

ASSEMBLY OF FIRST NATIONS



BULLETIN FROM THE NATIONAL CHIEF

July 13, 2020

Regarding the Protocol on the Indigenous Child and Family Services Act

*The Assembly of First Nations issues regular updates on work underway at the national office.
More information is available at www.afn.ca.*

SUMMARY:

- On July 7, 2020, National Chief Bellegarde signed a Protocol with Minister of Indigenous Services Marc Miller, which confirms a First Nations distinctions-based approach to implementing *An Act respecting First Nations, Inuit and Métis children, youth and families*.
- The Chiefs Committee on Child and Family Services and Self-Determination (Chiefs Committee) has reviewed and supported the draft Protocol between the Assembly of First Nations (AFN) and Indigenous Services Canada (ISC).
- The Protocol is a mechanism to ensure First Nations play a key role in the development of principles and processes related to the new Indigenous child and family services legislation and that it does not impede on First Nations inherent rights or jurisdiction.
- Further updates will be provided as more information on next steps is determined.

I am sending this bulletin so that First Nations leadership have all the details regarding the Protocol I signed with the Minister of Indigenous Services Marc Miller on July 7, 2020. I want to assure Chiefs that nothing in this Protocol binds any First Nation or First Nations governing body to work within this framework.

Discussion on the Protocol began shortly after the passing of Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act). As National Chief, I was assured by Canada during the drafting process of the Act that an agreement on a First Nations-specific pathway to implementation would be established, which is what the Protocol serves to do.

I have often spoke of “occupying the field” as an important first step to regain our rightful and sovereign law-making authority. The Act affirms First Nations rights and jurisdiction over child and family services, including the authority of First Nations to establish laws grounded in their culture, beliefs and values, and sets out national standards and principles aimed to support First Nations child and family wellbeing. The Protocol is the first step in determining how the Act will be implemented, as determined by First Nations. Its main purpose is to define how Canada and the AFN will explore principles and processes that will support the transformation of First Nations child and family services and the inclusion of greater input, control and decision-making by First Nations.

In the Protocol, Canada and the AFN recognize that bilateral discussions on the implementation of the Act are necessary; however, they are not a substitute for Canada's direct engagement with First Nations and their governing bodies on child and family services. The Protocol asserts that all bilateral work must respect the inherent rights, autonomy and authority of First Nations.

The Protocol also mentions the need to explore new fiscal relationships and funding models to support First Nations child and family services.

The First Nations-in-Assembly passed AFN Resolution 16/2019, *An Act respecting First Nations, Inuit and Métis children, youth and families-Transition and Implementation Planning*, mandating the Chiefs Committee to provide input, oversight and guidance on implementation of the Act. The Chiefs Committee includes members from First Nations from all provinces and territories in Canada. The Chiefs Committee advocated for a distinctions-based Protocol to implementing the Act and negotiated the terms of the Protocol with ISC to ensure that First Nations were at the centre of this work. The Chiefs Committee reviewed and supported the Protocol in March 2020, and I am grateful for their hard work and determination throughout this process. The AFN Executive later approved the signing of the Protocol on May 5th, 2020.

For the first time in Canadian history, the Act affirms that First Nations' law is paramount to federal, provincial, and territorial law. As National Chief, I believe the Protocol is a positive step that will help ensure that the unique needs of First Nations children, youth and families are met. The signing of the Protocol was a priority for me because it ensures that a distinctions-based framework is used to implement the Act in a meaningful and respectful way.