

BILL C-92...

so what?

a toolkit for youth, by youth



GRAND COUNCIL
TREATY #3
THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3



Introduction

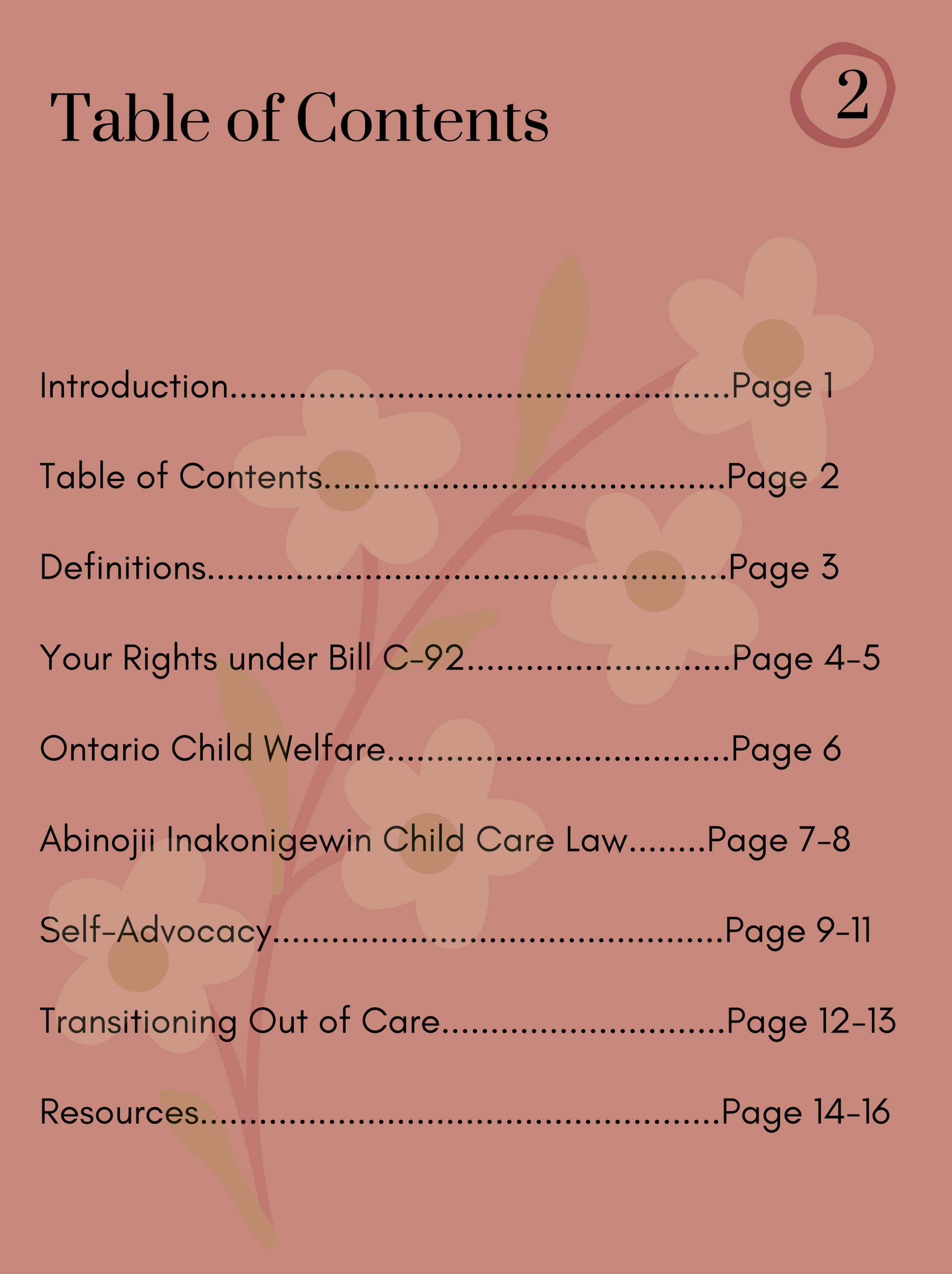
1

The Treaty #3 Oshkinigiig Youth Executive Council, with funding from Indigenous Services Canada, has developed a toolkit aimed at building engagement and awareness about youth rights under Bill C-92.

This toolkit includes information about Bill C-92, the Ontario Child, Youth and Family Services Act 2017, and Abinoojii Inakonigewin, as well as helpful resources and checklists to answer any questions you may have.



Table of Contents



Introduction.....	Page 1
Table of Contents.....	Page 2
Definitions.....	Page 3
Your Rights under Bill C-92.....	Page 4-5
Ontario Child Welfare.....	Page 6
Abinoojii Inakonigewin Child Care Law.....	Page 7-8
Self-Advocacy.....	Page 9-11
Transitioning Out of Care.....	Page 12-13
Resources.....	Page 14-16

Definitions

Child and Family services - means services to support children and families, including prevention services, early intervention services and child protection services

Family - includes a person whom a child considers to be a close relative or whom the Indigenous group, community or people to which the child belongs considers, in accordance with the customs, traditions or customary adoption practices of that Indigenous group, community or people, to be a close relative of the child

Indigenous - when this word is used in the Act, it also describes a First Nations person, an Inuk or a Métis person

Indigenous governing body - means a 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

Indigenous peoples - has the meaning assigned by the definition of aboriginal peoples of Canada in subsection 35(2) of the Constitution Act, 1982

Province (not defined in the Act) - The term “province” when used in the Act means a province of Canada, and includes Yukon, the Northwest Territories and Nunavut, unless a contrary intention appears.

Bill C-92

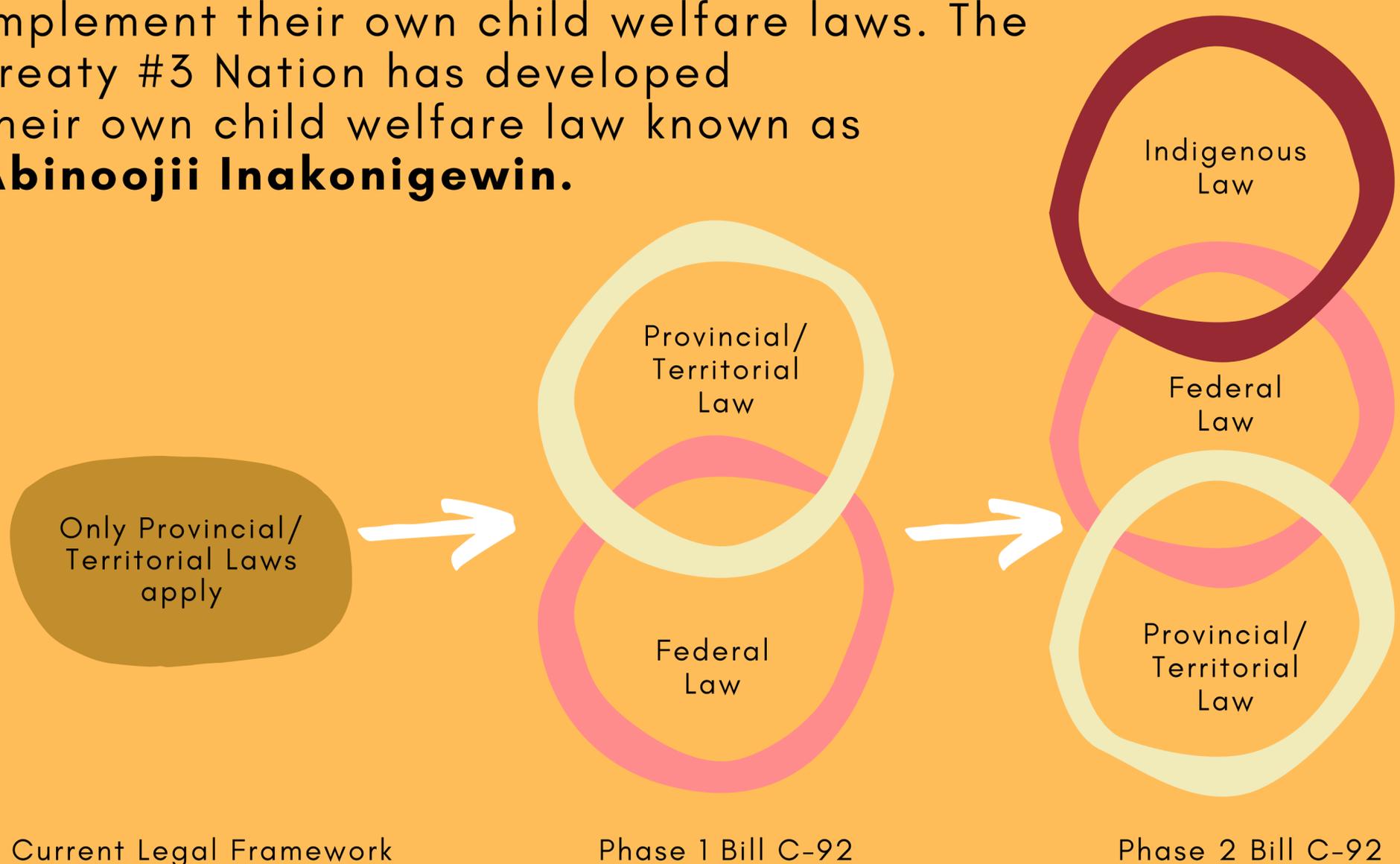
4

An Act respecting First Nations, Inuit and Metis children, youth and families

Prior to Bill C-92, child welfare legislation and its application was determined by the province or territory. Bill C-92 is the Federal Government's child welfare law that applies to all Indigenous people; the legislation recognizes Indigenous peoples inherent jurisdiction to oversee their own child welfare law and creates pathways that allow for Indigenous peoples to develop and implement their own child welfare laws. Bill C-92 is being implemented in two phases.

Phase 1 begins with the introduction of federal laws and they apply **in addition** to provincial/territorial child welfare laws.

Phase 2 is optional and at the discretion of Indigenous governments to decide to develop and implement their own child welfare laws. The Treaty #3 Nation has developed their own child welfare law known as **Abinoojii Inakonigewin**.



Bill C-92

5

An Act respecting First Nations, Inuit and Metis children, youth and families

... why should I care?

- because I'm First Nation, Inuit, or Metis and Bill C-92 applies to ALL Indigenous children and youth
- because I'm a youth in care and I need to know my rights to make informed decisions about my care and ensure my needs are being met
- because I want to know how the Federal Government is going to uphold my rights as an Indigenous youth in care
- because I have the right to engage with Bill C-92 to make sure it reflects my best interests

... how is it applied?

- Indigenous laws prevail over provincial/territorial laws
- Indigenous laws prevail over federal laws, except for sections 10-15 of Bill C-92, the *Canadian Human Rights Act*, and section 15 of *Canadian Charter of Rights and Freedoms*
- Federal laws prevail over provincial/territorial laws

Child, Youth and Family Services Act, 2017

6

Government of Ontario

The *Child, Youth and Family Services Act, 2017* (CYFSA) came into force on April 30, 2018 to replace the *Child and Family Services Act, 1990*. The purpose of the CYFSA is to centre decision-making around children and youth; to provide child, youth, and family services in a more accountable, responsive and accessible manner; and to strengthen oversight for children's aid societies and licensed residential services.

What are the key changes?

- The age of protection was raised from 16 to 18
- Adapting services to be more culturally appropriate for all children and youth
- Increased oversight of service providers and children's aid societies
- Emphasis on early intervention to prevent families from reaching crisis situations

For more information, please visit:
<http://www.children.gov.on.ca>

Abinoojii Inakonigewin

Treaty #3's Child Care Law

Abinoojii Inakonigewin (AI) is the child care law for the Treaty #3 Nation, which was adopted by the 2005 National Assembly at Big Grassy First Nation.

AI is meant to empower First Nations to exercise their inherent jurisdiction within the Treaty #3 Nation to enact laws that provide for the well-being of children; ensure their best interests are understood and given effect; and to prevent the intrusion of laws of other jurisdiction in their lives contrary to their best interests.



Abinoojii Inakonigewin

8

Treaty #3's Child Care Law

Key Principles of Abinoojii Inakonigewin

- (a) This Law applies to parental responsibilities and related responsibilities;
- (b) This Law is based on Anishinaabe concepts of parental and other responsibilities for a child and not upon concepts of parental rights such as custody;
- (c) A child exists in the cultural and social context of its family, which in turn exists in the cultural and social context of the extended family, clan, community and nation and the best interests of the child require that its cultural and social context to be supported;
- (d) Access to fundamental attributes of Anishinaabe life, including Anishinaabe identity, language, culture and society, is essential to the best interests of the child;
- e) Family Services should support and strengthen the role of families in mental, physical, emotional and spiritual care of children;
- (f) Prevention services should include a focus on the causes of molestation, abuse and abandonment;
- (g) Child and family services should be delivered at the community level;
- (h) Decisions affecting the life of a child must be free from intimidation, from political influence and from any influence that may be affect by conflict of interests;
- (i) Healing of the people is essential to caring for children.



How can I stand up for myself?

9

and all the other questions you want to ask

The person who knows best what you need is you - that's why it's important to be your own advocate.

Self-advocacy is just another way of saying to stand up for yourself; self-advocacy ensures that you have the knowledge you need to participate in making decisions about your life.

What does self-advocacy look like?

- Making your own decisions about your life
- Looking up or asking for an explanation when you don't understand
- Learning where to get information
- Surrounding yourself with people who support you
- Knowing your rights and responsibilities

When should I advocate for myself?

- When you are graduating from high school and want to discuss your future education
- You are turning 18 and want to receive continued care until 21 or you are 21 and want to receive aftercare benefits
- You want to receive counselling services
- You feel unsafe in your situation

How can I stand up for myself?

10

and all the other questions you want to ask

Who's going to listen to me?

- Your social worker or their supervisor
- Family members
- Foster parents, or other guardian
- Teacher
- School guidance counsellor
- Trusted adult

How can I prepare to talk to my worker?

- PLAN! Write out any questions or issues you have before you meet
- Draft an email or text and ask a trusted person to review it before you send
- Ask for a support person to attend a meeting with you

I feel like nothing changed...

It can be tough when you feel like your concerns aren't being heard. These are the services available to help you:

- The Office of the Children's Lawyer
- Alternative Dispute Resolution
- Agency Complaint Process

What if things don't improve?

11

a cheat sheet on how to file a complaint

What is the Office of the Children's Lawyer?

- The OCL provides legal advice, advocacy, and representation to youth about the options available to them. They independently represent the views and interests of youth.

What is Alternative Dispute Resolution?

- ADR is a disagreement resolution approach between youth and a child welfare agency. It involves family and community in decision-making and planning.

What is the Agency Complaint Process?

- An agency-specific process to resolving issues related to plans of care. You may contact the agency directly, a review board, or the Office of the Ontario Ombudsman

What should I do to access services?

- **Write** down any concerns you have. Be as detailed as possible and provide examples, such as not getting services you need
- **Talk** to a trusted individual about your situation. Research and decide the best course of action for you
- **Think** about what you need to make things easier at the meeting, such as an interpreter or support person
- **Outline** what you want to see and how it will help, such as after-care support until 21, a different worker, or new placement

Office of the Children's Lawyer
1-416-314-8000

Office of the Ontario Ombudsman
1-800-263-1830 (in Ontario or
1-416-586-3300 (outside Ontario)

I'm transitioning out of care... now what?

12

here's how to start prepping

**I am aged
16 or 17**

**I am aged
18, 19, or 20**

**I am aged
21 to 24**

Speak to your worker about the Renewed Youth Supports program

Speak to your worker about eligibility for continued care and support (financial)

Speak to your worker about the Aftercare Benefits Initiative

Ask your worker about your Registered Education Savings Plan

Ask your worker about the Stay Home for School Program

Ask your worker about counselling and life skills support

**For more information, please visit:
<http://www.children.gov.on.ca>**

I'm transitioning out of care... now what?

13

a handy dandy checklist of everything you might need before you leave

Identification

- Status Card
- Health Card
- Social Insurance Number (SIN)
- Birth Certificate

Transition Plan

- Education goals
- Transportation
- Living arrangements
- Financial planning, credit, and taxes
- Employment

Helpful People

- Friends
- Foster family
- Elders
- Social and youth worker
- Chief and Council

Career Planning

- Resume and cover letter
- Work and school references
- Bank account

Life Skills

- Computer literacy
- Budgeting
- Goal setting and planning
- Building healthy relationships

Culture

- Traditional name
- Regalia
- Smudge bowl and medicines

Here's a helping hand

14

programs and services available to youth in care, or those transitioning out

Advocacy and Research

Province of Ontario
<http://www.children.gov.on.ca>

Ontario Association of Children's Aid Societies
<https://www.oacas.org/>

Province of Manitoba
<https://www.gov.mb.ca/fs/childfam/index.html>

Manitoba First Nations Family Advocate Office
<https://firstnationsfamilyadvocate.com//>

Ontario Youth CAN
<http://ontarioyouthcan.org/>

Treaty #3 Police Services

NON-EMERGENCY 1-807-548-5474
EMERGENCY 1-888-310-1122



Social Services

Nodin Child and Family Intervention
Trish Hancharuk - 1-800-446-7863

Weechi-it-te-win Family Services
https://www.weechi.ca/youth_in_transition_program

Anishinaabe Abinoojii Family Services (AAFS)
<http://www.aafs.ca/programs-and-services/>

Firefly Child and Family Services
<http://www.fireflynw.ca/help-for-youth>

The list included within this Toolkit not exhaustive and is intended for informational purposes only. Please consult with your worker, or trusted adult, for additional assistance.

Here's a helping hand

15

programs and services available to youth in care, or those transitioning out

Health and Wellness

Paawidigong First Nations Forum

<http://pfnf.ca/programs-and-services/>

Fort Frances Tribal Area Health Services (FFTAHS).

<http://www.fftahs.com/>

Sioux Lookout First Nations Health Authority

<https://slfnha.com/health-services>

Canadian Menral Health Association

<https://www.cmhak.on.ca/>

OR

office@cmhak.on.ca

AAFS 24-hour
Line

1-866-420-9990

Programs and Services

Youth Wellness Hub - Kenora

<https://youthhubs.ca/en/sites/kenora/>

Kenora Chiefs Advisory (Youth in Transition Program)

http://www.kenorachiefs.ca/?page_id=808

Shooniyaa Wa-Biitong.

<http://www.shooniyaa.org/who-are-you/youth-2/>

Ontario Native Women's Association

<https://www.onwa.ca/sioux-lookout-services>

OR

<https://www.onwa.ca/kenora-services>

FFTAHS Kenora-
Rainy River Crisis
Line

1-866-888-8988

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