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# TRAGIC DAY FOR CHILDREN IN CARE

## Province of Manitoba passes legislation denying children's rights

**FOR IMMEDIATE RELEASE: November 9, 2020**

**ANISHINAABE AND DAKOTA TERRITORY, MB** — Friday was a tragic day for the 10,000 children in care in Manitoba, 90% of whom are Indigenous, and for all former children in care. During a time when everyone is focused on the COVID-19 pandemic, the provincial government rammed through legislation that legally ends the ability of current and former children in care to sue the Manitoba government for clawing back their monthly Children's Special Allowance (CSA).

For years, the Manitoba government has been illegally confiscating CSA payments meant for First Nation and Metis children in care and has put the money into general revenue. The monthly CSA payments equal the maximum Canada Child Benefit payment plus the Child Disability Benefit. Child and Family Service agencies apply to the federal government for these funds on behalf of children within their care, consistent with the federal *Children's Special Allowance Act* which states that the funds are to be used exclusively for the care, maintenance, education, training or advancement of the child in care.

To date, Manitoba has illegally taken over \$350 million dollars intended for the most vulnerable people in the province, First Nation and Metis children in care. Many children age out of the system without any resources set aside to help set them up for success in the future.

"The provincial government should be doing everything within its means to protect our children and not their own political interests," said SCO Grand Chief Jerry Daniels. "The legislation passed on Friday is very troubling to say the least and represents a huge setback for reconciliation. It is unconscionable that this government seeks to balance its financial books on the backs of First Nation and Metis children in care.

Not surprisingly, two CSA court actions were in progress to force Manitoba to comply with CSA laws, to stop the illegal claw back of money meant for children, and to hold the province accountable for its illegal actions. But now, with the passing of Bill 2, the *Budget Implementation and Tax Statutes Amendment Act*, the province has effectively denied former children in care their right to enforce their legal and human rights in court.

"Measures like this are just another example of colonial practices by government that are still very much alive today," added Richard De La Ronde, the Executive Director of Sandy Bay Child and Family

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Services. “The provincial government is trying to use the legislative process to silence Indigenous voices. I promise you, we will not allow this to happen unchallenged.”

A group of 19 Indigenous child and family agencies and Authorities and the Southern Chiefs Organization are filing a constitutional legal challenge against Manitoba’s Bill 2.

“The passage of Bill 2, the *Budget Implementation and Tax Statutes Amendment Act*, is Manitoba’s attempt to legalize the theft of CSA money from Indigenous children. It is also Manitoba’s attempt to escape legal accountability for the theft. This is wrong,” said Harold Cochrane, legal counsel, Cochrane Saxberg LLP.

The Child and Family Services (CFS) agencies, CFS authorities and the SCO are dedicated to fighting for the rights of First Nation and Metis children in care and we will not let this government deny them their inherent legal and human rights. We will continue to offer updates as actions develop.

The 18 Child Welfare Agencies and CFS Authorities involved in the lawsuit are:

ANIMIKII OZOSON CHILD AND FAMILY SERVICES, INTERTRIBAL CHILD AND FAMILY SERVICES, PEGUIS CHILD AND FAMILY SERVICES, SANDY BAY CHILD AND FAMILY SERVICES, SAGKEENG CHILD AND FAMILY SERVICES, SOUTHEAST CHILD AND FAMILY SERVICES, AWASIS AGENCY OF NORTHERN MANITOBA, CREE NATION CHILD & FAMILY CARING AGENCY, ISLAND LAKE FIRST NATION FAMILY SERVICES, KINOSAO SIPI MINISOWIN AGENCY, NIKAN AWASISAK AGENCY INC., OPASKWAYAK CREE NATION CHILD & FAMILY SERVICES, SOUTHERN FIRST NATIONS NETWORK OF CARE, FIRST NATIONS OF NORTHERN MANITOBA CHILD & FAMILY SERVICES AUTHORITY, METIS CHILD AND FAMILY SERVICES AUTHORITY, MICHIF CHILD AND FAMILY SERVICES, METIS CHILD FAMILY, AND COMMUNITY SERVICES, WEST REGION CHILD AND FAMILY SERVICES

*The Southern Chiefs’ Organization represents 34 First Nations and more than 80,000 citizens in what is now called southern Manitoba. SCO is an independent political organization that protects, preserves, promotes, and enhances First Nations peoples’ inherent rights, languages, customs, and traditions through the application and implementation of the spirit and intent of the Treaty-making process.*

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