Bill C92: The Act Respecting First Nations, Inuit and Metis Children, Youth and Families

- A Federal Act respecting First Nations, Inuit and Metis Children, Youth and Families.
- The Act came in to force on January 1, 2020
- The Act affirms the inherent right of (Indigenous) self-government, specifically in relation to jurisdiction for child and family services.
- The Act sets out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children;
- The Act provides legal means to change the way in which child and family services is provided to Indigenous children.
- The Act establishes national principles (best interests of the Indigenous child; cultural continuity; and substantive equality) as well as minimum standards to be met in the provision of child and family services.
- The best interest of the Indigenous child is always the paramount consideration when it comes to decision-making for that child.
- The Act will help children stay with their families and promote connections to their culture and community. It provides a framework that First Nations can use to exercise jurisdiction in relation to child and family services.

CFS Placement of Indigenous Child Under The Act

There is a priority placement for the Indigenous child which prioritizes family and community placement. (See below)

- **16 (1)** The placement of an Indigenous child in the context of providing child and family services in relation to the child, to the extent that it is consistent with the best interests of the child, is to occur in the following order of priority:
  a. with one of the child's parents
  b. with another adult member of the child's family
  c. with an adult who belongs to the same Indigenous group, community or people as the child
  d. with an adult who belongs to an Indigenous group, community, or people other than the one to which the child belongs; or with any other adult. (Includes foster parents not included in A to D)

Attachment and emotional ties

- **17** In the context of providing child and family services in relation to an Indigenous child, if the child is **not** placed with a member of his or her family to the extent that doing so is consistent with the best interests of the child, the child's attachment and emotional ties to each such member of his or her family are to be promoted.

What does The Act mean for Indigenous children?

- The importance of reuniting Indigenous children with their families and communities is firmly recognized in The Act.
- Ensures that less children come into care and more children are returned with their family and community.
- Children must be given every opportunity to experience and learn about their culture, traditions, language and stay connected to their families.
- The right for Indigenous Community leadership to develop legislation, standards and practices based on community history and traditions and to take ownership for the child and family services in their community.
- The Act recognises hundreds of years of dismantling of indigenous families, the resulting trauma, the right for families to stay together and within their communities and for Indigenous community leadership to be legally responsible for the services provided to children and families.
- System changes based on The Act may result in transformational changes to the way the system currently operates.
  - For example. Current standards related to kinship and foster care providers and places of safety care providers rights to **appeal the removal of a child** could be altered.
- This is positive, productive change for indigenous children, their families and communities.

Important Information regarding Every Child Matters

Residential schools were government-funded, often church-run schools set up in the 19th century with the primary aim of assimilating Indigenous children.
About 150,000 Indigenous children were sent to the schools, often forcibly, where they were barred from speaking their languages and practicing their traditions. Many faced extreme emotional, physical and sexual abuse.
In Canada, September 30th is recognized as Orange Shirt Day, highlighting the damage the residential school system did to the well-being of Indigenous children. Equally, it serves as a healing journey for the survivors and a commitment by all who wear an orange shirt, that Every Child Matters.

Why an Orange Shirt?

Former residential school student Phyllis (Jack) Webstad has shared her story of her first day at residential school when her new orange shirt, bought by her grandmother, was taken from her as a six-year-old girl. This act left Phyllis feeling invisible and worthless and affected the way she lived for much of her life.

Additional Information about Residential Schools

- Many of children who went to residential schools did not return home.
- Many died during their time at the residential schools and were buried in unmarked graves, in many situations parents and families were not notified of the deaths and if notified were not given specific reasons for their children's deaths.
- Children died of diseases, including tuberculosis, which spread rapidly in the unsanitary buildings and among malnourished students. Others died in accidents, in fires or by suicide. Some disappeared while running away.
- The Truth and Reconciliation Commission identified the major issue of child deaths at residential schools and recommended that the Government determine exactly what occurred and where the children were buried. **The commission said in its 2015 report that what happened at the Residential schools was akin to "cultural genocide."**
- In the past year several Indigenous communities have embarked on a process of searching the grounds of residential schools to locate the bodies of the children.
- The searches have resulted in the discovery of hundreds of bodies resulting in the traumatization of community members, the overall Indigenous communities and Canadians in general.
- Starting in 2021, the Federal Government designated September 30th as The National Day for Truth and Reconciliation.
- In January 2022, an Agreement-in-Principle was reached between the Canadian Government and Indigenous leadership groups, to allocate $40 billion dollars towards:
  - For first nations children on reserve and in Yukon removed between April 1, 1991 and March 31, 2022 and for their parents and grandparents. ($20 billion)
  - $20 billion over 5 years for the long-term reform of first nation child and family services.

What are your responsibilities as kinship and foster parents?

- **Educate** yourself about the History of Canada's Indigenous families and the impact of colonization which resulted in **intergenerational trauma** and subsequent large numbers of Indigenous children coming into care.
- Be knowledgeable of the systemic changes as they occur.
- Know who to talk to about the impact of the changes on you as kinship and foster parents.
- Understand, be clear, and communicate what you can and cannot do to support the transition of children back to their families and communities.
- Be clear about your willingness to play a role in ensuring the active steps you will take to support children and their families in reunification.
- Continue to use the Principle of Addition as a key element to success in supporting the restoration of families.