

MOU on Developing a Canada-Métis Nation Child and Family Services Accord

WHEREAS Canada is committed to achieving reconciliation with the Métis Nation through a renewed, nation-to-nation, government-to-government relationship based on recognition of rights, respect, co-operation and partnership as the foundation for transformative change;

WHEREAS the Government of Canada and the Métis Nation are committed to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS the Prime Minister's mandate letter directs the Ministers and Departments of Crown-Indigenous Relations and Northern Affairs and Indigenous Services Canada to work with other Ministers to establish a new relationship with Indigenous Peoples including the Métis Nation;

WHEREAS Canada and the Métis Nation (hereinafter referred to as the "Parties") entered into the Canada-Métis Nation Accord on April 13, 2017 which commits the Parties to work, on a nation-to-nation, government-to-government basis, to renew the relationship, based on cooperation and respect for Métis rights and to improve the socio-economic conditions of the Métis Nation and its citizens and their access to social and economic programs and services that address their needs;

WHEREAS in 2016 the Supreme Court of Canada in *Daniels v. Canada (Indian Affairs and Northern Development)* declared that the "Indians in section 91(24) of the *Constitution Act, 1867* include Métis and non-status Indians and that "reconciliation with all of Canada's Aboriginal peoples is Parliament's goal";

WHEREAS *Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families ("Bill C-92")* was introduced into Parliament in February 2019, which sets out a legislative path to recognition and implementation of the rights to self-determination and self-governance through Indigenous jurisdiction over child and family services in Canada;

WHEREAS *Bill C-92* is based on the principles of the best interests of the child, cultural continuity (including family reunification) and substantive equality, seeking to support comprehensive reform to focus on prevention and early intervention, culturally-appropriate care and on reducing inequalities currently experienced by Métis Nation, First Nation and Inuit children, youth and families;

WHEREAS the Métis Nation and the Government of Canada worked in partnership, alongside First Nations and the Inuit, to co-development of *Bill C-92* and whereas it is the intention of the Métis Nation and the Government of Canada to continue this partnership to support implementation of *Bill C-92* once it receives Royal Assent;

WHEREAS the Parties under this MOU seek to establish new approaches towards reducing the number of Métis Nation children and youth in care and facilitating enhanced Métis Nation participation in the delivery of child and family programs and services;

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NOW THEREFORE, the Parties agree as follows:

Purpose

1. The Parties will continue a process for Canada and the Métis Nation to jointly undertake the development of a 10-Year Canada-Métis Nation Child and Family Services Accord (“the Accord”). This Accord will focus on transformation of child and family services systems based on new approaches that will reduce the number of Métis Nation children and youth in care; promote Métis Nation jurisdiction over the design and delivery of child and family programs and services; and facilitate the successful co-development and co-implementation of *Bill C-92*.

Structure and Membership

2. To advance this goal, the Ministers and the Presidents of the Métis National Council and its Governing Members (Métis Nation of Ontario, Manitoba Metis Federation, Métis Nation - Saskatchewan, Métis Nation of Alberta, and Métis Nation British Columbia) will identify representatives to serve on a Canada-Métis Nation Working Group on Métis Nation Child and Family Services Reform (the Working Group). The Working Group will report back to the Ministers and Leaders through the Canada-Métis Nation Permanent Bilateral Mechanism.
3. The Working Group will be comprised of representatives from Canada, the Métis National Council and its Governing Members. The Government of Canada will be represented by officials from Indigenous Services Canada, Crown Indigenous Relations and Northern Affairs and others as deemed appropriate.
4. The Working Group will develop terms of reference for the operation of the Working Group.

Mandate

1. The Working Group will be a key point of contact with the Métis Nation for continued engagement on child and family services reform, including implementation of *Bill C-92*.
2. The Working Group will examine the current approach and status for meeting the child and family services needs of Métis Nation children, youth and families with specific consideration towards the social determinants of health and well-being and will identify any service gaps and areas for improvement. This will be done with a view to developing a 10-Year Accord aimed at new approaches that will create more equitable, responsive and effective child and family services for and by the Métis Nation. The Working Group will discuss issues, explore policy related matters and make recommendations related to:

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- a. Examining ways to facilitate Métis Nation jurisdiction over Child and Family Services including through implementation of co-developed federal recognition legislation, *Bill C-92*, including regulatory developments;
 - b. Examining options and means to shift the focus of child and family services programming to culturally-appropriate prevention, early intervention, and family reunification programs and services. This includes strengthening existing Métis Nation community-based supports and services;
 - c. Increasing the understanding of the current child and family services “landscape” for the Métis Nation across jurisdictions including provincial legislation, systems, regulations and policy;
 - d. Identifying and developing innovative long-term approaches to supporting Métis Nation children, youth, families and communities;
 - e. Identifying options for transferring full authority for culturally-appropriate child and family services to Governing Members, in collaboration with all governments; and
 - f. Creating a Métis Nation data strategy with respective provincial governments and federal partners to increase inter-jurisdictional data collection, sharing and reporting to better understand the rates and reasons for apprehension.
3. The Parties agree to share existing relevant research and information and to jointly produce proposals, options and recommendations to support a government-to-government relationship to reduce the number of Métis Nation children and youth in care.
 4. The Parties will be guided by the following factors in developing the Accord and related proposals and recommendations:
 - a. Reducing the number of Métis Nation children and youth in care and improving the situation of Métis families and those at risk is a shared responsibility of all orders of government including the Métis Nation;
 - b. Expanding the capacity and roles of the Métis Nation, which will require cooperation among governments;
 - c. The Accord will be informed by the six points of action adopted by the Federal Government to address the over-representation of Indigenous children and youth in care in Canada;

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- d. Evidence-based promising practices will inform proposals and recommendations; and
- e. Proposals with significant policy and/or financial implications will require vetting through appropriate federal policy approvals and budget processes and that work will need to follow the policy and budgetary timelines of the Government of Canada.

Reporting and Implementation

- 5. Discussions of the Working Group shall result in joint proposals and recommendations for a 10-Year Canada-Métis Nation Child and Family Services Accord.
- 6. Best efforts will be made to conclude the development of the Accord and related proposals and recommendations by October 31, 2019.
- 7. The Accord and related joint proposal and recommendations will be presented for approval to the Minister of Crown-Indigenous Relations and Northern Affairs, the Minister of Indigenous Services Canada, and the Presidents of the Métis National Council and its Governing Members through the Permanent Bilateral Mechanism.

Non-Derogation

- 8. Nothing in this MOU shall alter, affect, limit, constrain or impede existing or future exploratory discussions or negotiations processes to address Métis rights, interests or outstanding claims against the Crown that are put into place between any Governing Member and the Government of Canada.
- 9. The Parties recognize that bilateral or tripartite exploratory discussions and negotiations processes agreed to by any Governing Member and the Government of Canada also advance reconciliation with the Métis Nation and that the Permanent Bilateral Mechanism is designed to complement and enhance those provincial and/or regional processes.
- 10. The Parties expressly agree that nothing in this MOU and subsequent Accord shall alter, affect, limit constrain or impede the bilateral negotiation processes established between the Government of Canada and any Governing Member including processes established by the Manitoba Metis Federation in the Canada-MMF Framework Agreement that was executed on November 15, 2016 in order to advance reconciliation in a manner consistent with the 2013 Supreme Court of Canada decision in *Manitoba Metis Federation v. Canada (Attorney General)*.

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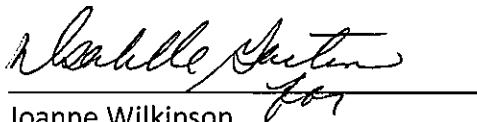
Term

11. This MOU shall be effective from the date of signature and will remain in effect until March 31, 2020 (the term) and may be extended by agreement in writing.

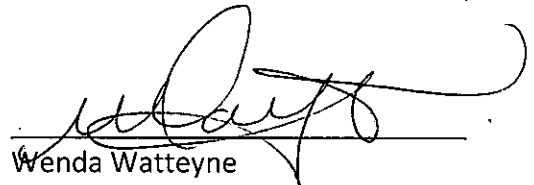
General

12. The Parties may revise this MOU in writing during this term or any subsequent extensions.
13. The Parties acknowledge that Canada is engaged in joint policy discussions with Governing Members and that nothing in this MOU precludes bilateral discussions or an agreement on any matter of mutual interest between any Governing Member and Canada.
14. The Parties acknowledge that this MOU is not a legally binding instrument but rather a statement of common resolve to establish a joint process to develop a 10-Year Canada-Métis Nation Child and Family Services Accord.
15. This MOU does not recognize, deny, define, affect or limit any Aboriginal or Treaty rights within the meaning of section 35 of the *Constitution Act*, 1982.
16. All communication and notices to any of the Parties to this MOU shall be in writing.

Signed at Ottawa , on the 12th day of June , 2019



Joanne Wilkinson
Assistant Deputy Minister
Child and Family Services Reform
Indigenous Services Canada

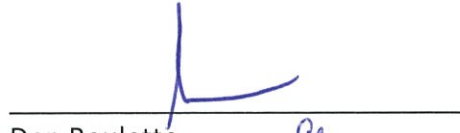


Wenda Watteyne
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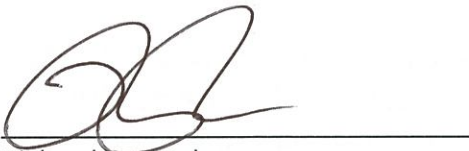
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