

Option Paper on First Nations, Inuit and Métis Child, Youth and Family Wellness Legislation

Preface: The attached option paper on First Nations, Inuit and Métis Child, Youth and Family Wellness Legislation was co-developed by a Reference Group comprised of delegates appointed by the three national representatives of the Indigenous peoples and nations, the Assembly of First Nations, the Inuit Tapiriit Kanatami and the Métis National Council.

The paper was prepared on a without prejudice basis during a time-limited process of exchanging internal resolutions and positions, deliberating together and working toward a consensus draft. The options were further informed by international and domestic human rights standards, shared policy analysis, reviews of submissions, recommendations and access to materials provided by the Minister of Indigenous Services Canada arising from an engagement process on child welfare legislative reform involving more than 60 sessions with First Nations, Inuit and Métis representatives and individuals, including children and youth.

The delegates from the Assembly of First Nations, the Métis National Council, and the Inuit Tapiriit Kanatami undertook the task of collaborating on an options paper with Canada in the spirit of mutual respect, cooperation and understanding as there is a common commitment to promote much needed reform in the area of First Nations, Inuit and Métis child welfare, and support child, youth and family reunification and wellness. The result is this preferred option paper.

Preferred Option Paper on First Nations, Inuit and Métis Child, Youth and Family Wellness Legislation¹

I. Overarching Principles for Preamble and/or a “Guiding Principles” section to be included in Legislation

Affirm the interconnected, inter-related and interdependent minimum standards of rights of Indigenous peoples contained in the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* as the framework for reconciliation in child, youth and family services.²

Affirm that the rights of self-determination and the inherent right of self-government of Indigenous peoples include the right to freely determine their laws, policies and practices in relation to children, youth and families.

Affirm that First Nations, Inuit and Métis children and youth are sacred and loved and their inherent worth, dignity, distinctness and integrity should be respected including their freedom to live the life they wish to have.

Affirm that First Nations, Inuit and Métis children and youth have a paramount right to safety and well-being, including rights to their cultures and languages.

Affirm the importance of ensuring that First Nations, Inuit and the Métis children and youth with disabilities or who are otherwise in need of public services have their unique rights and needs understood and met and can participate in their families, communities and society on a substantively equal basis with others.

Affirm Canada’s commitment to fully implementing all of the Truth and Reconciliation Commission’s 94 Calls to Action; and specifically, in relation to children, youth and families, the Calls to Action 1-4, and 45.

Recognize the need to overcome the history of colonization and the imposition of laws and policies on First Nations, Inuit and the Métis and shift the basis of renewed relationships to cooperation, partnership and mutual respect. Recognize that there is diversity among the First

¹ The Legislation applies to the rights-bearing Aboriginal peoples as defined in Section 35 of the *Constitution Act, 1982*, including the First Nations, Inuit and the Metis Nation.

² The term “Indigenous peoples” and “Aboriginal peoples” both refer to the original peoples of the land in Canada. It will be necessary for the legislation to contain an interpretation section that sets out the definition of “Indigenous peoples” as meaning “Aboriginal peoples of Canada” referred to in section 35 of the *Constitution Act, 1982*. These terms are used interchangeably in the document.

Nations, Inuit and the Métis, and that legislation must respect their distinct laws, rights, Treaties, histories, cultures, languages, customs, geographical circumstances and territories and identities as peoples and nations.

Affirm that the Legislation applies to the rights-bearing Aboriginal peoples as defined in Section 35 of the *Constitution Act, 1982*, including the First Nations, Inuit and the Métis Nation.

Acknowledge that the Government of Canada recognizes that the over-representation of First Nations, Inuit and Métis children and youth in child welfare care and the lack of culturally based supports for their families to safely care for them is a humanitarian crisis.

Recognize that Canada acknowledges the call for predictable, stable, sustainable and needs-based funding consistent with substantive equality to secure long-term positive outcomes for First Nations, Inuit and Métis children, youth, families and communities.

Recognize the harms and failures of the Government of Canada over many generations with respect to First Nations, Inuit and Métis children, youth, and families, and the intergenerational trauma and on-going impacts of such actions;

Acknowledge the harms suffered by Indigenous peoples because of colonial practices which include the legacy of the residential school system.

Promote fundamental change and support First Nations, Inuit and the Métis by affirming and recognizing the authority of their governments and representative institutions to freely make choices to support their children and families and access to the tools required to accomplish fundamental change necessary to ensure that children and youth reach their full potential, and to help establish mechanisms for transition from the current status quo.³

Reduce the over-representation of Indigenous children and youth in provincial and territorial child welfare systems, by working with Indigenous peoples' governments and recognizing in particular the right of First Nations, Inuit and Métis families and communities to retain shared responsibility for the upbringing of children and youth consistent with the rights of the child and the responsibilities of parents, grandparents, extended family, and kinship relations.

Consistent with Jordan's Principle and the principle that First Nations, Inuit and Métis children are entitled to substantive equality in the receipt of public services, achieve substantive equality for First Nations, Inuit and Métis children and youth in all regions and services areas of Canada.

³ The recognition of the source of the powers and authorities to enact laws in relation to children, youth and families for First Nations, is the context of the inherent Aboriginal and Treaty rights and the Treaties with First Nations and the Crown. These inherent Aboriginal and treaty rights are affirmed in Section 35 of the *Constitution Act, 1982*. The authority and powers of the First Nations should not to be framed as governmental powers flowing from or contingent on an exercise of federal authority in section 91(24) of the *Constitution Act, 1867*.

Acknowledge existing recognition in federal, provincial and territorial law of customary adoptions and affirm and expand upon the existing areas of recognition of First Nations, Inuit and Métis laws, practices and customs.

Facilitate the development of mechanisms, agreements and other constructive arrangements where necessary or appropriate to help ensure transition from the status quo while supporting the implementation of First Nations, Inuit and Métis jurisdiction, laws, practices, and customs consistent with the rights of Indigenous peoples to self-determination and the inherent right of self-government.

Encourage and support First Nations, Inuit and the Métis to engage, according to their own priorities and circumstances, with provincial and territorial governments to ensure a seamless child safety system exists for all children and youth.

Consistent with the Nation-to-Nation, Inuit-to-Crown and Government-to-Government relationships with Canada, create new opportunities to co-develop detailed policy so that the implementation of this legislation, and the development of underlying regulatory, policy, and intergovernmental supports, will be developed with proper adjustments made for the distinct needs of First Nations, Inuit and the Métis Nation.

Respect, strengthen and build upon the existing work of First Nations, Inuit and the Métis Nation in supporting the survival, dignity and well-being of children, youth, families, communities and nations.

The Legislation should affirm that it adds to and extends the tools and authorities available to those First Nations and Inuit with existing self-government agreements and comprehensive land claims agreements.

Affirming Inherent Aboriginal and Treaty Rights, Children’s Rights and the Best Interests of the Child

- 1) Legislation should recognize and affirm the inherent Aboriginal and Treaty rights of First Nations, Inuit and the Métis within the framework of the UN Declaration, including the right to self-determination and the inherent right of self-government as the foundation for reconciliation in the area of child welfare and child and family services
- 2) Legislation should provide for a transition that places priority on First Nations peoples, Inuit and the Métis determining their political, social, and economic structures.
- 3) Key components of legislation will involve the following:
 - a. The rights of First Nations, Inuit and Métis children and youth should be affirmed including their right to be safe and to be raised within their families, territories and nations, and their right to participate in matters affecting them.⁴

⁴ The reference to “territories” in this section should be understood for Inuit as “Inuit Nunangat.”

- b. The paramountcy of the best interests of the child, including the necessity of respecting the rights of the child, is ensured.
 - c. First Nations, Inuit and Métis children and youth are entitled to non-discrimination and substantive equality to ensure they receive equitable, responsive, effective and culturally relevant child and family services, by First Nations, Inuit and the Métis wherever possible.
 - d. There should be a priority in the placement of children and youth with highest priority on placement with family, extended family, kinship and community placement to ensure cultural continuity and support for the identity of First Nations, Inuit and Métis children and youth. Customary adoption should be affirmed.
- e. First Nations, Inuit and Métis parents, grandparents, relatives and, extended family have the primary responsibility for their children. Wherever possible and where it is in the First Nations, Inuit, or Métis child's or youth's best interests, the child's or youth's parents, grandparents, relatives and extended family should be involved in decisions relating to the care of these children and youth.
- f. Distinctions exist in the diversity of First Nations, Inuit and the Métis given their unique histories, language, cultures, and territories and these distinctions must be reflected in all aspects of the development and application of law, policy and practice.
- g. Mechanisms will be developed to address conflicts where First Nations, Inuit and Métis children and youth have multiple or intersecting Indigenous identities and alliances so that children are supported and have cultural continuity and attachment to their families, communities and identity.
- h. A comprehensive "Best Interests of the Child" ("BIC") provision needs to be included in Legislation inclusive of First Nations, Inuit and Métis concepts. BIC should be informed by the objectives of reducing the over-representation of children in care and balance the interplay of individual and collective rights consistent with the interpretative guidance of international norms. The BIC should be reflective of *General Comment 11 (2009) on the United Nations Convention on the Rights of the Child*,⁵ be consistent with the provisions of UN Declaration and the interplay of related international human rights norms. The co-development of the wording of the BIC should be a next phase of activity undertaken by the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis Nation, and involving experts to inform legislative drafting instructions.
- i. Jordan's Principle should be included so that all Indigenous children and youth are entitled to substantive equality in the receipt of public services.
- j. Birth alert systems should be avoided as a primary intervention and replaced by a spectrum of prenatal family supports to keep mothers and infants together, provided this meets the requirements of child safety.

⁵ It is recommended that further effort be directed at drafting the elements of the Best Interest of the Child through a consensus process with representatives of First Nations, Inuit and the Métis Nation.

- k. Recognize special measures are needed to address the unique circumstances and needs of those in remote and northern communities, and the vulnerability of and circumstances of those children and youth placed outside their families, communities or territories.
- l. All reasonable positive measures will be taken to ensure children, youth and families can access the services they need in their own communities.
- m. Children should not be removed on the basis of poverty, substandard housing or their own health issues. Insofar as it is in the child's best interests, children should not be removed on the basis of health issues of parents or caregivers.
- n. Where First Nations, Inuit or Métis children are separated from their families, family reunification must be of highest priority.
- o. Siblings should be placed together whenever possible and consistent with the children's best interests. Where separate placement is required, positive measures should be taken to foster healthy sibling relationships whenever possible and consistent with the children's best interests. Where First Nations, Inuit or the Métis Nation's children or youth are separated from their families, family reunification must be of highest priority.
- p. In actions concerning their children or grandchildren, parents and when they are the primary caregivers, grandparents have distinct rights and responsibilities and should be notified and provided fairness and due process including:
 - i. be informed of their rights as parents, grandparents and families
 - ii. be notified in advance of potential child removal where such notification does not put the child's safety at risk; and
 - iii. be given a meaningful opportunity to participate at all stages in the proceedings.
- q. First Nations, Inuit and Métis peoples should not be subjected to any act of discrimination, ethnocide, forced assimilation, destruction of their cultures or violence, including forcibly removing children of the group to another group.
- r. Guided by appropriate privacy processes, when children and youth are known to the child welfare system, they should be accurately identified by their First Nation, Inuit or Métis Nation identity and the information about these children and youth should be shared with their respective First Nations, Inuit or the Métis governments or the governments of their home territories, unless the child, youth or parent has reason that it is not in the best interests of the child for this information to be shared.

Affirming Space for First Nations, Inuit and Métis Self-Determination and Jurisdiction

- 4) Legislation should affirm and recognize the inherent Aboriginal and Treaty rights of First Nations, Inuit and the Métis including the right of self-determination and the inherent right of self-government, and state the implications of such recognition:
 - a. The enactment of laws and the adoption of policies by First Nations, Inuit and the Métis governments for children and families, including child welfare and upon the operation of all constituent elements determined necessary for that authority and purpose, includes, for greater certainty:
 - i. Law-making authority and jurisdiction
 - ii. Development of policies and operational practices;
 - iii. Decision-making processes—including dispute resolution processes that may reflect the customs or practices of the Indigenous peoples but which can include the creation of new courts operated by them, if desired;
 - iv. Arrangements for the recognition and enforcement of the powers and orders of systems; and
 - v. Coordination with regional, provincial or territorial systems and authorities.
- 5) First Nations peoples, Inuit and the Métis can make decisions in the best interest of their children and youth in order to promote their safety and well-being and considering the views and rights of those children and youth.
- 6) Legislation should explicitly provide that the laws enacted by the governments of the First Nations peoples, Inuit and the Métis may be enacted with the objective of occupying exclusive or concurrent jurisdiction in relation to child welfare, children, youth and families.
- 7) Legislation must clarify that section 88 of the *Indian Act* only remains effective until such time as First Nations have enacted their own laws on child, youth and families, at which point section 88 will no longer prevail in relation to child welfare laws.⁶
- 8) Legislation should identify that a mechanism for the timely resolution of conflicts that may arise with Canada during transition or as a result of the interaction of First Nations, Inuit and Métis governments' laws can be co-developed with representatives of the First Nations, Inuit and the Métis Nation.
- 9) Where First Nations, Inuit and Métis governments have enacted child welfare laws, these laws should have precedence over other laws when conflicts arise, unless the laws:
 - i. Stipulate they are concurrent or shared with another jurisdiction.

⁶ The affirmation of the inherent First Nations jurisdiction and authority in child welfare legislation must be drafted to ensure that section 88 of *Indian Act* is amended to prevent child welfare and children and family laws of general application being incorporated into federal laws. A strong preference was made to avoid, if possible, reference to the *Indian Act* other than as a “consequential amendment.” This recommendation was based on the importance of not reinforcing or approving in any way the *Indian Act* system that was imposed on First Nations peoples without their consent as part of the colonial policies of Canada. First Nations stated a firm view in the engagement sessions that recognizing and affirming jurisdiction requires that all references to the *Indian Act* be strictly limited to where necessary given the oppressive and repugnant nature of that legislation as it is not consistent with inherent Aboriginal and treaty rights in section 35 of the Constitution Act, 1982, or the UN Declaration. Section 88 may be approached in a manner that parallels previous initiatives such as the *First Nations Land Management Act*.

- ii. Allow for the possibility that a First Nations, Inuit or the Métis government may wish to delegate authority to an agency of another First Nations, Inuit or the Métis governments.
 - iii. In the event of emergency situations where it is necessary to “take charge” of a child in immediate danger or crisis only, it should be acknowledged that shared jurisdiction in such emergency situations is necessary in those circumstances.
- 10) “Full faith and credit” should be provided to First Nations, Inuit and Métis child welfare laws and decisions reached according to processes established by those laws.⁷
- 11) Establish as a principle that default priority for First Nations, Inuit and Métis child welfare matters are to be transferred and decided within the processes of their systems and by articulating an onus in the Legislation on provincial and territorial officials to prove why such cases should not be automatically transferred to the First Nations, Inuit and Métis system.
- 12) First Nations, Inuit and the Métis should be acknowledged to have the capacity to enter into a variety of agreements with provincial and territorial governments, institutions and agencies, as is appropriate to their circumstances, and based on their own priorities and processes.

Examples of Arrangements that might be contemplated by the Legislation:

- 13) Legislation should affirm the widest recognition of the spectrum of arrangements. The following are examples set out only to illustrate the options that could be freely selected by the governments of the First Nations peoples, Inuit and the Métis Nation:
- a. First Nations, Inuit and the Métis are not required to do anything and time can be taken to develop and make decisions according to their own needs, priorities and circumstances and support will be provided to plan for occupying jurisdiction. In such instances, existing authorities remain in place.
 - b. First Nations, Inuit and the Métis can make agreements to delegate authority to others for services on a time-limited basis—such as a multi-year agreement with the provincial/territorial agency to provide services.

⁷ The “full faith and credit” concept is similar to the *Indian Child Welfare Act* in the United States. This is expressed as follows:

(d) Full faith and credit to public acts, records, and judicial proceedings of Indian tribes

The United States, every State, every territory or possession of the United States, and every Indian tribe shall give full faith and credit to the public acts, records, and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that such entities give full faith and credit to the public acts, records, and judicial proceedings of any other entity.

(Pub. L. 95–608, title I, § 101, Nov. 8, 1978, 92 Stat. 3071.)

- c. Where service agreements are entered into, provincial or territorial mandated child welfare services, should nevertheless be required to provide those services in a manner which is culturally appropriate and responsive to the best interests of the child as articulated in the Legislation.
- d. First Nations, Inuit and the Métis can create their own service organizations or institutions, or work with others to aggregate and share some or all services for their children, youth and families.
- e. For greater certainty, and without limiting in any way the rights of First Nations, Inuit and the Métis and their governments or institutions may choose to exercise inherent authority in relation to some or all of the components of a child welfare system, including, by example, the following matters:
 - (i) Primary, secondary and tertiary prevention services
 - (ii) Least disruptive and least intrusive measures
 - (iii) Family support services (including non-mandated services and wrap around supports)
 - (iv) Youth support services
 - (v) Special needs, complex needs and behavioural support services
 - (vi) Residential services and placement recruitment, support and monitoring,
 - (vii) Guardianship and voluntary care agreements
 - (viii) Custom adoption and permanency placement including adoption subsidies and openness arrangements
 - (ix) Child safety and protection services
 - (x) Child and family reunification and family finding services
 - (xi) The age of individuals eligible to receive services under the First Nations, Inuit or Métis child welfare system in question
 - (xii) Post majority care and/or transition supports for those aging out of care
 - (xiii) Emergency services
 - (xiv) Child and youth participation in decision making affecting them in keeping with their capacity to do so.
 - (xv) Data collection, standards and information-sharing.

Transition Matters and Co-development of Distinctions-based Political Accords

- 14) Legislation should confirm a positive obligation on Canada to facilitate transition from existing imposed regimes to end the denial of and infringement on the enactment and operation of First Nations, Inuit, and Métis laws and policies respecting children and families. This obligation will require an efficient and effective recognition and affirmation-based process for notification to Canada and/or a province or territory by a First Nation, Inuit or Métis government or representative institution to take up child and family

jurisdiction within a rights-affirming process, including mechanisms for resolving and addressing disputes that may arise as part of such transition.⁸

- 15) Canada should promote collaboration and recognition with the governments of the provinces and territories, regarding the purpose and intent of the Legislation, so that transition pathways are understood and facilitated.
- 16) Mechanisms and processes to support transition from the status quo must adhere to a distinctions-based approach in keeping with the recognition of the distinct, histories and practices of the First Nations peoples, Inuit and Métis Nation. The mechanisms and processes to support transition should be co-developed with each of the representative entities of the First Nations peoples, Inuit and the Métis Nation.
- 17) It is recommended that separate political accords would be helpful to address a range of matters not covered by Legislation, or outline the pathway to implement Legislation. These accords could be entered into with the self-determined representatives of the Indigenous peoples of Canada. For greater certainty, and not to limit the process, this may involve separate accords with each of the following entities, while not excluding others with representative capacity on behalf of rights holders:
 - i) First Nations governments and/or provincial, regional or local First Nations inherent rights and title holders, and Treaty First Nations and treaty rights holders, as freely determined by them.
 - ii) Inuit Tapiriit Kanatami, including the Land Claim Organizations or their designates; and
 - iii) The Métis Nation.

Support for New Direction in Child and Family Wellness

- 18) The Legislation should specifically identify the principle of “co-development” so that all elements of legislative reform and rights-recognition require collaboration, respectful relationships of mutual benefit with associated fairness practices such as joint development of the agenda, adequate notice, and, shared decision-making where required to meet the standards of the UN Declaration, as well as the allocation of resources for First Nations, Inuit and the Métis to support meaningfully participation in co-development processes.

Institutions

- 19) The Government of Canada, in partnership with the leadership of the First Nations, Inuit and the Métis Nation, will work in close cooperation in a manner respecting the minimum

⁸ Reference group does not want a process of bureaucratic control or determining operational “readiness” or a “verifier” within the administrative role of the Government of Canada, such as by Department of Indigenous Services Canada.

standards of the UN Declaration, to establish independent institutions to support the implementation of Legislation. The institutions may be further developed in the political accords identified in the previous section of this options paper.

- 20) Institutions to support the child, youth and family system reform may address the following matters :
- a. Reconnect and support those who have been impacted through child welfare systems and experienced family breakdown, especially those who have had diminished or lost connection to language, culture, family and community.
 - b. Training and technical assistance.
 - c. Information exchange and knowledge transfer in relation to capacity-building, systems development, innovation and best practices.
 - d. Accountability and reporting: support the development of national measures and standards for reporting in collaboration with Canada, the governments of the provinces and territories, to support the collection of data and the preparation of annual reports of disaggregated data of First Nations, Inuit and Métis children and youth involved in child welfare systems, or receiving child and family services, including comparative analysis with baseline data.
 - e. Ensure that accountability for services includes reporting on the effectiveness and responsiveness of systems and services for the children, youth and families who require or are receiving those services.
 - f. Ensure that accountability for services includes a complaint function for First Nations, Inuit and Métis children, youth and families.

Independent Child and Youth Advocacy Role

21) The Government of Canada, in partnership and cooperation with the leadership of First Nations, Inuit and the Métis may establish distinctions-based mechanisms to support, inform and advise First Nations, Inuit and Métis children and youth of their rights and ensure they are engaged and their voices are considered in the development, delivery and assessment of services. These mechanisms would involve the co-development of independent distinctions-based child advocacy roles at the federal and/or provincial and territorial levels to support the rights and voice of First Nations, Inuit and Métis children and youth.

Non-Derogation

22) Legislation must include a non-derogation provision to ensure that it does not abrogate or derogate from the inherent Aboriginal or Treaty rights of First Nations, Inuit and the Métis Nation.⁹

⁹ The non-derogation clause should reflect the recommendations of the Senate of Canada Committee on Legal and Constitutional Affairs of Canada in their 2007 report, *Taking Section 35 Rights Seriously; Non-Derogation Clauses Relating to Aboriginal and Treaty Rights in Canada*,

Canada's Financial Responsibilities to First Nations, Inuit and Métis Children, Youth and Families

- 23) Funding for the transformation of child welfare systems and improvements in the lives of Indigenous children, youth and families must be consistent with Canada accepting the call for predictable, stable, sustainable and needs-based funding to secure long-term positive outcomes for First Nations, Inuit and Métis children, families and communities.
- 24) The Government of Canada may consider appropriate arrangements and incentives for provincial and territorial governments and authorities to enter into collaborative arrangements with Canada and/or the First Nations, Inuit and Métis to achieve the purposes of the Legislation.

Several steps were identified to begin to strengthen this opportunity:

STEP/ACTION 1

- a. Canada acknowledges the ongoing call for predictable, stable, sustainable and needs-based funding to secure long-term positive outcomes a funding principle and this is further co-developed alongside the Legislative initiative with representatives of the First Nations peoples, Inuit and the Métis to reflect the distinct circumstances of the Indigenous peoples.

STEP/ACTION 2

- b. Arrangements for funding should be further detailed in co-developed and separate "accords" on a Nation-to-Nation, Government-to-Government, and Crown-Inuit basis with First Nations, Inuit and the Métis Nation to reflect their distinct circumstances, and respecting the full range of bilateral, Treaty, and intergovernmental agreements and arrangements currently in place.

Regulations

- 25) Legislation should confirm regulatory authority to permit detail to be developed over time, within the principle of respecting co-development to meet the needs of circumstances of First Nations, Inuit and Métis peoples. The flexibility of articulating detail in future regulations permits time for extensive discussion, collaboration and adjustments necessary to reflect the diversity of First Nations, Inuit and the Métis, without having to amend the legislation to accomplish adjustment. Policy detail could be co-developed by the Minister in cooperation and partnership with the representatives of First Nations, Inuit and the Métis in

separate processes, with recommendations for regulations following such processes. Some areas identified as suitable for regulations include:

- a. Policy and evaluation frameworks to give expression to the principles and tools in the Legislation.
- b. Procedures to trigger the recognition and affirmation of First Nations, Inuit and Métis laws and to inform and provide public notification as a matter of transition.
- c. Procedures for addressing and resolving conflicts of laws, emergency services, dispute resolution, tribal courts, and enforcement of decisions or orders.
- d. Procedures for dispute resolution.
- e. Service standards, best practices guidance, and compliance and remedies for non-compliance with standards and orders.
- f. Approaches to information system development, information gathering, outcomes, quality assurance, research and accountability mechanisms.
- g. Approaches to ensure coordination of services for children, youth and families moving between two or more jurisdictions, consistent with international obligations.
- h. Measures to create pooled or other arrangements for liability insurance to remove barriers to the exercise of jurisdiction and development of new systems.

Periodic review of legislation

The Legislation should identify a timeframe for periodic reviews to determine if meaningful and progressive change has occurred. The periodic review should be identified as for the purposes of making improvement and furthering the recognition and respect for the rights of First Nations, Inuit and Métis children and youth. An independent public review should be undertaken as part of the periodic review in partnership with First Nations, Inuit and the Métis for the purposes of considering whether amendments to the Legislation are necessary to better meet the rights and needs of children, youth and families. The independent public review may include assessment and evaluation of funding, outcomes measures and accountability systems needed to measure performance, progress, identify gaps or shortfalls, and support continuous improvements for children, youth and families. Independent input from interested First Nations, Inuit and Métis authorities and governments must be included in the periodic review, evaluation and assessment.