

# INFORMATION SHEET

## COMING INTO FORCE OF ACT C-92: PRINCIPLES AND APPLICATION

On **January 1, 2020**, *An Act respecting First Nations, Inuit and Métis children, youth and families* (C-92) officially came into force in Canada. In addition to confirming the rights and jurisdiction of Indigenous peoples in matters of child and family services, the Act puts forward important principles, such as the priority of preventive care, the best interests of the child and substantive equality.

Since January 1, 2020, the principles of Act C-92 are being applied and take precedence over the provincial principles found in the *Youth Protection Act* with regard to child and family services.

This means that any decision (voluntary or legal) made for an Indigenous child in matters of child protection in a province or territory of Canada must consider the national principles provided for in Act C-92. **However, if the child's community (or organization) has its own youth protection law established under Act C-92, this is the law that applies.**

### OVERVIEW OF THE TEN PRINCIPLES OF ACT C-92 THAT APPLY AS OF JANUARY 1, 2020

Note: The principles in orange are new, meaning that they are not part of the Youth Protection Act.

The other principles exist in the YPA, but they are clarified and improved in Act C-92.

<b>Cultural continuity</b>	<b>Section 9</b> Recognition of the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples as an essential condition for the wellness of children and families.
<b>Substantive equality</b>	<b>Section 9</b> Consideration for the rights and special needs of all children so that they can participate fully, without discrimination, in the activities of their family, community or nation, in particular the right to have their views and their preferences taken into account in decisions concerning them.
<b>Best interests of the child</b>	<b>Section 10</b> Particular attention paid to the physical, psychological and emotional well-being and safety of the child as well as to the importance of having continuous relationships with their family, community or nation and of preserving their cultural identity and their connections to their culture, language and territory.
<b>Effect of services</b>	<b>Section 11</b> The services offered to children must consider their culture and allow them to know about their family origins.
<b>Notice</b>	<b>Section 12</b> The parents, the care provider and the Indigenous governing body must be notified before any important measures are taken for the child.
<b>Representations and party status</b>	<b>Section 13</b> In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child, the child's parents, the care provider and the Indigenous governing body have the right to make representations.

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<b>Priority to preventive care</b>	<b>Section 14</b> 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, and this includes youth protection services.
<b>Socio-economic conditions</b>	<b>Section 15</b> Children must not be removed from their environment solely because of their socio-economic condition, including poverty, overcrowding, or the health status of their parents.
<b>Reasonable efforts</b>	<b>Section 15</b> Before a child who lives with their parents or family is removed from their environment, the youth protection worker is required to demonstrate that reasonable efforts (meetings, calls, etc.) have been made to ensure that the child can continue to live with them.
<b>Priority in the event of the placement of a child</b>	<b>Section 16</b> The placement of the child is done in an order of priority that makes it possible to foster the child's attachment to their parents or to another member of their family when the child does not live with them. <ol style="list-style-type: none"><li>1. A parent</li><li>2- Another adult member of the child's family</li><li>3- An adult who belongs to their community or nation</li><li>4- An adult who belongs to another community or nation</li><li>5- Any other adult</li></ol>
<b>Attachment and emotional ties</b>	<b>Section 17</b> Promotes the child's attachment to their parents or another family member and emotional ties when the child does not live with them.



**FIRST NATIONS** OF QUEBEC  
AND LABRADOR **HEALTH**  
AND **SOCIAL SERVICES**  
COMMISSION