



**FOR IMMEDIATE RELEASE**

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**Treaty One Territory, Winnipeg, Manitoba**

**Court Finds That Canada and Manitoba Created a Crisis by Trampling First Nations' Right to Govern Their Own Child Welfare**

**Treaty One Territory, Winnipeg, Manitoba** — Chief Justice Glenn Joyal of the Manitoba Court of King's Bench has handed down judgment in a class action challenging the federal and provincial governments' longstanding mismanagement of First Nations child welfare. The Court found that both levels of government serially breached First Nations' constitutionally protected right to self-governance in the domain of child welfare. These breaches contributed to the gross overrepresentation of First Nations children in care and needlessly severed First Nations' ties with another generation of their people. This historic decision is the first of its kind in Canada and an important step along the path toward reconciliation.

The action was led by Chief Heidi Cook of Misipawistik Cree Nation, Chief David Monias of Pimicikamak Cree Nation, and Chief Sheldon Kent of Black River First Nation, as well as the Assembly of Manitoba Chiefs (together, the "Plaintiffs"). The Plaintiffs argued their case in April 2025, followed by several rounds of further written submissions, and the Court released its 385-page decision yesterday evening. Because the Court certified a class action in addition to granting judgment for the Plaintiffs, all First Nations in Manitoba can now opt-into the proceedings and benefit from the judgment in their favour.

The Court found that the Plaintiffs have "a right to raise their children in their culture and community, with a connection to their land, and immersed in their languages and spiritual traditions". Yet "while Canada and Manitoba identified and recognized themselves and each other as highly interested parties in providing [Child and Family Services] to First Nations, they failed to treat First Nations communities, like the plaintiffs, as equally interested parties". In turn, "First Nations child welfare in Manitoba during the Class period, operated in a way that contributed to and in some ways made inevitable, the severance or separation of First Nations children from their community."

The Court explained that "[b]ased on the statistical evidence alone, it would not be incorrect to say that the rates of apprehension and numbers of First Nations children in care during the Class period have been and remain staggering. Meanwhile, the extent and scope of the defendants' interventions during this same period serve only to reinforce the existence of a serious and sustained problem, and, frankly, how little those interventions appear to have had any effect in reducing the rates of apprehension or sheer number of First Nations children in care."

Ultimately, the Court concluded that "the sheer continuity and depth of this crisis — as identified in the multiple public inquiries, reports and in the repeated interventions by the defendants — suggest

that something has gone and continues to go terribly wrong in First Nations child welfare.” In turn, the Court tied this outcome to multiple specific breaches of the Plaintiffs’ rights, including “a system disproportionately focussed on apprehension instead of prevention,” “culturally inappropriate placements”, and a “failure to ensure First Nations children remain connected to their First Nation”.

The Court’s conclusions affirm what First Nations in Manitoba have known all along. Since at least the beginning of the class period in 1992, and in fact for much longer, the child welfare system has been stacked against them, and it has operated to systematically sever their communities’ ties with their children, which has imperilled the survival of their way of life.

The federal and provincial governments resisted this action at every step of the way. They now have 30 days to decide whether to appeal the Court’s decision. Rather than continue to fight First Nations in court, the Plaintiffs urge Canada and Manitoba to come to the table. This is not the time for further litigation. Rather, it is a moment for the parties to come together in the spirit of reconciliation to implement real solutions to the child welfare crisis in First Nations communities.

“First Nations have always exercised our own laws, responsibilities, and systems to care for our children and families,” said Grand Chief Kyra Wilson of the Assembly of Manitoba Chiefs. “This decision confirms what First Nations have long said: Manitoba and Canada cannot continue to impose systems that separate our children from their Nations, languages, cultures, and communities. The Assembly of Manitoba Chiefs commends the leadership of Chief Heidi Cook, Chief David Monias, Chief Sheldon Kent, the plaintiff First Nations, Knowledge Keepers and Elders, and all those who carried this case forward over many years in defence of our children, families, and inherent rights. Their leadership helped bring forward the truth of what our Nations and communities have experienced for generations.”

“The Court has now recognized that First Nations possess constitutionally protected rights in the area of child and family services and that those rights were infringed. Manitoba and Canada now face a choice: continue litigation and appeal the past, or work in partnership with First Nations to advance self-government and build systems grounded in our laws, cultures, and responsibilities to our children. The AMC calls on both governments to choose the path forward and work alongside First Nations to restore our rightful role in caring for our children and families.”

“The time for urgent action is now,” said Chief Heidi Cook of Misipawistik Cree Nation. “It was a tragedy that this case had to be fought at all. We should have sat together, nation to nation, to build a better future for our children. But we fought this case because our rights continued to be neglected and our children continued to be taken away. I feel overwhelmed by the court’s recognition that the damage to our nations is real, that it is unjust, and that it cannot continue. Both levels of government need to come together to restore our First Nations’ central role in the care of our children. We cannot sit idly by while another generation of our young people are lost. As a Chief and as a mother, I know that our children deserve to grow up strong, healthy, and proud of who they are, and that is foundational to restoring the strength of our nations.”

“In starting this case, we stood not just for justice but for the restoration of our inherent rights and dignity,” said Chief David Monias of Pimicikamak Cree Nation. “Our children are sacred, and their connection to our culture, language, and community is fundamental to who we are as First Nations people. The child welfare system takes that away when they apprehend our children. Canada and Manitoba’s broken child welfare system has stolen too many of our children, our culture, and customs. This creates irreversible losses for our families and our future. The Chief Justice has said as much. Now the governments must listen to their own courts. Stop fighting First Nations. I have spent much of my life trying to fix the system, and it has been a struggle. But the court has said that our rights matter, they cannot continue to be ignored, and we must work together. I am grateful for this turning point.”

“It is difficult to quantify what our First Nations lose when our children are taken away, but the court has made a start,” said Chief Sheldon Kent of Black River First Nation. “The court has recognized that the separation of our children from our nations strains our families, communities, language, culture, and traditions. The court understood that we need to live together to share our distinct ways of living and being. The inherent role of First Nations in caring for our children and families is at the centre of our healing journey. I only hope that the governments will hear this message.”

## **Media Contact**

The Assembly of Manitoba Chiefs, Chief Heidi Cook of Misipawistik Cree Nation, Chief David Monias of Pimicikamak Cree Nation, and Chief Sheldon Kent of Black River First Nation are represented by McCarthy Tétrault LLP and the Public Interest Law Centre of Legal Aid Manitoba. The Plaintiffs are available to speak with media.

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## **About The Assembly of Manitoba Chiefs:**

The AMC was formed in 1988 by the Chiefs in Manitoba to advocate on issues that commonly affect First Nations in Manitoba. AMC is an authorized representative of all 63 First Nations in Manitoba with a total of more than 172,000 First Nations citizens in the province, accounting for approximately 12 percent of the provincial population. AMC represents a diversity of Anishinaabe, Nehetho / Ininew, Anisininew, Denesuline, and Dakota Oyate peoples.