

Editorial

# Indigenous Self-Determination in Child and Family Systems: Reclaiming Law, Restoring Relationships, Reimagining Futures

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## 1. Introduction

Across occupied Indigenous nations, child protection systems remain one of the most enduring sites of colonial power. They continue to disproportionately surveil and intervene in Indigenous families, disrupting kinship networks, depriving Indigenous children of culturally enriched developmental environments, and imposing Western norms regarding family safety and wellbeing. Yet alongside these ongoing harms, Indigenous peoples are advancing powerful movements to reclaim authority over the care of their children and the right to determine their futures—movements grounded in law, culture, relationality, and sovereignty.

This Special Edition brings together scholars, practitioners, Elders, and community leaders from Australia, Aotearoa (New Zealand), Canada, and the United States of America, who are working at the forefront of this transformation. Their contributions illuminate a shared truth: Indigenous self-determination in child and family systems is not simply a policy reform; it is a return to cultural foundations, a reassertion of inherent rights, and a pathway towards collective justice.

What emerges across these articles is a rich trove of Indigenous legal orders, relational worldviews, and community-driven innovations that challenge the dominance of Western child protection frameworks. Together, they show that the future of child and family wellbeing lies not in modifying colonial systems, or making space within them for Indigenous perspectives, but rather in rebuilding systems of care that reflect Indigenous values, governance, laws, and relationships.

## 2. Reclaiming Jurisdiction and Reframing Law

Several articles examine the legal and political shifts underway as Indigenous nations reclaim jurisdiction over child and family services.

Hadley Friedland's analysis of C92 (*An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*), which came into force in Canada in 2020, highlights both the promise and the complexity of legislating for recognition of Indigenous jurisdiction (Friedland 2025). C92 affirms the inherent rights of Indigenous peoples to exercise jurisdiction over child and family services. Friedland's article explores how this legislation seeks to reverse the longstanding harms of colonial child removal policies by enabling Indigenous communities to design and control their own child welfare systems. The Act affirms Indigenous peoples' inherent authority and establishes national minimum



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standards, yet its implementation reveals tensions around funding, coordination, and the ‘braiding’ of Indigenous, federal, and provincial laws. Friedland argues that while C92 creates an important legal pathway for Indigenous jurisdiction in child and family services, its success depends on sustained political will, equitable resource distribution, and genuine partnerships with Indigenous communities.

Terri Libesman, Paul Gray, Kirsten Gray, and Wendy Hermeston (the Guest Editors of this Special Edition) contribute to the conversation from another angle, arguing for a reconceptualised relational human rights child protection framework (Libesman et al. 2025). We show how concepts like “best interests of the child,” “permanency,” and “attachment”—often treated as neutral concepts grounded in developmental science—are embedded with Western assumptions that marginalise or misapply Indigenous worldviews. We propose re-conceptualising self-determination with respect to Indigenous child protection through a relational, collective, and distributive human rights framework. This challenges dominant Western individual rights concepts embedded in colonial child protection systems. Understanding law as structuring relationships, we propose that genuine equality for Indigenous children requires rights frameworks that strengthen—rather than undermine—Aboriginal and Torres Strait Islander extended family and community relationships. This relational human rights approach aligns with Indigenous worldviews, in which children’s wellbeing is inseparable from family ties, kinship systems, and cultural continuity. Under such a framework, self-determination is the foundational human right required to achieve genuine equality and social justice for Indigenous Peoples, rather than a supplementary policy consideration.

In the United States context, Sarah Kastelic and Miriam Jorgensen trace how Tribal nations are reclaiming their child welfare systems, moving beyond initial barriers associated with implementation of the *Indian Child Welfare Act* 1978 and recognition of jurisdiction to rebuild laws grounded in cultural teachings, kinship, and community responsibility (Kastelic and Jorgensen 2025). After generations of harmful federal and state policies that removed Native children from their families, Tribal governments are reclaiming authority by developing their own child welfare codes that reflect community values, customs, and child-rearing wisdom, embedding cultural principles in definitions of family, child wellbeing, and the purpose of child protection. Their analysis of 164 Tribal child welfare codes reveals a profound shift as Tribes move away from punitive and interventionist non-Indigenous models and toward culturally rooted frameworks that emphasise prevention, collective responsibility, extended family networks, and the cultural identity of children. Kastelic and Jorgensen show how Tribal nations are using self-determination to rebuild child welfare systems that heal historical trauma, strengthen families, and reflect Indigenous worldviews—offering insights that are applicable nationally and internationally.

Meschelle Linjean and Hilary N. Weaver’s article complements that of Kastelic and Jorgensen, examining how Indigenous peoples in the United States asserted self-determination in child protection historically and contemporarily (Linjean and Weaver 2025). It outlines deep historical foundations of Native American experiences with welfare systems, including resistance to boarding schools, forced removal, and the long struggle to maintain authority using the *Indian Child Welfare Act* (ICWA). The authors show how Indigenous communities remedy past harms through truth-telling, homecoming ceremonies, environmental reconnection, legal advocacy, and culturally grounded social work training. Linjean and Weaver centre Indigenous worldviews and propose pathways for transforming child welfare systems to facilitate Indigenous families and communities’ retention of their inherent rights to care for their children within culturally embedded systems of support.

Theresa Ysabel Rocha Beardall introduces the concept of the “Third Space” in Indian child welfare—a theoretical framework in which Indigenous nations engage with and

disrupt settler-colonial child welfare systems while building their own sovereign, relational, and care-based alternatives (Rocha Beardall 2025). Drawing on legal analysis, Indigenous political theory, and socio-historical research, Beardall traces the continuity between 19th and 20th century boarding schools and today's foster-care removals, arguing that these systems function as ongoing tools of family separation and colonial control.

In response to these harms, Beardall identifies three interrelated strategies of Indigenous governance—strategic engagement, kinship care, and tribally controlled family collectives. The “Third Space” is theorised using Bruyneel's third-space sovereignty, Simpson's nested sovereignty, and Lightfoot's global Indigenous rights scholarship. Through this lens, Indigenous child-welfare practice is framed as sovereign abolitionist praxis—a movement aimed not just at reforming harmful systems but at creating futures beyond settler-state child and family intervention.

Kate McDonald, Muriel Bamblett, Lisa Curtis, Kylie Ponchard, Nancy Riviello, Ne-cia Stanton, and Connie Salamone outline a vision for a structural transformation of child protection in Australia. Drawing on the Victorian Aboriginal Child Care Agency's (VACCA's) experience, they explore how legislative and policy reform, sustained investment in Aboriginal Community Controlled Organisations (ACCOs), and development of accountability frameworks that measure community-defined outcomes, produce significantly transformed outcomes for children and families (McDonald et al. 2025). Cultural safety is a non-negotiable principle, and child wellbeing is framed as holistic and intergenerational. Centring Aboriginal leadership and cultural governance, the article reimagines child protection as a system that nurtures identity and strengthens families, dismantling colonial structures in favour of culturally anchored futures.

McDonald et al. trace the deep historical roots of child removal, showing colonial logics continued influence on contemporary systems, arguing genuine reform requires shifting authority, language, and practice away from colonial models and toward Aboriginal-led approaches grounded in culture, kinship, and relational accountability.

Candice Butler's 'The Time Is Now: Reclaiming Child Protection Decision Making Within Australia' draws on international insights from her Churchill Fellowship to outline a 'blueprint' for returning child protection authority to Aboriginal and Torres Strait Islander communities (Butler 2025). Butler situates this reform within the context of the persistent overrepresentation of Indigenous children in statutory systems and identifies five systemic enablers for effective reform: strong legislation, Indigenous-led processes, culturally grounded practice frameworks, community-controlled policy development, and robust accountability mechanisms. These elements are presented as essential for embedding cultural governance and self-determination at every level of decision making.

Butler advocates for a paradigm shift from externally imposed interventions to frameworks that privilege Indigenous knowledge and leadership. She emphasises courageous conversations, legislative reform, and equitable resourcing as prerequisites for sustainable change. By learning from global precedents and centring cultural authority, the article envisions a future where child protection systems are transformed into culturally anchored structures that uphold identity, relationality, and justice for First Nations children and families.

### 3. Restoring Relational Systems of Care

A consistent theme running through this Special Edition is the centrality of relationality—the understanding that children's wellbeing is inseparable from family, community, land, and ancestors.

Jessica Saniguq Ullrich, Jason C. Young, Rachel E. Wilbur, Tram Nguyen, Patricia Johnston, Lily Fawn White, Jady Bright, Annalise Contreras, Elizabeth Alowa, and Lola Tobuk describe how Alaska Native communities are revitalising child-protection practices

deeply grounded in Indigenous relational worldviews, collective wellbeing, and cultural continuity (Ullrich et al. 2025). The authors frame Indigenous child protection as an interdependent community system rather than a bureaucratic intervention, in which children, families, ancestors, land, and future generations are connected through obligations of care.

Ullrich et al. trace how the instruments of colonisation—including land dispossession, suppression of subsistence rights, boarding schools, and forced child removals—undermine these relational systems. Despite the cumulative harms from colonisation, Alaska Native communities have preserved and revived Indigenous knowledges, languages, ceremonies, and kinship practices that centre healing, belonging, and identity. The authors argue that these culturally rooted practices actively counter intergenerational trauma.

The article builds on the ‘Indigenous Connectedness Framework,’ adapted through community consultation to better fit the Nome Eskimo Community (NEC) and the Bering Strait region context. By centring relationality and collective wellbeing, the authors argue that self-determination in child protection must involve the restoration and empowerment of Indigenous systems—not merely the reform of state agencies. The paper presents Indigenous knowledge not as an “alternative” model but as a leading practice for ensuring safety, belonging, and lifelong wellbeing for Native children.

Similarly, the Waikato-Tainui authors—Melissa King-Howell, Tracy Strickland, Koroki Waikai, and Chelsea Grootveld—describe the evolution of ‘Mokopuna Ora,’ an Indigenous-led, Mokopuna-centred (child-centred) and whānau-driven care and protection framework developed by Waikato-Tainui in Aotearoa New Zealand (King-Howell et al. 2025). The article traces how Mokopuna Ora emerged over more than a decade of piloting, research, evaluation, and expansion, grounded in Waikato-Tainui ancestral wisdom and lived experience. The framework—Ki Tua o Ngaku Mokopuna—draws on traditional knowledge (ngā taonga tuku iho), the values of the Kīngitanga (the Māori King Movement), and generations of Indigenous leadership, including the legacy of Te Puea, remembered as the first Māori social worker. It is presented not just as a practice guide, but as a vision, standard of excellence, and theory of change for restoring Indigenous systems of care.

King-Howell et al. argue that true transformation requires shifting authority and decision making to iwi and communities, not tokenistic partnerships. Accordingly, Waikato-Tainui is designing a tribally led, community-enabled model of care, grounded in cultural belonging, whakapapa, whanaungatanga, and ancestral worldviews. The authors situate this work as part of a broader Indigenous resurgence resisting ongoing colonial violence—including regressive legislative changes (at the time of writing, July 2025) by the conservative Coalition Government. Despite this hostile environment, the framework affirms Indigenous abundance, love, cultural strength, and a future where Mokopuna and whānau can thrive.

Chamberlain et al., in ‘Replanting the Birthing Trees: A Call to Transform Intergenerational Trauma into Cycles of Healing and Nurturing,’ situate child and family wellbeing within the enduring legacies of colonial disruption and removal of Indigenous children. The authors propose that the first two thousand days of life offer a critical window to interrupt cycles of trauma and foster nurturing environments (Chamberlain et al. 2025). Drawing on the ‘Gathering the Seeds Symposium,’ held in Boorloo (Perth, Western Australia) in 2023, and submissions to national Australian inquiries—the National Early Years Strategy and the Human Rights Commission inquiry into out-of-home care and youth justice systems, the paper emphasises Indigenous-led, culturally grounded approaches as essential for reforming child protection and youth justice systems.

The authors draw on the metaphor of “replanting the birthing trees,” which symbolises the restoration of cultural authority and community governance in early parenting support. Through storytelling, cultural connection, and trauma-informed care, the authors call for a

shift from externally imposed interventions to frameworks that embed self-determination and healing. This analysis underscores the need for systemic transformation that privileges local Indigenous knowledges and leadership as the foundation for reimagining futures for Indigenous children and families.

These contributions remind us that Indigenous systems of care are not disconnected innovations—but rather they are continuations of complex knowledge systems which are refined and developed to serve changing circumstances over thousands of years.

#### 4. Challenging Colonial Systems

Some contributors confront the ongoing harms of Western child protection systems and articulate pathways toward Indigenous-led alternatives.

Mparntwe-based authors William Tilmouth, Veronica Doolan, Jane Vadiveloo, and Jen Lorains, from 'Children's Ground' critique non-Indigenous child protection frameworks as colonial constructs that perpetuate harm and disconnection, arguing that self-determination is essential for reversing cycles of trauma (Tilmouth et al. 2025). They call for community-controlled structures that embed cultural law, kinship, and Country as the foundation for safety and wellbeing, positioning these as essential to nurturing identity, language, and cultural continuity.

Through the lens of *Apmerengentyele*—an Arrernte (First Nations language group of Central Australia) concept rooted in collective responsibility and care—the article advances a holistic, intergenerational approach that weaves together health, education, and cultural practice. It challenges deficit-based narratives and punitive interventions, advocating for strengths-based models that privilege Indigenous knowledge and leadership. This vision demands structural reform, resource redistribution, and recognition of Indigenous governance as central to realising futures where children thrive within culturally anchored systems.

B.J. Newton's 'No Child Left Behind: Insights from Reunification Research to Liberate Aboriginal Families from Child Abduction Systems' argues that contemporary removals perpetuate assimilationist logic by severing children's ties to kin, culture, and Country (Newton 2025). Highlighting the Aboriginal-led Bring Them Home, Keep Them Home programme in New South Wales, Australia, the paper uses community-based, culturally safe inquiry—grounded in the experiences of Aboriginal parents and family members alongside practitioners—to articulate how research can operate as advocacy and resistance, amplify community voices, and unsettle deficit-based, punitive paradigms that justify and normalise removal. The analysis identifies core preconditions for sustainable reunification—including cultural governance and authority, strengths-based practice, Indigenous-designed programmes, and equitable resourcing with accountability for outcomes that matter to communities—with a focus on restoration rather than removal. In the context of this Special Issue on self-determination, the article contributes a reunification-first blueprint that seeks to liberate families from removal regimes and sustain children safely at home.

Finally, Cindy Blackstock and Pamela Palmater examine the rise in class actions as a means of achieving Indigenous justice in Canada (Blackstock and Palmater 2025). They warn that class actions often clash with human rights remedies, risk undermining systemic change, and can expose victims to additional forms of exploitation. They argue that class actions can go beyond merely seeking compensation: they can draw attention to structural racism, create public records of harm through evidence and findings, and force governments to confront discriminatory funding models, practices, and policies. Framed within a human rights lens, the authors contend that collective litigation can function

as truth-telling, accountability, and a catalyst for policy transformation when it centres Indigenous authority, knowledge, and priorities.

Blackstock and Palmater map the practical constraints of class actions—which pose procedural hurdles, narrow settlement terms, and the risk of remedies that individualise harm and opportunities for redress, rather than restructuring systems. They call for a merging of legal strategies with community-led advocacy, legislative reform, and a binding accountability to Indigenous-defined outcomes. The article advances a strategy for aligning class actions with self-determination, to ensure courtroom victories translate into lasting and meaningful, rights-based change for Indigenous children and families and residential school survivors.

These articles emphasise the association between enduring colonial systems and profound ongoing harms to Indigenous children, families, and communities globally. Consistent with other contributions, the authors identify the vital role of community in the authorisation, administration, and accountability of child and family systems as an essential foundation for promoting the wellbeing of children, families, and communities.

## 5. A Shared Vision: Self-Determination as the Pathway Forward

Across all thirteen articles, a shared vision emerges: Indigenous children thrive when Indigenous peoples lead.

Whether through legislative frameworks, decision making processes, or community-driven practice, the authors show that self-determination is not an abstract principle: it is a lived practice that strengthens families, restores relationships, and transforms systems.

This Special Issue invites readers to rethink what child and family wellbeing means, who defines it, and whose knowledge counts. It challenges us to move beyond Western assumptions and to honour the depth, sophistication, and resilience of Indigenous governance and relational systems.

Most importantly, it affirms that the future of child and family systems—in Australia, Aotearoa (New Zealand), Canada, the United States, and beyond—will be shaped by Indigenous nations reclaiming their inherent and human rights, revitalising their laws, and reimagining futures where children's rights to grow up connected, loved, and culturally strong are respected.

Terri Libesman, Paul Gray, Wendy Hermeston, and Kirsten Gray (Editors of this Special Issue on Self Determination in First Peoples Child Protection).

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