

Just Relations



Survey Findings and Recommendations Regarding *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*

Prepared for Just Relations, University of Windsor Faculty of Law, Legal Aid Ontario
By Jamie Holmes

Summary

To better understand the gaps and needs in the area of child protection related to *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, S.C. 2019, c. 24 (the *Act*), a survey was developed and distributed to 827 lawyers on Legal Aid Ontario's child protection roster. The survey received University of Windsor Research Ethics Board clearance.

The survey consisted of 11 questions in total focused on the *Act* and its implications for practice, as well as implications for Legal Aid Ontario's service delivery. While the response rate was relatively low, some key themes arose. As noted below, the survey demonstrated some lack of confidence practicing child protection law under the *Act*. There was also significant interest in learning more about the substantive and practice implications of the *Act*.

The findings presented reflect the perspectives of survey respondents and may not be representative of all lawyers on Legal Aid Ontario's Child Protection Roster. Results are intended to identify emerging themes, learning needs, and practice considerations to inform future educational and resource development initiatives.

Practice Focused Learning Needs

63%

expressed
interest in
learning more
about the *Act*

44%

felt confident
practicing child
protection under
the *Act*

Methodology at a Glance



Population surveyed:
827 Child Protection roster lawyers

Responses received:
92

Response rate:
11.1%

Survey length:
11 questions

Focus:
Awareness, confidence, and learning needs relating to *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*

Results should be interpreted as indicative of respondent perspectives and are not necessarily representative of all roster lawyers in Ontario.

Project Purpose



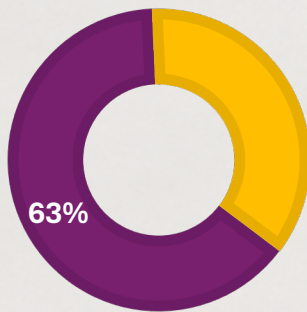
As more First Nations and Indigenous governing bodies implement their own laws, the legal landscape will grow increasingly complex, necessitating targeted education and capacity building for lawyers accepting LAO certificates.

Preliminary internal data from Legal Aid Ontario underscores the need for increased focus in the area of child protection. For example, in the Sarnia–Lambton (Southwest) region, 61 per cent of “family law/child law reform” certificates and 46 per cent of “Child, Youth and Family Services Act” certificates went unacknowledged. Province-wide, 23 per cent of child-protection certificates are issued to Indigenous clients, despite Indigenous peoples representing only 3 per cent of Ontario’s population. There is both need and a lack of available lawyers to represent clients.

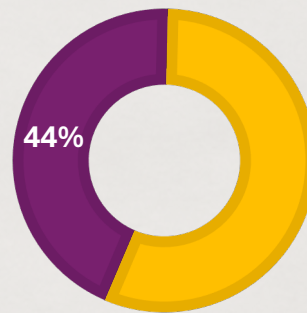
Survey Findings

Demand & Confidence

Interest in learning
more about the act

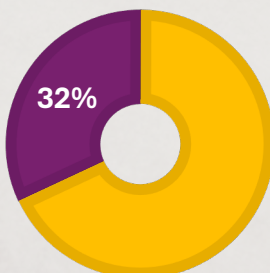


Felt confident
practicing under
the act

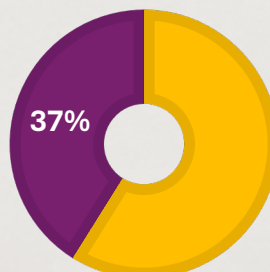


Preferred Resources

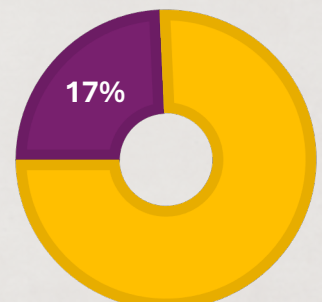
Requested
general
information
sessions & pre-
recorded videos



Requested a
centralized
resource hub



Requested
monthly/quarterly
updates on
Indigenous laws



Practice Focus Needs



- Survey respondents were asked about what educational and informational resources would help them become more familiar with the *Act* and stay up to date on its implications. Respondents requested:
 - Regular updates on case law and newly enacted Indigenous Laws,
 - CPDs clarifying the interaction between the *Act*, CYFSA and Indigenous legal frameworks,
 - Guidance on the national framework under the *Act*,
 - Practical guidance on navigating Indigenous laws and their processes.
 - Respondents also requested training for *present-day* impacts of colonization and its connection to overrepresentation of Indigenous people in the justice system.

Findings & Recommendations

Survey Finding	Recommendation
63% expressed interest in learning more about the <i>Act</i>	Develop targeted CPD and educational programming
37% requested a centralized resource hub	Develop a centralized online learning portal
Respondents requested regular updates on Indigenous laws and case law	Establish a dedicated update mechanism/listserv
Respondents identified a need for practical guidance and contextual learning	Provide training on the contemporary impacts of colonization and Indigenous legal frameworks

Strategic Recommendations

1. Develop a Centralized Online Learning Portal
2. Develop Targeted CPD Materials
3. Provide Training on the Contemporary Impacts of Colonization
4. Establish an Ongoing Update Mechanism

Existing Projects



LAO and Windsor Law, with support from the Law Foundation of Ontario, are actively developing a free, open-access national website containing:

- a case law database,
- recorded educational content,
- practice tools and reference materials, and,
- resources tailored for legal professionals, community members, families, students, and educators.

These resources will be continually developed over the next year. Roster lawyers will be provided with more information as these resources become available.



Windsor Law
University of Windsor



Report by:
Jamie Holmes, Indigenous Services Department &
University of Windsor Faculty of Law