

Court File No.

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

APPLICANT

-and-

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,  
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS  
COMMISSION, CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL  
and NISHNAWBE ASKI NATION

RESPONDENTS

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AFFIDAVIT OF SONY PERRON

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I, Sony Perron, of the City of Gatineau, in the Province of Quebec, MAKE OATH AND SAY:

1. I am the Associate Deputy Minister of Indigenous Services Canada (“ISC”). I have been in my current position since December 18, 2017. Before that, I was the Senior Assistant Deputy Minister of the First Nations and Inuit Health Branch at Health Canada. I worked at Health Canada in various capacities over 16 years before joining ISC in 2017.
2. In my current capacity I work with the various sectors of ISC to implement the CHRT’s orders in this matter. In my previous role, I was ultimately responsible for the First Nations and Inuit Health Branch’s implementation of Jordan’s Principle. As a result, I understand the two groups within ISC that are most immediately affected by the Tribunal’s orders.
3. Unless otherwise stated, I have personal knowledge of everything I say in this affidavit. Where my information came from someone else, I identify the source of my information and I believe the information to be true.

4. I have reviewed the Canadian Human Rights Tribunal's Ruling and Order on compensation and have determined that ISC requires authority from Cabinet in order to determine what steps Canada will take in response.
5. The Act permits the Tribunal to order a maximum of \$40,000 per victim for pain and suffering and wilful and reckless discrimination. The Tribunal ordered Canada to pay this maximum amount to each of the following:
  - a. First Nation children living on reserve and in the Yukon who were removed from their homes, families or communities, necessarily or unnecessarily;
  - b. First Nation children who experienced gaps, delays and denials of services that would have been available under Jordan's Principle between December 12, 2007 and November 2, 2017;
  - c. The parents or grandparents who were caring for the children at the time of the removal, denial or delay, per child.
6. Canada is required to report back to the Tribunal by December 10, 2019, on a compensation process agreed to by the complainants. A failure to reach an agreement will result in the panel ordering one of its own creation.
7. I am advised, based on the department's interpretation of the Orders, that immediate implementation would require a significant investment of human and financial resources. Under normal circumstances, these decisions are made by Cabinet. As we are in a federal election, the public service is not in a position to seek the required authority to pursue meaningful discussions with the Assembly of First Nations and the First Nations Child and Family Caring Society prior to December 10, 2019, as ordered by the Tribunal.
8. Given the scope and impact of the Tribunal's decision, I believe that commencing the compensation process before the Tribunal's decision can be judicially

reviewed is unfair to the claimants, to ISC and the government more generally, and so is not in the public interest.

*Systemic Remedies Are in Place*

9. While staying the Tribunal's decision will delay implementation of the Order on compensation, it is important to note that it will not have any adverse effect on the provision of essential services to First Nations' children. The systemic remedies previously ordered by the Tribunal have either been fully implemented or are being implemented to ensure that First Nations children, families and communities have access to essential services and supports required. The measures enacted in response to the Tribunal's orders reduce the need for immediate compensation by ensuring that immediate needs are satisfied.
10. I provide ISC's best estimates of the impact of the decision and the resources required to implement it below. My goal is not to focus on the amounts spent but to show that ISC is committed to implementing the Tribunal's Orders regarding systemic remedies to ensure that the discrimination found by the Tribunal is addressed and the affected children obtain the services they need.
11. Canada has either implemented or is in the process of implementing all of the Tribunal's Orders of 2016, 2017, 2018, and 2019. Canada has increased funding to delegated First Nations agencies, nearly doubling the budget from \$681 million to \$1.2 billion. With this new funding, ISC has increased agency fixed budgets, and is covering actual costs in a number of areas.
12. For example, ISC is covering 100% of costs for small agencies to ensure that they are able to provide programming and respond to emergencies effectively. The department is also paying 100% of building repairs for all agencies to ensure that buildings where services are offered are up to health and safety standards. In Ontario, ISC is also paying 100% of costs related to Band Representatives. Band Representatives ensure that First Nations and the best interest of a First Nation child are represented at proceedings that are before the Court in child protection

matters. Additionally, through implementation of the rulings on Jordan's Principle, the Department has committed to ensuring that First Nations children receive services within the timelines ordered by the Tribunal.

13. The Department works with the Parties to the complaint to implement the 2016, 2017, 2018 and 2019 Orders through the Consultation Committee on Child Welfare, in addition to engaging with the National Advisory Committee on First Nations Child and Family Services Program Reform and Jordan's Principle Operations Committee. Engagement with First Nation communities, their members and recipient organizations is already an ordinary part of the Department's implementation of the Tribunal's orders, be it through headquarters or in the Regions.
14. In addition to implementing the Orders, in 2018, ISC introduced the Community Wellbeing and Jurisdiction Initiative (CWJI) funding stream to support First Nations communities to lead the development and delivery of prevention services and to exercise jurisdiction over the well-being of their children and families.
15. Through engagement with First Nation partners since 2016, it became clear that community specific funding was required. The introduction of a new funding stream is designed to enable projects that specifically allow communities to expand the number and breadth of prevention and well-being initiatives, in addition to supporting First Nations in developing and implementing jurisdictional models.
16. New terms and conditions were also developed in consultation with the Parties to the complaint, that are broader and allow for increased activities, especially in the area of prevention supporting agencies and communities to meet the goal of providing culturally appropriate child and family services to First Nations children and families living on reserve that are reasonably comparable to those provided off reserve.

*Child and Family Services*

17. ISC's First Nations Child and Family Services program ("FNCFS") funds prevention and protection services to support the safety and well-being of First Nations children and families living on reserve and in the Yukon. The program has four streams of funding: operations, prevention, maintenance and the Community Well-Being and Jurisdiction Initiative.
18. As previously mentioned, the budget for child and family services was nearly doubled between 2015/16 and 2018/19 from \$681 million to \$1.2 billion. Ninety eight percent of that funding goes directly to First Nations children and families.
19. A significant effort has been made to improve and reform the FNCFS Program. In Budget 2018 alone, Canada committed to an investment of \$1.4 billion over 6 years (starting in 2017/18) to address funding pressures facing child and family service agencies and increase prevention services to ensure that First Nations children and families have access to the services they need.
20. ISC reports weekly to the Parties of the Tribunal and, as of September 6, 2019, the Department has paid \$304.9 million in actual claims since February 1, 2018. The most recent report available showing this is attached to my affidavit as Exhibit A.

*Jordan's Principle*

21. ISC has approved more than 350,000 requests under Jordan's Principle to address unmet needs in health, social and education within ordered timeframes of the Tribunal (12 to 48 hours for individual requests). This is one of the major initiatives put in place to address the systemic discrimination identified by the Tribunal. The government has committed nearly \$2 billion to Jordan's Principle since 2016 in addition to the investment in child and family services.

	Individual Requests (%)	Group Requests (%)
<b>Education</b>	21.2	8.6
<b>Respite</b>	14.6	10.4
<b>Mental Wellness</b>	8.8	33.0
<b>Allied Health</b>	8.6	18
<b>Social</b>	7.9	7.8
<b>Medical Equipment &amp; Supplies</b>	7.8	1.4
<b>Medical Transportation</b>	6.9	0.1
<b>Travel</b>	5.2	1.0
<b>Orthodontic</b>	4.7	-
<b>Dental Excluding Orthodontic</b>	3.3	-
<b>Nutritional Supplements</b>	3.3	0.01
<b>Infrastructure</b>	2.1	2.7
<b>Healthy Child Development</b>	1.5	4.4
<b>Eye and Vision Care</b>	1.2	0.002
<b>Prescriptions and Medications</b>	1.0	-
<b>House Items</b>	0.9	-
<b>Miscellaneous</b>	0.5	-
<b>Other Medical</b>	0.4	0.7
<b>Communications</b>	0.1	-
<b>Unknown</b>	-	8.9
<b>Youth Program</b>	-	1.7
<b>Unspecified (Enhanced Funding)</b>	-	1.2

22. In its May 2017 decision, the Tribunal ordered Canada to review all denied Jordan's Principle requests dating back to April 2009. Canada elected to review

all requests back to April of 2007 in order to honour the House of Commons' commitment to Jordan's Principle on that date.

23. ISC identified 203 denied claims between April 1, 2007 and November 2, 2017 (the date the Tribunal determined that the discrimination in Jordan's Principle ended). ISC also found an additional 123 claims that were denied under Jordan's Principle but funded by another program and so we didn't review those requests.
24. For context, the following are examples of requests that were initially denied but subsequently approved in the review:
  - Stroller and swivel wheel kit at a cost of \$2,319;
  - Swing chair at \$1,700;
  - Tablet at \$1,000;
  - Education and behavioural assessment at \$5,700;
  - Speech language therapy at \$2,423;
  - Provider training to support child with autism at \$10,781;
  - Student tutoring at \$200; and,
  - Reimbursement for ambulance transportation at \$440.
25. While it was not ordered by the Tribunal, ISC has also committed to reimbursing children and their families/guardians for out-of-pocket services, supports or products since July 2016 that would have been eligible under Jordan's Principle but were not submitted. We extended the scope to include out-of-pocket expenses incurred to support the children/families who did not know about Jordan's Principle. This commitment was made in consideration of those who were unaware of the review, despite our efforts to publicize it on a national scale.

26. A total of \$150.5 million was expended in support of Jordan's Principle in the 2017/18 fiscal year and \$366.41 million was expended in 2018/19. I requested an update on ISC's recent spending on Jordan's Principle child and am advised, and believe, that between April 1, 2019, and August 31, 2019, an estimated 136,003 products and services were approved under Jordan's Principle. Of the total number of product and services approved, 9,746 products and services were administered directly by ISC and the remaining 126,257 products and services were approved for administration by partner organizations and communities. During this same time period, from April 1, 2019, to August 31, 2019, \$309.66M has been expended or committed in support of Jordan's Principle for Fiscal Year 2019-2020.
27. As illustrated by the examples above, Canada is committed to implementing the systemic remedies ordered by the Tribunal and there are significant remedial and corrective actions taking place within ISC. These changes represent a significant investment, although we recognize that the long-standing challenges faced by First Nations children, families and communities. Again, the point here is not to focus on the amounts spent, but to show that our commitment to implementation of previous orders ensures that the discrimination found by the Tribunal has been seriously addressed such that children are getting the services they need.

*ISC has Taken Significant Steps to Address Systemic Discrimination*

28. The discrimination in the funding of child and family services on reserve is already being addressed by the department. In addition to the significant increases in spending on child and family services, Canada is working to substantially reform child and family services for all Indigenous peoples. *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, ("Act") a copy of which is attached as Exhibit B, is an important step in that reform.
29. The Act affirms the inherent right of Indigenous Peoples to self-governance, which includes jurisdiction in relation to child and family services; establishes national principles such as the best interests of the child, cultural continuity, and

substantive equality applicable to the provision of child and family services in relation to Indigenous children; and contributes to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

30. The Act also establishes National Standards that are consistent with the Tribunal's 2016 findings about the need to eliminate incentives for Indigenous children to be taken into care instead of staying with their family; for the best interests of the child to be the paramount consideration in cases of child apprehension; and for a reassessment to occur on an ongoing basis of whether it would be appropriate to place an Indigenous child with family where the child is placed elsewhere.
31. Canada has either complied or is engaged in complying with all of the Tribunal's previous orders. I understand that the details of Canada's compliance are being submitted via the affidavits of other ISC affiants prepared to support our submissions before the Tribunal on the issue of retention of jurisdiction. I note that the affiants were cross-examined on that evidence in that context as well.

*Impact of Having to Implement the Tribunal's Compensation Order*

32. The scale of what the Tribunal has ordered, the difficulty of identifying potential claimants and the significant resources required to comply with it may not be immediately clear from simply reading the judgment. ISC's ability to manage the implementation of the Tribunal's Orders will require instructions from Cabinet, as it involves funding and a significant expansion of both the Program's and ISC's operational budgets and human resource requirements.
33. Without presuming what process the Tribunal will adopt to pay the compensation and recognizing that we are still in the process of reviewing and understanding the Order, significant resources would be required to implement the Order. Estimating the impact is very difficult as there were no individual or representative complainants before the Tribunal and no evidence about class size in the compensation submissions.

34. It would be impossible to satisfy a judgment of this scale within the current departmental budget. Cabinet authority would be required, as well as a source of funds through the federal funding process.
35. While several implementation issues would need to be worked through with the Parties and I do not want to presuppose the results of these discussions, it is reasonable to believe that the identification of claimants and payment of compensation would require a significant infrastructure investment either inside or outside the federal government.
36. Based on the Government's experience implementing orders for compensation on large class actions settlements, such as the Indian Residential Schools Settlement Agreement or the Sixties Scoop Settlement Agreement, which was run externally by a third-party claims administrator, it is reasonable to believe that the implementation of the Tribunal's Order for compensation would be extremely costly and complex.
37. Identifying and validating claimants would require significant collaboration with First Nations, with provincial/territorial delegated child and family services agencies, and potentially with provincial and territorial governments. For instance, the majority of ISC funded health, social and education programs and services are administered by communities through contribution agreements with Canada. As a result, communities will have to provide information to assist Canada in identifying children whose requests were denied and unreasonably delayed. I note that these partners may be barred by privacy legislation, specifically as it relates to removal based on allegations of abuse, from providing the Government or claims administrator claimants' personal information to support claims of compensation.
38. From my previous experience in working collaboratively with First Nations partners and communities, I believe it would take more than the three months

given to set agreeable parameters of implementation and many more months to set up the infrastructure to identify claimants and issue payments.

39. The financial impact of the decision is currently being assessed based on the department's best information regarding the number of children in care starting in 2005. The preliminary estimate is that it would cost between \$5 and \$6 billion to satisfy the removals aspect of the Order alone if the compensation ordered by the Tribunal was entirely paid out before the end of 2020. It is estimated that satisfying the entire Order could cost up to \$7.9 billion depending on the final percentage of children necessarily removed from care, if the compensation process continues until 2025-26. Estimates going forward are also based on the current Bank of Canada interest rate. If that should increase in the future, the final payout will be higher
40. The FNCS manages the existing \$1.2 billion envelope of funding, including implementing the Tribunal's previous orders, with a staff of 49 employees and an annual operating budget of \$7 million. Assuming that the government would either undertake the compensation process directly or be expected to pay for an independent process, I assume that the program would require a significant increase to its operating budget. Given the complexity of this Order, and the real possibility that the department would need to communicate with the individuals and families, I also expect that ISC would need significant additional resources. Based on the department's previous experience implementing orders for compensation, that could be anywhere in the range of 50 to 200 new employees, or potentially higher, and would depend on the complexity of the implementation process, which has yet to be determined.
41. My point here is not to identify these costs with precision, as this is impossible at this early stage, but simply to note that, based on past experience, the compensation process is likely to be complex, lengthy, and resource-intensive.

*Potential harm to Canada's relationship with the Claimants*

42. If the Tribunal's Order is not stayed, the parties would have to initiate discussion and commence work on implementing the Order while it is under review before the Federal Court and may be subject to further orders from the Tribunal during the judicial review.
43. If the Order is not stayed, ISC will have to initiate communication about the compensation process, engage partners to assist in identifying claimants, invite claimants to apply and ask them to speak of their experiences, all while there is a risk that the process may be altered by a future decision of the Federal Court.
44. Beginning the process of reviewing more than a decade's worth of files, identifying claimants and assessing claims, only to stop the process if the judicial review application is allowed and the Tribunal's orders set aside, would be very damaging to ISC's relationship with First Nations people. Given the sensitive nature of this task, and for the reasons stated above, it would be very challenging to start implementing the Tribunal's Orders without certainty that it is valid.
45. A change of direction as a result of a Federal Court decision would create an untenable conflict between the government's obligations to practice sound financial management and the well-being of those who would have received compensation. Cabinet would have to decide whether to pursue reimbursement from individual claimants or to accept the loss of a significant public funds without releases from the recipients or the ability to off-set the money paid against damages in the class action claim to follow.

*No Ruling on the Definition of First Nations Child*

46. The Tribunal awarded compensation for breaches of Jordan's Principle and delays in providing services but has not yet determined who qualifies for this compensation because it has not yet issued its judgment on the definition of a First Nations child. I am advised by Justice Counsel that we cannot wait for that

decision, in order to understand the full impact of this decision, because of the short timeline permitted for filing judicial review applications.

*Conclusion*

47. In conclusion, the issue here is not whether the discrimination identified by the Tribunal existed. Canada has accepted that result and is addressing it. The issue for ISC is that the Tribunal has issued a sweeping decision that will significantly impact ISC and Crown-Indigenous relations and that raises important questions of public policy that only Cabinet can decide. The government will continue to address the needs of children while the Federal Court assesses the Tribunal's decision.
48. I make this affidavit in support of the Attorney General's motion to stay the Order of the Tribunal and for no other purpose.

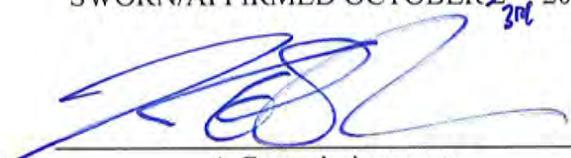
SWORN BEFORE ME  
at the City of Ottawa,  
in the Province of Ontario

This 3<sup>rd</sup> day of October, 2019

A COMMISSIONER, ETC.  
Sonny Perron

THIS IS EXHIBIT "A" REFERRED TO IN  
THE AFFIDAVIT OF SONY PERRON,  
SWORN/AFFIRMED OCTOBER 2<sup>nd</sup> 2019.

*3rd*



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A Commissioner, etc.

Jordan's Principle August 2019 Monthly Report

Funding for Jordan's Principle is being distributed in two ways, either directly through Indigenous Services Canada (ISC) or through community partners and partner organizations. In the first case, First Nations children requiring products and services apply directly to ISC for support and these requests are then managed by ISC.

In the second case, First Nations children requiring products or services can be identified by a partnering community or service organization. Partners are funded by ISC to assess cases as well as to facilitate and track access to products and services delivered. At the time of application, an estimated number of children requiring products or services is provided to ISC. At the end of the funding cycle, partners report on the actual number of children served and the products and services provided.

Between April 1, 2019, and August 31, 2019, there were an estimated 136,003 products and services approved by Jordan's Principle. Of the total number of product and services approved, 9,746 products and services were administered directly by ISC. The remaining 126,257 products and services were approved for administration by partner organizations and communities.

**Table 1: JORDAN'S PRINCIPLE – Approved Products and Services, July 1, 2016 - August 31, 2019**

Region	Total Approved Requests 2016-2017 Fiscal Year	Total Approved Requests 2017-2018 Fiscal Year	Total Approved Requests 2018-2019 Fiscal Year	2019-2020 Fiscal Year Requests			Total Approved Requests, July 1, 2016 – August 31, 2019
				Total Approved ISC Managed Individual Requests	Total Approved Community Managed Group Requests	Total Approved Requests (to August 31, 2019)	
Alberta	43	2,344	10,229	457	8,442	8,899	21,515
Atlantic	18	2,809	8,355	2,637	3,655	6,292	17,474
British Columbia	7	1,617	5,513	1,008	589	1,597	8,734
Manitoba	3,695	9,852	32,606	905	71,032	71,937	118,090
Northern/Yukon	1	60	4,767	261	4,143	4,404	9,232
Ontario	630	49,494	44,757	2,499	27,199	29,698	124,579
Quebec	33	3,529	14,694	774	5,218	5,992	24,248
Saskatchewan	513	7,186	19,411	1,205	5,979	7,184	34,294
<b>TOTAL</b>	<b>4,940</b>	<b>76,891</b>	<b>140,332</b>	<b>9,746</b>	<b>126,257</b>	<b>136,003</b>	<b>358,166</b>

Notes:

1. The number of products and services in Community managed requests is an estimate provided by partner organizations and communities. The final number of services as well as the number of clients served with this funding is due to be reported by communities and service providers at the end of the funding period.
  2. The number of products and services requested by partner organizations and communities in 2019-2020, reported above, may include a continuation of products and services that were previously requested and approved in Fiscal Year(s) 2016-2017, 2017-2018 or 2018-2019 for multiple years.
  3. Approved Inuit individual requests as well as community managed requests from Nunavut are not included in the report.
  4. Data validation activities on regional submissions are ongoing. There is an increase in previously reported 2018-2019 approvals due to ongoing regional submissions.
- \* Total approved products and services for community managed group requests in the Manitoba region have increased from 9,227 estimated number of children in June 2019 to 71,032 in July 2019 (an increase of 61,805). This is because of the data reconciliation that the Manitoba region did in July 2019.

Table 2: JORDAN'S PRINCIPLE – Summary of Expenditures & Hard commitments for Grants and Contributions for August 2019

Region	Expenditures in Millions				
			April 1 – August 31, 2019		
	2017-2018 FY	2018-2019 FY	Actuals (A)	Commitments (Hard) (B)	Total (A+B)
Alberta	\$11.61	\$38.86	\$28.86	\$26.51	\$55.36
Atlantic	\$6.62	\$29.42	\$12.93	\$5.68	\$18.80
British Columbia/FNHA	\$1.63	\$27.27	\$0.03	\$0.18	\$0.21
Manitoba	\$57.66	\$77.12	\$45.58	\$45.69	\$91.27
Northern/Yukon	\$0.22	\$7.86	\$3.55	\$9.10	\$12.64
Ontario	\$58.51	\$126.64	\$22.42	\$55.75	\$78.18
Quebec	\$2.83	\$15.15	\$4.16	\$5.26	\$9.42
Saskatchewan	\$9.26	\$40.97	\$35.17	\$6.10	\$41.27
HQ SPPI	\$2.16	\$3.12	\$1.03	\$1.47	\$2.50
<b>TOTAL</b>	<b>\$150.50</b>	<b>\$366.41</b>	<b>\$153.72</b>	<b>\$155.95</b>	<b>\$309.66</b>

### Summary

- From July 2016 to August 31, 2019, the Government of Canada approved an estimated 358,166 products and services for First Nations children.
- From April 1, 2019, to August 31, 2019, the Government of Canada approved an estimated 136,003 products and services for First Nations children.
- The Government of Canada approved approximately 140,332 products and services for First Nations children in Fiscal Year 2018-2019, 76,891 products and services in Fiscal Year 2017-2018 and 4,940 products and services in Fiscal Year 2016-2017.
- To date, the majority of the products and services are delivered by communities and service organizations.
- Examples of services and products that Jordan's Principle covers include respite care, mental health supports, speech language pathology, physiotherapy, occupational therapy, educational support devices, adaptive and sensory equipment, mobility aids, and other medical services.
- Summary of Expenditures is only for grants and contributions. Service coordination funding is included.
- As of March 31, 2018, a total of \$150.50M was expended in support of Jordan's Principle in Fiscal Year 2017-2018 and an additional \$366.41M was expended in 2018-2019.
- From April 1, 2019, to August 31, 2019, \$309.66M has been expended or committed in support of Jordan's Principle for Fiscal Year 2019-2020.

THIS IS EXHIBIT "B" REFERRED TO IN  
THE AFFIDAVIT OF SONY PERRON,  
SWORN/AFFIRMED OCTOBER 2<sup>nd</sup> 2019.

*3rd*



A Commissioner, etc.

First Session, Forty-second Parliament,  
64-65-66-67-68 Elizabeth II, 2015-2016-2017-2018-2019

HOUSE OF COMMONS OF CANADA

BILL C-92

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

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AS PASSED

BY THE HOUSE OF COMMONS

JUNE 3, 2019

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Première session, quarante-deuxième législature,  
64-65-66-67-68 Elizabeth II, 2015-2016-2017-2018-2019

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-92

Loi concernant les enfants, les jeunes et les  
familles des Premières Nations, des Inuits et  
des Métis

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ADOPTÉ

PAR LA CHAMBRE DES COMMUNES

LE 3 JUIN 2019

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## SUMMARY

This enactment 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.

## SOMMAIRE

Le texte affirme les droits et la compétence des peuples autochtones en matière de services à l'enfance et à la famille et énonce des principes applicables, à l'échelle nationale, à la fourniture de tels services à l'égard des enfants autochtones, notamment l'intérêt de l'enfant, la continuité culturelle et l'égalité réelle.

## BILL C-92

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

## PROJET DE LOI C-92

Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis

### Preamble

Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples;

Whereas Canada ratified the United Nations Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination;

Whereas Parliament recognizes the legacy of residential schools and the harm, including intergenerational trauma, caused to Indigenous peoples by colonial policies and practices;

Whereas Parliament recognizes the disruption that Indigenous women and girls have experienced in their lives in relation to child and family services systems and the importance of supporting Indigenous women and girls in overcoming their historical disadvantage;

Whereas Parliament recognizes the importance of reuniting Indigenous children with their families and communities from whom they were separated in the context of the provision of child and family services;

Whereas the Truth and Reconciliation Commission of Canada's Calls to Action calls for the federal, provincial and Indigenous governments to work together with respect to the welfare of Indigenous children and calls for the enactment of federal legislation that establishes national standards for the welfare of Indigenous children;

Whereas Parliament affirms the right to self-determination of Indigenous peoples, including the inherent right of self-government, which includes jurisdiction in relation to child and family services;

Whereas Parliament affirms the need

to respect the diversity of all Indigenous peoples, including the diversity of their laws, rights,

### Préambule

Attendu :

que le gouvernement du Canada s'est engagé à mettre en œuvre la Déclaration des Nations Unies sur les droits des peuples autochtones;

que le Canada a ratifié la Convention des Nations Unies relative aux droits de l'enfant et la Convention internationale sur l'élimination de toutes les formes de discrimination raciale;

que le Parlement reconnaît les séquelles découlant des pensionnats indiens ainsi que les torts, notamment les traumatismes intergénérationnels, causés aux peuples autochtones par les politiques et les pratiques coloniales;

que le Parlement reconnaît les bouleversements subis par les femmes et les filles autochtones en lien avec les systèmes de services à l'enfance et à la famille et l'importance de les aider à surmonter les désavantages historiques auxquels elles sont confrontées;

que le Parlement reconnaît l'importance de réunir avec leurs familles et leurs collectivités les enfants autochtones qui en ont été séparés dans le cadre de la fourniture de services à l'enfance et à la famille;

que la Commission de vérité et réconciliation du Canada a lancé des appels à l'action demandant aux gouvernements fédéral, provinciaux et autochtones de travailler ensemble pour le bien-être des enfants autochtones et demandant l'édiction de dispositions législatives fédérales qui établissent des normes nationales à cette fin;

que le Parlement affirme le droit à l'autodétermination des peuples autochtones, y compris le droit inhérent à l'autonomie gouvernementale lequel comprend la compétence en matière de services à l'enfance et à la famille;

treaties, histories, cultures, languages, customs and traditions,	que le Parlement affirme la nécessité :
to take into account the unique circumstances and needs of Indigenous elders, youth, children, persons with disabilities, women, men and gender-diverse persons and two-spirit persons,	de respecter la diversité de tous les peuples autochtones, notamment en ce qui a trait à leurs lois, à leurs droits, à leurs traités, à leur histoire, à leur culture, à leur langue, à leurs coutumes et à leurs traditions,
to address the needs of Indigenous children and to help ensure that there are no gaps in the services that are provided in relation to them, whether they reside on a reserve or not,	de reconnaître la situation et les besoins propres aux aînés, aux jeunes, aux enfants, aux femmes ou aux hommes autochtones, ainsi que ceux propres aux Autochtones ayant un handicap, de diverses identités de genre ou bispirituels,
to eliminate the over-representation of Indigenous children in child and family services systems, and	de combler les besoins des enfants autochtones et d'aider à faire en sorte que les services qui sont fournis à leur égard ne comportent pas de lacune, et ce, qu'ils résident ou non dans une réserve,
to enact legislation for the benefit of Indigenous children, including First Nations, Inuit and Métis Nation children;	de mettre fin à la surreprésentation des enfants autochtones dans les systèmes de services à l'enfance et à la famille,
Whereas the Government of Canada is committed to working in cooperation and partnership with Indigenous peoples to support the dignity and well-being of Indigenous children and youth and their families and communities, as well as the achievement of their full potential, and to respecting, strengthening and building on the accomplishments of Indigenous peoples in this regard,	d'édicter des dispositions législatives pour le bien des enfants autochtones, notamment ceux d'entre eux qui sont issus d'une première nation, qui sont des Inuits ou qui sont issus de la Nation métisse;
to achieving reconciliation with First Nations, the Inuit and the Métis through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership, and	que le gouvernement du Canada s'est engagé :
to engaging with Indigenous peoples and provincial governments to support a comprehensive reform of child and family services that are provided in relation to Indigenous children;	à travailler en coopération et en partenariat avec les peuples autochtones afin de favoriser la dignité, le bien-être et le plein épanouissement des enfants et des jeunes autochtones, de leurs familles et de leurs collectivités et à respecter, à renforcer et à utiliser comme fondement les réalisations de ces peuples à cet égard,
And whereas the Government of Canada acknowledges the ongoing call for funding for child and family services that is predictable, stable, sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities;	à mener à bien la réconciliation avec les Premières Nations, les Inuits et les Métis grâce à des relations renouvelées de nation à nation, de gouvernement à gouvernement et entre les Inuits et la Couronne, qui reposent sur la reconnaissance des droits, le respect, la coopération et le partenariat,
	à dialoguer avec les peuples autochtones et les gouvernements des provinces pour appuyer une réforme en profondeur des services à l'enfance et à la famille fournis à l'égard des enfants autochtones;
	que le gouvernement du Canada reconnaît la demande constante d'obtention d'un financement des services à l'enfance et à la famille qui soit prévisible, stable, durable, fondé sur les besoins et conforme au principe de l'égalité réelle afin d'atteindre des

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## Interpretation

### Definitions

1 The following definitions apply in this Act.

**care provider** means a person who has primary responsibility for providing the day-to-day care of an Indigenous child, other than the child's parent, including in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs. (*fournisseur de soins*) 5

**child and family services** means services to support children and families, including prevention services, early intervention services and child protection services. (*services à l'enfance et à la famille*)

**coordination agreement** means an agreement referred to in subsection 20(2). (*accord de coordination*)

**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. (*famille*)

**Indigenous**, when used in respect of a person, also describes a First Nations person, an Inuit or a Métis person. (*autochtone*)

**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. (*corps dirigeant autochtone*)

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

**Minister** means the Minister designated under section 6. (*ministre*) 35

résultats qui sont positifs à long terme pour les enfants, les familles et les collectivités autochtones,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte : 5

## Définitions et interprétation

### Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

**accord de coordination** L'accord visé au paragraphe 20(2). (*coordination agreement*)

10 **autochtone** S'agissant d'une personne, vise notamment celle issue d'une première nation, un Inuit ou un Métis. (*Indigenous*)

15 **corps dirigeant autochtone** Conseil, gouvernement ou autre entité autorisé à agir pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones titulaires de droits reconnus et confirmés par l'article 35 de la Loi constitutionnelle de 1982. (*Indigenous governing body*)

20 **famille** Vise notamment toute personne que l'enfant considère être un proche parent ou qui, conformément aux coutumes, aux traditions ou aux pratiques coutumières en matière d'adoption du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie, est considérée par ce groupe, cette collectivité ou ce peuple être un proche parent de l'enfant. (*family*) 25

25 **fournisseur de soins** S'entend de toute personne qui a la responsabilité principale de fournir des soins quotidiens à un enfant autochtone, autre qu'un parent — mère ou père — de celui-ci, notamment en conformité avec les coutumes ou les traditions du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie. (*care provider*)

30 **ministre** Le ministre désigné en vertu de l'article 6. (*Minister*)

**peuples autochtones** S'entend au sens de *peuples autochtones du Canada*, au paragraphe 35(2) de la Loi constitutionnelle de 1982. (*Indigenous peoples*) 35

**services à l'enfance et à la famille** Services de soutien aux enfants et aux familles, notamment des services de prévention, d'intervention précoce et de protection des enfants. (*child and family services*) 40

### Rights of Indigenous peoples

2 This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

### Conflict — existing agreement

3 If there is a conflict or inconsistency between a provision that is in an agreement — including a treaty or a self-government agreement — that contains provisions respecting child and family services, concluded before the day on which subsection 18(1) comes into force, between an Indigenous group, community or people and Her Majesty in right of Canada or of a province and a provision of this Act or the regulations, the provision that is in the agreement prevails to the extent of the conflict or inconsistency.

### Minimum standards

4 For greater certainty, nothing in this Act affects the application of a provision of a provincial Act or regulation to the extent that the provision does not conflict with, or is not inconsistent with, the provisions of this Act.

### Nunavut Act

5 Subject to section 4, nothing in this Act affects the Legislature for Nunavut's legislative powers referred to in section 23 of the *Nunavut Act*.

## Designation of Minister

### Order in council

6 The Governor in Council may, by order, designate any federal minister to be the Minister referred to in this Act.

## Her Majesty

### Binding on Her Majesty

7 This Act is binding on Her Majesty in right of Canada or of a province.

## Purpose and Principles

### Purpose

8 The purpose of this Act is to

(a) affirm the rights and jurisdiction of Indigenous peoples in relation to child and family services;

### Droits des peuples autochtones

2 La présente loi maintient les droits des peuples autochtones reconnus et confirmés par l'article 35 de la *Loi constitutionnelle de 1982*; elle n'y porte pas atteinte.

### Conflit — accord existant

3 Les dispositions de tout accord — notamment d'un traité ou d'un accord sur l'autonomie gouvernementale — comprenant des dispositions relatives aux services à l'enfance et à la famille qui a été conclu avant la date d'entrée en vigueur du paragraphe 18(1) entre, d'une part, un groupe, une collectivité ou un peuple autochtone et, d'autre part, Sa Majesté du chef du Canada ou d'une province l'emportent sur les dispositions incompatibles de la présente loi et de ses règlements.

### Normes minimales

4 Il est entendu que la présente loi ne porte atteinte à l'application des dispositions d'aucune loi provinciale — ni d'aucun règlement pris en vertu d'une telle loi — dans la mesure où elles ne sont pas incompatibles avec les dispositions de la présente loi.

### Loi sur le Nunavut

5 Sous réserve de l'article 4, la présente loi ne porte pas atteinte à la compétence législative de la Législature du Nunavut visée à l'article 23 de la *Loi sur le Nunavut*.

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## Désignation du ministre

### Pouvoir du gouverneur en conseil

6 Le gouverneur en conseil peut, par décret, désigner le ministre fédéral visé par le terme « ministre » figurant dans la présente loi.

## Sa Majesté

### Obligation de Sa Majesté

7 La présente loi lie Sa Majesté du chef du Canada ou d'une province.

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## Objet et principes

### Objet

8 La présente loi a pour objet :

a) d'affirmer les droits et la compétence des peuples autochtones en matière de services à l'enfance et à la famille;

- (b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and  
  
(c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

**Principle — best interests of child**

9 (1) This Act is to be interpreted and administered in accordance with the principle of the best interests of the child.

**Principle — cultural continuity**

(2) This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:

- (a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people;  
  
(b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity;  
  
(c) a child's well-being is often promoted when the child resides with members of his or her family and the culture of the Indigenous group, community or people to which he or she belongs is respected;  
  
(d) child and family services provided in relation to an Indigenous child are to be provided in a manner that does not contribute to the assimilation of the Indigenous group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people; and  
  
(e) the characteristics and challenges of the region in which a child, a family or an Indigenous group, community or people is located are to be considered.

**Principle — substantive equality**

(3) This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:

- (a) the rights and distinct needs of a child with a disability are to be considered in order to promote the child's participation, to the same extent as other children, in the activities of his or her family or the Indigenous group, community or people to which he or she belongs;

- b) d'énoncer des principes applicables à la fourniture de services à l'enfance et à la famille à l'égard des enfants autochtones, et ce, à l'échelle nationale;  
  
c) de contribuer à la mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones.

**Principe — intérêt de l'enfant**

9 (1) La présente loi doit être interprétée et administrée en conformité avec le principe de l'intérêt de l'enfant.

**Principe — continuité culturelle**

10 (2) La présente loi doit être interprétée et administrée en conformité avec le principe de la continuité culturelle, et ce, selon les concepts voulant que :

- a) la continuité culturelle est essentielle au bien-être des enfants, des familles et des groupes, collectivités ou peuples autochtones;  
  
b) la transmission de la langue, de la culture, des pratiques, des coutumes, des traditions, des cérémonies et des connaissances des peuples autochtones fait partie intégrante de la continuité culturelle;  
  
c) le fait que l'enfant réside avec des membres de sa famille et le fait de respecter la culture du groupe, de la collectivité ou du peuple autochtones dont il fait partie favorisent souvent le bien-être de l'enfant;  
  
d) les services à l'enfance et à la famille sont fournis à l'égard d'un enfant autochtone de manière à ne pas contribuer à l'assimilation du groupe, de la collectivité ou du peuple autochtones dont il fait partie ou à la destruction de la culture de ce groupe, de cette collectivité ou de ce peuple;  
  
e) les caractéristiques et les défis propres à la région où se trouvent les enfants, les familles et les groupes, collectivités ou peuples autochtones doivent être pris en considération.

**Principe — égalité réelle**

11 (3) La présente loi doit être interprétée et administrée en conformité avec le principe de l'égalité réelle, et ce, selon les concepts voulant que :

- a) les droits et les besoins particuliers d'un enfant handicapé doivent être pris en considération afin de favoriser sa participation — autant que celle des autres enfants — aux activités de sa famille ou du groupe, de la collectivité ou du peuple autochtones dont il fait partie;

(b) a child must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression; 5

(c) a child's family member must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression; 10

(d) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which a child belongs must be able to exercise without discrimination the rights of the Indigenous group, community or people under this Act, including the right to have the views and preferences of the Indigenous group, community or people considered in decisions that affect that Indigenous group, community or people; and 15 20

(e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children. 25

## Best Interests of Indigenous Child

### Best interests of Indigenous child

10 (1) The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.

#### Primary consideration

(2) When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child's physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child's connections to his or her culture. 35 40

b) tout enfant doit être en mesure d'exercer sans discrimination, notamment celle fondée sur le sexe et l'identité ou l'expression de genre, ses droits prévus par la présente loi, en particulier le droit de voir son point de vue et ses préférences être pris en considération dans les décisions le concernant; 5

c) tout membre de la famille d'un enfant doit être en mesure d'exercer sans discrimination, notamment celle fondée sur le sexe et l'identité ou l'expression de genre, ses droits prévus par la présente loi, en particulier le droit de voir son point de vue et ses préférences être pris en considération dans les décisions le concernant; 10

d) le corps dirigeant autochtone agissant pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones dont un enfant fait partie doit être en mesure d'exercer sans discrimination les droits de ce groupe, de cette collectivité ou de ce peuple prévus par la présente loi, en particulier le droit de voir le point de vue et les préférences de ce groupe, de cette collectivité ou de ce peuple être pris en considération dans les décisions les concernant; 15 20

e) dans le but de promouvoir l'égalité réelle entre les enfants autochtones et les autres enfants, aucun conflit de compétence ne doit occasionner de lacune dans les services à l'enfance et à la famille fournis à l'égard des enfants autochtones. 25

## Intérêt de l'enfant autochtone

### Intérêt de l'enfant autochtone

10 (1) L'intérêt de l'enfant est une considération primordiale dans la prise de décisions ou de mesures dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone et, s'agissant de décisions et de mesures relatives à la prise en charge de l'enfant, l'intérêt de celui-ci est la considération fondamentale. 30

#### Considération première

(2) Lorsqu'il est tenu compte des facteurs prévus au paragraphe (3), une attention particulière doit être accordée au bien-être et à la sécurité physiques, psychologiques et affectifs de l'enfant, ainsi qu'à l'importance pour lui d'avoir des rapports continus avec sa famille et le groupe, la collectivité ou le peuple autochtones dont il fait partie et de préserver ses liens avec sa culture. 35 40

#### Factors to be considered

(3) To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including

- (a) the child's cultural, linguistic, religious and spiritual upbringing and heritage; 5
- (b) the child's needs, given the child's age and stage of development, such as the child's need for stability;
- (c) the nature and strength of the child's relationship with his or her parent, the care provider and any member of his or her family who plays an important role in his or her life; 10
- (d) the importance to the child of preserving the child's cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs; 15
- (e) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;
- (f) any plans for the child's care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs; 20
- (g) any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and 25
- (h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child. 30

#### Consistency

(4) Subsections (1) to (3) are to be construed in relation to an Indigenous child, to the extent that it is possible to do so, in a manner that is consistent with a provision of a law of the Indigenous group, community or people to which the child belongs.

## Provision of Child and Family Services

#### Effect of services

11 Child and family services provided in relation to an Indigenous child are to be provided in a manner that

#### Facteurs à considérer

(3) Pour déterminer l'intérêt de l'enfant autochtone, il doit être tenu compte de tout facteur lié à la situation de ce dernier, notamment :

- a) son patrimoine et son éducation culturels, linguistiques, religieux et spirituels; 5
- b) ses besoins, dont son besoin de stabilité, compte tenu de son âge et du stade de son développement;
- c) la nature et la solidité de ses rapports avec son parent — mère ou père —, son fournisseur de soins et tout membre de sa famille ayant un rôle important dans sa vie; 10
- d) l'importance pour lui de préserver son identité culturelle et ses liens avec la langue et le territoire du groupe, de la collectivité ou du peuple autochtones dont il fait partie; 15
- e) son point de vue et ses préférences, compte tenu de son âge et de son degré de maturité, sauf s'ils ne peuvent être établis;
- f) tout plan concernant ses soins, lequel peut comprendre des soins donnés conformément aux coutumes ou aux traditions du groupe, de la collectivité ou du peuple autochtones dont il fait partie; 20
- g) la présence de violence familiale et ses effets sur l'enfant, notamment le fait que l'enfant y soit ou non directement ou indirectement exposé, ainsi que le tort physique, affectif ou psychologique causé à l'enfant ou le risque qu'un tel tort lui soit causé; 25
- h) toute procédure judiciaire, ordonnance, condition ou mesure, de nature civile ou pénale, concernant sa sécurité ou son bien-être. 30

#### Compatibilité

(4) Les paragraphes (1) à (3) doivent, dans la mesure du possible, être interprétés à l'égard d'un enfant autochtone de manière compatible avec les dispositions du texte législatif du groupe, de la collectivité ou du peuple autochtone dont l'enfant fait partie.

## Fourniture des services à l'enfance et à la famille

#### Effet des services

11 Les services à l'enfance et à la famille sont fournis à l'égard de l'enfant autochtone de manière à :

- (a) takes into account the child's needs, including with respect to his or her physical, emotional and psychological safety, security and well-being;
- (b) takes into account the child's culture;
- (c) allows the child to know his or her family origins; and
- (d) promotes substantive equality between the child and other children.

#### Notice

**12 (1)** In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child's parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.

#### Personal information

**(2)** The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child's family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.

#### Representations and party status

**13** In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child,

- (a) the child's parent and the care provider have the right to make representations and to have party status; and
- (b) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs has the right to make representations.

#### Priority to preventive care

**14 (1)** In the context of providing child and family services in relation to an Indigenous child, to the extent that providing a service that promotes preventive care to support the child's family is consistent with the best interests

- a) tenir compte de ses besoins, notamment en matière de bien-être et de sécurité physiques, psychologiques et affectifs;
- b) tenir compte de sa culture;
- c) lui permettre de connaître ses origines familiales;
- d) favoriser l'égalité réelle entre lui et les autres enfants.

#### Avis

**12 (1)** Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec l'intérêt de l'enfant, avant la prise d'une mesure importante à son égard, le responsable de la fourniture des services est tenu d'en aviser son parent — mère ou père — et son fournisseur de soins, ainsi que le corps dirigeant autochtone qui, d'une part, agit pour le compte du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie et, d'autre part, en a informé le responsable de la fourniture des services.

#### Renseignement personnel

**(2)** Le responsable de la fourniture des services veille à ce que l'avis donné au corps dirigeant autochtone au titre du paragraphe (1) ne contienne aucun renseignement personnel à l'égard de l'enfant, d'un membre de sa famille ou de son fournisseur de soins, autre les renseignements qui sont nécessaires pour expliquer la mesure importante qui est proposée ou qui sont exigés par l'accord de coordination du corps dirigeant autochtone.

#### Représentations et qualité de partie

**13** Dans le cadre de toute procédure judiciaire de nature civile relative à la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone :

- a) le parent — mère ou père — et le fournisseur de soins de l'enfant ont le droit de faire des représentations et d'avoir qualité de partie;
- b) le corps dirigeant autochtone agissant pour le compte du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie a le droit de faire des représentations.

#### Priorité aux soins préventifs

**14 (1)** Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec l'intérêt de l'enfant, les services favorisant des soins préventifs

of the child, the provision of that service is to be given priority over other services.

#### Prenatal care

(2) To the extent that providing a prenatal service that promotes preventive care is consistent with what will likely be in the best interests of an Indigenous child after he or she is born, the provision of that service is to be given priority over other services in order to prevent the apprehension of the child at the time of the child's birth.

#### Socio-economic conditions

15 In the context of providing child and family services in relation to an Indigenous child, to the extent that it is consistent with the best interests of the child, the child must not be apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider.

## Placement of Indigenous Child

#### Priority

16 (1) The placement of an Indigenous child in the context of providing child and family services in relation to the child, to the extent that it is consistent with the best interests of the child, is to occur in the following order of priority:

- (a) with one of the child's parents;
- (b) with another adult member of the child's family;
- (c) with an adult who belongs to the same Indigenous group, community or people as the child;
- (d) with an adult who belongs to an Indigenous group, community or people other than the one to which the child belongs; or
- (e) with any other adult.

#### Placement with or near other children

(2) When the order of priority set out in subsection (1) is being applied, the possibility of placing the child with or near children who have the same parent as the child, or who are otherwise members of the child's family, must be considered in the determination of whether a placement would be consistent with the best interests of the child.

destinés à aider la famille de celui-ci ont priorité sur les autres services.

#### Soins prénatals

(2) Dans la mesure où la fourniture de services prénatals favorisant des soins préventifs est compatible avec ce qui, après sa naissance, est susceptible d'être dans l'intérêt de l'enfant autochtone, la fourniture de ces services a priorité sur la fourniture d'autres services afin de prévenir la prise en charge de l'enfant à sa naissance.

#### Condition socio-économique

15 Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec son intérêt, l'enfant ne doit pas être pris en charge seulement en raison de sa condition socio-économique, notamment la pauvreté, le manque de logement ou d'infrastructures convenables et l'état de santé de son parent — mère ou père — ou de son fournisseur de soins.

## Placement de l'enfant autochtone

#### Priorité

16 (1) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, le placement de l'enfant, dans la mesure où cela est compatible avec son intérêt, se fait auprès de l'une des personnes ci-après énumérées par ordre de priorité :

- a) un parent — mère ou père — de l'enfant;
- b) un autre membre de sa famille qui est un adulte;
- c) un adulte appartenant au groupe, à la collectivité ou au peuple autochtones dont il fait partie;
- d) un adulte appartenant à un groupe, à une collectivité ou à un peuple autochtones autre que celui dont il fait partie;
- e) tout autre adulte.

#### Placement avec d'autres enfants ou près d'eux

(2) S'agissant d'un placement visé au paragraphe (1), pour décider de ce qui est compatible avec l'intérêt de l'enfant, il doit être tenu compte de la possibilité de placer celui-ci avec des enfants qui ont le même parent — mère ou père — que lui ou qui sont autrement membres de sa famille, ou près de tels enfants.

### Customs and traditions

(2.1) The placement of a child under subsection (1) must take into account the customs and traditions of Indigenous peoples such as with regards to customary adoption.

### Family unity

(3) In the context of providing child and family services in relation to an Indigenous child, there must be a reassessment, conducted on a ongoing basis, of whether it would be appropriate to place the child with

(a) a person referred to in paragraph (1)(a), if the child does not reside with such a person; or

(b) a person referred to in paragraph (1)(b), if the child does not reside with such a person and unless the child resides with a person referred to in paragraph (1)(a).

### Attachment and emotional ties

17 In the context of providing child and family services in relation to an Indigenous child, if the child is not placed with a member of his or her family in accordance with paragraph 16(1)(a) or (b), to the extent that doing so is consistent with the best interests of the child, the child's attachment and emotional ties to each such member of his or her family are to be promoted.

## Jurisdiction — Child and Family Services

### Affirmation

18 (1) The inherent right of self-government recognized and affirmed by section 35 of the *Constitution Act, 1982* includes jurisdiction in relation to child and family services, including legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority.

### Dispute resolution mechanisms

(2) For greater certainty and for the purposes of subsection (1), the authority to administer and enforce laws includes the authority to provide for dispute resolution mechanisms.

### Application of Canadian Charter of Rights and Freedoms

19 The *Canadian Charter of Rights and Freedoms* applies to an Indigenous governing body in the exercise of

### Coutumes et traditions

(2.1) S'agissant d'un placement visé au paragraphe (1), il doit être tenu compte des coutumes et des traditions des peuples autochtones en matière d'adoption, notamment en ce qui concerne l'adoption coutumière.

### Unité familiale

(3) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, est réévaluée régulièrement :

a) l'opportunité pour l'enfant qui ne réside pas avec une personne visée à l'alinéa (1)a) d'être placé auprès d'une telle personne;

b) sauf si l'enfant réside avec une personne visée à l'alinéa (1)a), l'opportunité pour l'enfant qui ne réside pas avec une personne visée à l'alinéa (1)b) d'être placé auprès d'une telle personne.

### Attachement et liens affectifs

17 Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, sont favorisés, dans la mesure où cela est compatible avec l'intérêt de l'enfant, l'attachement de l'enfant pour tout membre de sa famille avec lequel il n'est pas placé conformément aux alinéas 16(1)a) ou b) et les liens affectifs entre l'enfant et ce dernier.

## Compétence en matière de services à l'enfance et à la famille

### Affirmation

18 (1) Le droit inhérent à l'autonomie gouvernementale reconnu et confirmé par l'article 35 de la *Loi constitutionnelle de 1982* comprend la compétence en matière de services à l'enfance et à la famille, notamment la compétence législative en matière de tels services et l'exécution et le contrôle d'application des textes législatifs pris en vertu de cette compétence législative.

### Mécanismes de résolution des différends

(2) Pour l'application du paragraphe (1), il est entendu que l'exécution et le contrôle d'application comprend la compétence de prévoir des mécanismes de résolution des différends.

### Application de la Charte canadienne des droits et libertés

19 La *Charte canadienne des droits et libertés* s'applique à tout corps dirigeant autochtone qui exerce la

jurisdiction in relation to child and family services on behalf of an Indigenous group, community or people.

compétence en matière de services à l'enfance et à la famille pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones.

## Laws of Indigenous Groups, Communities or Peoples

### Coordination and Application

#### Notice

**20 (1)** If an Indigenous group, community or people intends to exercise its legislative authority in relation to child and family services, an Indigenous governing body acting on behalf of that Indigenous group, community or people may give notice of that intention to the Minister and the government of each province in which the Indigenous group, community or people is located.

Texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones

### Coordination et application

#### Avis

**20 (1)** Le corps dirigeant autochtone agissant pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones qui a l'intention d'exercer sa compétence législative en matière de services à l'enfance et à la famille peut en donner avis au ministre et au gouvernement de chacune des provinces où est situé le groupe, la collectivité ou le peuple.

#### Coordination agreement

**(2)** The Indigenous governing body may also request that the Minister and the government of each of those provinces enter into a coordination agreement with the Indigenous governing body in relation to the exercise of the legislative authority, respecting, among other things,

**10** (2) Ce corps dirigeant autochtone peut également demander au ministre et au gouvernement de chacune de ces provinces de conclure avec lui un accord de coordination concernant l'exercice de cette compétence portant notamment sur :

- (a)** the provision of emergency services to ensure the safety, security and well-being of Indigenous children;
- (b)** support measures to enable Indigenous children to exercise their rights effectively;
- (c)** fiscal arrangements, relating to the provision of child and family services by the Indigenous governing body, that are sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities and to support the capacity of the Indigenous group, community or people to exercise the legislative authority effectively; and
- (d)** any other coordination measure related to the effective exercise of the legislative authority.

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#### Application — sections 21 and 22

**(3)** Sections 21 and 22 apply only in respect of an Indigenous group, community or people on whose behalf an Indigenous governing body

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- (a)** entered into a coordination agreement; or

#### Accord de coordination

**10** (2) Ce corps dirigeant autochtone peut également demander au ministre et au gouvernement de chacune de ces provinces de conclure avec lui un accord de coordination concernant l'exercice de cette compétence portant notamment sur :

- a)** la fourniture de services d'urgence nécessaires au bien-être et à la sécurité des enfants autochtones;
- b)** des mesures de soutien permettant aux enfants autochtones d'exercer leurs droits efficacement;
- c)** des arrangements fiscaux concernant la fourniture de services à l'enfance et à la famille par le corps dirigeant autochtone qui soient durables, fondés sur les besoins et conformes au principe de l'égalité réelle afin d'atteindre des résultats qui sont positifs à long terme pour les enfants, les familles et les collectivités autochtones et de soutenir la capacité du groupe, de la collectivité ou du peuple autochtones d'exercer efficacement la compétence législative;
- d)** toute autre mesure de coordination liée à un exercice efficace de la compétence législative.

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#### Application des articles 21 et 22

**(3)** Les articles 21 et 22 ne s'appliquent qu'à l'égard du groupe, de la collectivité ou du peuple autochtones pour le compte duquel un corps dirigeant autochtone :

- a)** soit a conclu l'accord de coordination;

(b) has not entered into a coordination agreement, although it made reasonable efforts to do so during the period of one year after the day on which the request is made.

#### Clarification

(4) For the purposes of paragraph 3(b), sections 21 and 22 apply beginning on the day after the day on which the period referred to in that paragraph ends.

#### Dispute resolution mechanism

(5) If the Indigenous governing body, the Minister and the government of each of those provinces make reasonable efforts to enter into a coordination agreement but do not enter into a coordination agreement, a dispute resolution mechanism provided for by the regulations made under section 32 may be used to promote entering into a coordination agreement.

#### New request

(6) If sections 21 and 22 do not apply in respect of an Indigenous group, community or people, nothing prevents the Indigenous governing body that has already made a request under subsection (2) on behalf of the Indigenous group, community or people from making a new request.

#### Coordination agreement entered into after one year

(7) For greater certainty, even if sections 21 and 22 apply in respect of an Indigenous group, community or people on behalf of which an Indigenous governing body has not entered into a coordination agreement, nothing prevents the Indigenous governing body from entering into a coordination agreement after the end of the period referred to in paragraph (3)(b).

#### Force of law

(1) A law, as amended from time to time, of an Indigenous group, community or people referred to in subsection 20(3) also has, during the period that the law is in force, the force of law as federal law.

#### Interpretation

(2) No federal law, other than this Act, affects the interpretation of a law referred to in subsection (1) by reason only that subsection (1) gives the law the force of law as federal law.

#### Application of federal laws

(3) No federal law, other than this Act and the Canadian Human Rights Act, applies in relation to a law referred to

b) soit ne l'a pas conclu, mais a fait des efforts raisonnables à cette fin dans l'année qui suit la date de présentation de la demande.

#### Précision

(4) Pour l'application de l'alinéa (3)b), les articles 21 et 22 s'appliquent à compter de la date qui suit celle à laquelle expire la période visée à cet alinéa.

#### Mécanisme de résolution des différends

(5) Si le corps dirigeant autochtone, le ministre et les gouvernements de chacune de ces provinces font des efforts raisonnables pour conclure l'accord de coordination mais qu'ils ne le concluent pas, le mécanisme de résolution des différends prévu par les règlements pris en vertu de l'article 32 peut être utilisé afin d'en favoriser la conclusion.

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(6) Tant que les articles 21 et 22 ne s'appliquent pas à l'égard d'un groupe, d'une collectivité ou d'un peuple autochtones, rien n'empêche le corps dirigeant autochtone qui a déjà présenté une demande au titre du paragraphe (2) pour le compte de ce groupe, de cette collectivité ou de ce peuple d'en présenter une nouvelle.

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#### Accord de coordination conclu après une année

(7) Il est entendu que, même si les articles 21 et 22 s'appliquent à l'égard d'un groupe, d'une collectivité ou d'un peuple autochtones pour le compte duquel un corps dirigeant autochtone n'a pas conclu l'accord de coordination, rien n'empêche le corps dirigeant autochtone de le conclure après l'expiration de la période visée à l'alinéa (3)b).

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#### Force de loi

(1) A également force de loi, à titre de loi fédérale, le texte législatif, avec ses modifications successives, du groupe, de la collectivité ou du peuple autochtones visé au paragraphe 20(3), pendant la période au cours de laquelle ce texte est en vigueur.

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#### Interprétation

(2) Les lois fédérales, autre que la présente loi, n'ont aucun effet sur l'interprétation du texte visé au paragraphe (1) du seul fait que ce paragraphe lui donne force de loi à titre de loi fédérale.

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#### Application des lois fédérales

(3) Les lois fédérales, autre que la présente loi et la Loi canadienne sur les droits de la personne, ne s'appliquent pas relativement au texte visé au paragraphe (1) du seul

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in subsection (1) by reason only that subsection (1) gives the law the force of law as federal law.

#### Conflict — federal laws

**22 (1)** If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services — other than any of sections 10 to 15 of this Act and the provisions of the *Canadian Human Rights Act* — that is in a federal Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

#### Clarification

(2) The reference to a “federal Act or regulation” in subsection (1) does not include a reference to a law that has the force of law under subsection 21(1).

#### Conflict — provincial laws

**(3)** For greater certainty, if there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in a provincial Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

#### Application to Indigenous children — exception

**23** A provision respecting child and family services that is in a law of an Indigenous group, community or people applies in relation to an Indigenous child except if the application of the provision would be contrary to the best interests of the child.

#### Conflict — stronger ties

**24 (1)** If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in a law of another Indigenous group, community or people, the provision that is in the law of the Indigenous group, community or people with which the child has stronger ties — taking into consideration his or her habitual residence as well as his or her views and preferences, giving due weight to his or her age and maturity, unless they cannot be ascertained, and the views and preferences of his or her parent and the care provider — prevails to the extent of the conflict or inconsistency.

fait que ce paragraphe lui donne force de loi à titre de loi fédérale.

#### Conflit — loi fédérale

**22 (1)** Les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille, autres que les articles 10 à 15 de la présente loi et les dispositions de la *Loi canadienne sur les droits de la personne*, de toute loi fédérale ou de tout règlement pris en vertu d'une telle loi.

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#### Précision

(2) Les mentions de « loi fédérale » et de « règlement pris en vertu d'une telle loi », au paragraphe (1), ne visent pas le texte législatif auquel le paragraphe 21(1) donne force de loi.

#### Conflit — loi provinciale

**15 (3)** Il est entendu que les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille de toute loi provinciale ou de tout règlement pris en vertu d'une telle loi.

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#### Application aux enfants autochtones — exception

**23** La disposition relative aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones s'applique à l'égard d'un enfant autochtone, sauf si son application est contraire à l'intérêt de l'enfant.

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#### Conflit — liens plus étroits

**24 (1)** Les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones avec lequel, compte tenu de sa résidence habituelle, ainsi que de son point de vue et de ses préférences, en égard à son âge et à son degré de maturité, sauf s'ils ne peuvent être établis, et du point de vue et des préférences de son parent — mère ou père — et de son fournisseur de soin, l'enfant entretient des liens plus étroits que ceux qu'il entretient avec un autre groupe, une autre collectivité ou un autre peuple l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille du texte législatif de cet autre groupe, de cette autre collectivité ou de cet autre peuple.

### References to laws

(2) Subsection (1) also applies in respect of the provisions of a law that has the force of law under subsection 21(1).

## Publication and Accessibility

### Publication

#### 25 The Minister must

- (a) as soon as feasible after receiving a notice under subsection 20(1), or a request under subsection 20(2), post on a website the name of the Indigenous group, community or people on whose behalf an Indigenous governing body has given the notice or made the request, as the case may be, and the date on which the notice or request was received; 5
- (b) as soon as feasible after a coordination agreement is entered into, post on a website the name of the Indigenous group, community or people on whose behalf an Indigenous governing body has entered into the coordination agreement and the date on which it was entered into; and 10
- (c) as soon as feasible after receiving notice that a law made on behalf of an Indigenous group, community or people contains a provision respecting child and family services, post on a website the name of that Indigenous group, community or people and the date on which the law comes into force. 15

### Accessibility

26 After receiving a copy of a law that contains a provision respecting child and family services made on behalf of an Indigenous group, community or people referred to in subsection 20(3), the Minister is to ensure that the law is made accessible to the public in any manner that the Minister considers appropriate, and to that end may publish the law, as amended from time to time, in the Canada Gazette.

## General

### Role of Minister

27 The Minister may gather information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided and facilitate the disclosure of that information to affected families and communities. 35

### Précision

(2) Les dispositions des textes législatifs auxquels le paragraphe 21(1) donne force de loi sont également visées par le paragraphe (1).

## Publication et accessibilité

### Publication

25 Le ministre affiche les renseignements ci-après sur un site Web : 5

- a) dès que possible après réception de l'avis visé au paragraphe 20(1) ou de la demande présentée au titre du paragraphe 20(2), le nom du groupe, de la collectivité ou du peuple autochtones pour le compte duquel l'avis a été donné ou la demande a été présentée et la date à laquelle l'avis ou la demande ont été reçus; 10
- b) dès que possible après la conclusion de l'accord de coordination, le nom du groupe, de la collectivité ou du peuple autochtones pour le compte duquel il a été conclu et la date à laquelle il l'a été; 15
- c) dès que possible après réception d'un avis attestant qu'un texte législatif comprenant des dispositions relatives aux services à l'enfance et à la famille a été pris pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones, le nom de ce groupe, de cette collectivité ou de ce peuple autochtones et la date à laquelle le texte est entré en vigueur. 20

### Accessibilité

26 Après réception de la copie d'un texte législatif comprenant des dispositions relatives aux services à l'enfance et à la famille pris pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones visé au paragraphe 20(3), le ministre veille à ce que le texte soit rendu accessible au public de la façon qu'il estime indiquée et peut à cette fin le publier, avec ses modifications successives, dans la *Gazette du Canada*. 30

## Dispositions générales

### Rôle du ministre

27 Le ministre peut recueillir des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ces services sont fournis et favoriser la communication de ces renseignements aux familles et aux collectivités en cause. 35

### Agreements — information

28 The Minister may enter into agreements with a provincial government and any Indigenous governing body regarding the collection, retention, use and disclosure of information respecting the child and family services that are provided in relation to Indigenous children in order to, among other things,

- (a) ensure that Indigenous children are identified as a First Nations person, an Inuit or a Métis person, as the case may be, and that their communities of origin and those of their parents are identified, when possible, when child and family services are provided in relation to them;
- (b) support the improvement of those services; and
- (c) facilitate the disclosure of that information to affected families and communities.

### Powers of Minister

29 For the purposes of section 27, the Minister may disclose information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided.

### Disclosure of information

30 For the purposes of implementing an agreement referred to in section 28, a provincial government or a public body established under a provincial Act may collect and disclose information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided.

### Five-year review

31 (1) Every five years after the day on which this section comes into force, the Minister must, in collaboration with Indigenous peoples, including representatives of First Nations, the Inuit and the Métis, undertake a review of the provisions and operation of this Act.

### Provincial governments

(2) For greater certainty, when undertaking the review, the Minister may also collaborate with provincial governments.

### Report

(3) The Minister must prepare a report on the review that sets out his or her conclusions and

### Accords — renseignements

28 Le ministre peut conclure avec le gouvernement de toute province et avec tout corps dirigeant autochtone des accords portant sur la collecte, la conservation, l'utilisation et la communication de renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones, notamment en vue :

- a) de faire en sorte que chaque enfant en cause soit identifié comme étant issu d'une première nation, un Inuit ou un Métis, selon le cas, et que ses collectivités d'origine et celles de ses parents soient identifiées, dans la mesure du possible, lorsque sont fournis à leur égard des services à l'enfance et à la famille;
- b) d'appuyer l'amélioration de ces services;
- c) de favoriser la communication de ces renseignements aux familles et aux collectivités en cause.

### Pouvoirs du ministre

29 Pour l'application de l'article 27, le ministre peut communiquer des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ils sont fournis.

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### Communication de renseignements

30 Afin de mettre en œuvre les accords conclus en vertu de l'article 28, toute administration provinciale et tout organisme public constitué sous le régime d'une loi provinciale peut recueillir et communiquer des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ces services sont fournis.

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### Examen quinquennal

31 (1) Tous les cinq ans suivant la date d'entrée en vigueur du présent article, le ministre effectue, en collaboration avec les peuples autochtones, notamment avec des représentants de premières nations, des Inuits et des Métis, l'examen des dispositions et de l'application de la présente loi.

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### Gouvernements provinciaux

(2) Il est entendu que le ministre qui effectue l'examen peut aussi le faire en collaboration avec les gouvernements provinciaux.

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### Rapport

(3) Le ministre établit un rapport d'examen faisant état de ses conclusions et recommandations, y compris les

recommendations, including any improvements to the provisions of this Act that he or she recommends.

#### Tabling of report

(4) The Minister must cause the report to be tabled in each House of Parliament on any of the first 30 days on which it is sitting after the day on which the report is completed.  
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## Regulations

#### Regulations

**32 (1)** If affected Indigenous governing bodies were afforded a meaningful opportunity to collaborate in the policy development leading to the making of the regulations, the Governor in Council may make regulations providing for any matter relating to the application of this Act or respecting the provision of child and family services in relation to Indigenous children.  
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#### Provincial governments

(2) For greater certainty, subsection (1) does not prevent provincial governments from collaborating in the policy development referred to in that subsection.  
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## Transitional Provisions

#### Representations and party status

**33** In the context of a proceeding referred to in section 13 that is pending on the day on which that section comes into force, the right referred to in that section may be exercised only if its exercise is consistent with the best interests of the child and is appropriate in the circumstances.  
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#### Regulations

**34 (1)** If affected Indigenous governing bodies were afforded a meaningful opportunity to collaborate in the policy development leading to the making of the regulations, the Governor in Council may make any regulations that the Governor in Council considers necessary to provide for any other transitional matter arising from the coming into force of this Act.  
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#### Provincial governments

(2) For greater certainty, subsection (1) does not prevent provincial governments from collaborating in the policy development referred to in that subsection.  
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améliorations qu'il recommande, le cas échéant, d'apporter à la présente loi.

#### Dépôt du rapport

(4) Il fait déposer le rapport devant chaque chambre du Parlement dans les trente premiers jours de séance de celle-ci suivant l'établissement du rapport.  
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## Règlements

#### Règlements

**32 (1)** Le gouverneur en conseil peut prendre tout règlement régissant l'application de la présente loi ou concernant la fourniture de services à l'enfance et à la famille à l'égard des enfants autochtones si les corps dirigeants autochtones touchés ont eu l'occasion de collaborer de façon significative à l'élaboration des orientations préalables à sa prise.  
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#### Gouvernements provinciaux

(2) Il est entendu que le paragraphe (1) n'empêche pas les gouvernements provinciaux de collaborer à l'élaboration des orientations qui y sont visées.  
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## Dispositions transitoires

#### Représentations et qualité de partie

**33** Dans le cadre de toute procédure visée à l'article 13 qui est en cours à la date d'entrée en vigueur de cet article, le droit prévu à celui-ci ne peut être exercé que s'il est compatible avec l'intérêt de l'enfant et pertinent dans les circonstances.  
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#### Règlement

**34 (1)** Le gouverneur en conseil peut prendre tout règlement qu'il estime nécessaire concernant toute autre mesure transitoire qui découle de l'entrée en vigueur de la présente loi si les corps dirigeants autochtones touchés ont eu l'occasion de collaborer de façon significative à l'élaboration des orientations préalables à sa prise.  
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#### Gouvernements provinciaux

(2) Il est entendu que le paragraphe (1) n'empêche pas les gouvernements provinciaux de collaborer à l'élaboration des orientations qui y sont visées.  
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## Coming into Force

### Order in council

**35** The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

## Entrée en vigueur

### Décret

**35** Les dispositions de la présente loi entrent en vigueur à la date ou aux dates fixées par décret.

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Available on the House of Commons website at the following address: [www.ourcommons.ca](http://www.ourcommons.ca)  
Disponible sur le site Web de la Chambre des communes à l'adresse suivante : [www.noscommunes.ca](http://www.noscommunes.ca)