



Act C-92

WHAT YOU NEED TO KNOW

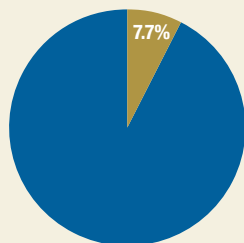
BACKGROUND

Act C-92 (previously Bill C-92) was developed to reduce the number of Indigenous children in government care and to improve the overall state of Child and Family Services (CFS) across Canada.

AN ACT RESPECTING FIRST NATIONS, INUIT, AND MÉTIS CHILDREN, YOUTH, AND FAMILIES, IT IS THE FIRST FEDERAL LEGISLATION PASSED ON THE SUBJECT OF INDIGENOUS CHILD AND FAMILY SERVICES WITHIN CANADA.

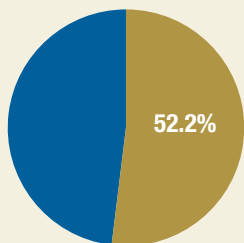
Act C-92 affirms the inherent Indigenous jurisdiction over CFS for Section 35 rights holders (*Constitution Act, 1982*) and addresses the Truth and Reconciliation Commission's Calls to Action #4: Establishing national minimal standards of CFS delivery for all Indigenous children and families. The Act relates to First Nations, "Non-status", Métis, and Inuit children, as well as their families.

Canada's Total Child Population



Indigenous children (age 0-14)

Total Children in Foster Care



Retrieved from: Canada.ca 2020

WHAT DOES THIS MEAN FOR MÉTIS ALBERTANS?

Act C-92:



Helps keep Métis children, youth, and families together and/or help return them to their families.



Recognizes and prioritizes the importance of staying connected to culture, community, and language.



Ensures socio-economic conditions, such as finances, health, and housing, are not the sole reason for apprehensions.



Enforces placement priorities for an Indigenous child. If the child cannot stay with a parent, they should be first placed with another family member.



Confirms Métis jurisdiction over CFS for Métis children, youth, and families in Alberta.



Provides an opportunity for the Métis Nation of Alberta (MNA) to enact its own laws in relation to Métis children, youth, and families in Alberta.



Allows the MNA to be notified of any significant measures taken regarding Métis children, youth, and families in Alberta.

KEY HIGHLIGHTS

The Act and its National Standards came into force January 1, 2020 in all provinces and territories in Canada.

The Act allows Indigenous governing bodies to develop and implement its own Indigenous CFS legislation that meets all National Standards and is respected by and in coordination with federal and provincial laws.

The Act provides a framework for Indigenous peoples and their governing bodies* to enact their own Indigenous laws and choose solutions for the children, youth, and families from their community.

The Act's purpose is to confirm and support the jurisdiction of Indigenous governments and organizations over First Nations, Inuit, and Métis CFS.

Indigenous governing bodies and the people they represent can choose the CFS delivery model that fits their specific needs.

The Act shifts programming to focus on prevention and early intervention and ensures Indigenous children receive culturally-appropriate services, and are connected to their culture, language, and community.

**An Indigenous governing body is the council, government, or other entity that is authorized to act on behalf of an Indigenous group, community, or people that holds rights recognized and affirmed by Section 35 of the Constitution Act, 1982.*

NATIONAL STANDARDS IN ACT C-92

Sections 8-16 of the Act can be summarized into four parts:

1. Purpose and Principles

- Affirms inherent right to self-government
- Create national standards
- Implement United Nations Declaration on the Rights of Indigenous Peoples

2. Best Interests of the Indigenous Child

- Cultural continuity
- Substantive equality*
- Family connections
- Cultural connections
- Child's views

3. Provisions of Child and Family Services

- Prevention
- Early intervention (including prenatal)
- Child protection
- Socio-economic conditions cannot be the sole reason for apprehensions

4. Placement Priority for Indigenous Children

PRIMARY PRIORITIES *(in order of priority)*

- With one of the child's parents
- With another adult member of child's family
- With an adult who belongs to the same Indigenous group, community, or people the child belongs to
- With any other adult

SECONDARY PRIORITIES

- Placement with or near other children who have the same parent (siblings)
- Customs and traditions
- Family unity

**Substantive equality is a legal principle that means achieving outcomes that are truly equal, regardless of disability, sex, gender expressions, location, etc. Substantive equality for Indigenous children and their families requires government policies, practices, and procedures to consider their historical, geographical, and cultural needs and circumstances to achieve the best interests of the child.*