



PATHWAYS OF FIRST NATIONS AND INUIT CHILDREN, YOUTH AND FAMILIES IN THE YOUTH PROTECTION SYSTEM IN QUEBEC

**SECOND FOLLOW-UP REPORT ON THE IMPLEMENTATION OF THE CALLS FOR ACTION OF
THE PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN INDIGENOUS PEOPLES AND
CERTAIN PUBLIC SERVICES IN QUÉBEC: LISTENING, RECONCILIATION AND PROGRESS**



Summary

First Nations and Inuit children and youth are over-represented in youth protection in Québec: this is a well-known and widely documented reality. This report contributes to efforts to document these issues as part of the follow up on the calls for action of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress (CERP). In 2019, the CERP recommended that the Protecteur du citoyen monitor the implementation of all its calls for action. The Protecteur du citoyen is carrying out this mandate in co-construction with an Advisory Circle, composed of representatives of First Nations and Inuit organizations. This is its second Follow-Up Report, the [first](#) having been published in 2023.

Analyzing the pathways of children and youth in the youth protection system

Concerned about the persistence of youth protection issues and their major repercussions for First Nations and Inuit children, youth, families and communities, the Protecteur du citoyen and the Advisory Circle decided to dedicate this second Follow-Up Report to this public service. They specifically targeted 13 calls for action related to the trajectory of children and youth in youth protection, including preventive services and services offered upon reaching the age of majority.

This report pursues two important objectives. First, it sheds light on the issues by taking into account the diversity of factors that shape Indigenous realities, such as language, geographic remoteness, the effects of intergenerational trauma, urban contexts and the history of assuming youth protection responsibilities.

Second, the report presents concrete recommendations aimed at reducing the overrepresentation of children and youth in the youth protection system, while strengthening the capacity of services to promote the cultural continuity and safety of First Nations and Inuit children, youth and families.

Methodology

The issues related to the trajectory of children and youth in youth protection services are examined using a qualitative approach. Beyond the simple assessment of the implementation of the 13 calls for action, the analysis considers the various contexts, to highlight progress and identify ongoing challenges in First Nations communities, in Nunavik, in urban settings and within the youth protection services (DYPs).

Discussion groups were held to gather experiences and perspectives from these various settings. These discussions informed the observations developed for each setting, as well as overall findings. Based on these findings, the Protecteur du citoyen issued its recommendations and identified supporting elements, all of which require close collaboration with the First Nations and Inuit organizations concerned.

Several quotations from these discussion groups are included in the report. They help illustrate the complexity of the realities experienced and highlight the commitment of the participants to meeting the needs of the children, youth and families, in a manner that respect their individual and collective rights.

Essential conditions

During this process, the Protecteur du citoyen and the Advisory Circle defined four essential conditions for the 13 calls for action to be effectively implemented: respect for the right to self-determination in child and family services (including primary and secondary services), high quality collaborations with the healthcare and social services system, the implementation of the legal framework and the availability of reliable data.

The right to self-determination, recognized as a central principle, is grounded in the understanding that First Nations and Inuit are in the best position to identify the needs of their communities and the most appropriate ways to support families. Although there is a growing awareness in the field of this principle's importance, its implementation continues to give rise to tensions between the values and cultures of Indigenous communities and those of the youth protection services.

Meanwhile, the legal framework has evolved since the CERP's final report in 2019, at both the federal and provincial levels. While the concept of the interests of the child already existed, new factors now explicitly define the interests of a First Nation or Inuk child. All decisions concerning an Indigenous child must now be based on these considerations. The legislation also requires that cultural continuity and the specific historical, social and cultural realities of the First Nations and Inuit be taken into account in the provision of services.

From prevention to majority

For each of the 13 calls for action, the report first presents a review of the CERP findings and the Protecteur du citoyen's initial follow-up in 2023. This is followed by a summary of the consultations held with First Nations, organizations in urban settings, organizations in Nunavik and the directors of youth protection. Each section concludes with findings and supporting elements to consider. The 13 calls for action have been grouped into the following themes:

Prevention and crisis management services: The historical underfunding of preventive services has made the DYP the main gateway for children and families to receive local and psychosocial services of all kinds.

Family council: The purpose of setting up a family council in a child's life is to recognize and mobilize the expertise of First Nations and Inuit in caring for their children, as well as to empower families. Family councils can be a powerful lever for prevention and family reunification.

Exemption from maximum placement periods: Under the Youth Protection Act (YPA), the situation of a child placed outside their family must be reassessed after a certain period in order to determine a permanent life plan. Subject to the establishment of a family council, First Nations and Inuit children may be exempted from these maximum placement periods. This allows for greater consideration of Indigenous perspectives and values related to family, as well as the constraints they may face.

Intensive support for parents: Across all settings consulted, a consistent message emerged: the operational capacity to provide rapid, intensive support to parents following a child's placement is insufficient, even though such close support in the first few days is essential for maintaining the parent-child bond and preventing disengagement.

Indigenous foster families: The assessment and accreditation processes carried out by institutions create systemic barriers to the recruitment of Indigenous foster families, as they do not consider certain community realities. Although the application of some criteria has been relaxed and exemptions from ministerial criteria exists for Indigenous foster families living in communities, biases persist. Financial barriers continue to hinder the placement of Indigenous children with Indigenous foster families.

Cultural plan for children in non-Indigenous settings: The right to cultural continuity guarantees Indigenous children the right to maintain ties with their family, community, language, territory and traditions. Preserving these connections is essential to the child's well-being, even when placement in a non-Indigenous alternative setting is unavoidable.

Rehabilitation centres: The lack of places in rehabilitation centres particularly affects First Nations and Inuit youth, largely due to problems related to the availability of services in their language and the lack of interventions that promote cultural continuity and safety. The harmful effects of placing youth far from their community have a direct impact on their mental and physical health.

Post-majority services: Across all settings, preparation for the transition to adulthood for youth in care begins too late and is uneven and poorly coordinated. Services disruptions occur at precisely the time when these youth should be supported. Although more services are now available after the age of 18, this transition period remains a high-risk time for disaffiliation.

Recurring issues

The Protecteur du citoyen notes that, at all stages of the service trajectory, certain issues recur. The voices of children, youth, parents and First Nations and Inuit service providers are still too often insufficiently taken into account. The lack of early preventive services, for example in mental health and addiction services for both adults and youth, is another frequently mentioned issue, given its impact on the entire continuum of services. Access to social services is limited by available human resources, especially when a culturally safe approach is required.

The lack of recognition and compensation for the expertise of First Nations and Inuit health, social and community service providers undermines the capacity of public services to fulfil their obligations and honour their responsibilities under the legal framework. Decisions made within the youth protection system often underestimate the importance of the communities' cultural and social realities, such as multiple attachments, the role of the extended family, and the importance of territory and language in maintaining cultural continuity and the overall well-being of First Nations and Inuit children.

Throughout the work and discussions, First Nations and Inuit participants have emphasized key points. The difficulties experienced by children, youth and families are rooted in well-known social, historical and cultural determinants: persistent economic precariousness, residential insecurity, intergenerational trauma, the lack or difficulty of access to child and family services that foster cultural safety and the chronic underfunding of community and educational

initiatives. Unless these root causes are recognized and addressed, the symptoms will continue to appear in First Nations and Inuit communities.

Recommendations of the Protecteur du citoyen

After its analysis, the Protecteur du citoyen issues recommendations and identifies supporting elements that aim, ultimately, to ensure that all public services offer First Nations and Inuit citizens services that are respectful of their rights, regardless of the place they live or the local availability of services.

The recommendations are intended, in particular, to strengthen collaboration between First Nations and Inuit social service providers and the broader health and social service system and to promote the consistent application of the legal framework, especially with respect to cultural continuity.



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