

Submission for the Review of the *Children, Youth and Families Act*

TO: Government of Newfoundland and Labrador

FROM: Innu Round Table Secretariat

DATE: August 15, 2025



The Innu are committed to developing our own alternative to the *Children, Youth and Families Act* (CYFA). We are continuing to work on an Innu law that will replace the CYFA for Innu, so that child and family services can be delivered under a fully Innu approach.

Until that time, we hope you will work with us to continue to improve your legislation.

As the Innu move forward in this process, we seek to take every opportunity to try and bring about change in the child protection system that has been imposed upon us and to ensure provincial legislation is responsive to the needs of Innu children during this transition period and beyond.

We have been actively working with the Province's Ministry of Families and Affordability (FAMA) and its predecessors for over 10 years now and have reached agreements to guide our relationship. These agreements include the 2015 Working Relationship Agreement and the 2021 Protocol Agreement which remains in effect. We recall the feedback we provided back in 2016 on NL's previous legislation. A lot has changed, and not just the fact that Innu are now working on our own law. When you passed the CYFA in 2018 and brought it into effect the following year, this made important progress by recognizing, for the first time, that Indigenous children have unique needs and need Indigenous representatives.

In the meantime, the *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System* has started and is now well underway. It has heard from over 100 people, mainly Innu people, as well as others, and provides an immense source of feedback that we trust you are taking into account as that process continues.

Now is a good time to build on these improvements, continue moving forward in the transition to Innu control and continue improving services for Innu families.

The Discussion Guide for the legislative review process outlined 5 focus areas. Our comments on each of these areas is through an Innu lens, and specific to Innu.

We propose changes to the CYFA which would better respond to the needs of Innu children, and to help support the transition to Innu self-government.

More specifically, this submission makes 14 critical recommendations for changes to the CYFA. These 14 recommendations essentially call for three overall changes to improve the system for Innu children and youth:

- To better recognize that Innu are a distinct people with a unique history, culture and language that must be understood, preserved and respected;
- To implement unique child welfare processes to better meet the needs of Innu children and involve Innu to create better outcomes for our children; and
- To improve coordination with Innu Prevention Services, which are growing, and to support the transition to Innu self-government.

Our 14 recommendations include the following:

A. Innu-Specific Child Welfare Practice

1. Affirm our jurisdiction
2. Appoint a provincial director for Innu child welfare coordination
3. Include a section specifically on the best interests of Innu children
4. Require Cultural Connection Plans only in non-Innu placements
5. Require Innu-Aimun interpreters to be available for Innu children, youth and families involved in child welfare proceedings in court
6. Recognize the term “Innu Representative” in the legislation

B. Innu Permanency Planning

7. Require consultation with Innu Representative prior to consenting to the adoption of Innu children
8. Amend continuous custody order timelines to keep Innu families together

C. Improve outcomes for Innu children/youth in care

9. Update the procedure for Child Protection Clearance Checks
10. Mandate the use of collaborative plans of care in court
11. Provide an Innu Representative for Innu children being interviewed
12. Have Innu children in care always followed by an Innu Zone Manager

D. Innu youth transitioning into adulthood

13. Increase support for Innu youth in care transitioning to adulthood

E. Information Sharing with Innu Service Providers

14. Legislate the maintenance and integration of the Protocol

We have also provided comments on the Department’s capacity, which is currently severely limited in its ability to implement the legislation as well as the Protocol.

We would welcome the opportunity to meet with you about these submissions.

Recommendations

A. Innu-Specific Child Welfare Practice

1. Affirm our jurisdiction

Legally the affirmation in s. 18 of *An Act respecting First Nations, Inuit and Métis children, youth and families* (Federal Act) is sufficient to recognize our laws and ensure they prevail, and it has been upheld by the Supreme Court of Canada.¹ However it would be symbolically meaningful to have the Province express the same principled support for our inherent jurisdiction that the federal government has expressed in the Federal Act.

The *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System* (the Inquiry) is likely to wrap up within the next year or so after having heard from so many Innu about the tragic challenges we have gone through in the provincial system. To have the Province confirm its commitment to Innu self-government in child and family services would make a clear statement emphasizing a break from the past and a willingness to move forward into a truly different future in this area.

One example of a way this has been expressed is by the Province of BC, with the passage of its *Indigenous Self-Government in Child and Family Services Amendment Act*, in 2022. Among other things, this introduced section 4.1 into its *Child, Family and Community Services Act*,² which says:

Self-government principles

4.1 This Act must be interpreted and administered in accordance with the following principles:

- (a) Indigenous peoples have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the *Constitution Act, 1982* and by the *United Nations Declaration on the Rights of Indigenous Peoples*;
- (b) the inherent right of self-government includes jurisdiction in relation to Indigenous child and family services, law-making authority in relation to those services and authority to administer and enforce laws made under that law-making authority;
- (c) Indigenous laws have the force of law in British Columbia.

¹ *An Act respecting First Nations, Inuit and Métis children, youth and families*, RSC 2019, c 24; *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5.

² *Child, Family and Community Service Act*, RSBC 1996, c 46.

This kind of statement would give some assurance of NL's commitment to real change. It would also help ensure that the commitment cannot just be changed at the whim of a particular person in office at a given moment.

Newfoundland and Labrador's affirmation could, for example, read as follows:

Affirmation of Innu Jurisdiction

This Act must be interpreted and administered in accordance with the following principles:

- (a) Innu have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the *Constitution Act, 1982* and by the *United Nations Declaration on the Rights of Indigenous Peoples*;
- (b) the Innu inherent right of self-government includes jurisdiction in relation to Indigenous child and family services, legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority; and
- (c) Innu laws further to (b) have the force of law in Newfoundland and Labrador.

We hope the Province will seriously consider a statement of this nature, which is largely symbolic but nevertheless an important statement of principle and commitment to change.

2. [Appoint a provincial director for Innu child welfare coordination](#)

As the Innu work towards self-government in the area of child and family services and as we continue to implement Innu Prevention Services and the Protocol, it is the right time for the Province to appoint a full-time director or other senior position responsible for Innu child welfare coordination between the Ministry of Families and Affordability and Innu government organizations, agencies and representatives.

The person in this position would coordinate collaboration with the Innu in ongoing child and family services, ensure provincial implementation of the Protocol, and help support the transition to Innu self-government in child and family services in line with the Innu law underway and the federal *Act respecting First Nations, Inuit and Métis children, youth and families* (Federal Act).

3. [Include a section specifically on the best interests of Innu children](#)

The concept of the best interests of the child should recognize that there are unique considerations specific to the needs of Innu children.

This could draw from s. 10 of the Federal Act, as well as stating that the best interest of an Innu child should be understood in light of the Innu Care Approach, and that coordination

between provincial and Innu service providers, in accordance with any agreements as may be applicable (e.g. the Protocol), is also in the best interests of Innu children.

4. [Require Cultural Connection Plans only in non-Innu placements](#)

Cultural connection plans were a helpful addition to your legislation in 2019. As you know, we have worked closely with your department on these plans. However, we also gave feedback early on that such plans are not necessary where an Innu child is placed with an Innu family. The requirement to have such plans in all cases has presented a burden for our staff and your staff, and we have had to create workarounds in order to meet legislative requirements while trying focus on the cases that truly need efforts for cultural connection.

Building on previous amendments to the Province's child welfare legislation, we ask that the CYFA reduce the need for cultural connection plans for Innu children to those cases where the child is placed with a non-Innu placement. To be clear, the Innu staffed placement facilities should be considered Innu placements, as should Innu foster families. Cultural Connection Plans are not needed in those situations, but are very beneficial in non-Innu settings.

5. [Require Innu-Aimun interpreters to be available for Innu children, youth and families involved in child welfare proceedings in court](#)

It is evident that the needs and perspectives of Innu children, youth and families involved in child welfare proceedings cannot be properly heard or understood when Innu people are deprived of means to communicate in our own language.

To ensure the just treatment and wellbeing of Innu children, youth and families, the CYFA should require that Innu-Aimun interpreters be available for Innu children, youth and families involved in child welfare proceedings in court whenever they are needed.

This is within the Innu's rights to equal treatment without discrimination under the law.

And yet, the reality today is that interpretation is frequently not available. There are significant gaps. Families face pressure either to arrange their own interpreter, move ahead without interpretation, or have significant delays in their case which may prolong a parent-child separation.

The CYFA should recognize our right to speak our language, and to be understood when interacting with your court system.

6. [Recognize the term "Innu Representative" in the legislation](#)

Our representatives operate under the name Innu Representative. While the inclusion of the term "Indigenous Representative" in the CYFA helped to empower this role, we would feel more respected and recognized if our own name for this role was acknowledged. The term "Innu Representative" could be incorporated into an Innu-specific provision or set of provisions.

B. Innu Permanency Planning

7. [Require consultation with Innu Representative prior to consenting to the adoption of Innu children](#)

Under section 40(c) of the CYFA a manager may consent to the adoption of an Innu child under a continuous custody order without first consulting or notifying an Innu Representative. This is inappropriate. It risks severely limiting the ability of the Innu to ensure our children are only adopted with adequate consideration of their well-being and continued connection to Innu culture and community.

In practice, consultations with Innu Representatives are typically taking place now. This fact should be recognized in the legislation, and we should have the certainty of seeing it required. It would be best if the consent of an Innu Representative were required before the court approves an adoption with respect to an Innu child. At a minimum, we ask that the legislation require managers to notify and consult with an Innu Representative prior to consenting to an adoption.

8. [Amend custody order timelines to keep Innu families together](#)

Current temporary custody order timelines under section 33 of the CYFA fail to provide Innu families with adequate opportunity to meet the requirements of their plan of care before losing their children permanently to a continuous custody order. These limited timelines often work against families and against children's best interests. There are cases where a better outcome could occur with adequate time and support.

In practice, the timelines do not always apply as stated, due to court delays, or due to successes in finding pathways outside of court to resolve a matter. However, there is a risk that court timelines can present a barrier to good practice, especially with very young children under age 6.

We recommend that the Province extend these timelines, or provide more flexibility, ensuring we allow Innu families to make the necessary changes to keep their children safe prior to a continuous custody order.

C. Improve outcomes for Innu children/youth in care

9. [Update the procedure for Child Protection Clearance Checks](#)

Child Protection Clearance Checks have been a serious barrier to delivering adequate services to Innu children.

There are often major delays in getting these checks completed. This can hinder the placement of an Innu child in foster care with a family member or community member, when that placement would be in the best interests of the child. This exacerbates the disruption experienced by Innu children involved with child welfare services. Child Custody Clearance Checks can also pose a delay to the hiring of staff at the five Level 4 placements now operated by the two Innu placement organizations.³ This makes it very hard for these organizations to operate successfully and consistently.

We are also seeing inconsistent practice in the administration of Child Protection Clearance Checks. For example, a person who has already provided a clear check to work in a Level 4 facility has been asked to submit a new check for the purposes of providing kinship care. We are also seeing inconsistency in how often people are asked to repeat such checks. Further, we have seen that the reviews of files is inconsistent among checks.

The process needs to change.

We fully recognize the purpose of such checks remains important: to ensure safety and avoid caregivers or staff who would pose a risk to children. However, the way to accomplish that objective in Innu communities is different for two main reasons:

- The reality is, the number of past child protection involvement “hits” is high in Innu communities given the reality of extremely high child protection involvement in these communities.
- On the other hand, Innu have the benefit of knowing our community members well. We know how people are doing. We know who used to struggle ages ago but has been stable for years. We can bring this knowledge forward in assessing community members.

We propose that the way to manage this is to involve Innu Representatives and the Level 4 placement facility organization Directors in the screening process right from the start. Innu Representatives and Directors could assist the clearance check process in two ways:

- i. Affirm that a person is safe and appropriate while the more formal check takes place. This affirmation should remain in place for the entire time that a formal check is completed, as the timelines for completion of formal checks can vary. This could be comparable to the process now used for non-Canadians, as our experience is that a person coming from outside Canada can simply provide an affidavit stating that they have no child protection record. (And we recommend that as regards non-

³ Shusheshipian Ishpitentamun Mitshuap operates 2 Emergency Placement Homes in Sheshatshiu and 1 Group Home in Sheshatshiu. Mushuau EPH and Group Home operates 1 Emergency Placement Home in Natuashish and 1 Hybrid Home in Goose Bay.

Canadians, that there also be safeguards as a back-up such that actual records are checked as well, even if that takes more time.)

- ii. When the results of a formal check come back, being involved in assessing that result and/or involvement in appeals. Context is important.

The legislation should also unequivocally ensure that record checks do not show a “hit” for a person who was involved with child protective services as a child or youth. Contact with the child protection system as a child or youth should not be a cause to retrieve a record, or delay completion of a CPCC. Involvement as a child, such as having been in care, should not be considered a child protection record for purposes of these checks. It is not the child’s fault. Given the over-representation of Innu in the child welfare system, this is a significant issue in Innu checks. We raised it years ago and obtained a verbal promise not to include children’s records; however, that was never integrated into written policy to our knowledge and does not show up the legislation.

This is an equity issue. Young offenders have better privacy protection than youth involved in the child welfare system.

The Ontario government has taken action on this issue in passing Bill 188 last year, which enhances privacy protections of those who are currently or were formerly in the child welfare system by further restricting access to personal childhood histories and protection records in amendments to their *Child, Youth and Family Services Act, 2017*.⁴ Ontario’s amendments added the following sections:

No use of personal information

291.1 (1) Despite sections 286 and 291, no society or prescribed person or entity shall use personal information about an individual that was collected by the society or prescribed person or entity when the individual was receiving care and support pursuant to an agreement made under section 124 or when the individual was a child who was or may have been in need of protection or that was collected in other prescribed circumstances, if,

- (a) the personal information is held in a prescribed record or relates to care and support received pursuant to an agreement made under section 124 or to prescribed services provided to the individual; and

⁴ *Child, Youth and Family Services Act, 2017*, RSO 2017, c 14, Sched 1, in particular amendments flowing from 2024, c 17, s 27. It provides certain limited exceptions, such as a person accessing their own information.

(b) the individual is no longer eligible to receive care and support pursuant to an agreement made under section 124 or prescribed services.

We recommend that the Province implement similar legislative changes to protect the personal information of those involved in the child welfare system as children and youth and improve the reliability of Child Protection Clearance Checks in Innu communities to better serve and protect our children.

It is important to emphasize that changes to the CPCC system will increase the safety of Innu children, not diminish that safety. As the Inquiry shows all too well, many Innu children have faced terrible abuse in the homes of strangers, who were presumably pre-screened. Removing an Innu child from their culture, language or community needs to be understood as a significant danger and risk, in a number of respects. Innu youth who were forced to leave their community to receive care have suffered, and as noted in the Inquiry, several died. To provide appropriate care within Innu communities is a safety imperative. We need to work together to be able to do that, for the benefit of Innu children.

10. Mandate the use of collaborative plans of care in court

Currently, provincial social workers present their own plans of care to court, on notice to Innu Representatives and with the requirement of prior consultation. While an improvement on past practice, this does not reflect where services are now at and where they are headed.

At this stage, it would be more appropriate and entirely feasible for the CYFA to anticipate that Innu Representatives will work with provincial social workers to collaborate on plans and jointly present those collaborative plans to the court.

The legislation could still provide for procedures to be followed where a plan cannot be developed on consent. However, having the expectation promote the presentation of collaborative plans is a better standard and one that we feel both sides are ready for.

11. Provide an Innu Representative for Innu children being interviewed

Section 14 of the CYFA provides that a provincial manager or social worker may interview a child under investigation without supervision. To protect Innu children and promote trust in these challenging situations, we ask that section 14 be expanded to provide for an Innu Representative to attend and support Innu children being interviewed and to advocate for the Innu child's best interests during the investigation.

It is important to keep in mind that when being interviewed by a provincial worker, an Innu child is being interviewed by someone from a completely different culture, and often a different language as well. There is also enormous mistrust of the system from Innu parents, which, as the Inquiry evidence shows, comes from legitimate reasons and traumatic lived experiences. If people do not trust the integrity of the process, the whole

investigation becomes more difficult for everyone, and it is hard for people to understand the outcomes.

The success of the process both in terms of accuracy and in terms of child well-being would be enhanced by the presence of an Innu Representative at interviews with Innu children.

12. [Have Innu children in care always followed by an Innu Zone Manager](#)

Most Innu children in care are under the file of an Innu Zone Manager. However, some are not and end up on the caseload of a Zone Manager in Goose Bay, or on the Island in various locations.

This is harder for us to manage in interacting with people through Innu Prevention Services and our Innu Representatives. We spend time building relationships with the Innu Zone Managers and set up regular meetings with them. If we have to reach out to many other managers in addition it gets much more complicated and our services are less likely to succeed.

And while all zones are required to follow the Innu-CSSD Protocol Agreement, in reality, familiarity with the Protocol is very low in other zones. Other zones and Zone Managers have typically not received training in the Protocol and are not used to dealing with it. In these situations, Innu children can be lost track of and may not receive the same attention and culturally-specific care that they require and deserve.

One of the Innu Zone Managers should be always be the Innu child's legal guardian and responsible for decisions, i.e. the Zone Manager for the child's First Nation.

We understand that a child placed in a given location will need some interaction with workers at that location. However, if the final decision-making authority can rest with an Innu Zone Manager, it will make a significant difference in ensuring proper collaboration with Innu Representatives and Innu Prevention Services, in compliance with the Protocol, and in providing a higher quality of service to that Innu child.

D. Innu youth transitioning into adulthood

13. [Increase support for Innu youth in care transitioning to adulthood](#)

To ensure positive long-term outcomes for Innu children in care, the Province should increase and broaden its support services for Innu youth in care who are transitioning to adulthood (or for all youth).

Right now, provincial support is too restrictive and has a limited age range. The cut-off at age 21 is way too early. The federal government, in its Post-Majority Support Services program, has already recognized the need to go up to age 26. Other jurisdictions have expanded their age ranges as well or are looking at doing so.

As your Discussion Guide recognizes, brain development is not even complete until age 25. We would add, in many Canadian families, financial support and/or housing support through the young adult years is very common, often right through a person's 20s. From an Innu perspective, families do not end at any age; family relationships and mutual support are important at all ages.

The Inquiry has reminded all of us of the vulnerability of these youth. As you know, the deaths of 6 Innu youth are being investigated; 5 of these youth died as teens or young adults within a few months or years of having left provincial "care". They needed much more support not only to thrive but even to survive.

Youth in care deserve to thrive. To help them do so, and overcome the many barriers they face, they must be given much more support, for much longer.

E. Information Sharing with Innu Service Providers

14. [Legislate the maintenance and integration of the Protocol](#)

To ensure the continued success of the Innu-CSSD Protocol, agreements between the Province and Indigenous governments or their assigned organizations, such as the Protocol, should be referred to in the Province's child welfare legislation as an integral feature of the provision of services for Indigenous children, youth and families.

We hope this will help promote more consistent implementation of the Protocol's terms. As it stands, implementation by the Province remains uneven, due to challenges such as staff turnover, lack of understanding, different levels of familiarity among zones, and so on. Having this kind of agreement reflected and recognized right there in the legislation would help convey that it is real and make clear that it is not optional.

The legislation could also provide for the review of such agreements at regular intervals (currently set in the Protocol at least every three years) to ensure the relationship is maintained, ensure integration of services, and so on.

Capacity to Deliver

In closing, we want to also strongly encourage the Province to take steps to repair its capacity to implement its legislation and deliver services under its legislation.

This requires a greater investment of resources, in order to improve staffing levels and improve the resulting quality and consistency of service in relation to the Innu Zones.

The legislation is pointless if good staff – and frankly any staff – are not there to follow it. Requirements the Province has committed to in its law, regulations and policies, as well as

in the Protocol, are often not followed due to challenges related to high vacancy rates and high turnover.

This is a critical issue for the safety and well-being of Innu children.

We have raised this numerous times over the past several years at the IRT Child and Family Services Committee, without seeing meaningful progress.

In particular, we want to remind the Province that the way it is staffing services on rotation in the Innu communities is by splitting the caseload, on a 2-weeks-on/2-weeks-off basis. When a social worker is off for two weeks, no one else has their files. Their files are unable to move forward, and the social worker is unable to connect meaningfully in discussions with families or Innu Representatives. We are often told that no one can meet on a given file for weeks. This is outrageous and should be a scandal. It is unsafe, unfair and not in the best interests of Innu children. Child protection files require full-time case management.

To do so, full-time dedicated workers are ideal. If that cannot be found, then rotational workers need to be doubled in number or scheduled differently, ensuring that each file has ongoing staff attention. A meaningful approach to vacancies also needs to be considered that likely requires attention to wages and other issues affecting recruitment. We have previously suggested consideration of what work may be possible for social workers to do while away from the communities. This might include administrative tasks such as data entry, phone calls, etc, which would allow social workers to use their time more effectively while in community. We have also suggested the use of social work assistants who could assist on the ground as well.

We strongly encourage the Province to invest in its system so that it can actually implement its legislation properly, meet its commitments to Innu under the Protocol, and work with us as we transform things towards Innu services under an Innu law.