

Bill C-92: *An Act respecting First Nations, Inuit and Metis children, youth and families* -- A Summary

Bill C-92 is a Federal Law under the Statutes of Canada 2019 Chapter 24. It is the guideline to which the community of Akwesasne may comply with in order to develop its child and family services Law.

The following is a summary of sections relevant to law development at Akwesasne.

- The Act affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services and sets out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children, such as the best interests of the child, cultural continuity and substantive equality.
- Principles of the Act:
 - Best interests of the child;
 - Cultural continuity is integral (necessary) for the well-being of the child, including the transmission of language, culture, practices, customs, traditions, ceremonies and knowledge of Indigenous people;
 - Substantive equality: a child has the right to have their views and preferences considered in decisions that affect the child without discrimination, including a child with disabilities.
- Services provided should not contribute to assimilation of the Indigenous group
- Measures taken must be provided to the child's parents/care provider, indigenous body/community;
- Child's parents and community have a right to make representations and have party status;
- Preventative care is priority, providing it's the best interest of the child, including prenatal care;
- Child is not apprehended based solely on their socio-economic conditions;
- Reasonable efforts for the child to remain with the parent or caretaker.

First Nations may create their own law.

- Notice to the Minister and the provinces where the FN is located in.
- A coordination agreement with the Minister and the province sets out emergency services, support measures and fiscal arrangements that are sustainable, needs-based and consistent with substantive equality and any other measure related to legislative authority.
- If there were good faith efforts to enter into a coordination agreement the FN law will apply after one year the day the request was made.
- A FN law will have the force of a federal law and will prevail over the extent of a conflict or inconsistency with provincial law.
- If there is a conflict with another FN community, the services must consider which community the child has stronger ties to.

The Akwesasne Law being developed is tentatively called: the *Akwesasne Child Rights & Responsibilities Law* and more information can be found on www.akwesasne.ca/childlaw.