

ANISHINABEK NATION CHILD WELL-BEING LAW **SUMMARY**

JURISDICTION

The first section of the Law confirms that First Nations have inherent jurisdiction over child well-being involving our children regardless of their residency. This Law is an exercise of our jurisdiction.

INTERPRETATION

This section sets out the definitions that apply in the Law.

The objects of this Law are to:

- (a) ensure the safety and well-being of our children, families and communities;
- (b) acknowledge and respect the primary role of parents/grandparents, families and communities in safeguarding and promoting the well-being of our children;
- (c) support parents/guardians, families and communities in carrying out that role;
- (d) provide for the protection and care of our children in circumstances where their parent/guardian have not given, or are unlikely to give, that protection and care;
- (e) ensure that we maintain our traditions, culture, values and language;
- (f) ensure adoptions only occur with the approval of the parent/guardian and the Anishinabek Nation community the child/youth belongs to; and
- (g) establish the legislative framework for:
 - i) the structure of the Child Well-Being Law Coordinating Body (Koganaawsawin);
 - ii) protocol agreements; and
 - iii) licensing of child and family services agencies.

Principles Governing this Law

The fundamental principles that govern the application and the implementation of the Law are set out in this section. The governing principles confirm that it is the primary responsibility of parents and communities to safeguard and promote the child/youth's well-being.

Role of Family

It is the role of a family to take the steps necessary to ensure the best interests of a child/youth are met. The family's role will be respected under this Law.

Treating Each Child/Youth with Respect

Each child/youth is a valued member of their family and Anishinabek Nation community, and is entitled to be treated in a way that respects the child/youth's dignity and privacy. Each child/youth must be involved in decisions affecting them.

Best Interests of the Child/Youth

The rights and best interests of the child/youth are set out in this section. The best interests must reflect First Nation community standards.

Child/Youth Participation in Decision-Making

The process for including a child/youth in decision-making is set out in this section.

PART I

VOLUNTARY SUPPORT SERVICES

A parent/guardian may request voluntary support services to meet the best interests of a child/youth. This fact will be seen as a positive factor in any decision-making or court process dealing with child well-being. The term of a voluntary services agreement is six (6) months and may be extended for one (1) or more terms, not longer than six (6) months each.

PART II

CHILD/YOUTH IN NEED OF PROTECTION

This section sets out the circumstances when a child/youth is in need of protection. A child/youth needs protection from physical, mental, emotional or spiritual harms.

There is duty to report and investigate reports on a child/youth in need of protection. Failure to report is an offense to this Law.

A Child Protection Worker, Peace Officer or a person authorized under this Law may take a child/youth in if they believe that the child/youth is in need of protection. The processes to do this are set out in this part of the Law. This Law makes arranging customary care the first priority in cases where a child/youth is in need of protection. This is consistent with the objectives and principles of this Law.

This part includes sections that address:

- a. investigations;
- b. returning the child/youth to their parent/guardian;
- c. establishing a Plan of Care Committee and its powers/duties;
- d. the development of a Plan of Care and its term;
- e. court applications to address issues related to taking in a child/youth and the Plan of Care;
- f. the procedures related to taking in a child/youth; and
- g. related matters.

PART III

CUSTODY FOR PURPOSE OF ADOPTION

This part describes the process for adoptions. All adoptions require the prior consent of the parent/guardian and the First Nation that the child/youth belongs to. If a parent/guardian or First Nation chooses not to become engaged in the adoption process, a court can approve an adoption without the consent of the parent/guardian or a First Nation.

PART IV

TEMPORARY AND PERMANENT CUSTODY

Issues related to temporary and permanent custody are addressed in this part. It includes descriptions of processes and responsibilities on temporary and permanent custody.

PART V

ANISHINABEK NATION CHILD WELL-BEING SYSTEM STRUCTURES

The position and role of the Anishinabek Nation Children's Commissioner is described in this part. The Children's Commissioner is responsible for overseeing the implementation, compliance and enforcement of this Law.

The Anishinabek Nation Child Well-Being Coordinating Body is established under this part. The Coordinating Body supports the implementation and application of this Law. It also supports the work of the child welfare agencies.

PART VI

GENERAL

First Nations will confirm their participation in the Anishinabek Nation Child, Youth, and Family Well-Being System by signing community agreements with coordinating body (Koganaawsawin). Alternatively, a First Nation may become part of the System through a community agreement signed by a child welfare agency (Agency).

One of the responsibilities of a First Nation or an Agency that signs a community agreement is to establish a Child and Family Services Committee to oversee the implementation of this Law in the First Nation or in the Agency.

Another responsibility of a First Nation or Agency is to confirm community standards for child well-being, and share those standards with the members of the families and First Nation communities they serve.

In addition, this section describes who can visit a child/youth in care under this Law.

The approval of child/youth care facilities and foster homes is covered in this part.

The other topics covered in this part are:

- a. temporary accommodations for children/youth;
- b. liability;
- c. confidentiality and disclosure of information related to child well-being matters;
- d. the approved use and sharing of information;
- e. confidentiality of hearings;
- f. offences and punishments for breaking this Law; and
- g. the types of regulations that can be passed under this Law.