



FORT McMURRAY 468 FIRST NATION

CFS Bill C-92

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FAQ

AN ACT RESPECTING FIRST NATIONS, INUIT, AND MÉTIS CHILDREN, FAMILIES AND YOUTH

What is an Act respecting First Nations, Inuit, and Métis children, youth, and families (the Act)?

An Act respecting First Nations, Inuit, and Métis children, youth, and families (previously known as Bill C-92) is the first federal legislation passed on Indigenous Child and Family Services (CFS) within Canada.

The Act affirms First Nations, Inuit, and Métis peoples' inherent right to self-government, including jurisdiction (authority) over child and family services; sets national principles and standards for the provision of child and family services to Indigenous children, and; contributes to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

What is the historical importance of the Act as it relates to First Nation people and the child welfare system?

The legacy of the state's intervention in the lives of Indigenous people has been harmful to the First Nations, Inuit, and Métis children, youth and families. In the late 19th and 20th centuries, stemming from the federal and provincial governments' perspective that Indigenous parenting practices were negligent, irresponsible or uncivilized, policies and practices like the residential schools, the Sixties Scoop and the child welfare system were introduced across the country to remove First Nations, Inuit, and Métis children from their families. The legacy of non-Indigenous state intervention that has caused family separation, trauma, and abuse has been well recorded and contributed to the significant over-representation of Indigenous children and youth in care.

First Nation people have always opposed the federal and provincial government's established child welfare practices that have been imposed on their children. Traditional kinship principles are a core part of who First Nation people are, which includes teachings around caring for our children, supporting families, and maintaining traditional Indigenous ways of life, language, and individual and collective identities. To combat the existing practices, Delegated First Nation Agencies (DFNAs) were developed. The development of DFNAs were intended to prevent and reverse the flow of children into care and preserve and promote the cultural identity of First Nation children.

What changes now that the Act exists?

As of January 1, 2020, all child and family services providers to First Nations, Inuit, and Métis children and families in Canada must follow the national principles and minimum standards outlined in sections 9 to 17 of the Act. This ensures the best interests of the child, cultural continuity, and substantive equality are at the forefront of child and family services.

Between now and until an Indigenous Governing Body (IGBs) exercises its jurisdiction, services to First Nation children will continue to be provided following provincial child and family services legislation and policies and standards, which may be delivered by the provincial government or delegated Indigenous organizations.

What is an Indigenous Governing Body?

An Indigenous Governing Body is defined in the federal Act as:

A council, government or other entity that is authorized to act on behalf of an Indigenous group, community, or people that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982 (section 1).

The IGB can enact Indigenous laws to deliver child and family services to their member children. An IGB must demonstrate they are authorized to act on behalf of a section 35 rights holder group, community, or people by a band council resolution, a board or Annual General Meeting (AGM) resolution, a referendum or assignment.

How might the Act change the current landscape of child and family services?

There are several ways the Act will change how child and family services are structured and provided to First Nation people in Canada, some of which include:

- The Act provides a framework for First Nation people and their IGBs to enact their laws and choose solutions for the children, youth, and families from their community.
- The Act allows IGBs to develop and implement their own CFS legislation that meets all national standards and is respected by and in coordination with federal and provincial laws.
- IGBs and the people they represent can choose the CFS delivery model that fits their needs.
- The Act shifts programming to focus on prevention and early intervention and ensures First Nation children receive culturally appropriate services and are connected to their culture, language, and community.



Who will ensure the Act is being followed? What if a caseworker does not honour the new legislation? What can First Nation people do to ensure these “new standards” are adhered to?

From January 2020 onward, every person providing child and family services to First Nations, Inuit, and Métis children must follow the minimum standards within the Act.

To ensure an accountability process within the Act and that the Act is being followed, it is important for **all** caseworkers working in child protection systems providing service to First Nation children and families to document their decision-making process and rationale. This provides evidence and assurances that decisions are made following the minimum national standards and are in the best interests of the child. As the Act's implementation progresses and agreements are made with federal, provincial and territorial governments, additional measures and processes will be developed to ensure alignment with the principles and national standards.

Where can I learn more or contact someone if I have questions relating to the Act?

Please contact Megan Plews at 1-844-227-BC92 (2292) or 780-531-5957.

- **Technical Information Package:**
https://publications.gc.ca/collections/collection_2020/sac-isc/R5-747-2020-eng.pdf
- **FMFN468 CFS Bill C-92 Research Project:**
<https://fmf468.com/2023/07/12/cfs-bill-c-92-research-project/>

