, as the Native boy described in Westad's book (1994) was blonde with blue eyes, thus making it physically easier to absorb him into the White family. Studies of adolescents who were adopted at a young age transracially, including Native children, demonstrate that the children develop a positive identity and adjust well (Benson, Sharma, & Roehlkepartain, 1994; Rosenthal & Groze, 1992; Womack & Fulton, 1981). Bagley (1993a; Bagley & Young, 1979, 1980) has reported positive outcomes for transracial adoptees with the exception of one Canadian study which demonstrates identity and behaviour problems in a group of 37 Canadian Native adoptees who were adopted by White parents. He noted that the Native adoptees had little contact with their culture. This was consistent with Tremitiere, Ward, and Polesky (1996) who studied Native children adopted by American White families. They found that a critical factor contributing to poor outcomes in the adoptions was the lack of contact with Native culture, making adoptees vulnerable to negative

racial stereotypes. Shireman and Johnson (1986) found transracially adopted children maintain

their sense of racial identity at a less intense level as is that of the children in same race homes.

Other studies found transracial adoptees had good self-esteem (Cohen, J., 1990; Fanshel, 1978;

Feigelman & Silverman, 1983; Festinger, 1986; Kaduchin, 1980; McRoy, Zurcher, Lauderdale,

& Anderson, 1982). Some studies have shown that in three quarters of the transracial adoptions,

the parents, teachers, children, and parents assess the adoptees as people who are happy, well

adjusted, and incorporated into the family (Alstein & Simon, 1977b; Feigelman & Silverman,

1984; Grow & Shapiro, 1975). The results are similar to the adoption studies where race is not

an issue (Gill & Jackson, 1983). Gill and Jackson (1983) published a controversial study of

Black children placed in White families, and found that most of the children saw themselves as

White in all ways except skin colour. However, they did not find the absence of racial pride or

identity associated with low self-esteem or behaviour problems.

Some researchers suggest that racial identity in transracial adoptees develops in a

different way compared to the child who grows up in a same race family (Johnson, Shireman, &

Watson, 1987; McRoy & Zurcher, 1983; McRoy, Zurcher, Lauderdale, & Anderson, 1982a,b).

For transracial families, the development of identity would depend on the family's attitude

towards and nurturance of the racial identity, access to role models and peers, and parents'

attention to heritage. Thus the transracial families tend to work at exposing the child to positive

role models, whereas same race families would have this more readily available. Tizard and

Phoenix (1993) found a Black identity was related to a politicized identity, wanting to be White

was related to affiliation with White people (friends), and the development of a racial identity in

general was connected to social interactions. Support from extended families and friends is also

important in the development of identity (Fanshel, 1978; Festinger, 1986). Increased age of the

child at the time of the adoption placement was found to be related to poor self-esteem, and a

higher level of problems (Cohen, J., 1990; Fanshel, 1978; Festinger, 1986; Rosene, 1983).

Clinical reports have suggested that Native adoptees are at risk of developing identity

problems and self-destructive behaviour, including substance abuse and suicide (Attneave, 1979;

Berlin, 1978; Mindell & Gurwitt, 1977; Westermeyer, 1979; Westermeyer & Neider, 1984;

Westermeyer & Peake, 1983). Marquis and Detweiller (1985) reviewed clinical studies and

found these studies traditionally showed adopted adolescents to be over-represented in

psychiatric settings. However, 75% were there for counselling around normal developmental

issues. Adult adoptees, on the other hand, were less likely to receive treatment than the general

population.

In spite of the limitation of the research, it demonstrates that transracial adoptees do

develop a racial identity, although it may be different. Often it depends on the parents'

nurturance of identity, proximity to communities of origin and on what parents emphasize.

Adjustment, self-concept, and self-esteem tend to be positive, all being connected to the

development of identity. Feeling comfortable with one's racial identity is needed to deal with

potential racism.

Racism

The New Lexion Webster's Encyclopedic Dictionary (1989) defines racism as "the

assumption that the characteristics and abilities of an individual are determined by race and that

one race is biologically superior to another" (p. 822). Elliot and Flersa (1992) further state that

"racism can be defined as the expression of a belief that unjustifiably asserts the superiority of

one group over another on the basis of arbitrarily selected characteristics pertaining to appearance, intelligence, or temperament" (p. 52). The European attitude has been one of superiority and Native groups have been treated differently, particularly through society's institutions and government intervention such as child welfare institutions (Monture-Angus, 1995). For example, support services offered to families living on reserves are inferior to those offered to other Canadians. Racism directed at the Native community is believed to be a general negative attitude espoused by Whites towards the Native community, often expressed through racial slurs and behaviours, such as treating an individual differently. Racism is also seen in subtle ways such as use of the phrase "Indian giver."

Certainly, racism does weave through all aspects of life and emerges in a system of laws and practices, but it affects and is perceived by people differently (Bates, 1993; Brand & Bhaggiyadatta, 1985; Camblin & Milgram, 1982; Silverman, P.,1989; Tyman, 1989). It is argued that some Natives incorporated this negative attitude, became racist towards their own race, and thereby developed poor self-esteem (Monture-Angus, 1995; Timpson, 1995). Therefore Natives not only were assimilated by and experienced racism from the dominant society but have experienced it within their own community because they incorporated these negative attitudes. Expression of internalized oppression includes self-destructive behaviours such as substance abuse and suicide (Palmer & Cooke, 1996).

However, the Native community has recently played an important role in educating the White community (Ministry of Supplies and Services, 1996; Ward, 1984). Over the past 100 years it appears that law and policy makers have become more sensitive to and aware of the needs of the Native community and have developed laws in response to this, such as the CFSA

(Bala, Hornick, & Vogl, 1991; Sinclair & Hamilton, 1991; Sinclair, Phillips, & Bala, 1991). It was not until social attitudes were changing in the 1960s that large numbers of Native children were placed in White families (Johnston, P., 1983; Timpson, 1993; Tremitiere, Ward, & Poleski, 1996; Ward, 1984; York, 1989). In the last couple of decades the Native community has taken more pride in its heritage, made the dominant society more aware of their needs, and have thus effected some change (Monture, 1995; Ministry of Supplies and Services, 1996) both in themselves and in the White community. However, the Native community has not yet achieved self-government and the child welfare laws continue to be made by those outside the community.

Some Natives argue that Native children must be brought up in a Native community in order to learn survival skills to deal with the racism. Underlying this is the belief that White adoptive parents are considered ill equipped to deal with and understand what it is like to grow up in a racist society. It is felt that no matter where the child is raised, White society will treat the minority child as having minority status and will marginalize the child. It is believed the transracial adoptee will feel a deep sense of isolation, identity confusion, and poor self-esteem and the children will not be able to cope with the hostility and rejection of White society. The underlying assumption is that in order for a child to have a healthy psychological development the child must be raised in a Native family and be able to identify with the Native culture.

Opponents of the practice of transracial adoption believe that without the racial identity gained through a Native child's own community, the child will have poor self-esteem and will thus not be able to deal with racism. Research does not appear to support this assumption (Cohen, J., 1990; Fanshel, 1978; Festinger, 1986, 1995; Feigelman & Silverman, 1983) but has demonstrated transracial adoptees are well adjusted, have good self-esteem and a positive

identity (Fanshel, 1978; Feigelman & Silverman, 1981; Grow & Shapiro, 1975). Researchers assert that these qualities enable the child to deal with racism and that parents are able to teach the children to deal with racism.

It is difficult to measure the extent to which minority children raised in White homes are prepared for discrimination and prejudice they may experience in society. Tizard and Phoenix, (1993, 1994) compared mixed race adolescents growing up with White parents to those growing up with a minority parent. They found the adolescents had a variety of coping skills to deal with racism and both groups shared similar skills. The most typical skill used for dealing with racism directed towards them was ignoring.[37] Cross, a Black psychologist, states that some Black parents do not necessarily prepare their children for racism but rather prepare them for and stress social class (cited in Melina, 1995). The colour of the parents is less likely to have an impact on the child's development of skills than the parents' attitude towards colour, racism, and social class, with the more politicized views having an impact on racial views (Melina, 1995; Tizard & Phoenix, 1993). An interesting benefit to transracial adoption reported in the literature is the insight and knowledge other family members gain and learn (Alstein, 1984). Any family who adopts transracially becomes a minority family by incorporating a minority child into the family and can therefore experience racism (Bates, 1993; Bartholet, 1994; Camblin & Milgram, 1982; Toop, 1995; Tyman, 1989). Bagley (1993a) found that children adopted transracially were better prepared to participate effectively in a multicultural, multiracial society. In the process of

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[37] A story I hear from Native parents is that they teach their children to learn from animals. An example is that when a skunk senses danger or problems, the skunk turns his back and walks away.

raising a child of a different race, parents also change, learning and negotiating meaning from their experiences.

Adoptive families of children from other races are expected to assimilate the child into their family but are also expected to acknowledge the child's difference and emphasize the child's heritage (Bates, 1993; Bartholet, 1994). These are potentially contradictory expectations. Alstein (1984) found that families who adopted transracially were willing to adopt again; the children were secure and learned about their culture, particularly those families with adopted Native children. However, some adoptive families have reported difficulties in trying to connect with Native communities in order to learn about Native culture (Alstein, 1984; Kizell-Brans, 1994).

Although racism is experienced by minority groups, there have been significant social changes within Canadian society. If prejudice is endemic children can be hurt, but today there appears to be a new acceptance and even respect for differences in people (Berry & Laponce, 1994). Thirty years ago, many people did not marry across social and religious lines. Now hybrid ethnicity has become more of a cultural norm (Richards, B., 1994).[38] Viewing each race as separate ignores cultural fluidity. The concept of homogeneous communities suggests conformity and often the diversity of communities is not captured. Religion and politics cut across racial boundaries creating a wide variety of viewpoints and values. For example,

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[38] In Kim Westad's book (1994), Martin comments: "There are numerous children on the reserve with mixed blood that are band members. One little boy has light blue eyes and blonde hair...there is no animosity toward him. This is no discrimination in that sense...I'm sure as he grows up some kids will tease him for not looking Indian. Kids tease other kids for all sorts of reasons" (p. 138).

different groups of Natives, such as Cree and Mohawk, have different religions, values, and racial differences and sometimes prejudices are experienced between the two groups of Natives (Ross, 1992).

Literature has suggested that there are ways of helping minority children placed in White homes deal with racism. First, White adoptive parents, foster care providers, and social workers should become aware of their own biases and attitudes before becoming involved in the adoption of children of another race (Bates, 1993; Bartholet, 1993; Cohen & Westhues, 1989; Griffith, 1992; Melina, 1994; Palmer & Cooke, 1996). White families who adopt Native children should be motivated to learn about Native culture and teach their children to learn coping skills to deal with racism (Alstein & Simon, 1987; Bates, 1993; McKay, 1986; Palmer & Cooke, 1996; Unrau, 1986). An important factor in dealing with racism is the ability to take pride in one's heritage and to have a strong sense of racial identity (Palmer & Cooke, 1996). Parents who do accept their children's differences and do support them in exploring and learning about their background allow for openness. Adoptions of this nature have proven to be successful in dealing with racism and developing a racial identity (Fanschell, 1978; Simon & Alstein, 1994). There are various forms and degrees of racism and it is important to discuss this openly in order to prepare children for the possibility of encountering situations involving racism. It is also important to discuss the feelings, such as anger, associated with this (Melina, 1994). Children can also be taught their legal rights. Melina and other authors (Bates, 1993; Bartholet, 1993) suggest teaching children about Native or Black heroes to help them in coping with racism. Project Opikawawan in Winnipeg, Manitoba, an organization formed by a group of White parents who adopted Native children, appears to have been successful in providing assistance in

helping the children learn about their culture (Tremitiere, Ward, & Polesky, 1996). However, there has not been research of those families involved with Project Opikawawan. Thus, there do appear to be alternatives in helping children learn to deal with racism.

Both the Native and the White communities have changed. Clearly the dominant White society has used assimilation practices and practised racism towards the Native community. Native children need a strong racial identity to learn to deal with racism. Ideally there would not be a need for transracial adoptions to take place and the Native communities would be able to provide their own services. However, this ideal has not been reached; a disproportionate number of Native children remain in the foster care system and the Native community continues to suffer extensive social problems (Martens, 1988; Palmer & Cooke, 1996; Ross, 1996; Timpson, 1995). It is important to consider alternatives until the Native community is able to address the present problems associated with the removal of children from the community.

CHAPTER 7

BRINGING IT ALL TOGETHER

The research process forced me many times to reevaluate my experience in relationship

to child welfare clients, particularly Natives. The most important thing I have learned is where I

stand in relation to the Native community and why I faced difficulties when I tried to approach

the issue of transracial adoption in a particular way. I am a child welfare worker, working within

a conventional agency. To Natives, I represent the past practices of colonialism and

assimilationist policies. In spite of what I see as my good intentions, I represent many social

workers, also with good intentions, who have removed large numbers of Native children from

their home communities. Not only do I represent traditional CAS agencies, I may also be

perceived to represent the "good intentions" of early settlers who wished to "civilize" the

Natives. Such deeply ingrained perceptions are not easily changed.

During the research process, I became more aware of the importance of understanding

Native history, philosophy, and values and more sensitive to the complex issues involved in

transracial adoption practice and working with Native people. This knowledge will be

incorporated into the training I do with adoptive families. I have also discovered why Native

literature insists that the EuroAmerican community should learn more about the historical and

present Native community. I gained a new respect for and sometimes envied the values,

traditions, and healing processes practiced in Native communities. The community approach to

caring for children and dealing with problems appear to have been changed by the historical

process of assimilation practices but continue to be important in the Native community.

Such increased awareness and sensitivity must take place to enable those involved in the

adoption process to understand the complexities of the adoption of Native children into White families. Moreover, it must occur on a broader social scale; for example, teachers must grow to understand from where these children come. Educators must become more sensitive to the issues involved in adoption of children with special needs, particularly for those Native children adopted transracially. Children must be taught techniques of dealing with racial slurs and taught to take pride in whom they are, their history, and in their own particular identity.

The historical impact of social attitudes and the political and economic climates have clearly impacted adoption practice, laws, and policies. Canadian social priorities and policies have effectively determined the practice of child welfare and adoption, with the child welfare system evolving into an elaborate set of bureaucratic rules. EuroAmerican child welfare laws and policies have had a direct impact on Native children, through both a lack of services to Native communities and the practices of removing children from those communities. Adoption practice responded to the perceived needs of the communities and has changed over time. The actual practice of placing Native children in EuroAmerican homes was popular for a short period of time in the 1960s. Since the 1970s the practice of transracial adoption has been discouraged in Ontario, and same race policies and laws have been developed and implemented. In the past 30 years, the wheel has gone full circle, with large numbers of minority children again remaining in foster care. Minority children, particularly Native children, are still found in disproportionate numbers in the foster care system. Inherent in the history of adoption practice and the development of same race policies are the complexities of actually putting these same race policies into practice. Adoption involves individuals and unique situations that are often difficult to foresee and address.

The history of adoption practices reveals common themes in both Native and White communities. Attitudes toward women and children are central in adoption practice and reflect the current attitudes throughout the history of adoption. One of the complications for those involved in adoption is that those social attitudes, as well as laws and policies, have changed over time. Indeed, attitudes toward transracial adoption have changed markedly from their initial manifestation; viewed as a humanitarian response to the ravaged post-WW II countries of Europe and Asia, there was little debate as to its correctness. The focus of child welfare practice moved from initially providing alternative homes for abandoned children, to providing services for single mothers, and more recently to a focus on providing services to families and keeping families together. The foremost issues now are the protection of children from child abuse and making permanent plans for children to either return to their biological home or move on to an adoptive family.

The historical analysis demonstrates the importance and significance of the development of same race adoption policies. Unequivocally, the principle of placing Native children in Native homes has played an important role. I can understand why these policies were developed; however, in the context of front line social work, academic approaches fail to address the daily realities of the situation. The combination of the restrictive nature of interpretations given to transracial adoption policies and the lack of resources in both traditional and Native agencies and communities make it difficult to comply with same race policies. There are simply not enough adoptive homes that can accommodate the number of children in the child welfare system. This is particularly true in the Native community where families may have difficulty expanding within their limited resources.

Working within the confines of agency practice and policy, child welfare officials are dealing with the consequences of poverty when attempting to address child abuse and neglect. Poor families are over represented in the child welfare system, with most poor families being headed by single mothers. Consequently, many children who are in the foster care system have suffered from extreme neglect or abuse and have lived in families that have suffered from problems associated with poverty, such as alcoholism. This complicates the possibility of finding an adoptive home for these children.

In addition, CAS is generally regarded negatively in the community, a sentiment that deters potential adoptive families. The public does not hear about the successes of child welfare and is horrified by the failures. Blaming the CAS system, child welfare workers and child welfare clients divert the public's attention from the underlying reasons the children originally come into foster care. Presently both Native and White agencies are facing dire conditions in the communities they serve. If more attention were directed at solving problems such as the socioeconomic conditions of the Native community rather than simply instituting same race policies, there may be less of a need for such policies. In addition, if more family support services were available in the community, such as daycare, there may be less of a need for child welfare services. Essentially, a proactive approach would have far greater success than the present reactive one.

The day-to-day lives of workers and the families they serve ensure that they have neither the time nor energy to challenge policies and practice. If these front line workers and clients were able to have their concerns heard by those making policy decisions, the policies affecting the practice of transracial adoption might be reconsidered or revised. In addition, new

alternatives and innovations could be considered in practicing transracial adoption, such as a more open approach to adoption as opposed to the secrecy of the past and present. However, this is not the case and workers comply the principles of same race matching in adoption practice.

In spite of extensive efforts to locate a same race family, children remain in permanent foster care for extended periods of time while a same race family is searched for, often unsuccessfully. This continuing state of limbo persists for children in the foster care system and contributes to compounding the problems these children already present to potential adoptive families. Many Native children are placed in EuroAmerican foster homes and are never exposed to their cultural heritage. This type of placement is further problematized by the fact that above and beyond cultural difference the home is often very different in many ways from the biological home. For example, the foster family is often more affluent than the biological family and has a different lifestyle. Consequently, the child also needs to adjust to this change. It can then become difficult for children to return to their original culture after being in foster care for an extended period of time. These children are powerless within the system and are generally heard only by those directly involved, such as foster parents and social workers. Little is known about the experiences of those who remain in the foster care system and those involved in the adoption of Native children into White families, particularly those adoptions which are perceived as successful by those involved. Knowing more about this could contribute a great deal to placement practice. The lack of research contributes to insufficient knowledge in this area; the policy of confidentiality perpetuates this deficiency.

The policy of confidentiality further complicates the practice of transracial adoption. Confidentiality provides some privacy for families but also hinders the practice of openness in

adoption. The policy of confidentiality has partitioned child welfare workers, compelling them to operate in isolation without the benefit of learning from one another's experiences and minimize corroboration. With more open adoption policies, more commonly practiced in the private adoption sector, birth mothers and adoptive mothers can have the opportunity to exchange information. The practice of more open adoptions in the White community today reflects some of the values associated with custom adoptions. Openness in policies would allow for more power, control, understanding, and trust between mothers caring for the children.

The examination and search for policy and literature made me aware of how little is available and how vague policies are when they do exist at all. The unwritten policy which dictates the practice of placing children in same race homes within the agency where I work appears to be based on individuals' interpretations of the CFSA. In fact, the unwritten policies provide more stringent guidelines than the written policy does. Not only is there little written policy addressing same race placements, but there appears to be little research examining or reflecting on these policies.

Research has attempted to address the issues raised by both the Native and White communities. The early studies viewed the practice of transracial adoption as the exception to the norm and questioned whether or not the problems an adoption professional would expect to have in fact developed. Later studies attempt to address the concerns raised by Native and Black groups. The focus of the research has generally been on the more negative assumptions underlying the practice of transracial adoptions. Despite the negative bias of the available research, it does tend to support transracial adoption as a viable option. The research shows both adoptive parents and adoptees doing well in terms of self-esteem, adjustment, identity,

achievement, and integration both into the family and the community. Those adopted

transracially do as well as those adopted inracially. Factors which have been shown to play a

role in determining the success of an adoption include age at time of placement, attitudes of

adoptive parents and extended family, lifestyles, and the family's determination and commitment

to support the child. Proximity to Native culture, access to role models, and nurturance of a

racial identity contribute to making transracial adoptions work. Yet in spite of the research

demonstrating positive outcomes for transracial adoptees, literature has continued to focus on the

more negative aspects of transracial adoption.

Research demonstrates that transracial adoption is a feasible alternative and suggests that

the earlier a placement is made, the higher the likelihood of finding an adoptive family and the

higher the likelihood of the adoption succeeding without breakdown. Many older children are

not adopted and remain in the White foster care system, eventually having more than one foster

home. Consequently, many of these Native children may not be exposed to their cultural

heritage, experience insecurity and a lack of parental commitment, and often are very confused

about where they belong. Not only may White adoptive homes be able to provide these children

a permanent home, but adoption results in better use of public funding than having the children

remain in the foster care system.

Research on attachment issues suggests that whatever the cultural practices.a child needs

a stable home for healthy development, attachment, and identity development; in order for a

racial identity to develop, a sound attachment needs to be in place. Families prepared to adopt

transracially are usually prepared to make the commitment to expose these children to their

cultural heritage. Many of the children free for adoption in CAS have several problems, and the

development of a racial identity may be only a very small part of their needs at a given time.

Those who argue against placing Native children in White homes believe the child needs a strong Native identity that can only be acquired through people of the same race. Without that same race connection considered necessary to develop a positive identity, opponents purport that the child will have poor self-esteem and an identity crisis. This argument overlooks the impact of other social factors on the child such as socioeconomic class, political affiliation, and religion, and ignores the fact that a positive identity is not necessarily based on race. It also does not acknowledge the possibility of a child developing multiple identities which may best address the needs of that child at this point in time.

Those who oppose transracial adoptions believe that adolescence is the time when transracial adoptees have a crisis in integrating their identity. The literature does acknowledges that adoptees experience an identity crisis, perhaps in a different way than those not adopted.

The argument that children need to grow up in a same race family to develop a positive identity and learn coping skills rejects the possibility that parents of other races can contribute to a positive identity and can teach coping skills to deal with racist attitudes. In fact, some literature suggests that motivated parents can teach their children coping skills by exposing them to their biological culture and teaching them to take pride in whom they are. Moreover, sometimes even same race parents are not motivated to teach their children coping skills to deal with racism. In fact, a Native identity can be preserved in many different ways, even away from the original culture—sometimes becoming more defined in "exile." Creative methods must be developed to help transracial adoptees maintain their cultural identity. Nevertheless, an important change in the Native community is the pride most Natives now feel about their

heritage; in the past, they often felt negatively about their own race. This may assist in building a positive identity for Native children adopted transracially.

The issue of a Native identity becomes very complex because there are a wide variety of cultures in Native society. In addition, the concept and understanding of what it means to be Native is constantly changing and evolving, just as the meaning given to Scottish and English heritage is. An identity is not monolithic but dynamic and fluid. In spite of the fact that many ethnic groups are defining themselves in terms of their cultural heritage and their differences from other groups (Berry & Laponce, 1994), ethnic groups have negotiated and accommodated their experience from where they stand in relation to the dominant culture and have changed in many ways. In addition, with increased numbers of mixed racial marriages and children of mixed race, the meaning of an ethnic and racial identity may also be changing, creating what may be called a "third culture." Mixed-race families, including mixed-race Native families, may be forming new systems of beliefs and values. Thirty years ago it was the exception that people married across religious or cultural lines. While they may still experience social/cultural difficulties, now mixed-race people have become more common. Many of these mixed-race families can be viewed as minority families and can sensitize themselves and others to racial issues. This includes families who adopt transracially.

In the practice of transracial adoption we can learn from traditional Native customs and learn more community-oriented approaches to the care of children. This could include encouraging the Native and EuroAmerican communities to communicate and help the child to incorporate both sets of histories and origins. This could enhance and in fact create multiple identities similar to that of children of mixed-race marriages. This could acknowledge the

importance of a child having a permanent home and value the importance of cultural continuity

and a Native identity. Adoptive and biological families and communities should be encouraged

to have access to one another in order to assist adoptees in weaving their own unique identity.

Laws, policies, and practice could encourage adoptive parents to have contact with birth

families, or at least the child's community. More openness between the Native and White

communities could facilitate this. Increasingly, adoption is being recognized as a lifelong

process for everyone involved. These practices could change viewpoints about the practice of

placing Native children in White homes when a Native home is not immediately available.

Possibilities for Future Research and Practice

The needs of Native children in the foster care system should be examined further. More

cooperation between White and Native communities and a more open approach to adoption

could help the child learn about and become a part of the Native community. A more

streamlined approach in the child welfare system could facilitate a quicker placement in a

permanent home. For example, time guidelines for searches for Native families could make the

placement process speedier. Guidelines could be developed to allow flexibility in addressing the

child's multiple needs. Research may clarify the weight which should be given to the issues

associated with the "best interests" of the child (see Appendix B), which may be different

according to age groups and developmental stages. This could give some guidance when a

Native child has lived in a foster home for a couple of years and the foster parents wish to adopt

the child. It is also important to explore how Native children feel about being moved from a

White foster home to a Native home and how Native children, particularly older children, feel

about being removed from their biological families. Research could also explore the practice of

openness in adoption. Unfortunately, there does not appear to be systematic documentation of

the specifics of current racial matching policies and how these policies affect children in terms of

delay or denial of a permanent home. This too could be explored further. More importantly,

attention should be paid to the reasons Native children are placed in foster care.

At this point in time, the Native community is coping with severe problems associated

with poverty and assimilation policies and generally is unable to provide all of the needed

services. The Native community has changed and recognizes the need to build a new modern

economy and is striving for self-government. In another decade the child welfare situation may

be reversed, with all Native children being cared for within that community; Native self-

government may facilitate that process. However, at this point in time, alternatives should be

developed until the Native community is able to accommodate all Native children.

In an ideal world, government intervention in the family would not be necessary. In an

ideal adoption the adoptive family would meet all of the child's perceived needs including race,

religion, and emotional needs. However, the situation is not ideal as there is a paucity of

adoptive families within the CAS to immediately meet the needs of all the children in the foster

care system waiting to be adopted. There are some Native children free for adoption purposes

and there are some families prepared to adopt them, but both are impeded by the practices of the

agency. Blanket policies and practices do not always work well for individuals and require

flexibility. Each child should be assessed on an individual basis, looking at all of the child's

needs. The most important time for race to play a predominant role is when the child is initially

placed in foster care. Race should play an equal role to other factors if the child has lived in a

White foster family for an extended period of time. Sometimes, a Native child may do better in

a White family. Foster parents who have fostered a Native child for a long time should have a right to adopt the child if the child becomes free for adoption rather than have to participate in a legal battle. One would assume that if a family is deemed suitable to foster a child, they should be appropriate to adopt a child. There is no question that child welfare staff should be culturally sensitive through increased training and resources. Adoptive parents also need training in parenting children of minority races. Creative solutions to the present problem must be pursued and research would help assess what is needed. Agencies need a supply of homes and require innovative approaches to increase the number of adoptive and foster homes. With increased training, resources, and recruitment efforts more families, particularly Native families can be found. Agencies could try to create a general pool of adoptive parents and educate them on racial matters. If a Native child is placed in a White home it is important for both the Native and White communities to cooperate and assist the adoptive family. Often families benefit from groups to share their experiences. We need to learn more about how to help these children and families from those that have actually experienced it.

In the meantime, social workers are confronted daily with the more immediate problems facing the placement of Native children. The children waiting in the foster care system desperately need a home in which to grow up. The children need to develop an attachment and feel secure in order to develop a positive identity. Now we need to work with what we have and support and teach those involved in the adoption of Native children. One way may be through story telling as practiced in Native tradition.

A Native woman (Anderson, 1992) wrote a children's book called <u>Two Pairs of Shoes</u>. It is a story about a Native girl, Maggie, whose mother buys her a pair of black patent leather

shoes that she has been dreaming about. She is very excited and runs down the road to her grandmother's house to show them to her. She remembers her grandmother is blind and lets her grandmother feel the shoes. Her grandmother admires the shoes and then tells her to go and get her special box under her bed. Maggie wonders what is in the special box for her. In it she finds a pair of carefully beaded moccasins and recognizes that this is very special because her grandmother had made them for her. The grandmother says, "Well my girl, today is a special day for you, you have been given two pairs of shoes. From now on, you must remember when and how to wear each pair" (p. 16).

Appendices

Appendix A

Statutes

British North American Act, 1867.

Indian Act, 1876.

Indian Act, 1880.

An Act For the Prevention and Cruelty to and Better Protection of Children, 1893.

Ontario Mother's Allowance Act, 1920.

An Act for The Protection of Children of Unmarried Parents, S. G., 1921 C 54.

An Act Respecting the Adoption of Children, 1921, C 55.

Charitable Institutions Act, 1925.

The Adoption Act, Chapter 189, 1927.

The Children's Protection Act, 1927, C 279.

Children of Unmarried Parents Act, R.S.O. 1950, C51,.

The Adoption Act, R.S.O. 1950, C 7.

Indian Act, 1951.

The Child Welfare Act, 1955.

The Child Welfare Act, 1965.

Indian Act, R.S.C. 1970.

Indian Child Welfare Act, 1978 (American).

The Child Welfare Act, S. O., 1978 C 85.

Children's Law Reform Act, R. S. O., 1980, C 68.

Ontario Human Rights Code, S. O., 1981, C 53.

The Child and Family Services Act, 1984.

Child and Family Services Act, R. R. O., 1990, C 11.

Multiethnic Act, 1994 (American).

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Appendix B

Best Interests of The Child

Child and Family Services Act, Revised Statutes of Ontario, 1990, Chapter C 11, Sec. 37 (3).

Where a person is directed in this Part to make an order or determination in the best interests of

the child, the person shall take into consideration those of the following circumstances

of the case that he or she considers relevant:

1. The child's physical, mental and emotional needs, and the appropriate care or treatment to

meet these needs.

2. The child's physical, mental and emotional level of development.

3. The child's cultural background.

4. The religious faith, if any, in which the child is being raised.

5. The importance for the child's development of a positive relationship with a parent and a

secure place as a member of the family.

6. The child's relationships by blood or through an adoption order.

7. The importance of continuity in a child's care and the possible effect on the child of disruption

of that continuity.

8. The merits of a plan for the child's care proposed by the society, including a proposal that the

child be placed for adoption, or adopted, compared with the merits of the child remaining with or

returning to a parent.

9. The child's views or wishes, if they can be reasonably ascertained.

10. The effects on the child of delay in the disposition of the case.

11. The risk that the child may suffer harm through being removed from, kept away from,

returned to or allowed to remain in the care of a parent.

12. The degree of risk, if any, that justified the finding that the child is in need of protection.

13. Any other relevant circumstance.

When child Indian or Native person (4)

5.37 (c) Where a person is directed in this Part to make an order or determination in the best interests of a child and the child is an Indian or Native person, the person shall take into consideration the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving the child's cultural identity.

Appendix C

Definition of the Father

Children's Law Reform Act, Statutes of Ontario, 1980, Sec. 8 (1), p. 3.

Unless the contrary is proven on a balance of probabilities, there is a presumption that a male person is, and he shall be recognized in law, to be, the father of a child in any of the following circumstances:

1. The person is married to the mother of the child at the time of the birth of the child.

2. The person was married to the mother of the child by a marriage that was terminated by hte death or judgement of nullity within 300 days before the birth of the child or by divorce where the decree nisi was granted within 300 days after they ceased to cohabit.

3. The person marries the mother of the child after the birth of the child and acknowledges that he is the natural father.

4. The person was cohabiting with the mother of the child in a relationship of some permanence at the time of birth of the child or the child is born within 300 days after they ceased to cohabit.

5. The person and the mother of the child have filed a statutory declaration under subsection 6 (8) of the Vital Statistics Act or a request under subsection 6 (5) of the Act, or under a similar provision under the corresponding Act in another jurisdiction in Canada.

6. The person has been found or recognized in his lifetime by a court of competent jurisdiction in Canada to be the father of the child.

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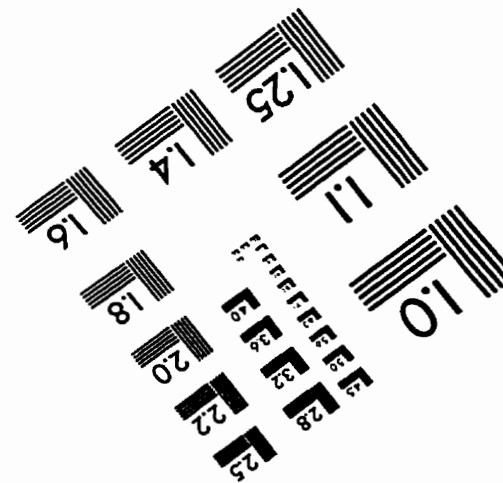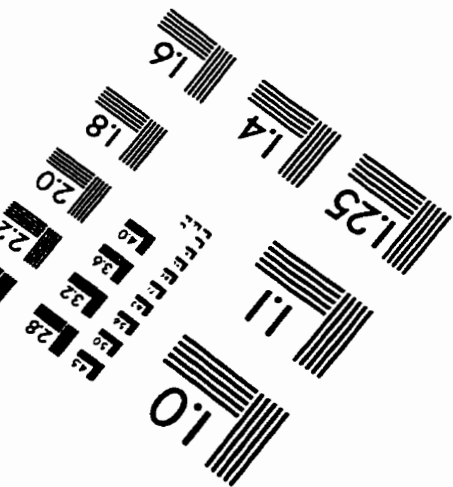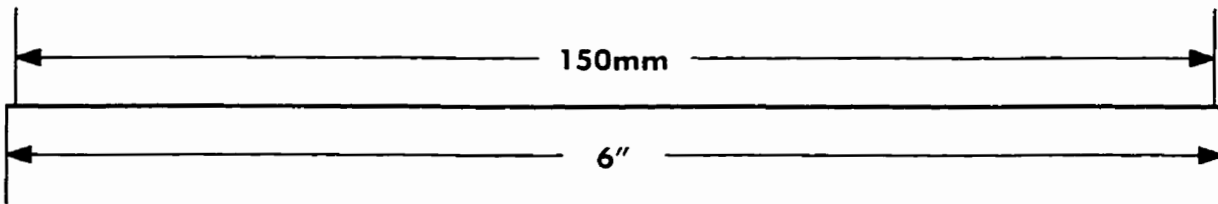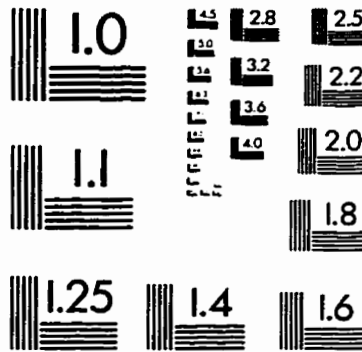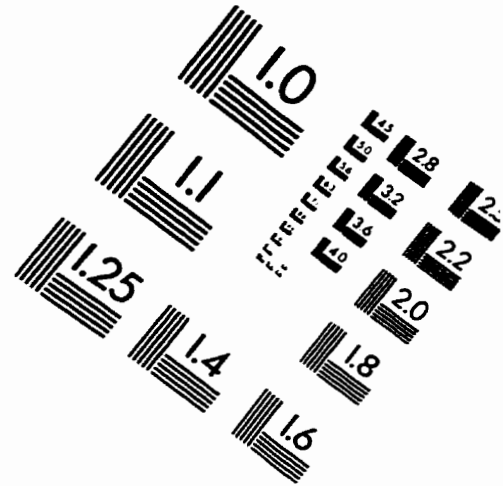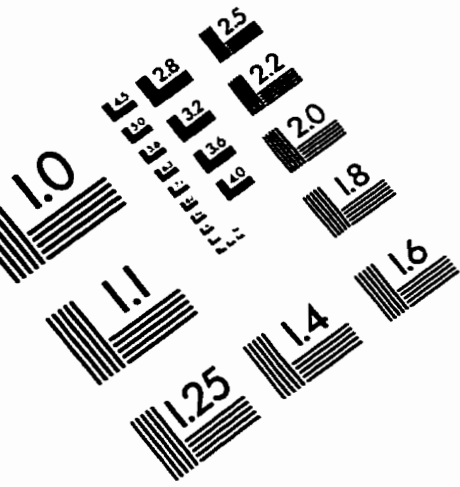
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