

Child Protection with Aboriginal Populations

**PART X
INDIAN AND NATIVE CHILD AND FAMILY SERVICES**

Definition

208.In this Part,

“customary care” means the care and supervision of an Indian or native child by a person who is not the child’s parent, according to the custom of the child’s band or native community. R.S.O. 1990, c. C.11, s. 208.

Designation of native communities

209.The Minister may designate a community, with the consent of its representatives, as a native community for the purposes of this Act. R.S.O. 1990, c. C.11, s. 209.

Agreements with bands and native communities

210.The Minister may make agreements with bands and native communities, and any other parties whom the bands or native communities choose to involve, for the provision of services. R.S.O. 1990, c. C.11, s. 210.

Designation of child and family service authority

211.(1)A band or native community may designate a body as an Indian or native child and family service authority.

Agreements, etc.

(2)Where a band or native community has designated an Indian or native child and family service authority, the Minister,

(a) shall, at the band’s or native community’s request, enter into negotiations for the provision of services by the child and family service authority;

(b) may enter into agreements with the child and family service authority and, if the band or native community agrees, any other person, for the provision of services; and

(c) may designate the child and family service authority, with its consent and if it is an approved agency, as a society under subsection 15 (2) of Part I (Flexible Services). R.S.O. 1990, c. C.11, s. 211.

Subsidy for customary care

212.Where a band or native community declares that an Indian or native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child. R.S.O. 1990, c. C.11, s. 212.

Consultation with bands and native communities

213.A society or agency that provides services or exercises powers under this Act with respect to Indian or native children shall regularly consult with their bands or native communities about the provision of the services or the exercise of the powers and about matters affecting the children, including,

(a) the apprehension of children and the placement of children in residential care;

(b) the placement of homemakers and the provision of other family support services;

(c) the preparation of plans for the care of children;

(d) status reviews under Part III (Child Protection);

(e) temporary care and special needs agreements under Part II (Voluntary Access to Services);

(f) adoption placements;

(g) the establishment of emergency houses; and

(h) any other matter that is prescribed. R.S.O. 1990, c. C.11, s. 213.

Consultation in specified cases

213.1 A society or agency that proposes to provide a prescribed service to a child who is an Indian or native person or to exercise a prescribed power under this Act in relation to such a child shall consult with a representative chosen by the child’s band or native community in accordance with the regulations. 2006, c. 5, s. 43.

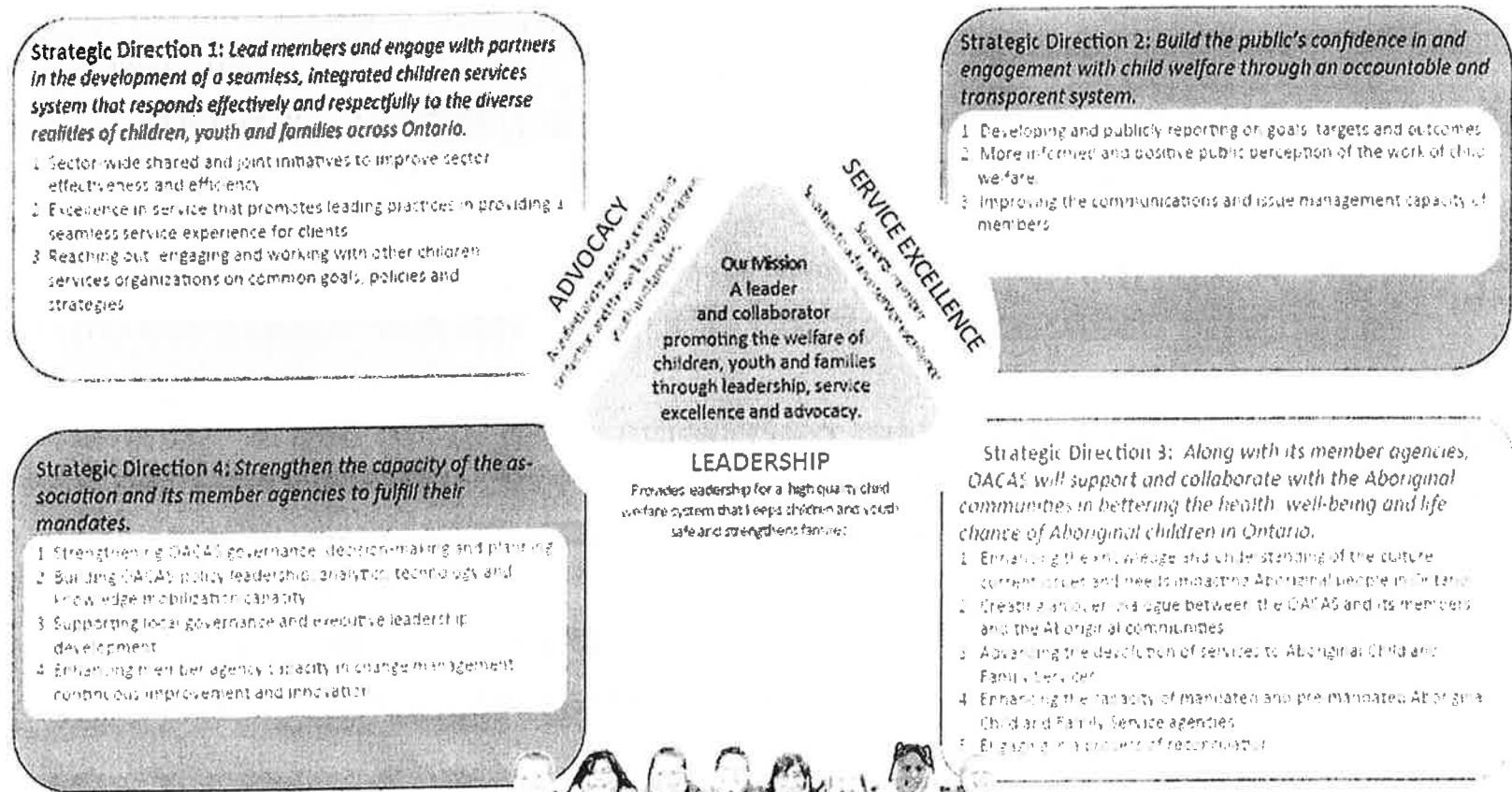
- f) a description of the arrangements made or being made to recognize the importance of the child's culture and to preserve the child's heritage, traditions and cultural identity. R.S.O. 1990, c. C.11, s. 56; 2006, c. 5, s. 12.
- **where child an Indian or a native person**
- (5)Where the child referred to in subsection (4) is an Indian or a native person, unless there is a substantial reason for placing the child elsewhere, the court shall place the child with,
 - (a) a member of the child's extended family;
 - (b) a member of the child's band or native community; or
 - (c) another Indian or native family. R.S.O. 1990, c. C.11, s. 57 (5).

- If a society intends to begin planning for the adoption of a child who is an Indian or native person, the society shall give written notice of its intention to a representative chosen by the child's band or native community. 2006, c. 5, s. 35.
- **Care plan proposed by band or native community**
- (2) Where a representative chosen by a band or native community receives notice that a society intends to begin planning for the adoption of a child who is an Indian or native person, the band or native community may, within 60 days of receiving the notice,
 - (a) prepare its own plan for the care of the child; and
 - (b) submit its plan to the society. 2006, c. 5, s. 35.
- **Condition for placement**
- (3) A society shall not place a child who is an Indian or native person with another person for adoption until,
 - (a) at least 60 days after notice is given to a representative chosen by the band or native community have elapsed; or
 - (b) if a band or native community has submitted a plan for the care of the child, the society has considered the plan. 2006, c. 5, s. 35.

- **Regulations: Part X (Indian and Native Child and Family Services)**
 - **223.** The Lieutenant Governor in Council may make regulations for the purposes of Part X,
 - (a) exempting an Indian or native child and family service authority, a band or native community or specified persons or classes of persons, including persons caring for children under customary care, from any provision of this Act or the regulations;
 - (b) prescribing matters requiring consultation between societies or agencies and bands or native communities for the purposes of clause 213 (h);
 - (c) governing consultations with bands and native communities under sections 213 and 213.1 and prescribing the procedures and practices to be followed by societies and agencies and the duties of societies and agencies during the consultations;
 - (d) prescribing services and powers for the purposes of section 213.1.
- R.S.O. 1990, c. C.11, s. 223; 2006, c. 5, s. 48.

Our Vision

A highly effective children services system which has the confidence of Ontario families and communities.



- Collaborative**
Treating and maintaining relationships and partnerships and being open to diversity.
- Accountable**
Taking responsibility for our work, our relationships and our results.
- Courageous**
Strength to stand up for what we believe in and to foster an environment where innovation is encouraged.
- Innovative**
Openness to new ideas and willingness to test them.
- Transparent**
Being open in all we do with the public and our stakeholders.

Self Government

**Association of Native Child and Family Services
Agencies of Ontario**

Divestment

Protocols

OACAS Associate Membership

OACAS Director of Aboriginal Services

**Mental Health expansion – 2 for Muskoka Parry
Sound**

The Child Protection Conundrum

Local agencies don't make legislation, regulations, or standards and we are held to that rule framework despite the cultural heritage of the child or family.

As an example: Poverty as a social condition is also a reason for a child being in need of protection. Child welfare is tasked with protecting children in a highly regulated environment. We are charged with or funded for alleviating community poverty.