

ACT C-92

What you need to know



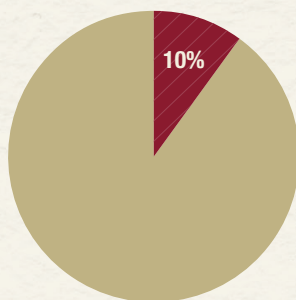
Background

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 is the first federal legislation passed on the subject of Indigenous child and family services within Canada.

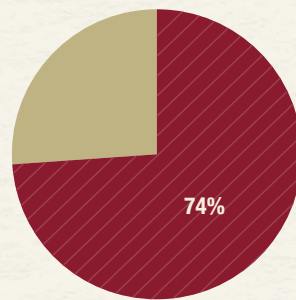
The Act provides a framework for Indigenous peoples and their governing bodies* to enact their own Indigenous laws and choose solutions for the children, youth, and families from their community.

Alberta's Total Child Population



■ Indigenous children (age 0-17)

Total Children in Alberta's Foster Care System



Retrieved from:
Open Alberta (2023)

* 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

What does this mean for Métis Albertans?

ACT C-92:



Prioritizes keeping Métis children, youth, and families together whenever possible.



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.



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



The MNA will be notified of any significant measures taken regarding Métis children, youth, and families.

National Standards In Act C-92

SECTIONS 8-16 OF THE ACT CAN BE SUMMARIZED INTO FOUR PARTS:

1. Purpose

- ∞ Affirms inherent right to self-government
- ∞ Creates national standards
- ∞ Implements United Nations Declaration on the Rights of Indigenous Peoples
- ∞ Implementing The Truth and Reconciliation Commission calls to action 1 through 5

2. Principles

- ∞ Best interests of child
- ∞ Cultural continuity
- ∞ Substantive equality*

3. Primary Considerations

- ∞ Child's physical, emotional, and psychological safety, security, and well-being
- ∞ Child's ongoing relationship with their family
- ∞ Child's ongoing relationship with their Indigenous group, community, or people in which they belong to
- ∞ Preserving child's connection to their culture

4. Factors To Be Considered

- ∞ Child's cultural, linguistic, religious, and spiritual upbringing and heritage
- ∞ Child's needs, given their age and developmental stage
- ∞ Nature and strength of child's relationship with parent(s), care provider, or family member with important role in their life.
- ∞ Importance to child to preserve their cultural identity, and connections to language and territory of Indigenous group, community, or people they belong to
- ∞ Child's views and preferences, given their age and maturity
- ∞ Any plans for child's care, including customs or traditions of Indigenous group, community, or people child belongs to
- ∞ Any family violence and impact on child, directly or indirectly
- ∞ Any civil or criminal proceeding, order, condition, or measure relevant to child's safety, security, or well-being

* 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.

KEY HIGHLIGHTS

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

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. C.92 ensures Indigenous children receive culturally appropriate services that are connected to their culture, language, and community.

The Act's purpose is to confirm and support the jurisdiction of Indigenous governments.

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.

Métis Nation of Alberta ∞ Children & Family Services

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