

First Peoples Child & Family Review

An Interdisciplinary Journal Honouring the Voices, Perspectives, and Knowledges of First Peoples

Foreword

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Foreword

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Volume 18, Issue (1): Special Edition of the *First Peoples Child & Family Review* grew out of a symposium on Indigenous voices in child protection decision-making held in Sydney, Australia, in March 2021. While grossly overrepresented in child protection systems, the experiences and insights of Indigenous families, communities and organisations are often marginalised, or not heard at all, in critical child protection decision-making. The symposium aimed to contribute to creating space for and amplifying the experiences and voices of Indigenous peoples engaged with child protection systems. The NSW/ACT Aboriginal Legal Service, Jumbunna and Law, University of Technology, Sydney (UTS), and the Public Interest Advocacy Centre (PIAC) Australia co-convened the symposium.

Connection with family, community, culture, and country is crucial to the wellbeing and safety of Indigenous children. Yet, Indigenous peoples' expertise on these issues is seldom sought or included in child protection decision-making in Australia. Instead, determinations about the interests and wellbeing of Indigenous children tend to be made according to the values and perspectives of non-Indigenous systems and practitioners. Further, resources to support the wellbeing of Indigenous children are grossly inadequate, perpetuating systemic discrimination. The symposium and this Special Edition engage with the need for Indigenous peoples' control in child protection service design, decision-making, and dispute resolution, including ways for Indigenous peoples' authority and expertise to be embedded in child protection laws, policy, and fully funded service delivery. The articles in this Special Edition, based on the symposium's theme, include contributions from symposium participants and authors more broadly.¹

Indigenous peoples' families provide ongoing culturally founded care for children removed from their families. This cultural care is grounded in Indigenous peoples' deeply rooted relationships to family, place, and community. Articles across this Special Edition engage with the significance and strength of family relationships while honouring Indigenous families' commitment to their children in the face of structural inequalities and discrimination. The articles identify and discuss

¹ Articles follow the spelling conventions of the authors' country of residence.

the longstanding racially founded forced removal of Indigenous children and the lack of effective implementation of reforms to address the structural inequalities that drive these removals. The failure to adequately fund early intervention and family support is compounded by discriminatory attitudes of non-Indigenous service systems and providers and the lack of adequate culturally appropriate designed and delivered Indigenous services.

This Special Edition collectively points to the strength of Indigenous families, communities, and organisational voices, and the wilful refusal by child welfare and related government departments to act on the evidence concerning effective self-determining child protection systems.

Through auto-ethnographic research, Stubbs and Rice provide a reflective analysis grounded in Stubbs' experiences as a Wiradjuri Stolen Generations survivor and advocate. The authors discuss the crucial role of self-determination in safeguarding the wellbeing of First Nations children and call for a rights-based reform agenda to address the harmful imposition and intervention of settler systems. Stubbs and Rice argue that contemporary systems continue to inflict harm, noting the disproportionate rates of intervention from settler systems, including child protection, youth detention, adult incarceration, and the relationships between them. At the same time, governments have only selectively responded to these challenges, with little substantive change. Reflecting on this urgent need for change, Stubbs and Rice posit opportunities for advocacy across service provision and innovation, targeted advocacy and improved relationships with settler society organisations and institutions focused on hearing and respecting the voices of First Nations peoples in the care of their children.

Swan and Swan similarly reflect on their experience providing direct and systemic advocacy to improve outcomes for Aboriginal and Torres Strait Islander children, families, and communities through reflective commentary, including the opportunities and challenges of community-based advocacy. They argue that rather than addressing the serious and enduring harms of statutory interventions in the lives of Aboriginal and Torres Strait Islander children and families, contemporary systems perpetuate and compound these traumatic experiences, causing more harm and depriving families of hope. Nevertheless, Swan and Swan see hope in the ongoing resistance of Aboriginal and Torres Strait Islander communities, often under the leadership and effort of Grandmothers and Aunties, identifying strategic opportunities to drive change. This change continues to centre on the right to self-determination and the importance of identity, culture, and connections to the lifelong wellbeing of Aboriginal and Torres Strait Islander children. They argue that addressing these harms requires challenging the frames and evidence that devalue Indigenous ways of being and knowing, ultimately entrenching systemic bias. Instead, they urge that the Government of Australia place decision-making back in the hands of Aboriginal and Torres Strait Islander families, kin, relations, and communities alongside Aboriginal community-controlled services.

Ball and Benoit-Jansson critically review the literature on culturally connected child and family services for Indigenous children, families, and communities in Canada. They identify structural failings within contemporary child and family service systems despite the work of the Truth and

Reconciliation Commission of Canada and its Calls to Action as well as Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*. These failings include inadequate resourcing and support for culturally appropriate services and ongoing overrepresentation of Indigenous families within child protection services. The article examines the concept of cultural connectedness, including sharing Indigenous relationships and experiences centred in place and across time, and discusses the benefits of culturally relevant and Indigenous-led service provision for children and young people. These include improved education, health, and wellbeing outcomes experienced through cultural connectedness.

William and Brady critique the colonial and ableist foundations of the Australian child protection systems for Indigenous children and young people with fetal alcohol spectrum disorder (FASD). The article draws upon a mixed-methods research project with Indigenous kinship/relative and foster carers of Indigenous children and young people with FASD in West Australia. While FASD impacts all cultural groups, the experiences of Indigenous children and young people with FASD and carers weaves with Australia's colonial foundation. Experiences of FASD are contextualised within the broader overrepresentation of Indigenous children and young people with disability in child protection systems, and comparatively with the relative lack of support for carers in Australia compared with North America. The authors identify connection to family, culture, and community as essential for the social and emotional wellbeing of Indigenous children and young people with FASD and carers, and call for the decolonisation of FASD in Aboriginal communities with Aboriginal-led approaches and solutions. However, due to a lack of holistic support and preventative services for children and carers, there are instead adverse impacts on the health and wellbeing of children and young people with FASD, carers and their families. William and Brady make a crucial contribution to the limited research on Indigenous kinship carers and even more limited research on raising children with neurodevelopmental conditions such as FASD.

Libesman and Gray's article evaluates the enduring colonial mindset in child protection reform processes. The cycle of child protection review and reform is marked by acknowledgment of past harms while simultaneously failing to implement recurring recommendations concerning self-determination, accountability, and government assumption of responsibility for intergenerational harms. Governments' failure to implement child protection reform while reproducing the same damaging child protection outcomes is examined through the lens of a recent inquiry into the New South Wales (NSW) child protection system and the NSW Government's response to it. The article argues that colonial governments refuse to understand or implement principles of self-determination and related effective child protection services to First Nations communities. Without families' and communities' values within child protection systems, they cannot serve to strengthen or be trusted by communities. The lack of institutional and individual accountability to First Nations families for what is often experienced as capricious and racist child protection decision-making deepens the absence of trust in communities. The article argues that the legitimacy and effectiveness of child

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protection services to First Nations communities are bound to the implementation of properly funded and First Nations–designed and –led child protection services within a self-determining legal and policy framework.

De La Sablonnière-Griffin, Collin-Vézina, Esposito, and Dion’s article presents an analysis of longitudinal data in child protection interventions by a non-Indigenous agency for children living in a First Nations community in Quebec. The authors make an important contribution to child protection research by focusing on an under-researched area, the provision of post-investigation support, which aims to keep children safe with their parents and family. The analysis sheds light on how First Nations children receiving child protection intervention live in situations where their needs persist over time and how current service levels do not appear to respond adequately to their situations or contexts. The article contributes to a growing body of evidence supporting the need for First Nations–controlled and properly funded services geared towards First Nations children’s wellbeing.

This Special Edition presents evidence regarding the need to overhaul colonial child protection frameworks in Australia and Canada. Colonial values persist in discriminatory funding, laws and practices, albeit in different forms across time. However, despite ongoing inequity, Indigenous children’s organisations and families draw on their rich cultural stories and values to support children and families, and resist harmful intervention and discriminatory failures, at both structural and individual levels to support Indigenous children’s welfare and wellbeing.

In good spirit,

Paul Gray, Terri Libesman, Brittany Mathews, and Madelaine McCracken