

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)**

Respondent

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL
and NISHNAWBE ASKI NATION**

Interested Parties

AFFIDAVIT OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Ottawa, in the Province of Ontario, SOLEMNLY AFFIRM THAT:

1. I am a member of the Gitksan Nation, a professor at McGill University's School of Social Work and the Executive Director of the First Nations Child and Family Caring Society of Canada (the "Caring Society") which is one of the complainants in this matter. As such, I have personal knowledge of the matters deposed to herein, save for those matters expressly stated to be on information and belief.

2. I have been the Caring Society's Executive Director since 2002 and have worked in the field of child and family services for nearly 35 years.

3. I obtained a doctorate in social work from the University of Toronto in 2009. I received a Master of Jurisprudence in children's law and policy from Loyola University Chicago in 2016. I also hold a master degree in management from McGill University and a Bachelors of Arts in Psychology from the University of British Columbia.

4. I have received Honorary Doctorates from Blue Quills First Nations University, the University of Western Ontario, the University of Saskatchewan, Waterloo University, Thompson Rivers University, the University of Northern British Columbia, Mount St. Vincent University, the University of Winnipeg, Ryerson University, Osgoode Hall Law School, St John's College, University of Manitoba, University of Toronto, Memorial University, the University of Ottawa, Dalhousie University, University of Victoria, McMaster University, Trent University, the University of Lethbridge and Laurentian University.

5. I am an officer of the Order of Canada. In 2017, I received Amnesty International's Ambassador of Conscience Award and the Law Society of Upper Canada's Human Rights Award, and was awarded the Janusz Korczak Medal for Children's Rights Advocacy. In 2018, I was the inaugural recipient of the Children's Aid Foundation of Canada's Lynn Factor Stand Up for Kids National Award. In 2019, I was also awarded the Canadian Public Health Association's National Public Health Hero Award. Attached as **Exhibit "1"** to this affidavit is a true copy of my curriculum vitae.

The Compensation Entitlement Order

6. I have reviewed the Canadian Human Rights Tribunal's Ruling and Order dated September 6, 2019 ("**Compensation Entitlement Order**") identifying the victims who are entitled to compensation and the quantum of compensation that ought to be conferred to these individuals. In the ruling, the Tribunal also ordered Canada to enter into discussions with the Assembly of First Nations ("**AFN**") and the Caring Society regarding an independent process for identifying these victims and distributing compensation to them ("**Compensation Process**") and to report back by December 10, 2019.

7. Contrary to what the Tribunal ordered, Canada has not entered into discussions with the Caring Society or the AFN to propose a Compensation Process. Canada has not even named a representative for the discussions despite numerous inquiries by Caring Society legal counsel and myself seeking to obtain the identity this person(s).

8. On September 8, 2019, David Taylor, counsel for the Caring Society, wrote to Robert Frater, Q.C., counsel for Canada on this matter, advising him that the Caring Society wished to begin a preliminary discussion relating to the Compensation Process. I attach a copy of this letter to my affidavit as **Exhibit “2”**.

9. On September 9, 2019, Mr. Frater responded to Mr. Taylor’s letter stating that the Compensation Entitlement Order required careful consideration before discussions commence. I attached this letter to this affidavit as **Exhibit “3”**.

10. I confirmed the contents of Mr. Frater’s September 9, 2019, letter with the Indigenous Services Canada (“ISC”) representatives attending the Consultation Committee on Child Welfare (“CCCW”) meeting on September 9, 2019. I was also advised by officials within ISC that consultations on the compensation order, even in the form of providing basic information to assist the Caring Society in its preliminary efforts to prepare for discussions with Canada, could not occur until after the 43rd General Election on October 21, 2019. A true copy of my communications with ISC officials on this subject is attached to my affidavit as **Exhibit “4”**.

11. On September 16, 2019, I wrote to Gordon Deecker, Program Support for ISC, to request information in ISC’s possession that could aid in the identification of the victims of discrimination who ought to be entitled to compensation. On September 18, 2019, Mr. Deecker responded to my email to say he was waiting to hear back from a few people and would keep me posted. On September 19, 2019, Mr. Deeker informed me that ISC could not share information with us at that time. The information has still not been provided.

12. On October 4, 2019, Canada filed a notice of application for judicial review of the Compensation Entitlement Order before the Federal Court of Canada. Canada also brought a motion to stay the Compensation Entitlement Order (“**Stay Motion**”). The stay motion was initially scheduled by Canada for October 23, 2019 at a General Sitting of the Federal Court. I

am informed by Mr. Taylor, and I believe, that this date was set without consultation with the Caring Society's counsel and that not enough time was allotted for the hearing to allow for all of the parties to make oral submissions on that date. It was my understanding that Canada, the AFN and the Caring Society were legally required to comply with the Tribunal's Compensation Entitlement Order unless the Federal Court granted Canada's Stay Motion. As such, I continued with the Caring Society efforts to comply with the Tribunal's order and to invite Canada to discussions regarding compensation.

13. On October 8, 2019, Canada's application for judicial review was ordered into case management, on the Federal Court's own motion. Chief Justice Crampton appointed Justice Favel as the case management judge on October 11, 2019. That same day, Justice Favel adjourned Canada's Stay Motion following a request from the other parties who had not been consulted by Canada on the initial return date of October 23, 2019.

14. On October 16, 2019, I wrote to Prime Minister Justin Trudeau asking him to engage with the parties to determine a proposed process on compensation as ordered by the Tribunal and to ensure Canada does not talk directly to victims of its ongoing discriminatory conduct. Attached as **Exhibit "5"** to this affidavit is a copy of this letter. I have not received a response to this letter.

15. On October 22, 2019, Mr. Taylor wrote to Mr. Frater to confirm that the Caring Society expected Canada to comply with the Tribunal's Compensation Entitlement Order and engage in discussions regarding the Compensation Process. Attached as **Exhibit "6"** to this affidavit is a copy of this email.

16. At a Case Management Conference on October 25, 2019, Justice Favel scheduled Canada's Stay Motion for November 25-26, 2019.

17. On November 8, 2019, I again asked federal officials attending at a CCCW meeting if a representative had been appointed to discuss compensation with the parties. I was advised that no one had been appointed. I reiterated the importance of Canada engaging in the process so we could collectively arrive at a comprehensive and thoughtful Compensation Process.

18. On November 14, 2019, my legal counsel received a letter from Mr. Frater outlining a preliminary list of five questions on which Canada sought the parties' views. Mr. Frater's letter said that the list of questions was being provided "to move compensation discussions forward", but also said that Canada remained of the view that such discussions were premature pending the outcome of the judicial review. A copy of Mr. Frater's letter is attached to my affidavit as **Exhibit "7"**.

19. On November 20, 2019, the Honorable Marc Miller was appointed as Minister of Indigenous Services Canada. On November 25, 2019, Minister Miller appeared on the Power and Politics program on CBC stating that the government needed to compensate children and families for the past harms and that it would be "moving towards" this objective. After hearing this statement, I instructed Mr. Taylor to write a letter to Mr. Frater to ask whether Canada would be appointing a person to engage in discussion with the Caring Society and the AFN regarding the Compensation Process. Mr. Taylor's letter also provided an overview of the topics for discussion regarding the Compensation Process that had been identified by both Canada and the Caring Society to this point. Attached as **Exhibit "8"** to this affidavit is a copy of this letter dated November 26, 2019. Mr. Taylor has advised me, and I believe, that Mr. Frater has not responded to this letter.

20. On December 3, 2019, I had an in-person meeting with Minister Miller. During the meeting, Minister Miller told me that he would be appointing someone to engage in discussions regarding the Compensation Process with the Caring Society and the AFN as ordered by the Tribunal. To my knowledge, no one has been appointed and, in any event, no one has contacted me identifying Canada's representative regarding discussions on the Compensation Process.

21. On December 6, 2019, I again instructed Mr. Taylor to write to Mr. Frater noting that Canada had still not appointed a representative to discuss the Compensation Process with the Caring Society and AFN even though it had been one week since Canada's stay motion was rejected by the Federal Court. This was the fourth time our Counsel had written to the Attorney General of Canada seeking the identity of Canada's representative.

22. I am aware that the Tribunal welcomed the parties to make comments and suggestions or to request clarification regarding the Compensation Entitlement Order's wording or the content.

However, as Canada has failed to engage in discussions, I am unable to ascertain if Canada shares my interpretation of the Compensation Entitlement Order and thus am not in a position to make comments or suggestions at this time.

23. During the AFN Special Chiefs Assembly, on December 3, 2019, I heard Minister Miller say Canada is interested in a “global settlement” on compensation and I heard the Attorney General of Canada and Minister of Justice, David Lametti, make a similar statement on December 4, 2019. No one from the Government of Canada has contacted the Caring Society to discuss the “global settlement” Canada says it wants.

Steps taken by the Caring Society to comply with the CHRT’s order to propose a process for compensation

24. Upon receiving the Compensation Entitlement Order, I immediately took steps to ensure that the Caring Society would comply with the order and deliver submissions on the Compensation Process to the Tribunal on or before the December 10, 2019 deadline. This included, but was not limited to, the numerous aforementioned efforts to identify and engage a representative for Canada to conduct discussions.

25. The Caring Society understands that prompt distribution of compensation to victims through a sensitive and evidence informed process is in the best interests of those harmed by Canada’s past and ongoing willful and reckless discrimination. Therefore, the Caring Society has met with AFN legal counsel and staff members on at least the following occasions to discuss the Compensation Process:

- a. September 27, 2019;
- b. October 7, 2019;
- c. October 21, 2019;
- d. November 18, 2019; and
- e. December 3, 2019.

26. I will also attend an in-person meeting on the morning of December 9, 2019 with the AFN.

27. With the exception of Canada, as it refused to participate in discussions, the AFN and Caring Society have also engaged the Canadian Human Rights Commission and Interested Parties in discussions to inform our work on the Compensation Process.

28. I am aware that a class action has been filed with the Federal Court respecting First Nations children and in some cases families affected by Canada's discriminatory provision of public services. The Federal Court file number is T-402-19: *Moushoom et al v Canada (Attorney General)*. Whilst we will be making formal submissions to the Tribunal on the compensation process on or before January 29, 2020, the Caring Society believes that making its efforts publicly available as of the Tribunal's original submission deadline of December 10, 2019, demonstrates our commitment to the best interests of the victims, and our commitment to transparency and accountability. The information we have gathered will also hopefully serve the best interests of those participating in the aforementioned class action.

29. The Caring Society is a small not-for-profit organization with two full-time employees. Taking the necessary steps to meet the deadline set by the Tribunal required us to devote significant staff and *pro bono* legal hours to this objective. This work occurred while our staff and *pro bono* legal team responded to Canada's stay motion and motion to quash all financial compensation per the Compensation order before the Federal Court, in addition to our ongoing work with respect to the implementation of the Tribunal's other orders.

30. The results of the Caring Society's efforts with respect to the Compensation Process are enumerated below.

31. On September 9, 2019, I sent an email to the National Council of Child Advocates to request their input regarding the Compensation Process. Further to this email, I had one call with a working group composed of members of the National Council of Child Advocates to obtain their suggestions regarding the Compensation Process. They expressed their broad support for holding funds in trust for children until they reach full developmental adulthood, with some

exceptions to provide for educational or cultural supports. Another call is scheduled for December 2019.

32. On September 9, 2019, I contacted Lisa Wolff, director of policy and research for UNICEF Canada to obtain her suggestions regarding the Compensation Process. I also asked her to contact her counterparts in other countries to determine whether they were aware of any process through which children in their jurisdictions were provided with compensation resulting from human rights violations. While there are no similar international examples where children have received compensation, UNICEF identified several resource people to consult.

33. On September 19, 2019, I sent an email to the Director of Strategic Policy for Saskatchewan's Ministry of Social Services to request a discussion with all provincial and territorial deputy ministers of social services to consult on the Compensation Process. I also asked whether I could obtain a commitment from all provincial and territorial governments to ensure that their social assistance and benefits schemes would not claw back the compensation received by victims as requested by the Tribunal in the Compensation Entitlement Order.

34. On November 21, 2019, I received a letter from Tammy Kirkland, Deputy Minister of Social Services and Provincial Chair of the Forum of Deputy Ministers Responsible for Social Services responding to my letter. She wrote that since the Compensation Entitlement Order is currently being challenged by Canada in Federal Court, the Deputy Ministers were not in a position to respond to my request. Attached as **Exhibit "9"** to this affidavit is a copy of her letter.

35. It is my understanding that during the Indian Residential School ("IRS") settlement process, provinces and territories amended their social assistance laws or implemented policies to ensure that any compensation provided to survivors would not be deducted from their social assistance benefits or affect their eligibility for such income support. If, and when, Canada appoints someone to discuss the Compensation Process with the Caring Society and the AFN, I plan to request that Canada ask all provinces and territories to put in place similar measures for the Compensation Process.

36. On September 20, 2019, the Caring Society entered into an agreement with Youth in Care Canada ("YICC"), a national charitable organization for youth in care and formerly in care, to

organize a national consultation with First Nations youth in care or formerly in care regarding the Compensation Process. While final costs are still being tabulated, it is estimated that the full cost of the event held on October 25, 2019, including contributions by others, amounted to approximately \$67,000.00. Attached as **Exhibit “10”** to my affidavit is a copy of their proposal. Following the signing of the agreement, YICC hired Gabrielle Fayant to coordinate and facilitate the gathering and to write the final report in collaboration with YICC. The Caring Society also arranged for Naomi Metallic, a Professor of Law and lawyer who holds the Chancellor’s Chair in Aboriginal Law and Policy at Dalhousie University, to explain the Compensation Entitlement Order to the YICC participants and answer any questions they might have.

37. The youth consultation was conducted in a completely independent manner. YICC holds sole copyright over the report and no one from the Caring Society influenced its content in any way. Attached as **Exhibit “11”** to my affidavit is a copy of this report.

38. In response to the YICC report, the Caring Society is working to integrate their recommendations into its proposals for the Compensation Process.

39. In particular, the Caring Society has made substantial progress responding to the YICC recommendation that financial literacy supports be made available to victims who are eligible for compensation. On November 15, 2019, AFN staff member Martin Orr and I had a conference call with four senior employees of the Royal Bank of Canada (“**RBC**”) to discuss whether and how the RBC could provide financial literacy and other services to recipients of compensation. The RBC has branches and agencies in many First Nations communities and has a strong network of Indigenous employees via its Royal Eagle employee resource group. The RBC has agreed to make available its support at no cost and with no obligation to the victims of Canada’s discrimination who will receive compensation. This support will be holistic and consist of pre-receipt services, namely financial literacy resources, and post-receipt services. The RBC has also committed to training specialized staff to provide culturally appropriate services to victims. These staff persons will be identified to recipients so they can reach out to them. The RBC has provided similar services to recipients of Indian Residential School compensation in the past.

40. On October 6, 2019, I emailed Professor Barbara Fallon, of the University of Toronto, and Professor Nico Trocmé, from McGill University, who are principle investigators in the

Canadian Incident Study on Reported Child Abuse and Neglect and thus familiar with provincial, territorial and national child welfare data sources, to request their assistance in structuring data questions to identify the victims who are entitled to compensation. Dr. Fallon and Dr. Trocme, with the aid of very talented research assistants Rachel Lefabvre, Marina Sistovaris, and Marie Saint Girons, agreed to formulate the data request questions for First Nations Child and Family Service Agencies and provinces/territories to identify the individuals who may be entitled to compensation.

41. On November 25, 2019, I received the final report from Dr. Fallon and Dr. Trocme. It includes a taxonomy of compensation categories and proposes questions that will no doubt be of assistance to those ordered by the Tribunal to undertake efforts to identify persons who will receive compensation per the Compensation Entitlement Order. The research team has agreed to modify the document, as needed, to accommodate any future orders made by the Tribunal on the Compensation Process. Attached as **Exhibit "12"** to this affidavit is a copy of this report.

42. On October 6, 2019, I emailed Susan Bissel, Visiting Scholar and Senior FXB Center for Human Rights Fellow, Harvard School of Public Health and former Chief of Child Protection at UNICEF to ask her for her input on the Compensation Process.

43. On October 21, 2019, I took part in a call with staff from the Assembly of First Nations and Ry Moran, the Director of the National Centre for Truth and Reconciliation. During the call, Mr. Moran told us that he is currently working on a report detailing some of the lessons learned from the distribution of compensation following the Indian Residential School Settlement Agreement. Following the call, he wrote a letter to Anne Leveque, one of the lawyers for the Caring Society, summarizing the lessons learned that could be relevant to the Compensation Process before the Tribunal. Attached as **Exhibit "13"** to this affidavit is a copy of his letter.

44. Mr. Moran also provided me with a guide that was created for claimants relating to the IRS Settlement Agreement. The guide includes an array of information for claimants such as where to find a lawyer, an overview of the claims process and a description of health and other supports available and how to access them. Attached as **Exhibit "14"** to this affidavit is a copy of this guide.

45. On October 23, 2019, I attended a meeting of the First Nations members of the National Advisory Committee on First Nations Child Welfare (“NAC”) held in Ottawa. Canada chose not to send representatives to this meeting given the proximity of the meeting to the federal election, so only First Nations members were present. At this meeting, the issue of the Tribunal’s compensation order was addressed. The First Nations members of NAC agreed that Canada ought not contact victims of discrimination, particularly children, to discuss compensation ordered by the Tribunal. First Nations members of NAC agreed that Canada should bring any ideas it has for consultation forward in discussions with the Caring Society and Assembly of First Nations to inform submissions to the Tribunal on or before December 10, 2019.

46. At this meeting, the First Nations members of NAC recognized that an independent process, such as the Truth and Reconciliation Commission, may be useful to enable victims to share their stories in a culturally safe and trauma informed manner. However, they emphasized that this process must be developed in full consultation with First Nations and First Nations experts. Consistent with my October 16, 2019 letter to Prime Minister Trudeau, I am very eager to receive assurances from Canada’s representative that they will not contact individual victims in light of the possible harm this could cause them.

47. On November 7, 2019 I had an in-person meeting with the Directors of Child Welfare to discuss the Compensation Process and the *Act Respecting First Nations, Metis and Inuit children, youth and families*. Consistent with the post-majority care programs in many provinces and territories, the Directors expressed general support to place monies payable to children in trust until brain development indicates a transition to adulthood with some exceptions for earlier access upon reaching the age of majority for things such as education.

48. On November 14, 2019, I attended the cross-examination of Sony Perron, Associate Deputy Minister of ISC, on his affidavits in support of Canada’s Stay Motion. A copy of the transcript of that cross-examination is attached as **Exhibit “15”** to my affidavit.

49. On November 18, 2019, I attended a meeting at the AFN during which Stephanie Wellman, a policy analyst, briefed me and the other individuals who were present about the mental health and addictions services available on reserve. Ms. Wellman told us that, according to ISC, there are currently 63 Mental Wellness Teams across the country providing services to

344 communities. We also discussed possible mechanisms to provide mental health supports for persons entitled to compensation who are resident off reserve.

50. On November 22, 2019, I had a telephone discussion with Dr. Sidney J. Segalowitz to obtain his advice on how long funds for children should be held in trust based on advances in brain science and child development. Dr. Segalowitz is a Professor in the Department of Psychology at Brock University and Director of both Brock University's Cognitive and Affective Neuroscience Laboratory and Brock University's Jack and Nora Walker Centre for Lifespan Development Research. Dr. Segalowitz explained that it is generally accepted that the age of majority (18 years) does not represent a transition to full adulthood, although obviously some aspects of adulthood are adequately reached. There is a growing scientific consensus to refer to the period from 18 to 25 years as 'emerging adulthood'. His opinion is based on psychological as well as neurophysiological factors. The details of his opinion will be provided in an expert affidavit at the time of the Caring Society submissions on the Compensation Process.

51. Finally, throughout the past few months, the Caring Society has taken various measures to keep those who may be entitled to compensation updated regarding any developments that may impact the Compensation Process. We have posted such updates regularly on our website, social media accounts, and have responded to inquiries about the Compensation Entitlement Order from potential recipients, First Nations and First Nations organizations and members of the public. The Caring Society, in consultation with AFN, also retained SLIAO Translation Services to create, record and edit a video recording of a summary of the Compensation Entitlement Order in American Sign Language and in Langue des signes du Québec. Attached as **Exhibit "16"** to this affidavit is a copy of SLIAO's invoice for these services.

52. In addition to these efforts, the Caring Society has also considered how to accommodate recipients with disabilities, and/or who are incarcerated, and/or who are mentally incompetent. We have also undertaken research into the payment of compensation into the estates of victims who died intestate or with a will, as well as how such payments may impact those living or passing away while on and off reserve. I have also asked various individuals to conduct research regarding the potential tax implications of receiving compensation as well as whether it would impact eligibility for or levels of social assistance benefits.

Need for Canada's Prompt and Meaningful Participation in Compensation Discussions per the Compensation Order.

53. Only Canada can identify which Government of Canada mechanisms will be employed to issue payments, what data it has in its possession to identify victims, and what mental health supports it is willing to provide to victims of discrimination.

54. We also need to speak to Canada about ensuring that victims of discrimination who choose to opt out of the Compensation Entitlement Order and Compensation Process have access to competent and culturally sensitive legal counsel to inform their decision making.

55. Canada also needs to advise the Parties of its interpretation of the Compensation Entitlement Order as in the past Canada has interpreted terms such as "all First Nations children" or "compliance" in ways contrary to the interpretation of the Caring Society.

56. There are many important issues relating to the Compensation Process that remain outstanding. For example, I am aware that Non-Insured Health Benefits ("NIHB") program only funds up to 22 hours of counselling per individual annually. Based on the experiences of IRS survivors and 60's scoop survivors, I am aware some victims will need mental health supports beyond the 22 hours authorized by NIHB and we will seek assurances to Canada that they will provide mental health services for the full duration recommended by the mental health treatment professional(s). We also need to discuss how to augment mental health services in First Nations where there are either no services available or services are inadequate to meet the needs of victims.

57. There are also many technical issues that need to be dealt with. For example, there seems to be some ambiguity regarding whether the compensation received will be taxable. It is my hope that Canada will agree to request that the Canadian Revenue Agency issue a Tax Folio clarifying that compensation received following the Compensation Process is not considered income under the *Canadian Income Tax Act*.

Potential Harm to First Nations children caused by Canada's Failure to Engage in Discussions regarding the Compensation Process

58. I believe it is in the best interests of the victims of Canada's past and ongoing willful and reckless discrimination that the compensation set out in the Compensation Entitlement Order be provided as soon as possible. Prompt compensation can assist victims in overcoming some of the disadvantages and harms emerging from Canada's discriminatory conduct. Conversely, I believe that if the provision of compensation is delayed given Canada's refusal to execute the terms of the order in good faith, it will deepen the harm and injustice experienced by the victims, their families and communities.

59. My direct experience with First Nations youth in care and formerly in care also confirms this view. On or about October 10, 2019, I traveled to New Brunswick. While I was there, I met a young First Nations woman with a terminal disease, which she has had since birth. She ought to have received services and products under Jordan's Principle, however, Canada was applying the discriminatory definition of Jordan's Principle when she was a child. This left her single parent to struggle to pay for the essential services she needed to ensure her optimal wellness and life-expectancy. I have no doubt that she would have been eligible for services under Jordan's Principle when she was a child. The young woman is doing well at the moment but we do not know if compensation will arrive in time for her and other youth facing terminal illnesses.

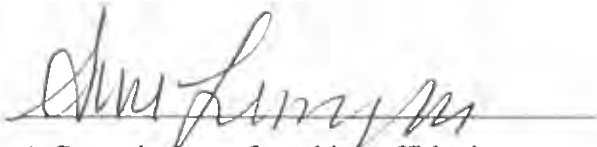
60. In addition, a recent APTN news story revealed that over 100 Indigenous youth have lost their lives in care in the past five years in Ontario alone. Some of these youth died after the Tribunal issued its Decision in 2016. Attached as **Exhibit "17"** to this affidavit is a copy of this news report.

61. Between the release of the Compensation Entitlement Order and the present date, I exchanged several social media communications with the father of two First Nations children who passed away after Canada failed to provide his children with the products and services they needed when they needed them. I believe this father is entitled to compensation as the services and products required by his terminally ill children would have been covered had Canada used the proper non-discriminatory definition of Jordan's Principle ordered by the Tribunal. The

uncertainty arising from Canada's judicial review adds further stress to families who have experienced tragic losses of their children.

62. On November 14, 2019, Maurina Beadle passed away. She was the mother and primary caregiver of her son Jeremy, a young man with complex and multiple disabilities. Ms. Beadle was one of the applicants in *Pictou Landing v Canada*, 2013 FC 342, the first case in Canada in which a court applied Jordan's Principle to order Canada to provide a service to a First Nations child. Members of the Pictou Landing Band are currently working to try to ensure Jeremy receives the culturally appropriate care he needs. I believe both Maurina's estate and Jeremy are entitled to compensation according to the Compensation Entitlement Order. I also believe that Canada's continued opposition to the Tribunal's Compensation Entitlement Order deprived Maurina of the peace of mind of knowing that there would be some money available to support Jeremy after she passed.

AFFIRMED BEFORE ME at the City of Ottawa, in the Province of Ontario, this 8th day of December 2019.



A Commissioner for taking affidavits, etc.



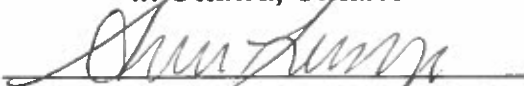
CINDY BLACKSTOCK

THIS IS EXHIBIT "2" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK

SWORN BEFORE ME ON

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

Cindy Blackstock (Gitxsan First Nation)

Executive Director, First Nations Child and Family Caring Society of
Canada

Professor, School of Social Work, McGill University

ACADEMIC RECORD (4 Academic degrees; 20 Honorary Doctorates)

PhD (Social Work)	University of Toronto, Toronto, Ontario (2009)
Master Degree (Jurisprudence)	Loyola University (Faculty of Law) Chicago, Illinois (2016)
Master Degree (Management)	McGill University Montreal, Quebec (2003)
Bachelor of Arts (Psychology)	University of British Columbia Vancouver, British Columbia (1987)
Doctor of Laws (Honorary)	University of Northern British Columbia Prince George, BC (2012)
Doctor of Letters (Honorary)	Thompson Rivers University, Kamloops, BC (2015)
Doctor of Laws (Honorary)	University of Saskatchewan (2016)
Doctor of Iyiniw Kiskeyihtamowing Asonamakew (Passing Knowledge on)	Blue Quills First Nations University (2016)
Doctor of Laws (Honorary)	Western University (2016)
Doctor of Laws (Honorary)	Waterloo University (2016)
Doctor of Letters (Honorary)	Mount Saint Vincent University (2016)
Doctor of Laws (Honorary)	University of Winnipeg (2017)
Doctor of Laws (Honorary)	Ryerson University (2017)
Doctor of Laws (Honorary)	Osgoode Law School (2017)
Doctor of Cannon Law (Honorary)	St. John's College (November 2017)
Doctor of Laws (Honorary)	University of Manitoba (May 2018)
Doctor of Laws (Honorary)	University of Toronto (June 2018)
Doctor of Laws (Honorary)	Memorial University (June 2018)
Doctor of Laws (Honorary)	University of Ottawa (June 2018)
Doctor of Laws (Honorary)	Dalhousie University (May 2018)
Doctor of Laws (Honorary)	University of Victoria (2018)
Doctor of Laws (Honorary)	McMaster University (2018)
Doctor of Laws (Honorary)	Trent University (2019)
Doctor of Laws (Honorary)	University of Lethbridge (2019)

AWARDS AND HONORS (80)

2019	Officer of the Order of Canada: Investiture
2019	American Society of Pediatric Otolaryngology Kerschner Lecture
2019	National Public Health Hero Award: Canadian Public Health Association
2019	Human Concern International: Canadian Women Making a Positive Difference
2019	Chatelaine Magazine: Women of the Year
2018	TD Spotlight on Achievement, Family Physicians Assoc. of Canada
2018	Mahatma Gandhi Peace Prize, Mahatma Gandhi Assoc. of Canada
2018	Officer, Order of Canada
2018	Women Making an Impact: Status of Women Canada
2018	Indspire: Promising Practice: Spirit Bear and children make history
2018	Stand Up for Kids Inaugural Award
2018	Profile, The Lancet (http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30429-X/abstract)
2017	Newsmaker of 2018 (CBC)
2017	Chiefs of Ontario Honouring
2017	Gitksan First Nation Honouring
2017	Treaty 8 Honouring for work on Jordan's Principle and the CHRT
2017	Senior Fellow, Raoul Wallenberg Centre for Human Rights
2017	Fellow, Broadbent Institute
2017	Presbyterian Church of Canada, Dr. E. H. Johnson Memorial Award
2017	United Church of Canada, Human Rights Award
2017	Amnesty International, Ambassador of Conscience Award
2017	Canadian Labour Congress, Award for Outstanding Service to Humanity
2017	Janusz Korczak Medal for Children's Rights Advocacy
2017	Jack Layton Progress Prize, Broadbent Institute
2017	Law Society of Upper Canada, Human Rights Award
2017	150 Great Canadians @Canadians150
2016	Canadian Institute of Child Health Award
2016	Ontario Association of Social Workers: Social Change and Human Rights Champion award
2016	Assembly of Manitoba Chiefs Honoring
2016	Neil Reimer Award: UNIFOR
2016	Jordan's Principle Honoring: Norway House Cree Nation
2016	Champion for Children: Defense for Children International
2016	Honorary Recipient, Peter Henderson Bryce Award
2016	Honoring: BC First Nations Leadership Forum on Child Welfare
2016	Golden Whistleblower Award: Canadians for Accountability
2016	Liberty Award (individual): BC Civil Liberties Association:
2016	Order of the Buffalo Hunt, Government of Manitoba
2015	Assembly of First Nations Honoring for work on Canadian Human Rights Tribunal
2015	Courage in Law Award, UBC Indigenous Law Students
2015	Distinguished Patron, Defense for Children International
2014	Canadian Society for Training and Development, President's Award
2014	Canadian Civil Liberties Association, Community Award
2014	University of Alberta, Community Scholar Award
2014	Honorary Witness, Truth and Reconciliation Commission

2014 The Federation of Community Social Services of BC Award of Excellence
 2013 Human Rights Activist, 16 Days of Activism, Nobel Women's Initiative
 2013 Human Rights Defender, Frontline Defenders (Dublin, Ireland)
 2013 Friend of Child and Youth Award, North American Council on Adoptable Children
 2013 Distinguished Person endorsing the Joint Statement against the Physical Discipline of Children
 2013 Champion of Child and Youth Rights Award, First Call (BC)
 2012 Recognition, Canadian Journalists for Free Expression
 2012 Honorary Lifetime Member, Indigenous Bar Association
 2012 Essential Piece Award: Kasohkewew Child Wellness Society
 2012 Trudeau Foundation Mentor
 2011 National Aboriginal Achievement Award (Public Policy)
 2011 Ashoka Fellow (announced 2010 and formally inducted in 2011)
 2010 J.W. McConnell Family Foundation Social Innovation Generation Fellowship

 2010 Canadian Association of Social Workers Outstanding National Service Award
 2010 Ontario Municipal Social Services Association, Outstanding Human Services Award
 2009 Manitoba First Nation Child Welfare Gala Leadership Award
 2009 Yellowhead Tribal Services Recognition Award
 2009 Atkinson Foundation Economic and Social Justice Fellowship
 2009 Defense for Children International, Canada: Champion for Children Award
 2008 University of Western Australia, Healthway Indigenous Scholar Fellowship
 2008 Leader in Social Work, National Social Work Week, Ontario Association of Social Workers

 2008 Adel Sedra Distinguished Scholar Award, University of Toronto
 2008 Inclusion in the United Nations database on Indigenous experts and professionals, United Nations Permanent Forum on Indigenous Issues
 2007 Assembly of Manitoba Chiefs Recognition Award, Jordan's Principle
 2007 Perry Shawana Aboriginal Child Care Advocacy and Leadership Award
 2007 Norway House Cree Nation Recognition Award for Jordan's Principle
 2007 Canada Graduate Scholarship (PhD), Social Science and Humanities Council
 2006 Wi Chi Ti Zon Group Home Recognition Award
 2006 Victor Marchessault Advocacy Award, Canadian Paediatric Society.
 2005 Honorary Foster Parent, Aboriginal Foster Doll Project, BC Youth in Care Network; Aboriginal Foster Parents Association and the BC Federation of Foster Parents

 2003 Sarah Berman Memorial Award for Public Speaking, North American Council on Adoptable Children
 2003 Queen's Golden Jubilee Medal
 2003 Yellowhead Tribal Services Child and Family Services Recognition Award
 2002 Caring for First Nations Children Society Recognition Award
 2001 Province of British Columbia Ministry for Child and Family Development, Instructor Recognition Award
 1998 Sto:lo Nation recognition for Instruction of the Aboriginal Social Worker Training Program

ACADEMIC APPOINTMENTS (6)

2014–2015	OISE, University of Toronto, External Scholar, Faculty of Graduate Studies
2013	Dalhousie University, External Scholar, Faculty of Graduate Studies
2011–2015	University of Ottawa, Faculty of Women’s Studies and Graduate Studies
2005	University of Toronto, Senior Instructor
2005	University of Victoria, Adjunct Professor
2000	University of Manitoba, Professional Affiliate

PROFESSIONAL APPOINTMENTS (7)

2016–Present	Professor, McGill University, School of Social Work
2017–Present	Adjunct Professor, University of Alberta
2011–2016	Associate Professor (tenured), University of Alberta, Faculty of Extension
2003–Present	Executive Director First Nations Child and Family Caring Society www.fncaringsociety.com
1999–2003	Executive Director Caring for First Nations Children Society www.cfncs.com
1995–1999	Assistant to the Social Development Director The Squamish First Nation
1987-1995	Senior Social Worker Province of British Columbia

RESEARCH (15)

2019	SSHRC Aid to Scholarly Journals Grant Supplement: 2018–2021 – 5K per annum for 3 years (15K).
2018-2021	SSHRC Insight Research Grant: Just because we are small doesn’t mean we can’t stand tall (teacher’s perceptions of children’s direct engagement in reconciliation based social justice). Principle Investigator: Cindy Blackstock
2018-2021	SSHRC Aid to Scholarly Journals Grant for First Peoples Child and Family Review (2019–2022): Principle Investigator: Cindy Blackstock 26.5 per annum for 3 years (79.5)
2015-2019	SSHRC Journal Grant for First Peoples Child and Family Review (2015–2018): Principal Investigator: Cindy Blackstock.
2015	Advisor, New Zealand Royal Society Marsden Fund Research Program “Children visiting a museum: information gathering or creative capacity building?”
2012	Building Capacity with First Nations and mainstream Youth Protection services in Quebec. Collaborator: Principal Investigator: Nico Trocmé.
2011	SSHRC grant for First Peoples Child and Family Review. Principal Investigator: Cindy Blackstock

- 2009 Nova Scotia Department of Community Services and Mi'kmaw Family and Children's Services. *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia.*
- 2007 National Collaborating Centre on Aboriginal Health. *Development of the Scientific Vision for NCCAH.* 2007. Public Health Agency of Canada and the United Nations Committee on the Rights of the Child. *Supporting the development of the UNCRC general comment on Indigenous child rights.*
- 2005 Department of Indian Affairs and Northern Development. *Wen:de: The Journey Continues.* Available on line at www.fncaringsociety.com
- 2005 Department of Indian Affairs and Northern Development. *Wen:de: We are coming to the light of day.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Bridging Econometrics with First Nations child and family service practice.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Staying at Home: Least Disruptive Measures*
- 2004 Health Canada. *Keeping the Promise: The United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children and Young People*
- 2003–2004 Voluntary Sector Initiative, Government of Canada. *Caring Across the Boundaries: Exploring the Nature and Extent of Engagement of the Voluntary Sector with First Nations Children and Families.*

SERVICES RELATED TO RESEARCH (18)

- 2017 Research Steering Group Member, Global Child CIHR project to develop compliance indicators for the UN Convention on the Rights of the Child.
- 2016 Co-convenor, Reimagining Child Welfare Symposium. Partnership with Osgoode Law School, TAG, African Canadian Legal Centre and the Caring Society
- 2016 Moderator: Big Thinking Lecture by Noaimi Klein; Federation of the Humanities and Social Sciences
- 2015 Moderator: Big Thinking Lecture by Justice Murray Sinclair: Federation of Humanities and Social Sciences.
- 2015 Symposium participant, Neocolonialism and Indigenous children's rights: University of Technology, Sydney: AU
- 2014 Moderator, Big Thinking Lecture by Dr. Jim Miller, House of Commons, Federation of Humanities and Social Sciences.
- 2014 Board Member, Federation of the Humanities and Social Sciences
- 2013–Present Director, First Nations Children's Action Research and Education Centre (FNCARES), University of Alberta
- 2010 Reviewer, Research Grants for the Social Science and Humanities Council

2009	Advisor, Centre of Excellence for Child and Youth Mental Health at CHEO
2006–2009	Facilitating consultation with the Indigenous Sub Group for the United Nations Committee on the Rights of the Child in the development of the General Comment on Indigenous Child Rights
2006	Reviewer, Harvard University John F. Kennedy School of Government, American Indian Program evaluation of the Longitudinal Survey on Aboriginal Health
2006–2008	Expert Panel on Health Literacy, Canadian Public Health Association
2004–2008	Canadian Incident Study on Reported Child Abuse and Neglect, research team member.
2003–2009	Co-director, Centre of Excellence for Child Welfare
2001	Grant Reviewer, Centre of Excellence for Child Welfare.
1997–2002	Advisory Committee Member, Joint National Policy Review of First Nations Child and Family Services, the Assembly of First Nations and Department of Indian Affairs and Northern Development.
2000–2002	Advisory Committee Member, Centre of Excellence for Child Welfare.

ADVISORY BOARDS/EXPERT ADVISOR/EXPERT WITNESS (12)

2018	Witness, Commission d'enquete sur les relations entre les Autochones et certain services publics au Quebec.
2018	Expert Witness, Murdered and Missing Indigenous Women's Inquiry
2016–Present	Commissioner, Pan American Health Organization, Review of Health Inequities and Inequalities in the Americas.
2017–Present	Advisory, Hand to Hold Campaign to ensure children who are medically transported in Quebec can travel with a guardian/other caring adult.
2014	Reviewer, Indigenous Ethics of Predictive Risk Modeling for Maori Children and Families
2011–2013	Expert Advisor, UNICEF on UN Declaration on the Rights of Indigenous Peoples
2010–2011	Advisor to Microsoft Corporation Canada, First Nations education initiative
2010–2012	Ashoka Changemaker's First Nations, Metis and Inuit Changemaker's Competition Advisory Committee
2010–2012	Mount Royal University, Continuing Education Department. Child and Youth Human Rights Extension Certificate Advisory Committee
2010	Member, Audit Advisory Committee, Auditor General of Canada
2010	Expert Child Welfare Committee, Northwest Territory Government
2010	Expert Panelist, United Nations Permanent Forum on Indigenous Issues

EXECUTIVE PRODUCER OF FILMS AND PHOTOGRAPHY EXHIBIT CURATOR (5)

- 2016 *(Dis)placed: indigenous youth and the child welfare system.* **Cindy Blackstock**, co-producer. Melisa Brittain, Director and film maker.
- 2013 *Fighting for Shannen and all the kids too!* **Cindy Blackstock**, Executive Producer. Andree Cazabon: Director and film maker.
- 2013 *Letters to Canada.* **Cindy Blackstock**, Executive Producer. Andree Cazabon: Director.
- 2012 *I am a witness: A short film.* **Cindy Blackstock**, Executive Producer. Andree Cazabon: Director.
- 2009–Present *Caring Across Boundaries: Reconciliation in a child’s world.* **Cindy Blackstock**, Curator, with photography by Liam Sharp. Premiered at First Canadian Place (Bank of Montreal headquarters) in Toronto. Since toured to the AFN Special Chiefs Assembly, New Brunswick First Nations, University of Ottawa and the Canadian Labour Congress National Conference.

REFEREED JOURNAL EDITORIAL BOARDS/REVIEWS (18)

- 2019 Reviewer, *Canadian Journal of Family Law*
- 2017 Reviewer, *Lancet*
- 2015 Reviewer, Fernwood Publications
- 2014 Editor in Chief, *First Peoples Child and Family Review*
- 2014 Reviewer, *International Indigenous Policy Journal*
- 2013 Reviewer, *Canadian Medical Association Journal*
- 2012 Reviewer, *Child Abuse and Neglect*
- 2012 Reviewer, *Child Abuse and Neglect*
- 2012 Reviewer, *First Peoples Child and Family Review*
- 2011 Reviewer, *Violence Against Women*
- 2011 Reviewer, *Child Abuse Review*
- 2009–Present Reviewer, *First Peoples Child and Family Review*
- 2007 Co-wrote editorial, *First Peoples Child and Family Review*
- 2007 Reviewer, *Violence Against Women*
- 2006 Reviewer, *Violence Against Women*
- 2005 Guest Editor, *Pediatrics and Child Health*
- 2004–Present Founding Editorial Board Member, *First Peoples Child and Family Review*
- 2003 Guest Editor, *Journal on Developmental Disabilities*

PUBLICATIONS IN REFEREED JOURNALS (42)

- Blackstock, C.** (2019). Revisiting the breath of life theory. *British Journal of Social Work*, 2019 (49), 854-859.
- Blackstock, C.** (2019). Indigenous child welfare legislation: A historical change or another paper tiger? *First Peoples Child and Family Review*, 14(1). Retrieved May 5, 2019 at <http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/view/367/299>
- Blackstock, C.** (2019). Learning to babble: Why children are essential to social justice and reconciliation. *Every Child Australia*, 25 (1), 4-7.

- Blackstock, C.** (2017). The United Nations Committee on the Rights of the Child: Does its structure and working methods optimize efficacy and promote child participation? *Canadian Journal of Children's Rights*, 4(1), 116-126.
- Blackstock, C.** (2016). The Complainant: The Canadian Human Rights Tribunal on First Nations Child Welfare. *McGill Law Journal*, 62:2, 285-328.
- King, J., Wattam, J. & **Blackstock, C.** (2016). Reconciliation: the kids are here! *Canadian Journal of Children's Rights*, 3 (10), 32-45.
- Blackstock, C.** (2016). Toward the full and proper implementation of Jordan's Principle: An elusive goal to date. *Paediatric Child Health* 21(5), 245-246.
- Blackstock, C.** (2016). Social movements and the law: addressing engrained government-based discrimination against Indigenous children. *Australian Indigenous Law Review*. 19 (1),5-19.
- Levesque, A., Clarke S. & **Blackstock, C.** (2016). La plainte de discrimination devant le Tribunal des droits de la personne canadien de portant sur les services d'aide à l'enfance aux enfants des Premiere Nations Principe et le de Jordan. *Journal enfance, famille, generations*, 16 (25).
- Cross, T., **Blackstock, C.**, Formsma, J., George, J. & Brown, I. (2015). Touchstones of hope: still the best guide to Indigenous child welfare. *First Peoples Child and Family Review* 10(2), 6-11.
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.** & Sinha, V. (2015). Exploring alternate specification to explain agency-level effects in placement decisions regarding Aboriginal children: Part C. *Child Abuse & Neglect* (May, 2015), 97-106.
- Blackstock, C.** (2015). Should governments be above the law? The Canadian Human Rights Tribunal on First Nations child welfare. *Children Australia*, 40 (2), 95-104.
- Blackstock, C.** (2013). Opening statement of the First Nations Child and Family Caring Society of Canada: Canadian Human Rights Tribunal. *Kanata*, 6 (Winter, 2013), 16-21.
- Blackstock, C.** & Auger, A. (2013). Pursuing human rights for community level resilience: the Jordan's Principle case, process and initiative as resilient community action. *International Journal of Child and Journal Resilience*, 1 (1).
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.**, Maclaurin, B., & Tonmyr, L. (2013). Placement decisions and disparities among Aboriginal children: further analysis of the Canadian Incidence Study on Reported Child Abuse and Neglect part A: comparisons of the 1998 and 2003 surveys. *Child Abuse and Neglect*, 37 (1), 47-60.
- Blackstock, C.** (2012). Aboriginal child welfare self-government and the rights of Indigenous children: A book review. *Children and Youth Services Review*, 34(12), 2504-2506.
- Blackstock, C.** (2012). Jordan's Principle: Canada's broken promise to First Nations children? *Paediatrics and Child Health*, 17(7), 368-370.
- Cross, T. & **Blackstock, C.** (2012). We are the manifestations of our ancestor's prayers. *Child Welfare*, 91 (3), 9-14.
- Blackstock, C.** (2011). Wanted moral courage in child welfare. *First Peoples Child and Family Review*, 6 (2), 36-47.
- Blackstock, C.** (2011). The emergence of the breath of life theory. *Journal of Social Work Values and Ethics*, 8(1), 1-16. Retrieve at <http://www.socialworker.com/jswve/content/view/143/73/>
- Blackstock, C.** (2011). Why if Canada wins, Canadians lose: The Canadian Human Rights Tribunal on First Nations child welfare. *Children and Youth Services Review*, 33 (2011), 187-194.
- Tommyr, L. & **Blackstock, C.** (2010). Commentary: public health approach in First Nations communities. *International Journal on Mental Health and Addictions*, 8(2), 135-144.
- Fluke, J., Chabot, M., Fallon, B., Maclaurin, B., & **Blackstock, C.** (2010). Placement decisions and disparities among aboriginal groups: an application of the decision making ecology through multi-level analysis. *Child Abuse and Neglect*, 34(1), 57-69.

- Chabot, M., Fallon, B., Tonmyr, L., Maclaurin, B., Fluke, J. & **Blackstock, C.** (2010). Exploring alternate specifications to explain agency level effects in placement decisions regarding Aboriginal children: further analysis of the Canadian Incidence Study on Reported Child Abuse and Neglect. *Child Abuse and Neglect*, 37 (1), 61-76.
- Blackstock, C.** (2009). First Nations children count: enveloping quantitative research in an Indigenous envelope. *First Peoples Child and Family Review*, 4(2), 135-144.
- Blackstock, C.** (2009). Why addressing the over-representation of First Nations children in care requires a new theoretical approach. *Journal of Social Work Values and Ethics*, 6(3).
- Blackstock, C.** (2009). The occasional evil of angels: learning from the experiences of Aboriginal peoples with social work. *First Peoples Child and Family Review*, 4(1), 28-37.
- Blackstock, C.** (2009). After the apology: why are so many First Nations children still in foster care? *Children Australia*, 34 (1), 22-31.
- Trocmé, Maclaurin, Fallon & **Blackstock, C.** (2008). *Mesnmik Wasatek. World perspective, 8th edition.* Chicago: International Society for the Prevention of Child Abuse and Neglect.
- Blackstock, C.** (2008). Rooting mental health in an Aboriginal world view inspired by Many Hands One Dream. *Paper prepared for the Provincial Centre of Excellence for Child and Youth Mental Health at CHEO.*
- Blackstock, C.** (2008). *Jordan's Principle: editorial update.* *Paediatrics and Child Health*, 13 (7), 589-590.
- Blackstock, C. & Cross, T.** (2007). Indigenous child rights. *Encyclopedia on violence against children.* California: Sage Publications.
- Blackstock, C.** (2007). If reindeer could fly: dreams and real solutions for Aboriginal children. *Education Canada*, 7(1), 4-8.
- Blackstock, C.** (2007). The breath of life versus the embodiment of life: Indigenous knowledge and western research. *World Indigenous Nations Higher Education Consortium Journal*, 2007. Porirua, New Zealand.
- Blackstock, C.** (2007). Are residential schools closed or have they just morphed into child welfare? *Indigenous law journal* 6(1), 71-78.
- Wien, F., **Blackstock, C.**, Loxley, J. and Trocmé, N. (2007). Keeping First Nations children safely at home: how a few federal policy changes could make a big difference. *First Peoples Child and Family Review*, 3(1), 10-15.
- Blackstock, C. & Alderman, J.** (2005). The untouchable guardian: the state and Aboriginal children in the child welfare system in Canada. *Early childhood matters, December 2005, No. 105*, 19-23.
- Blackstock, C.** (2005). The occasional evil of angels: Learning from the experiences of Aboriginal Peoples with social work. *World Indigenous Nations Higher Education Consortium Journal*, Vol. 2. New Zealand.
- Saylor, K. & **Blackstock, C.** (2005). Many hands one dream: healthy Aboriginal children and youth. *Paediatrics and child health*, 10 (9), 533-534.
- Blackstock C.** (2005). Voices from the field - First Nations children in care. *Encyclopedia on Early Childhood Development.* Centre of Excellence for Early Childhood Development Website, http://www.excellence-earlychildhood.ca/liste_theme.asp?lang=EN&act=32
- Blackstock, C.** (2005). Same Country: Same Lands; 78 Countries Away: An exploration of the nature and extent of collaboration between the voluntary sector and First Nations Child and Family Service Agencies. *First Peoples Child Welfare Review*, 2 (1), 130-157.
- Trocmé, N., Knoke, D. and **Blackstock, C.** (2004). Pathways to the over-representation of Aboriginal children in the child welfare system. *Social Services Review, Volume 78, (4)*, 577-600.

Blackstock, C., Trocmé, N. and Bennett, M. (2004). Child welfare response to Aboriginal and Non Aboriginal Children in Canada; a Comparative Analysis. *Violence Against Women*, 10(8), 901-917.

Blackstock, C. (2004). Embracing our Distinct Humanity in *Journal of Developmental Disabilities*, 10(2), vii-1.

BOOKS (2):

Blackstock, C. (2018). *Spirit Bear: fishing for knowledge; catching dreams*. Ottawa: First Nations Child and Family Caring Society of Canada.

Blackstock, C & Robinson, E. (2017). *Spirit Bear and Children make history*. Ottawa, First Nations Child and Family Caring Society of Ottawa. *Note: received recognition as an Indspire Best Practice in Indigenous Education and over 17,000 copies have been sold/donated since December 2017. Available in Carrier, French and English.*

NON-JURIED PERIODICALS AND SUBMISSIONS (26)

Blackstock, C. (2019). Blackface and About Face: Where Canada's Reconciliation Agenda went wrong. *Toronto Star: Opinion*, October 7, 2019.

Blackstock, C. (2019). Ottawa wilfully discriminated against First Nations children. Silence is no longer an option. *Globe and Mail: Opinion*: September 11, 2019

Blackstock, C. (2019). When will Ottawa end its willful neglect of Indigenous children? *Globe and Mail: Opinion*, July 16, 2019.

Blackstock, C. (2019). Will Canada continue to fail Indigenous girls? *Globe and Mail: Opinion*, June 6, 2019.

Blackstock, C. (2019). For First Nations kids' welfare, our government knows better; it just needs to do better. *Opinion*, January 16, 2019. Retrieved at:
<https://www.theglobeandmail.com/opinion/article-for-indigenous-kids-welfare-our-government-knows-better-they-just/>

Blackstock, C., Bianchi, E. & Smith, S. (2018). Reconciling History: how a cemetery breathed life into reconciliation, *History Magazine (October/November, 2018)*, 13-16.

Levesque, A. & **Blackstock, C. (2018).** *What will it take for Canada to treat First Nations children fairly?* Broadbent Institute Blog, February 1, 2018. Retrieved from:
http://www.broadbentinstitute.ca/405870/what_will_it_take_for_canada_to_treat_first_nations_children_fairly

Levesque, A. & **Blackstock, C. (2018).** *Reconciliation and human rights for Indigenous peoples: the pathway ahead*. Broadbent Institute Blog, January 16, 2018.

Blackstock, C. & Grammond S. (2017). Reforming child welfare first step toward reconciliation: *Opinion. Toronto Star*, August 1, 2017.

Blackstock, C. (2017). *A National Crime: Part Two? Op. Ed.* Ottawa Citizen, June 3, 2017.

King, J. & **Blackstock, C. (2017).** On Canada's 150th, What are First Nations kids losing out to? *The Catalyst: Citizens for Public Justice*, Spring 2017, 1.

Blackstock, C. (2016). The long history of discrimination against First Nations children. *Policy Options Politiques*, October 6, 2016. Retrieved October 16, 2016 at
<http://policyoptions.irpp.org/magazines/october-2016/the-long-history-of-discrimination-against-first-nations-children/>

- Blackstock, C.** (2016). Expert Analysis: Cindy Blackstock. *Buried voices: changing tones: an examination of media coverage of Indigenous issues in Ontario, media monitoring report: 2013-2016*. Toronto: Journalists for Human Rights, 13-14.
- Brittain, M. & **Blackstock, C.** (2015). *First Nations child poverty: a literature review and analysis*. Edmonton: First Nations Children's Action Research and Education Service, University of Alberta.
- Blackstock, C.** (2015). *Canada knows better and is not doing better*. Submission for the First Nations Child and Family Caring Society of Canada to the United Nations Committee on Economic, Social and Cultural Rights.
- Blackstock, C.** (2014). *Historic legal cases on First Nations children's equity*. Eastern Branch, Ontario Association of Social Workers Bulletin, 40(1), 12.
- Pierro, R., Barrera, J., **Blackstock, C.**, Harding, R., McCue, D. & Metawabin, M. (2014). *Buried voices: media coverage on Aboriginal issues in Ontario*. Toronto: Journalists for Human Rights. Retrieved September 20, 2015 at http://www.jhr.ca/en/wp-content/uploads/2015/08/Buried_Voices.pdf
- Blackstock, C.** (2013). Secretariat of the Permanent Forum on Indigenous Issues, Indigenous Youth Caucus, UNICEF. *Know your rights: UN Declaration on the Rights of Indigenous Peoples for Indigenous adolescents*. New York: UNICEF.
- Blackstock, C.** (2012). *Reconciliation in action: educators and students standing in solidarity with First Nations children and Canadian Values*. Perspectives, 9 (October, 2012). Retrieved October 12, 2012 at http://www.ctffce.ca/Priorities/default.aspx?ArtID=1998&year=2012&index_id=4685&lang=EN
- Blackstock, C.** (2011). *Jordan's Principle and Maurina Beadle's fight for implementation*. Eastern Branch, Ontario Association of Social Workers Bulletin, 37(3), 12-14.
- Blackstock, C.** (2012). *Jordan and Shannen: First Nations children demand that Canada stop racially discriminating against them. Shadow report for Canada's 3rd and 4th periodic report to the United Nations Committee on the Rights of the Child*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C.** (2011). *Reconciliation means not saying sorry twice: How inequities in Federal Government child welfare funding drive children on reserve into foster care*. Submission to the Standing Committee on the Status of Women. Ottawa: First Nations Child and Family Caring Society of Canada.
- Alderman, J., Balla, S., **Blackstock, C.** & Khanna, N. (2011). *Guidelines for the ethical engagement of young people*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C.**, Cross, T., Brown, I., George, J., & Formsma, J. (2006). *Reconciliation in child welfare: touchstones of hope for Indigenous children, youth and families*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C.**, Bruyere, D., & Moreau, E. (2006). *Many Hands One Dream: principles for a new perspective on the health of First Nations, Inuit and Métis children and youth*. Ottawa: Canadian Paediatric Society.
- Alderman, J., Balla, S., **Blackstock, C.** & Khanna, N. (2006). *Declaration of accountability on the ethical engagement of young people and adults in Canadian organizations*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C.**, S. Hobenshield and M. Kovach (2005). *In the future First Nations children will West*. Vancouver: Caring for First Nations Children Society.

BOOK CHAPTERS (24)

- Bamblett, M., **Blackstock, C.**, Black, C. & Salamone, C. (2018). *Culturally respectful leadership: Indigenous clients and staff*. In Margarita Frederico, Maureen Long & Nadine Cameron eds., *Leadership in child and family practice*. New York: Routledge 2018), pp. 83-99.
- Blackstock, C. (In press)**. *What will it take? Ending the Canadian Government's chronic failure to do better for First Nations children and families when it knows better*. In David Newhouse and Kathleen Graham (Eds.) *Sharing our land; Sharing our future*. Winnipeg: University of Manitoba Press.
- Blackstock, C. (2017)**. *Ending Discrimination Against First Nations Children: When enforcing the law takes all of us*. In Heather MacIvor and Arthur H. Milnes, eds., *Canada at 150: Building a Free and Democratic Society*. Toronto: LexisNexis Canada, 2017), pp. 238-239
- Blackstock, C. (2017)**. Does social work have the guts for social justice and reconciliation? In Elaine Spencer (Ed.) *Social work ethics in action*. London: Oxford University Press, pp. 115-128.
- Blackstock, C. (2016)**. The occasional evil of angels: learning from the experience of Aboriginal peoples and social work. In Steven Hick & Jackie Stokes (Eds) *Social Work in Canada, fourth edition*. Toronto: Thompson Educational Publishing, pp. 54-63.
- Blackstock, C. (2016)**. Shannen Koostachin: I will never give up. In Rachel Vincent, Nobel Women's Initiative (Ed.) *When we are bold*. Ottawa: Art and Literature Mapale & Publishing Inc., pp. 223-232.
- Blackstock, C. (2014)**. The government of Canada: on trial for the racial discrimination of First Nations children. In Sven Hesse (Ed.) *Environmental change and sustainable social development: social work- social development: Volume II*. Surrey: Ashgate, pp. 7-13.
- King, J., Edwards, C., & **Blackstock, C.** (2013). A time for dreams: the right to education for First Nations children and youth living on reserve. In Kate Tilleczeck and Bruce Ferguson (Eds.) *Youth, education and marginality: local and global expressions*. Waterloo: Sir Wilfrid Laurier Press and Sick Kids.
- Blackstock, C. (2013)**. Mosquito advocacy: change promotion strategies for small groups with big ideas. In Hilary Weaver (Ed.) *Social issues in contemporary Native America: reflections from Turtle Island*. Surrey: Ashgate, 219-232.
- Blackstock, C. (2012)**. Child welfare: lessons from the emperor's new clothes. In Don Fuchs, Ivan Brown & Sharon McKay (Eds.), *Awakening the Spirit* (pp. ix-xi). Regina: Canadian Plains Research Center Press.
- Blackstock, C. (2012)**. A National Crime: Canada faces charges of racial discrimination against First Nations children in 2010. In Ellen Murray (Ed.), *Children Matter: Exploring child and human rights issues in Canada*, pp. 87-111.
- Blackstock, C. (2012)**. The Canadian Human Rights Tribunal: why if Canada wins; equality and justice lose. In Michelle Webber & Kate Bezanson (Eds.), *Rethinking society in the 21st century; critical readings in sociology*. Toronto: Canadian Scholars Press.
- Sinha, V., Trocmé, N, **Blackstock, C.**, MacLaurin, B. & Fallon, B. (2011). Understanding the overrepresentation of First Nations children in Canada's child welfare system. In Kathleen Kufeldt & Brad McKenzie (Eds.), *Connecting research, policy and practice child welfare* (2nd Ed.). (pp. 307-322). Waterloo: Sir Wilfrid Laurier Press.
- Blackstock, C. (2011)**. First Nations children and families: the search for the voluntary sector. In Fred Bird & Frances Wesley (Eds.), *Voices from the voluntary sector* (pp. 173-190). Toronto: University of Toronto Press.

- Blackstock, C.** (2009). Jordan's Principle: how one boy inspired a world of change. *Canadian supplement to the state of the world's children, 2009: Aboriginal children's health – leaving no child behind*, 46-52. Toronto: UNICEF.
- Blackstock, C.** (2008). Reconciliation means not saying sorry twice: lessons from child welfare. *From truth to reconciliation: transforming the legacy of residential schools* (pp. 163-178). Ottawa: Aboriginal Healing Foundation.
- Blackstock, C.,** Brown, I., & Bennett, M. (2007). Reconciliation in child welfare (2007). In Brown, Chaze, Fuchs, Lafrance, McKay & Thomas Prokop (Eds.) *Putting a human face on child welfare: voices from the prairies*, (pp. 59-89). Toronto: Center of Excellence for Child Welfare.
- Blackstock, C.** (2007). Dream Catcher: The UN Convention on the Rights of the Child and the lived experiences of First Nations children. In *International Indigenous Child Rights*. Philip Cook, Cynthia Price-Cohen, Eds.
- Mandell, D., **Blackstock, C.**, Clouston- Carlson, J., & Fine, M. (2006). From child welfare to child, family and community welfare: The agenda of Canada's Aboriginal peoples. In *Towards Positive Systems of Child and Family Welfare*. Nancy Freymond and Gary Cameron, Eds. (pp. 211-236). Toronto: University of Toronto Press.
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- Foxcroft, D and **Blackstock, C.** (2003). USMA Cherished ones, Precious ones, the children A First Nations approach to child, family and community well-being In *Community Collaboration and differential response*. Nico Trocmé, Della Knoke and Catherine Roy, Eds., (pp. 105-112). Ottawa: Centre of Excellence for Child Welfare.
- Blackstock, C.** (2013). Restoring peace and harmony in First Nations communities. In *Child Welfare: Connecting Research Policy and Practice*. K. Kufeldt and B. McKenzie Eds., (pp. 341-343). Waterloo, ON: Wilfrid Laurier University Press.

RESEARCH REPORTS (7)

- Blackstock, C.** (2009). *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia*. University of Toronto: Toronto, ON.
- Loxley, J.; DeRiviere, L.; Prakash, T.; **Blackstock, C.**, Wien, F. & Thomas Prokop, S. (2005). *Wen:de – the Journey Continues*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C.**, Prakash, T., Loxley, J., & Wien, F. (2005). *Wen:de: We are Coming to the Light of Day*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Trocmé, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T., Tonmyr, L., **Blackstock, C.**, Barter, K., Truscott, D., Cloutier, R. (2005). *Canadian Incidence Study on Reported Child Abuse and Neglect: Major Findings-2003*. Ottawa: Public Health Agency of Canada

Blackstock, C., Clarke, S., Cullen, J. D' Hondt, J. & Formsma, J. (2004). *Keeping the Promise: the United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children*. Ottawa: First Nations Child and Family Caring Society of Canada.

Nadjiwan, S. & **Blackstock, C.** (2003). *Annotated Bibliography on the Nature and Extent of Collaboration Between the Voluntary Sector and First Nations Child and Family Services Agencies in Canada*. Ottawa: First Nations Child and Family Caring Society.

Bennett M. & **Blackstock, C.** (2002). *First Nations Child and Family Services and Indigenous Knowledge as a Framework for Research, Policy and Practice*. Available on line at www.cecw-cecb.ca.

BOOK REVIEWS (3)

Blackstock, C. (2012). Aboriginal Child Welfare Self-Government and the Rights of Indigenous Children: A book review. *Children and Youth Services Review* 34(12), 2504-2506.

Blackstock, C. (2009). *Review of walking this path together*. Walking this path together. Susan Strega and Jeannine Carriere Eds. (Cover). Winnipeg: Fernwood Publishing.

Blackstock, C. (2007). The story of Tikinagan Child and Family Services: A book review. *Ontario Association of Children's Aid Societies Journal*, Winter 2007, 51 (1), 27-28.

CURRICULUM (11)

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|------|---|
| 2017 | First Peoples Social Work, Bachelor of Social Work, McGill University |
| 2018 | Advocacy Course, Master of Social Work, McGill University |
| 2011 | Mosquito Advocacy. Master degree level course. Faculty of Extension, University of Alberta |
| 2008 | <i>Touchstones of Hope: Bachelor of Social Work Course</i> . Centre of Excellence for Child Welfare, University of Toronto. |
| 2005 | <i>Leadership and Followership: the Honor of Both in Effective Indigenous ECD Management</i> . University of Victoria. |
| 2002 | <i>Negotiations Module, Supervisory Training</i> , Aboriginal Social Worker Training Project (1/2-day course) |
| 2002 | <i>Ethics Module</i> , First Nations Partnership Program, University of Victoria |
| 2002 | Blackstock, C and Kovach, M. <i>Social Work 451 Curriculum</i> . Faculty of Social Work, University of Victoria. |
| 2000 | <i>Aboriginal Child and Family Service Programs</i> , Aboriginal Social Worker Training Program (1/2-day course) |
| 2000 | <i>Team Assistant Training Curriculum</i> , Ministry for Children and Families |
| 1999 | <i>Aboriginal Child and Family Services</i> , Ministry for Children and Families CORE Training (1-day course) |

UNITED NATIONS COMMITTEES AND INTERNATIONAL ORGANIZATIONS (20)

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| 2019 | Presenter: Pan American Health Organization (Health equity and inequity) |
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2018	Delegate, UN Committee on the Rights of the Child Day of Discussion: Children as Human Rights Defenders
2018	Presenter, Universal Periodic Review: Pre-session for Canada
2018	Presenter, Inter-American Commission on Human Rights
2017	Presenter, United Nations Committee on the Elimination of Racial Discrimination
2016	Presenter, Inter-American Commission on Human Rights
2016	Commissioner, Pan American Health Organization Review of Equity and Health Inequalities in the Americas.
2013	Presenter, Special Rapporteur on Indigenous Issues, Ottawa, Canada
2012	Presenter, United Nations Committee on the Rights of the Child pre-session for review of Canada, Geneva
2012–2013	Expert Advisor, UNICEF New York
2011	Presenter, United Nations Permanent Forum on Indigenous Issues side event on Indigenous children and youth, New York
2010	Expert Member, United Nations Permanent Forum on Indigenous Issues forum on Indigenous children and youth, Vancouver, BC
2009	Presenter, United Nations Permanent Forum on Indigenous Issues. Side Event, New York
2006–2009	Assisted the United Nations Committee on the Rights of the Child in the development of a General Comment on Indigenous child rights.
2007	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event, New York
2007	Presenter, United Nations Committee on the Rights of the Child, Geneva
2006	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event. New York
2006	Presenter, United Nations Committee on Economic, Social and Cultural Rights, Geneva
2006	Presenter, NGO Group for the UN Convention on the Rights of the Child, Geneva
2004	Presenter, United Nations Permanent Forum on Indigenous Issues Side Event, New York
2003	Participant, United Nations Committee on the Rights of the Child Day of General Discussion on Indigenous Children

PRESENTATIONS TO SENATE COMMITTEES AND HOUSE OF COMMONS COMMITTEES (16)

2019	Presentation to the House of Commons on Indigenous and Northern Affairs (Bill C-92)
2019	Presentation to the Senate Committee on Indigenous Peoples (Bill C-92)
2017	Presentation to the House of Commons Committee on Heritage (racial discrimination and First Nations children)
2017	Presentation to the House of Commons Committee on Indigenous Affairs (youth suicide)
2016	Presentation to the House of Commons Finance Committee
2016	Presentation to the House of Commons Indigenous Affairs Committee
2016	Presentation to the House of Commons Finance Committee
2014	Presentation to the Special House of Commons Committee on Violence Against Indigenous Women

2011	Presentation to the Standing Committee on Women on First Nations child and family services
2010	Presentation to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on First Nations Adoption
2010	Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare funding
2009	Presentation to the Senate Committee on Human Rights
2007	Presentation to the Senate Committee on Sexual Exploitation
2006	Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare policy
2006	Presentation to the Senate Standing Committee on Human Rights on First Nations child welfare policy
2005	Presentation to the Senate Standing Committee on Aboriginal children off reserves who come into contact with the child welfare system

PROVINCIAL/TERRITORIAL/JUDICIAL CHILD WELFARE REVIEW SERVICES (9)

2017	Presenter, Alberta Ministerial Panel on Child Intervention
2016	Witness, Inquiry into the deaths of 7 First Nations youth, Thunder Bay, ON
2016	Presenter: Government of Manitoba Premier's Council on First Nations Child Welfare
2014	Presenter: Government of Manitoba Premier's Council on First Nations child welfare
2014	Presenter: Government of Alberta on First Nations child welfare
2014	Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
2013	Expert Witness, Phoenix Sinclair Inquiry
2013	Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
2010	Expert Committee Member, Standing Committee of the Legislature, Northwest Territories Review on child welfare
2010	Expert Committee Member, Auditor General of Canada: Audit of Nunuvut child and family services
2009	Advisor, New Brunswick Child and Youth Advocate review of First Nations child welfare

PRESENTATIONS AT JURIED CONFERENCE (144)

2019	Keynote, Women in Medicine (Jordan's Principle)
2019	Keynote, American Society of Pediatric Otolaryngology (equity and Indigenous child health)
2019	Keynote, College of Alberta School Superintendents (Jordan's Principle)
2018	Keynote, Provincial Court Judges of British Columbia (CHRT)
2018	Grand Rounds, Montreal Children's Hospital (Jordan's Principle)
2018	Keynote: Early Childhood Australia (children's engagement in reconciliation)
2018	Workshop: Early Childhood Australia (mosquito advocacy)
2018	Conversation: Jackson Lecture, OISE U Toronto (First Nations children's rights)
2018	Keynote: International Social Work Conference (children's engagement in reconciliation)

- 2017 Keynote: Indspire (First Nations children's equity)
- 2017 Keynote: Yukon Bar Association (Canadian Human Rights Tribunal Case)
- 2017 Keynote: PSA Super Conference (First Nations children and reconciliation)
- 2017 Keynote: Ontario Tribunals (Canadian Human Rights Tribunal Rights Case)
- 2017 Keynote: Yukon Bench Association (Canadian Human Rights Tribunal Case)
- 2017 Keynote: Federal Family Court of Australia (Indigenous child welfare)
- 2017 Keynote: University of New South Wales, Bringing them Home 20th Anniversary (Engaging children in reconciliation)
- 2017 Keynote: City of Ottawa (Reconciliation and Municipalities)
- 2017 Keynote, Alberta School Superintendents Association (Equity and First Nations children)
- 2017 Keynote, Expanding Horizons for Early Years (Stigma and effect on First Nations children)
- 2017 Keynote, Legal Education Action Fund (LEAF), Vancouver
- 2017 Keynote, Equity and Child Welfare, London, UK (engaging children in equity)
- 2017 Grand Rounds, Queens University School of Medicine (Jordan's Principle)
- 2016 Keynote, ISPCAN (First Nations children's equity)
- 2016 Keynote, Prairie Child Welfare Consortium (First Nations children's equity)
- 2016 Big Thinking Lecture, Parliament Hill (The Perils of Incremental Equality for First Nations children).
- 2016 Keynote, 50th Anniversary of Sir Wilfred Laurier Faculty of Social Work
- 2016 Keynote, Office of the Senior Practitioner, New South Wales, AU (Child participation in reconciliation)
- 2016 Keynote, Crown Counsel Summer School (Canadian Human Rights Tribunal)
- 2016 Keynote, Gov't Great Failure: Not Doing Better for First Nations Children when they Knew Better (Congress 2016)
- 2016 Panel Presentation, Ontario Court of Justice (Reconciliation and Children's Rights)
- 2016 Keynote, Pathways to Reconciliation (Reconciliation and children)
- 2016 Keynote, Defense for Children International (Canadian Human Rights Tribunal)
- 2016 Keynote, Indigenous Health Conference (Equity)
- 2016 Workshop, Royal Society of Rural and Remote Physicians (Jordan's Principle)
- 2016 Webinar, Canadian Bar Association (Canadian Human Rights Tribunal)
- 2016 Keynote, Jack Layton Lecture, Ryerson, ON (Indigenous children's rights)
- 2016 Keynote, Broadbent Institute Progress Summit, Ottawa, ON (Incremental equality)
- 2016 Keynote, Upstream, Ottawa, ON (Incremental equality)
- 2016 Keynote, Better Outcomes, Connexus (Reconciliation)
- 2015 Panel presentation, SNAICC, Perth, AU (Neocolonialism and child welfare)
- 2015 Workshop, SNAICC, Perth, AU (Mosquito Advocacy)
- 2015 Panel presentation, Federation of the Humanities and Social Sciences Congress (Equity and Aboriginal children)
- 2015 Keynote, C & K Conference, Brisbane, AU: Reconciliation: the children's version
- 2015 Master class, C & K Conference: Mosquito Advocacy
- 2015 Panel Presentation, SPUR Festival, Disposable Lives: Murdered and Missing Indigenous Women
- 2015 Keynote, CIEC Diversity, Equity and Inclusivity Symposium (Equity)
- 2015 Keynote, Royal Society of Rural and Remote Medicine (Jordan's Principle)
- 2015 Keynote, MacEwan University: Aboriginal lecture series (Reconciliation)

- 2015 Expert panel: 6th International Meeting on Indigenous Health (equity)
- 2015 Keynote: Weld Kernohan Lecture, Dalhousie University
- 2015 Keynote: Wiichitaakewin Lecture, Confederation College
- 2015 Keynote: Woodrow Lloyd Lecture, University of Regina
- 2014 Keynote: Una Ridley Lecture, University of Lethbridge Faculty of Health Sciences: Reconciliation
- 2014 Keynote: SSHRC Imagining Canada's Future: Reconciliation
- 2014 Keynote: Mallory Lecture, McGill University: First Nation's Children's Equity
- 2014 Master class: Childhood Trauma Conference, Melbourne, AU: Mosquito Advocacy
- 2014 Expert panel: Childhood Trauma, Melbourne, AU
- 2014 Keynote: Childhood Trauma Conference, Melbourne, AU: Touchstones of Hope
- 2014 Keynote: Leading Practice Conference, Sydney, AU: Reconciliation and children
- 2014 Keynote: W.K. Kellogg Foundation American Healing Panel: Addressing Indigenous children at the international level (Indigenous children's rights)
- 2014 Keynote: Wunusweh Lecture on Aboriginal Law, (First Nations children's rights, University of Saskatchewan.
- 2013 Keynote: Inaugural Kagedan Lecture on Social Work and Human Rights, (Equity Matters), McGill University
- 2013 Workshop presenter, (Equity Matters), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
- 2013 Plenary panel presenter, (Prevention- moving from ideas to action across the lifespan), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
- 2013 Keynote speaker, SNAICC (Canadian Human Rights Tribunal and child engagement), Cairns, Australia
- 2013 Master class presenter, SNAICC (Mosquito Advocacy), Cairns, Australia
- 2013 Keynote speaker, Mowafaghian Visiting Scholar Lecture, Simon Fraser University (Mosquito advocacy)
- 2013 Keynote speaker, Rheel Brant Memorial Lecture, Carleton University (First Nations children's rights)
- 2013 Keynote speaker, Connexus, Ottawa, ON (Children's Voices have Power)
- 2013 Keynote speaker, *Te Rangi Pūahotanga, Otaki, New Zealand (Children standing in solidarity with First Nations children)*
- 2013 Keynote speaker, Montreal Women's Canadian Club (Children's Voices have Power)
- 2013 Carol Harrison Memorial Lecture, Sick Kids Hospital, Toronto
- 2012 Keynote speaker, British Columbia Association of Social Workers (Moral Courage: Kids have it and adults need it)
- 2012 Keynote speaker, National Child Maltreatment Symposium (UN Convention on the Rights of the Child and First Nations Children)
- 2012 Speaker, Montreal Children's Hospital Grand Rounds (First Nations child welfare)
- 2012 Keynote speaker, New Zealand Public Health Association (Mosquito Advocacy)
- 2012 Keynote speaker, World Conference on Social Work, Stockholm (First Nations human rights)
- 2012 Keynote speaker, University of Saskatchewan Indigenous Law Conference (First Nations child welfare case and UNDRIP)

- 2012 Keynote speaker, Ottawa/Carleton Elementary Teachers Federation (human rights for First Nations children)
- 2011 Panel presenter, Canadian Association of Health Sciences
- 2011 Keynote speaker, First Nations Education Steering Committee
- 2011 Keynote speaker, British Columbia Nurses Union
- 2011 Presenter, Indigenous Bar Association, Ottawa
- 2011 Presenter, Canadian Association of School Boards, Ottawa
- 2011 Presenter, Grand Rounds, Children's Hospital Eastern Ontario
- 2011 Presenter, Webinar Canadian Association of Social Workers
- 2011 Keynote speaker, Hidden Legacy Conference
- 2011 Plenary speaker, US National District Attorneys Association
- 2010 Keynote speaker, Ontario Association of Social Workers
- 2010 Keynote speaker, World Indigenous Women's Conference, Darwin, Australia
- 2010 Keynote speaker, SNAICC conference, Alice Springs, Australia
- 2010 Workshop presenter, SNAICC conference, Alice Springs, Australia
- 2010 Keynote speaker, PrevNet conference, McMaster University
- 2010 Keynote speaker, Canadian Paediatric Society Resident's Seminar
- 2010 Keynote speaker, Waterloo University, Social Innovation Generation Speakers Series
- 2010 Panel presenter, Osgoode Law School, Post-Gladue Conference
- 2010 Keynote speaker, National Indian Child Welfare Conference, Portland, Oregon
- 2010 Workshop presenter, National Indian Child Welfare Conference, Portland, Oregon
- 2010 Keynote speaker, Alberta Association of Social Workers Conference, Edmonton
- 2010 Keynote speaker, Early Childhood Conference, Victoria
- 2009 Keynote speaker, Indigenous Child Welfare Research, Victoria
- 2009 Keynote speaker, Canadian Council on Social Development, Calgary
- 2009 Keynote speaker, Towards 2020 Conference, Ottawa
- 2009 Presenter, Aboriginal Health Conference, Taipei
- 2009 Keynote speaker, Compassion International Conference on Child Welfare, Taipei
- 2009 Keynote speaker, Aboriginal Head Start, Edmonton
- 2009 Keynote speaker, Ontario Children's Mental Health Organization conference, Toronto
- 2008 Keynote speaker, Department of Community Services, Sydney, Australia
- 2008 Keynote speaker, World Conference for Women's Shelters, Edmonton
- 2008 Keynote speaker, Legal Services Society, Vancouver
- 2008 Keynote speaker, Association of Child Welfare Agencies, Sydney, Australia
- 2008 Presenter, Association of Child Welfare Agencies, Sydney, Australia
- 2008 Keynote speaker, North American Council on Adoptable Children, Ottawa
- 2008 Keynote speaker, Cultural Diversity and Vulnerable Families, Universite du Quebec, Montreal
- 2008 Presenter, Community of Practice Tele-symposium. American Institute for Research, Washington, DC
- 2007 Keynote speaker, Canadian Association of Pediatric Health Centers, Annual Conference, Montreal, Quebec
- 2007 Keynote speaker, Childhoods conference. Hamilton, New Zealand
- 2007 Keynote speaker, SNAICC conference, Adelaide, Australia

- 2007 Keynote speaker, Yellowhead Tribal Services National Conference on First Nations child welfare, Edmonton
- 2007 Keynote speaker, Indigenous Law Conference, Toronto, Ontario
- 2007 Workshop presenter, National Indian Child Welfare Conference, Oklahoma City, USA
- 2007 Plenary speaker, National Indian Child Welfare Conference, Oklahoma, USA
- 2007 Keynote speaker, Third International Conference on Domestic Violence, London, Ontario
- 2007 Plenary speaker, North American Indigenous Health Conference, Montreal
- 2007 Workshop presenter, North American Indigenous Health Conference, Montreal
- 2007 Abstract co-presenter, North American Indigenous Health Conference, Montreal
- 2006 Keynote speaker, C and K Early Education Conference, Cairns, Australia
- 2006 Keynote speaker, Forum on Epidemiology, University of Ottawa School of Medicine.
- 2006 Keynote speaker, Aboriginal Health Symposium, University of Ottawa, School of Medicine.
- 2006 Keynote speaker, National Indian Child Welfare Association Conference, San Diego, USA.
- 2005 Keynote speaker, World Indigenous Peoples Conference on Education, Hamilton, New Zealand
- 2005 Keynote speaker, Many Hands: One Dream Conference on Aboriginal Child Health, Victoria, BC
- 2005 Keynote speaker, Canadian Association for Community Living, Saskatoon
- 2005 Keynote speaker, Millennium Scholarship Conference. Ottawa
- 2005 *Structural Risks to Aboriginal Children*, Workshop, Childhoods Conference, Oslo, Norway
- 2005 *Indigenous Children's Rights*, Workshop, United Nations Permanent Forum on Indigenous Peoples, New York, USA.
- 2005 Plenary speaker, Rethinking Development, Antigonish, NS
- 2005 Keynote speaker, Resiliency Conference, Halifax, NS
- 2005 *National Policy Review*, Workshop, Yellowhead Tribal Services National Conference, Victoria, BC
- 2005 Plenary speaker, Courageous Conversations, Harvard University
- 2005 Keynote speaker: Sparrow Lake Alliance Conference, Sparrow Lake, ON
- 2005 Keynote speaker: Walking in Both Worlds, Winnipeg, MB
- 2004 Keynote speaker, What Works in Social Policy, New Zealand
- 2004 Keynote speaker, Pacific Islander Indigenous Research Fono, New Zealand.
- 2004 Plenary speaker, ISPCAN Conference, Brisbane, Australia
- 2004 *Caring Across the Boundaries*, ISPCAN Conference, Brisbane, Australia
- 2004 Plenary speaker, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
- 2004 *Making Child Welfare Research Accessible: Workshop for Young People*, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
- 2004 Keynote speaker, Rheal Brant-Hall Memorial Lecture, Carleton University. Ottawa, ON
- 2003 Keynote speaker, International Promises into Practice Conference
- 2003 Keynote speaker, North American Council on Adoptable Children, Vancouver, BC

- 2003 Keynote speaker, Association of Native Child Welfare Agencies conference. Sault St. Marie, ON
- 2002 Keynote speaker, Canada's Children: Canada's Future. Toronto, ON
- 2000 Keynote speaker, Child Welfare Symposium. Cornwall, ON

PRESENTATIONS AT COMMUNITY EVENTS/CONFERENCES (264)

- 2019 Keynote: QATSICPP Conference, Brisbane, AU (Child Engagement)
- 2019 Master Class: QATSICPP, Brisbane, AU (Mosquito Advocacy)
- 2019 Panel: University of Ottawa IFSD: Democracies: Non-violent struggles for recognition
- 2019 Panel: Young Public Servants Conference (How does Government learn?)
- 2019 Keynote: Early Childhood Education BC (Jordan's Principle)
- 2019 Keynote: Aboriginal Child Welfare Conference, MCFD (Jordan's Principle and CHRT)
- 2019 Keynote: Walpole Island First Nation (Jordan's Principle)
- 2019 Presentation: Walpole Island Elementary School (Spirit Bear)
- 2018 Keynote: Ontario School Counsellors Association (Child engagement in reconciliation)
- 2018 Keynote: Seven Oaks School Division (Child engagement in reconciliation)
- 2018 Keynote: Vision Institute (Jordan's Principle)
- 2018 Keynote: Indigenous Bar Association (Child rights litigation)
- 2018 Keynote: Mahatma Gandhi Assoc./U Manitoba (CHRT)
- 2018 Keynote: Mi'kmaw Confederacy of PEI
- 2018 Keynote: AFN Jordan's Principle Conference (Jordan's Principle)
- 2018 Keynote: Prince George Friendship Center (CHRT)
- 2018 Keynote, Mozilla Foundation (Reconciliation)
- 2018 Panel, Finding Peter Bryce (Peter Henderson Bryce)
- 2018 Keynote Speaker, Elementary Teacher's Federation of Ontario
- 2018 Keynote Speaker, CUPE (Reconciliation)
- 2018 Keynote Speaker, City of Ottawa International Women's Day (human rights)
- 2018 Panel, McGill University Have a Heart Day
- 2018 Keynote, Dawson College Montreal (First Nations children and reconciliation)
- 2017 Presentation: Rotaract Ottawa
- 2017 Presentation: Canadian Association of Paediatric Health Centers (Jordan's Principle)
- 2017 Chiefs of Ontario: (Child Welfare Reform)
- 2017 Treaty 8 Jordan's Principle Conference (Jordan's Principle)
- 2017 Presentation: FNCARES (Incremental Equality)
- 2017 Keynote: Elizabeth Fry Society of the Yukon Territory (First Nations children and reconciliation)
- 2017 Keynote: Elizabeth Fry Society of Quebec in collaboration with the Universite de Montreal (First Nations children and reconciliation)
- 2017 Keynote, Presbyterian Women's Organization (Learning from history to engage in reconciliation today)
- 2017 Panel presentation, Peter Henderson Bryce: Honouring a Man of Conscience (reconciliation)

- 2017 Presentation: Bringing them Home in University of Technology in Sydney in collaboration with the Jumbunna Indigenous House of Learning (First Nations child welfare tribunal and child engagement).
- 2017 Keynote, Presbyterian Church of Canada (Reconciling history).
- 2017 Keynote, Community Foundations of Canada (BELONG), First Nations children's equity)
- 2017 Presenter. Canadian Labour Congress (First Nations children's equity)
- 2017 Ottawa Muslim Women's Association (human rights and First Nations children)
- 2017 Keynote, Manitoba Nurses Association (Jordan's Principle)
- 2017 Keynote, Representative for Children and Youth BC (CHRT)
- 2017 Manitoba School Superintendents Conference, Winnipeg (First Nations children's equity and Shannen's Dream)
- 2017 Panel, TIFF (Foster Child) Panel with Jesse Wente
- 2017 Master Class: McGill Students Indigenous Solidarity Week (advocacy)
- 2017 Keynote, Student Nurses Association of Canada
- 2017 Keynote, McGill Global Nursing Conference
- 2017 Presentation, McGill Journal on Health and the Law
- 2016 Keynote, McGill Indigenous Alumni Gathering
- 2016 Keynote, Rotary Winnipeg
- 2016 Panel, Ontario Bar Association: 2016 CHRT 2
- 2016 Keynote, TAG- the action group to access justice, enveloping legal cases in social movements
- 2016 Keynote, Rotary Clubs Zone 23 and 32 Institute, First Nations children and reconciliation
- 2016 Question period, Calgary International Film Festival ("We Can't Make the Same Mistake Twice")
- 2016 Question period. Toronto International Film Festival ("We Can't Make the Same Mistake Twice")
- 2016 Keynote, QCAIPP, Gold Coast, Australia (Mosquito Advocacy)
- 2016 Keynote, New Brunswick First Nations CFS (CHRT case)
- 2016 Keynote, UFCW North American Women's Conference
- 2016 Keynote, High Risk Youth Conference (First Nations human rights)
- 2016 Panel, Ontario Court of Justice AGM (Canadian Human Rights Tribunal)
- 2016 Keynote, Lighting the Fire (First Nations education and Jordan's Principle)
- 2016 Keynote, BC First Nations Leadership Forum
- 2016 Keynote, Law Society of Upper Canada (Canadian Human Rights Tribunal)
- 2016 Keynote, Association of Native Child and Family Service Agencies in Ontario
- 2016 Panel, Economic Club of Ottawa (Leadership)
- 2016 Keynote, University of Alberta Alumni Association- Edmonton (Reconciliation and First Nations children)
- 2016 Keynote, University of Alberta Alumni Association- Calgary (Reconciliation and First Nations children)
- 2016 Keynote, School Board 57 Aboriginal Education (First Nations children and education).
- 2016 Keynote, Walpole Island First Nation Special Needs Conference
- 2016 Keynote, McGill Faculties of Law and Social Work (Canadian Human Rights Tribunal)
- 2016 Keynote, Aboriginal Nurses Association (Jordan's Principle)
- 2015 Presentation: Assembly of First Nations Special Chiefs Assembly (Tribunal update).

- 2015 Keynote: BC Non-Profit Housing Conference (First Nations children's rights)
- 2015 Keynote: First Nations Education Steering Committee (First Nations education)
- 2015 Panel: University of Alberta (Reconciliation in Post-Secondary)
- 2015 Presentation: Indigenous Bar Association (Mosquito Advocacy)
- 2015 Workshop: Federation for the Humanities and Social Sciences and SSHRC (Touchstones of Hope)
- 2015 Panel: Assembly of First Nations (First Nations Child Welfare)
- 2015 Presentation: Voices-Voix Parliamentary Breakfast
- 2015 Briefing: Union of BC Indian Chiefs (First Nations Child Welfare Tribunal)
- 2015 Keynote: Toronto Rotary Club (Reconciliation)
- 2015 Keynote: UNIFOR (Reconciliation)
- 2015 Briefing: First Nations Summit (First Nations Child Welfare Tribunal)
- 2015 Presentation: First Nations of Quebec and Labrador (Canadian Human Rights Tribunal and Best Practices in First Nations child welfare)
- 2015 Master class, First Nations child welfare (Secwepmc Child and Family Services, Kamloops)
- 2015 Presentation, Union of BC Indians (Canadian Human Rights Tribunal and best practices in First Nations child welfare)
- 2015 Moderator: Youth Panel, Journey to Reconciliation, Edmonton
- 2015 Keynote: University of Alberta Indigenous Knowledge Conference
- 2015 Master class: Independent First Nations of Ontario Youth Gathering (Mosquito advocacy)
- 2015 Keynote: Independent First Nations of Ontario Youth Gathering (First Nations' children's rights)
- 2015 Keynote: Wabano Health Center
- 2015 Workshop: National Indian Child Welfare Association of the USA: Touchstones of Hope
- 2015 Keynote: Lawyer's Rights Watch (Canadian Human Rights Tribunal case on First Nations child welfare)
- 2014 Keynote: University of Alberta Gall Lecture on Human Rights
- 2014 Presentation, Assembly of First Nations (Canadian Human Rights Tribunal on First Nations child welfare)
- 2014 Presentation, FNCARES (Government surveillance)
- 2014 Keynote, LEAF Ottawa
- 2014 Keynote, LEAF Edmonton
- 2014 Keynote, Wikwemikong First Nation (First Nations children's rights)
- 2014 Presentation, Whitefish River First Nation (First Nations children's rights)
- 2014 Keynote, Prairie Child Welfare Consortium, Saskatoon, Sask. (First Nations child welfare human rights tribunal)
- 2014 Keynote, IAP2 Conference, Winnipeg Manitoba (Reconciliation: the children's version). Collaboration with Fiona Cavanagh, Faculty of Extension U Alberta).
- 2014 Keynote, British Columbia Teachers' Federation (First Nations children's human rights)
- 2014 Presentation, Alberta First Nations Child and Family Service Agencies (Canadian Human Rights Tribunal on First Nations child welfare)
- 2014 Keynote, Catholic Women's Association, Thunder Bay (Reconciliation and children)
- 2014 Presentation, Sioux Lookout Health Authority (First Nations child rights and the Canadian Human Rights Tribunal)

- 2014 Keynote, Ontario Association of School Board Trustees (Equity in First Nations education)
- 2014 Presentation, Federation of Saskatchewan Indian Nations Health and Social Services Forum (Canadian Human Rights Tribunal)
- 2014 Moderator, Truth and Reconciliation Commission Youth Panel (Toronto Event)
- 2014 Keynote, Mi'kmaq Confederacy of PEI and Canada World Youth Aboriginal Youth Gathering (Indigenous children's rights)
- 2014 Presentation, First Nations Child and Family Services Directors' Forum (Canadian Human Rights Tribunal)
- 2014 Keynote, Justice, Diversity and Inclusion for All (Children's Rights)
- 2014 Keynote, Central Alberta Social Worker's Association (Mosquito Advocacy)
- 2014 Plenary Presentation, Privacy Conference hosted by Faculty of Extension of U Alberta (Domestic Government surveillance of Human Rights Defenders)
- 2014 BC Civil Liberties Association (Domestic Government surveillance of Human Rights Defenders)
- 2014 Workshop presenter, National Indian Child Welfare Association, Fort Lauderdale (trajectories of First Nations children in care)
- 2014 Moderator, Truth and Reconciliation Commission Youth Panel (Edmonton Event)
- 2014 Keynote, Moving forward- building culturally safe organizations (First Nations children's equity)
- 2014 Keynote, Ontario Association of Social Workers (First Nations children's equity)
- 2014 Panel Discussion, Hi-Ho Mistahey, FNCARES
- 2014 Presentation, Aboriginal Youth Advisory Circle, Alta. Child and Youth Advocate (Mosquito advocacy)
- 2014 Keynote, Alberta Association of Services for Children and Families (First Nations children's rights)
- 2013 Keynote, HIPPY Canada, Calgary (First Nations children's rights)
- 2013 Keynote, Peel Teachers Association, Shannen's Dream
- 2013 Keynote, (First Nations child welfare tribunal), Best practices in legal representation, Jasper, Alta.
- 2013 Testimonial, Frontline Defenders, Dublin, Ireland (Civil society and protection against government repression)
- 2013 Keynote Presenter, Aboriginal Foster Parent's Federation of BC, Penticton (equity and First Nations children)
- 2013 Keynote Presenter, Prevention Matters, Saskatoon, Saskatchewan (children's rights and child welfare)
- 2013 Keynote Presenter, Waving the Magic Wand, Enoch Cree Nation, Alberta (structural risks and responses)
- 2013 Presenter, Pacific Business and Law Institute (First Nations child welfare human rights tribunal)
- 2013 Keynote Presenter: Algonquin College Aboriginal Graduation
- 2013 Keynote Presentation: Alberta Aboriginal Child Welfare Forum (Structural risks and solutions)
- 2013 Keynote Presenter: Walkers of Nishiyuu Youth Forum (First Nations human rights)
- 2013 Keynote Presenter: Elementary Teachers Federation of Ontario (First Nations children's rights)

- 2013 Keynote Presenter: University of Ottawa Education Student's Forum (First Nations children's rights)
- 2013 Keynote Presenter: First Call (First Nations children's rights)
- 2013 Keynote Presenter: Indigenous Physicians Association of Canada (First Nations children's rights and Jordan's Principle)
- 2013 Ontario University Students Association
- 2012 Plenary Presenter: Assembly of First Nations Special Chiefs Assembly
- 2012 Keynote Presenter: West Region CFS (First Nations child rights)
- 2012 Keynote Presenter: Advocate's Society (First Nations child rights)
- 2012 Keynote Presenter: Atlantic Policy Congress Health Conference (Canadian Human Rights Tribunal on FN Child Welfare and Jordan's Principle)
- 2012 Human Concern International and Youth for Northern Communities (First Nations children's rights)
- 2012 Keynote Presenter: West Region CFS Women's Gathering (First Nations Child Rights)
- 2012 Keynote Presenter: BC Association of Social Workers (Moral Courage)
- 2012 Keynote Presenter: Manitoba First Nations (First Nations child welfare)
- 2012 Keynote Presenter: KAIROS (Mosquito advocacy)
- 2012 Presenter, Assembly of First Nations education forum (First Nations children's human rights)
- 2012 Keynote, Temagami First Nation (Children's voices have power)
- 2012 CUP Annual General Meeting (Children's voices have power)
- 2012 Presentation, Directors of Child Welfare (First Nations child welfare)
- 2012 Keynote presentation, QCAIPP, Brisbane, Australia (Voices of children in human rights)
- 2012 Presentation, Yirkalla Community, Australia (First Nations children human rights)
- 2012 Keynote presentation, Supporting Aboriginal Children Together, Darwin, Australia (Children have voices)
- 2012 Keynote presentation, United Church of Canada General Council, Ottawa (Residential school and First Nations children today)
- 2012 Panel presentation, Assembly of First Nations Annual General Assembly
- 2012 University of Ottawa, Forum on Reconciliation (Reconciliation: implications for the current generation of FN children)
- 2012 Keynote presentation, Wabano Health Centre (Structural issues for FN children and Touchstones of Hope)
- 2012 Keynote presentation, Westboro Church, Ottawa (Equity and Social Justice for FN children)
- 2012 Keynote presentation, University of Ottawa Bachelor of Education Conference (Shannen's Dream)
- 2012 Plenary presentation, BC Government (Touchstones of Hope)
- 2012 Keynote presentation, Ottawa/Carleton Native Studies Teachers Conference (Shannen's Dream)
- 2012 Keynote presentation, Best Start Conference, Ontario (First Nations children's rights)
- 2012 Keynote presentation, Chiefs of Ontario ECD conference (structural risks and human rights)
- 2012 Presentation, Canadian Council of Child Advocates (structural risks and human rights)
- 2011 Presentation, Sir Wilfrid Laurier Secondary School. (Shannen's Dream, Jordan's Principle and I am a witness campaigns)

- 2011 Panel presentation, Assembly of First Nations Special Chiefs Assembly (First Nations children's rights)
- 2011 Keynote presentation, Indian Child Welfare Forum in Saskatoon (First Nations children's rights)
- 2011 Workshop, Assembly of First Nations Health Forum (Mosquito Advocacy)
- 2011 Panel presentation, Assembly of First Nations Health Forum (Jordan's Principle)
- 2011 Keynote, Cowichan Tribes Child Welfare Forum (7 ways to make a difference)
- 2011 Northern BC Chiefs Forum (First Nations children's rights)
- 2011 Keynote, KAIROS Women of Courage Tour (Social Justice)
- 2011 Keynote, Whitefish River First Nation (Touchstones of Hope)
- 2011 Keynote, Manitoba FN CFS (Touchstones of Hope)
- 2011 Keynote, Native Women's Association AGM (First Nations children's rights)
- 2011 Presentation, Combined Voices, Brisbane, Australia
- 2011 Keynote, Victoria Council of Social Services, Melbourne, Australia
- 2011 Keynote, Queensland Council of Social Services, Brisbane, Australia
- 2011 Keynote, Victoria Leadership Forum, Adelaide, Australia
- 2011 Master Class: Berry Street Family Services, Melbourne, Australia
- 2011 Panel Presentation, Queensland Council of Social Services, Brisbane, Australia
- 2011 Panel Presentation, Two Ways Together, Melbourne, Australia
- 2011 Presentation, Assembly of First Nations Social Development Forum
- 2011 Presentation, Assembly of First Nations Education Forum
- 2011 Keynote Presentation CAPDHHE Conference, Edmonton
- 2011 Presentation, KAIROS Banner March, Ottawa, ON
- 2011 Presenter: Building Bridges, Carleton Place
- 2011 Keynote Presentation, OASIS
- 2011 Presentation: Anglican Church Conference
- 2011 Keynote Presentation, Building Bridges Partnership
- 2011 Keynote Presentation, UBC Aboriginal Social Work Gathering
- 2011 Keynote Presenter, Guelph Children's Aid Society Aboriginal Conference
- 2011 Panel Presenter, Manitoba School Board's Association
- 2011 Keynote speaker, Ontario Aboriginal Child Welfare Conference
- 2011 Keynote speaker, Wesley Prankard's Camp out, Niagara Falls
- 2011 Workshop, Attawapiskat First Nation
- 2011 Catholic High school, Ottawa
- 2011 Presenter, UCFW Human Rights Committee
- 2011 Keynote speaker, Payukotayno CFS, Moose Factory FN
- 2011 Plenary speaker, International Indigenous Health Conference
- 2011 Keynote speaker, Early Childhood Development Support Services, Edmonton
- 2011 Keynote speaker, National Aboriginal Health Survey Conference
- 2011 Keynote speaker, Chiefs of Ontario Health Forum
- 2011 Keynote speaker, Wabano Health Center Youth Forum
- 2011 Presenter, Public Service Alliance of Canada, Aboriginal Forum
- 2011 National Women's Legal Association Forum
- 2010 Workshop presenter, Rise up for Rights, Canadian Labour Congress
- 2010 Keynote speaker, National Youth in Care Network 25th anniversary
- 2010 Keynote speaker, Native Women's Centre of Hamilton
- 2010 Workshop presenter, Rise up for Rights, Ottawa
- 2010 Workshop presenter, Covenant Chain Aboriginal Conference

2010 Keynote speaker, Assembly of First Nations Youth Gathering

2010 Workshop presenter, Yellowhead Tribal Services National Conference

2010 Keynote speaker, Saskatchewan Association of Social Workers

2010 Keynote speaker, the Charter and You, Ontario Bar Association

2010 Plenary speaker, Post-Gladue, Osgoode Law School

2010 Keynote speaker, Carrier-Sekani Northern Chiefs Summit on Child Welfare

2010 Keynote speaker, BC Provincial Touchstones of Hope Forum

2010 Keynote speaker, Treaty 6, 7 and 8 Chiefs Health Forum

2010 Keynote speaker, Carleton University Aboriginal Awareness Week

2009 Keynote speaker, CECW International Prevention of Child Abuse Event, Toronto

2009 Keynote speaker, Manitoba First Nations CFS Gala

2009 Keynote speaker, New Brunswick Ombudsman's Expert Panel

2009 Keynote speaker, Northern Social Workers Conference, Whitehorse

2009 Keynote speaker, George Hull Centre, Toronto

2009 Keynote speaker, Uniting Care, Australia

2009 Keynote speaker, SNAICC, Australia

2009 Keynote speaker, Department of Communities, Australia

2009 Keynote speaker, Allied Iroquois and Algonquin Indians Health Retreat, Niagara Falls, Ontario

2009 Keynote speaker, Nicola Valley Institute of Technology, Burnaby, BC

2009 Keynote speaker, Nurturing Families, Prince George, BC

2009 Keynote speaker, Southern First Nations Network of Care, Winnipeg

2009 Touchstones of Hope Conference, Toronto, Ontario

2009 Keynote speaker, Ktunaxa Kinbasket Child and Family Services Conference, Cranbrook, BC

2008 Keynote speaker, Treaty 7 Child and Family Service Conference, Calgary, AB

2008 Keynote speaker, Northern Social Workers Association, Yellowknife, NWT

2008 Keynote speaker, University of Western Australia Rural and Indigenous Health, Geraldton, Australia

2008 Keynote speaker, Vancouver Island Chiefs Forum, Vancouver, BC

2008 Keynote speaker, Benevolent Society, Orange, Australia

2008 Presentation, Government of Australia FACSIA, Canberra, Australia

2008 Keynote speaker, Indigenous Child at the Centre 2, Vancouver, BC

2008 Keynote speaker, Vancouver Island Chiefs Forum, Duncan, BC

2004 Keynote speaker, Indigenous Research Symposium, University of Victoria, BC

2005 Keynote speaker, Canadian Association of Social Workers Conference, Toronto, ON

2008 Keynote speaker, Quebec First Nations, Quebec City, PQ

2008 Keynote speaker, University of Alberta Medical School, Edmonton, AB

2008 Keynote speaker, Indigenous Child at the Centre Forum, Vancouver

2007 Speaker, Alberta Ministry for Children's Services Native Unit, Calgary AB.

2007 Keynote speaker, 50th Anniversary of the New Brunswick Community Living Association Conference, Fredericton, NB

2007 Keynote speaker. North Peace School Board

2007 Keynote speaker, Wee-chi-te-win CFS

2007 Keynote speaker, Ontario Association of Municipal Social Services

2007 Keynote speaker, Federation of Saskatchewan Indian Nations

2007 Keynote speaker, Many Hands One Dream, Ottawa

2007 Keynote speaker, Council of Health and Social Development, First Nations of Quebec

2007	Workshop presenter, National Children's Alliance, Middle Childhood Forum, Ottawa.
2007	Keynote speaker, Superintendents of Schools, Regina
2006	Keynote speaker, Superintendents of Schools Association, Winnipeg
2006	Keynote speaker, Wi Ci Ti Zon Child Welfare Conference, Saskatoon
2006	Keynote speaker, Awasis FNCFS Annual General Meeting, Prince Albert
2006	Presenter, Assembly of First Nations Executive Council, Rama First Nation.
2006	Keynote speaker, Métis Nation of Ontario, Annual General Assembly. Garden River First Nation, Sault St. Marie.
2006	Keynote speaker, National Association of Friendship Centers National Youth Forum, Saskatoon
2006	Keynote speaker, Boys and Girls Clubs of Canada
2006	Keynote speaker, Canadian Political Science Students Association
2005	Presentation, Amnesty International
2005	Presenter, Joining Hands Across the World for Indigenous Children, Toronto
2005	Keynote speaker, Annual General Meeting of Superintendents of Schools, Winnipeg, Manitoba
2005	Keynote speaker, Nog da win da min Child and Family Services Annual General Meeting.
2005	Plenary speaker, Rethinking Development Conference, St. Francis Xavier University, Nova Scotia.
2005	Keynote speaker, Resiliency Conference, Halifax, Nova Scotia
2005	Keynote speaker, Heart of the Matter, Malaspina University College
2005	Workshop, <i>Caring Across the Boundaries</i> , Heart of the Matter, Malaspina University College.
2005	Workshop, <i>Community Development and First Nations Child Welfare</i> , Heart of the Matter, Malaspina University College
2004	Plenary speaker, International Indigenous Child Rights Symposium, University of Victoria.
2004	Keynote speaker, Policy Link Conference, New Brunswick
2004	Plenary speaker, Assembly of First Nations General Assembly
2004	Keynote speaker, Saskatchewan Adoptive Parents Association
2004	Plenary speaker, National Indian Child Welfare Association Conference
2004	Presenter, Big Brothers Big Sisters of Canada Annual Meeting
2004	Keynote speaker, Family Resource Programs of Canada Annual General Meeting
2004	Keynote speaker, First Nations Youth At Risk Conference
2004	Keynote speaker, Yellowhead Tribal Services Agency, National Conference
2004	Panel presentation, National Children's Alliance Annual Meeting
2003	Keynote speaker, Winnipeg Planning Council, AGM
2003	Keynote speaker, Prairie Child Welfare Consortium Conference
2003	Presenter, FNCFCS Indigenous Research Workshop, Halifax
2003	Presenter, Malaspina College Conference

ACADEMIC PLACEMENT SUPERVISION/PhD COMMITTEE SERVICE (30)

2018	PhD External, La Trobe University (Misha McMahan)
2017–Present	MSW Thesis Supervisor (Tyson Kensall), McGill University
2017	PhD Internal, McGill University (Amal El Sana), McGill University
2016	MSW Placement Supervisor, Carleton University

2015	BSW Placement Supervisor, Carleton University
2015–Present	PhD Committee Member: York University (Farihah Ali)
2015	MSW Placement Supervisor, Carleton University
2015	External Examiner, Australian Catholic University, AU (Bindi Bennett) “Developing identity as a light-skinned Aboriginal person with little or no community and/or kinship ties.”
2015	BSW Placement Supervisor, Carleton University
2014	BSW Placement Supervisor, University of Calgary
2014	External Examiner, UTS, Sydney, AU (Susan Green) “The History of Aboriginal Welfare in the Colony of NSW”
2014	BSW Placement Supervisor, Carleton University
2014	External Examiner, University of Toronto OISE
2014	BSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Laurentian University
2013	MSW Placement Supervisor, Carleton University
2012–2015	Doctoral Committee Member, McGill University, School of Social Work (student withdrew from program)
2012–Present	Doctoral Committee Member, Dalhousie University, School of Social Work (candidate: Nancy MacDonald)
2012	BSW Placement Supervisor, Carleton University
2012	BSW Placement Supervisor, Sir Wilfred Laurier University
2011	Placement Supervisor, University of Ottawa
2011	BSW Placement Supervisor, Carleton University
2011	MSW Placement Supervisor, University of Victoria
2010–2011	BSW Placement Supervisor, Carleton University
2010–2016	Doctoral Committee Member, University of Ottawa (candidate: Cynthia Stirbys)
2010	Lauren Scholar Supervisor, McGill University
2009	Lauren Scholar Supervisor, University of British Columbia
2007	MSW Social Work Placement Supervisor, Carleton University and the University of Lapland, Finland
2005	MSW Social Work Student Placement Supervisor, Carleton University
2004	MSW Social Work Student Placement Supervisor, Carleton University
2003	BSW Social Work Placement Supervisor, Carleton University
1999	BSW Social Work Placement Supervisor, University of British Columbia

SELECTED INVITED TEACHING (130)

2019	Mount Allison University: Is it Genocide?
2019	First Nations University: Is it Genocide?
2019	Dalhousie University, Policy Matters: Equity
2019	Monmouth University, Greta Singer Memorial Lecture: Moral Courage
2019	Monmouth University, Bachelor of Social Work: Indigenous Peoples
2019	Queens University, Thomas Courchene Lecture: Equity and Reconciliation
2019	McGill Debating Team, Equity and Reconciliation
2019	Dalhousie University, Kawaskimhon National Law Moot
2019	Dalhousie University, Faculty of Law (Mosquito Advocacy)
2019	Thompson Rivers University, Faculty of Law (CHRT)
2019	Thompson Rivers University, School of Nursing (Jordan’s Principle)

- 2018 Harvard University, Faculty of Law (CHRT)
- 2018 University of Victoria, Faculties of Social Work and Indigenous Studies (First Nation's children's equity)
- 2018 McMaster University, Faculties of Social Work and Indigenous Studies (CHRT, ethics, etc.)
- 2018 Charles Sturt University, Australia (Breath of Life theory)
- 2018 Charles Sturt University, Australia (Moral Courage)
- 2018 Yale University, Faculty of Law, USA (CHRT case and Social Movements)
- 2018 McGill University, School of Social Work (Advocacy)
- 2018 University of Alberta, Faculty of Education (Child Engagement)
- 2017 St. Thomas University, School of Social Work (First Nations human rights)
- 2017 McGill University, Indigenous Student's Assoc. (Mosquito Advocacy)
- 2017 Thompson Rivers University Faculty of Global Studies (Equity)
- 2017 Thompson Rivers University Faculties of Social Work/Nursing (CHRT)
- 2017 University of Ottawa, Faculty of Education (Equity and reconciliation)
- 2016 University of Ottawa, Faculty of Education (Equity and Reconciliation)
- 2016 University of Alberta, School of Public Health (Mosquito Advocacy)
- 2015 University of Toronto, Faculty of Social Work (Breath of Life Theory)
- 2015 University of Toronto, Faculty of Social Work (Mosquito Advocacy)
- 2015 University of Toronto, Faculty of Social Work (Reconciliation)
- 2015 Charles Sturt University, Bathurst AU (Breath of Life Theory)
- 2015 Charles Sturt University, Bathurst AU (Mosquito Advocacy)
- 2015 University of Alberta, Sociology (Privacy)
- 2015 University of Alberta, Human Ecology (Mosquito Advocacy)
- 2015 University of Ottawa, Faculty of Management (Communications)
- 2015 University of Ottawa, Faculty of Education (First Nations education)
- 2015 University of Ottawa, Faculty of Law (Mosquito Advocacy)
- 2015 University of Regina, Indigenous Students Association (Leadership)
- 2015 University of British Columbia, Faculty of Law (First Nations children's rights)
- 2014 University of Alberta, Public Health (Mosquito Advocacy)
- 2014 University of Calgary, Faculty of Social Work (First Nations children's rights)
- 2014 University of British Columbia Okanagan, Faculty of Social Work (First Nations children's equity)
- 2014 University of Saskatchewan, Faculty of Law (First Nations child welfare tribunal and Jordan's Principle)
- 2014 University of Alberta, Human Ecology (Mosquito Advocacy)
- 2014 University of Ottawa, Faculty of Education (First Nations Education)
- 2014 University of Toronto, Faculty of Social Work (Quantitative methods)
- 2013 University of Alberta, Public Health, (Mosquito Advocacy)
- 2013 Vanier College, Social Sciences, (Children's voices have power)
- 2013 University of Ottawa, Political Science, Indigenous Peoples
- 2013 University of Alberta, Human Ecology (First Nations children's human rights)
- 2013 University of Alberta, Sociology (First Nations children's human rights)
- 2013 University of Alberta, Extension (Breath of Life Theory)
- 2013 University of Ottawa, Indigenous Studies (Mosquito Advocacy)
- 2013 McGill University, Indigenous Studies (First Nations children's rights)
- 2013 Kew Beach Public School, Toronto (Shannen's Dream)
- 2013 University of Toronto, Faculty of Social Work (Evidence based advocacy)
- 2013 University of Toronto, Social Work
- 2012 University of Alberta, Faculty of Public Health (Mosquito Advocacy)
- 2012 Sacred Heart Secondary School (Children's Voices have Power)

2012 University of Ottawa, Faculty of Law (First Nations child welfare tribunal)

2012 McGill University Faculty of Social Work and Faculty of Law (First Nations child welfare tribunal)

2012 Georgian Bay College (First Nations children's human rights)

2012 University of Moncton (First Nations children's human rights)

2012 University of Manitoba (First Nations children's human rights)

2012 Red River College (First Nations children's human rights)

2012 University of Ottawa, Graduate Students Association (Shannen's Dream and Jordan's Principle)

2012 Dalhousie University, Faculty of Political Science, (structural risks)

2012 Workshop, Milne Valley Middle School, Toronto (Equity for FN children)

2012 McGill University, School of Social Work (structural risks and human rights)

2012 Carleton University, Bachelor of Social Work (Breath of Life Theory)

2012 University of Alberta, Human Ecology (structural risks and human rights)

2012 Pierre Elliott Trudeau Elementary School (Have a Heart for First Nations Children Day)

2012 University of Alberta Aboriginal Student's Association (structural risk and human rights)

2012 University of Ottawa, Faculty of Law (human rights case)

2012 University of Toronto, The case for courage in quantitative research for First Nations children

2012 University of Ottawa, Faculty of Law

2012 University of Ottawa, Faculty of Law

2012 York University, Children and Youth Studies

2012 University of Ottawa, Faculty of Law

2011 University of Alberta (CUP), Evidence base for advocacy

2011 Carleton University, Aboriginal Students Association (First Nations Human Rights)

2011 University of Ottawa Law School (Human Rights Case)

2011 University of Northern British Columbia (Breath of Life Theory)

2011 Dalhousie University, School of Social Work (First Nations children's rights)

2011 University of Alberta, Faculty of Nursing (First Nations children's rights)

2011 University of British Columbia, Aboriginal Forum (Breath of Life Theory)

2011 NVIT, Social Work

2011 Carleton University, Social Work

2011 St. Pius X Catholic High School, Ottawa

2010 St. Paul University, Social Work

2010 University of Toronto, Faculty of Law

2010 Ryerson University, Faculty of Social Work

2010 University of Ottawa, International Development

2010 University of Toronto, Research Methods, Faculty of Social Work

2009 University of Toronto, Faculty of Social Work

2009 Queensland University of Technology, Australia

2009 University of Queensland, Australia

2009 James Cook University, Australia

2009 Nicola Valley Institute of Technology, Faculty of Social Work

2009 University of Toronto, Faculty of Social Work

2009 University of Manitoba, School of Social Work

2009 Ryerson University, School of Social Work

2009 Carleton University, School of Social Work

2008 Faculty of Social Work, University of Toronto

2008	University of Ottawa Law School
2008	School of Graduate Studies, University of Toronto
2008	Faculty of Social Work, University of Toronto
2008	Symposium, University of New South Wales, Australia
2008	Symposium, Murdoch University, Australia
2008	Symposium, University of Western Australia
2008	Faculty of Social Work, University of Victoria
2008	Faculty of Social Work, University of Toronto
2007	Faculty of Social Work, University of Toronto
2006	Human Rights, Carleton University
2006	Faculty of Social Work, University of Toronto,
2006	Department of Aboriginal Health, University of Western Australia.
2005	Master of Social Work program, University of Toronto
2005	American Indian Program, Harvard University
2005	Human Rights, Carleton University.
2004	MSW program, Carleton University
2004	PhD. and MSW programs, University of Toronto
2003	MSW program, Carleton University
2003	School of Social Work, University College of the Caribou

INSTRUCTION (12)

2019	Instructor, Evidence Based Advocacy, McGill University
2019	Instructor, First Peoples Social Work, McGill University
2018	Instructor, Community Organization: Advocacy, McGill University
2018	Instructor, First Peoples Social Work, McGill University
2014	Instructor, Mosquito Advocacy, University of Alberta
2012	Instructor, Mosquito Advocacy, University of Alberta
2006	Instructor, Aboriginal Early Childhood Development Program, University of Victoria
2002	Instructor, Aboriginal Social Work module, Provincial Social Worker Training Program, Justice Institute of British Columbia
2002	Instructor, Aboriginal Social Worker Training Program
2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Justice Institute of British Columbia
1998–2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Province of British Columbia
1998	Instructor, Pilot Program of the Aboriginal Social Worker Training Program.

SELECTED MEDIA COVERAGE (239)

2019	Wall Street Journal: CHRT Compensation
2019	CBC Mainstreet Halifax: CHRT Compensation
2019	CTV Regina: CHRT Compensation
2019	APTN Nation to Nation: CHRT Compensation
2019	CBC the House: CHRT Compensation
2019	CBC National News: CHRT Compensation
2019	CTV Power Play: CHRT Compensation
2019	CBC As it Happens: CHRT Compensation

2019 CBC Radio Winnipeg: CHRT Compensation
 2019 CBC: Unreserved: Profile of Cindy Blackstock
 2019 BBC5: MMIW
 2019 BBC4: MMIW
 2019 The Guardian: MMIW
 2019 CTV News: MMIW
 2019 CBC Metro Morning: MMIW
 2019 CBC News: MMIW
 2019 New York Times; MMIW
 2019 CBC the Current: RCMP sexual assault interview with First Nations youth in care.
 2019 CTV Powerplay: CHRT
 2019 CBC Power and Politics: Jane Philpott and SNC Lavalin
 2019 APTN: Bill C-92
 2019 APTN: CHRT compensation
 2019 CTV National News: Budget 2019
 2019 APTN National News: Budget 2019
 2019 CBC World at Six: Budget 2019
 2019 CBC The National: Budget 2019
 2019 Winnipeg Free Press: Budget 2019
 2018 CBC the House: CHRT and Indigenous child welfare legislation
 2018 APTN: Indigenous child welfare legislation
 2018 CTV: Child Welfare and Spirit Bear
 2018 Globe and Mail: MMIW and child welfare
 2018 CTV: Stand Up for Kids Award
 2018 Australian Broadcasting Corporation (radio): early childhood involvement in reconciliation
 2018 Australian Broadcasting Corporation: Indigenous theory and children's rights
 2018 Gamechangers with Tom Parkin (change leadership)
 2018 TVO: Reconciliation in education in Ontario
 2018 CBC the Current: Removal of John A. MacDonald's statue
 2018 CBC News: Budget 2018
 2018 APTN News: Budget 2018
 2018 CBC the House: Emergency Meeting on First Nations Child Welfare
 2018 CBC National News: CHRT non-compliance order
 2018 APTN Nation to Nation: CHRT non-compliance and budget 2018
 2018 CTV PowerPlay: CHRT non-compliance order
 2017 CBC the House: Jordan's Principle Judicial Review
 2017 CTV PowerPlay, Census data on Indigenous children
 2017 Globe and Mail: Census data on Indigenous children
 2017 CTV Winnipeg: Caring Society Gala and Spirit Bear
 2017 The Guardian, First Nations youth suicide
 2017 CBC, First Nations youth suicide and equity
 2017 CBC, PM Trudeau's statements about Indigenous Peoples in Rolling Stone Magazine
 2017 APTN Face to Face, CHRT and Jordan's Principle
 2017 Global Television, Jordan's Principle
 2017 Chatelaine Magazine <http://www.chatelaine.com/news/first-nations-kids-cindy-blackstock/>
 2017 CBC: As it Happens (Budget 2017- CHRT Non-Compliance Hearings)
 2017 CBC the National (Budget 2017- First Nations children)

2017 APTN: Canadian Human Rights Tribunal non -Compliance Hearings
 2017 CPAC: Budget 2017 and CHRT Non-Compliance Hearings
 2017 Toronto Star: Canada's non-compliance with Jordan's Principle
 2017 APTN Nation to Nation: Jordan's Principle
 2016 Global News: Canada's non-compliance with CHRT orders
 2016 Canadian Press: Canada's non-compliance with CHRT orders
 2016 Aljazeera, Canadian Human Rights Tribunal
 2016 CCTV America, The Heat (Inequity for First Nations children)
 2016 McGill Reporter (Cindy Blackstock joins Faculty of Social Work)
 2016 The National, Attawapiskat Suicide Crisis
 2016 CBC Peter Mansbridge One on One: Systemic discrimination
 2016 CTV Canada AM: Canadian Human Rights Tribunal
 2016 CBC: The National: Canadian Human Rights Tribunal
 2016 Sunday Edition: Cultural Diversity?
 2016 Global National News: Canadian Human Rights Tribunal
 2016 APTN National News: Canadian Human Rights Tribunal
 2015 APTN National News: Federal election
 2015 CBC National News: First Nations water
 2015 Sunday Edition: Canadian Values?
 2015 CBC Radio: Dr. Peter Henderson Bryce
 2015 APTN: Dr. Peter Henderson Bryce
 2015 CTV: Truth and Reconciliation Commission Report
 2015 CBC National News: Truth and Reconciliation Commission Report
 2015 APTN National News: Truth and Reconciliation Commission Report
 2015 CBC Winnipeg: Connection between childhood inequity and MMIW
 2015 CTV National News: Child in care assault in Manitoba
 2015 APTN Nation to Nation: Access to Information
 2015 APTN In Focus: Jordan's Principle
 2015 CBC Halifax: First Nations child welfare tribunal
 2015 CBC Regina: First Nations children's equity
 2015 Global TV Regina: Woodrow Lloyd Lecture
 2015 CTV Regina: First Nations children's equity
 2015 Georgia Straight: Equity for First Nations children
 2015 APTN In Focus: Jordan's Principle
 2014 CBC Ottawa: Big Thinking Lecture with Jim Miller
 2014 CBC Thunder Bay, Jordan's Principle
 2014 CBC Edmonton AM: Truth and Reconciliation Commission
 2014 APTN Nation to Nation: First Nations child welfare tribunal
 2014 CTV Powerplay: First Nations education announcement
 2014 CBC As it Happens: First Nations education announcement
 2014 CBC National News: Phoenix Sinclair Inquiry
 2014 APTN National News: Run away children in foster care
 2013 CBC Sunday Edition: What do we owe the future?
 2013 CBC radio, Edmonton (Over-representation of Aboriginal children in child welfare care)
 2013 APTN, Canadian Human Rights Tribunal
 2013 Irish Medical Times: First Nations children's equity
 2013 CTV National News: Nutrition Experiments on Indigenous children
 2013 ABC Life Matters: Children's rights in Indigenous communities
 2013 Koorie Radio: Canadian Human Rights Tribunal
 2013 CTV Powerplay, Privacy Commissioner's report

2013 Maclean's magazine, Privacy Commissioner's report
 2013 CBC Power and Politics, Privacy Commissioner's report
 2013 Toronto Star, Privacy Commissioner's report
 2013 APTN National News, Privacy Commissioner's report
 2013 CBC As it Happens: Privacy Commissioner's report
 2013 Globe and Mail, Canada withholding documents in Indigenous human rights case.
 2013 Aboriginal Peoples Television Network: Canada withholding documents in FN child welfare case.
 2013 CTV National News: Federal Budget 2013
 2013 CBC radio, Yukon: Federal Court of Appeal
 2013 CBC radio, Saskatchewan: Federal Court of Appeal
 2013 APTN National News: First Nations child welfare tribunal
 2013 CBC radio, Ottawa: First Nations child welfare tribunal
 2013 Nationtalk, First Nations child welfare tribunal
 2013 CBC radio, Saskatoon: First Nations child welfare tribunal
 2013 CBC radio, Northern BC: First Nations child welfare tribunal
 2013 Metro News, First Nations youth employment
 2013 CBC Sunday Edition: Idle no More
 2013 CTV National News: Idle no More
 2012 Toronto Star: Retaliation complaint CHRT
 2012 CBC Radio: As it Happens: Retaliation complaint CHRT
 2012 APTN: UNCRC concluding observations for Canada
 2012 Canadian Press: Federal government spending millions on advertising while cutting social programs
 2012 CTV Powerplay: Canada spending millions to avoid hearing on FN child welfare case
 2012 Globe and Mail: Canada spending millions to avoid hearing on FN child welfare case
 2012 Toronto Star: Canada spending millions to avoid hearing on FN child welfare case
 2012 CBC radio: Canada spending millions to avoid hearing on FN child welfare case
 2012 APTN National News: Dates set for FN child welfare case
 2012 CTV National News: Assembly of First Nations AGA
 2012 Aboriginal Peoples Television Network: Assembly of First Nations National Chief Election
 2012 CTV Newshour: Assembly of First Nations National Chief Election
 2012 Prince George Citizen: Cindy Blackstock to receive Honorary doctorate degree from UNBC
 2012 National Maori Radio, New Zealand: First Nations children's health
 2012 CTV National News: First Nations health
 2012 CTV National News: Federal budget and First Nations education
 2012 CBC BC Region: Federal budget and First Nations education
 2012 CBC the Current: UN attention to First Nations child rights
 2012 APTN: First Nations Child Welfare Federal Court Case
 2012 Ottawa Citizen: Have a Heart for First Nations Children's Day
 2012 CBC: First Nations Child Welfare Federal Court Case
 2012 Toronto Star: First Nations Youth Ambassadors
 2012 CTV: First Nations Child Welfare Federal Court Case
 2012 Edmonton Journal: First Nations Child Welfare Case

2012 CTV Powerplay: Crown-First Nations gathering
 2012 CBC Power and Politics: Crown-First Nations gathering
 2012 Aljazeera: Crown- First Nations gathering
 2012 CBC National Radio: Trailblazers: Profile of Cindy Blackstock
 2012 Guelph Mercury: Canada's native communities deserve justice now
 2012 APTN: CHRT Chair Chotalia responsible for harassment of staff
 2011 Toronto Star: Three women who fought back against the Conservatives
 2011 CTV Powerplay: Monitoring by the Government of Canada
 2011 CTV: Sexual abuse and First Nations Communities
 2011 CBC, the Current: Government surveillance of Native youth advocate
 2011 Midnorth Monitor: From nightmare to dream
 2011 Montreal Gazette: FN school conditions
 2011 National Post: Residential school memorial and education inequities
 2011 Vancouver Sun: UNCRC report with KAIROS
 2011 Winnipeg Free Press: UNCRC report with KAIROS
 2011 CBC NWT: UN CRC report with KAIROS
 2011 CBC Atlantic: UN CRC report with KAIROS
 2011 CTV: UN CRC report with KAIROS
 2011 Rutherford Show, Alberta: UNCRC report
 2011 CBC Yukon: UN CRC report with KAIROS
 2011 Toronto Star: UN CRC report with KAIROS
 2011 Australian Broadcasting Company: Indigenous child welfare
 2011 Aboriginal Peoples Television Network: Jordan's Principle
 2011 Canada AM: Shannen's Dream
 2011 Reuters: Our Dreams Matter Too
 2011 Silobreaker: Our Dreams Matter Too
 2011 India Times: Our Dreams Matter Too
 2011 CNBC: Our Dreams Matter Too
 2011 Money Magazine (on line): Our Dreams Matter Too
 2011 La Press Canadien Ottawa négligerait les jeunes autochtones dans le domaine de l'éducation
 2011 Frankfurter Rundschau: Our Dreams Matter Too
 2011 Toronto Star: Atkinson Fellowship
 2011 CTV: First Nations Child Welfare and Education (AFN)
 2011 The Globe and Mail: First Nations Child Welfare and Education (AFN)
 2011 Toronto Star: Risks to First Nations Students Attending School Away from Home
 2011 CBC the Current: Shannen's Dream
 2011 CKVU radio: Shannen's Dream
 2011 Toronto Star: Aboriginal Child Welfare Summit
 2011 National Post: letter to the Editor on Child Welfare
 2011 CBC Radio: Child Welfare Northwest Territory
 2011 CBC Radio: FN children's equity as an election issue
 2011 Global Television and APTN: Aboriginal Achievement Awards
 2011 APTN: Child Welfare Tribunal Rules
 2011 APTN Investigates: Child Welfare Tribunal
 2011 APTN In Focus: Jordan's Principle
 2010 CBC Radio: Shannen's Dream
 2010 CTV Powerplay: Shannen's Dream
 2010 Aboriginal Peoples Television Network: *Sisters in Spirit*
 2010 Aboriginal Peoples Television Network, In Focus: *Child Welfare*

2010 Caama Radio, Alice Springs, Australia: *Human Rights Tribunal*

2010 CBC Sunday Edition: *Human Rights Tribunal*

2010 CBC The Current: *Native Child Welfare*

2010 Aboriginal Peoples Television Network: *First Nations Child Welfare Tribunal*

2010 CBC radio, Yukon Territory: *First Nations Child Welfare Tribunal*

2009 Toronto Star: *Caring Across Boundaries Photography Exhibit*

2009 CBC The Current: *Jordan's Principle*

2009 Toronto Star: *Atkinson Social Justice Fellowship*

2009 Toronto Star: Shortage of Funds: Surplus of Suffering

2009 CBC radio: Yukon Territory: *First Nations Child Welfare Tribunal*

2009 Aboriginal Peoples Television Network: *First Nations Gala*

2009 CHOU radio: *Canadian Human Rights Tribunal*

2009 The Aboriginal Peoples Television Network: *Canadian Human Rights Tribunal*

2009 The Devoir: *First Nations Child Welfare*

2009 The Courier Mail, Queensland: *First Nations Child Welfare*

2009 Contact, Aboriginal Peoples Television Network-*Child and Family Services*

2009 Globe and Mail: *Federal Budget*

2009 Aboriginal Peoples Television Network: Is this our Canada? project

2008 CBC radio: *First Nations Child Welfare Tribunal*

2008 CBC radio: *Dr. PH Bryce and Cindy Blackstock*

2008 Aboriginal Peoples Television Network: *Canadian Human Rights Complaint*

2008 Globe and Mail: *Child Welfare in BC*

2008 The Australian: ACWA Conference

2008 Indigenous radio-Northern Territory, Australia

2008 APTN: *Human Rights Case in Child Welfare*

2008 CBC news: *Attawapiskat School*

2008 APTN: Nomination for International Children's Peace Prize

2008 Maclean's Magazine: *First Nations child welfare*

2008 Victoria Times Colonist: *Jordan's Principle*

2008 Aboriginal Peoples Television Network: *Jordan's Principle*

2007 Australian Broadcasting Network (ABC): *Jordan's Principle*

2007 Te Ao Hou: The Maori Magazine: *Human Rights Complaint and Jordan's Principle*

2007 CBC news: *Manitoba Child Welfare*

2007 CBC news: *Jordan's Principle CMAJ editorial*

2007 Globe and Mail: *Jordan's Principle CMAJ editorial*

2007 Edmonton Sun: *Jordan's Principle CMAJ editorial*

2007 Belleville Intelligencer Newspaper: *First Nations child welfare*

2007 Press conference: Launch of the First Nations family and community institute in Saskatchewan, Saskatoon

2007 CTV news: *Launch of First Nations family and community institute in Saskatchewan*

2007 CBC radio: *Many Hands One Dream*

2007 Aboriginal Peoples Television Network: *Jordan's Principle tabled in the House of Commons*

2007 News conference- House of Commons, Canada: *Jordan's Principle*

2007 Aboriginal Peoples Television Network: *Norway House Cree Nation and Jordan's Principle*

2007 CBC radio, Winnipeg: *Norway House Cree Nation and Jordan's Principle*

2007 News conference, House of Commons, Canada: *Human Rights Complaint*

2007 CBC radio, Montreal: *Human Rights Complaint*

2007	Aboriginal Peoples Television Network: <i>Human Rights Complaint</i>
2006	Aboriginal Peoples Television Network: <i>Contact: Aboriginal child welfare</i>
2005	CBC Television: <i>Adoption of Aboriginal children</i>
2005	CBC Radio: <i>Reconciliation in Child Welfare</i>
2005	Global Television Network: <i>Reconciliation in Child Welfare</i>
2005	Aboriginal Peoples Television Network: Reconciliation in Child Welfare

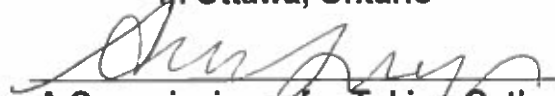
COMMUNITY WORK AND PROFESSIONAL MEMBERSHIPS (19)

2015–Present	Chair of Reconciliation Historical Plaque Working Group, Beechwood Cemetery
2016–2017	Juror, Samara Everyday Political Citizen Youth Awards
2016–Present	Member, IAM Committee, McGill School of Social Work
2015–2017	Advisory Board Member, Canadian Difference
2015–2018	Member, City of Winnipeg, Indigenous Advisory Circle
2014–Present	Registered Social Worker, Alberta Association of Social Workers
2009–Present	Member, Ontario Association of Social Workers
2014–2018	Board Member, Federation of the Humanities and Social Sciences
2014–2018	Chairperson, Equity Committee, Federation of the Humanities and Social Sciences
2011–Present	Member, Indigenous Bar Association
2014–Present	Member, BC Civil Liberties Association
2014–Present	Member, International Commission of Jurists Canada
2009–2014	Member, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2005–2009	Co-convener, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2006–2008	Board Member, Canadian Education Association
2005–2008	Board Member, Boys and Girls Clubs of Canada
2005–2006	Member, Youth Engagement Ethical Guidelines Sub Group
2004–2005	Board Member, Canadian Coalition of the Rights of the Child
2004–2014	Member, NGO Group, Convention on the United Nations Rights of the Child

**THIS IS EXHIBIT "2" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON**

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

CONWAY

Litigation/Litige

David P. Taylor
Partner
Direct Line: 613.691.0368
Email: dtaylor@conway.pro

Assistant: Doreen Navarro
Direct Line: 613.691.0375
Email: dnavarro@conway.pro

September 8, 2019

VIA EMAIL

Robert Frater, Q.C.
Chief General Counsel
Justice Canada
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Jonathan Tarlton
Senior Counsel
Justice Canada
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3

Dear Sirs:

**RE: CONSULTATION COMMITTEE ON CHILD WELFARE
PROCESS FOR COMPENSATION PURSUANT TO 2019 CHRT 39**

OUR MATTER ID: 5204-006

I write in advance of the September 9, 2019 meeting of the Consultation Committee on Child Welfare ("CCCW") and following the Tribunal's September 6, 2019 ruling regarding compensation in 2019 CHRT 39.

The Tribunal's September 6, 2019 order requires Canada to enter into discussions with the AFN and the Caring Society regarding options for the process of paying compensation to victims, such that the parties will return to the Tribunal with proposals by December 10, 2019 (para 269).

Given the length of time that many First Nations children and their families have been waiting, the Caring Society would like to begin preliminary discussions at the September 9, 2019 CCCW meeting. The topics for discussion could include (at a minimum):

1. Information in Canada's possession that would assist in identifying victims of discrimination (*Indian Act* status records, maintenance reports, adoption lists, records from Jordan's Principle reconsiderations, Service Access Resolution Funding applications that provide details of past service delays or denials);

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Tel: 613.288.0149 Fax: 613.688.0271

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2. Compensation for Jordan River Anderson's estate and family (as they are excluded from the Panel's orders regarding Jordan's Principle, which take effect in December 2007);
3. Supporting First Nations youth in care and First Nations young leaders to provide expert advice on the distribution of funds (see, for example, section 4(d) of the CCCW Terms of Reference);
4. Processes Canada may have in place for the calculation of interest;
5. Mechanisms to ensure that costs to administer payments to victims do not reduce funds available to victims (either with respect to awards payable or re-allocation from programs (see re-allocation policy and the orders in 2018 CHRT 4)); and
6. Mechanisms to ensure the best interests of vulnerable victims (children, young adults in post-majority care, adults with addictions, adults with high special needs, and potentially others).

The Caring Society would also appreciate knowing which Government of Canada official(s) or representatives will be authorized to enter into these discussions with the Caring Society and AFN. We trust that this information will be available at the CCCW meeting on September 9, 2019.

Yours truly,



David P. Taylor

Copy: **Patricia MacPhee, Kelly Peck, Max Binnie and Tara DiBenedetto**
Co-counsel for the Attorney General of Canada


David Nahwegahbow, Stuart Wuttke and Thomas Milne
Co-counsel for the Assembly of First Nations

Sarah Clarke and Barbara A. McIsaac, Q.C.
Co-counsel for the First Nations Child and Family Caring Society of Canada

**THIS IS EXHIBIT "3" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON**

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths



Department of Justice
Canada

National Litigation Sector
500-50 O'Connor Street
Ottawa ON K1A 0H8

Ministère de la Justice
Canada

Secteur national du contentieux
500-50, rue O'Connor
Ottawa ON K1A 0H8

Telephone: (613) 670-6289
Facsimile: (613) 954-1920
E-Mail: rfrater@justice.gc.ca

Our File: AR-800702
Notre dossier:

Via Email

September 9, 2019

David Taylor
Conway Baxter Wilson LLP
400-411 Roosevelt Avenue
Ottawa, ON K2A 3X9

Dear Mr. Taylor:

**Re: Consultation Committee on Child Welfare
Process for Compensation Pursuant to 2019 CHRT 39**

Thank you for your letter of yesterday. As you can appreciate, because the decision is lengthy and complex, our client is seeking our legal advice on the decision. As well, the client is also considering the practical impacts of the decision. These are both matters that require careful consideration, and we need to have a full understanding of this decision before entering into discussions of the type suggested in your letter.

We are not, therefore, prepared to enter into the detailed discussions at the Consultation Committee meeting set for today contemplated by your letter. We are ready, however, to listen to any thoughts you or other parties may wish to share on these issues.

We look forward to this afternoon's discussions.

Yours truly,

Robert Frater, Q.C.
Counsel for the Attorney General of Canada

cc. Jonathan Tarlton, Patricia MacPhee, Kelly Peck, Max Binnie and Tara DiBenedetto
Co-counsel for the respondent Attorney General of Canada

Stuart Wuttke and Thomas Milne, David Nahwegahbow
Co-counsel for the complainant Assembly of First Nations

Canada

Sarah Clarke
Counsel for the complainant First Nations Child and Family Caring Society

Brian Smith and Jessica Walsh
Co-counsel for the Canadian Human Rights Commission

Maggie Wenté and Sinéad Dearman
Co-counsel for the interested party Chiefs of Ontario

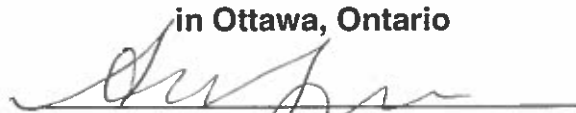
Justin Safayeni and Ben Kates
Co-counsel for the interested party Amnesty International

Julian Falconer and Molly Churchill
Co-counsel for the interested party Nishnawbe Aski Nation

THIS IS EXHIBIT "4" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

From: "Deecker3, Gordon (SAC/ISC)" <gordon.deecker3@canada.ca>
Date: Thursday, September 19, 2019 at 10:17 AM
To: Cindy Blackstock <cblackst@fncaringsociety.com>
Subject: RE: Call for JPOC agenda items

Hello Cindy,

I've heard back from a couple of people here, including Valerie, and below is their replies: (in red and blue)

Can we receive copies of the communication materials from HQ advising regions and focal points of 2019 CHRT 39? **please confirm with Valerie that she wants the documents to be placed on JPOC or just an email to the Parties as a follow up to Cindy's request for these documents at the Sept 9th CCCW. (Valerie says: in an email to the Parties)**

Also, can we receive a detailed and itemized list of the specific efforts INAC has undertaken to identify families subject to the retroactive review orders on Jordan's Principle and the data that INAC collected on individual children and parents regarding Jordan's Principle (victims of discrimination per 2019 CHRT 39) during the following time frames:

Regarding this request similarly stated at the Sept 9 CCCW, ISC was clear that we cannot share this with the Parties, nor discuss how missing data could be obtained, without specific Government instruction. (Valerie says: Correct, we cannot share at this time)

Hope this helps,



Gordon

From: Cindy Blackstock [mailto:cblackst@fncaringsociety.com]
Sent: 2019-09-16 11:27 AM
To: Deecker3, Gordon (SAC/ISC); 'afiddler@nan.on.ca'; Andrea Auger; 'Bobby Narcisse'; Buckland, Robin (SAC/ISC); Caring Society Reception; Cirtwill, Kelly (AADNC/AANDC); Cole, Katherine (SAC/ISC); Doyle2, Marie (SAC/ISC); 'emily.king@coo.org'; Goertzen, Terry (AADNC/AANDC); 'Jonathon Thompson'; 'knerland@oktlaw.com'; 'kristofer.bergmann@tbs-sct.gc.ca'; 'kritch@oktlaw.com'; McDonald, Dana (SAC/ISC); 'Maggie Went'; 'Nichole Kinzel'; Peltier, Katelin (SAC/ISC); Roberge, Anick (SAC/ISC); 'Robin.Beaclair@coo.org'; 'ruby.miller@coo.org'; 'Sinéad Dearman'; Small, Mariane (HC/SC); Smith, Pam (SAC/ISC); 'Stephanie Wellman'; 'tracy@coo.org'; 'Wendy Trylinski'
Subject: Re: Call for JPOC agenda items

Hello Gordon

Can we receive copies of the communication materials from HQ advising regions and focal points of 2019 CHRT 39?

Also, can we receive a detailed and itemized list of the specific efforts INAC has undertaken to identify families subject to the retroactive review orders on Jordan's Principle and the data that INAC collected on individual children and parents regarding Jordan's Principle (victims of discrimination per 2019 CHRT 39) during the following time frames:

December 12, 2017 to January 26, 2016

January 27, 2016 to April 26, 2016

April 27, 2016 to September 14, 2016

September 15, 2016 to May 26, 2017

May 26, 2017 to November 2, 2017

Thanks,

Cindy

From: "Deecker3, Gordon (SAC/ISC)" <gordon.deecker3@canada.ca>

Date: Monday, September 16, 2019 at 10:05 AM

To: "afiddler@nan.on.ca" <afiddler@nan.on.ca>, Andrea Auger <aauger@fncaringsociety.com>, 'Bobby Narcisse' <bnarcisse@nan.on.ca>, "Buckland, Robin (SAC/ISC)" <robin.buckland@canada.ca>, Jacquie Surges <reception@fncaringsociety.com>, Cindy Blackstock <cblackst@fncaringsociety.com>, "Cirtwill, Kelly (AADNC/AANDC)" <kelly.cirtwill@canada.ca>, "Cole, Katherine (SAC/ISC)" <katherine.cole@canada.ca>, "Doyle2, Marie (SAC/ISC)" <marie.doyle2@canada.ca>, "emily.king@coo.org" <emily.king@coo.org>, "Goertzen, Terry (AADNC/AANDC)" <terry.goertzen@canada.ca>, Jonathan Thompson <jonthompson@afn.ca>, "knerland@oktlaw.com" <knerland@oktlaw.com>, "kristofer.bergmann@tbs-sct.gc.ca" <kristofer.bergmann@tbs-sct.gc.ca>, "kritchie@oktlaw.com" <kritchie@oktlaw.com>, "McDonald, Dana (SAC/ISC)" <dana.mcdonald@canada.ca>, Maggie Wente <MWente@oktlaw.com>, 'Nichole Kinzel' <nkinzel@nan.on.ca>, "Peltier, Katelin (SAC/ISC)" <katelin.peltier@canada.ca>, "Roberge, Anick (SAC/ISC)" <anick.roberge@canada.ca>, "Robin.Beauclair@coo.org" <Robin.Beauclair@coo.org>, "ruby.miller@coo.org" <ruby.miller@coo.org>, 'Sinéad Dearman' <SDearman@oktlaw.com>, "Small, Mariane (HC/SC)" <mariane.small@canada.ca>, "Smith, Pam (SAC/ISC)" <pam.smith@canada.ca>, 'Stephanie Wellman' <SWellman@afn.ca>, "tracy@coo.org" <tracy@coo.org>, 'Wendy Trylinski' <wtrylins@nan.on.ca>

Subject: Call for JPOC agenda items

Good morning,

Please submit your agenda items to kate.oconnor@canada.ca by COB on September 20th along with any materials/attachments to share, for the upcoming JPOC meeting on October 1st.

Thank you kindly and have a great day,

Gordon Deecker

First Nations and Inuit Health Branch/Direction générale de la santé des Premières nations et des Inuits

Indigenous Services Canada/Services aux Autochtones du Canada

gordon.deecker3@canada.ca / 613-946-6335 (new)

**THIS IS EXHIBIT "5" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON**

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths



Sent via email to justin.trudeau@parl.gc.ca.

October 16, 2019

Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

I am writing to acknowledge your public commitment to compensating the First Nations children and families affected by Canada's ongoing willful and reckless discrimination and to clarify the factual record on a number of points. I am also writing to bring to your attention to some concerning remarks made by Minister Carolyn Bennett at a recent meeting.

As you may know, the Tribunal's compensation order arises from a human rights case filed jointly by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada in 2007 under the Canadian Human Rights Act. In adopting the Act, Parliament provided for compensation to a maximum of \$40,000 for victims of discrimination, both for their pain and suffering and to recognize willful and reckless discrimination. Canada, therefore, has known that compensation is an issue for close to 13 years.

In Canada's 2014 closing submissions to the Tribunal, it argued it ought not pay any compensation to victims of discrimination and that the case should be dismissed. The Caring Society and AFN filed submissions to the Tribunal asking that compensation be awarded.

In 2016, the Tribunal substantiated the complaint and ordered Canada to immediately cease its discriminatory conduct. Canada did not challenge this ruling. The Tribunal took the issue of compensation under reserve while it addressed the most harmful aspects of Canada's discriminatory conduct. The Tribunal was so unsatisfied with Canada's slow implementation that it has now issued seven non-compliance orders, including one in 2017 linking Canada's non-compliance with the deaths of two girls.

You may recall a letter sent to you by Caring Society board president Raymond Shingoose, dated in May 2017, requesting your personal intervention in the case given

the links between Canada's non-compliance and the deaths of some children and the unnecessary family separations of others.

Since the 2016 decision, the Caring Society has repeatedly urged your government to resolve outstanding matters, including compensation, using the Tribunal's mediation process. Canada has refused at every turn. This culminated in a December 2018 letter from your government to the Caring Society and other parties advising us that Canada wanted to resolve the compensation matter via litigation.

In the early part of 2019, a class action was filed against Canada on behalf of two representative claimants affected by Canada's discriminatory provision of child welfare services and Jordan's Principle. It is important to note this class action covers events from 1991 to present and it is not a substitute for the Tribunal's compensation orders, which relate directly to the Canadian Human Rights Act's provisions for human rights damages for pain and suffering, as well as willful and reckless discrimination.

The Tribunal held a hearing on compensation in the spring of 2019 and Canada's position was that it ought not be ordered to pay any compensation to the children and their families. Lawyers representing Canada even went so far as to suggest that there was no evidentiary record of harms to individuals and, had the parties wanted to seek individual compensation, we ought to have called individual victims (including children) to testify.

During the compensation hearings, we were visited by Mr. Travis Henderson, who I understood was sent by your office to determine if we were open to settlement. I advised Mr. Henderson that the Caring Society was always open to receiving clear and meaningful proposals from Canada and recommended that consenting to certification of the class action would be a signal to us all that Canada was serious about compensation. We never heard from Mr. Henderson again and the class action remains uncertified.

Moreover, I met with Deputy Minister Jean-François Tremblay and Assistant Deputy Minister Sony Perron on March 19, 2019. At that time, I strongly urged them to accept the Tribunal's offer to participate in mediation. The offer was once again refused.

The Tribunal issued its order on compensation on September 6, 2019 and it includes a finding that Canada continued to "willfully and recklessly" discriminate against First Nations children and their families after the January 26, 2016 order. The compensation order included a provision for Canada to consult with the Assembly of First Nations and the Caring Society to collaborate on a plan to implement the order. We immediately contacted Canada and asked that the government identify a person or persons to discuss this matter. We were repeatedly informed that the government had not appointed anyone, so we have proceeded to work on the compensation plan without government participation.

Canada's judicial review and stay applications, filed on October 4, 2019, are clear. The requests are to quash any orders for monetary compensation and for any group that opposes Canada to pay your legal costs. The focus is on the irrevocable harm to Canada – not to the children and families – and there is a complete denial that the discrimination is ongoing. These documents are not aligned with your public statements, and have created unnecessary distress for victims of the discriminatory conduct and a great deal of confusion for the parties.

Recently, we became aware that Minister Bennett has been facilitating conversations about the compensation matter with groups/individuals who are not a party to the proceedings before the Tribunal or Federal Court. The Caring Society will have more to say about these discussions in the context of the Federal Court proceedings. For now, I want to emphasize how inappropriate it is that the Minister is not discussing the matter with the parties, who are acting on the basis of unanimous resolutions passed by the Chiefs in Assembly, and has instead suggested that Canada ought to have conversations with the victims of the discrimination – many of whom are children. This is morally inappropriate given Canada's direct role in the discrimination that led to the compensation being ordered. If such discussions with victims have taken place or are planned, we would like to know immediately.

In addition, Minister Bennett has identified herself as the “client” in the compensation matter and has indicated her wishes, and yours, are out of step with the legal submissions your lawyers have made. We were not aware the file had been transferred from Minister O'Regan to Minister Bennett. If, as she stated, Canada's legal submissions are inconsistent with the client direction, we expect your government to take immediate corrective action as it is vital the Court has a clear position before it.

Moreover, we would request that Canada constrain its conversations on compensation to discussions with the parties to the litigation, using the proper processes.

Overall, I urge you to fully adopt the Spirit Bear Plan to end all inequalities First Nations children are experiencing and to stop Canada's ongoing “willful and reckless” discrimination toward them. The Tribunal's finding that child deaths and many unnecessary family separations are linked to Canada's conduct should provide you with clear evidence that the Department is unable or unwilling to reform itself in ways that forestall future harms to children.

In addition, we ask that you ensure your public statements align with your government's legal submissions, that Canada constrain its conversation on compensation to the proper processes, and that your government engage with the parties on proposed resolutions.

I would also ask that Canada confirm that it will not have discussions with individual victims of its discrimination until such time that the Tribunal or the Federal Court orders a proper process for such discussions to occur.

I look forward to your prompt and specific reply.

Regards,

A handwritten signature in black ink, appearing to read 'C. Blackstock', written in a cursive style.

Cindy Blackstock, PhD
Executive Director,
First Nations Child and Family Caring Society of Canada

CC: Minister Carolyn Bennett
Minister Seamus O'Regan
Minister David Lametti

**THIS IS EXHIBIT "6" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON**

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

From: David Taylor <DTaylor@conway.pro> **Sent:** October 22, 2019 2:09 PM **To:** Frater, Robert <Robert.Frater@justice.gc.ca> **Cc:** Tarlton, Jonathan <Jonathan.Tarlton@justice.gc.ca>; Binnie, Max <Max.Binnie@justice.gc.ca>; 'Sarah Clarke' <sarah@childandfamilylaw.ca>; Barbara McIsaac <Barbara@mcisaaclaw.com>; Anne Levesque <Anne.Levesque@uottawa.ca> **Subject:** RE: Case Management

Rob,

I can confirm that the Caring Society's expectation is that Canada will comply with the Tribunal's order and will consult with it and the AFN before filing its submission regarding the compensation process with the Tribunal on December 10.

Dr. Blackstock's request that a federal official(s) be identified for these discussions is based on that expectation. I would think that the identity of the individual with whom discussions would be had should be ascertainable regardless of the outcome of the stay motion.

It is our client's view that, particularly in light of the Prime Minister's public statements on multiple occasions in the recent election campaign, having discussions as soon as possible regarding compensation to victims of Canada's discrimination is important.

Can you also confirm the steps your client has taken towards formulating its position regarding the compensation process? For instance, we are aware of certain conversations between Minister Bennett and First Nations chiefs, as noted in my October 15 letter.

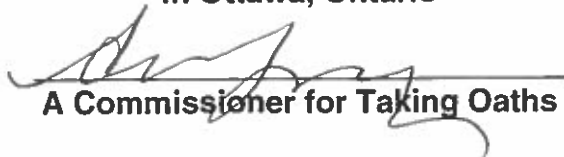
Best,

David

THIS IS EXHIBIT "7" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths



**Department of Justice
Canada**

**Ministère de la Justice
Canada**

National Litigation Sector
Department of Justice Canada
50 O'Connor Street, Room 556
Ottawa, Ontario
K1A 0H8

Telephone: 613-670-6289
Fax: 613-954-1920
Email:

November 14, 2019

Our File Number: 10967076

BY EMAIL

David Taylor
Conway Baxter Wilson LLP
411 Roosevelt Ave,
Suite 400
Ottawa, ON K2A 3X9

Justin Safayeni
Stockwoods LLP
77 King Street West,
Suite 4130
Toronto, ON M5K 1H1

Stuart Wuttke
Assembly of First Nations
55 Metcalfe Street,
Suite 1600
Ottawa, ON K1P 6L5

**Julian Falconer and Molly
Churchill**
Falconers LLP
10 Alcorn Avenue,
Suite 204
Toronto, ON M4V 3A9

**Brian Smith and Jessica
Walsh**
Canadian Human Rights
Commission
344 Slater Street
Ottawa, ON K1A 1E1

**Maggie Wente and
Sinéad Dearman**
Olthuis Kleer Townshend
250 University Avenue,
8th Floor
Toronto, ON M5H 3E5

Dear Counsel:

**Re: AGC v. First Nations Child and Family Caring Society of Canada et al. [JR]-
T-1621-19**

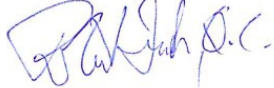
In your affidavits filed on the stay motion/motion to hold the judicial review in abeyance, you have referred to the desirability of the government's engaging in discussions regarding the process for compensation.

While we remain of the view that such discussions are premature pending the outcome of the judicial review that will examine the reasonableness of the Tribunal's order, we have endeavoured to identify certain issues that will inform compensation discussions, whether in the context of Tribunal proceedings or in the class action. We have attached a preliminary list of questions on which we seek your views, in order to move compensation discussions forward. Following the naming of a new Minister/Cabinet, we hope to provide further questions.

Canada

We also would advise you that tomorrow, we will write to the Tribunal requesting that it extend the December 10 deadline for process-related issues. In our view, the Tribunal should await the outcome of the stay/abeyance motions to give the Federal Court sufficient time to render its decision. If we are unsuccessful on the stay, it would be appropriate to set a new date at a Case Management meeting.

Yours truly,

A handwritten signature in blue ink, appearing to read "Robert Frater, QC". The signature is stylized and cursive.

Robert Frater, QC
Chief General Counsel

Enclosure

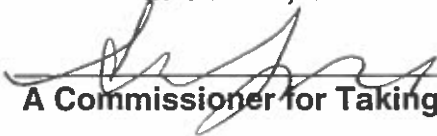
1. In addition to discussing among the Parties, what other groups should be consulted?
2. What do you see as the key conditions for successful administration of compensation?
3. What is the time period that you feel should be covered in the compensation of victims?
4. How do you see the relationship between compensation before the Tribunal and the *Moushoom* class action?
5. What other critical issues have the Parties identified with regard to the payment of compensation?

**THIS IS EXHIBIT "8" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK**

SWORN BEFORE ME ON

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

CONWAY

Litigation/Litige

David P. Taylor
Partner
Direct Line: 613.691.0368
Email: dtaylor@conway.pro

Assistant: Doreen Navarro
Direct Line: 613.691.0375
Email: dnavarro@conway.pro

November 26, 2019

VIA EMAIL

Robert Frater, Q.C.
Chief General Counsel
Justice Canada
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Dear Sir:

RE: *CONSULTATION COMMITTEE ON CHILD WELFARE*
PROCESS FOR COMPENSATION PURSUANT TO 2019 CHRT 39

OUR MATTER ID: 5204-006

I write in response to your November 14, 2019 letter, further to my September 8, 2019 letter following the Tribunal's September 6, 2019 ruling regarding compensation in 2019 CHRT 39, and following the Minister of Indigenous Services and the Attorney General's November 25, 2019 joint statement on compensation for First Nations children.

The Caring Society notes the November 20, 2019 appointment of the Honourable Marc Miller as the new Minister of Indigenous Services and congratulates him on his appointment. Over the past few months, your client has repeatedly identified the appointment of a new Minister as a pre-condition to appointing an ISC representative authorized to conduct discussions with the AFN and the Caring Society regarding the process of paying compensation to victims per 2019 CHRT 39.

We note that Minister Miller is already making public statements regarding the Tribunal's compensation order. As such, we presume that he is now fully briefed and ready to instruct his staff and senior officials. In addition to yesterday's joint statement, my client noted with interest the Minister's statement on Power and Politics yesterday evening that:

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we need to [...] compensate children and families for the past harm and that is what we are moving towards today. This is, these are discussions that are and will be at an initial stage, but we need to address it in a comprehensive fashion with, again, national organizations, those advocates that have been so incredible in moving the discussion forward, and the legal principles forward when you talk about Jordan's Principle, but also talk to representatives of families and get that group of people and not simply a ten-year period.

Given the Minister's statements, when can my client expect to be advised of ISC's representative for discussions with the Caring Society and the AFN?

Secondly, in your November 14, 2019 letter you attached a preliminary list of questions on which you sought the parties' views. The Caring Society's position is that these five questions, along with the six questions listed in my September 8, 2019 letter, should form the agenda for a first meeting to discuss the Compensation Process. These discussions can also be guided by the scoping questions that the Caring Society provided to your client during the summer of 2018, which should be answered in advance of the first meeting.

To facilitate developing an agenda for this first meeting, I have merged the three lists of topics and added some new topics.

1. Consistent with Mr. Perron's responses during cross examination regarding work underway to brief the new Minister, what steps has Canada undertaken to look at options for developing a process of compensation? Where there are documents, please provide copies in advance of our first meeting;
2. What is the time period that you feel should be covered in the compensation of victims? (**AGC Question #3**);
 - a. Does Canada agree that compensation should be awarded to victims from the time period of 2006 (one year before the complaint was filed under the *CHRA*) to the time when Canada is found compliant with the *CHRT's* orders? (**CS 2018 Scoping Question #4**);
3. In addition to discussing among the Parties, what other groups should be consulted? (**AGC Question #1**);
 - a. Has Canada undertaken any conversations with victims of the discrimination per Minister Bennett's statements on October 11, 2019? (**CS Oct 15 letter**);
 - b. Supporting First Nations youth in care and First Nations young leaders to provide expert advice on the distribution of funds (see, for example, section 4(d) of the *CCCW Terms of Reference*) (**CS Sept 8 letter**);
4. What do you see as the key conditions for successful administration of compensation? (**AGC Question #2**);

- a. Mechanisms to ensure the best interests of vulnerable victims (children, young adults in post-majority care, adults with addictions, adults with high special needs, and potentially others) (**CS Sept 8 letter**);
 - b. What department or arm of government will be responsible for issuing payments to victims (i.e.: ISC, Service Canada);
 - c. Should Canada pay for fees for a professional financial mechanism to oversee the distribution and/or management of funds held in trust for victims? (**CS 2018 Scoping Question #5**);
5. How do you see the relationship between compensation before the Tribunal and the *Moushoom* class action? (**AGC Question #4**);
- a. Does Canada agree that any *CHRA* compensation settlement must not, in any way, affect civil claims for compensation that may be brought by children/youth or their families against Canada regarding discrimination in the FNCFS Program and Jordan's Principle (**CS 2018 Scoping Question #3**);
6. Does Canada agree that compensation should be paid to both victims affected by the FNCFS Program and Jordan's Principle? (**CS 2018 Scoping Question #1**);
7. Does Canada agree that its discriminatory conduct was "wilful and reckless"? (**CS 2018 Scoping Question #2**);
8. What other critical issues have the Parties identified with regard to the payment of compensation? (**AGC Question #5**):
- a. Information in Canada's Possession that would assist in identifying victims of discrimination (*Indian Act* status records, maintenance reports, adoption lists, records from Jordan's Principle reconsiderations, Service Access Resolution Funding applications that provide details of past service delays or denials) (**CS Sept 8 letter**);
 - b. Processes Canada may have in place for the calculation of interest (**CS Sept 8 letter**);
 - c. Can Canada confirm that compensation paid to victims will not be subject to claw backs from other federal social service programs, such as social assistance or the Canada Child Benefit?
 - d. Can Canada confirm whether the compensation paid to victims will be subject to federal taxation?
 - e. Mechanisms to ensure that costs to administer payments to victims do not reduce funds available to victims (either with respect to awards payable or re-allocation from programs (see re-allocation policy and the orders in 2018 CHRT 4)) (**CS Sept 8 letter**);

- f. Compensation for Jordan River Anderson's estate and family (as they are excluded from the Panel's orders regarding Jordan's Principle, which take effect in December 2007) (**CS Sept 8 letter**); and
9. What non-financial measures of reconciliation can and should Canada take? For example, what measures would be taken in cases where families have faced tragic outcomes as a result of Canada's discriminatory actions (**CS 2018 Scoping Question #6**).

At this time the Caring Society will not be providing any further substantive response to the questions posed in your November 14, 2019 letter. Consistent with the Tribunal's order and the Minister's public statements, the Caring Society is seeking a discussion with Canada, involving a two-way exchange of information and ideas. The Caring Society is not interested in participating in a unilateral process in which it provides Canada with information without knowing Canada's position on the various items at play.

We look forward to hearing from you as soon as possible so that the parties may begin the important work of reaching an agreement on the process by which compensation may be paid to the victims of Canada's discrimination.

Yours truly,



David P. Taylor

Copy: **Jonathan Tarlton, Patricia MacPhee, Kelly Peck, Max Binnie and Meg Jones**
Co-counsel for the Attorney General of Canada

David Nahwegahbow, Stuart Wuttke and Thomas Milne
Co-counsel for the Assembly of First Nations

Brian Smith and Jessica Walsh
Co-counsel for the Canadian Human Rights Commission

Maggie Wente and Sinéad Dearman
Co-counsel for the Chiefs of Ontario

Justin Safayeni and Ben Kates
Co-counsel for Amnesty International

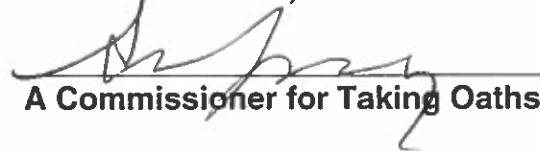
Julian Falconer and Molly Churchill
Co-counsel for Nishnawbe Aski Nation

Sarah Clarke, Anne Levesque and Barbara A. McIsaac, Q.C.
Co-counsel for the First Nations Child and Family Caring Society of Canada

**THIS IS EXHIBIT "A" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK
SWORN BEFORE ME ON**

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths



1920 Broad Street
REGINA SK S4P 3V6

Phone: 306- 787-3491
Fax: 306- 787-1032

November 21, 2019

Cindy Blackstock, Executive Director
First Nations Child and Family Caring Society of Canada
309 Cooper Street, Suite 401
OTTAWA ON K2P 0G5

Dear Cindy Blackstock:

Thank you for your letter dated October 23, 2019, regarding the impact of compensation to victims of Canada's discrimination related to the First Nations Child and Family Services Program and Jordan's Principle to the Canadian Human Rights Tribunal's (CHRT) orders.

As the CHRT ruling is now in litigation, Deputy Ministers are not in a position to respond until the legal matter has been resolved. Once the Federal Court of Canada issues a ruling, provincial and territorial governments will conduct their own reviews and determine the best way to proceed based on the findings of the Court. I would be happy to share your letter with my colleagues to consider your request while conducting their own reviews.

In Saskatchewan, the Ministry of Social Services has a history of providing income exemptions for income assistance clients covering a broad range of compensation to individuals and families stemming from federal compensation decisions. You will find the income exemptions for each of the current income assistance programs on the provincial government website at www.saskatchewan.ca.

Sincerely,

A handwritten signature in black ink, appearing to be 'TK' or similar initials.

Tammy Kirkland
Deputy Minister of Social Services and
Provincial Chair of the Forum of Deputy Ministers Responsible for Social Services

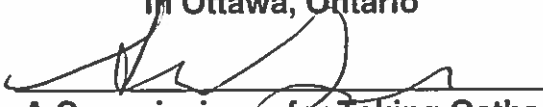
cc: Tracey Smith, Assistant Deputy Minister, Income Assistance Programs
Natalie Huber, Assistant Deputy Minister, Child and Family Programs
Kimberly Kratzig, Assistant Deputy Minister, Finance and Corporate Services

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Proposal: Gathering Youth in Care Advisors on the CHRT Compensation Distribution

September 12, 2019



Background:

On September 6, 2019, the Canadian Human Rights Tribunal (CHRT) found that there has been wilful and reckless discrimination against First Nations children and families involved with child and family services on reserves across Canada. The CHRT ordered the Government of Canada to provide compensation to certain First Nations youth in and from care, and in some circumstances to their parents or grandparents. The compensation sum is large: \$40,000 to First Nations youth in or from care who qualify, as well as up to \$40,000 for certain parents or grandparents. More details on eligibility can be found in the CHRT's decision text and the First Nations Child and Family Caring Society's (the Caring Society) information sheet.^{1,2} The order takes effect back to January 1, 2006 and will affect thousands of First Nations individuals.

The CHRT has given the Assembly of First Nations (AFN) and the Caring Society, the two complainants in the case, until December 10, 2019, to develop a process to distribute the compensation. The Caring Society has requested that Youth in Care Canada (YICC) provide advice on the compensation's distribution. YICC exists to voice the opinions and concerns of youth in and from care and is led by a young Board of Directors with lived experience in child welfare, and thus is an appropriate organization to pursue such work. YICC has helped develop and maintain youth in care networks in provinces across the country and will be able to use these connections to gather and produce youth recommendations.

Objectives:

The Caring Society has requested YICC provide advice in advance of the December 10, 2019, deadline. YICC proposes to gather 15 to 20 First Nations youth in and from care (the Youth) to learn about the CHRT ruling in depth, discuss important aspects of distributing the compensation, and produce recommendations to provide to the Caring Society. To do so, YICC proposes to hire a staff member on contact to help coordinate and facilitate the gathering, as well as compile the youth-led recommendations and write a final summary report from the gathering.

The main objectives of this work are to:

1. Provide recommendations to the Caring Society on the process for distributing the funds, with consideration to children in vulnerable circumstances; and
2. Provide recommendations to alleviate risks that providing additional funds to certain primary caregivers may increase the family risk level.

The gathering will take place in Ottawa over one full day, with travel to and from Ottawa the day before and the day after. The gathering itself will begin and close with prayer and ceremony as directed by the elders. A presentation about the CHRT orders, preferably from experts at the Caring Society or alternatively from YICC's coordinator-facilitator, will set the stage and ensure the Youth understand the orders in depth. A presentation describing how similar compensation payments have been distributed in the past would also be useful. The Youth will then be prepared to discuss considerations and risks associated with the compensation's distribution, identify ways risks could be mitigated, and recommend

¹ CHRT Ruling: https://fncaringsociety.com/sites/default/files/2019_chrt_39.pdf

² Caring Society Information: https://fncaringsociety.com/sites/default/files/2019_chrt_39_info_sheet_final.pdf



how distribution of the compensation should occur. Discussion questions pertaining to each objective will be developed by YICC's coordinator-facilitator beforehand, and this staff member will also help moderate the conversation to ensure each discussion question is answered in full.

The Youth invited to attend this gathering would ideally represent the diversity of First Nations and youth in care realities across the country. They should come from the different provinces and territories across Canada, represent a range of geographies like remote or urban, speak either official language, and be between ages 16 and 29. Youth under 18 will need a chaperone to accompany them on their travel, but the chaperone can be asked to leave the gathering room should the youth be more comfortable speaking without them listening. The Youth will be required to have lived experience in child welfare and will preferably be eligible for the CHRT's compensation or have experience receiving other forms of compensation or financial aid. Experience with child welfare advocacy or work would be beneficial but should not be a limiting factor for the Youth invited to attend.

The gathering will also need to provide mental health and cultural supports for the Youth, as sensitive or triggering topics may be raised. A male and female elder, preferably who have experience with child welfare and who are two spirit friendly, will be hired to attend the gathering, help open and close in a good way, and provide advice and support to the Youth. The gathering space must allow smudging and other ceremony as identified by the elders. Finally, a counsellor with experience working with First Nations youth should be hired to attend the gathering and be provided a private room for the Youth to go to receive counselling and support as need be throughout the day.

Another exciting aspect of the gathering is an opportunity to meet Dr. Cindy Blackstock and Spirit Bear, if they have time to attend. Many children and youth in care look up to Dr. Blackstock and hearing opening remarks from her and Spirit Bear would be a positive way to begin the gathering and a meaningful experience for the Youth who attend.

Deliverables:

Deliverables from the gathering would include:

1. Recommendations regarding risks and distribution of funds to eligible First Nations youth in and from care
2. Recommendations regarding risks and distributions of funds to eligible First Nations parents and grandparents
3. Summary report of the gathering
4. Financial report on the gathering's final costs
5. Directory of contacts brainstormed by youth to ensure notice of compensation is shared widely
6. Enabling youth attendees to become "experts" on the CHRT Compensation Order and share this information with their communities and peers



Budget


Class of Expenditure	Budget Breakdown	Estimated Cost
<u>YICC Gathering Youth in Care Advisors on the CHRT Compensation Distribution - (1 day) – 20 invited people</u>		
<i>i. Staffing and Facilitation</i>		
Staff to act as Coordinator, Facilitator, and Report Writer	@ \$5000	\$5000.00
	Total Staffing	\$5,000.00
<i>ii. Travel and Honorariums</i>		
20 invited people (Youth)	@ \$2,000/person	\$40,000.00
4 chaperones (one to accompany each youth under age 18, to a maximum of 4)	@ \$2,000/person	\$8,000.00
1 YICC Director (from out of town)	@ \$2,000/person	\$2,000.00
20 Youth Honorariums	@ \$120/youth	\$2,400.00
25 Per Diems (Breakfast x1, Lunch x2, Dinner x2) (to cover food during half day of travel before and after gathering)	@ \$15/Breakfast x1 @ \$15/Lunch x2 @ \$30/Dinner x2	\$2,625.00
	Total Travel	\$55,025.00
<i>iii. Meeting Costs (based on 30 attendees)</i>		
Supplies, Printing, Misc.	@ \$500	\$500.00
Facility Rental (1 days at AFN Small and Large Boardrooms)	@ \$750/day	\$750.00
Translation (materials and simultaneous whisper translation)	@ \$2,000	\$2,000.00
Catering (breakfast, snack and coffee breaks x 2, lunch)	@ \$75/person (30 people)	\$2,250.00
Elder and travel x2 (local)	@ \$300 + \$100 travel	\$800.00
Counsellor (local)	@ \$300	\$300.00
Administrative Costs	@ 10% of meeting costs	\$660.00
	Total Meeting Costs	\$7,260.00
Total Proposed Budget		\$67,285.00

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December 8, 2019

in Ottawa, Ontario


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JUSTICE, EQUITY AND CULTURE: THE FIRST-EVER YICC GATHERING OF FIRST NATIONS YOUTH ADVISORS

Ashley Bach and Gabrielle Fayant



November 22, 2019

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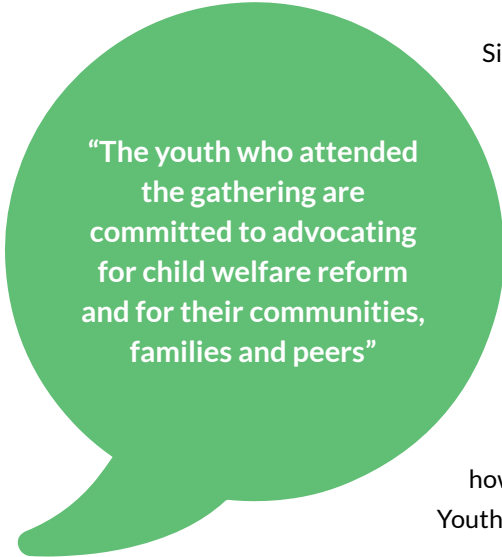
Youth in Care Canada exists to voice the opinions and concerns of youth in and from care. Our vision is that all young people in and from care across Canada receive standardized, high quality care that meets their diverse needs.

Youth in Care Canada would like to acknowledge and thank the Youth Advisors for informing this report and sharing their commitment to and advocacy for their communities, families and peers.

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Summary

Youth in Care Canada, with the support of the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations, organized a gathering of First Nations youth on October 25, 2019 on the unceded Algonquin territory now called Ottawa, Ontario.



“The youth who attended the gathering are committed to advocating for child welfare reform and for their communities, families and peers”

Sixteen First Nations youth with lived experience in child welfare systems across the country talked about their experiences in child welfare and how the system needs to improve, as well as their preliminary thoughts about the compensation for First Nations children and youth and their families that was ordered by the Canadian Human Rights Tribunal on September 6, 2019.

The youth who attended the gathering are committed to advocating for child welfare reform and for their communities, families and peers and they are referred to in this report as Youth Advisors. The report also describes historical discrimination in Indigenous child welfare systems, how the gathering was developed and the planning process used by the Youth Advisors to navigate through difficult conversations.

The Youth Advisors focused their discussions on child welfare reform and what it would take for Indigenous youth to feel heard and feel important. In addition to their recommendations for child welfare reform, their initial thoughts on receiving compensation and hoped for next steps are detailed.

History of Discrimination in First Nations Child Welfare


Significant research, inquiries and reports have documented the barriers currently facing First Nations youth in care. Many of these have called for the reform of Indigenous child welfare and detail needed changes. The extent of these problems and calls to action were clearly documented by the Truth and Reconciliation Commission of Canada (calls 1 to 5, p. 1)¹ and by the National Inquiry Into Missing and Murdered Indigenous Women and Girls Inquiry (calls for justice for social workers and those implicated in child welfare (calls 12.1 to 12.15, pp. 80–82)).²

In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint with

1 https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf

2 https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf

the Canadian Human Rights Tribunal (CHRT) against Canada for discriminating against First Nations children on reserves. The complaint was filed as a last resort after the Caring Society, the AFN and other First Nations organizations worked extensively with the federal department currently named Indigenous Services Canada to document the unequal provision of Indigenous child welfare services and to develop evidence-based solutions to stop the discrimination and improve outcomes for Indigenous children and youth.



“Canada knowingly failed to implement solutions”

The CHRT found that First Nations children and families living on reserve and in the Yukon are denied equal child and family services and are subject to unnecessary removal from their homes, families and communities as a result. Canada also discriminates against First Nations children by failing to implement Jordan’s Principle, a child-first policy agreed to by Canada when there are jurisdictional disputes with provincial/territorial governments over who should pay for services for First Nations children. The Principle states that the first government contacted is required to provide services equal to the level non-Indigenous children receive and to sort out reimbursement later so that children do not become victims of governmental red tape.

As Canada knowingly failed to implement solutions, the Tribunal issued its eighth non-compliance order on September 6, 2019 (subsequently referred to in this report as 2019 CHRT 39).³ The CHRT ruled that individual First Nations children and youth taken into child welfare care after 2006 are entitled to financial compensation for Canada’s “willful and reckless” discrimination. This ruling ordered \$40,000 in compensation for every First Nations child apprehended from their homes on reserve after 2006 and \$20,000 for parents or grandparents denied equitable services for education, child welfare, juvenile justice, mental health and disabilities, as defined by Jordan’s Principle.

The tribunal stressed that the compensation, which was the maximum amount the CHRT can order, will never be proportional to the pain suffered. However, to this day Canada fights against justice for Indigenous youth and denies them essential services. Canada has appealed to have the 2019 CHRT 39 ruling overturned⁴ to deny financial compensation for First Nations children and youth victims of willful and reckless discrimination. Canada is also fighting the certification of a \$6-billion class-action lawsuit filed by former youth-in-care Xavier Moushoom of Lac Simon Anishnabe Nation in Quebec for systematically underfunding on-reserve child welfare services between April 1, 1991 and March 1, 2019.⁵

3 https://fncaringsociety.com/sites/default/files/2019_chrt_39.pdf

4 <https://fncaringsociety.com/publications/notice-application-judicial-review>

5 <https://www.cbc.ca/news/indigenous/challenge-child-welfare-lawsuit-1.5343818>

For additional information on the systemic problems and racism inherent in Indigenous child welfare and details on the Canadian Human Rights' Tribunal compensation order, Jordan's Principle and Indigenous Services Canada's involvement in child welfare, please consult the links provided in the appendix to this report.

Preparing for the Gathering

Prior to the gathering, Youth in Care Canada sent questionnaires to the Youth Advisors to find out how much they knew about the Tribunal's compensation ruling as well as what they wanted to discuss, what kind of supports they wanted and what they hoped the outcomes of the meeting would be.

Regarding their level of knowledge of the 2019 CHRT 39 ruling:

- 11 said they had some knowledge but needed to know more
- 5 said they had a small amount of knowledge
- 3 said they had no knowledge at all

Youth Advisors were also asked what conversations they hoped would take place and if there were any specific topics they wanted to discuss. The following issues were mentioned:


- access to personal records
- aging out of child welfare and homelessness
- birth alerts (by social services leading to newborns being taken from their mothers)
- eligibility for and distribution of financial compensation
- engagement in child welfare policy and decision-making, including youth councils
- improving the foster care system
- intergenerational trauma, mental health, social justice and the environment
- learning how to help fellow children and youth in/from care.
- learning how to increase youth voices
- learning what is currently being done by governments, agencies, communities, advocacy groups and individuals
- northern and remote realities
- personal identity challenges
- sharing experiences of being in care

The Youth Advisors said cultural supports were very important to them. They asked for the following:

- a safe space to talk openly
- drums
- Elders
- knowledge keepers
- mental health and support workers
- prayer
- sharing songs
- smudging
- time between heavy topics to reflect and recover

Finally, in response to the question about anticipated outcomes from the gathering, the Youth Advisors said:

- building networks for future collaboration
- contributing to making a positive impact
- creating a vision for the future of child welfare
- experiencing feelings of accomplishment and excitement for the future
- gaining skills to help change systems as well as skills to cope with the impacts of those systems
- having meaningful discussion
- increasing youth involvement in legislation and policy
- learning more about child welfare and the 2019 CHRT 39
- making connections and friends
- sharing information about related youth-led initiatives
- sharing thoughts, ideas and experiences with peers



“A crucial part of bringing the Youth Advisors together was ensuring that they felt safe.”

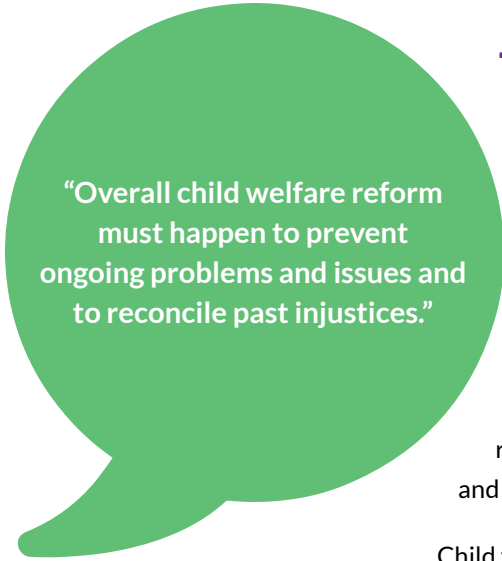
Creating a Safe Space

A crucial part of bringing the Youth Advisors together was ensuring that they felt safe. Having the event led by Indigenous organizers and facilitators and providing cultural supports such as songs, prayer and medicines were key. Also, a Knowledge Keeper/Elder recommended by the community and with knowledge of the child welfare system participated in the gathering.

Youth Advisors were able to share their lived experiences and recommendations based on their experiences without judgement, control or government interference.

The Youth Advisors developed the following values and guidelines to honour and respect each other while discussing their lived experiences and navigating decisions around child welfare reform.

- respect
- be friendly and kind
- be mindful of different experiences
- what's said in the room, stays in the room
- don't touch without permission/asking
- stay engaged
- brave space/safe(r) space
- courage to know that personal information will stay confidential
- you are not alone



“Overall child welfare reform must happen to prevent ongoing problems and issues and to reconcile past injustices.”

The PATH Planning Process

The Youth Advisors’ conversations were guided by a planning process called the PATH Method (Planning Alternative Tomorrows with Hope).⁶ This facilitation tool focuses on positive outcomes and solutions, both of which were especially important for youth who have experienced abuse and trauma through their experiences with the child welfare system.

The Youth Advisors created a Vision Statement by articulating responses to: “Indigenous youth will feel heard and feel important when...” and focused on outcomes that are positive and achievable in 10 years.

Child welfare reform quickly became the main focus of the discussions. While the CHRT compensation and Jordan’s Principle are milestones of justice and accountability, the Youth Advisors clearly expressed that overall child welfare reform must happen to prevent ongoing problems and issues and to reconcile past injustices.

Themes for Child Welfare Reform

The Youth Advisors saw child welfare reform happening with three major and interrelated themes: *justice and accountability*, *equity*, and *cultural revitalization and restitution*. These three major themes of child welfare reform would ensure the well-being of all Indigenous children and youth in care so the most

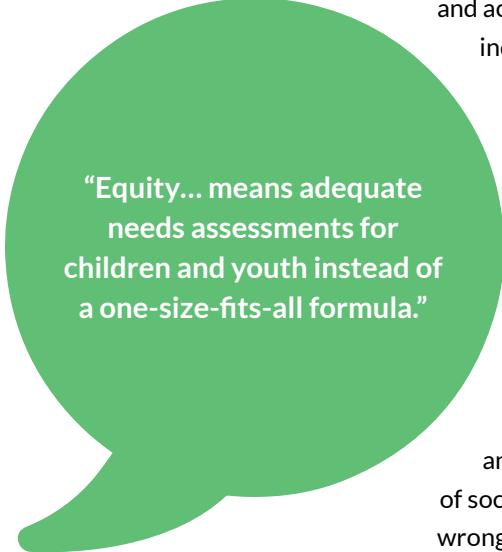
6 <https://inclusion.com/path-maps-and-person-centered-planning/path/>

marginalized children and youth could present themselves how they want to the world and be accepted by First Nations and in their communities.

Justice and Accountability

This theme means that Indigenous children and youth in care are treated lovingly by their foster parents. Social services have an obligation to nurture Indigenous culture and children and youth in care need to have access to their files. Justice and accountability also means adequate compensation for social services and individuals, which is also a part of the equity aspect. Proper screening of foster families is required and social workers must believe children and youth and ensure they have spaces to express mental health concerns. Immediate services for children and youth and adequate training and education for social service workers are part of this.

Youth Advisors were very clear that justice and accountability means the needs and wants of Indigenous children and youth in care must be prioritized. Currently, Indigenous youth in care face many layers of systemic racism and human rights violations, as is detailed in Volume 4 of the *Report of the Royal Commission on Aboriginal Peoples*. The systems and institutions that continue to oppress the most vulnerable segments of society must be held accountable and justice must be served for past wrongdoings.



“Equity... means adequate needs assessments for children and youth instead of a one-size-fits-all formula.”

Indicators of Justice and Accountability are:


- cultural competency of social services and follow-up audits of competency led by Indigenous youth in care
- accountability for foster families who are not treating youth well and liability for abuse experienced by youth in care
- more social workers with smaller caseloads
- a community notary (trusted Elder/community member) to help mediate family issues and tensions instead of restraining orders
- more engagement of youth by social workers
- more preventative measures (not just reactive or crisis management) as detailed in the *Report of the Royal Commission on Aboriginal Peoples*

Equity

This means adequate needs assessments for children and youth instead of a one-size-fits-all formula. There must be available and accessible education and services as well as affordable housing and access to mortgages so First Nations youth in care can live happy and full lives.

Funding should focus on:

- livable wages
- livable disability support compensation
- funding for post-secondary education and training
- funding for grassroots, youth-led cultural healing and other supports
- funding for First Nations child and family services



“Cultural revitalization and restitution... means that Indigenous culture is nurtured... encouraged and respected.”

Cultural Revitalization and Restitution

This means that Indigenous culture is nurtured and cultural teachings such as the medicine wheel, drumming and dancing are encouraged and respected. Indigenous youth are taught the ways of their ancestors, coming of age ceremonies and other rites of passage. Holistic approaches (spirit, mind, body, emotions) must be applied to programming, supports, policy and government because institutional programming often becomes too rigid.

Key elements of cultural revitalization and restitution are:


- grassroots, youth-led cultural healing and supports
- inclusion
- non-judgmental
- building healthy communities
- support for transitioning out of care
- land-based learning
- safe(r) spaces to open up
- supports and programs to break cycles of trauma
- supports for parents to help keep families together
- Elders and holistic guidance

Examples of the types of programming and supports envisioned by the Youth Advisors include:

- the revitalization of Indigenous economies
- training for Oskapewis (Indigenous cultural and educational helpers) and Oshkabewis (liaisons between healer and client)
- hunting and harvesting programs

Compensation and Settlements

Naiomi Metallic, a lawyer and professor with Dalhousie University, provided the Youth Advisors with information about First Nations child welfare and the CHRT ruling, Jordan's Principle and the lawsuit filed by Xavier Moushoom on behalf of First Nation youth in and from care.



“The Youth Advisors strongly expressed the need for mental health supports”

The Youth Advisors discussed how they might use \$40,000 in compensation, such as making a down payment on a house where they could live with their children or resuming the post-secondary education they had to abandon for financial and other reasons. One Youth Advisor talked about how they could support their training and participation in amateur competitive sport. These are goals that other youth might get help from their families to accomplish but Indigenous youth in and from care don't get that kind of support.

They heard stories about the impact of financial settlements on the lives of residential school survivors. Some saw the settlements as an opportunity to improve their lives while others felt no amount of money could remedy their suffering or that the government was paying to abuse them. Experiences with such financial settlements are multifaceted and can trigger a lot of emotional hurt and repressed suffering. The Youth Advisors strongly expressed the need for mental health supports to be put in place before, during and after applying for compensation and settlements.

Recommendations for Compensation and Future Settlements

Most of the Youth Advisors said that they did not want to form an uneducated or rushed position on the 2019 CHRT 39 compensation, noting that Canada and the Crown have rushed or imposed major decisions on Indigenous Peoples throughout colonial history. Examples include treaty-making, the scrip system, the *Indian Act*, etc. Instead, Indigenous ways of decision making, consensus-building and holistic approaches should be applied this time.

The Youth Advisors want more time to learn about the 2019 CHRT 39 decision. They have much lived experience from being in care but little experience or knowledge of individual compensation settlements and how trusts or foundations could be utilized. Their lived experiences led the Youth Advisors to make the following recommendations:

1. There must be safety around compensation.
 - a. Healing circles, sweat lodge ceremonies, support for counselling or therapy, etc.
2. There must be mental health supports and navigational assistance to help youth apply for compensation.
 - a. Talking to lawyers and government employees can be very triggering for First Nations youth; therefore, having support to apply and fill out forms is essential.

- b. Getting access to files and birth certificates, for example, can be very challenging and trigger stressful emotions.
 - c. Along with navigational support, youth also need mental health supports to help with their experiences and challenges.
3. There must be continued support after compensation.
 - a. For example, at least one year of counselling or therapy must be covered. Indigenous Services Canada's Non-Insured Health Benefits coverage is limited and some First Nation youth do not have government-recognized status or access to their status cards.
 4. There must be restitution for children and youth who have died while in care or due to their experiences in the child welfare system.
 - a. Compensation should go to parents, grandparents or a trust fund.
 5. Financial training for youth receiving compensation should be offered.
 - a. Youth Advisors said this shouldn't be mandatory but rather an option for individuals receiving compensation.
 - b. Recipients should be offered awareness training about predatory banks and financial institutions, like those that swindled compensation from residential school survivors.

Next Steps

This was the first national level gathering of its kind for First Nations youth in and from care. The Youth Advisors said they want to continue to have the time and space they need to discuss important and pressing issues, including the following.

1. Become a collective of First Nation Youth Advisors in and from care
 - a. share best practices
 - b. share updates
 - c. continue advocating for reform
 - d. host more policy roundtables across the country
 - e. advise on court rulings, contribute to policy development, share testimonies, etc.
2. Continue to meet about compensation and settlements
 - a. learn more about options such as trusts, individual pay-outs, hybrid approaches, etc.
 - b. keep learning about trust funds, scholarships, pooling compensation, etc.
 - c. learn about best practices regarding settlements from other Indigenous communities

Appendix: Indigenous Child Welfare Information Sources

A Roadmap to the Truth and Reconciliation Commission Call to Action #66

(Indigenous Youth Voices, June 2018)

<https://static1.squarespace.com/static/599307a5f5e231b361442225/t/5c675b67e79c705013d3a8ae/1550277485617/FINAL+%282%29-+Indigenous+Youth+Voices+-+Roadmap+to+TRC+66+-+Compressed.pdf>

Death as Expected: Inside A Child Welfare System Where 102 Indigenous Kids Died Over 5 Years, by Kenneth Jackson

(APTN National News, September 25, 2019)

<https://aptnnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/>

Dr. Peter Henderson Bryce: A Story of Courage

(First Nations Child and Family Caring Society Information Sheet, July 2016)

https://fncaringsociety.com/sites/default/files/dr._peter_henderson_bryce_information_sheet.pdf

Feathers of Hope: Child Welfare Youth Forum, by Karla Kakegamic

(*Journal of Law and Social Policy*, Volume 28, Re-Imagining child welfare systems in Canada, Article 10, 2018)

<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1303&context=jlsp>

First Nations Child and Family Service Agency Funding Changes per the Canadian Human Rights Tribunal

(Caring Society fact sheet related to Jordan's Principle, January 2, 2019)

https://fncaringsociety.com/sites/default/files/fncfsa_funding_changes_0.pdf

Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls

(see especially Chapter 5, The Need for a Systems-Level Approach to Transforming Child Welfare)

<https://www.mmiwg-ffada.ca/final-report/>

“Reimagining” the Child Welfare System, by Reina Foster

(*Journal of Law and Social Policy*, Volume 28, Re-Imagining child welfare systems in Canada, Article 9, 2018)

<https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1302&context=jlsp>

Report of the Royal Commission on Aboriginal Peoples

Volume 5: Renewal: A Twenty-Year Commitment (October 1996)

<http://data2.archives.ca/e/e448/e011188230-05.pdf>

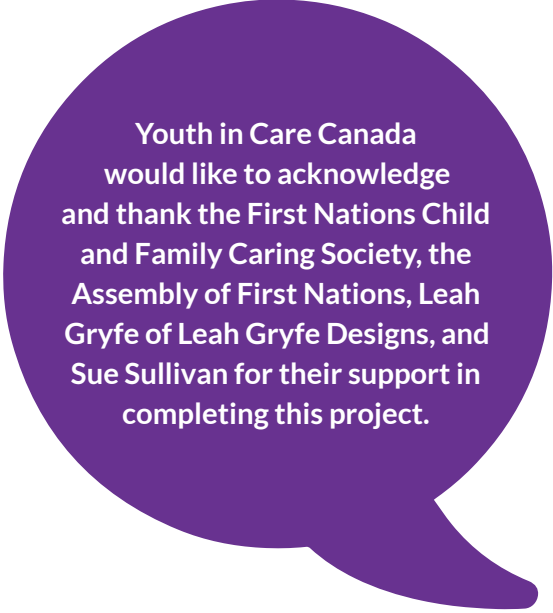
Truth and Reconciliation Commission of Canada: Calls to Action

https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf

Whose Settlement Is It Anyway?

(Learning from the 60s Scoop and IAP Conference program and description, October 10–11, 2019)

<http://whosesettlement.ca/index.html>



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and thank the First Nations Child
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Sue Sullivan for their support in
completing this project.

**THIS IS EXHIBIT "12" TO THE
AFFIDAVIT OF CINDY BLACKSTOCK**

SWORN BEFORE ME ON

December 8, 2019

in Ottawa, Ontario


A Commissioner for Taking Oaths

Canadian Human Rights Tribunal (CHRT) Ruling 2019 CHRT 39

— Taxonomy of Compensation Categories for
First Nations Children, Youth and Families —

Briefing Note
November 2019



UNIVERSITY OF
TORONTO

POLICY BENCH

Fraser Mustard Institute for
Human Development



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List of Acronyms

AFN	Assembly of First Nations
CANLII	Canadian Legal Information Institute
CFS	Child and Family Services
CHRA	Canadian Human Rights Act
CHRT	Canadian Human Rights Tribunal
FC	Federal Court
FN	First Nations
FNFCS	First Nations Family Caring Society
OHRC	Ontario Human Rights Commission
PEI	Prince Edward Island

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Canadian Human Rights Tribunal (CHRT) Ruling 2019 CHRT 39

—Taxonomy of Compensation Categories for First Nations Children, Youth and Families —

1.0 Purpose

The purpose of this briefing note is to: (1) develop a taxonomy of compensation categories; and (2) frame questions that will help guide individuals appointed by the Canadian Human Rights Tribunal (CHRT) to carry out the process of identifying individuals eligible to receive compensation according to the conditions set out by 2019 CHRT 39. The development of compensation categories and framing of questions involved:

- a) a content review of the 2019 CHRT 39 ruling;
- b) mapping out the compensation categories, identifying common themes and defining key terms and concepts;
- c) reviewing provincial and territorial child welfare legislation, identifying and defining key terms and concepts;
- d) analyzing and synthesizing information concerning the 2019 CHRT 39 ruling and child welfare legislation in Canada; and
- e) framing questions corresponding to the compensation categories.

2.0 Background

On September 6, 2019, the CHRT issued the eighth non-compliance order—2019 CHRT 39—concerning compensation for First Nations children, youth and families negatively impacted by Canada’s child welfare system. The CHRT found that Canada’s “willful and reckless conduct” and discriminatory child welfare practices have contributed to the ongoing pain and suffering of First Nations children, families and communities. According to the Tribunal’s ruling, the Government of Canada is required to pay First Nations children, youth and families the maximum amount of compensation permitted under the *1985 Canadian Human Rights Act (CHRA)* who were: unnecessarily placed in care since January 1, 2006; necessarily placed in care but outside of their extended families since January 1, 2006 or denied or delayed receiving services between December 12, 2007 and November 2, 2017 as a result of the Government of Canada’s discriminatory application of Jordan’s Principle.

Data from the *2011 Canadian National Household Survey* reveal that Aboriginal children continue to be overrepresented in foster care relative to Canada’s non-Aboriginal child population. Statistics show that Aboriginal children between the ages of 0 and 15 represent only seven

percent of Canada’s total child population, but account for 49 percent of the total foster child population (Wray and Sinha, 2015, p. 1). First Nations children accounted for the greatest share of children —approximately 40 percent— between the ages of 0 and 15 in foster care, followed by children identifying as as Métis (approximately six percent) and Inuit (approximately two percent) (Wray and Sinha, 2015, p. 3).¹ The disparity between Aboriginal and non-Aboriginal children in care is even more pronounced when examining rates of Aboriginal children in foster care with those of non-Aboriginal foster children. The *2011 Canadian National Household Survey* found that at the national level, the rates of Aboriginal children in foster care according to the various aboriginal identity categories were between six and 15 times higher than the rate of non-Aboriginal foster children (3 per 1,000 children) (Wray and Sinha, 2015, p. 1). The rate of First Nations children in foster care was the highest, with an overall population rate of 45 per 1,000 children followed by children identifying as Inuit (28 per 1,000 children) and Métis (17 per 1,000 children) (Wray and Sinha, 2015, pp. 1, 4).

In 2008, neglect was identified as the primary category of substantiated child maltreatment investigations involving First Nations children, with approximately 46 percent (or 28 per 1,000 First Nation children) of all cases involving some form of neglect (Vandna, Trocmé, Fallon et al., 2011, p. xix).² This included: failure to supervise (physical harm); physical neglect; educational neglect; abandonment; medical neglect; failure to supervise (sexual abuse); permitting criminal behaviour; and failure to provide physiological treatment (Vandna, Trocmé, Fallon et al., 2011, p. 95). The data suggests the overrepresentation of First Nations children in care is driven by child maltreatment cases involving neglect which is closely associated with “household/family structural factors and caregiver risk concerns like those identified in a large proportion of First Nations investigations; factors such as poverty, caregiver substance abuse, social isolation and domestic violence can impede caregiver’s abilities to meet children’s basic physical and psychosocial needs” (Vandna, Trocmé, Fallon et al., 2011, p. xix).³

¹ The percentage of Indigenous children in care can reach 100 percent in some provinces and territories (Ontario Human Rights Commission, 2018).

² Exposure to intimate partner violence accounted for 33 percent (or 20 per 1,000 First Nations children) of substantiated maltreatment investigations involving First Nations children followed by physical abuse and emotional maltreatment each accounting for nine percent (or 6 per 1,000 First Nations children) and finally, sexual abuse for two percent (or 1 per 1,000 First Nations children)” (Vandna, Trocmé, Fallon et al., 2011, p. xix).

³ On April 12, 2018, the Ontario Human Rights Commission (OHRC) released, *Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Ontario Child Welfare*. The report outlines the findings of the OHRC’s inquiry into the over-representation of Indigenous and Black children in Ontario’s child welfare system. The OHRC’s (2018, p. 2) inquiry found that the overrepresentation of Indigenous children in Canada’s foster care system can be attributed to a number of “complex and multi-faceted” issues stemming largely from the intergenerational effects of colonialism and associated child welfare practices.

The Assembly of First Nations (AFN) (2019, n.p.) estimates up to 54,000 children may be eligible for compensation. According to estimates by a Government of Canada official, compensation under the terms of the 2019 CHRT 39 ruling could reach \$6 billion if compensation is distributed to eligible victims by 2020 and an estimated \$8 billion if delays in the compensation process extend implementation into 2025/2026 (Perron Affidavit, 2019, para. 39).

3.0 Status

The CHRT has ordered the Government of Canada and the complainants in the proceedings—First Nations Family Caring Society (FNFCs) and the AFN—to devise a plan of action identifying who qualifies for compensation and the best method for the distribution of compensation covered by the CHRT’s decision. The CHRT has given the parties until December 10, 2019 to submit their proposals for review.⁴ On October 4, 2019—three days before the October 7, 2019 deadline to appeal—the Government of Canada filed an application to the Federal Court for a judicial review and a stay of the CHRT’s compensation ruling. In its application, the Government of Canada claims awarding compensation to those eligible under the terms of the Tribunal’s decision is “inconsistent with the nature of the complaint, the evidence, past jurisprudence and the [CHRA].”⁵ On October 11, 2019, the Federal Court appointed Justice Paul Favel as Case Management Judge to manage the parties involved in the case.⁶ Hearings on Canada’s stay application will be held in Federal Court on November 25 and 26, 2019.

⁴ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 269.

⁵ See *Attorney General of Canada v First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Canadian Human Rights Commission, Chiefs of Ontario, Amnesty International, Nishnawbe Aski Nation*, 2019 CHRT 39, Notice of Application for Judicial Review to FC.

⁶ See *Attorney General of Canada 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*. Order.

4.0 Compensation Categories

Three central compensation categories are extrapolated from the 2019 CHRT 39 ruling:

Category 1: Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System;

Category 2: Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

Category 3: First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Services that Would Have Been Available under Jordan's Principle.

These have been further divided into subcategories, for which the eligibility requirements are explained below.

4.1 Compensation Category 1 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

Table 1: Compensation Category 1

Compensation Category 1 — First Nations children and their parents or grandparents in cases of unnecessary removal of a child in the child welfare system

Time Period: *January 1, 2006 (date following last WEN DE report)⁷ until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1A) First Nations children living on reserve and in the Yukon Territory who

- Were **unnecessarily apprehended** *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* **placed in care** outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, **did not benefit from prevention services** in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities⁸
- *EVEN IF* they were **reunited with the immediate and extended family** at a later date
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 245-246.

Compensation: \$20,000 (para. 246) + \$20,000 (paras. 253-254) = \$40,000

(Continued on Next Page)

⁷ See First Nations Caring Society (2005).

⁸ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

4.1 Compensation Category 1 – First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

Table 1: Compensation Category 1

Compensation Category 1: First Nations children and their parents or grandparents in cases of unnecessary removal of a child in the child welfare system

Time Period: *January 1, 2006 (date following last WEN DE report)⁹ until earliest of - either (1) Panel decides that unnecessary removal of FN children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1B) First Nations parents *or* grandparents living on reserve and in the Yukon Territory who

- Had their child **unnecessarily apprehended** *due to* substantiated neglect *driven by*:
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- **AND placed in care** outside of their homes, families, *or* communities
- **AND** especially in regards to substance abuse, **did not benefit from prevention services** in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities¹⁰
- **EXCEPT IF**
 - the parents *or* grandparents **sexually, physically, OR psychologically abused** their children
 - *OR* qualify for compensation under CHRT 39, para. 251 (see Categories 3C, 3D)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 247 and 255.

Compensation: \$20,000 each child (para. 248) + \$20,000 (paras. 253-254) = \$40,000

⁹See First Nations Caring Society (2005).

¹⁰ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

4.2 Compensation Category 2 – Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

Table 2: Compensation Category 2

Compensation Category 2: First Nations children in cases of necessary removal of a child in the child welfare system.

Time Period: *January 1, 2006 until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

2) First Nations children living on reserve and in the Yukon territory who

- Were **necessarily apprehended** from their homes
- *BUT* placed in care **outside of their extended families and communities**, and therefore did not benefit from prevention services
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 249.

Compensation: \$20,000 (para. 249) + \$20,000 (paras. 253-254) = \$40,000

4.3 Compensation Category 3 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Supports, Services, and/or Products that Would Have Been Available under *Jordan's Principle*

Table 3: Compensation Category 3

Compensation Category 3: Compensation for First Nations children and their parents or grandparents in cases of unnecessary removal of a child to obtain essential supports, services, and/or products and/or experienced gaps, delays and denials of supports, services, and/or products that would have been available under Jordan's Principle
Jordan's Principle applies to children, parents, or grandparents living on or off reserve. Substantive equality is a legal requirement in Jordan's Principle and applies to Compensation Category 3.

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle motion)¹¹ and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's Principle).¹²*

Eligibility Requirements:

- 3A) First Nations children, living on or off reserve, who**
- Were **deprived of essential services as a result of:**
 - a gap, delay *AND/OR* denial of services
 - **AND placed in care** outside of their homes, families, or communities **in order to receive those services**

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

- 3B) First Nations children, living on or off reserve, who**
- **WITHOUT being placed in out-of-home care**
 - **DID NOT benefit from services** covered by Jordan's Principle as defined in 2017 CHRT 14 and 35,
 - *OR* who **received such services after an unreasonable delay**
 - *OR* **upon reconsideration ordered by the Tribunal**

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

(Continued on Next Page)

¹¹ See Canada. Parliament, House of Commons, Journals, 39th Parliament, 2nd sess., 2007 December 12, Number 036.

¹² See *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 35.

4.3 Compensation Category 3 – First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Supports, Services, and/or Products That Would Have Been Available Under *Jordan's Principle*

Table 3: Compensation Category 3

Compensation Category 3: Compensation for First Nations children and their parents or grandparents in cases of unnecessary removal of a child to obtain essential supports, services, and/or products and/or experienced gaps, delays and denials of services that would have been available under Jordan's Principle.

Jordan's Principle applies to children, parents, or grandparents living on or off reserve. Substantive equality is a legal requirement in Jordan's Principle and applies to Compensation Category 3.

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling)¹³ and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's Principle).¹⁴*

Eligibility Requirements:

3C) First Nations parents *or* grandparents, living on or off reserve, who

- Were **deprived of essential services** for their child *as a result of*:
 - a gap, delay *AND/OR* denial of services
- *AND* had their **child placed in care** outside of their homes, families, *or* communities **in order to receive these services** *and therefore*, did not benefit from services covered under Jordan's Principle as per 2017 CHRT 14 and 35
- *EXCEPT IF* the parents *or* grandparents **sexually, physically, OR psychologically abused** their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

3D) First Nations parents *or* grandparents, living on or off reserve,

- Whose child was **not removed from the home**
- *BUT* was **denied services**
 - *OR* **received services after an unreasonable delay**
 - *OR* **upon reconsideration ordered by the Tribunal**
- *EXCEPT IF* the parents *or* grandparents **sexually, physically, OR psychologically abused** their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

¹³ See Canada. Parliament, House of Commons, Journals, 39th Parliament, 2nd sess., 2007 December 12, Number 036.

¹⁴ See *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 35.

5.0 Glossary of Terms

5.1 Emotional Maltreatment

Emotional Maltreatment:¹⁵ “The child has suffered, or is at substantial risk of suffering, emotional harm at the hands of the person looking after the child” (Sinha, Trocmé, Fallon, et al., 2011, p. 154). It includes: terrorizing or threat of violence; verbal abuse or belittling; isolation or confinement; inadequate nurturing or affection; and exploiting or corrupting behaviour” (Sinha, Trocmé, Fallon, et al., 2011, p. 154). “Witnessing or exposure to domestic violence is considered a form of emotional maltreatment under some legislation” (Child Welfare Research Portal, n.d., *Emotional Maltreatment*).

5.2 Extended Family

Extended Family: “[I]ncludes 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” (*An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24).

5.3 First Nations¹⁶

First Nations: “The term “First Nations” refers to one of three distinct groups recognized as “Aboriginal” in the *Constitution Act* of 1982. The other two distinct groups characterized as “Aboriginal” are the Métis and the Inuit” (Assembly of First Nations, n.d.). There is no legal definition of First Nations, but the “term ‘First Nations (people)’ generally applies to both Status and Non-Status Indians” (Government of Canada, 2015) – that is, people who are registered for Indian status and those who are eligible to register for status pursuant to the *Indian Act, 1985*, s 6 (see **Appendix A: Measures/Terminology Used at a National Level**)¹⁷. The “term is to be preferred over “Indian” except in certain cases” (Government of Canada, 2015).

¹⁵ The term “emotional maltreatment” is not consistently used and defined in all provincial and territorial statutes and interchangeable concepts such as ‘psychological ill-treatment’ and ‘psychological abuse’ have been used to refer to the same concept. Refer to **Appendix K: Provincial and Territorial Terminology for Emotional Maltreatment** for a full list of these interchangeable terms and definitions of “emotional maltreatment” according to the respective provincial and territorial jurisdictions.

¹⁶ The term “First Nations” is neither used nor consistently defined in all provincial and territorial statutes. Refer to **Appendix E: Provincial and Territorial Definitions of First Nations and Associated Concepts** for a full list of these interchangeable terms and associated terminology according to the respective provincial and territorial jurisdictions.

¹⁷ Please note that individuals who are recognized as members or citizens of their respective First Nation community might be added subject to future Tribunal orders.

5.4 Jordan's Principle

Jordan's Principle is a legal requirement in Canada guiding the provision of services and products to First Nations children per *2016 CHRT 2* and subsequent Canadian Human Rights Tribunal orders as well as the 2013 Federal Court Decision, *Pictou Landing Band Council and Maurina Beadle v. Attorney General of Canada* in 2013 FC 342 (2013 FC 342). Pursuant to *2017 CHRT 35 para. 135*:

- A. "As of the date of this ruling, Canada shall cease relying upon and perpetuating definitions of Jordan's Principle that are not in compliance with the Panel's orders in 2016 CHRT 2, 2016 CHRT 10, 2016 CHRT 16 and in this ruling."
- B. "As of the date of this ruling, Canada's definition and application of Jordan's Principle shall be based on the following key principles:
 - i. Jordan's Principle is a child-first principle that applies equally to all First Nations children, whether resident on or off reserve. It is not limited to First Nations children with disabilities, or those with discrete short-term issues creating critical needs for health and social supports or affecting their activities of daily living.
 - ii. Jordan's Principle addresses the needs of First Nations children by ensuring there are no gaps in government services to them. It can address, for example, but is not limited to, gaps in such services as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy.
 - iii. When a government service, **including a service assessment**, is available to all other children, the government department of first contact will pay for the service to a First Nations child, without engaging in **administrative case conferring** conferencing, policy review, service navigation or any other similar administrative procedure before **the recommended service is approved** and funding is provided. **Canada may only engage in clinical case conferencing with professionals with relevant competence and training before the recommended service is approved and funding is provided to the extent that such consultations are reasonably necessary to determine the requestor's clinical needs. Where professionals with relevant competence and training are already involved in a First Nations child's case, Canada will consult those professionals and will only involve other professionals to the extent that those professionals already involved cannot provide the necessary clinical information. Canada may also consult with the family, First Nation community or service providers to fund services within the timeframes specified in paragraphs 135(2)(A)(ii) and 135(2)(A)(ii.1) where the service is available, and will make every reasonable effort to ensure funding is provided as close to those timeframes where the service is not available. ~~One~~ After the recommended service is approved and funding is provided, the government department of first contact can seek reimbursement from another department/government;**

- iv. When a government service, **including a service assessment**, is not necessarily available to all other children or is beyond the normative standard of care, the government department of first contact will still evaluate the individual needs of the child to determine if the requested service should be provided to ensure substantive equality in the provision of services to the child, to ensure culturally appropriate services to the child and/or to safeguard the best interests of the child. Where such services are to be provided, the government department of first contact will pay for the provision of the services to the First Nations child, without engaging in **administrative case conferencing**, policy review, service navigation or any other similar administrative procedure before **the recommended service is approved and funding is provided. Clinical case conferencing may be undertaken only for the purpose described in paragraph 135(1)(B)(iii). Canada may also consult with the family, First Nation community or service providers to fund services within the timeframes specified in paragraphs 135(2)(A)(ii) and 135(2)(A)(ii.1) where the service is available, and will make every reasonable effort to ensure funding is provided as close to those timeframes where the service is not available.** ~~Once~~ After the recommended service is provided, the government department of first contact can seek reimbursement from another department/government.
- v. While Jordan's Principle can apply to jurisdictional disputes between governments (i.e., between federal, provincial or territorial governments) and to jurisdictional disputes between departments within the same government, a dispute amongst government departments or between governments is not a necessary requirement for the application of Jordan's Principle.
- C. Canada shall not use or distribute a definition of Jordan's Principle that in any way restricts or narrows the principles enunciated in order 1(b)."

Note: Canada has chosen not to apply Jordan's Principle to non-status First Nations children recognized by their communities and resident off reserve. The Caring Society disputed Canada's limited definition before the Tribunal. In January of 2019, the Tribunal issued an interim order requiring Canada to apply Jordan's Principle to non-status First Nations children living off reserve who are recognized by their communities and are facing urgent situations. The Tribunal has taken the decision under reserve as to whether all First Nations children living off reserve who are recognized by their communities regardless of urgent situation (2019 CHRT 7).

5.5 Least Disruptive Measures

Least Disruptive Measures:¹⁸ “[D]ecision making process to determine the most appropriate level of service needed by a family whose children are at risk of being abused. Child removal also known as apprehension should only be used as a last resort after having explored all other options. In deciding whether or not a child should remain in their home, [First Nations and child and family services agencies] must consider the degree of risk, the level of family cooperation, degree of social supports and the availability of appropriate services to redress identified risk factors. Service response times and intensity levels also play in the safety assessment process” (Shangreaux, 2004, p. 30).

Please refer to the definition of “**maltreatment prevention services**” (Section 5.7) for an explanation of services that fall under least disruptive measures.

5.6 Levels of Substantiation

Proof of maltreatment can occur at three levels:

1. **“Substantiated:** An allegation of maltreatment is considered substantiated if the balance of evidence indicates that abuse or neglect has occurred.
2. **Suspected:** An allegation of maltreatment is suspected when there is insufficient evidence to substantiate maltreatment, but enough evidence that maltreatment cannot be ruled out.
3. **Unfounded:** An allegation of maltreatment is unfounded if the balance of evidence indicates that abuse or neglect did not occur.” (Tonmyr et al., 2019, p. 79).

5.7 Maltreatment Prevention Services

Maltreatment prevention services can occur at three levels (Indigenous and Northern Affairs Canada, n.d.; MacMillan et al., 2009, p. 250; Shangreaux, 2004, p. 24):

1. **Primary prevention services:** try to prevent the occurrence of maltreatment before it occurs for all families/communities (universal)
2. **Secondary prevention services:** try to prevent the occurrence of maltreatment in families that are at higher risk for maltreatment
3. **Tertiary prevention services:** try to prevent the recurrence of maltreatment or adverse outcomes of maltreatment in families already affected by maltreatment. This includes the provision of services to remediate maltreatment risk whilst the child is in care to promote family reunification

¹⁸ The term “least disruptive measures” is not consistently used in all provincial/territorial statutes. Please refer to **Appendix M: Provincial and Territorial Treatment of Least Disruptive Measures** for measures according to the respective provincial and territorial jurisdictions.

These interventions can “both reduce **risk factors** and promote **protective factors**¹⁹ to ensure the wellbeing of children and families” (Child Welfare Information Gateway, n.d., *What Is Prevention and Why is it Important?*).

Examples of prevention services include²⁰:

- a) Parent Education or Support Services:** Services that offer support or education to parents (e.g., parenting instruction course, home-visiting program, Parents Anonymous, Parent Support Association) (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- b) Family or Parent Counselling:** Family or parent counselling (e.g., couples or family therapy) (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- c) Drug/Alcohol Counselling or Treatment:** “Addiction program (any substance) for caregiver(s) or children” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- d) Psychiatric/Mental Health Services:** “Child or caregiver referral to mental health or psychiatric services (e.g., trauma, high-risk behaviour or intervention)” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- e) Intimate Partner Violence Services:** Services/counselling “regarding [intimate partner violence], abusive relationships, or the effects of witnessing violence” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- f) Cultural services:** Services to help children and families to learn, maintain, and preserve the “fundamental values of their histories and cultures” (p. 553) in a way that is embedded in their community’s “ways of knowing and being” (Greenwood, 2005, p. 554). Amongst other things, this can include Indigenous people’s “relationship to the land and the universe, spirituality, and expansive concepts of time that recognize obligations to ancestors and future generations” (Pan American Health Organization, 2019, p. 71)
- g) Other possible services include:** Respite care, Services for improving the family’s financial situation; Services for improving the family’s housing; Mediation of disputes; Services to assist the family to deal with the illness of a child or a family member; and Other services agreed to by the agency and the person who has lawful custody of the child (Shangreaux, 2004, p. 31) such as products that the child or family require to support the child’s needs (Government of Canada, 2019a).

¹⁹ Note: A definition of the terms “risk factors” and “protective factors” is provided in **5.0 Glossary of Terms**.

²⁰ Note: This list is non-exhaustive.

5.8 Neglect

Neglect:²¹ “The child has suffered harm or the child’s safety or development has been endangered as a result of a failure to provide for or protect the child” (Sinha, Trocmé, Fallon, et al., 2011, p. 153). This includes:

- a) **“Failure to Supervise: Physical Harm:** The child suffered physical harm or is at risk of suffering physical harm because of the caregiver’s failure to supervise or protect the child adequately. Failure to supervise includes situations where a child is harmed or endangered as a result of a caregiver’s actions (e.g., drunk driving with a child or engaging in dangerous criminal activities with a child).
- b) **Failure to Supervise: Sexual Abuse:** The child has been or is at substantial risk of being sexually molested or sexually exploited, and the caregiver knows or should have known of the possibility of sexual molestation and failed to protect the child adequately.
- c) **Permitting Criminal Behaviour:** A child has committed a criminal offence (e.g., theft, vandalism, or assault) because of the caregiver’s failure or inability to supervise the child adequately.
- d) **Physical Neglect:** The child has suffered or is at substantial risk of suffering physical harm caused by the caregiver’s failure to care and provide for the child adequately. This includes inadequate nutrition/clothing and unhygienic, dangerous living conditions. There must be evidence or suspicion that the caregiver is at least partially responsible for the situation.
- e) **Medical Neglect (Includes Dental):** The child requires medical treatment to cure, prevent, or alleviate physical harm or suffering and the child’s caregiver does not provide, or refuses, or is unavailable or unable to consent to the treatment. This includes dental services when funding is available.
- f) **Failure to Provide Psychological Treatment:** The child is suffering from either emotional harm demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, or a mental, emotional, or developmental condition that could seriously impair the child’s development, and the child’s caregiver does not provide, refuses to provide, or is unavailable or unable to consent to treatment to remedy or alleviate the harm. This category includes failing to provide treatment for school-related problems such as learning and behaviour problems, as well as treatment for infant development problems such as non-organic failure to thrive. A parent awaiting service should not be included in this category.

²¹ The term ‘neglect’ is not used in all provincial and territorial statutes, but interchangeable concepts include ‘failure to care and provide for or supervise and protect,’ ‘does not provide,’ ‘refuses or is unavailable or unable to consent to treatment’ are often used. Please refer to **Appendix G: Provincial and Territorial Terminology for Neglect** for a full list of these interchangeable terms according to the respective provincial and territorial jurisdictions.

- g) *Abandonment:*** The child’s parent has died or is unable to exercise custodial rights and has not made adequate provisions for care and custody, or the child is in a placement and parent refuses/is unable to take custody.
- h) *Educational Neglect:*** Caregivers knowingly permit chronic truancy (5+ days a month), fail to enroll the child, or repeatedly keep the child at home.” (Sinha et al., 2011, p. 153)

5.9 Out-of-Home Care/Placement

Out-of-Home Care/Placement: “[E]ncompasses the placements and services provided to children and families when children are removed from their home due to abuse and/or neglect” (Child Welfare Information Gateway, n.d.: *Overview Out-of-Home Care*). Placement outcomes include:

- a) *Kinship Out of Care:*** An informal placement has been arranged within the family support network; the child welfare authority does not have temporary custody.
- b) *Customary Care:*** [A] model of Indigenous child welfare service that is culturally relevant and incorporates the unique traditions and customs of each First Nation.
- c) *Kinship in Care:*** A formal placement has been arranged within the family support network; the child welfare authority has temporary or full custody and is paying for the placement.
- d) *Foster Care (Non-Kinship):*** Include any family-based care, including foster homes, specialized treatment foster homes, and assessment homes.
- e) *Group Home:*** Out-of-home placement required in a structured group living setting.
- f) *Residential/Secure Treatment:*** Placement required in a therapeutic residential treatment centre to address the needs of the child.” (Fallon et al., 2015, p. 105).

Out-of-home placement can sometimes lead to **reunification, adoption, or legal guardianship:**

Reunification: “[T]he return of children to their family following placement in out-of-home care” (Canadian Child Welfare Research Portal, n.d., *Reunification*).

Adoption: “The social, emotional, and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family” (Child Welfare Information Gateway, n.d., *Glossary*).

Legal guardianship: “Guardianship is most frequently used when relative caregivers wish to provide a permanent home for the child and maintain the child’s relationships with extended family members without a termination of parental rights. Caregivers can assume legal guardianship of a child in out-of-home care without termination of parental rights, as is required for an adoption.” (Child Welfare Information Gateway, n.d., *Guardianship*).

5.10 Physical Abuse

Physical Abuse:²² “The child [is] physically harmed or could [suffer] physical harm as a result of the behavior of the person looking after the child” (Sinha, Trocmé, Fallon, et al., 2011: 152). It “includes any non-accidental action that causes, or could cause physical harm to a child such as hitting, shaking, or the unreasonable use of force to restrain a child” (Child Welfare Research Portal, n.d.: *Physical Abuse*).

5.11 Primary Caregiver

Primary Caregiver: “[T]he person primarily responsible for the care and upbringing of a child” (Employment and Social Development Canada, 2018, n.p.).

5.12 Protective Factors

Protective Factors: “[C]haracteristics associated with a lower likelihood of negative outcomes or that reduce a risk factor’s impact. Protective factors may be seen as positive countering events” (Substance Abuse and Mental Health Services Administration, n.d., p. 1).

5.13 Risk Factors

Risk Factors: “[C]haracteristics at the biological, psychological, family, community or cultural level that precede and are associated with a higher likelihood of negative outcomes” (Substance Abuse and Mental Health Services Administration, n.d, p. 1).

5.14 Sexual Abuse

Sexual Abuse:²³ “The child has been sexually molested or sexually exploited. This includes oral, vaginal or anal sexual activity; attempted sexual activity; sexual touching or fondling; exposure; voyeurism; involvement in prostitution or pornography; and verbal sexual harassment” (Sinha, Trocmé, Fallon, et al., 2011, p. 153).

²² The term “physical abuse” is not consistently defined in all provincial and territorial statutes. Please refer to

Appendix I: Provincial and Territorial Definitions of Physical Abuse for definitions of “physical abuse” according to the respective provincial and territorial jurisdictions.

²³ The term “sexual abuse” is not consistently defined in all provincial and territorial statutes. Please refer to **Appendix J: Provincial and Territorial Definitions of Sexual Abuse** for definitions of “sexual abuse” according to the respective provincial and territorial jurisdictions.

5.15 Key Terms and Concepts for Jordan's Principle

Unreasonable Delay (Received services after a): Unreasonable delays to accessing health, social, and educational services and supports occur when a First Nations child is unable to receive services and/or products responsive to their needs and circumstances within a similar timeframe that would be normally available to a non-Indigenous child (First Nations Child and Family Caring Society, 2005, p. 51). 2017 CHRT 35 para 135 specifies timelines for decisions on individual and group requests, the timeframe for case conferencing is also specified:

- Urgent individual requests: Reasonable efforts must be taken to provide crisis intervention supports immediately. Evaluation and determination of the request will be made in 12 hours of initial contact for a service request.
- Non-urgent individual requests: Must be evaluated and provided with a determination in 48 hours of initial contact for a service request. If information is lacking the Government of Canada must work with the requestor to obtain the necessary information and make a determination as close to the 48-hour timeframe as possible.
- Urgent group requests: Where irredeemable harm is reasonably foreseeable Canada must take all reasonable efforts to provide immediate crisis interventions supports until an extended response can be developed and implemented. In all other urgent group cases, the evaluation and determination of the request shall be made within 48 hours.
- Group requests: The evaluation and determination of group requests must occur within 1 week of the initial contact for a service request.

Any service delays which occur due to a lack of information on clinical needs must be tracked and reported to the Canadian Human Rights Tribunal. Canada cannot delay services due to “administrative case conferencing, policy review, service navigation or any other similar administrative procedure before the recommended service is approved and funding is provided” (2017, CHRT 35, para 135. 2.A.iii).

Gap: 2017 CHRT 35 specifies, “Jordan’s Principle addresses the needs of First Nations children by ensuring there are no gaps in government services to them. It can address, for example, but is not limited to, gaps in such services as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy.” (2017 CHRT 35 para 135.B.ii)

Delay (Received services or products after a): Any Jordan’s Principle request which are not provided a decision within the timeframes detailed in 2017 CHRT 35 para 10 ii, ii1, and iii is considered delayed. The 2017 CHRT 35 has detailed the required timelines and the role of case conferencing for the provision of Jordan’s Principle services, outside of which a delay to accessing Jordan’s Principle occurs. Despite this specificity, delays have occurred when federal focal point workers seek “all necessary information” in advance of submitting a Jordan’s Principle request. Delays in reimbursement after approval have also delayed access to Jordan’s Principle services for First Nations children. (Source: Sinha, Vives and Gerlach, 2018, pp. 68-69;

Sangster, Vivies, Chadwick, Gerlach, and Sinha, 2019, pp. 69-71). Delays can be caused by but are not limited to the following factors: funding models and funding gaps, jurisdictional disputes, disputes between departments within the same government, and/or being ordinarily a resident on a reserve (The Jordan's Principle Working Group, 2015, pp. 25-27).

Denial: When services or products are not provided to First Nations children. (First Nations Child and Family Caring Society, 2005, p. 179)

Substantive Equality: Substantive equality considers the social, political, and legal context of discrimination. For First Nations people in Canada this includes but is not limited to “a legacy of stereotyping and prejudice through colonialism, displacement and residential schools”. (2016 CHRT 2, para 402). The federal government of Canada provides the following definition of substantive equality within Jordan's Principle:

“Substantive equality is a legal principle that refers to the achievement of true equality in outcomes. It is achieved through equal access, equal opportunity, and, most importantly, the provision of services and benefits in a manner and according to standards that meet any unique needs and circumstances, such as cultural, social, economic and historical disadvantage. Pursuant to the CHRT May 26, 2017 decision as amended, the Government of Canada is to ensure substantive equality in the provision of services to the child, to ensure culturally appropriate services and to safeguard the best interests of the child. This requires Canada to provide all First Nations children, on and off reserve, with publicly funded benefits, supports, programs, goods and services in a manner and according to a standard that meets their particular needs and circumstances.” (Government of Canada, 2019b)

6.0 Compensation Questions

6.1 Compensation Category 1 Questions – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

6.1.1 Compensation Category 1A Questions

Table 4: Eligibility Requirements — Compensation Category 1A Questions

Time Period: *January 1, 2006 (date following last WEN DE report)²⁴ until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1A) First Nations children living on reserve and in the Yukon Territory who

- Were unnecessarily apprehended *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* placed in care outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, did not benefit from prevention services in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities²⁵
- *EVEN IF* they were reunited with the immediate and extended family at a later date
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 245-246.

Compensation: \$20,000 (para. 246) + \$20,000 (paras. 253-254) = \$40,000

²⁴ See First Nations Caring Society (2005).

²⁵ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

*For concepts in bold, please refer to 5.0 **Glossary of Terms**. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.*

1. Was the child placed in care outside of their homes, families, or communities between January 1st, 2006 and the current date – even if he/she was eventually **reunited** with their family?
 Yes No (not eligible for compensation under category 1A)
2. At the time of placement – was this child a **First Nations** child with Indian Status or eligible for Indian status?
 Yes No (not eligible for compensation under category 1A)
3. At the time of placement – did the child ordinarily live on reserve or in the Yukon Territory?
 Yes No (not eligible for compensation under category 1A)
4. Was the child placed in care due to a **substantiation** of neglect?
 Yes No (not eligible for compensation under category 1A)
5. Was the neglect substantiation driven by one or more of the following **risk factors**: poverty, no housing/deemed inappropriate housing, and/or substance abuse?
 Yes No (not eligible for compensation under category 1A)
6. Does the child meet the criteria for compensation under compensation category 3A or 3B?
 No Yes (not eligible for compensation under category 1A)

If the child is not eligible for compensation under category 1A. They might still be eligible for compensation under categories 2, 3A, and 3B. Please refer to questions within those sections to determine their eligibility.

6.1.2 Compensation Category 1B Questions

Table 5: Eligibility Requirements — Compensation Category 1B Questions

Time Period: *January 1, 2006 (date following last WEN DE report)²⁶ until earliest of - either (1) Panel decides that unnecessary removal of FN children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1B) First Nations parents *or* grandparents living on reserve and in the Yukon Territory who

- Had their child unnecessarily apprehended *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* placed in care outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, did not benefit from prevention services in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities²⁷
- *EXCEPT IF*
 - the parents *or* grandparents sexually, physically, *OR* psychologically abused their children
 - *OR* qualify for compensation under CHRT 39, para. 251 (see Categories 3C, 3D)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 247 and 255.

Compensation: \$20,000 each child (para. 248) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

²⁶ See First Nations Caring Society (2005).

²⁷ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

1. Was the parent or grandparent's **child placed in care** outside of their homes, families, or communities between January 1st, 2006 and the current date – even if the child was eventually **reunited** with their family?
 Yes No (not eligible for compensation under category 1B)
2. Was the parent or grandparent the **primary caregiver** of the child at the time of placement?
 Yes No (not eligible for compensation under category 1B)
3. At the time of placement of their child or grandchild – was the parent or grandparent **First Nations** with **Indian Status** or eligible for status?
 Yes No (not eligible for compensation under category 1B)
4. At the time of placement of their child or grandchild – did the parent or grandparent ordinarily live on reserve or in the Yukon Territory?
 Yes No (not eligible for compensation under category 1B)
5. Was their child or grandchild placed in care due to a **substantiation of neglect**?
 Yes No (not eligible for compensation under category 1B)
6. Was the neglect substantiation driven by one of the following **risk factors**: poverty, no housing/deemed inappropriate housing, and/or substance abuse?
 Yes No (not eligible for compensation under category 1B)
7. Did the parent or grandparent **sexually abuse, physically abuse, or psychologically abuse** the child placed in care?
 No Yes (not eligible for compensation under category 1B)
8. Does the parent/grandparent who was the primary caregiver for the child at the time of the removal meet the criteria for compensation under compensation category 3C or 3D?
 No Yes (not eligible for compensation under category 1B)

Please answer these questions for each primary caregiver who had primary responsibility of the child between January 1st 2006 and the current date at the time the child was placed in care. Multiple placements can occur in this timeframe.

If the parent or grandparent is not eligible for compensation under category 1B. They might still be eligible for compensation under categories 3C, and 3D. Please refer to questions within those sections to determine their eligibility.

6.2 Compensation Questions: Category 2 – Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

6.2.1 Compensation Category 2 Questions

Table 6: Eligibility Requirements — Compensation Category 2 Questions

Time Period: *January 1, 2006 until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

2) First Nations children living on reserve and in the Yukon territory who

- Were necessarily apprehended from their homes
- *BUT* placed in care outside of their extended families and communities, *and therefore* did not benefit from prevention services
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 249.

Compensation: \$20,000 (para. 249) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the child **placed in care** outside of their **extended families**, and communities between January 1st, 2006 and the current date?

Yes No (not eligible for compensation under category 2)
2. At the time of placement – was this child a **First Nations** child with Indian Status or eligible for Indian status?

Yes No (not eligible for compensation under category 2)
3. At the time of placement – did the child ordinarily live on reserve or in the Yukon Territory?

Yes No (not eligible for compensation under category 2)
4. Will the child be receiving compensation under compensation category 3A or 3B?

No Yes (not eligible for compensation under category 2)

If the child is not eligible for compensation under category 2. They might still be eligible for compensation under categories 1A, 3A, and 3B. Please refer to questions within those sections to determine their eligibility.

6.3 Compensation Questions: Category 3 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Services that Would Have Been Available Under Jordan's Principle.

6.3.1 Compensation Category 3A Questions

Table 7: Eligibility Requirements — Compensation Category 3A Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

3A) First Nations children, living on or off reserve, who

- Were deprived of essential services, supports, and/or products *as a result of*:
 - a gap, delay *AND/OR* denial of services
- *AND* placed in care outside of their homes, families, or communities in order to receive those services

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the child deprived of **essential services, supports, and/or products** due to a **gap, denial, and/or delay** of services between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3A)
2. Was the child **placed in care** outside of their home, family, or community between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3A)
3. At the time of placement - was the child a **First Nations** child with Indian Status or eligible for Indian Status (living on OR off reserve)?

Yes No (not eligible for compensation under category 3A)

4. Did the placement occur in order to receive the **essential services, supports, and/or products** the **child** was deprived of due to a **gap, denial, and/or delay**?

Yes No (not eligible for compensation under category 3A)

If the child is not eligible for compensation under category 3A. They might still be eligible for compensation under categories 1A, 2, and 3B. Please refer to questions within those sections to determine their eligibility.

6.3.2 Compensation Category 3B Questions

Table 8: Eligibility Requirements — Compensation Category 3B Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan’s Principle ruling) and November 2, 2017 (date of Tribunal’s CHRT 35 ruling on Jordan’s principle).*

Eligibility Requirements:

3B) First Nations children, living on or off reserve, who

- *WITHOUT* being placed in out of home care
- *DID NOT* benefit from services covered by Jordan’s Principle as defined in 2017 CHRT 17 and 35, *OR* who received such services after an unreasonable delay *OR* upon reconsideration ordered by the Tribunal

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the child *NOT* placed in **out-of-home care** between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3B)

2. Was the child a **First Nations** child with Indian Status or eligible for Indian Status (living on or off reserve)?

Yes No (not eligible for compensation under category 3B)

If question #1, #2 and any one or multiple of question #3 are answered with a yes, the child qualifies for compensation:

3. A) Did the child *not* receive adequate services, supports, and/or products covered by **Jordan's Principle**? This includes children who were unable to apply for Jordan's Principle.

Yes

No (please continue to following questions if yes or no)

- B) Did the child receive **Jordan's Principle** services, supports, and/or products after an **unreasonable delay**?

Yes

No (please continue to following questions if yes or no)

If the child is not eligible for compensation under category 3B. They might still be eligible for compensation under categories 1A, 2, and 3A. Please refer to questions within those sections to determine their eligibility.

6.3.3 Compensation Category 3C Questions

Table 9: Eligibility Requirements — Compensation Category 3C Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

3C) First Nations parents *or* grandparents, living on or off reserve, who

- Were deprived of essential services, supports, and/or products for their child *as a result of*:
 - a gap, delay *AND/OR* denial of services, supports, and/or products
- *AND* had their child placed in care outside of their homes, families, *or* communities in order to receive these services, supports, and/or products *and therefore*, did not benefit from services covered under Jordan's Principle as per 2017 CHRT 17 and 35
- *EXCEPT IF* the parents *or* grandparents sexually, physically, *OR* psychologically abused their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the parent or grandparent's child deprived of **essential services, supports, and/or products** due to a **gap, denial, and/or delay** or services at any time between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3C)

2. Was their child placed in care outside of their home, family, or community between December 12, 2007 and November 2, 2017 in order to receive the **essential services, supports, and/or products** the child was deprived of due to a **gap, denial, and/or delay**?

Yes No (not eligible for compensation under category 3C)

3. Was the parent or grandparent the **primary caregiver** of the child at the time of placement?

Yes No (not eligible for compensation under category 3C)

4. Was the parent or grandparent **First Nations** (living on or off reserve) at the time of placement?

- Yes No (not eligible for compensation under category 3C)

5. Did the parent or grandparent **sexually abuse**, **physically abuse**, or **psychologically abuse** the child?

- No Yes (not eligible for compensation under category 3C)

Please answer these questions for each primary caregiver who had primary responsibility of the child between December 12, 2007 and November 2, 2017 at the time the child was placed in care. Multiple placements can occur in this timeframe.

If the parent or grandparent is not eligible for compensation under category 3C. They might still be eligible for compensation under categories 1B or 3D. Please refer to questions within those sections to determine their eligibility.

6.3.4 Compensation Category 3D Questions

Table 10: Eligibility Requirements — Compensation Category 3D Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan’s Principle ruling) and November 2, 2017 (date of Tribunal’s CHRT 35 ruling on Jordan’s principle).*

Eligibility Requirements:

- 3D)** First Nations parents *or* grandparents, living on or off reserve,
- Whose child was not removed from the home
 - *BUT* was denied services, supports and/or products *OR* received services, supports, and/or products after an unreasonable delay *OR* upon reconsideration ordered by the Tribunal
 - *EXCEPT IF* the parents *or* grandparents sexually, physically, *OR* psychologically abused their children

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. A) Was the parent or grandparent’s child **denied services, supports, and/or products** covered by **Jordan’s Principle** between December 12, 2007 and November 2, 2017? Substantive equality is a legal requirement within Jordan’s Principle and therefore applies to this question.

Yes No (please continue to following questions if yes or no)

- B) Did the child receive **Jordan’s Principle services, supports, or products** after an **unreasonable delay** between December 12, 2007 and November 2, 2017?

Yes No (please continue to following questions if yes or no)

If 1 A or B have a response of YES please complete the next set of questions. If both 1 A and B have a response of NO, the parent or grandparent is not eligible for compensation under category 3D.

2. At the time of the **denial or delay of services, supports, and/or products**, was the parent or grandparent the **primary caregiver** of the child?

Yes No (not eligible for compensation under category 3D)

3. Was the parent or grandparent **First Nations** (living on or off reserve) at the time of the placement?

Yes No (not eligible for compensation under category 3D)

4. Was the child **NOT** placed in **out of home care**?

Yes No (not eligible for compensation under category 3D)

5. Did the parent or grandparent **sexually abuse**, **physically abuse**, or **psychologically abuse** the child?

No Yes (not eligible for compensation under category 3D)

Please answer these questions for each primary caregiver who had primary responsibility of the child between December 12, 2007 and November 2, 2017 when a delay or denial of services, supports, and/or products occurred. Multiple delays or denials can occur within this timeframe.

If the parent or grandparent is not eligible for compensation under category 3D. They might still be eligible for compensation under categories 1B or 3C. Please refer to questions within those sections to determine their eligibility.

Appendix A: Measures/Terminology Used at a National Level

Please note: These are not universally agreed-upon measures of these concepts. They are included here **for reference only**.

Table 11: Measure/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Band	As defined by the <i>Indian Act, 1985</i> , s 2 (1) "band means a body of Indians (a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951, (b) for whose use and benefit in common, moneys are held by Her Majesty, or (c) declared by the Governor in Council to be a band for the purposes of this Act"
Housing	<ul style="list-style-type: none"> • Type of housing, overcrowding, number of moves in the past year; housing safety (accessible weapons, drugs or drug paraphernalia, drug production or trafficking in home, chemicals or solvents used in production, other home injury hazards, other home health hazards) (Sinha, Trocmé, Fallon et al., 2011, p. 148). • Type of housing; dwelling in need of major repairs; housing suitability (whether housing has enough bedrooms for size and composition of household) (Statistics Canada, 2017).
Indian	As defined by the <i>Indian Act, 1985</i> , s 2 (1), "Indian means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian"

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <p>s. 6 (1) Subject to section 7, a person is entitled to be registered if</p> <ul style="list-style-type: none"> • (a) that person was registered or entitled to be registered immediately before April 17, 1985; • (a.1) the name of that person was omitted or deleted from the Indian Register, or from a band list before September 4, 1951, under subparagraph 12(1)(a)(iv), paragraph 12(1)(b) or subsection 12(2) or under subparagraph 12(1)(a)(iii) pursuant to an order made under subsection 109(2), as each provision read immediately before April 17, 1985, or under any former provision of this Act relating to the same subject matter as any of those provisions; • (a.2) that person meets the following conditions: <ul style="list-style-type: none"> ▪ (i) they were born female during the period beginning on September 4, 1951 and ending on April 16, 1985 and their parents were not married to each other at the time of the birth, ▪ (ii) their father was at the time of that person's birth entitled to be registered or, if he was no longer living at that time, was at the time of death entitled to be registered, and ▪ (iii) their mother was not at the time of that person's birth entitled to be registered; • (a.3) that person is a direct descendant of a person who is, was or would have been entitled to be registered under paragraph (a.1) or (a.2) and <ul style="list-style-type: none"> ▪ (i) they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth, or ▪ (ii) they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985; • (b) that person is a member of a body of persons that has been declared by the Governor in Council on or after April 17, 1985 to be a band for the purposes of this Act; • (c) (c.01-c.02), (c.1-c.6) Repealed, 2017
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <ul style="list-style-type: none"> • (d) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, under subparagraph 12(1)(a)(iii) pursuant to an order made under subsection 109(1), as each provision read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as any of those provisions; • (e) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, <ul style="list-style-type: none"> ▪ (i) under section 13, as it read immediately prior to September 4, 1951, or under any former provision of this Act relating to the same subject-matter as that section, or ▪ (ii) under section 111, as it read immediately prior to July 1, 1920, or under any former provision of this Act relating to the same subject-matter as that section; or • (f) both parents of that person are entitled to be registered under this section or, if the parents are no longer living, were so entitled at the time of death. <p>s. 6 (2) Subject to section 7, a person is entitled to be registered if one of their parents is entitled to be registered under subsection (1) or, if that parent is no longer living, was so entitled at the time of death.</p> <p>s. 6 (2.1) A person who is entitled to be registered under both paragraph (1)(f) and any other paragraph of subsection (1) is considered to be entitled to be registered under that other paragraph only, and a person who is entitled to be registered under both subsection (2) and any paragraph of subsection (1) is considered to be entitled to be registered under that paragraph only.</p>
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <p>s. 6 (3) For the purposes of paragraphs (1)(a.3) and (f) and subsection (2),</p> <ul style="list-style-type: none"> • a person who was no longer living immediately prior to April 17, 1985 but who was at the time of death entitled to be registered shall be deemed to be entitled to be registered under paragraph (1)(a); • (b) a person who is described in paragraph (1)(a.1), (d), (e) or (f) or subsection (2) and who was no longer living on April 17, 1985 is deemed to be entitled to be registered under that paragraph or subsection; and • (c) [Repealed, 2017, c. 25, s. 2.1] • (d) a person who is described in paragraph (1)(a.2) or (a.3) and who was no longer living on the day on which that paragraph came into force is deemed to be entitled to be registered under that paragraph. • R.S., 1985, c. I-5, s. 6 • R.S., 1985, c. 32 (1st Supp.), s. 4, c. 43 (4th Supp.), s. 1 • 2010, c. 18, s. 2 • 2017, c. 25, s. 2 • 2017, c. 25, s. 2.1 <p>s. 7 (1) The following persons are not entitled to be registered:</p> <ul style="list-style-type: none"> • (a) a person who was registered under paragraph 11(1)(f), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and whose name was subsequently omitted or deleted from the Indian Register under this Act; or • (b) a person who is the child of a person who was registered or entitled to be registered under paragraph 11(1)(f), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and is also the child of a person who is not entitled to be registered.

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons not entitled to be registered:</p> <p>s. 7 (2) Paragraph (1)(a) does not apply in respect of a female person who was, at any time prior to being registered under paragraph 11(1)(f), entitled to be registered under any other provision of this Act.</p> <p>s. 7 (3) Paragraph (1)(b) does not apply in respect of the child of a female person who was, at any time prior to being registered under paragraph 11(1)(f), entitled to be registered under any other provision of this Act.</p> <p>R.S., 1985, c. I-5, s. 7 R.S., 1985, c. 32 (1st Supp.), s. 4</p>
Poverty	<ul style="list-style-type: none"> • Household regularly runs out of money for basic necessities (e.g. food, housing, utilities, telephone/cell phone, transportation, medical care including dental and mental health); source of primary income (e.g. social assistance/ employment insurance/other benefits). (Sinha, Trocmé, Fallon et al., 2011, pp. 146, 148) • Market Basket Measure: family lives in poverty if it does not have enough income to purchase a specific basket of goods and services in its community (Statistics Canada, 2019) • Low-Income Measure: individuals live in low income if their household after-tax income falls below half of the median after-tax income (Statistics Canada, 2019) • Low Income Cut-Off: family lives in poverty if they spend 20% or more of their income than the average family on basic necessities of food shelter and clothing (Statistics Canada, 2015).
Reserve	<p>As defined by the <i>Indian Act, 1985</i>, s 2 (1), “reserve (a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and (b) except in subsection 18(2), sections 20 to 25, 28, 37, 38, 42, 44, 46, 48 to 51 and 58 to 60 and the regulations made under any of those provisions, includes designated lands”</p>
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Substance Abuse	<ul style="list-style-type: none"> • “Problematic consumption” of alcohol, prescription drugs, illegal drugs, or solvents. (Sinha, Trocmé, Fallon et al., 2011, p. 151) • In DSM-V (APA 2013) ‘substance use disorder’ is operationalized according to the following criteria (2-3 mild; 4-5 moderate; 6 or more severe): <ul style="list-style-type: none"> ▪ taking the substance in larger amounts or for longer than you're meant to; ▪ wanting to cut down or stop using the substance but not managing to; • spending a lot of time getting, using, or recovering from use of the substance; • cravings and urges to use the substance; • not managing to do what you should at work, home, or school because of substance use; • continuing to use, even when it causes problems in relationships; • giving up important social, occupational, or recreational activities because of substance use; • using substances again and again, even when it puts you in danger; • continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance; • needing more of the substance to get the effect you want (tolerance); and development of withdrawal symptoms, which can be relieved by taking more of the substance.
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

Appendix B: National Legislation Relating to Child Welfare

Table 12 identifies national legislation governing the provision of child protection services and Indigenous Peoples of Canada.

Table 12: National Legislation Relating to Child Welfare and Indigenous Peoples of Canada

Indian Act, 1985
Youth Criminal Justice Act, 2002
Criminal Code, 1985
An Act Respecting First Nations, Inuit and Métis Children, Youth and Families (Received Royal Assent on June 21, 2019; Scheduled to come into force on January 1, 2020)

Appendix C: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families

An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, which comes into force on January 1, 2020, empowers “Indigenous communities [to] recover, develop, and enforce their own laws about child and family services. They can then choose to exercise partial or full jurisdiction over child and family services, or to work towards exercising full jurisdiction over a period of time” (Hensel Barristers, 2019, n.p.). “When an Indigenous community enforces its own laws over child and family services, the Indigenous community’s law will prevail over both federal and provincial laws. When a law “prevails” it means that when there is conflict between the Indigenous community’s law and a federal or provincial law, the Indigenous law applies and the other law doesn’t apply” (Hensel Barristers, 2019, n.p.). However, “[t]he Indigenous law still has to comply with the [*Canadian Charter of Rights and Freedoms, 1982*], the *Canadian Human Rights Act, 1985* and the national [standards] set out in the...*Act* that apply to providing child and family services to Indigenous children” (Hensel Barristers, 2019, n.p.). Table 13 identifies the national standards set by the *Act*.

Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Purpose: S (8) “The purpose of this Act is to</p> <ul style="list-style-type: none"> (a) affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services; (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.” <p>Principle—Best Interests of Child: S 9 (1) “This Act is to be interpreted and administered in accordance with the principle of the best interests of the child.”</p>

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Principle—Cultural Continuity: S 9 (2) “This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:</p> <p>(a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people;</p> <p>(b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity;</p> <p>(c) a child’s best interests are 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;</p> <p>(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</p> <p>(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.”</p>

(Continued on Next Page)

Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Principle—Substantive Equality: S 9 (3) “This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.”</p>
Best Interests of Indigenous Child	<p>Best Interests of Indigenous Child: S 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.”</p>

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Best Interests of Indigenous Child	<p>Primary consideration: S 10 (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.”</p> <p>Factors to Be Considered: S 10 (3) “To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including</p> <ul style="list-style-type: none"> (a) the child’s cultural, linguistic, religious and spiritual upbringing and heritage; (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; (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; (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; (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 (h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child. <p>Consistency: S 10 (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.”</p>

(Continued on Next Page)

Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Provision of Child and Family Services	<p>Effect of Services: S 11 “Child and family services provided in relation to an Indigenous child are to be provided in a manner that</p> <ul style="list-style-type: none"> (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. <p>Notice: S 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.”</p> <p>Personal information: S 12 (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.”</p> <p>Representations and Party Status: S 13 “In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child,</p> <ul style="list-style-type: none"> (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.”

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Placement of Indigenous Child	<p>Priority to Preventive Care: S 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 of the child, the provision of that service is to be given priority over other services.”</p> <p>Prenatal Care: S 14 (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.”</p> <p>Socio-economic Conditions: S 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.”</p> <p>Reasonable Efforts: S 15 (1) “In the context of providing child and family services in relation to an Indigenous child, unless immediate apprehension is consistent with the best interests of the child, before apprehending a child who resides with one of the child’s parents or another adult member of the child’s family, the service provider must demonstrate that he or she made reasonable efforts to have the child continue to reside with that person.”</p> <p>Priority: S 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:</p> <ul style="list-style-type: none"> (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.”

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Placement of Indigenous Child	<p>Placement With or Near Other Children: S 16 (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.”</p> <p>Customs and Traditions: S 16 (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.”</p> <p>Family Unity: S 16 (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).”</p> <p>Attachment and Emotional Ties: S 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.”</p>

Appendix D: Provincial and Territorial Child Welfare Legislation

Table 14 identifies provincial and territorial child welfare legislation governing the provision of child protection services. On January 1, 2020, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* will come into force. The *Act* empowers Indigenous communities to develop and enforce their own laws concerning Indigenous child and family services. Under provisions of the *Act*, laws affecting child and family services passed by Indigenous communities prevail over both federal and provincial laws; however, they must adhere to provisions of the 1982 *Canadian Charter of Rights and Freedoms*, the 1985 *Canadian Human Rights Act* and the national standards set for the provision of child and family services to Indigenous children by the *Act*. See **Appendix C: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families** for a brief overview of the *Act* and a list of key national standards.

Table 14: Provincial and Territorial Child Welfare Legislation

Province/ Territory	Primary Child Welfare Legislation	Associated Child Welfare Legislation
Alberta	Child, Youth and Family Enhancement Act, 2000	<ul style="list-style-type: none"> • Drug Endangered Children Act, 2006 • Adoption Regulation, 2004 • Child, Youth and Family Enhancement Regulation, 2004 • Court Rules and Forms Regulation, 2002 • Publication Ban (Court Applications and Orders) Regulation, 2004 • Protection Against Family Violence Act, 2000
British Columbia	Child Family and Community Service Act, 1996	<ul style="list-style-type: none"> • Adoption Act, 1996 • Infants Act, 1996 • Representative For Children And Youth Act, 2006 • Child, Family and Community Service Regulation, 1995
Manitoba	Child and Family Services Act, 1985	<ul style="list-style-type: none"> • Adoption Act, 1997 • The Intercountry Adoption(Haugue Convention) Act, 1995 • The Child and Family Services Authorities Act, 2003
New Brunswick	Family Services Act, 1980	<ul style="list-style-type: none"> • Intercountry Adoption Act, 1996

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Table 14: Provincial/Territorial Child Welfare Legislation

Province/ Territory	Primary Child Welfare Legislation	Associated Child Welfare Legislation
Newfoundland and Labrador	Children, Youth and Families Act, 2018	<ul style="list-style-type: none"> • Adoption Act, 2013
Northwest Territories	Child and Family Services Act, 1997	<ul style="list-style-type: none"> • Child and Family Services Regulations, 1998
Nova Scotia	Children and Family Services Act, 1990	<ul style="list-style-type: none"> • Children and Family Services Regulations, 2016 • Adoption Information Act, 1996
Nunavut	Child and Family Services Act, 1997	N/A
Ontario	Child, Youth and Family Services Act, 2017	<ul style="list-style-type: none"> • Children's Law Reform Act, 1990 • Family Law Act, 1990
Prince Edward Island	Child Protection Act, 1988	<ul style="list-style-type: none"> • Adoption Act, 1988
Quebec	Youth Protection Act, 1984	N/A
Saskatchewan	Child and Family Services Act, 1989-1990	<ul style="list-style-type: none"> • Adoption Act, 1998 • Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations, 2002
Yukon	Child and Family Services Act, 2008	<ul style="list-style-type: none"> • Child and Youth Advocate Act, 2009 • Children's Act, 2002

Appendix E: Provincial and Territorial Definitions of First Nations and Associated Concepts

The term ‘First Nations Child’ is neither used nor consistently defined in all provincial and territorial statutes. Table 15 identifies key terms and associated definitions of First Nations Child according to the relevant jurisdiction. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from corresponding provincial or territorial primary child welfare legislation.

Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Alberta	Band	“means band within the meaning of the <i>Indian Act</i> (Canada)” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (a.4)
	Council of the Band	“means council of the band within the meaning of the <i>Indian Act</i> (Canada)” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (g)
	First Nation Individual	“means an Indian as defined in the <i>Indian Act</i> (Canada)” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (j.3)
	Indigenous	“includes First Nations, Metis and Inuit” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (m.01) “child is a First Nation Individual or a member of a band” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 53 (1) (1.1) (1) “[child is] a resident of a reserve” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 107 1(a) (i)
	Reserve	“means reserve within the meaning of the <i>Indian Act</i> (Canada)” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (t) (t.1)

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
British Columbia	First Nation	<p>“means any of the following: (a) a band as defined in the <i>Indian Act</i> (Canada); (b) an Indigenous legal entity prescribed by regulation” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>
	First Nation child	<p>“a child who is a member or is entitled to be a member of a First Nation” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>
	Indigenous child	<p>“a child (a) who is a First Nation child, (b) who is a Nisga'a child, (c) who is a Treaty First Nation child, (d) who is under 12 years of age and has a biological parent who (i) is of Indigenous ancestry, including Métis and Inuit, and(ii) considers himself or herself to be Indigenous, or (e) who is 12 years of age or over, of Indigenous ancestry, including Métis and Inuit, and considers himself or herself to be Indigenous” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1a-1e)</p>
	Treaty First Nation	<p>“in relation to a Treaty First Nation child, means the Treaty First Nation of which the child is a Treaty First Nation child” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Manitoba	Indian Child	<p>“child is registered or is entitled to be registered as an Indian under the <i>Indian Act</i> (Canada)” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 30 (1)e</p> <p>“child is registered or is entitled to be registered as an Indian under the <i>Indian Act</i> (Canada)” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 77 (2) (c.2)</p>
New Brunswick	N/A	<p>No relevant terminology found as the Act is 40 years old and is currently being rewritten. New Brunswick is guided by Operational Protocols between the New Brunswick’s Department of Social Development and First Nation Child and Family Service Agencies (Savoury, 2018, p. 16). Ten key areas covered by the Operational Protocols are as follows: (1) child protection; (2) resources for placement facilities; (3) emergency social services; (4) legal administrative support services; (5) requests for assistance involving child welfare services; (6) the sharing of all information relating to child welfare legislation, regulations, standards, policies, rates, and procedures; (7) training of individuals as it relates to child welfare work; (8) child death review committee; (9) adoption; and (10) consultations involving disputes regarding the Operational Protocols (New Brunswick Department of Social Development and First Nation Child and Family Service Agencies, n.d., pp. 1-9).</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Newfoundland and Labrador	Indigenous Child	"Indigenous child" means: an Inuit child; a Métis child, an Innu, Mi'kmaq or other First Nations child, a child who has a parent who considers the child to be Indigenous, or a person who is at least 12 years of age but under the age of 16 and who considers himself or herself to be Indigenous" Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) n (i-iv)
	Indigenous Youth	"Indigenous youth" means: an Inuit youth, a Métis youth, an Innu, Mi'kmaq or other First Nations youth, or a youth who considers himself or herself to be Indigenous" Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) q (i-iv)
	Labrador Inuit rights	"This Act and regulations made under this Act shall be read and applied in conjunction with the <i>Labrador Inuit Land Claims Agreement Act</i> and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the <i>Labrador Inuit Land Claims Agreement Act</i> , the provision, term or condition of the <i>Labrador Inuit Land Claims Agreement Act</i> shall have precedence over the provision of this Act or a regulation made under this Act." Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 3

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Newfoundland and Labrador	Cultural Connection Plan	“a description of the arrangements made or being made to foster an Indigenous child's or Indigenous youth's connection with his or her culture, heritage, traditions, community, language and spirituality to preserve the Indigenous child's or Indigenous youth's cultural identity” Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) f
Northwest Territories	Best Interests of the Child	“Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination: (c) the child's cultural, linguistic and spiritual or religious upbringing and ties” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s3 and ss 3(c)
Nova Scotia	Aboriginal Child	“a child who is registered under the <i>Indian Act</i> (Canada) and includes a Mi'kmaq child” Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (a)
	Band	“a band as defined in the <i>Indian Act</i> (Canada) within the Province of Nova Scotia” Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (b)

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Nunavut	Best Interests of the Child	<p>“Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:</p> <p>(c) the child's cultural, linguistic and spiritual or religious upbringing and ties”</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997</i>, c.13, s3 and ss 3(c)</p>
Ontario	Band	<p>“has the same meaning as in the <i>Indian Act (Canada)</i>”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	Extended Family	<p>“persons to whom a child is related, including through a spousal relationship or adoption and, in the case of a First Nations, Inuk or Métis child, includes any member of,</p> <p>(a) a band of which the child is a member,</p> <p>(b) a band with which the child identifies,</p> <p>(c) a First Nations, Inuit or Métis community of which the child is a member, and</p> <p>(d) a First Nations, Inuit or Métis community with which the child identifies”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	First Nations, Inuit or Métis Community	<p>“a community listed by the Minister in a regulation made under section 28 [of the Act]”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	Regulations Listing First Nations, Inuit and Métis communities	<p>“The Minister may make regulations establishing lists of First Nations, Inuit and Métis communities for the purposes of this Act.”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 68 (1)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Ontario	Child's/Young Person's Bands	<p>"a reference to a child's or young person's bands and First Nations, Inuit or Métis communities includes all of the following:</p> <ol style="list-style-type: none"> 1. Any band of which the child or young person is a member. 2. Any band with which the child or young person identifies. 3. Any First Nations, Inuit or Métis community of which the child or young person is a member. 4. Any First Nations, Inuit or Métis community with which the child or young person identifies" <p>Source: <i>Child, Youth and Family Services Act</i>, 2017, SO 2017, c 14, Sch 1, s 2 (4)</p>
	Designation Of Child And Family Service Authority	<p>"A band or First Nations, Inuit or Métis community may designate a body as a First Nations, Inuit or Métis child and family service authority."</p> <p>Source: <i>Child, Youth and Family Services Act</i>, 2017, SO 2017, c 14, Sch 1, s 70 (1)</p>
Prince Edward Island	Aboriginal Child	<p>"a child who</p> <ol style="list-style-type: none"> (i) is registered in accordance with the <i>Indian Act</i> (Canada), (ii) has a biological parent who is registered in accordance with the <i>Indian Act</i> (Canada), (iii) is under 12 years old and has a biological parent who <ol style="list-style-type: none"> (A) is a descendant from an aboriginal person, and (B) considers himself or herself to be aboriginal, or (iv) is 12 years old or more, a descendant of an aboriginal person and considers himself or herself to be aboriginal" <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1 (a)</p>
	Band	<p>"a body of Indians as defined by the <i>Indian Act</i> (Canada)"</p> <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(e)</p>
	Band Council	<p>"band council" means the governing body for a band, as defined by the <i>Indian Act</i> (Canada)"</p> <p><i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(f)</p>
	Designated Representative	<p>"a person designated by the band council to represent the band respecting an aboriginal child"</p> <p><i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(n)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Quebec		No relevant terminology identified.
Saskatchewan	Band	“a band as defined in the <i>Indian Act</i> (Canada) and includes the council of a band” Source: <i>The Child and Family Services Act</i> , SS 1989-90, c C-7.2, s 2 (1) (a.1)
	Band list	“a band list as defined in the <i>Indian Act</i> (Canada)” Source: <i>The Child and Family Services Act</i> , SS 1989-90, c C-7.2, s 2 (1) (b)
	Status Indian	“a person who is: (i) registered as an Indian; or (ii) entitled to be registered as an Indian; pursuant to the.” “child is a status Indian: (i) whose name is included in a Band List; or (ii) who is entitled to have his or her name included in a Band List” Source: <i>The Child and Family Services Act</i> , SS 1989-90, c C-7.2, s 2 (1) (s)
Yukon	First Nation	“means one of the following: (a) Carcross/Tagish First Nation; (b) Champagne and Aishihik First Nations; (c) Kluane First Nation; (d) Kwanlin Dun First Nation; (e) Liard First Nation; (f) Little Salmon/Carmacks First Nation; (g) First Nation of Nacho Nyak Dun; (h) Ross River Dena Council; (i) Selkirk First Nation; (j) Ta’an Kwach’an Council; (k) Teslin Tlingit Council; (l) Tr’ondëk Hwëch’in; (m) Vuntut Gwitchin First Nation; or (n) White River First Nation” Source: <i>Child and Family Services Act</i> , SY 2008, c 1, s 1 (a) – 1 (n).

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Yukon	First Nations Service Authority	“means an authority designated under section 169 [of the <i>Child and Family Services Act</i> , SY 2008, c 1]” Source: <i>Child and Family Services Act</i> , SY 2008, c 1, s (1)
	Member of a First Nation	“means: (a) when used in respect of a First Nation that has a final agreement, a person enrolled or eligible to be enrolled under the final agreement, and (b) when used in respect of a First Nation that is a band under the provisions of the <i>Indian Act</i> (Canada) a person who is a member of the band under that Act” Source: <i>Child and Family Services Act</i> , SY 2008, c 1, s (1)

Appendix F: Provincial and Territorial Age of Protection and Definitions of Child and/or Youth

Age of protection “refers to the age of the identified ‘child’ engaged in the child welfare process. Each province and territory has its own legislation in regards to mandated age of service. Consequently, the identified age depending on legislation is the maximum age that may be serviced by child welfare organizations. Ages range from anywhere between 16 to 19 years as the top age that may be serviced” (Sturtridge, 2013: 1-2). Table 16 identifies the age of protection for each province and territory along with corresponding definitions of child and/or youth. Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from corresponding provincial or territorial primary child welfare legislation.

Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Alberta	under 18	“a person under the age of 18 years and includes a youth unless specifically stated otherwise” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1 (d)	“a child who is 16 years of age or older” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1 (z) (cc)
British Columbia	under 19	“a person under 19 years of age and includes a youth” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 1 (1)	“a person who is 16 years of age or over but is under 19 years of age” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 1 (1)

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Manitoba	under 18	<p>“a person under the age of majority” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 77 (2) (c.2) *age of majority in Manitoba is 18</p>	no definition
New Brunswick	<p>under 19 “aged 19 and over for mentally incompetent people categorized as “neglected adults” (Public Health Agency of Canada, 2019, p. 13).</p>	<p>“a person actually or apparently under the age of majority*, unless otherwise specified or prescribed in [the] Act or the regulations, and includes: (a)an unborn child; (b) a stillborn child; (c) a child whose parents are not married to one another; (d) a child to whom a person stands in loco parentis, if that person’s spouse is a parent of the child; and (e) when used in reference to the relationship between an adopted person and the person adopting or the relationship between a person and his birth mother or birth father, a person who has attained the age of majority*” Source: <i>Family Services Act</i>, SNB 1980, c F-2.2, s 1 *age of majority in New Brunswick is 19</p>	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
New Brunswick		<p>“Current provisions ...provide for protective services for neglected or abused adults and provide that a child in care who reaches adulthood, who is mentally incompetent and who does not have an adult who could assume responsibility for the child’s care can be treated as a neglected adult by the court. The Act permits the Minister to continue to provide care and support for a child who has been in care under a guardianship order who has reached the age of majority.* The eligibility for continued care and support is set out in the Child in Care Program Practice Standards” (Public Health Agency of Canada, 2019, p. 13).”</p> <p>*age of majority in New Brunswick is 19</p>	
Newfoundland and Labrador	<p>under 16</p> <p>between 16 and 18 if child has limited mental capacity</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 21 (1) c</i></p>	<p>“a person actually or apparently under the age of 16 years”</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 2(1) d</i></p>	<p>“a person who is at least 16 years of age but under 18 years of age”</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 2(1) ff</i></p>

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Northwest Territories	under 19 separate protection scheme for youth between 16 and 19 Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 29	“a person who is or, in the absence of evidence to the contrary, appears to be under 16 years of age” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 1	“a person who has attained the age of 16 years but has not attained the age of majority*” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 1 *age of majority is 19 in the Northwest Territories
Nova Scotia	under 19 “Children older than 16 and younger than 19 who are in need of protective services may enter into agreements with an agency for placement or services. A court can order a care and custody order to extend past the child’s 19 th birthday if the child is under a disability, in which case the order can extend to the child’s 21 st birthday” (Public Health Agency of Canada, 2019, p. 13).” See also <i>Children and Family Services Act</i> , 1990 s 19	“a person under nineteen years of age” Source: <i>Children and Family Services Act</i> , 1990 s 3 (1) (e)	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Nunavut	under 19	“child” means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under subsection 47(3) or 48(2)” Source: <i>Child and Family Services Act</i> , SNWT (Nu) 1997, c 13, s (1)	“a person who has attained the age of 16 years but has not attained the age of majority.” *age of majority is 19 in Nunavut Source: <i>Child and Family Services Act</i> , SNWT (Nu) 1997, c 13, s (1)
Ontario	under 18	“a person younger than 18” Source: <i>Child, Youth and Family Services Act</i> , 2017, SO 2017, c 14, Sch 1, s 2(1)	no definition
Prince Edward Island	under 18	“ a person under the age of 18 years” Source: <i>Child Protection Act</i> , RSPEI 1988, c C-5.1, s 1(h)	“a person over 12 and under 18” Source: <i>Child Protection Act</i> , RSPEI 1988, c C-5.1, s 1(y)
Quebec	under 18	“a person under the age of 18 years” Source: <i>Youth Protection Act</i> , CQLR c P-34.1, s 1(c)	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Saskatchewan	under 16 age 16 and 17 in “circumstances of an exceptional nature” <i>Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 18 (1)</i>	<p>“except where a contrary intention is expressed, an unmarried person actually or apparently under 16 years of age” <i>Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 2 (1) (d)</i></p> <p>“a person who is 16 or 17 years of age is in need of care and supervision and: (a) there is no parent willing to assume the responsibility for the person; or (b) the person cannot be re-established with his or her family; the director may, by agreement with the person, provide residential services, financial assistance or both to that person” <i>Source: Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 10 (1)</i></p>	no definition
Yukon	under 19	<p>“a person under 19 years of age” <i>Source: Child and Family Services Act, SY 2008, c 1, s1</i></p>	<p>“a person who is 16 years of age or over but is under 19 years of age” <i>Source: Child and Family Services Act, SY 2008, c 1, s1</i></p>

Appendix G: Provincial and Territorial Terminology for Neglect

The term ‘neglect’ is not consistently defined in all provincial and territorial statutes, but interchangeable concepts include ‘failure to care and provide for or supervise and protect,’ ‘does not provide,’ ‘refuses or is unavailable or unable to consent to treatment.’ Table 17 identifies terms and/or concepts for neglect according to the respective provincial and territorial jurisdictions. For detailed definitions of neglect according to province and territory, see *Appendix H: Provincial and Territorial Definitions of Neglect*.

Table 17: Provincial and Territorial Terminology for Neglect

Province/ Territory	Provincial and Territorial Terminology for Neglect
Alberta	<ul style="list-style-type: none"> • abandoned • neglect • cruel and unusual treatment or punishment Source: Public Health Agency of Canada (2019, p. 18)
British Columbia	<ul style="list-style-type: none"> • deprivation • abandonment Source: Public Health Agency of Canada (2019, pp. 18-19)
Manitoba	<ul style="list-style-type: none"> • act or omission • lack of adequate care, supervision or control • failure or refusal to provide Source: Public Health Agency of Canada (2019, p. 18)
New Brunswick	<ul style="list-style-type: none"> • lack of adequate care, supervision or control • unfit or improper circumstances • failure or refusal to provide or obtain • neglects or refuses to ensure Source: Public Health Agency of Canada (2019, pp. 19-20).
Newfoundland and Labrador	<ul style="list-style-type: none"> • failure or refusal to obtain or permit • abandonment • left without adequate supervision Source: Public Health Agency of Canada (2019, pp. 19-20)
Northwest Territories	<ul style="list-style-type: none"> • failure to provide or consent to treatment • failure to obtain services or treatment • abandoned • failure to provide or consent to provision of services Source: Public Health Agency of Canada (2019, pp. 19-20).

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Table 17: Provincial and Territorial Terminology for Neglect

Province/ Territory	Provincial and Territorial Terminology for Neglect
Nova Scotia	<ul style="list-style-type: none"> • neglect • substantial risk of neglect Source: Public Health Agency of Canada (2019, p. 21)
Nunavut	<ul style="list-style-type: none"> • failure to provide or consent • failure to provide or consent to treatment • unavailable, unable or unwilling to properly care for the child • malnutrition • abandonment Source: Public Health Agency of Canada (2019, pp. 21-22)
Ontario	<ul style="list-style-type: none"> • failure to provide or consent to treatment • unable to care for child Source: Public Health Agency of Canada (2019, p. 21)
Prince Edward Island	<ul style="list-style-type: none"> • neglect • inadequate supervision or protection • failure to obtain or consent • abandonment • fails to obtain or consent to treatment Source: Public Health Agency of Canada (2019, pp. 23-24)
Quebec	<ul style="list-style-type: none"> • abandoned • neglected, • psychological ill-treatment • do not exercise stable supervision Source: Public Health Agency of Canada (2019, p. 23)
Saskatchewan	<ul style="list-style-type: none"> • need of protection • failure to provide • failure to remedy Source: Public Health Agency of Canada (2019, pp. 23-24)
Yukon	<ul style="list-style-type: none"> • protective intervention • deprivation • prevent imminent serious physical or mental harm • alleviate severe pain • abandonment • failure to provide or consent to services Source: Public Health Agency of Canada (2019, p. 24)

Appendix H: Provincial and Territorial Definitions of Neglect

Each province and territory has unique legislation defining and describing responses to neglect. Table 18 provides provincial and territorial definitions of neglect. Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Alberta	<p>“A child is neglected if the guardian (a) is unable or unwilling to provide the child with the necessities of life, (b) is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or (c) is unable or unwilling to provide the child with adequate care or supervision”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 2 (2.1)</p>
British Columbia	<p>“Neglect is failure to provide for a child’s or youth’s basic needs. It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child or youth. Neglect may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child’s or youth’s physical health, development or safety is, or is likely to be, harmed”</p> <p>Source: Government of British Columbia (2017, p. 25)</p> <p>“Physical Indicators [of neglect include:] [i]njuries where medical care has been unusually delayed or avoided; [i]njuries resulting from a lack of supervision; [m]edical or dental needs that are consistently unattended to; [f]ailure to thrive” in a child where no medical reason has been found; [c]lothing consistently inadequate for weather conditions; [p]ersistent hunger; [p]oor or inadequate nutrition; or [p]oor personal hygiene”</p> <p>Source: Government of British Columbia (2017, p. 28)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
British Columbia	<p>“Behavioural [i]ndicators [of neglect include:] [f]orages for, hoards or steals food; [d]evelopmental delay or setbacks related to a lack of stimulation; [p]oor school attendance; [i]nappropriately takes on a caregiver role for a parent or siblings; [t]ired or unable to concentrate at school; [a]ppears sad or has flat affect; [r]eluctant to go home; speaks of being or appears to be left alone at home a lot, unsupervised; [i]s involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting; or [d]oes not respond to affection or stimulation” Source: Government of British Columbia (2017, p. 29)</p>
Manitoba	<p>“a child is in need of protection where the life, health or emotional well-being of the child is endangered by the act or omission of a person” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, s 71 (1)</p>
New Brunswick	<p>“<i>Physical [n]eglect</i> [occurs w]hen parents or caregivers fail to provide a child's basic needs. Physical neglect might include failing to provide children with proper food, clothing, or shelter. It may also involve lack of attention to, or refusal to provide, proper healthcare treatment. Neglect also happens when a person caring for a child does not, or cannot, control and supervise the child. This includes failing to make the child go to school, or stopping the child from harming himself or others” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Emotional maltreatment [r]efers to both emotional abuse and <i>emotional neglect</i>. This might include repeated attacks on a child's sense of self-worth, insults, isolation, rejection, unrealistic expectations or constant criticism. It might also involve terrorizing a child such as threatening to kill the family pet” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Newfoundland and Labrador	<p>“A child is in need of protective intervention where the child:</p> <p>(a) is being, or is at risk of being, physically harmed by the action or <i>lack of appropriate action by the child’s parent</i>;</p> <p>(c) is being, or is at risk of being, emotionally harmed by the parent’s conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, <i>failure to act or pattern of neglect</i> on the part of the child’s parent;</p> <p>(e) is being, or is at risk of being, sexually abused or exploited by a person and the child’s <i>parent does not protect the child</i>;</p> <p>(f) is being, or is at risk of being, emotionally harmed by a person and the child’s <i>parent does not protect the child</i>;</p> <p>(g) is in the custody of a parent who <i>refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment</i> to be given to the child when recommended by a qualified health practitioner;</p> <p>(h) is <i>abandoned</i>;</p> <p>(i) has no living parent and <i>no adequate provision</i> has been made for the child’s care;</p> <p>(j) has no parent available to care for the child and the <i>parent has not made adequate provision</i> for the child’s care;</p> <p>(k) has <i>no parent able or willing to care for the child</i>;</p> <p>(o) has been left <i>without adequate supervision appropriate to the child’s developmental level</i>; or</p> <p>(p) is actually or apparently under 12 years of age and has</p> <p>(i) allegedly killed or seriously injured another person or has caused serious damage to another person’s property, or</p> <p>(ii) on more than one occasion caused injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing, either with the parent’s encouragement or because the <i>parent does not respond adequately to the situation</i>.</p> <p>Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (1) (a-p)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Northwest Territories	<p>“A child needs protection where</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(c) the child has been sexually molested or sexually exploited by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was <i>unwilling or unable to protect the child</i>;</p> <p>(d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is <i>unwilling or unable to protect the child</i>;</p> <p>(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm</i>;</p> <p>(f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm</i>;</p> <p>(g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition</i>;</p> <p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child</i>;</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Northwest Territories	<p>(i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child</i>;</p> <p>(j) the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's"</p> <p>Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7 (3)</p>
Nova Scotia	<p>"[N]eglect" means the chronic and serious failure to provide to the child (i) adequate food, clothing or shelter, (ii) adequate supervision, (iii) affection or cognitive stimulation, or (iv) any other similar failure to provide"</p> <p>Source: <i>Children and Family Services Act</i>, 1990, s 3 (1) (p)</p>
Nunavut	<p>"A child needs protection where (a) the child has suffered physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(c) the child has been sexually molested or sexually exploited by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was <i>unwilling or unable to protect the child</i>;</p> <p>(d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is <i>unwilling or unable to protect the child</i>;</p> <p>(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm</i>;</p> <p>(f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm</i>;</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Nunavut	<p>(g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent <i>does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;</i></p> <p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child;</i></p> <p>(i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child;</i></p> <p>(j) the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's"</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997, c.13, s 7 (3)</i></p>
Ontario	<p>"failure to adequately care for, provide for, supervise or protect the child, or pattern of neglect in caring for, providing for, supervising or protecting the child"</p> <p>Source: <i>Child, Youth and Family Services Act, 2017, SO 2017, c 14, Sch 1, s 2 (a)</i> (i)</p>
Prince Edward Island	<p>"[F]ailure to provide a child with adequate care and guidance, or other acts of omission by a parent respecting a child, that are inappropriate for the child or likely to be harmful to the child"</p> <p>Source: <i>Child Protection Act, RSPEI 1988, c C-5.1, s 1 (r)</i></p>
Quebec	<p>"[R]efers to (1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs, i. failing to meet the child's basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources; ii. failing to give the child the care required for the child's physical or mental health, or not allowing the child to receive such care; or iii. failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to ensure that the child receives a proper education and, if applicable, that he attends school as required under the <i>Education Act</i> (chapter I-13.3) or any other applicable legislation; or (2) a situation in which there is a serious risk that a child's parents or the person having custody of the child are not providing for the child's basic needs in the manner referred to in subparagraph 1"</p> <p>Source: <i>Youth Protection Act, CQLR c P-34.1, s 38 (b) (1)</i></p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Saskatchewan	<p>“Neglect [refers to] failing to provide a child with enough food, proper clothing, shelter, health care, or supervision” (Government of Saskatchewan, n.d., p. 1). Physical indicators of neglect include: “abandonment; unattended medical or dental needs; lack of supervision; hunger; inappropriate dress; poor hygiene; persistent health conditions (e.g., scabies, head lice, diaper rash or other skin disorder); and developmental delays (e.g., language, weight)” (Government of Saskatchewan, n.d., p. 3). Child behavioural indicators of neglect include: “displays fatigue or listlessness, falls asleep in class; steals food; reports that no caregiver is at home; and frequently absent or late for school” (Government of Saskatchewan, n.d., p. 3).</p> <p>“A child is in need of protection if: (a) <i>as a result of action or omission by the child’s parent:...(iv) medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child; (v) the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; ... (b) there is no adult person who is able and willing to provide for the child’s needs, and physical or emotional harm to the child has occurred or is likely to occur; or (c) the child is less than 12 years of age and: ... (ii) the child’s parent is unable or unwilling to provide for the child’s needs”</i> Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 11</p>
Yukon	<p>“Neglect [is defined as] failing to provide for a child’s basic needs, including essential food, appropriate clothing, shelter, health care or supervision” Source: Yukon Health and Social Services (2017, p. i)</p> <p>Possible physical indicators of neglect include: “abandonment; unattended medical or dental needs; consistent lack of supervision; consistent hunger, inappropriate dress for weather conditions and poor hygiene; persistent and untreated conditions (e.g., scabies, head lice, diaper rash or other skin disorder); and developmental delays (e.g., language, weight)” Source: Yukon Health and Social Services (2017, p. 9)</p> <p>Possible behavioral indicators of neglect include: regularly displays fatigue or listlessness or falls asleep in class; steals food, begs from classmates; reports that no caretaker is at home; frequently absent or late; self-destructive; school drop-outs (adolescents); lack of parental participation; misuse of alcohol or drugs; [and/or] lack of trust in others” Source: Yukon Health and Social Services (2017, p. 9)</p>

Appendix I: Provincial and Territorial Definitions of Physical Abuse

Each province and territory has unique legislation defining and describing responses to physical abuse. Table 19 provides provincial and territorial definitions of physical abuse. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Alberta	<p>“[A] a child is <i>physically injured</i> if there is substantial and observable injury to any part of the child’s body as a result of the non-accidental application of force or an agent to the child’s body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 3 (b)</p>
British Columbia	<p>“Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child or youth. It includes the use of unreasonable force to discipline a child or youth or prevent a child or youth from harming him/herself or others. The injuries sustained by the child or youth may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death. The likelihood of physical harm to a child or youth increases when the child or youth is living in a situation where there is domestic violence by or towards a person with whom the child or youth resides. Domestic violence is a pattern of intentionally coercive and violent behaviour toward an individual with whom there is or has been an intimate relationship. It includes physical abuse such as hitting, slapping, pushing, choking, assault with a weapon, locking out of the house or the threat of physical abuse”</p> <p>Source: Government of British Columbia (2017, p. 23)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Manitoba	<p>“Physical abuse can be a single incident or repeated pattern including: the intentional use of force or pain on any part of a child's body; [and/or] any contact or action that causes physical injuries. Some <i>behavioural signs of physical abuse</i> could include but are not limited to: inconsistent explanation for injuries or cannot remember; wary of adults; flinch if touched unexpectedly; extremely aggressive or extremely withdrawn; feels deserving of punishment; apprehensive when others cry; frightened of parents afraid to go home. Some <i>physical signs of physical abuse</i> could include but are not limited to: injuries not consistent with explanation; numerous injuries in varying stages of recovery or healing; presence of injuries over an extended period of time; facial injuries; and injuries inconsistent with the child's age and developmental phase”</p> <p>Source: Manitoba Child and Family Services (n.d., <i>Physical Abuse</i>)</p>
New Brunswick	<p>“Physical abuse [refers to t]he use of unreasonable force against a child. What is considered reasonable will depend on the age of the child, the severity of the actions and its lack of healthy corrective purpose regarding the child's behaviour. This might include, for example, hitting, slapping, shaking, choking, kicking or burning a child. It also includes any conduct by a caregiver that might put the child's life, health or well-being at risk”</p> <p>Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Signs of [p]hysical [a]buse [include the following:] child has welts, bite marks, unexplained bruises, scars, burns, fractures or head injuries; child runs away from home or will not go home; [and/or] child has repetitive injuries or unattended injuries”</p> <p>Source: Public Legal Education and Information Service of New Brunswick (2007, p. 3)</p>
Newfoundland and Labrador	<p>“action on the part of the parent in which a child/youth sustained or is likely to sustain a physical injury. Injury to the child/youth may be current or may have occurred in the past”</p> <p>Source: Newfoundland and Labrador, Department of Children, Seniors and Social Development (n.d., <i>How Do You Define</i>)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Northwest Territories	<p>“A child needs protection where;</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7.3 (a-b)</p> <p>“any physical injury of a child which is not accidental”</p> <p>Source: Northwest Territories (2012, p. 7)</p>
Nova Scotia	<p>“the intentional use of force on any part of a child's body that results in injury”</p> <p>Source: Government of Nova Scotia (n.d., <i>Physical Abuse</i>)</p>
Nunavut	<p>“A child needs protection where;</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT (Nu) 1997, c.13, s 7.3 (a-b)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/ Territory	Definition of Physical Abuse
Ontario	<p>“any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse”</p> <p>Source: Ontario Association of Children’s Aid Societies (n.d., <i>Physical Abuse</i>)</p>
Prince Edward Island	No definition identified.
Quebec	<p>“[R]efers to (1) a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation; or (2) a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation”</p> <p>Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (e)</p>
Saskatchewan	<p>“Physical abuse [refers to] any action, including discipline, causing injury to the child’s body” (Government of Saskatchewan, n.d., p. 1). Physical indicators include: injuries (bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered; the presence of several injuries over a period of time; any bruising on an infant; facial injuries in preschool children (e.g., cuts, bruises, sores, etc.); and injuries inconsistent with the child’s age and development” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>Behavioural indicators include: “cannot recall how injuries occurred, or offers an inconsistent explanation; reluctant to go home; frequent absences from school; fear of adults; may cringe or flinch if touched unexpectedly; may display a vacant stare or frozen watchfulness; extremely aggressive or withdrawn; [and] extremely compliant and/or eager to please</p> <p>Source: Government of Saskatchewan (n.d, p. 3)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Yukon	<p>“Physical abuse [refers to] any deliberate, non-accidental assault or use of force against a child that results in physical harm. This can include excessive or inappropriate discipline that causes injury to the child’s body” Source: Yukon Health and Social Services (2017, p. i)</p> <p>Possible <i>physical indicators of physical abuse</i> include: “injuries (bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered (e.g., extensive bruising to one area); the presence of several injuries over a period of time; any bruising on an infant; facial injuries in preschool children (e.g., cuts, bruises, sores, etc.); injuries inconsistent with the child’s age and development; [and/or] injuries that form a shape or pattern that resemble the object used to make the injury (e.g., buckle, hand, teeth, cigarette burns)” Source: Yukon Health and Social Services (2017, p. 6)</p> <p>Possible child <i>behavioural indicators of physical abuse</i> include: “cannot recall how injuries occurred, or offers an inconsistent explanation; wary of adults or reluctant to go home, absences from school; may cringe or flinch if touched unexpectedly; may display a vacant stare or frozen watchfulness; extremely aggressive or extremely withdrawn; wears long sleeves to hide injury; extremely compliant and/or eager to please; sad, cries frequently; and describes self as bad and deserving to be punished” Source: Yukon Health and Social Services (2017, p. 6)</p>

Appendix J: Provincial and Territorial Definitions of Sexual Abuse

Each province and territory has unique legislation defining and describing responses to sexual abuse. Table 20 provides provincial and territorial definitions of sexual abuse. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Alberta	<p>“[A] child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 1(3) (c)</p>
British Columbia	<p>“Sexual abuse is when a child or youth is used (or likely to be used) for the sexual gratification of another person. It includes: [t]ouching or invitation to touch for sexual purposes; [i]ntercourse (vaginal, oral or anal); [m]enacing or threatening sexual acts, obscene gestures, obscene communications or stalking; [s]exual references to the child’s or youth’s body/behaviour by words/gestures; [r]equests that the child or youth expose their body for sexual purposes; [d]eliberate exposure of the child or youth to sexual activity or material; and [s]exual aspects of organized or ritual abuse”</p> <p>Source: Government of British Columbia (2017, p. 24)</p> <p>“Sexual exploitation is a form of sexual abuse that occurs when a child or youth engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Sexual activity includes: [p]erforming sexual acts; [s]exually explicit activity for entertainment; [i]nvolvement with escort or massage parlour services; and [a]ppearing in pornographic images. Children and youth living on the street are particularly vulnerable to exploitation”</p> <p>Source: Government of British Columbia (2017, pp. 24-25).</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
British Columbia	<p>“[A] child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be, (a) encouraged or helped to engage in prostitution, or (b) coerced or inveigled into engaging in prostitution.”</p> <p>Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 13 (1) (1.1)</p>
Manitoba	<p>“Sexual abuse is exposing a child to sexual contact, activity or behaviour, including: any sexual touching; [and/or] intercourse, exploitation or exposure. Some behavioural signs of sexual abuse could include but are not limited to: sexual knowledge or play inappropriate to age; sophisticated or unusual sexual knowledge; prostitution; poor peer relationships; delinquent or runaway; reports sexual assault by caretaker; change in performance in school; sleeping disorders; aggressive behavior; and self-harm (ex. cutting, suicide attempts). Some physical signs of sexual abuse could include but are not limited to: unusual or excessive itching in the genital or anal area; stained or bloody underwear; pregnancy; injuries to the vaginal or anal areas; sexually transmitted infections; difficult walking or sitting; pain when peeing; vaginal/penile discharge; excessive masturbation; [and] urinary tract infections”</p> <p>Source: Manitoba Child and Family Services (n.d., <i>Sexual Abuse</i>)</p>
Newfoundland and Labrador	<p>“Sexual Abuse: includes any sexual contact between an individual and a child/youth regardless of whether the sexual contact occurs by force, coercion, duress, and deception or whether the child/youth understands the sexual nature of the activity. Sexual contact includes sexual penetration, touching, harassment, invitation to sexual touching, sexual acts such as exposure, voyeurism, or sexually exploiting the child/youth by involving the child/youth in the sex trade or pornography.”</p> <p>Source: Newfoundland and Labrador, Department of Children, Seniors and Social Development (n.d., <i>How Do You Define</i>)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Northwest Territories	<p>“involving a child in sexual touching or any form of sexual activity. Sexual abuse may also include forcing or allowing a child to watch or look at sexual activity, pornographic materials, or books, magazines or videos containing sexual material that is inappropriate or unsuitable for a child”</p> <p>Source: Northwest Territories (2012, p. 7)</p> <p>“A child needs protection where: (c) the child has been sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child; (d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child.”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7.3 (c-d)</p>
Nova Scotia	<p>“[S]exual abuse” means (i) the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct, or (ii) the use of a child in, or exposure to, prostitution, pornography or any unlawful sexual practice.”</p> <p>Source: <i>Children and Family Services Act</i>, 1990, s 3 (1) (v)</p>
Nunavut	<p>“A child needs protection where: (c) the child has been sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child; (d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child.”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT (Nu) 1997, c.13, s 7.3 (c-d)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Ontario	<p>“Sexual abuse occurs when a child is used for the sexual gratification of an adult or an older child. The child may co-operate because he or she wants to please the adult or out of fear. It includes sexual intercourse, exposing a child’s private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos, or engage in prostitution.”</p> <p>Source: Ontario Association of Children’s Aid Societies (n.d.: <i>Physical Abuse</i>)</p>
Prince Edward Island	<p>“(g) the child has been harmed as a result of being sexually exploited for the purpose of prostitution and the parent has failed or been unable to protect the child; (h) the child is at substantial risk of being sexually exploited for the purpose of prostitution and the parent has failed or been unable to protect the child”</p> <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 9 (g-h)</p>
Quebec	<p>“[S]exual abuse” refers to (1) a situation in which the child is subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, including any form of sexual exploitation, and the child’s parents fail to take the necessary steps to put an end to the situation; or (2) a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, including a serious risk of sexual exploitation, and the child’s parents fail to take the necessary steps to put an end to the situation”</p> <p>Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (d) (1-2)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Saskatchewan	<p>“Sexual abuse [refers to] any action involving a child in sexual exploitation or sexual activity including touching, exposure, using a child in the making of/or viewing pornography” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>“Physical indicators of sexual abuse include: “unusual or excessive itching in the genital or anal area; pregnancy or sexually transmitted infection; [and] injuries to the genital or anal areas (e.g., bruising, swelling or infection)” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>“Behavioural indicators of sexual abuse include: age-inappropriate sexual play with toys, self, others (e.g., replication of explicit sexual acts); age-inappropriate, sexually explicit drawings and/or descriptions; bizarre, sophisticated or unusual sexual knowledge; involvement in sexual exploitation; cruelty to animals; fear of home, excessive fear of adults; [and] depression or other mental health challenges)” Source: Government of Saskatchewan (n.d., p. 3)</p>
Yukon	<p>“[A] child has been or is likely to be sexually abused or exploited if the child has been or is likely to be (a) inappropriately exposed or subjected to sexual contact, activity or behaviour; including prostitution related activities; or (b) encouraged or counselled to engage in prostitution” Source: Child and Family Services Act, SY 2008, c 1, 21 (2) (a-b)</p>

Appendix K: Provincial and Territorial Terminology for Emotional Maltreatment

Each province and territory has unique legislation defining and describing responses to emotional maltreatment, also referred to as: emotional abuse; psychological abuse; emotional harm; emotionally injured; psychological ill treatment; or psychological abuse. Table 21 identifies terminology for emotional maltreatment used by provinces and territories. For detailed provincial and territorial definitions, see *Appendix L: Provincial and Territorial Definitions for Emotional Maltreatment*.

Table 21: Provincial and Territorial Terminology for Emotional Maltreatment

Province/ Territory	Provincial and Territorial Terminology for Emotional Maltreatment
Alberta	<ul style="list-style-type: none"> • emotional injury Source: Public Health Agency of Canada (2019, p. 18)
British Columbia	<ul style="list-style-type: none"> • emotional harm Source: Public Health Agency of Canada (2019, pp. 18-19)
Manitoba	<ul style="list-style-type: none"> • well-being of the child Source: Public Health Agency of Canada (2019, p. 18)
New Brunswick	<ul style="list-style-type: none"> • emotional well-being of the child Source: Public Health Agency of Canada (2019, pp. 19-20)
Newfoundland and Labrador	<ul style="list-style-type: none"> • emotional harm Source: Public Health Agency of Canada (2019, p. 19-20)
Northwest Territories	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, pp. 19-20)
Nova Scotia	<ul style="list-style-type: none"> • emotional abuse • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, p. 21)
Nunavut	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition • emotional or mental well-being Source: Public Health Agency of Canada (2019, pp. 21-22)
Ontario	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, p. 21)

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Table 21: Provincial and Territorial Terminology for Emotional Maltreatment

Province/ Territory	Provincial and Territorial Terminology for Emotional Maltreatment
Prince Edward Island	<ul style="list-style-type: none"> • emotional harm • emotional condition or harm suffered Source: Public Health Agency of Canada (2019, pp. 23-24)
Quebec	<ul style="list-style-type: none"> • psychological ill-treatment Source: Public Health Agency of Canada (2019, p. 23)
Saskatchewan	<ul style="list-style-type: none"> • serious impairment of mental or emotional functioning • emotional harm Source: Public Health Agency of Canada (2019, pp. 23-24)
Yukon	<ul style="list-style-type: none"> • emotional harm • mental harm Source: Public Health Agency of Canada (2019, p. 24)

Appendix L: Provincial and Territorial Definitions for Emotional Maltreatment

Each province and territory has unique legislation defining and describing emotional maltreatment. Table 22 provides provincial and territorial definitions of emotional maltreatment. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 22: Provincial and Territorial Definitions for Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Alberta	<p>“[A] child is emotionally injured (i) if there is impairment of the child’s mental or emotional functioning or development, and (ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of (A) rejection, (A.1) emotional, social, cognitive or physiological neglect, (B) deprivation of affection or cognitive stimulation, (C) exposure to family violence or severe domestic disharmony, (D) inappropriate criticism, threats, humiliation, accusations or expectations of or toward the child, (E) the mental or emotional condition of the guardian of the child or of anyone living in the same residence as the child; (F) chronic alcohol or drug abuse by the guardian or by anyone living in the same residence as the child”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 1(1) (3a)</p>
British Columbia	<p>“[A] child is emotionally harmed if the child demonstrates severe (a) anxiety, (b) depression, (c) withdrawal, or (d) self-destructive or aggressive behaviour.”</p> <p>Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 13 (2)</p> <p>“Reason to believe that a child or youth needs protection from being emotionally harmed may arise due to emotional abuse from a parent. This may range from the parent ignoring to habitually humiliating the child or youth to withholding life-sustaining nurturing. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect. Emotional abuse can include a pattern of: [s]capegoating; [r]ejection; [v]erbal attacks on the child; [t]hreats; [i]nsults; or humiliation. Emotional harm may also be caused by the child or youth living in a situation where there is domestic violence by or towards a person with whom the child or youth resides. Domestic violence may involve physical abuse, threats, verbal insults or psychological abuse such as stalking”</p> <p>Source: Government of British Columbia (2017, p. 4)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
British Columbia (Continued)	<p>“Physical Indicators [of emotional maltreatment include:] [b]ed wetting and/or frequent diarrhea; or [f]requent psychosomatic complaints, headaches, nausea, abdominal pains. Behavioural indicators [of emotional maltreatment include:] [m]ental or emotional development lags; [i]solated and has no friends or complains of social isolation; [b]ehaviours inappropriate for age; [f]ear of failure, overly high standards, reluctant to play; [f]ears consequences of actions, often leading to lying; [e]xtreme withdrawal or aggressiveness, mood swings; [o]verly compliant, too well-mannered; [e]xcessive neatness and cleanliness; [e]xtreme attention-seeking behaviours; [p]oor peer relationships; [s]evere depression, may be suicidal; [r]unaway attempts; [v]iolence is a subject for art or writing; [f]orbidden contact with other children; [s]hows little anxiety towards strangers; or [u]nusual severe anxiety or worries”</p> <p>Source: Government of British Columbia (2017, p. 28)</p>
Manitoba	<p>“Emotional abuse is usually a repeated pattern that includes: repeated exposure to alcohol or drug abuse; repeated verbal attacks, humiliation or rejection; repeated exposure to violence or fighting; forced isolation, restraint or causing fear”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p> <p>“Some behavioural signs of emotional abuse could include but are not limited to: depression; withdrawal or aggressive behavior; overly compliant; too neat and clean; habit disorders (sucking, biting, rocking, etc.); learning disorders; sleep disorders; unusual fearfulness; obsessive compulsive behavior; phobias; harming themselves; extreme behavior; suicide attempts; developmental delays”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p> <p>“Some physical signs of emotional abuse could include but are not limited to: bed-wetting; headaches; nausea; speech disorders; lags in physical development; [and] disruptive behavior”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
New Brunswick	<p>“Emotional maltreatment [r]efers to both emotional abuse and emotional neglect. This might include repeated attacks on a child's sense of self-worth, insults, isolation, rejection, unrealistic expectations or constant criticism. It might also involve terrorizing a child such as threatening to kill the family pet. The law also considers children at risk of emotional abuse if they live in situations of family violence” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Signs of emotional abuse [include]: child is often alone (at home and around the school); child is passive or acts out aggressively; child has low self-esteem; [and] child is depressed or talks of suicide” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p>
Newfoundland and Labrador	<p>“the indicators of emotional harm exhibited or demonstrated by a child may include: depression; significant anxiety; significant withdrawal; self-destructive behaviour; aggressive behaviour; or delayed development” Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (2) (a-f)</p> <p>“parental conduct or living situations that may lead to emotional harm or risk of emotional harm to the child may include: rejection; social deprivation; deprivation of affection; deprivation of cognitive stimulation; subjecting the child to inappropriate criticism, threats, humiliation, accusations or expectations; living in a situation where the mental or emotional health of a parent is negatively affecting the child; living in a situation where a parent is an abuser of alcohol or drugs; or living in a situation where there is violence” Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (3) (a-h)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Northwest Territories	<p>“emotional neglect [refers to] the child's deeper needs for love and affection, a sense of belonging, guidance and stability are not being met” Source: Northwest Territories (2012, p. 7)</p> <p>“emotional abuse [refers to] anything that seriously hurts a child mentally or emotionally. This could include being exposed to constant 'put-downs' and verbal attacks, repeated rejection, or violence in the home” Source: Northwest Territories (2012, p. 7)</p> <p>“(e) the child has demonstrated severe anxiety, depression, withdrawal, self destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm and the child’s parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e), and the child’s parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm; (g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development, and the child’s parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition; (h) the child has been subject to a pattern of neglect that has resulted in physical or emotional harm to the child; (i) the child has been subject to a pattern of neglect and there is a substantial risk that the pattern of neglect will result in physical or emotional harm to the child; (j) the child has been exposed to domestic violence by or towards a parent of the child, the child has suffered physical or emotional harm from that exposure and the child’s parent fails or refuses to obtain services, treatment or healing processes to remedy or alleviate the harm; (k) the child has been exposed to domestic violence by or towards a parent of the child and there is a substantial risk that the exposure will result in physical or emotional harm to the child and the child’s parent fails or refuses to obtain services, treatment or healing processes to prevent the harm;</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Northwest Territories	(l) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (m) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm" Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s3 and s 3 (e-m)
Nova Scotia	"[E]motional abuse" means acts that seriously interfere with a child's healthy development, emotional functioning and attachment to others such as (i) rejection, (ii) isolation, including depriving the child from normal social interactions, (iii) deprivation of affection or cognitive stimulation, (iv) inappropriate criticism, humiliation or expectations of or threats or accusations toward the child, or (v) any other similar acts;" Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (la) (i-v)
Nunavut	(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm; (g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;"

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Nunavut	<p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child; (i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child”</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997, c.13, s 7(3) (e-i)</i></p>
Ontario	<p>“Emotional abuse is a pattern of behaviour that attacks a child’s emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on a child beyond his or her capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the child. It may also include exposure to domestic violence.”</p> <p>Source: Ontario Association of Children’s Aid Societies (n.d.: <i>Physical Abuse</i>)</p>
Prince Edward Island	<p>“(k) the child has suffered emotional harm inflicted by a parent, or by another person, where the parent knew or ought to have known that the other person was emotionally abusing the child and the parent failed to protect the child; (l) the child is at substantial risk of suffering emotional harm caused by a parent, or by another person, where the parent knew or ought to have known, that the other person was emotionally abusing the child and the parent failed to protect the child; (m) the child has suffered physical or emotional harm caused by being exposed to domestic violence by or towards a parent; (n) the child is at substantial risk of suffering physical or emotional harm caused by being exposed to domestic violence by or towards a parent; (o) the child requires specific medical, psychological or psychiatric treatment to cure, prevent or ameliorate the effects of a physical or emotional condition or harm suffered, and the parent does not, or refuses to, obtain treatment or is unavailable or unable to consent to treatment; (p) the child suffers from a mental, emotional or developmental condition that, if not addressed, could seriously harm the child and the parent does not or refuses to obtain treatment or is unavailable or unable to consent to services or treatment to remedy or ameliorate the effects of the condition”</p> <p>Source: <i>Child Protection Act, RSPEI 1988, c C-5.1, s 9 (k-p)</i></p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Quebec	<p>“[P]sychological ill-treatment” refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child’s parents or another person that could cause harm to the child, and the child’s parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, excessive control, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child’s capacity, and exposure to conjugal or domestic violence;”</p> <p>Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (2) (c)</p>
Saskatchewan	<p>“(ii) the child has suffered or is likely to suffer a serious impairment of mental or emotional functioning; (v) the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; or (vi) the child has been exposed to interpersonal violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child”</p> <p>Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 11 (a) (ii, v, vi)</p>
Yukon	<p>“[A] child has been, or is likely to be, emotionally harmed by the conduct of a parent or other person if the parent or other person demonstrates a pattern of behaviour that is detrimental to the child’s emotional or psychological well-being.”</p> <p>Source: <i>Child and Family Services Act</i>, SY 2008, c 1, s 21 (3)</p>

Appendix M: Provincial and Territorial Treatment of Least Disruptive Measures

Table 23 provides a summary of “whether or not [provincial and territorial CFS agencies may offer, should offer, or must consider, or must offer family support services as a least disruptive measure prior to the removal of a child from their family” (Shangreau, 2004, pp. 30-31). Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Table 23: Provincial and Territorial Provisions of Family Support Services as a Least Disruptive Measure

Province/ Territory	“May Offer” Family Support Services	“Should Offer” Family Support Services	“Must Consider” Family Support Services	“Must or Shall Offer” Family Support Services
Alberta	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
British Columbia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Manitoba	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Brunswick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Newfoundland and Labrador	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Northwest Territories	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nova Scotia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nunavut	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ontario	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prince Edward Island	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quebec	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saskatchewan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yukon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Shangreaux (2004, pp. 30-31)

There is lack of consistency across legislation in the specification of the types of family support services that a CFS agency “*may, should, must consider, must or shall offer* as a least disruptive measure” (Shangreaux, 2004, p. 31). Various least disruptive measures and/or family support services that are identified in provincial and territorial CFS legislation include: “family

counseling, guidance and assessment; in-home support, parent aides; child care, respite care; parenting programs; services for improving the family’s financial situation; services for improving the family’s housing; drug or alcohol treatment and rehabilitation; mediation of disputes; services to assist the family to deal with the illness of a child or a family member; and other services agreed to by the agency and the person who has lawful custody of the child” (Shangreaux, 2004, p. 31).

Table 24: Alberta—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The family as the basic unit of society and its well-being should be supported and preserved; further, the family has the right to the least invasion of its privacy and interference with its freedom.”
Provision of Services and Family Preservation	“If it is not inconsistent with the protection of a child who may be in need of protective services, the child’s family should be referred to community resources for services that would support and preserve the family and prevent the need for any other intervention under this Act...Agencies may enter into support agreement with families to prevent the removal of a child.”
Least Disruptive Alternatives and Family Preservation	“If protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family insofar as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family.”
Least Disruptive Alternatives and Removal of Child	“A child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security or development of the child.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.	

Source: Shangreaux (2004, pp. 30-31).

Table 25: British Columbia—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“A family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents.”
Provision of Services and Family Preservation	“Agencies have a responsibility to integrate the planning and delivery of preventative and support services to families and children. “
Least Disruptive Alternatives and Family Preservation	“If a child needs protection, after the assessment, the director may offer support services to the child and family...The plan of care developed by means of a family conference must include the director’s consent and may include provision for services to support and assist the family and to make the family safe for the child.”
Least Disruptive Alternatives and Removal of Child	“At a presentation hearing relating to the removal of a child under section 30, the director must present to the court a written report that includes information about any less disruptive measures considered by the director before removing the child.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.	

Source: Shangreaux (2004, pp. 32-33).

Table 26: Manitoba—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	The family is the basic unit of society and its well-being should be supported and preserved. Families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibility of society.
Provision of Services and Family Preservation	Families are entitled to receive preventive and supportive services directed to preserving the family unit...every agency shall: provide family counseling, guidance and other services to families for the prevention of circumstances requiring the placement of children in protective care or in treatment programs.
Least Disruptive Alternatives and Family Preservation	Child protective services must consider the child's best interests, including the child's sense of continuity and need for permanency with the least possible disruption.
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux's (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.	

Source: Shangreaux (2004, p. 33).

Table 27: New Brunswick—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Whereas it is recognized that the basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom.”
Provision of Services and Family Preservation	“The Minister may enter into an agreement with the parent of the child that specifies what is and what is not to be done to ensure that the security or development of the child is adequately protected.”
Least Disruptive Alternatives and Family Preservation	“Where the Minister places a child under protective care he shall make adequate provision for his care, and he may leave the child in his own home and may provide social services when the provision of social services is adequate to ensure his proper care...Legislation also allows for orders of supervision.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, p. 33).

Table 28: Newfoundland and Labrador—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The family is the basic unit of society, health and wellbeing of the child; services shall be provided using the least intrusive means of intervention.”
Provision of Services and Family Preservation	“Prevention activities are integral to the promotion of the safety, health and well-being of a child; families shall be provided, to the extent possible, with services which support the safety, health and well-being of their children.”
Least Disruptive Alternatives and Family Preservation	“Where a child is in need of protective intervention; the director or social worker must take into consideration whether or not the child’s safety could be assured without removing the child with the provision of protective intervention services. “
Least Disruptive Alternatives and Removal of Child	“Prior to the removal of a child, the director or social worker must believe that a less intrusive course of action is not available.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 30-31).

Table 29: Northwest Territories and Nunavut—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Whereas the family is the basic unit of society and its well-being should be supported and promoted.”
Provision of Services and Family Preservation	“Children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family. The Director may enter into a written agreement ... to support and assist that person’s family to care for the child.”
Least Disruptive Alternatives and Family Preservation	“The application of best interests guidelines include the consideration of: the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent. A plan of care for a child may include provision for support services to make the child’s home safe for the child.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 30-31).

Table 30: Nova Scotia—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The family exists as the basic unit of society, and its well-being is inseparable from the common well-being. The basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom that is compatible with their own interests and of society’s interest in protecting children from abuse and neglect...and whereas parents or guardians have responsibility for the care and supervision of their children and children should only be removed from that supervision, either partly or entirely, when all other measures are inappropriate. “
Provision of Services and Family Preservation	“Among other functions, an agency is to: (a) work with other community and social services to prevent, alleviate and remedy the personal, social and economic conditions that might place children and families at risk; (b) provide guidance, counselling and other services to families for the prevention of circumstances that might require intervention by an agency; and (c) develop and provide services to families to promote the integrity of families, before and after intervention pursuant to this Act.”
Least Disruptive Alternatives and Family Preservation	“The Minister and the agency shall take reasonable measures to provide services to families and children that promote the integrity of the family...using the least intrusive means of intervention and, in particular, to enable a child to remain with the child’s parent or guardian or be returned to the care of the child’s parent or guardian.”
Least Disruptive Alternatives and Removal of Child	“An agency shall not enter into a temporary-care agreement unless the agency...is satisfied that no less restrictive course of action, such as care in the child’s own home, is appropriate for the child in the circumstances...The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family...[have failed, are refused or are inadequate to protect the child].”

Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive

Source: Shangreaux (2004, pp. 34-35).

Table 31: Ontario—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“To recognize that while parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent...To recognize that the least disruptive course of action that is available and is appropriate in a particular case to help a child should be considered.”
Provision of Services and Family Preservation	“The functions of a children’s aid society include a duty to provide guidance, counseling and other services to families for protecting children or the prevention of circumstances requiring the protection of children. “
Least Disruptive Alternatives and Family Preservation	“A society shall not make a temporary care agreement unless the society is satisfied that no less disruptive course of action, such as care in the child’s own home, is appropriate for the child in the circumstances.”
Least Disruptive Alternatives and Removal of Child	“Least disruptive alternatives preferred: The court shall not make an order removing the child from care of the person who had charge of him or her immediately before intervention under this Part unless the court is satisfied that alternatives that are less disruptive to the child, including non-residential services and the assistance referred to in subsection (2), would be inadequate to protect the child.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 35-36).

Table 32: Prince Edward Island—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Parents have the right and responsibility for the care and supervision of their children, and children should only be removed from that care and supervision when other measures have failed or are inappropriate. The rights of children, families and individuals are guaranteed by the rule of law, intervention into the affairs of individuals and families should be governed by law so as to protect those rights and preserve the autonomy and integrity of the family wherever possible.”
Provision of Services and Family Preservation	“Where the Director concludes, after an investigation, that a child is in need of protection, the Director may offer child welfare services to the parent.”
Least Disruptive Alternatives and Family Preservation	“The Director may apprehend a child, where there are reasonable grounds to believe that...a less intrusive course of action will not adequately protect the health or safety of the child. “
Least Disruptive Alternatives and Removal of Child	“The Court requires that the Director provide evidence that...a less intrusive course of action will not adequately protect the health or safety of the child.”
Note: Categories one through four were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 30-31).

Table 33: Quebec—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The primary responsibility for the care, maintenance and education of a child and for ensuring his supervision rests with his parents...every decision made under this Act must contemplate the child’s remaining with his family. “
Provision of Services and Family Preservation	“The director may propose as voluntary measures that may be included in an agreement (a) that the child remain with his family and that the child’s parents report periodically to the director on the measures they apply in their own regard or in their child’s regard to put an end to the situation in which the security or development of the child is in danger; (b) that the child and the child’s parents undertake to take an active part in the application of the measures designed to put an end to the situation in which the security or development of the child is in danger; (f) that a person working for an institution or body provide aid, counseling or assistance to the child and the child’s family. “
Least Disruptive Alternatives and Family Preservation	“The director shall periodically review the case of every child whose situation he has taken in charge. He shall, where applicable, satisfy himself that every measure designed to ensure the child’s return to his parents is taken, if such a return is in his interest, or ensure that the child has living conditions appropriate to his needs and his age.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 36-37).

Table 34: Saskatchewan—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner.”
Provision of Services and Family Preservation	“The Minister may provide family services to, or for, the benefit of a parent or a child where the minister considers them essential to enable the parent to care for the child; a director may enter into an agreement with the parent for the provision of family services. “
Least Disruptive Alternatives and Family Preservation	“Where, on investigation, an officer concludes that a child is in need of protection, the officer shall take all reasonable steps that he or she considers necessary to provide for the safety of the child, including, the offer of family services where practicable.”
Least Disruptive Alternatives and Removal of Child	N/A

Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive

Source: Shangreaux (2004, pp. 30-31).

Table 35: Yukon—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

It is the policy of the Minister and the director to supply services as far as is reasonably practicable to promote family units and to diminish the need to take children into care or to keep them in care.

Source: Shangreaux (2004, pp. 30-31).

Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Please note that the following is not an exhaustive list of amendments and non-legislative changes to provincial and territorial child welfare legislation and regulatory provisions for the period from 2006 through 2019. Individuals are advised to consult the respective provincial and territorial statutes and regulatory provisions for a complete and up to date list of amendments and non-legislative changes affecting the provision of child welfare services.

Table 36: Alberta—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description of Amendment/Regulatory Change
2018	<ul style="list-style-type: none"> • added “First Nation Individual” which means an Indian as defined in the <i>Indian Act</i> (Canada)” • added “Indigenous [which] includes First Nations, Metis and Inuit” • “domestic violence” substituted with “family violence” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1(1.1) (m)
2013-2018	<ul style="list-style-type: none"> • “[amendments to]provisions regarding the rights of previous caregivers who seek to become guardians of a child • changes to the quality assurance provisions of the <i>Act</i> • [amendments to]provisions permitting children of any age to appeal court decisions made under the <i>Act</i> (previously, only children over the age of 12 had a right of appeal) • changes to the appeals panel hearing appeals of decisions of directors • [amendments to] provisions regarding publication bans where a child is deceased • removal of the requirement of “willfulness” in the offence of causing a child to be in need of protection” Source: Public Health Agency of Canada (2019, p. 4)

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Table 36: Alberta—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description of Amendment/Regulatory Change
2013-2018	<ul style="list-style-type: none"> • Implementation of the Child Intervention Practice Framework • “The Framework outlines principle-based practice for child intervention. Practice Strategies supporting this Framework were implemented in 2014. These strategies guide decision-making for caseworkers from initial contact with the family, and support the “slowing down” of the Intake and Investigation to better service the needs of families. The Strategies require caseworkers to focus on kinship as priority to reduce trauma, loss and grief for the child, to involve extended family and cultural connections early in the process to build sustainable safety plans, and to ensure children in care maintain connections to family, community and culture” <p>Source: Public Health Agency of Canada (2019, p. 8)</p> <ul style="list-style-type: none"> • Adoption of Collaborative Service Delivery • “This province-wide initiative focuses on improved assessment, collaboration, and engagement with service providers and families, with a focus on prioritizing improved outcomes for at-risk children, youth and families. It supports the implementation of the Casework Practice Model and compliments the core principles of Signs of Safety.” <p>Source: Public Health Agency of Canada (2019, p. 8)</p>
2006	<ul style="list-style-type: none"> • Drug Endangered Children Act, 2006: “[S]tates that children under 18 who are exposed to drug manufacture and trafficking are victims of abuse and require protection.” <p>Source: Gough (2006, p. 2)</p>

Table 37: British Columbia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “[A]mendments to p]rovisions allowing the director to make an agreement with prospective adoptive parents to care for a child; • [amendments to p]rovisions permitting agreements for services to children over 19 years of age • [c]hanges to the grounds for protection to include emotional harm caused by living in a situation where there is domestic violence, and to clarify that the presence of domestic violence increases the risk of physical harm to a child • [ch]anges to the possible responses to a report that a child needs protection, in order to allow for services to be provided without a determination that the child is in need of protection • [c]hanges to the provisions regarding restraining orders • [c]hanges to allow for children to be placed in the permanent custody of someone other than their parent” <p>Source: Public Health Agency of Canada (2019, p. 4)</p>
2018	<ul style="list-style-type: none"> • Child, Family, and Community Service Amendment Act, 2018 <ul style="list-style-type: none"> • Consists of a number of amendments designed to “reduce the over-representation of Indigenous children in the child-welfare system by increasing the involvement of Indigenous communities in child welfare decisions.” • Includes changes to the definitions, principles and rights section of the <i>Act</i> [which] clarify and recognize: the shared responsibility of Indigenous families and Indigenous communities in caring for their children (Guiding principles, Section 2); the impact of residential schools (Service delivery principles, Section 3); and the definition of the “best interest of a child test” to include the importance of a child belonging to, learning about and practicing their Indigenous traditions, customs and language.” <p>Source: Federation of Community Social Services of British Columbia. (2018, n.p)</p>

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Table 37: British Columbia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2015	<p>“In May 2015, the province imposed a moratorium on the use of hair-strand drug and alcohol testing in child protection cases, following the discovery of concerns regarding the reliability of testing conducted at the Motherisk Lab at the Hospital for Sick Children in Toronto.”</p> <p>Source: Public Health Agency of Canada (2019, p. 8)</p>
2006	<ul style="list-style-type: none"> • Representative For Children And Youth Act, 2006 <ul style="list-style-type: none"> • “The <i>RCY Act</i> was enacted to improve services for children, youth and families receiving services in three areas...found to be deficient following the 2001-2002 core services review: advocacy for children and youth; the monitoring of government’s performance in protecting and providing services; for children and youth; and the system for reviewing child deaths, including how these reviews are addressed within the [Ministry of Child and Family Services].” <p>Source: British Columbia. Representative for Children and Youth. (n.d, <i>Backgrounder</i>).</p>

Table 38: Manitoba—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2019	<ul style="list-style-type: none"> • Announce in 2017, the Government of Manitoba is in the process of reviewing the province’s system child welfare. Four key areas of reform are: <ul style="list-style-type: none"> • [the development of] a community-based prevention model through the implementation of four demonstration sites; • [the creation of] opportunities for lifelong connections for children by introducing innovative and evidence-based reunification and permanence strategies (including customary care and subsidized adoption); • [the implementation of] block funding pilots to provide child and family services agencies to have much more flexibility in using funds to support families and prevent children from coming into care; and • a comprehensive review of Manitoba’s legislative framework including the <i>Child and Family Services Act</i> and the <i>Child and Family Services Authorities Act</i>. <p>Source: Public Health Agency of Canada (2019, p. 50)</p>
2013-2018	<p>No significant amendments to either statute during this period Source: Public Health Agency of Canada (2019, p. 4)</p>

Table 39: New Brunswick—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2016-2018	<p>“[A number of amendments] relating to the release of confidential information, particularly concerning adoptions” Source: Public Health Agency of Canada (2019, p. 5)</p>
2016	<p>“In March 2016, New Brunswick ended the use of hair-strand tests for drug and alcohol in child protection cases. The province cited concerns about the overall reliability of such tests, following the discovery of serious problems with the testing performed by the Motherisk Lab at the Hospital for Sick Children in Toronto.” Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 40: Newfoundland and Labrador—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2019	<p>On June 28, 2019 the <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3 came into force.</p> <ul style="list-style-type: none"> • “The new <i>Children, Youth and Families Act</i> which replaces the <i>Children and Youth Care and Protection Act</i>, is child and youth-centred, family-focused and culturally responsive. The new <i>Act</i> enhances the focus on maintaining children and youth within families where it is safe to do so and expands opportunities to create permanency for children and youth who are declared in need of protective intervention.” • “[The <i>Act</i>] contains significant updates aimed at strengthening service delivery to Indigenous children, youth and their families by recognizing the importance of preserving an Indigenous child or youth’s cultural identity, and providing for the involvement of Indigenous governments and organizations in decisions that will keep children safe, and where possible, at home with their families and culture.” • “[E]xpands the identification and support of youth in need of protection by increasing the scope of the duty to report to include youth aged 16-17, and removing restrictions so that all youth under a voluntary Youth Services Agreement can receive services until their 21st birthday.” <p>Source: Newfoundland and Labrador. Ministry of Children, Seniors and Social Development. (2019, n.p)</p>
2013	<p>“In 2013, the province implemented a mandatory decision-making framework for child protection, the Risk Management Decision Making Model. In 2016, a plan was put in place to transition from the Risk Management Decision Making Model to the Structured Decision Making Model, which was adapted for use in Newfoundland and Labrador.”</p> <p>Source: Public Health Agency of Canada (2019, p. 13)</p>

Table 41: Northwest Territories—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2016-2017	<p>“The province implemented the Structured Decision-Making System for Child Protection, which was adapted to serve the people and context of the NWT. Four of the six SDM tools were implemented between January 2016 and March 2017.”</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>
2016	<ul style="list-style-type: none"> • Revisions which came into force in 2016 included: <ul style="list-style-type: none"> • “[a] new definition of youth and protections and services available to youth; • [a] new provision requiring the Director to notify a child and the child’s parents of the right to be represented by legal counsel; • [a] new provision providing for mediation and other alternative dispute mechanisms; • [t]he extension of services to age 23 for permanent custody youth to support independent living; • [a]mended criteria for determining when a child or youth needs protection as it relates to domestic violence and prostitution; • [a] new provision requiring notification of Aboriginal organizations of orders relating to Aboriginal children, and permitting the organizations’ participation in hearings; • [t]ime limits for temporary custody, depending on the child’s age; [and a] • new provision requiring a review of the Child and Family Services Act every five years.” <p>Source: Public Health Agency of Canada (2019, p. 5)</p> <ul style="list-style-type: none"> • “Amendments in 2016 provided that exposure to domestic violence no longer has to be “repeated”; prostitution and prostitution-related acts are now set out in the grounds for intervention.” <p>Source: Public Health Agency of Canada (2019, p. 20)</p>
2014	<p>“The Building Stronger Families Action Plan was implemented by the Department of Health and Social Services in 2014 to improve and enhance the child and family services system in the NWT. This Action Plan has led to the establishment of a new accountability framework, manual revisions, and information system replacement. The 2016 changes to the legislation were also part of this Action Plan.”</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 42: Nova Scotia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “The grounds of intervention have expanded in the last five years. Some of the specificity of the subsections was changed to allow a broader interpretation of the statute. For example, the previous subsection on domestic violence was revised to remove the requirements that the abuse be repeated, that it have occurred in the home, and that there be demonstrated harm as a result. “ <p>Source: Public Health Agency of Canada (2019, p. 22)</p>
2017	<ul style="list-style-type: none"> • “[Amendments that came into effect in 2017] include: <ul style="list-style-type: none"> • [e]xpansion of the definition of a child in need of protective services, to allow services to be provided in more cases; • [p]rovisions to encourage permanency for children in care; • [p]rovisions to allow voluntary services to be provided to children between 16 and 18 years old; • [p]rovisions defining the duty to report; • [p]rovisions allowing social workers to interview a child without parental consent; and • [p]rovisions emphasizing the importance of a child’s culture.” <p>Source: Public Health Agency of Canada (2019, p. 6)</p>
2016	<p>“In May 2016, Nova Scotia suspended use of hair-strand drug and alcohol tests in child protection cases. This came in response to the discovery of serious flaws in hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children. Nova Scotia hair samples had been tested at labs in Toronto, including the Motherisk Lab, prior to the suspension of testing by the government. “</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 43: Nunavut—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “[S]ubstantive revisions to the Act [which] came into force in 2014...include: <ul style="list-style-type: none"> • [n]ew provisions which require the Act to be administered and interpreted so as to reflect specific Inuit societal values; • [n]ew provisions setting limits for the amount of time in which children can be in temporary care; • [a]mendments extending the age at which a youth can no longer receive voluntary services from 18 to 26; • [a] prohibition on maliciously making a false report claiming a child needs or may need protection; • [t]he addition of new grounds for a finding that a child is in need of protection: exposure to or involvement in child pornography, repeated exposure to family violence, and significant contact with a person who possesses child pornography; • [a] requirement that the Director respond within 60 days to recommendations of coroner’s inquests following deaths of children in care; and • a requirement that the Minister table the Director’s annual report before the Legislative Assembly.” <p>Source: Public Health Agency of Canada (2019, p. 6)</p> <ul style="list-style-type: none"> • “New grounds of intervention were added: exposure to or involvement in child pornography; repeated exposure to family violence; and significant contact with a person who possesses child pornography. “ <p>Source: Public Health Agency of Canada (2019, p. 22)</p>

Table 44: Ontario—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2018	<ul style="list-style-type: none"> • A number of changes came into force in 2018, impacting four key areas: “prevention and protection, quality improvement, governance and accountability, and relationships with First Nations, Inuit and Métis peoples.” Source: Ontario Ministry of Children, Community and Social Services (n.d.: <i>Legislation</i>) • Revisions included: <ul style="list-style-type: none"> • “[a] new Preamble, new purposes of the legislation, and changes to the best interests test; • [r]ecognition of Jordan’s Principle and the UN Declaration on the Rights of Indigenous Peoples; • [p]rovisions requiring agencies to pursue plans for customary care for First Nations, Inuk or Métis children; • [r]aising the age of protection from 16 to 18; • [p]rovisions permitting the apprehension and return of children subject to interprovincial child protection proceedings; • [i]mproved oversight of service providers; [and u]pdated language, including “extended society care” in place of “Crown wardship <p>Source: Public Health Agency of Canada (2019, p. 6)</p> <ul style="list-style-type: none"> • “The new legislation removed “abandonment” as a ground for intervention, and added the ground for children aged 16 and 17 (“the child is 16 or 17 and a prescribed circumstance or condition exists”). Source: Public Health Agency of Canada (2019, p. 6) • “Part X is a new section of the <i>Child, Youth and Family Services Act</i>. It sets out a legislative privacy framework for Ontario’s child and youth sector. Once it comes into effect on January 1, 2020, it will establish new rules for the collection, use, and disclosure of, and access to, personal information held by ministry-funded and licensed service providers.” Source: Ontario Ministry of Children, Community and Social Services (n.d., <i>Part X: Personal Information</i>)
2016	<p>“In 2016, Ontario implemented new Child Protection Standards governing the work of child protection workers. It also revised the province’s Eligibility Spectrum, which is designed to assist children’s aid society staff in making consistent and accurate decisions about eligibility for service at the time of referral.” Source: Source: Public Health Agency of Canada (2019, p. 9)</p>

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Table 44: Ontario—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2015	“In April 2015, the Ontario government issued a policy directive to all children’s aid societies, requiring them to cease using or relying on hair-strand drug and alcohol testing in child protection services. This was in response to the discovery of serious problems with the reliability of hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children.” Source: Public Health Agency of Canada (2019, p. 9)

Table 45: Prince Edward Island—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2017	<ul style="list-style-type: none"> “In 2017, the Act was amended to allow a court to admit certain forms of hearsay, including hearsay evidence of the child who is the subject of the hearing.” Source: Public Health Agency of Canada (2019, p. 7)
2016	<ul style="list-style-type: none"> “In 2016, the province implanted a “HUB” model for dealing with high-risk cases. Representatives from key government and community groups that work with families in crisis come together at what is called a “situation table”. Cases involving multiple risk factors cutting across disciplines and departments are brought to this situation table to determine the required level of risk response. The group connects the individuals and families to services and coordinated collaborative interventions. This model is intended to prevent apprehensions or calls to police through information-sharing and collaborative responses.” Source: Public Health Agency of Canada (2019, p. 10)
2016	<p>“In November 2016, the advisory committee made sixty-six recommendations based on what Islanders had to say about protecting children in PEI that fall into the two broad categories: service delivery and public policy. The government stated that it will act on the recommendations beginning with six priority areas to improve accountability and further enhance front-line service delivery. They identified six priority areas: 1) Strengthen the voices of children. 2) Increase supports for grandparents as primary caregivers. 3) Improve data collection, analysis and reporting processes related to outcomes for children. 4) Address legislative changes required to better protect the interest of the child. 5) Implement an evidence-based decision-making model to support the delivery of consistent and thorough child protection services. 6) Develop a social policy framework for better accountability and integrated collaboration.”</p> Sources: Public Health Agency of Canada (2019, p. 52); Prince Edward Island Family and Human Services (2016, n.p.)
2015	<p>“In November 2015, the Minister of Family and Human Services appointed an advisory committee to carry out a review of the Child Protection Act.”</p> Source: Public Health Agency of Canada (2019, p. 52)

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Table 45: Prince Edward Island—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013	<ul style="list-style-type: none"> <li data-bbox="513 384 1515 527">• “In 2013, the Act was amended to permit the Director of Child Protection to disclose information required for an investigation or inquest under the Coroner’s Act.” Source: Public Health Agency of Canada (2019, p. 7) <li data-bbox="513 569 1515 863">• “In December 2013, a formalized protocol was developed between the province’s Child Protective Services and the Mi’kmaq Confederacy of PEI. This protocol provides clarity on roles, responsibilities and procedures in the delivery of child protection services involving PEI First Nation children and families. The goal of the protocol is to ensure child protection services are provided to PEI First Nation children and families in a manner that preserves and promotes the Aboriginal cultural identity of children and families.” Source: Public Health Agency of Canada (2019, p. 10)

Table 46: Quebec—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “The definition of “psychological ill-treatment” was amended to include situations in which a child is subjected to “excessive control.” Source: Public Health Agency of Canada (2019, p. 23)
2017	<ul style="list-style-type: none"> • “Amendments that came into force in 2017 include: <ul style="list-style-type: none"> • [t]he inclusion of cultural identity as a best interests factor; • [r]equirements that placements for Indigenous children attempt to preserve their cultural identity; and • [p]rovisions requiring child protection services to inform Indigenous communities when a child is removed, and to seek the communities’ cooperation.” Source: Public Health Agency of Canada (2019, p. 7)

Table 47: Saskatchewan—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “An explicit reference to sexual exploitation was added, and “domestic violence” was changed to “interpersonal violence”. Source: Public Health Agency of Canada (2019, p. 24)
2017	<ul style="list-style-type: none"> • Amendments to the <i>Act</i> in 2017 included: <ul style="list-style-type: none"> • “[p]rovisions establishing the criteria for the disclosure of personal information;[and] • provisions clarifying the requirements for agreements delegating the Minister’s powers to provide child protection services to Aboriginal bands and organizations.” Source: Public Health Agency of Canada (2019, p. 7)
2014	<p>“In 2014, changes were made to the Saskatchewan Child Abuse Protocol in order to enhance the province’s coordinated and integrated approach to child abuse investigations, while clarifying responsibilities for protecting children. The duty to report suspected child abuse was clarified, and the protocol was shortened and made more user-friendly.”</p> Source: Public Health Agency of Canada (2019, p. 10)
2013	<p>“Effective October 2013, the Ministry began a pilot for a Flexible Response program. The model allows for different responses to reports of child abuse and neglect depending on the level of urgency and severity. The pilot is being expanded to the south service area before it is rolled out province-wide.”</p> Source: Public Health Agency of Canada (2019, p. 10)
2012	<p>“The new Structured Decision Making (SDM) Model was implemented across the province and in two First Nation child and family services agencies in June 2012. “</p> Source: Public Health Agency of Canada (2019, p. 10)
2011	<p>“The first HUB program in Canada, where child welfare agencies work with other social service agencies and police to identify and intervene with families at risk, was started in Prince Albert in 2011. This model has expanded throughout Saskatchewan since [2011].”</p> Source: Public Health Agency of Canada (2019, p. 10)

Table 48: Yukon—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<p>“Non-legislative changes in recent years include increased use of family group conferencing; Integrated Supports for Yukon Youth, a pilot project providing one-stop after-hours access to a variety of government services, including child protective services; and expansion of Family Support Services and preventative programming.”</p> <p>Source: Public Health Agency of Canada (2019, p. 11)</p>
2008	<p>“There have been no significant [legislate] amendments since [the Act] came into force.”</p> <p>Source: Public Health Agency of Canada (2019, p. 7)</p>

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