



An Act respecting First Nations, Inuit and Métis children, youth and families

Housing and Infrastructure Needs



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On January 1, 2020, new federal legislation came into force, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act). Section 15 within the Act outlines the requirements of preventing First Nations children from going into care or being removed from their families due to lack of adequate housing, poverty or poor socio-economic conditions. First Nations can therefore leverage section 15 of the Act to enhance a housing and infrastructure strategy. This is the first ever provision in legislation that identifies housing, poverty and infrastructure as needs to be addressed to prevent the separation of First Nations families. This document will provide First Nations leadership with information on this powerful new provision and how it benefits First Nations children and families.



Section 15 of the Act states:

“15. In the context of providing child and family services in relation to an Indigenous child, to the extent that it is consistent with the best interests of the child, the child must not be apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider.”

“15.1 In the context of providing child and family services in relation to an Indigenous child, unless immediate apprehension is consistent with the best interests of the child, before apprehending a child who resides with one of the child’s parents or another adult member of the child’s family, the service provider must demonstrate that he or she made reasonable efforts to have the child continue to reside with that person.”



What does Section 15 mean for First Nations leadership?

Section 15 of the Act presents an opportunity for First Nations leadership to focus on the housing and infrastructure needs of First Nations children and the impact these conditions have on their safety and well-being. Poverty reduction and keeping children in their homes and with their families is one of the most important aspects of the Act. First Nations already know that unless social barriers such as poverty, housing conditions, or lack of infrastructure, are remedied, essential change cannot happen. The main purpose of this section is for First Nations leaders to make decisions that will keep First Nations children and youth with their families.





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What can First Nations do to close the gap and keep children and families together?

1. Ensure there is a child and families section in any housing strategy and budget so that basic infrastructure needs and resources can be sought from the Provinces and Canada.
2. Identify child protection cases where poverty, housing or lack of infrastructure have led to a family becoming involved with child and family services, and track the number of cases in order to validate further investments needed in community housing.
3. Establish emergency housing measures to prevent the removal of children from their family and First Nation. This includes working with the province or territory to obtain immediate housing to keep children with families.
4. Create a needs assessment to determine housing requirements. This should include an assessment of the population and the number of children, youth and families. This will determine what kind of long-term housing strategy is needed in the First Nation.
5. Develop a plan with different categories of housing and residential supports for children and families, as well as parents and caregivers. For example, what kinds of emergency, receiving and assessment homes, group homes, or special care homes are required to ensure children's needs are being met.
6. Use specialized residential supports with culture and other wrap around community supports for youth or adolescents with mental wellness needs. Mental wellness needs are not reasons to remove a child from their family or First Nation.
7. Request information from the province or territory about the children and youth who are currently in care. Work with the province or territory to procure new supports for those children, and to fund regular return to the First Nation or visit relatives in safe housing that can accommodate them during this time.
8. If children are in care due to poverty, housing or lack of infrastructure, work with provincial or territorial child welfare services to create a new plan of care to address these concerns and return the children back into the family.
9. Engage former youth in care or create a youth advisory role to help inform a plan for housing, anti-poverty and infrastructure. Use their views and input to build in a role for youth to be directly heard when creating a housing and infrastructure strategy.

For further information about the Act visit www.afn.ca.

