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SCO APPLAUDS COURT RULING ON CHILD WELFARE CSA PAYMENTS

This is about righting an egregious attack on our most vulnerable citizens – Grand Chief Daniels

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ANISHINAABE AND DAKOTA TERRITORY, MB — The Southern Chiefs' Organization (SCO) is commending the Manitoba Court of Queen's Bench in a ruling handed down today regarding the provincial government's claw back of hundreds of millions of dollars earmarked for First Nation children. Today the court ruled that move is unconstitutional.

"This is a day to celebrate as we have been waiting far too long for justice for our children," stated SCO Grand Chief Jerry Daniels. "For years the Chiefs of the southern First Nations been working to draw attention to this urgent matter and the potential harm it does to our children in care. I am heartened to see that one of the highest judicial bodies in the country agrees with that."

Back in December of 2020, SCO joined a number of Indigenous child and family Agencies and Authorities in filing a constitutional legal challenge against Manitoba's Bill 2.

The provincial government has been confiscating millions of dollars in Children's Special Allowance payments for years. Child and Family Service agencies apply to the federal government for the Children's Special Allowance on behalf of children in their care. These payments are meant to be used exclusively for the care, maintenance, education, training, or advancement of the child in care according to the provisions of the federal Children's Special Allowance Act.

Instead, the Manitoba government has clawed back the amounts received by Child and Family Service agencies for years by deducting the CSA amounts from provincial funding provided to the agencies. The end result is that the province was taking the monthly CSA payment amounts and putting them into general provincial revenue.

Before SCO's legal action was launched, the then Pallister government passed Bill 2, the Budget Implementation and Tax Statutes Amendment Act. Certain provisions of the Act deny former and current children in care the right to enforce their legal rights in court. Bill 2 has also ended two CSA court actions against the province that were in progress to force Manitoba to comply with CSA laws, to end the illegal confiscation of CSA money meant for children, and to hold the province responsible for its actions.

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Today, Court of Queen’s Bench Justice James Edmond has ruled that both the clawback and the bill violated equality rights under the Charter because Indigenous children, who make up almost 90 per cent of children in care, were disproportionately affected.

“Anyone can see that this was a blatant attempt to literally steal money from our children and from our ability to create positive outcomes for them,” said Lake Manitoba First Nation Chief Cornell Mclean, Vice-Chair of the SCO Chiefs’ Committee on Child Welfare. “Today’s ruling corroborates what we knew along; that what this provincial government was trying to do was wrong and shameful.”

“This ruling serves notice that we are going to always work to hold all of our Treaty partners to account, especially when they throw out the word reconciliation,” added Grand Chief Daniels. “We will always do whatever we can to advocate for our peoples, especially our most vulnerable children and youth.”

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The Southern Chiefs’ Organization represents 34 First Nations and more than 81,500 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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