

Chiefs of Ontario

**Creating a Healthy & Loving
Society for our Children**

**Overview of the Urban
Experience with C-92**

**Jeffrey Schiffer, PhD
Executive Director,
Native Child and Family
Services of Toronto**

May 19 & 20, 2021



C-92 and First Nations Jurisdiction

C-92 provides a pathway for First Nations to exercise their inherent right and jurisdiction over their community members as it relates to child and family wellbeing.

C-92 did not create this jurisdiction. It was always there.

As such, urban organizations have long existed as facilitators to support the implementation of inherent First Nations jurisdiction in urban spaces.

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Urban Aboriginal Child & Family Wellbeing Agencies

Urban Aboriginal agencies have been developed by community members living in urban spaces over the past four decades.

As one example, Native Child and Family Services of Toronto (NCFST) was developed in 1986 as a support services/prevention agency, and later took on a child protection mandate in 2004.

Indigenous child and family wellbeing agencies, whether operating on or off reserve (or in both jurisdictions), exist to support First Nations in exercising their jurisdiction and addressing the intergenerational legacy of residential schooling, mainstream child welfare, and the continued systemic racism and discrimination perpetuated against First Nations peoples.

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Urban Demographics and Service Landscape

- The urban experience surrounding C-92 is complex and varied.
- Every major city across Canada has large, diverse and dynamic First Nations populations.
- Consequently, it is not uncommon for urban agencies to be serving community members from 50-100 distinct First Nations. Many of these children and families are diverse (comprised of Aboriginal and non-Aboriginal people with ancestors from many nations).

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The Legacy of Broken Community Connections

The history of mainstream child welfare (60s Scoop, etc) has also broken family and community connections.

Throughout complex histories of disenfranchisement, First Nations children have grown up, started families and developed identities as urban Aboriginal peoples, sometimes without direct knowledge of the families and communities from which they come.

First Nations peoples come to cities for various reasons: to access programs and services not available in their home community; to escape unsafe conditions, etc.

The Role of Urban Agencies

Urban agencies find themselves in a complex and shifting set of relationships focused on the following:

- Developing an understanding of which First Nations the community members they are serving are connected to.
- Taking direction from First Nations around how their community members should be served in the city.
- Exploring opportunities to connect folks to their First Nations.
- Providing services to community members who do not know their First Nations affiliation.
- Supporting community members who feel connected to their urban Indigenous community and do not want to be directed by or connected to their home First Nation.
- Managing the complexity of service so many nations and identities.

Developing a Position on C-92

- Our Position on C-92: Facilitators of First Nations Jurisdiction in Urban Centres
- Urban Forum on C-92 (September 2019)
- Position paper: A Call for the Inclusion of Urban Aboriginal Service Providers in the Federal Transformation of Aboriginal Child Welfare (Oct 2019)

The Response of Urban Agencies to C-92

At least 3 options:

- Supporting First Nations to exercise their jurisdiction in urban centres by delivering services to their community members as we have done so for decades;
- Supporting First Nations to exercise their jurisdiction in urban centres through blended service delivery (delivering services in partnership with First Nations, or simply providing space for First Nations to deliver services in urban centres);
- Or simply stepping out of the way when asked to do so, and referring community members to their respective First Nations after helping urban Indigenous peoples identify their community connections.

Conclusion & Discussion

Implementation of legislation created under C-92 can be best supported in urban spaces through collaboration and partnerships between established urban Aboriginal agencies as facilitators and service delivery technicians and experts and First Nations as self-determining governing bodies with inherent rights and jurisdiction over child and family wellbeing.

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