

First Nations are taking back children that were fostered out by over-zealous government agencies. What happens when those children don't want—and don't need—to return?

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SARAH CAN'T STAND THE SIRENS. The waiflike 14-year-old, who grew up in a small town in the B.C. Interior, hates the noises associated with city life. Still, she's a foster child (her name has been changed because of a court order), and her life is complicated and full of things she doesn't like much. For instance, she must visit the Lower Mainland about once a month, travelling to a location near Sto:lo territory in Chilliwack to see her three half-siblings, as well as her biological mother.

By **CORI HOWARD** Illustration By **JORDIN ISIP** Photographs By **MARINA DODIS**



Sarah doesn't enjoy these visits. She doesn't mind spending time with her brothers and sisters, but she'd rather be at home. Since she was first taken into care by the Ministry of Children and Families when she was 17 months old, Sarah and her older sister have lived with foster parents who they've fully bonded with. The town where she now lives has been her home for eight years. (It can't be named because of Sarah's ongoing legal case.)

This weekend, however, she's managed to escape her mandatory visit. Instead she's come to the house of the woman who will be her guardian for the duration of her court case, Deb Reynolds. (Because Sarah is a minor, she needs a guardian other than her foster parents to bring her case forward and shoulder the financial responsibility.) Reynolds, a former director of the B.C. Foster Parents Association, lives in a big, pink house in a quiet Coquitlam neighbourhood. The only sounds are the wind chimes in the backyard, a distant neighbour's lawnmower and Sarah sipping her coffee.

She is aloof and uninterested in conversation, not unlike any teenager up early on a weekend morning. But she also bears the markings of deep trouble: dark circles under her eyes, chewed-up fingernails, vacant eyes and a shaky, wiry frame that disappears into the folds of her extra-large sweatshirt.

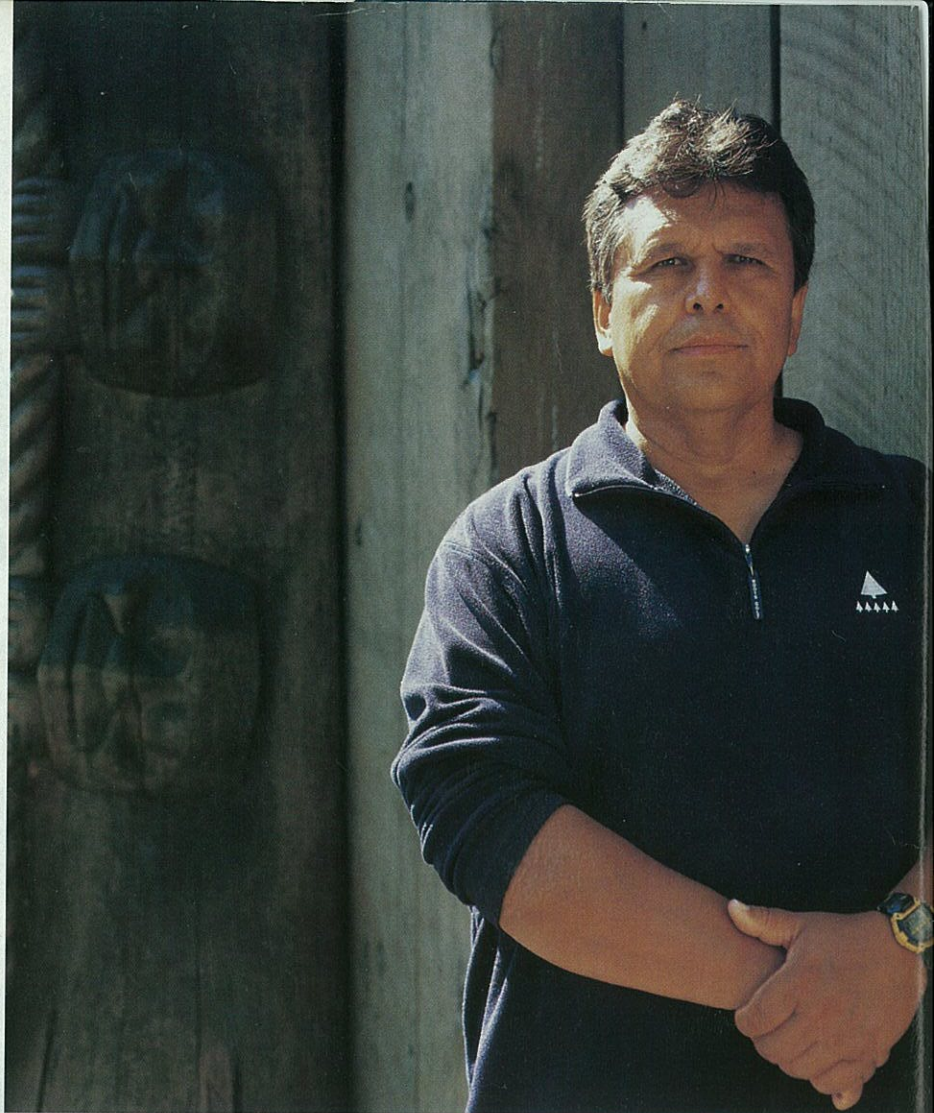
Her foster father is on the phone with Reynolds, and Sarah gets up to talk. "Yes, I'm still here," she screams into the phone, petulant, impatient and imploring. Whatever his response, it seems to calm her. "Okay. Okay," she says. "I'll talk to you later."

When she sits down, her eyes are downcast and weary. She wants to tell her story, but she isn't sure where to start. "I think I was born in Mission," she says, a sudden sweet smile on her face. "I'm not sure."

THERE ARE FEW CERTAINTIES IN SARAH'S life. There are her parents, her house, the nearby lake, her friends, her Ritalin.

Last year, the Sto:lo Nation wrote a letter to Sarah's foster parents, telling them that the Nation was going to relocate Sarah and her sister back to Sto:lo territory. After more than 12 years, they'd decided it was time to repatriate the children back into the culture in which they were born. The first problem was that Sarah and her sister didn't want to go; the bigger problem is that Sarah is struggling to have a choice in the matter.

Sarah and her sister are just two of many children the Sto:lo are hoping to repatriate.



Ernie Crey, a leader of the Sto:lo Nation, and co-author of *Stolen From Our Embrace*, says of children in Sarah's situation: "Ten years ago, I would have pulled her out and returned her. Rates of apprehension were too high. They still are."

Part of a nationwide movement that began in the '80s, repatriation has caught fire recently as penitent provincial governments hand more and more power over child welfare management back to First Nations groups. Repatriation hopes to keep native families together and reverse the tide of historical violations against native children by provincial and federal governments. It's also an attempt to redress the so-called "Sixties Scoop," in which some 20,000 native children were taken from their homes by overzealous social workers and placed with white families.

But Sarah, along with many like her, finds herself caught up in an attempt to resolve an old conflict between culture and politics, an attempt that often forgets that the child's best interests ought to be the first priority. There are the First Nations groups who, understandably, want their children home after decades of discriminatory government prac-

tices. Then there's the provincial government, desperate to make amends for past injustices and to rid itself of the complicated minefield of aboriginal foster care. Then there are the courts, the final arbiters in deciding who lives where. And finally, caught in the middle, there are the kids.

The attempt to repatriate Sarah after more than 12 years with her foster parents has come at a particularly perilous time. Aside from the normal turbulence of adolescence, Sarah also struggles with the effects of Fetal Alcohol Syndrome, a pattern of mental and physical defects that develop in some unborn babies when the mother drinks too much alcohol during pregnancy. There are many possible symptoms, ranging from small body size and facial deformities to learning disabilities and hyperactivity. A disproportionate number of FAS kids end up in jail and on the streets.

When you meet Sarah, it's hard to tell she

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has FAS. She has no obvious physical symptoms, though her sunken eyes might be a hint. The neurological effects are harder to detect; it would take months of living with her to see that Sarah doesn't understand the consequences of her behaviour. Like many FAS kids her age, Sarah is beginning to wander into delinquency. During their mid-teens, FAS kids typically start recognizing they're not keeping up with others their age; they become depressed and begin to have problems at school.

Talking with her, you'd never guess Sarah's been stealing prescription drugs at school and selling them, or that she's been permanently suspended. Those details are what come out in court. When asked to her face how she's doing in school, she replies, "I've been doing well. I don't skip out anymore."

This is the Sarah who doesn't understand she isn't doing well. In fact her behaviour over the last few months has spiralled out of control. On this particular visit to Vancouver, she's gotten herself into even more trouble. According to her version of events, she was visiting her half-siblings in March when she was told she wasn't going home to her foster parents. She says she was told that the Sto:lo were going to send her directly to Four Directions, a treatment centre in Saskatchewan.

Sarah, in her own words, "flipped out." She called Reynolds and begged her to come pick her up. Reynolds drove from her home in Coquitlam to Chilliwack, got Sarah and then immediately headed to her Vancouver lawyer's office.

THE LEGAL SAGA BEGAN LAST YEAR.

In September 2002, Sarah and her sister appeared before the B.C. Supreme Court to fight the Sto:lo's efforts to repatriate them. After a three-day hearing, Justice Sunni Stromberg-Stein ruled that the children should stay with their foster parents until assessments

of their psychological, emotional, educational and cultural needs were completed.

At the end of her hearing last September, Sarah stood up to ask the judge a question: "Well, Your Honour, I just need to ask, I'm not quite sure, I'd just like to ask did we win?"

"I just want to tell you something," replied the judge. "It's not a matter of winning or losing. Everybody's here to try to decide what's

best for you and your sister."

The court-ordered assessments were still pending when Sarah found out in March that she was to be shipped to Four Directions instead of returning home. She felt duped.

To Sarah, the reasons for staying with her foster parents are simple: "They are the only family I have known. I have lived with them for 12 years. I have friends. I have a life up there." As she wrote in her affidavit to the court last year: "I totally and completely refuse to move down to the coast or to Matsqui for I am quite happy where I am living....Please think about what our best interest is instead of what you people want. Think about my sister and I. Our lives would be ruined."

SARAH IS BEING STUDIED BY SOCIAL workers now. "They think I'm depressed," she says, "but I'm just stressed. They are constantly calling. The band, the social worker. When I'm supposed to be thinking about school, I'm thinking

Repatriation Blues

Across the country, children are getting caught up in the struggle to redress an old wrong.

One of the biggest hurdles facing the 120 native child welfare agencies across Canada in their repatriation of children is finding safe, stable and appropriate homes. Too often there aren't enough houses or money to provide the services necessary for returned children. So they are forced to wait years before repatriating the children, or must send them to live with relatives who are not always able, or fit, to take care of them.

And then there are the extreme cases, such as the death last September of baby Chassidy Whitford: the Sto:lo child welfare agency was blamed for returning the

toddler to her father, who had previously physically abused his little girl. He's now been charged with second degree murder in connection with her death. The Sto:lo's Xyolhemeylh agency—which receives about \$9 million a year from the federal and provincial government—is under review.

A similar incident took place in Ontario last fall. "Baby Andy" was returned to his birth mother last summer. A pregnant 21-year-old with two other children and a history of addiction, she and her boyfriend have since been charged with the brutal assault that

nearly killed the baby. At the time, Dianne Yanke, the baby's foster mother, was quoted in the *Globe and Mail* as saying, "Baby Andy is one of many native children who have fallen victim to professional incompetence, institutional buck-passing and race politics."

During a case in Winnipeg last year (Acoby and Roulette), this ruling was issued by the judge: "While a laudable goal [reuniting aboriginal children with their cultural heritage], its dogmatic application is counterproductive and unfair." The judge in that case went on to say the child concerned was "being held hostage by a child welfare system that has put its own political interests and expedencies ahead of her best interests. Surely this is unfair to her." —C.H.

about that.”

So while Sarah thinks she knows what she wants—to be left with her mom and dad—there are those who believe they know better. The Sto:lo point to research that indicates a child who grows up without a strong cultural identity is more likely not to graduate, not to find a good job, not to be healthy, not to be independent. They believe Sarah would be better off with her own people. And the ministry backs them up. “We want to be culturally sensitive and culturally responsive,” says Gordon Hogg, minister of children and families. “Research tells us the best thing for the child is to be back within the context of their culture and community.”

They may well be right. Sarah may be better off living with her own people in the long run. But right now, Sarah is 14, vulnerable and desperately in need of continuity and stability. As well, according to the courts, she’s old enough to know what she wants. If she decides later in life to reestablish ties to her culture, who is to say whether it will be too late?

“This young lady loves her foster parents to death,” says her guardian, Reynolds. “Her mom and dad are her world. Uprooting her now would be incredibly dangerous. A child with FAS needs stability and structure. Removing her from the only world she has known will kill her.”

Sarah’s lawyer, Marnie Dunnaway, thinks things will end well. “Most cases I see result in the judge finding it wrong to move the kid. The ministry is so involved in looking at this from an aboriginal perspective, it’s lost sight of the kids. They believe it’s good for the kids to be reunited with their culture, even with short-term pain. But from my perspective, and

rible to yank kids from their homes to meet a political objective,” says Dunnaway. “That’s what the Indians were complaining about in the ’60s. I believe aboriginal children should be brought up in aboriginal homes, but you can’t dither for years. It’s a violation.”

Most disturbing has been the way this particular case was suddenly rushed, handled as an emergency. Sarah’s delinquent behaviour may be typical of teenagers with FAS, but it’s also not far off the mark of average teen behaviour. Rebellion, experimentation, breaking the law: all normal adolescent stuff. Disrupting what stability remains, yanking her out of her home—these seem exactly the wrong things to do. In fact most doctors and professionals involved in her case believe the repatriation struggle will push Sarah over the edge.

Though repeated requests for interviews with the Sto:lo child welfare agency, Xyol-



Deb Reynolds, Sarah's guardian for the court proceedings. For more than one year, Reynolds—with the help of Sarah's foster parents and other supporters—has been fighting against the teenage girl's repatriation: “I know how determined this young lady is. She's taken her case to the Supreme Court three times.”

tant to know about your heritage at any point,” he says. “But I think in this case the paramount consideration is the children themselves and what they wishes are. Their heritage and where they come from and their family ties, they can come to those things at any juncture in their lives. It’s unfortunate they had to be removed in the first instance.”

IT’S HARD TO KNOW HOW SARAH REALLY feels about her native identity. She claims not to feel anything at all. “I don’t really think about it too much,” she says, strolling through the Coquitlam Centre mall. She’s here with Reynolds, trying to relax before her next court appearance tomorrow. She’s shopping for a hoodie. Searching the racks for an extra-large, she comes up empty-handed.

“You don’t need an extra-large,” chides Reynolds. “An extra-small, maybe.”

“I like them baggy,” says Sarah. We head to the food fair. Over tacos, Sarah dismisses any talk about her identity. “I don’t feel I belong to the Sto:lo nation,” she says. “I know I am part-native. It’s not something I hide. But it hasn’t been part of my life so far, so I don’t see any point in it being part of my life now.”

Crey understands. “Ten years ago, I would’ve pulled her out and returned her,” he

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I have kids, I can’t imagine telling my 12-year-old, “Okay, now say bye-bye to Mommy.”

Dunnaway, a former social worker who has represented a handful of similar cases, believes there may be hundreds of kids like Sarah. Most will never make it to court because they can’t afford it or don’t want to fight. “It’s ter-

rible, were denied, Ernie Crey, a Sto:lo leader and co-author of *Stolen from Our Embrace* (Douglas & McIntyre, 1997), a book about the loss of aboriginal children from their communities, says he doesn’t understand the urgency in returning Sarah unless she herself wants to return. “It’s impor-

said. "Rates of apprehension of native children were way too high. They still are. But what's important now is how native groups and the government balance the needs of children with aspirations of the band to repatriate their children. It may not be the best plan to uproot children who have established close bonds with their adoptive or long-term foster parents. Especially at that age. There are many ways that children presently in long-term care can establish and maintain bonds with their extended families back in their traditional territories while living outside the community."

Strangely, in Sarah's case, if she were to be repatriated, it wouldn't be back to the reserve where she was born. It would be to the off-reserve home of her half-siblings and their white foster mother. Her biological mother is simply unable to care for her.

AS SARAH WALKS INTO THE COURTROOM to fight the Sto:lo order to send her to a treatment centre, the only people present are her foster father and two representatives from the Sto:lo child welfare agency. She saunters in with the confi-

dence gained from "winning" every other time that she has been in court.

It becomes quickly evident, though, that this time the court is not on her side. A different judge presides. He says that the director for the ministry of child and family services is "concerned" about Sarah's recent behaviour. He lists her suspensions from school and quotes the school superintendent of the area as saying Sarah "is significantly at risk and may endanger other students." He quotes the Sto:lo social worker, saying "she has deteriorated emotionally and physically."

The judge dismisses Sarah's application, giving power over Sarah's future back to the Sto:lo. Sarah turns around, black makeup streaking her face, and gives the Sto:lo representatives a dirty look. She walks over to her foster father, crumples into his big arms and begins to sob.

Sarah is told that she'll get to go home tonight to say goodbye to her foster mother and father, to her sister and her friends, before being whisked away to Saskatchewan to undergo drug and alcohol assessments.

"She's doomed to a very difficult future," says a grim Dunnaway as she leaves the

courtroom, "whether she's with her foster parents or not. With FAS, if she was allowed to remain with her parents she would have managed a difficult adolescence. Now she's sure to end up on the streets."

At this emotionally charged moment, Reynolds's hopes for Sarah's future plummet, and she prophesizes gloomily: "I know how determined this young lady is. She's taken her case to Supreme Court three times. Without the support of her parents, her lawyer, myself in Saskatchewan, I wouldn't be surprised if we hear by the summer that she's committed suicide."

REYNOLDS WAS RIGHT ABOUT ONE THING. Sarah is a determined young lady. Her story, as of this moment, has a kind of happy ending. Despite her supporters' worst fears, she survived the summer at the treatment centre. As of press time, she has been returned home to her foster parents after six months in Saskatchewan and is attending school with her sister. Another court appearance is planned for this month, which will settle the matter of Sarah's future for once and for all. ♡



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