

The notice templates were developed by the FNQLHSSC and disseminated on November 30, 2020, in order to support the reflections of the First Nations in Quebec and to be used as tools by them, if necessary. These templates are now being shared for reference purposes only; the FNQLHSSC refuses any liability that may result from their use. These notice templates do not provide legal advice. If necessary, we suggest that First Nations governments obtain the legal support they deem necessary.

APPENDIX 1 – Notice under section 20(1) of the Act respecting First Nations, Inuit and Métis children, youth and families

[DATE]

**NOTICE OF INTENT TO EXERCISE LEGISLATIVE AUTHORITY
IN RELATION TO CHILD AND FAMILY SERVICES**
under section 20(1) of the *Act respecting First Nations, Inuit and Métis
children, youth and families*, S.C. 2019, c. 24

Mr. Marc Miller
Minister of Indigenous Services Canada
10 Wellington St., 28th floor
Gatineau (Québec) K1A 0H4
marc.miller@canada.ca

AND TO:

The Government of [Enter the name of the province/territory in which the First Nation is located]
[Enter the first and last name of the Minister]
[Enter the title of the minister, the address and the email address]

[IF APPLICABLE: AND TO: Add names and contact information of ministers from other provinces/territories as appropriate (Note: The Act requires that notice be given to the government of each province in which the First Nation is located. Furthermore, the addition of one or more neighbouring provinces is a way to assert authority in respect of all the members of a First Nation, regardless of their location in Canada, and to highlight that the provincial borders are ill-adapted for First Nations).

The [enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group sending the notice] has an inherent right to self-determination and self-government, which includes the legislative authority and jurisdiction to develop our own laws for the benefit of our children and families, regardless of where they are located in Canada.

[¹] (see footnote)

Under section 20(1) of the *Act respecting First Nations, Inuit and Métis children, youth and families* (“**the Act**”), a notice of intent to exercise legislative authority in relation to child and family services may be given by the “Indigenous governing body” acting on behalf of an Indigenous group, community or people to the Minister of Indigenous Services Canada and to the governments of each province in which the members of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** are located;

[enter name] is the “Indigenous governing body” acting on behalf of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** for purposes of the *Act respecting First Nations, Inuit and Métis children, youth and families*:

**[Name of Indigenous governing body,
address, telephone, fax, email];**

Accordingly, we give notice that **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** intends to exercise its legislative authority in relation to child and family services.

Upon its enactment, our legislation relating to child and family services will be immediately applicable for the benefit of all of the children and families of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]**, regardless of their location and of whether or not a prior coordination agreement exists under section 20(2) of the Act.

In the exercise of our legislative authority and for the purposes of its implementation, we look forward to true collaboration and cooperation with your government and its various bodies.

[Add a closing to conclude. Example: “Yours sincerely”],

[Signatures]

c.c.: [The First Nations/Indigenous political organization in your region]

[+ IF DESIRED, c.c.:

- Child and family services provider (or agency) of the First Nation
- Youth protection authorities and children’s aid societies where your population are found, or simply all youth protection authorities and children’s aid societies.

¹ [OPTIONAL: Our inherent rights and the legislative authority arising therefrom are recognized and affirmed in international law, including the United Nations Declaration on the Rights of Indigenous Peoples, and in section 35 of the Constitution Act, 1982; (ADD IF APPLICABLE: and as treaty rights under name and date of agreement or treaty);]

[OPTIONAL: Add other information describing the specific circumstances of your COMMUNITY, NATION, FIRST NATION GOVERNMENT or group, its intentions regarding the implementation of a law, the projected timeline, etc.]

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APPENDIX 2 – Notice under section 20(2) of the Act respecting First Nations, Inuit and Métis children, youth and families

[DATE]

REQUEST TO ENTER INTO A COORDINATION AGREEMENT

for the purposes of section 20(2) of the *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24

TO:

Mr. Marc Miller
Minister of Indigenous Services Canada
10 Wellington St., 28th floor
Gatineau (Québec) K1A 0H4
marc.miller@canada.ca

AND TO:

The Government of [Enter the name of the province/territory in which the First Nation is located]

[Enter the first and last name of the Minister]

[Enter the title of the minister, the address and the email address]

[IF APPLICABLE: AND TO: Add names and contact information of ministers from other provinces/territories as appropriate (Note: The Act requires that notice be given to the government of each province in which the First Nation is located. Furthermore, the addition of one or more neighbouring provinces is a way to assert authority in respect of all the members of a First Nation, regardless of their location in Canada, and to highlight that the provincial borders are ill-adapted for First Nations):

Our letter pursuant to section 20(1) of the *Act respecting First Nations, Inuit and Métis children, youth and families* (“**the Act**”), dated [enter date], provided you with notice from [enter name of **COMMUNITY, NATION, FIRST NATION GOVERNMENT or group**] of its intention to exercise its legislative authority in relation to child and family services.

The **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group sending the notice]** has an inherent right to self-determination and self-government, which includes the legislative authority and jurisdiction to develop our own laws for the benefit of its children and families, regardless of where they are located in Canada;

[²]

Considering that section 20(2) of the Act provides that the “Indigenous governing body” acting on behalf of an Indigenous group, community or people may request that the Minister of Indigenous Services and the government of each province in which its members are located enter into a coordination agreement with the Indigenous governing body;

[enter name] is the “Indigenous governing body” acting on behalf of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** under the *Act respecting First Nations, Inuit and Métis children, youth and families*:

**[Name of Indigenous governing body, address,
telephone, fax, email];**

[Enter name of Indigenous governing body] hereby requests that the Minister of Indigenous Services Canada and the Government of Quebec **[add other provincial governments, if applicable]** enter into a coordination agreement respecting the exercise by **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** of its legislative authority in relation to child and family services.

Upon its enactment, our legislation relating to child and family services will be immediately applicable for the benefit of all of the children and families of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]**, regardless of their location and of whether or not a prior coordination agreement exists under section 20(2) of the Act.

We would like to begin discussions with a view to concluding a coordination agreement on **[enter proposed date]** *[OPTIONAL: add details that you consider relevant such as “thereby allowing sufficient time for our internal legislative process, but without losing sight of the importance of entering into an agreement as soon as possible”].*

[³] *(see footnote)*

In addition to other issues that may be identified at a later date, the coordination agreement should address:

- The provision of emergency services required for the well-being and safety of First Nations children;

² [OPTIONAL: Our inherent rights and the legislative authority arising therefrom are recognized and affirmed in international law, including the United Nations Declaration on the Rights of Indigenous Peoples, and in section 35 of the Constitution Act, 1982; (ADD IF APPLICABLE: and as treaty rights under name and date of agreement or treaty);]

[OPTIONAL: Add other information describing the specific circumstances of your COMMUNITY, NATION, FIRST NATION GOVERNMENT or group, its intentions regarding the implementation of a law, the projected timeline, etc.]

³ [OPTIONAL: Add other details about the process that you propose and the timeline for negotiations]

- ❑ Support measures allowing the children of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to exercise their rights effectively;
- ❑ Fiscal arrangements for the provision of child and family services by **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to ensure funding:
 - that is sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities ; and
 - that supports the capacity of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to exercise their legislative authority effectively; “
- ❑ *[ADD, in accordance with your needs and capacity, other issues for negotiation respecting the division of roles and responsibilities with the province(s) and the federal government, for example:*
 - *Persons, territory and types of services covered;*
 - *Standards of practice;*
 - *Clinical cooperation;*
 - *Training for all parties;*
 - *Personal information about the child, members of the child’s family or care providers that must be disclosed by the child and family services provider (or agency) to explain any proposed significant measure in relation to the child (section 12(2) of the Act);*
 - *Oversight of the exchange of information and the protection of such information;*
 - *The integration of the Act respecting First Nations, Inuit and Métis children, youth and families into the procedures of the provincial authorities;*
 - *Mechanisms to ensure cooperation when both a First Nations family and a non-Indigenous family are concerned;*
 - *etc.]*

[⁴] (see footnote)

Our intention is to ensure an effective, respectful and good faith **[government-to-government, Nation-to-Nation]** dialogue with a view to reaching a coordination agreement in a timely manner. To this end, we would be grateful if you would provide us with the name and contact information of the person responsible for negotiations within your government.

In the exercise of our legislative authority and for the purposes of its implementation, we look forward to true collaboration and cooperation with your government and its various bodies.

[Add a closing to conclude. Example: “Yours sincerely”],

[Signatures]

c.c.: [The First Nations/Indigenous political organization in your region]

[+ IF DESIRED, c.c.:

- **Child and family services provider (or agency) of the First Nation**
- **Youth protection authorities and children's aid societies where your population are found, or simply all youth protection authorities and children's aid societies.**

⁴ **[OPTIONAL:** Negotiations on behalf of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** will be led by: **(enter name, position and contact information of lead negotiator)]**. **[missing in French version?]**

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APPENDIX 3 – Combined notice under sections 20(1) and 20(2) of the Act respecting First Nations, Inuit and Métis children, youth and families

[DATE]

**NOTICE OF INTENT TO EXERCISE INHERENT LEGISLATIVE AUTHORITY
IN RELATION TO CHILD AND FAMILY SERVICES
AND
REQUEST TO ENTER INTO A COORDINATION AGREEMENT**
under sections 20(1) and 20(2) of the *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24

TO:

Mr. Marc Miller
Minister of Indigenous Services Canada
10 Wellington St., 28th floor
Gatineau (Québec) K1A 0H4
marc.miller@canada.ca

AND TO:

The Government of [Enter the name of the province/territory in which the First Nation is located]

[Enter the first and last name of the Minister]

[Enter the title of the minister, the address and the email address]

[IF APPLICABLE: AND TO: Add names and contact information of ministers from other provinces/territories as appropriate (Note: The Act requires that notice be given to the government of each province in which the First Nation is located. Furthermore, the addition of one or more neighbouring provinces is a way to assert authority in respect of all the members of a First Nation, regardless of their location in Canada, and to highlight that the provincial borders are ill-adapted for First Nations):

The **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group sending the notice]** has an inherent right to self-determination and self-government, which includes the legislative authority and jurisdiction to develop our own laws for the benefit of our children and families, regardless of where they are located in Canada;

[⁵] (see footnote)

Under section 20(1) of the *Act respecting First Nations, Inuit and Métis children, youth and families* (“**the Act**”), notice of intent to exercise legislative authority in relation to child and family services may be given by the “Indigenous governing body” acting on behalf of an Indigenous group, community or people to the Minister of Indigenous Services Canada and to the government of each province in which the members of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** are located;

In addition, section 20(2) of the Act provides that the “Indigenous governing body” acting on behalf of an Indigenous group, community or people may request that the Minister of Indigenous Services and the government of each province in which its members are located enter into a coordination agreement with the Indigenous governing body;

[enter name] is the “Indigenous governing body” acting on behalf of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** for the purposes of the *Act respecting First Nations, Inuit and Métis children, youth and families*:

**[Name of Indigenous governing body,
address, telephone, fax, email];**

Accordingly, we give notice that **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** intends to exercise its legislative authority in relation to child and family services.

[Enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group] also requests that the Minister of Indigenous Services Canada and the Government of Quebec **[add other provincial governments if applicable]** enter into a coordination agreement with it respecting the exercise by **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** of its legislative authority in relation to child and family services.

Upon its enactment, our legislation relating to child and family services will be immediately applicable for the benefit of all of the children and families of **[enter name of COMMUNITY,**

⁵ **[OPTIONAL: Our inherent rights and the legislative authority arising therefrom are recognized and affirmed in international law, including the *United Nations Declaration on the Rights of Indigenous Peoples*, and in section 35 of the *Constitution Act, 1982*; (ADD IF APPLICABLE: and as treaty rights under *name and date of agreement or treaty*);]**

[OPTIONAL: Add other information describing the specific circumstances of your COMMUNITY, NATION, FIRST NATION GOVERNMENT or group, its intentions regarding the implementation of a law, the projected timeline, etc.]

NATION, FIRST NATION GOVERNMENT or group], regardless of their location and of whether or not a prior coordination agreement exists under section 20(2) of the Act.

We would like to begin discussions with a view to concluding a coordination agreement on **[enter proposed date]** *[OPTIONAL: add details that you deem relevant to share, such as “thereby allowing sufficient time for our internal legislative process, but without losing sight of the importance of entering into an agreement as soon as possible”].*

[⁶] *(see footnote)*

In addition to other issues to be identified at a later date, the coordination agreement should address:

- The provision of emergency services required for the well-being and safety of First Nations children;
- Support measures allowing the children of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to exercise their rights effectively;
- Fiscal arrangements for the provision of child and family services by **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to ensure funding:

-that is sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities; and

that supports the capacity of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** to exercise their legislative authority effectively; “

- [ADD, in accordance with your needs and capacity, other issues for negotiation respecting the division of roles and responsibilities with the province(s), for example:**

- *Persons, territory and types of services covered;*
- *Standards of practice;*
- *Clinical cooperation;*
- *Training for all parties;*
- *Personal information about the child, members of the child’s family or care providers that must be disclosed by the child and family services provider (or agency) to explain any proposed significant measure in relation to the child (section 12(2) of the Act);*
- *Oversight of the exchange of information and the protection of such information;*
- *The integration of the Act respecting First Nations, Inuit and Métis children, youth and families into the procedures of the provincial authorities;*
- *Mechanisms to ensure cooperation when both a First Nations family and a non-Indigenous family are concerned;*
- *etc.]*

[⁷] *(see footnote)*

Our intention is to ensure an effective, respectful and good faith **[government-to-government, Nation-to-Nation]** dialogue with a view to reaching a coordination agreement

⁶ *[OPTIONAL: Add other details concerning the process you propose and the timeline for negotiations]*

⁷ *[OPTIONAL: Negotiations on behalf of [enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group] will be led by: (enter name, position and contact information of lead negotiator)].*

in a timely manner. To this end, we would be grateful if you would provide us with the name and contact information of the person responsible for negotiations within your government.

In the exercise of our legislative authority and for the purposes of its implementation, we look forward to true collaboration and cooperation with your government and its various bodies.

[Add a closing to conclude. Example: “Yours sincerely”],

[Signatures]

c.c.: [The First Nations/Indigenous political organization in your region]

[+ IF DESIRED, c.c.:

- **Child and family services provider (or agency) of the First Nation**
- **Youth protection authorities and children's aid societies where your population are found, or simply all youth protection authorities and children's aid societies.**

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APPENDIX 4 – Notice under section 12 of the Act respecting First Nations, Inuit and Métis children, youth and families

[DATE]

**NOTICE IN RESPECT OF THE DESIGNATION OF PERSONS OR ENTITIES WHO
MUST BE GIVEN NOTICE BEFORE SIGNIFICANT MEASURES ARE TAKEN IN
RELATION TO AN INDIGENOUS CHILD**

under section 12 of the *Act respecting First Nations, Inuit and Métis
children, youth and families*

To: [enter name of person and contact information, if applicable:

- *Child and family services provider(s) of the First Nation,*
- *Youth protection authorities and children's aid societies where your population are found, or simply all youth protection authorities and children's aid societies;*
- *The Minister(s) responsible of Social Services and/or Justice;*
- *Youth protection authorities and children's aid societies, government social services departments and departments of justice or attorneys general of neighbouring provinces.*

As of January 1, 2020, social services, youth protection services and the courts of the province must respect the legislative authority of the First Nations in relation to child and family services and the principles established in the *Act respecting First Nations, Inuit and Métis children, youth and families* (“**the Act**”);

The Act sets out the principles applicable throughout Canada, which represent significant progress in the exercise of the rights of First Nations. They add certain protections that are absent from or incomplete in the **[Enter name of your applicable provincial law]** and analogous legislation in the other provinces. These protections must henceforth be observed, and this notice aims to ensure compliance with them and their rigorous application.

[enter name] is the “Indigenous governing body” acting on behalf of **[enter name of COMMUNITY, NATION, FIRST NATION GOVERNMENT or group]** under section 12 of the *Act respecting First Nations, Inuit and Métis children, youth and families*:

**[Name of Indigenous governing body,
address, telephone, fax, email];**

We hereby provide notice that, before significant measures are taken in relation to a child from our **[community, First Nation, or any other appropriate name]**, the Indigenous governing body designated above, as well as the child’s parent – mother or father – and primary care provider in accordance with the customs and traditions of **[enter name of**

COMMUNITY, NATION, FIRST NATION GOVERNMENT, or group], must be duly informed of such measures.

These obligations are applicable with respect to all significant measures in relation to a child contemplated under the **[Enter name of your applicable provincial law]**

Without limiting their generality of application, these obligations apply in particular to: **[Option to specify significant measures under your applicable provincial law]**

Provincial bodies subject to these obligations must take the necessary steps to contact the designated persons and entities who are entitled to receive notice.

[Conclusion describing the eventual intentions of the First Nation – in particular if it plans to exercise its legislative authority – and, if applicable, its desire to collaborate to establish a more detailed procedure for sending the information to the persons referred to in section 12]

[Add a closing to conclude. Example: “Yours sincerely”],

[Signatures]

c.c.: [The First Nations/Indigenous political organization in your region]
Mr. Marc Miller, Minister of Indigenous Services Canada

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APPENDIX 5 – Notice under section 13 of the *Act respecting First Nations, Inuit and Métis children, youth and families*

[DATE]

**NOTICE IN RESPECT OF THE RIGHT TO PARTICIPATE IN LEGAL PROCEEDINGS
IN RELATION TO AN INDIGENOUS CHILD**

under section 13 of the *Act respecting First Nations, Inuit and Métis children, youth and families*

TO: [enter name and contact information], if applicable:

- *Child and family services provider(s) of the First Nation;*
- *Youth protection authorities and children's aid societies where your population are found, or simply all youth protection authorities and children's aid societies;*
- *The court that hears youth protection cases;*
- *The Minister(s) responsible of Social Services and/or Justice;*
- *Youth protection authorities and children's aid societies, government social services departments and departments of justice or attorneys general of neighbouring provinces.*

As of January 1, 2020, social services, youth protection services and the courts of the province must respect the legislative authority of the First Nations in relation to child and family services and the principles established in the *Act respecting First Nations, Inuit and Métis children, youth and families* (“**the Act**”);

The Act sets out the principles applicable throughout Canada, which represent significant progress in the exercise of the rights of First Nations. They add certain protections that are absent from or incomplete in the **[Enter name of your applicable provincial law]** and analogous legislation in the other provinces. These protections must henceforth be observed, and this notice aims to ensure compliance with them and their rigorous application.

We note that the **[Youth Protection authorities or Children's aid societies] specify under your provincial law** and the courts must see to the application of section 13 of the Act in proceedings on the provision of child and family services when a child from **[enter name of COMMUNITY, NATION, FIRST NATIONS GOVERNMENT or group]** is concerned.

In particular, in the event of any judicial proceeding concerning the provision of child and family services in relation to a child from our **[community, First Nation or any other**

appropriate denomination], including any youth protection proceeding, section 13 of the Act confers on the parent – mother or father – and, if applicable, the child’s care provider in accordance with the customs or traditions of **[enter name of COMMUNITY, NATION, FIRST NATIONS GOVERNMENT or group]** the following rights:

- The right to make representations; and
- The right to have party status in the proceedings.

To fulfill these obligations, provincial authorities must take the measures necessary to designate and obtain the contact information of the persons and entities entitled to receive notice.

Moreover, the Act also confers on the Indigenous governing body the right to make representations at such proceedings. **[Enter name]** is the “Indigenous governing body” acting on behalf of the **[enter name of COMMUNITY, NATION, FIRST NATIONS GOVERNMENT, or group]** under section 13 of the Act:

***[Name of Indigenous governing body,
address, telephone, fax, email]***

Without limiting their generality of application, these obligations apply in particular to cases contemplated under sections **[Option to specify obligations under your applicable provincial law]**

The person responsible for youth protection services **[OR: the person who assumes a role in matters of child and family services]** in **[enter name of COMMUNITY, NATION, FIRST NATIONS GOVERNMENT or group]** is:

***[Name of person, position, address,
telephone, fax, email]***

To be able to exercise their rights, the parent, the care provider and the person responsible for youth protection services **[OR: the person who assumes a role in matters of child and family services]** and **[enter name of INDIGENOUS GOVERNING BODY]** must receive due and timely notice of the judicial proceeding undertaken.

[AS NEEDED: ADD A CONCLUSION describing, if applicable, the desire to collaborate with the Youth Protection authorities and children’s aid societies , the Minister(s) responsible of Social Services and/or the Minister of Justice/Attorney General in the province (and their counterparts in other provinces) to establish a more detailed procedure to ensure the implementation of section 13 of the Act.]

[Add a closing to conclude. Example: “Yours sincerely”],

[Signatures]

c.c.: [The First Nations/Indigenous political organization in your region]
[Enter the first and last name of the provincial Minister and their ministry]
Mr. Marc Miller, Minister of Indigenous Services Canada