Decolonising Indigenous Child Welfare

Comparative Perspectives

Terri Libesman



First published 2014 by Routledge 2 Park Square, Milton Park, Ablngdon, Oxon, OX14 4RN

and by Routledge 711 Third Avenue, New York, NY 10017 A GlassHouse Book

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2014 Terri Libesman

The right of Terri Libesman to be Identified as author of this work has been asserted by her in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data Libesman, Terry.

Decolonising indigenous child welfare: a comparative analysis / Terri Libesman.

p. cm.

ISBN 978-0-415-70569-1 (hardback)---ISBN 978-1-315-88956-6 (ebk)

1. Children—Legal status, laws, etc. 2. Indigenous children—

Legal status, laws, etc. I. Title.

K3248.C55L53 2013

362.7---dc23

2013023246

ISBN: 978-0-415-70569-1 (hbk) ISBN: 978-1-315-88956-6 (ebk)

Typeset in Goudy by Keystroke, Station Road, Codsall, Wolverhampton



Contents

	•	
	Acknowledgements	vii
1	From Indigenous child welfare to Indigenous children's well being	1
2	International law and the rights of Indigenous children	27
3	The legacy of the stolen generations	54
4	Locating moral responsibility	78
5	Comparative US, Canadian and New Zealand legal frameworks	106
6	Australian legal child welfare frameworks	144
7	Comparative service delivery frameworks	172
	Conclusion	211
	Appendix: Summary of Australian legislation and policy relating to Indigenous children in out-of-home care	218
	Bibliography Index	232 252