

**October 4, 2021**

**OACAS response to the proposed statutory amendments to the Child, Youth and Family Services Act, 2017 (CYFSA) – Enhancing Access to Customary Care**

**Proposal number 21-MCCSS011**

The Ontario Association of Children's Aid Societies (OACAS) is a provincial membership organization representing 48 of the 51 Children's Aid Societies and Indigenous Child and Family Well-Being Agencies, two of which are pre-mandated Indigenous agencies in Ontario. We support member Societies with having the necessary tools, training, and conditions to fulfill their statutory mandate to deliver child protection services and achieve equitable outcomes for children, youth, and families across the province.

OACAS appreciates the government's commitment to amending and designing a child welfare system that is reflective and inclusive of needs and the experiences of children, youth, and their families. It is critical to enhance access to customary care to reflect better the distinct customs of bands and First Nations, Inuit and Métis communities in the provision of customary care, including more clearly distinguishing customary care from residential care under the *Child, Youth, and Family Services Act (CYFSA)*. We support the government's participatory approach to work collectively with Indigenous stakeholders and prioritize their feedback and concerns. OACAS endorses the overall goals of the proposals to support enhanced Indigenous control over matters that affect Indigenous peoples in child and family services.

Indigenous children and youth have an inherent right to safety and well-being. These legislation proposals can potentially enhance Indigenous control over matters affecting Indigenous peoples, particularly child and family services. Research supports this would lead to more positive impacts (health/mental health, social, educational, economic) on First Nations, Inuit and Métis children and communities and should therefore remain a significant priority for government efforts.

**Key Messages**

- OACAS commends the extensive work of the Association of Native Child and Family Service Agencies in Ontario (ANCFSAO). They have done significant work in consulting and engaging with MCCSS and Indigenous Well-Being Agencies to formulate their submission to the government on the proposed legislation to enhance access to customary care.
- ANCFSAO supports Indigenous Child and Family Well-Being Agencies across the province to provide high-quality, community-based child welfare and family well-being services.
- We have heard from our own consultation that ANCFSAO is better positioned to submit a fulsome report that reflects the various Indigenous Well-Being agencies and their perspectives, concerns, and areas for strengthening the proposal.

- OACAS is committed to building our relationship with ANCFSAO and the Indigenous Well-Being Agencies across the province to ensure we are amplifying their voices and following their lead in this work.
- As such, we would like to use our submission by offering our support and endorsement of the feedback and recommendations submitted by ANCFSAO to the government on the proposed legislation to enhance access to customary care for First Nations, Inuit and Métis children, youth and families.
- We also support and endorse the feedback submitted by Indigenous Child and Family Well-being agencies that are OACAS members on behalf of their agencies and community members. Each Indigenous Child and Family Well-Being Agency provides culturally relevant services to the First Nations they serve, including using their service models, customary care agreements, and self-governance models. Because they are focused on honouring their communities' traditions, history, and customs and providing services rooted in their values, principles, and strengths, they are in the best position to speak to the proposed legislation changes.

## Recommendations

1. We strongly urge the government to consider implementing the recommendations to the legislative proposals seeking to enhance access to customary care submitted by any individual Indigenous Child and Family Well-being agencies that are OACAS members, as well as the submission from ANCFSAO.
2. Any barriers, challenges or concerns that arise in regard to the legislation proposals should be taken seriously. We urge the government to commit to continuing engaging directly with Indigenous Child and Family Well-being Agencies, First Nations, Inuit and Métis frontline workers, community members, Elders, and First Nations, Inuit and Métis youth and families with lived experience at all levels and stages of decision-making and ongoing evaluation.
3. The ministries analysis of the regulatory impact assessments state that associated costs for bands and First Nations, Inuit and Métis communities and within the child welfare sector more broadly may arise should these legislative proposals be implemented.

Although research indicates that enhanced Indigenous control over services has positive impacts (health/mental health, social, educational, economic) on First Nations, Inuit and Métis children and communities, this should not be the only anticipated way of mitigating costs associated with these proposals. Therefore, we urge the government to provide adequate funding and resources upfront. The responsibility to successfully implement these changes cannot and should not rest solely on First Nations, Inuit and Métis children and communities.

4. We urge the government to sufficiently increase funding if societies and entities are permitted to provide subsidies to parents, customary caregivers, and out-of-care kin.



Ontario Association of  
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First Nations, Inuit and Métis children and communities should not have to absorb the costs due to these legislative proposals.

**For further information or to discuss these proposals further, please contact:**

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