



PADDLING TOGETHER FOR JURISDICTION:

*A Community
Technical Document*

Prepared by the
South Island Indigenous Authority
September 2023

CONTENTS

| | |
|---|----|
| SECTION ONE: The South Island Indigenous Authority | 1 |
| 1.1 Introduction | 1 |
| 1.2 Our History | 1 |
| 1.3 Our Shared History of Indigenous Child Welfare | 3 |
| 1.4 An Act Respecting First Nations, Inuit and Metis Children Youth and Families 4 | |
| 1.3.1 Pathways to Jurisdiction within the Federal Act | 5 |
| 1.3.2 Relationship Building With other IGB's | 6 |
| 1.3.3 Critiques of the Federal Act | 6 |
| SECTION TWO: Community Engagement | 8 |
| 2.1 Introduction | 8 |
| 2.2 Goals and Objectives | 8 |
| 2.3 Our Approach | 8 |
| 2.4 What We Have Heard So Far | 9 |
| 2.4.2 Named Issues and Structural Solutions | 16 |
| 2.5 Moving Forward | 17 |
| SECTION THREE: The Longhouse Model | 18 |
| 3.1 Introduction | 18 |
| 3.2 Goals and Objectives | 18 |
| 3.3 Our Approach—The Longhouse Model | 18 |
| 3.4 What We Have Heard So Far | 19 |
| 3.4.1 Longhouse Values | 19 |
| 3.4.2 Longhouse Roles and responsibilities | 19 |
| 3.2.4 Longhouse Model Process | 20 |
| 3.3.5 The Guest-Host Relationship | 23 |
| 3.5 Moving Forward | 23 |
| SECTION FOUR: Developing our Child and Family Law | 24 |
| 4.1 Introduction | 24 |
| 4.1.1 Indigenous Law | 24 |
| 4.2 Goals and Objectives | 24 |

| | |
|---|----|
| 4.3 Our Approach | 24 |
| 4.4 What We Have Heard So Far | 26 |
| 4.4.1 Purpose of the Law | 26 |
| 4.4.2 Application and Scope of the Law | 26 |
| 4.4.3 Governance Structure Outlined in the Law | 27 |
| 4.4.4 Service Delivery Outlined in the law | 27 |
| 4.4.5 Interpretation of the Law | 27 |
| 4.4.6 Federal Act Requirements of Our Law | 36 |
| 4.5 Moving Forward | 39 |
| SECTION FIVE: Governance | 40 |
| 5.1 Introduction | 40 |
| 5.2 Goals and Objectives | 40 |
| 5.3 Our Approach | 40 |
| 5.4 What We Have Heard So Far | 41 |
| 5.5 Moving Forward | 45 |
| SECTION SIX: Service Delivery Model | 46 |
| 6.1 Introduction | 46 |
| 6.2 Goals and Objectives | 46 |
| 6.3 Our Approach | 46 |
| 6.4 What We Have Heard So Far | 46 |
| 6.5 Types of Services Offered through Our Model | 47 |
| 6.5.1 Universal Support Services | 47 |
| 6.5.2 Child Plans | 47 |
| 6.5.3 The Floor Manager | 48 |
| 6.5.4 When Things Go Wrong | 48 |
| 6.5.5 Assessments and the Child Safety Team | 48 |
| 6.5.6 Safety Plans | 49 |
| 6.5.7 The Child and Family Advocate | 49 |
| 6.5.8 The Regional Child and Family Advocate | 49 |
| 6.5.9 Other Support Services for Families and Children | 50 |
| 6.6 Moving Forward | 50 |
| SECTION SEVEN: Quality Assurance | 51 |
| 7.1 Introduction | 51 |

| | |
|--|----|
| 7.2 Goals and Objectives | 51 |
| 7.3 Our Approach | 51 |
| 7.3.1 The Role of Data in Quality Assurance | 51 |
| 7.4 What We Have Heard So Far..... | 52 |
| 7.4.1 Longhouse Quality Assurance Foundations..... | 52 |
| 7.4.3 Community Wellness Promotion | 57 |
| 7.5 Moving forward | 59 |
| SECTION EIGHT: Dispute Resolution | 60 |
| 8.1 Introduction | 60 |
| 8.2 Goals and Objectives..... | 60 |
| 8.3 Our Approach..... | 60 |
| 8.4 What We Have Heard So Far | 61 |
| 8.5 Moving Forward..... | 62 |
| SECTION NINE: Finance and Administration | 63 |
| 9.1 Introduction | 63 |
| 9.1.1 The Federal Act | 63 |
| 9.2 Goals and Objectives | 63 |
| 9.3 Our Approach | 63 |
| 9.3.3 Relationship Building and Capacity Assessments | 65 |
| 9.4 What We Have Heard So Far | 65 |
| 9.5 Moving Forward | 65 |
| SECTION TEN: Infrastructure | 66 |
| 10.1 Introduction | 66 |
| 10.1.1 Background | 66 |
| 10.2 Goals and Objectives..... | 67 |
| 10.3 Our Approach | 67 |
| 10.4 What We Have Heard So Far | 68 |
| 10.5 Moving Forward | 68 |
| SECTION ELEVEN: Conclusion | 69 |
| References | 69 |

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We first want to acknowledge and thank all the community members who have shared their stories, thoughts, feelings, experiences, and knowledge with us so far. *This work would not be possible without you.*

SIIA would also like to thank the Aunties for their leadership and guidance as they have shared their knowledge with us. *We are grateful for you as life-givers to this process.*

We also want to thank the service providers who have freely shared their knowledge and expertise with us and for their continual support of this work. *The perseverance you show in caring for our children and families amidst the limitations of the current system is an inspiration to us all.*

SIIA also acknowledges the long tradition amongst the South Island Nations' Leadership of working to reclaim our right to care for our own children and families— a right that has never been relinquished. *Thank you to all those who have kept this fire burning in their hearts over all these years.*

Furthermore, SIIA has built on the work of a number of collectives who have gone before us including the Vancouver Island Aboriginal Transition Team (VIATT) and Authority (VIATA), as well as most recently, the work of the South Island Wellness Society. *We are grateful for your good work that we are able to build upon.*

We hope that the work contained in this report honours all those who have stepped forward to share their stories, histories and visions as we work together with one heart and mind to take back what is rightfully ours—our right to care for our children who are here with today, as well as those yet to come.

HUY CH Q'U | ʔEEXO ʔEEXO | HÍSW̱KE | HYCH' KA

EXECUTIVE SUMMARY

The following report contains a summary of the progress of the South Island Indigenous Authority Society (SIIA) to date regarding community engagement, legislation, governance, service delivery, quality assurance, developing a dispute resolution mechanism, infrastructure, administration and finance. The purpose of this report is to inform communities of the work that SIIA has done up to this point, to summarize what we have heard from communities so far, and our plans moving forward.

The purpose of this report is to invite feedback from the community. What are shared in this report are DRAFT plans and not final products. The final product will be dependent on community feedback for further development. We invite all feedback moving forward as this is important work that will impact generations to come, and we are reminded of the teaching often heard in community: *"we correct because we care."*

Each section of this report (other than section one and six) is divided into five parts: (1) An introduction to the section (2) SIIA's goals and objectives (3) How SIIA has approached the work detailed in each section (4) The planning work SIIA has done based on community engagement (5) SIIA's next steps moving forward.

Section one of this report provides information about SIIA, who we are and our history. It also contains some background information on child and family services law in Canada. It contains an overview of the developments that have led to the passing of *An Act respecting First Nations, Inuit and Métis Children Youth and Families*.

Section two of this report begins with an update on SIIA's community engagement work. It highlights key themes that have emerged from community engagement events. It provides a summary of some of the important conversations we have been having within communities. It also includes some of the continuing questions we have and discusses the next steps for community engagement moving forward.

Section three contains a discussion of the Indigenous laws that underpin SIIA. It explains what the Longhouse Model is and how it informs the work that SIIA is doing.

Section four provides an update regarding the development of the legislation. The intent of this section is to show communities how the information they have provided the community engagement team is informing the development of the new law. It provides a summary of the discussions that SIIA's legal team has had in trying to answer complex legal questions.

Section five outlines options for SIIA's future governance model. The role of SIIA will change in the future from a planning organization to an Indigenous Governing Body that oversees the delivery of services throughout the South Island.

Section six provides an overview of SIIA's proposed service delivery model. SIIA is in the process of developing a new service delivery model that supports families and communities as decision-makers regarding their children.

Section seven provides an overview of SIIA's proposed quality assurance framework which will oversee the proposed service delivery model.

Section eight discusses SIIA's proposed dispute resolution model, which is intended to resolve any disputes that may arise out of our service delivery model and to prevent disputes going to provincial court.

Section nine looks at SIIA's financial and administrative planning to-date. It contains a detailed description of how funding works under the Federal Act, and a description of how we plan to successfully reach a fiscal agreement with federal and provincial governments at the coordination agreement.

Section ten discusses infrastructure. It discusses what funding is currently available to Nations to improve and develop their infrastructure. It also discusses our plans to improve and develop infrastructure to be able to effectively transition, implement and operate the new legislation

READING NOTES:

DEFINITIONS:

Throughout this report, we have tried to stay true to how expressions, phrases, and words are used in community. We provide the following definitions to facilitate a space where all our relatives reading this report can understand the work we are doing, regardless of where they are from or how they grew up.

Belong to: The expression 'belong to' expresses one's hereditary right to their family's place(s), ceremonies, names, songs, dances, etc.

Hiring: A process initiated by a family whereby they ask other family and/or community members with relevant experience and/or expertise to help in a specific work.

Work: A term commonly used in community to describe a coming together of people in space where their hearts and minds are focused on important issues, conversations, ceremonies, or processes.

SOME OTHER HELPFUL TERMS:

The Aunties Group ('the Aunties'): Whenever the Aunties/Aunties Group is mentioned, we are specifically referring to a group of women from our member Nations who we have been consulting as a primary focus group.

The Federal Act: Whenever the Federal Act is mentioned in this report, it is referring to 'An Act Respecting First Nations, Inuit and Métis Children Youth and Families'.

Indigenous Governing Body ('IGB'): According to the Federal Act an 'Indigenous Governing Body' is a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by Section 35 of the Canadian Constitution. SIIA has been authorized as the IGB by the 8 South Island Nations SIIA serves, through Band Council Resolutions.

Member Nations: There are eight First Nations that are currently members of SIIA. Membership means those eight Nations have signed Band Council Resolutions designating SIIA as an Indigenous Governing Body, responsible for the planning for child and family services under the auspices of Bill C-92, An Act Respecting First Nations, Inuit and Métis Children, Youth and Families. The eight Member Nations are Pachēdaht (p̓aačiidʔaaʔtx); T'Sou-ke; Sc'ianew; Esquimalt (xʷsepsəm); Songhees (lək ʷəŋən); Tsartlip (W̱JOŁŁP); Pauquachin (BOKÉCEN) and Tseycum (W̱SÍ,KEM).

The Ministry of Child and Family Development (MCFD)/ 'The Ministry': MCFD is the branch of the provincial government responsible for the child protection service across the province.

OCAP®: The First Nations principles of ownership, control, access, and possession – more commonly known as OCAP® – assert that First Nations have control over data collection processes, and that they own and control how this information can be used.

QUOTATIONS:

Unless a quote in this report has been attributed to a source, it has come directly from our community engagement materials. In some cases, names have been obscured to protect the privacy of those who have shared their stories with us.

SECTION ONE:
THE SOUTH ISLAND INDIGENOUS AUTHORITY

1.1 INTRODUCTION

The South Island Indigenous Authority (SIIA) was created in 2018, to further the political relationship that the South Island Indigenous communities had with the provincial and federal governments through the South Island Wellness Society (SIWS). When SIWS became a service provider there were few opportunities to meet directly with governments. With a mandate to continue to regain more control over child and family services, SIIA is now preparing for the opportunity to regain full jurisdiction with the passing of Bill C-92 in June 2019.

There are many notable events in the past twenty years that have brought us here today. The theme of both our failures and successes is that our communities and Nations have always wanted full control over the wellbeing of their children and families. The earlier challenges were as a result of government lead initiatives which failed to provide communities with timely opportunities to have say in a proposed regional model. Although many Nations in BC saw the failure of this regional model as a setback, it provided the basis upon which communities could step up to do this work for themselves.

SIWS became the organization for the South Island Nations to do this work and included the urban Indigenous community represented by the Victoria Native Friendship Centre. This was the first time that the South Island Nations and the urban Indigenous community partnered together. This collective voice has remained strong over the past 15 years. To this day, the South Island Nations have maintained that our traditional laws and teachings guide us to care for guests in our territory, and thus, we must include the urban Indigenous guests and service providers residing in our territory within the model we are creating.

While the governments' response to our strong commitment to regain authority and jurisdiction over child and family services has changed consistently over the past twenty years, the will and the vision of the South Island communities has not.

“ We are living with the legacy of the Indian Act; we need to be united in our stance on fighting back for our rights; we, as Nations, need to support each other and be united in doing this work. **”**

1.2 OUR HISTORY

2002 - VANCOUVER ISLAND ABORIGINAL TRANSITION TEAM (VIATT)

- » One of five regional planning groups created in response to provincial government recognition that Aboriginal communities should exercise control over services to their children, families, and communities

2007 - VANCOUVER ISLAND ABORIGINAL TRANSITION AUTHORITY (VIATA)

- » VIATA was created under the Community Services Interim Authorities Act to move towards management of services planned by VIATT
- » VIATA was deemed ready to move forward to official designation in 2008, but objections from some First Nations leaders in the province led to government withdrawing the legislation enabling the Authority, and VIATA came to an end

2009 – SOLIDARITY MOVING FORWARD

- » After government retracted approval for VIATA, the Chiefs from Vancouver Island gathered at Tseycum First Nation to declare their continued support for assuming jurisdiction
- » A second meeting of Chiefs from the South Island led to the signing of the 'South Island Statement of

1.2 OUR HISTORY

Solidarity for Children and Families' which restated inherent jurisdiction and the commitment to move forward with assuming control of services, which the Province was invited to witness

» The idea of creating a system for all Aboriginal people living on the traditional territories in the South Island continued in the vision of the Chiefs for the new service system

2009 – SOUTH ISLAND WELLNESS SOCIETY (SIWS)

» In the wake of the collapsed Authority process, government initiated a new planning process
» SIWS was a planning organization created to move toward a new service delivery model governed by

the Indigenous peoples of the South Island
» The nine Chiefs and an Urban leader were the Board, and SIWS adopted some of the staff and much of the community work of VIATT and VIATA

2011 – SIGNING OF THE 'CHILD AND FAMILY WELLNESS ACCORD'

» The leadership of the nine Nations, Urban Aboriginal leadership, and the province signed this accord, which references and builds on the Statement of Solidarity and resolves: *...to work on a government-to-government basis and in the spirit of recognition and reconciliation to achieve*

the vision of an integrated and holistic children and families services system based upon the strengths, customs and traditional practice for the care and well-being of the children of the communities of the South Island.

2013 – REPRESENTATIVE FOR CHILDREN AND YOUTH TABLES REPORT TITLED "WHEN TALK TRUMPED SERVICE: A DECADE OF LOST OPPORTUNITY FOR ABORIGINAL CHILDREN AND YOUTH IN B.C."

» The report recommended, and government accepted, the de-funding of planning contracts such as SIWS

2014 – SIWS CHANGES FOCUS

» SIWS quickly had to change its focus to become a service delivery organization, providing culturally- based child and family services in the South Island
» Formal planning to assume jurisdiction, supported by government, ended in the community

» However, the dream continued and key players from earlier initiatives collaborated with local management at MCFD to find ways to create better services, better relationships and more community connections between the ministry and the communities

2017 - SIGNING OF PROTOCOL AGREEMENT

» In February 2017 the management of South Island MCFD and the Board of SIWS signed a Protocol Agreement recognizing the cultural role of SIWS in working with families, communities, Nations and MCFD

» SIWS also was recognized as a conduit or mediator in communications between MCFD and families or communities, or when conflict arose between the local MCFD services and the Nations

2018 – FUNDING MADE AVAILABLE & SIIA CREATED

» In 2018 government, through MCFD, made funding available once more to support Indigenous communities taking control of their child, family, and community services
» To create a clear delineation between SIWS as a service delivery organization and this new

planning process, a new society approved by nine South Island Chiefs was created (South Island Indigenous Authority Society) with a separate board and separate administrative structures
» SIIA applied for society registration in January of 2019

2019 – TRIPARTITE PROCESS

» In early 2019 the Federal Government came to the table as well, so that now we are in a tri-partite process involving all three levels of government.

1.3 OUR SHARED HISTORY OF INDIGENOUS CHILD WELFARE

2020 – LEGISLATIVE CHANGES

» An Act respecting First Nations, Inuit, and Métis children, youth and families came into force, confirming the right of Indigenous peoples to resume control of child and family services for their communities
» SIIA began work to develop our own Indigenous Child and Family law and to design a way of delivering services that are grounded in the values, traditions, and cultures of the South Island

» The Province of British Columbia has also recently updated the Child, Family and Community Services Act to ensure Indigenous children's rights to belong to community and to have access to their traditions and customs
» The Province will now formally support community agreements on child welfare cases and services

2022 – BUILDING ON THE VISION AND BECOMING AN INDIGENOUS GOVERNING BODY

» SIIA received authorization through Band Council Resolutions ("BCR") from each of the South Island Nations leadership to act as an Indigenous Governing Body ("IGB") and begin the planning and legislation development process on their behalf
» Our vision going forward is a community-driven service system that will bring children, Elders, and communities together to drive the process and that is reflective of the shared values, laws of the South Island Nations while also honouring their unique differences.
» We are in the process of working with our Board of Directors to ensure member communities are aware and informed about the new

emerging Authority, and explore governance structures that best represent the Nations and urban population
» We are in the process of developing a child and family services law
» We are in the process of creating a conceptual plan (including staffing plan, service delivery model, quality assurance plan, and budget) to ensure a smooth transfer of services and funding
» We will request to enter into a tripartite coordination agreement with the provincial and federal government once the new law and plans are approved by the South Island Nations

1.3 OUR SHARED HISTORY OF INDIGENOUS CHILD WELFARE

The South Island First Nations have a long history of caring for our children and families in ways that honored them as gifts from the Creator. While each family and Nation did this work differently, there was a shared understanding of a "community-based approach to child rearing, with members of the extended family being collectively responsible for the protection and care of children."¹

The time after contact with European settlers has been marked by policies of assimilation, alienation, and genocide aimed at obliterating our people and our respective cultures.² These policies culminated with the Indian Act of 1876 and have had a number of insidious realizations through the residential and day school systems, Indian Hospitals, the forced sterilization of Indigenous Women, the 60's scoop, and last, but not least, our current child welfare system.

The child welfare system as it exists today is based on the "longstanding colonial interference in the familial structures and parenting practices of Indigenous people."³ Justice Murray Sinclair has succinctly captured this sentiment in noting that "the monster that was created in the Residential Schools moved into a new house, and that monster now lives in the child welfare system."

1: Fallon, B., Lefebvre, R., Trocmé, N., Richard, K., Hélie, S., Montgomery, H. M., Bennett, M., Joh-Carnella, N., Saint-Girons, M., Filippelli, J., MacLaurin, B., Black, T., Esposito, T., King, B., Collin-Vézina, D., Dallaire, R., Gray, R., Levi, J., Orr, M., Petti, T., Thomas Prokop, S., & Soop, S. (2021). Denouncing the continued overrepresentation of First Nations children in Canadian child welfare: Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect-2019. Ontario: Assembly of First Nations.

2: ibid.

3: Allan, B. & Blais, E. (2016). In-home services/family preservation: Bringing back birth, bringing back our babies. In D. Ned & C. Frost (Eds.) Contemporary issues in child welfare: American Indian and Canadian Aboriginal contexts (p.125). Vernon, BC: J. Charlton Publishing.

1.4 AN ACT RESPECTING FIRST NATIONS, INUIT AND METIS CHILDREN YOUTH AND FAMILIES

As of 2021, although Indigenous children made up only 7.7% of all children under the age of 14 in Canada, they accounted for over half (53.8%) of all children in the foster care system.⁴ It is estimated that three times as many First Nations children are under government care now than during the height of the residential school era.⁵

After years of Indigenous advocacy and legal challenges there has been a shift in Canada's approach to Child and Family Services (CFS). Canada is now attempting to restore jurisdiction over child and family services to Indigenous communities who choose to assert their inherent right. The following provides a summary of the events that have contributed to this shift.

CANADIAN HUMAN RIGHTS TRIBUNAL

In 2007, the First Nations Child & Family Caring Society and the Assembly of First Nations launched a complaint to the Canadian Human Rights Tribunal (CHRT) alleging that the Canadian federal government underfunded CFS for Indigenous children amounting to discrimination.

In 2016, the CHRT ruled in favour of First Nations children, finding that Canada's underfunding of services to First Nation Children and families was discriminatory and that Canada's funding mechanism incentivized removing Indigenous children from their families. The CHRT issued a series of orders for Canada to end its discriminatory practices and reform its child welfare program.⁶

NATIONAL INQUIRY INTO MISSING MURDERED INDIGENOUS WOMEN AND GIRLS

The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) developed a report after hearing from thousands of Indigenous community members about the disproportionately high rates of violence against Indigenous women, girls and 2SLGBTQIA+ people. The report noted the clear link between child safety issues and gender-based violence. The report called on federal, provincial and territorial governments to recognize Indigenous inherent jurisdiction over child welfare.⁷

TRUTH AND RECONCILIATION COMMISSION

The need for urgent reform and reconciliation with Indigenous people has been well documented by the Truth and Reconciliation Commission (TRC). In 2015, the TRC released its final report which included 94 Calls to Action. Included in the Calls to Action, was for governments to commit to reducing the number of Aboriginal children in care by affirming the rights of Indigenous people to maintain their own child-welfare agencies and by developing national standards in relation to Indigenous child welfare.⁸

1.4 AN ACT RESPECTING FIRST NATIONS, INUIT AND METIS CHILDREN YOUTH AND FAMILIES

In 2019, the federal government of Canada developed a new piece of legislation titled, *An Act Respecting First Nations, Inuit and Métis children, youth and families*, RSC 2019 c24 ("Federal Act" or "Bill C-92") in response to Indigenous advocacy and the CHRT's decision. The purpose of the

4: Native Women's Association of Canada. Final Report on Government Engagement Mechanisms on An Act Respecting First Nations, Inuit and Métis Children, Youth and Families. Retrieved from https://nwac.ca/assets-knowledge-centre/CFS_March_FINAL_Report.pdf
 5: Blackstock C, Trocmé N. (2005). Community-based child welfare for Aboriginal children: supporting resilience through structural change (pp. 12-33). Soc Policy J NZ 2005 24.
 6: Native Women's Association of Canada. Final Report on Government Engagement Mechanisms on An Act Respecting First Nations, Inuit and Métis Children, Youth and Families. Retrieved from https://nwac.ca/assets-knowledge-centre/CFS_March_FINAL_Report.pdf
 7: Chiefs of Ontario. (2022) Child and Family Well-being Law Making Resource Bundle. Retrieved from www.chiefs-of-ontario.org/wp-content/uploads/2023/03/02-22-2023-Child-and-Family-Well-Being-Law-Making-Bundle-FINAL-002HL_999.pdf
 8: *ibid.*

1.4 AN ACT RESPECTING FIRST NATIONS, INUIT AND METIS CHILDREN YOUTH AND FAMILIES

Federal Act is to recognize and affirm Indigenous People's inherent jurisdiction over child and family services, as part of an inherent right and as part of the Aboriginal right to self-governance. The statute also establishes national minimum standards for child and family service agencies or provinces working with Indigenous children and families. The Federal Act creates a process for Indigenous Peoples to pass their own laws and establishes national standards that all provincial and territorial child welfare providers must meet.

1.3.1 PATHWAYS TO JURISDICTION WITHIN THE FEDERAL ACT

There are two pathways to jurisdiction under the Federal Act. Both pathways require the creation of an Indigenous Governing Body (IGB), which is a designation recognized by the federal and provincial governments. Before reasserting jurisdiction over child and family well-being, a Section 35 rights-bearing Indigenous group must first authorize an IGB to represent it. According to the Federal Act an 'Indigenous Governing Body' is a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by Section 35 of the Canadian Constitution. SIIA has been authorized as the IGB by the 8 South Island Nations SIIA serves, through Band Council Resolutions.

The first pathway to jurisdiction is to give notice of intent to exercise jurisdiction. Under this pathway IGBs can begin administering their law immediately, but if there is conflict with provincial and federal law, the Indigenous law will not prevail.

The South Island Nations have chosen to take the second pathway and make a request to enter into a coordination agreement with federal and provincial governments. This pathway ensures that if there is conflict or inconsistency between laws, our law will prevail over provincial and federal laws with the exceptions being the *Canadian Human Rights Act* ("CHRA") and the *Charter of Rights and Freedoms* (ss.22(3), 19, 22(1)). However, if our law remains silent on a topic, the provincial and federal law can apply. This is why it is incredibly important that our legislation is complete and comprehensive. See *Figure 1* for the paramouncy of Indigenous legislation as outlined in the Federal Act.

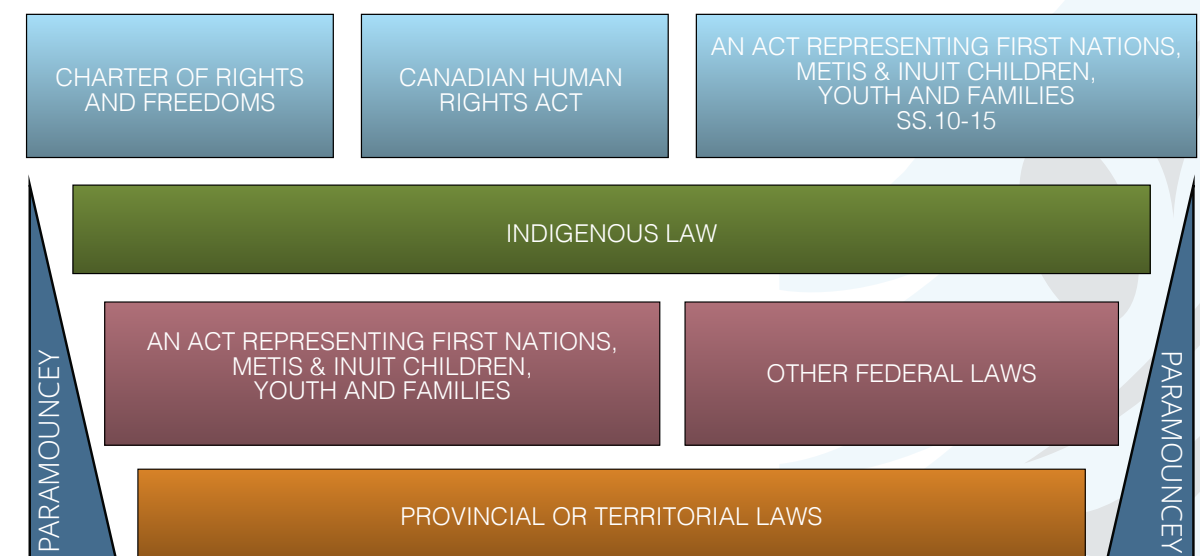


Figure 1: Paramouncy of Indigenous laws outlined in the Federal Act.

This pathway will see SIIA, as the IGB representing the Nations, develop a child and family services law; develop a work plan outlining plans for transfer, implementation and operation of child and family services; as well as create a detailed budget in order to enter into a coordination

1.4 AN ACT RESPECTING FIRST NATIONS, INUIT AND METIS CHILDREN YOUTH AND FAMILIES

agreement (**Figure 2**). Once SIIA completes these steps, we will submit a request to enter a tripartite negotiation with the federal and provincial governments. If no agreement is reached at the end of the 12-month period, but reasonable efforts have been made to reach an agreement, according to s.20(2) of the Federal Act, the Indigenous law will prevail over federal and provincial laws. However, there can be an extension of this timeline beyond 12 months if applied for by an IGB, and IGBs can request to enter a new coordination agreement at any time.

SIIA'S PROCESS

ASSERTING JURISDICTION OVER CHILD AND FAMILY SERVICES THROUGH S. 20(2)

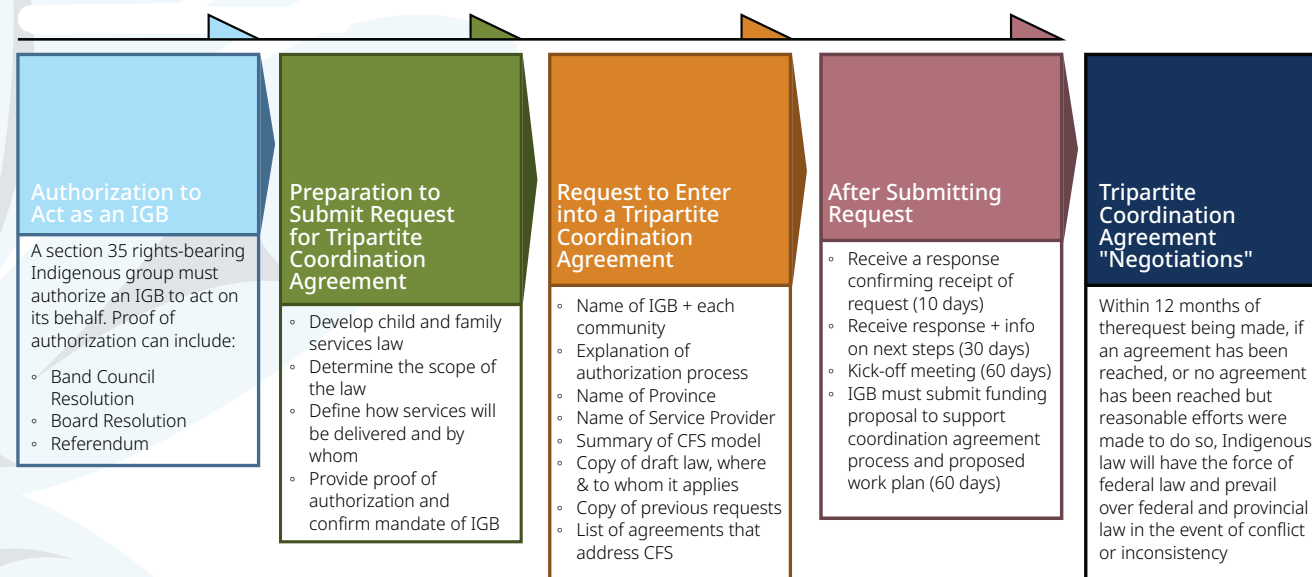


Figure 2: SIIA is currently Preparing to Submit a Request for a Tripartite Coordination Agreement, which involves developing child and family services law.

1.3.2 RELATIONSHIP BUILDING WITH OTHER IGB'S

SIIA has been building relationships with other IGB's representing Sts'ailes First Nation, Cowessess First Nation, Cowichan Tribes; Peguis First Nation, and the Yorkton Tribal Council. These relationships have been invaluable as we have been able to learn from the opportunities and challenges these other IGBs have experienced.

1.3.3 CRITIQUES OF THE FEDERAL ACT

Although the Federal Act represents a significant step forward for the Canadian government, there are still concerns about the Federal Act that many Indigenous advocates have raised which we would like to highlight.⁹

THE FEDERAL ACT DOES NOT COMPLETELY RECOGNIZE THE INHERENT RIGHT

The Indigenous laws developed are subject to the application of the Charter of Rights and Freedoms and the Canadian Human Rights Act. Additionally, the Federal Act created minimum standards and Indigenous laws will NOT be applied if they are deemed contrary to the minimum standards.

⁹: Walqwan Metallic, N., Friedland, H., & Morales, S. (2019). The Promise and Pitfalls of C-92: An Act respecting First Nations, Inuit, and Métis Children, Youth and Families. Yellowhead Institute. Retrieved from www.yellowheadinstitute.org/wp-content/uploads/2019/07/the-promise-and-pitfalls-of-c-92-report.pdf

1.4 AN ACT RESPECTING FIRST NATIONS, INUIT AND METIS CHILDREN YOUTH AND FAMILIES

FUNDING

There is no explicit funding mechanism included within the Federal Act, instead, funding is to be negotiated alongside coordination agreements. This is why it is incredibly important that SIIA goes into the coordination agreement table prepared.¹⁰

JURISDICTION

Indigenous communities must attempt to enter into coordination agreements with the federal and provincial governments to have their jurisdiction be 'recognized.' Additionally, when a child belongs to two or more Indigenous groups or has ties to multiple communities, the Indigenous laws of the group deemed to have 'Stronger Ties' will apply.

CONSTITUTIONAL CHALLENGE

The Province of Quebec has challenged the constitutionality of the Federal Act. In the Quebec Court of Appeal, Quebec argued that the national minimum standards within the Federal Act are unconstitutional on the grounds that child protection is under provincial jurisdiction. In addition, Quebec argued that the Federal Act cannot confer Indigenous laws enacted under it with the force of federal law without amending the constitution. The Quebec Court of Appeal found the majority of Bill C-92 to be constitutional but held that the provision which provides that Indigenous laws will prevail over conflicting or inconsistent provincial legislation is unconstitutional.

The constitutionality of the Federal Act is currently being considered by the Supreme Court of Canada. Our legal team is monitoring this case closely and we will continue to provide updates once the decision is released.

¹⁰: See Section 7 for more details

SECTION TWO: COMMUNITY ENGAGEMENT

2.1 INTRODUCTION

The following section provides a summary of the community engagement work SIIA has undertaken so far. It describes what our goals and objectives are, and it provides an overview of our approach to community engagement. This section also includes a summary of what we have heard and learnt from the community to this point. This section does not cover all that has been shared with us; instead, it highlights key points and overarching themes integral to SIIA's work moving forward. The purpose of this section is to honour what has been shared with us and to receive correction and feedback.

As community engagement is foundational to all our work, it is important that community members feel themselves reflected within the content of this section. Not only is community engagement the basis for the drafting of our Indigenous child and family legislation, but it also informs our service delivery model, quality assurance, and governance structures.

2.2 GOALS AND OBJECTIVES

- » All eight Nations and our urban Indigenous guests feel their voices are reflected in the legislation, governance structure, and service delivery framework
- » The engagement process and summary documents, contribute to the revitalization of Indigenous law as we attempt to articulate laws that have existed in our communities since time immemorial
- » Ensure that people have up-to-date, relevant, and easily accessible information pertaining to the work SIIA is doing
- » Community engagement activities will directly inform our understanding of community-specific needs

2.3 OUR APPROACH

SIIA began our engagement sessions in 2021 at the height of the COVID-19 pandemic, which came with its own set of challenges. We are fortunate, however, in how we have inherited, and been able to build upon much of the existing work done by SIWS.

SIIA now has four community engagement leads, all of whom are community members with life-long relationships with the communities SIIA serves. We have been able to build on these relationships to undertake the community engagement activities required to move this work forward. Each community engagement lead works with either specific Nations or the Urban Guest community; with one having the job to reach out specifically to our male relatives. The community engagement team has been pivotal in increasing the awareness of SIIA in all our Nations and within the urban community through youth events, craft nights, social media engagement, and more.

Our approach to community engagement has been a phased approach. Our first phase of community engagement work focused on three broad questions: (1) what are the laws, teachings, practices, and processes of each of the South Island Nations (2) What is not working in the current system and (3) what are our hopes for the future?

Through the course of our engagement activities, we have been able to ask more in-depth questions to inform specific sections of the legislation. For the purposes of this section of the report, we want to ensure that the general principles of the laws present within each community, and the ways in which they already deal with challenges when they arise, are reflected within our new legislation.

STORY GATHERING APPROACH 1: COMMUNITY MEMBER INTERVIEWS

One of our approaches to community engagement has been interviews with individual community members. For each interview, questions are drafted by our law students and policy team with the intention of posing open ended questions to draw out Indigenous law through community member's answers. Indigenous law is not structurally the same as colonial law, and thus the questions are intended to approach community discussions in a way that does not reflect colonial legal assumptions. These questions instead seek to facilitate conversations around how Indigenous families and communities are structured to support one another. We also have had several interviews with Elders and individuals knowledgeable in specific areas such as protocols, language, the longhouse, weaving, etc.

STORY GATHERING APPROACH 2: AUNTIES GATHERING

The role of women is central to the well-being of the South Island Nations' children and families. The Aunties Gatherings were focus groups that provided an opportunity to bring together a group of women connected to the Nations we represent on the South Island. SIIA plans to continue consulting this focus group, as well as expand it to include more perspectives. The purpose of gathering the Aunties together was to specifically learn about the longhouse and for them to share their perspectives on child and family well-being.

STORY GATHERING APPROACH 3: COMMUNITY GATHERINGS

SIIA's community engagement team has also been hosting various gatherings as well as attending gatherings and events happening within the communities. SIIA has hosted multiple craft and social nights within each Nation for community members to participate in. Within our urban guest community, our team has hosted multiple urban engagement sessions at Wawadit'la (Mungo Martin Big House), the Victoria Native Friendship Centre (VNFC) and Hulitan Family and Community Services. A number of engagement sessions have also been facilitated with both the Youth Council and agency staff at Surrounded by Cedar Child and Family Services (SCCFS).

STORY GATHERING APPROACH 4: AVAILABLE CONTENT SCAN

There are a number of resources that have been developed by (and about) the South Island Nations that SIIA is representing. While we have sought to pull from resources where community members have been able to share their own stories in their own words, we acknowledge that some of stories relating to this work have been captured in historic documents by non-community members. Through pulling on existing resources created by community members, we hope to empower these knowledge keepers and storytellers as lived/living experts of their own people. As we have pulled upon available content, we also hope to honor the work that has already been done, and not overburden our often-overstretched community experts. We have used content ranging from, but not limited to, YouTube videos, academic articles, annual reports, books, teaching materials, and podcasts.

2.4 WHAT WE HAVE HEARD SO FAR

The following is a collective summary of our understanding of what we have heard from community members throughout our engagement activities. All this content has been compiled and synthesized into our legislative, service delivery, and service quality frameworks (discussed in the following sections of this report).

Our team has been entrusted with so many stories and teachings, and thus we hope that this report can be a part of our gift back to communities as we demonstrate how their stories are being used to chart a better path forward for our children and families.

2.4 WHAT WE HAVE HEARD SO FAR

This report will not be able to cover everything that has been shared, but rather highlight key points, and the overarching themes integral to SIIA's work moving forward. Summaries of engagement materials pertaining to specific components of the legislation—such as Child Plans, the Best Interest of a Child—are found within the legislation section of this report. It is also important to note that SIIA is at a different stage of engagement with each community; therefore, this report is subject to change and further development as we engage with community members we have yet to hear from.

Once again, Huy ch q'u, ʔeeko ʔeeko, HÍSW ƛE, Hych'ka (thank you) to the community members who have so generously shared their knowledge, experiences, and time with us. We hope to hear your feedback as we continue move forward with this important work.

2.4.1 'WHAT ARE OUR HOPES FOR OUR CHILDREN AND YOUTH?'

When community members were asked what their hopes and dreams are for their children and youth, many community members began by sharing how important children are to their families and communities. They emphasized that children are the most sacred gift provided by the Creator. They explained that children have pure hearts and spirits. We were taught to see children as both our teachers and our leaders who teach us patience, kindness, and gentleness. Community members shared that children are to be loved and valued because they are the future of our Nations and are the ones that will pass on teachings and ways of being to future generations.

When communities were asked what their hopes were for their children and youth, they stated that they would like their children to be connected to their family, community, culture and land. Being connected to each of these provides children with a sense of belonging; a sense of self; and a sense of pride in who they are and where they come from. Time and time again, the importance of knowing “who you are, where you come from, and what you belong to” was reinforced as foundational in promoting the wellbeing of children and youth.

STORY FROM COMMUNITY:

“I’ll never forget that one time I saw a young lady correcting the children around her when we went fishing over at Goldstream. [Someone] had cut the salmon, and he put like a bit of slime on the cheeks of the some of the kids around him, because that is a part of the teachings, as the slime is really good protection.

Some of the kids were like, “Eww gross,” after they had gutted the fish and they could see the insides and this young lady turned around, and she could have got really mad at them, but she just says, “We don’t talk about the fish that way; you respect them; this fish gave its life,” and then quickly turned back around to watch what was happening.

It is that passion, and it makes me think our Elders truly knew what they were doing when they came up with the words, STELIƛƛEƛ and really ensuring that we value them and their corrections and their mistakes and to really take the responsibility on guiding them in life to make sure that they stay like that and that they always know where home is, within them.

And what I’ve been taught, STELIƛƛEƛ means it’s the little ones we have to love and value, hold them up high for a reason; they are our future, and they will not go far if you are mistreating them or harming them and not guiding them and the importance of acknowledging their wisdom and the power that they carry. I was always told that even if you are being corrected by someone younger than you, you thank them. They are taking time out to teach you, and children are always the kindest teachers too.”

2.4 WHAT WE HAVE HEARD SO FAR

“I listened to my grandparents to tell me stories. We would learn plants. There were certain plants we had to pick because we were children and pure of heart. We would say a prayer beforehand. Then give it to her. Those teachings of being pure and strong. When I see a child, I know they are strong, our old ones said they were our leaders. The children are guiding us not the other way around.”

CONNECTED TO THEIR CULTURE

Community members have emphasized that children need to be connected to their culture, which includes, but is not limited to, their language, ceremonies, songs, dances, and stories. Strong language is used to describe how being connected to culture is the birthright of Indigenous peoples here on the South Island. Learning and participating in culture ensures that cultural values are passed on to the next generation. Strong cultural ties can bring a sense of belonging, balance, healing and happiness to individuals. Community members have also shared that culture plays a role in healing and uplifting individuals, families, and communities.

Through our engagement activities across the South Island, we have developed a deep understanding of how every family has their own internal ways of being, protocols and teachings that are unique to them. We often heard that these differences need to be respected.

LANGUAGE

Throughout community engagement events, the importance of language has been consistently emphasized, captured by the phrase “language is our culture.” There is a general responsibility to pass language on to future generations. Embedded within each of the languages of the South Island Nations are cultural teachings, values, laws, beliefs, histories and ancestral knowledge. Many terms and phrases within the languages have no, or a limited, English equivalent. Language connects people to each other, and language connects people to the land, as the languages of the South Island Nations come from this land. It was shared by multiple participants how essential knowing the language is to the formation of an individual's identity, especially a child's. It is important for children to learn their language as it gives them a sense of belonging. We have heard statements in community like “language teaches us who we are.”

ĆELÁNEN (SENĆOƛEN) | Cel'an'en (Lekwungen)

“You have to know your birthright, and that’s called Schelangen [Lummi spelling]... Your Schelangen means your culture, your language, your history—everything—it is all built in. You don’t have to say all those words because they are built in. You know your ceremonies, whatever they are, it’s all in that one word.”¹¹

Learning and knowing the language allows individuals to participate in their culture. Much of the work done within ceremonies, such as work that happens in the longhouse, is done in the language. Several community members stated that without using language, a step is missed when carrying out a ceremony or protocol. This emphasizes the importance of language in ensuring that children can pass on their ways of being to future generations.

We also heard throughout our engagement activities that individuals, families, and Nations are at different stages in revitalizing their languages, and that it is important to be sensitive to, and respect, wherever people are at on their journey.

¹¹ Tom Sampson, as cited in Children of the Setting Sun Productions (2023). Jesintel: Living Wisdom from Coast Salish Elders (p. 11).

2.4 WHAT WE HAVE HEARD SO FAR

“Our language is the voice of the land. We honour the land with the words of the language that we use. We acknowledge the beautiful land with the words of our people. Language was given to us from the beginning. It tells us how we can care for the land and each other.”¹²

“...language ties[our children] to land, nature, culture and identity.”

CEREMONY

There were discussions about children needing to be involved in ceremony. Ceremony supports children in coming to know their identity through their kinship and relationality as it connects them to their families, community, ancestors, and territory. Ceremony is seen as a way of bringing people together, which further reinforces family and community relationships.

Teachings that come from the longhouses on the South Island were highlighted amongst many of the communities. This ongoing practice of families gathering within their longhouses serves as a powerful example of how families continue to pass along their teachings and ways of being as well as maintain familial, community, and Nation-to-Nation relationships. A child’s involvement and participation in longhouse ceremonies or cultural activities was described as significantly important to a child’s identity and understanding their role in community. Through gatherings in the longhouse, children and young people are taught cultural values, and are supported to fulfill the roles that they hold in the space. Some families shared the significance of gatherings, both within and outside the longhouse, to celebrate significant milestones in a child’s life such as when they turn 10-months, or receive a name or a mask.

“Everyone must remember the meaning of their name and why they were given it. Your name is the most precious thing you have – it connects you to your land, family, and your ancestors. Names come with certain gifts and obligations and relate to ones’ CÉLÁNEN. You can carry a name from more than one community. You put one name away when you are in another Nation’s territory and using the corresponding name – this is how you can stay connected to different territories and different parts of your family.”

CONNECTED TO THEIR LAND

Based on what we have heard from community members we understand that the people of the South Island Nations cannot be understood as separate from the places in which they have lived, stewarded, and belonged to, since time immemorial. These relationships with place are passed down through family’s oral histories. People are said to belong to places, and that the land and non-human relatives around them are to be treated as kin. We often heard statements like “we are not above nature” and that the land must be cared and protected for the benefit of future generations.

“...TENEW, the SENĆOƐEN word for “land.” While this word can be translated into “land,” “soil” or “earth,” it also has a deeper meaning. Literally it would translate into “my wish for the people.” which refers to the land as a gift to us from the Creator. A gift that was meant for us to exist as W SÁNEĆ people with our identity and worldview.”¹³

“I want my grandchildren to be connected to the land.”

¹²: John Elliot as cited in Claxton, N. Xemoltw, &Price, J. (2019). Whose Land is It? Rethinking Sovereignty in British Columbia. BC Studies; Vancouver Issue 204, (Winter 2019/2020). (pp. 115- 138, 235-236).

¹³: Claxton, N. Xemoltw, &Price, J. (2019). Whose Land is It? Rethinking Sovereignty in British Columbia. BC Studies; Vancouver Issue 204, (Winter 2019/2020). (pp. 115- 138, 235-236).

2.4 WHAT WE HAVE HEARD SO FAR

Moreover, communities shared how being connected to the land creates a sense of belonging and facilitates healing. The healing of communities was shown to be inextricably connected to the healing of the land. There was a general sentiment amongst community members that there is a need to be on the land and restore traditional ways of harvesting food and medicines. There are teachings that come with being on the land, such as when to harvest cedar or where to pick berries. Many community members reflected on their experiences engaging in activities on the land, like canoe pulling, and how these activities made them who they are today.

For community members living away from their territories it was emphasized that maintaining a connection to land is still important. And while it was shared that individuals carry a connection to their homelands no matter where they are, there is a need to connect to and learn what it is to be good guests on this territory.

“ hahuuti is the Nuu-chah-nulth word that can be closely translated as territory. However, hahuuti is much more than land.

Nuu-chah-nulth often see people and territory as inseparable—as interdependent...The Nuu-chah-nulth concept of territory is fully inclusive in a way that no English word can describe. Unfortunately, this discussion is limited by its dependence on the English language.

Nuu-chah-nulth territory (the Chiefs’ hahuuti) includes land, air and water, plant and animal life, human and spirit beings, in addition to dances, songs, masks, stories, rights and privileges, medicines, knowledge and much more...”¹⁴

CONNECTED TO THEIR FAMILY

Community members consistently emphasized the importance of family. We heard statements like “family is everything” and “family is sacred.” What unites host Nations and Indigenous guests is the understanding that “family” is far more expansive than the ‘nuclear family’ definition upheld within western-colonial society today. Within Indigenous communities, family does not just mean immediate family, nor is it limited to blood relations; it also includes chosen relations. This was especially reflected in what was shared by urban community members, who stated that family is something you can create and build.

“It isn’t just about immediate family, it includes brother, sisters, nieces, nephews and grand nieces and nephews etc. It is the people who you feel most comfortable around, truly be yourself”

Family helps inform individuals’ identities and provides a sense of belonging and connectedness. Every family has their own ways of being, protocols and teachings that are unique to them. Individuals need to know their own family history. Family history is brought into the present through practices such as acknowledging all 16 grandparents of a person. Family ties also serve to ground people to place.

Generally, family are people we have obligations to. Within families, there is an understanding of the obligation to share and to help one another. Family members are often the people who uphold and support you when you are struggling, and the first people you ask for help. Community members shared that families generally understand their obligation to always help each other out and do what they can for each other.

Many community members drew upon the traditional value system within the longhouse as what informs their own family’s values. When we asked community members what a healthy family looks like/means to them they shared that a healthy family gathers together and shares meals together and spends time together. It was expressed that within a healthy family,

¹⁴: Nuu-chah-nulth Tribal Council as cited in Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver Roberts Bank Terminal 2 Project: 2019 Update (2019). (p. 16). Retrieved from <https://iaac-aeic.gc.ca/050/documents/p80054/132555E.pdf>

2.4 WHAT WE HAVE HEARD SO FAR

individuals can ask for help without shame or judgement and can maintain the open, respectful, communication needed to talk through their troubles. A healthy family also can recognize when a family member is struggling.

Families' role when it comes to children is understood to entail providing them with the love, teachings, guidance, and physical necessities they require to grow into strong and healthy people. In this process, each family member plays a different role, but it is a whole family's responsibility to teach children about their family history and their ways of being.

Parents have the primary role to provide for children and to ensure their safety and wellbeing. They have an obligation to provide a positive and healthy environment for children to thrive. While the responsibilities that parents have towards their children evolve over time, they are present throughout their child's entire life.

Aunties and uncles, whether blood relatives or chosen, can also be parents to children, as community members shared that "their word is just as good as a parent's." Aunties and uncles are understood to share in the responsibility of helping to raise children and correct them as needed. Moreover, it was noted that within families, there is often an auntie that steps up and ends up looking after children.

Grandparents play an important role in making decisions regarding safety and protection of children. They are often the ones that step up and make decisions when needed. Specifically, in relation to children and families, when issues arise, community members shared that it was often the aunties and grandmas who pulled everyone together to solve problems.

"It all boils down to grandmother's laws. Those are the teachings that have helped me to raise a healthy family in the city, they were what other Elders shared with me. It's the grandmother's teachings and the grandfather's too"

Moreover, it was also acknowledged that children may have multiple connections to multiple families, cultures or other Nations, and that there is obligation amongst those around them to respect those connections.

CONNECTED TO THEIR COMMUNITY

Through our engagement activities, we often heard that everything is centered around community. When it came to defining what community is, many participants stated that community is made up of people who are all related or are family. Community is a group of people with shared culture, values and a shared history. When speaking of community, it was often acknowledged that community should not be defined by boundaries, such as living on or off reserve. It was shared that community can be created and built, especially in urban areas amongst those living away from home and family. We also have heard that community goes beyond human relationships. Community also includes non-human relatives which was reflected in statements like "we are all in connection to not only each other, but to nature." Community members have consistently used the phrase "we are all related" when describing what community means to them.

We have heard that within community, there is a sacred trust and understanding of one's responsibility to help one another. This understanding is held between children with their parents and families; communities and their leaders; and the land and her people. We have heard that everyone plays a role and has a responsibility within the community often reflected in the statement: "it takes a whole community/ village to raise a child." There was also emphasis put on the understanding that everyone has gifts to contribute to the community as a whole. Specifically, the relationship between Elders and youth was highlighted as significant to maintain.

"It takes a village to raise a child; It takes a community to raise a family."

2.4 WHAT WE HAVE HEARD SO FAR

When we asked what a healthy community looks like, we heard that a healthy community starts with having healthy individuals and families. Community health is maintained by the individual relationships that make up the community and is upheld by healthy networks and connections. A healthy community gathers often, whether this be for ceremonies, sporting events or other activities. Gathering provides opportunities to check-in with one another other and to maintain relationships. A healthy community also has healthy leaders and role models that people can turn to when they are struggling. There is also the understanding that a healthy community actively stands up their young people to encourages them and celebrate their accomplishments. Moreover, the health of a community was also understood as inextricably tied to the health of the land and access to traditional foods and medicines.

"That's part of community piece, having the whole community raising a child, if things aren't going well at home, they have people they can trust to go, depending what the crisis is at home."

CONNECTED TO OPPORTUNITIES

Highlighted a number of times was the importance of giving children and youth the opportunity to "stay busy." Community members noted that the risk of getting in trouble increases when kids have nothing to do and emphasized the importance of structurally ensuring that children and youth always have opportunities to fill their free time with good and positive things. This includes sports like soccer, lacrosse, and basketball, as well as cultural activities like crafting, dancing and singing.

Furthermore, ensuring that children and youth experience success in school environments was brought up frequently. We heard that many community members hope that all their children and youth will stay in, and finish, school and have access to all the supports they need to achieve these goals in a way that allows them to balance their western-education and cultural responsibilities. Beyond just a western-education, community members also emphasized the importance of young people learning the life skills they will need later on.

"Because I grew up around canoe pulling, I felt it was a cultural event, it helped me get to the best shape of my life, and taught me discipline, teamwork, how get along with others, to eat right, to take care of our canoes and paddles; and introduced me to larger communities. I had to go for runs, canoe, I was physically fit. That's being part of cultural canoe racing. Taught me a lot, encompasses physical, mental, spiritual, taught me so much in all of those areas."

EXPERIENCE LOVE AND SAFETY

Community members reminded us of the importance of ensuring that a child's basic needs were met—which beyond food, water, clothes, and shelter, also encompassed their needs for love, belonging, safety, stability, and consistency. Many community members shared about how important it is for children and youth to have safe spaces they can go—which for many is a relative's house, but also can be through local service providers and drop-in spaces. Safe spaces was understood as spaces where children and youth (1) feel listened to (2) are able to express themselves (3) have autonomy and (4) have opportunities to be involved in decision-making respecting their own lives

STORY FROM COMMUNITY

The importance of consistency in a child's life was paralleled to the process of spinning wool. When spinning wool, consistency is required, and it is important to have a routine and a certain degree of tension to make a strong end product.

2.4 WHAT WE HAVE HEARD SO FAR

2.4.2 NAMED ISSUES AND STRUCTURAL SOLUTIONS

NAMED ISSUES

Throughout our community engagement journey, a number of difficult, but necessary, conversations have come up. Many of these conversations were centred on the ongoing impact of colonialism on children, families and communities. This was highlighted often when community members shared their past and present experiences of the child welfare system.

Within community, people identified intergenerational trauma as an ongoing issue impacting their families, which has led to some feeling a lack of connection with their families, communities, culture and land. Intergenerational trauma was also seen as the root cause of substance use, abuse and lateral violence within communities. Many community members could recall a number of ways they have experienced lateral violence. An example shared often with us was around how a lack of privacy when someone tries to access help can lead “harmful gossip” about a person to spread throughout the community.

“To heal intergenerational trauma, we need a village that knows how to be family to work together. It’s not going to be perfect right away.”

Those living in the urban centre and away from their home territory also shared the unique prejudice they face as being “city natives,” who still don’t feel their home community is safe enough (or has the structural capacity) to support their return.

Outside of communities, racism was still seen as an ongoing barrier community members face when trying to access programs that are meant to help them. The lack of understanding and trauma-informed approaches were noted as significantly hindering community members’ willingness to ask for help.

All of these stories are important to hear and acknowledge, as they highlight the issues we need to properly address as we move forward in this work. Moreover, we acknowledge that these stories came forward—some for the first time ever—because of the safe spaces created by our community engagement team that ensured each and every person felt cared for and heard. We hope that each person who shared a hard story with us feels empowered by the knowledge that their story is making a difference in how all South Island Indigenous children and families will be protected under this new law.

“Trauma has done a really good job at making us feel like we don’t have anything to offer or that we can change in order to be loved, and it’s really important to just love a child for who they are.”

STRUCTURAL SOLUTIONS

Community members acknowledged that families will always have struggles from time to time, and thus support will always need to be available. Community members have consistently expressed that support should not just be centered around children, but rather the family as a whole. Furthermore, support should be prevention-based rather than crisis focused. This includes cultural programming as “culture is prevention.” Wrap around supports need to be community-driven, strength-based, and trauma-informed, and open to ask families what they need rather than tell them what to do. There also needs to be spaces to acknowledge and celebrate the good work that parents and families have done.

SERVICES THAT HAVE BEEN SUGGESTED IN COMMUNITIES:

- » Prenatal care
- » Post partum supports
- » Parenting skills programming and parenting support groups - focus on traditional child-rearing methods
- » Parent and tot programs
- » Traditional case conferencing on the land
- » Cultural programming - learning songs, dances, regalia making, story telling

2.5 MOVING FORWARD

- » Life skills programs – finance
- » Counselling – marriage, trauma, drug and alcohol
- » Community events – Elders sharing knowledge and stories
- » Land-based learning and healing
- » Access to nutritional and traditional foods
- » Mental health support
- » Treatment facilities
- » Safe houses
- » Community relationship building workshops – anti-bullying workshops lateral violence can often occur within communities
- » Housing and proper funding to improve
- » After school programs
- » Language groups
- » Women and men’s circles
- » Services that educate children on abuse
- » Elder connection – young parents and Elders – youth and Elders
- » Big brother/sister mentorship programs that are culturally grounded
- » Mental health support
- » Putting families in a safe home all together will enable them to heal together while making sure the child is safe
- » Anger management
- » Land-based learning and healing
- » Substance abuse support – Narcan training for community members
- » Housing
- » Transition houses
- » Security in communities
- » Emergency services
- » Training and financial support for family members who are taking in kids temporarily

MOREOVER, TO ADOPT A PREVENTATIVE, RATHER THAN REACTIVE, APPROACH TO SERVICES, COMMUNITY MEMBERS SHARED WITH US THE SIGNS THEY SEE WHEN A CHILD, YOUTH OR FAMILY MIGHT BE STRUGGLING. THESE SIGNS INCLUDED:

- » Withdrawing from community events
- » Yelling in the household
- » Children becoming quiet
- » Appearing stressed out or sad
- » Children acting out or bullying others
- » Not participating in school
- » It appears that their needs are not being met (if they are hungry or tired)

Community members reminded us though, that while warning signs might be present, this does not mean that people should jump to conclusions.

2.5 MOVING FORWARD

As we continue to move forward in community engagement, our plan is to continue to engage with communities and complete our first phase of community engagement within each community. We also acknowledge that there are still members of each community that need to have their voice heard and we are working to engage and create focus groups for further engagement.

- » Participation of male community members in engagement
- » Engaging with 2SLGBTQ+ community members
- » Language speakers and writers
- » Individuals with certain roles in community
- » Community members with lived experience

SIIA hopes to move on to our next phase of engagement of running mock scenarios with community members. We hope to begin this process with the Aunties and then move to facilitating these scenarios with community members to participate. As we recognize that these might be difficult exercises, are working to figure out what supports will be needed before we initiate this work with community members.

SECTION THREE: THE LONGHOUSE MODEL

3.1 INTRODUCTION

The communities of the South Island have lived and gathered for thousands of years around the fires of their longhouses to make decisions and celebrate significant individual and community milestones. To this day, longhouses remain spaces where families' and communities' teachings, values, and laws are upheld. For many, the longhouse is also considered a space of healing for those who might be struggling. Furthermore, while acknowledging that it is an imperfect parallel, when the South Island Nations' leadership talks about the longhouse, they state that it is "like our legislature—it is where we get our family law from."

Much of what happens within the longhouses of the South Island is protected from those who don't belong to them; thus, our team has been diligent in consulting community members to determine what can and cannot be shared broadly. The content of this section is a summary of what we have received approval to share, yet remains informed by the many stories, teachings, and experiences experienced by, and shared with, our team members that are not to be written down.

3.2 GOALS AND OBJECTIVES

- » Develop a framework grounded within the cultures of the South Island Nations
- » Develop a model that creates the space needed to capture the diversity of our urban guests on the territory

3.3 OUR APPROACH—THE LONGHOUSE MODEL

From early in the South Island's journey to reassert jurisdiction over our children and families, it has been suggested that the new model be based on the values and teachings of the longhouse. This was the start of what we today call the "Longhouse Model" which underpins SIIA's governance structure, legislation, service delivery model, and quality assurance frameworks. As we carry forward this work, we continue to draw from the longhouse as a model of community governance as well as from the teachings and values being practiced in such spaces today.

The work of asserting jurisdiction across the South Island is also based on our understanding that we are creating a theoretical longhouse whose four posts are on the outer edges of the territories that SIIA serves. Our service area is defined by the combined territories of the South Island Nations, and we operate by the philosophy that "everything that goes on in our Longhouse is under our care." This care extends to, and covers, the urban Indigenous guests residing within our territory.

Furthermore, a key teaching repeated throughout the communities we support is the importance of respecting differences and being inclusive. With this in mind, we acknowledge that some community members and communities do not participate in the longhouse, especially those in the urban center living far from home. Our intent is not to alienate these individuals and communities through this model; but rather, offer a value- and role-based framework grounded within the laws of our territories, with space to ensure their own teachings and ways of being can come forward. We also have been reminded through our engagement sessions that there are certain elements of the longhouse that have parallels across many of the cultures represented in our urban centres (such as the fires, the posts, the floor, etc.).

Considering how foundational the longhouse is within this new system, it was a key topic of engagement within the communities we are working with. Considering the central role that women have in ensuring children and family wellbeing, it was important that these questions about the longhouse were first brought to our "Aunties Group."

"... A lot of people phone me from all over the place to ask me how I learned that. And I say, "Well, every winter, we gather in our longhouse. And we talk in our language. And we sing the songs that are thousands and thousands of years old. And we have a process for doing that. So, when we watch our women dancing, we see them making particular gestures and steps. They're showing us, 'This is who I am. This is my spirit.' And the women do that and the men, too"¹⁵

3.4 WHAT WE HAVE HEARD SO FAR

The following is a summary what we have been taught about the longhouse largely through our Aunties Group, but also through our team's own lived experiences and the conversations we've had with community members.

3.4.1 LONGHOUSE VALUES

The Aunties shared with us the foundations of the longhouse and the teachings behind its structural elements such as the fires, the posts, and the floor. Woven throughout this conversation were the values that inform the work happening when communities gather in their longhouses or other sacred spaces. These values include kinship, respect, sharing/helping one another, love, interconnectedness/connectedness, balance and accountability.

3.4.2 LONGHOUSE ROLES AND RESPONSIBILITIES

Within the longhouse, there are a number of roles to be filled before work can be brought to the floor in the longhouse. The Longhouse Model builds upon the intent behind traditional key roles (such as the speaker, floor manager, and witnesses) that exist within the longhouse and proposes ways in which these roles might be filled within our new service delivery structure. As we make these suggestions, our intention is in no way to detract from how richly these roles are understood in community, especially insofar as the teachings informing these roles belong to specific families. Moreover, while these roles are described as significant within our Longhouse Model, we also acknowledge and wish not to discredit that each and every person as a role to play in community gatherings and ceremonies—all of which are just as important as the roles we outline here.

THESE ARE THE SPECIFIC ROLES THAT WILL PLAY A SIGNIFICANT ROLE WITHIN OUR PROPOSED LONGHOUSE MODEL:

SPEAKER

Speakers are hired/chosen by families to speak on their behalf. It is a speaker's role to have knowledge of history and culture. They represent the family and recount the family's history contextualized in relation to work that is to be done. We have often heard "speakers are like our lawyers", and that just like a lawyer needs to know their client, a speaker needs to know the family they are speaking on behalf of and what their position is. Hiring a speaker ensures that families have the opportunity to be heard.

FAMILY HEAD

The role of family head is to advocate on behalf of family members. This role is often held by the oldest person in a family, or someone who is very involved in community or culture. It can be held by Elders, aunties, grandmothers, but it is not a gendered role. Family heads often hold information about a family's lineage, history, stories, teachings, and protocols. They represent their family at gatherings, and often are the ones sought after to make decisions on behalf of a family.

¹⁵: Tom Sampson, as cited in Children of the Setting Sun Productions (2023). Jesintel: Living Wisdom from Coast Salish Elders (p. 8).

3.4 WHAT WE HAVE HEARD SO FAR

WITNESSES

Witnesses are hired by families in preparation for longhouse gatherings. Witnessing is an active role in that witnesses must listen, pay attention, and remember what occurs during an event. Witnesses may be called upon to share and speak to what they witnessed in the future or if a dispute arises. Witnessing ensures accountability and that correct information will be passed on.

FLOOR MANAGERS

A Floor Manager makes sure that the work happening on the floor of the longhouse is happening as it needs to. Their job is to take care of the work and ensure it goes smoothly and on time.

“EXPERTS”

The term “experts” may not be the appropriate term to use, but we have observed that certain individuals with special knowledge, such as Elders, may be called upon at times throughout the process to provide advice and guidance. Within the context of ensuring child and family wellbeing, this position of “expert” is often held by women as they have the unique ability to carry teachings to the next generation.

OTHER HELPER ROLES

There are also other roles that are important in the preparation and in ensuring that the work is done in a good way like cooks, firekeepers, and ushers.

3.2.4 LONGHOUSE MODEL PROCESS

Community members have shared that the longhouse is a space where many families and communities still gather for significant events in individuals’ and/or families’ lives. These gatherings take place around 10-month ceremonies, namings, coming of age ceremonies, marriages, funerals and memorials. These gatherings can also occur outside of longhouses within community spaces where families feel safe to gather, such as band offices or community centres. The longhouse is understood by many as a safe space where difficult conversations can be had, and disputes can be resolved as, “if there is a difference of opinion you deal with it right there so that you can walk out of the longhouse together.” Part of what makes the longhouse a safe space for many is the teaching about the nail above the door which reminds people to leave their egos, political agendas, differences and bad feelings outside in order to come together to work with one heart, one mind.

Through our engagement activities and gathering our Aunties, we have attempted to outline the general steps a family follows when they are doing work on behalf of their family. This process inherently brings people together, and there is much planning that occurs ‘behind the scenes’ of any event or ceremony that is publicly witnessed within a community. When issues come up, it is our understanding that families are often able to deal with them informally through family meetings, however, sometimes the formalized process of entering a longhouse is needed when the issue is unable to be resolved informally. Moreover, any decisions or work that happens in the longhouse is validated (or ‘made law’) through witnessing and the accountability of “walking in the footsteps” of the ancestors on the floor.

3.4 WHAT WE HAVE HEARD SO FAR

THE FOLLOWING SECTION OUTLINES THE GENERAL PROCESSES THAT UNDERPIN OUR LONGHOUSE MODEL:

PHASE 1: FAMILY DECISION MAKING:

Community members often share that families themselves are the ones who need to be considered most responsible for resolving their own familial issues. Within community, families are seen as the primary decision makers when it comes to ensuring the well-being and safety of their children. In the acknowledgement that issues can be complex, other members of a community can be brought in to support a family to address an issue. Community members have said that it is a family’s responsibility to ask for help and seek guidance when these complex issues arise. All these processes seek to bring people, teachings, and support around a family in need.

While it is primarily the responsibility of a family to protect, provide for and guide their family members who are struggling, this responsibility is also understood as held by the whole community. If no one within a family can fulfill a certain role, people from the community/nation, or even other nations will be asked to step in. The larger community also plays a role in validating the decisions made by a family. For example, a name often is not considered ‘official’ until a naming ceremony occurs in the presence of both family and community members.

Children also have a right to have their voices heard and to be involved in decision-making regarding their own lives. A child’s involvement in decision making is seen as dependent on their stage of life, their ability and the responsibilities they carry.

WHEN A FAMILY NEEDS TO COME TOGETHER FOR A SPECIFIC PURPOSE, THIS IS THE PROCESS THAT IS GENERALLY FOLLOWED:

(1) DETERMINING THE WORK THAT NEEDS TO BE DONE

Going to Elders for guidance and permission is one of the first steps in the process. The Elders or senior members in a family decide if, and what work should be done. Elders/highly respected community members are often called upon to guide the following steps.

For example, when someone is getting a name, Elders are consulted to determine what name might be appropriate.

(2) IDENTIFYING FAMILIES AND WHO SHOULD BE INVOLVED

Before continuing with the work, it is important to determine who, and what families, need to be involved moving forward and ensuring that they are invited to have input in the process.

For example, for a naming ceremony to happen, it must be determined who else has that name as they must be included in the process.

(3) ASKING FOR HELP/GETTING SUPPORT TO DO THE WORK

Families ask for help from individuals who have relevant experience or expertise in regard to specific roles in community. Family heads are often the ones responsible for choosing who to ask for help. Community members with expertise in certain areas also might be consulted for advice. As it is an honor to be asked to help a family, there is an expectation that those community members with specific experience, knowledge and gifts will be there to assist, within their own capacity, when called upon.

For example, for a naming ceremony, key roles to be filled might include a speaker, a floor manager, witnesses, fire keepers, cooks, etc.

3.4 WHAT WE HAVE HEARD SO FAR

(4) DETERMINING PROTOCOLS

The protocols needed to conduct work are based on a families' own teachings and ways of being. Every family is different, and this is something that needs to be respected.

For example, for a naming, some families belong, and have rights, to certain ceremonies, songs, or dances that they can include in their naming ceremony.

(5) MEETING BETWEEN SPEAKER AND FAMILY

It is a speaker's role and responsibility to know the perspective they are expected to recount, and thus they must meet with the family to truly be able to speak on behalf of them in a way that captures their perspectives, feelings, and thoughts.

(6) DETERMINE BEST RESPONSE COLLABORATIVELY AND COLLECTIVELY

Those involved in the process then engage in collaborative decision making and come to a decision/outcome by consensus. A decision may be made at this stage of the process and the work done in the longhouse would be to validate the decision/outcome publicly.

OUTCOMES OF PHASE 1:

Outcome 1: A decision is made, and family decides it's not necessary to formalize the decision publicly through gathering in the longhouse

Outcome 2: A decision is made through this process and a family decides to bring the work to the longhouse to validate the decision/outcome publicly.

Outcome 3: The family is unable to make a decision/resolve an issue through informal family meetings and needs to bring the work to the longhouse.

In the case of Outcome 2 or 3— the process then continues through the following steps

PHASE 2: PREPARING TO GATHER

(7) INVITE

Once it has been decided that a family will bring their work to the longhouse, they are then responsible for setting the date and inviting those in their larger community to attend. Once a date has been set, it cannot be changed, as at that point, the ancestors have also been invited.

(8) PREPARING LONGHOUSE

Without completing the work outlined above, fires are not lit in the longhouse. Once the fires are lit, families and communities know that an important work is happening, and it is their time to come and gather to support it.

OUTCOME OF PHASE 2:

A date has been set to gather and all necessary people have been invited.

Once phase 2 has been completed, a family must continue to Phase 3

PHASE 3: GATHERING

A decision will be made within a larger gathering of supports in accordance with proper protocol for a family, with the key roles outlined in Section 3.3.2 Longhouse Roles and Responsibilities being filled to support the family and the work happening.

3.5 MOVING FORWARD

PROTOCOLS

There are protocols that inform each phase of the Longhouse Model. These protocols ensure that the work happening in each step is done in a good way. For example, if something is said on the floor of the longhouse that is incorrect, it is corrected on the spot with immediacy not later. Depending on the mistake, a family might need to pay the host of an event to correct the mistake. As another example, if someone falls within the longhouse—they must be blanketed to ensure that their spirit is taken care of. There are numerous other protocols that happen simultaneously to ensure that no one goes home carrying negative and heavy feelings from the work that has happened.

OUTCOME OF PHASE 3:

Outcome 1: The decision made at a Gathering is final, but may be revisited later at a Family Meeting or subsequent gathering, in accordance with the consensus that is reached through the process

Outcome 2: See dispute resolution process

3.3.5 THE GUEST-HOST RELATIONSHIP

Since time immemorial, positive Nation-to-Nation relationships have been grounded upon a deep understanding of a guest-host relationship. This understanding is embedded within each Nation's ways of being (laws) and is the reason why since the beginning of this work, the South Island Nation's leadership have maintained that all Indigenous guests on their territories will be covered by this law.

Community members share that within each of the South Island Nations there is a cultural expectation to be a good host both inside the longhouse and to guests on the territory. There is value in creating and maintaining relationships, especially in the understanding that guests have potential to become kin and each guest has the potential to bring value to family, community, and territory.¹⁶

"We welcome anyone into our community as long as they are respectful of who we are."

There is also an understanding that both the hosts and guests have rights and responsibilities to uphold in relation to one another. Hosts have an obligation to teach guests what it means to be a good guest, while guests have an obligation to learn and follow host Nation's protocols when residing in their territory.

Furthermore, within the worldview of the South Island Nations there is a specific legal obligation owed to those that are most vulnerable, which includes children. Children are viewed as the "most important segment of society because they are viewed as being the future of the community."¹⁷ Our community engagement activities reinforced that there is a shared understanding across all of the South Island regarding the importance of coming together as relatives with one heart, one mind to do what is best for all the children living on the territory.

Nétsamaát (one heart one mind)- lək ʷəḡən
Hišuk ma ćawak (everything is one)- diiʔdiitidq
Nuts'amaat shqwaluwun (one heart, one mind)- Hul'qumi'num
NET,OMET (one heart, one mind) - SENĆOŦEN

3.5 MOVING FORWARD

Moving forward, we need to ask for community feedback around our Longhouse Model, specifically from those who belong to the longhouse, to ensure we are capturing this process correctly.

We also will be asking our community members and relatives living away from home who don't belong to the longhouse whether they can foresee this model working for them.

¹⁶: Morales, Sarah (2014). Snuw'uyulh: Fostering an Understanding of the Hul'qumi'num Legal Tradition.

¹⁷: *ibid.*

SECTION FOUR: DEVELOPING OUR CHILD AND FAMILY LAW

4.1 INTRODUCTION

The following section outlines SIIA's progress in developing the new child and family services law. This work is ongoing, but this section provides a high-level overview of key components of the draft legislation. It summarizes the discussions our legal team has been having and presents continuing questions we must answer for drafting to be successful. We will be providing the third draft of the law for review by community members and leadership this fall.

4.1.1 INDIGENOUS LAW

Indigenous law refers to Indigenous Peoples' own ways of governing their relationships with each other and the land. Indigenous law consists of teachings, customs and ways of being. It is expressed through cultural practices and protocols, stories, songs, language, traditions, and ceremony. Each Indigenous Nation has their own unique legal traditions. Despite the imposition of colonial law and its continuous efforts to erase Indigenous law, these laws are living and thriving. Indigenous law is not static. Indigenous communities are revitalizing their own laws and reimagining them in new contexts.

Indigenous law is not the same as Aboriginal law. Aboriginal law was created by Canadian courts and legislatures to govern the legal relationship between Indigenous Peoples and the Canadian legal system. Indigenous law exists outside of this.

There are two key legal underpinnings of Indigenous law that are similar throughout the South Island Nations that inform the work that SIIA is doing when it comes to drafting legislation and planning process; the Longhouse Model and what it means to be a good host.

4.2 GOALS AND OBJECTIVES

- » Develop and implement a strength-based, community-driven child and family law of our member Nation's, as well as guests on the territory, while also recognizing common values and principles
- » Develop and implement a child and family law that reflects shared understanding of the Indigenous laws, cultures, and values of each of our member Nations and more generally of Indigenous peoples
- » Ensure the law respects the differences of each of our member Nation's, as well as guests on the territory, while also recognizing common values and principles
- » Create a law that uplifts our children, families, and communities on the South Island, and has the capacity to blanket all in love, care, and protection

4.3 OUR APPROACH

SIIA has used a community-based approach to develop our legislation. We are developing this legislation from the ground up, ensuring we are reflecting community values through our ongoing community engagement work. We see engaging with community as the best way to ensure the South Island vision for Indigenous child and family services is realized, while still meeting the requirements of the Federal Act.

In drafting our own law, we have been supported by our collaboration with the University of Victoria's Faculty of Law through which we have facilitated field school placements for law students in the Indigenous Law program. These students have helped craft our community consultations with the intent of drawing out legal principles through community member's answers. After engagements, our law students have reviewed the information shared and developed themes for our legal framework. These syntheses have served as the starting place for our legal drafting and are continuously built upon as more questions are answered by our community.

Our team has also been conducting research and reviewing the work of other Nations and Indigenous Governing Bodies (IGBs) who have developed and implemented their own laws, as we begin to chart our path forward. We are following the development of the numerous other Nations across the country who are engaged in this same process of resuming jurisdiction.

SIIA has been working with the law firm Woodward and Company to draft our law. They have been provided with the syntheses of our community engagement and planning work to assist them in the drafting process. They are responsible for ensuring there are no gaps in the legislation that may put our children or families at risk and that we are meeting the requirements of the Federal Act. We must meet those requirements to successfully move through the coordination agreement process, leading to the beginning of our own child and family organization.

At this point, our lawyers have presented us with two draft versions of our law. However, these drafts incorporated some provisions and concepts imported directly from existing provincial and federal child and family legislation, which is not what SIIA intends to do. Our intent is to develop this law from the ground up. SIIA will use this report to garner community feedback so we can fill in the gaps in our knowledge. We also hope that this report serves as an opportunity for communities to confirm and/or challenge the work we have done.

*NOTE ON LANGUAGE

Communities have made it clear to us the importance of the law incorporating each of the languages of the South Island Nations, as the laws of the Nations are most accurately expressed in their traditional language(s). This means there are potentially up to 5 languages that will need to be included within the legislation: SENĆOŦEN, lək'wəŋəŋ, Hul'q'umi'num, Klallam, and diiʔdiitidq. There are also significant groups of language speakers in our Indigenous Guest communities. SIIA's legal team has been trying to figure out how our law can reflect all these language considerations in a meaningful way. We think that the preamble and specific legal concepts and principles should be expressed in the languages of the South Island Nations. SIIA has more work to do consulting language speakers within our territory.

*NOTE ON DIVERSITY AND DIFFERENCES

SIIA is doing something unique in building a child and family system for Indigenous communities based on our traditional territories, rather than Nation membership. We acknowledge the uniqueness of each South Island Nation, as well as the unique circumstances of our Indigenous guests living on our territories. Every Nation is different, and all have different values, wants, needs, and priorities. It is a powerful thing that we are trying to accomplish, but it does make drafting our legislation more challenging. To simplify the drafting, SIIA is developing a child and family law that focuses on the similarities and common values amongst our member Nations, which often parallel the values present within the Indigenous Guest community. Our law will be an overarching piece of legislation for the whole of the South Island traditional territory, with room created for communities to develop their own regulations and policies. The law provides a basic framework upon which the Nations can build and make more specific for their communities. We think of the metaphor of tabs in a binder to describe these distinctions. In the 'binder,' the legislation would be followed by 'tabs' for each Nation and for the Guest Community. These 'tabs' allow each Nation and the Guest Community to further define and differentiate how the law and service system will apply to them.

4.4 WHAT WE HAVE HEARD SO FAR

4.4 WHAT WE HAVE HEARD SO FAR

The following sections outline how our community engagement activities have informed several of the complex legal concepts SIIA's team has been considering in the drafting of our law.

4.4.1 PURPOSE OF THE LAW

Within a law, the preamble provides an opportunity to state the purpose, objectives, intent and express the interpretative framework through which the law needs to be understood. It is important to note that a preamble is not legally binding; however, it does inform how the rest of the legislation will be interpreted.

We believe the preamble of our law should be written by someone from one of the member Nations and discussed in each community to make sure it resonates with the people it will apply to. The speaker of our board has agreed to take on the task of drafting the preamble. We would like for the preamble to reflect the languages of the South Island Nations and in time be fully translated into each of the languages of the South Island Nations.

THERE ARE SEVERAL KEY COMPONENTS THE PREAMBLE WILL COVER:

- | | |
|--|---|
| (1) Assert the inherent jurisdiction of each of the member Nations; | Nations while affirming the need to respect differences; |
| (2) Ground the law in the worldview of the Nations; | (6) Acknowledging that this law is for present, future, and past generations; |
| (3) Assert that this law supersedes colonial legislation; | (7) Explain the Longhouse Model and the role of the longhouse in traditional decision making; |
| (4) Acknowledge the history and shared vision of South Island Nations' leadership to "link arms" and protect their children and families that has resulted in the Nations coming together; | (8) Define and express the host/guest relationship and the responsibilities that exist for both parties within. |
| (5) Confirm there are shared values of the | |

THE LAW WILL ALSO CONTAIN A SECTION THAT LAYS OUT ITS PURPOSES. THE FOLLOWING PURPOSES WILL BE INCLUDED:

- | | |
|--|---|
| (1) To affirm, exercise, and implement the inherent jurisdiction over child and family services of each of the member Nations; | residing in the territory; |
| (2) To affirm the member Nations' inherent jurisdiction regarding their territory and their responsibility as good hosts to provide child and family services to Indigenous guests within their territories; | (5) To establish the South Island Indigenous Authority, its dispute resolution mechanism, and any mandatory body established under the legislation; |
| (3) To support/uplift/"wrap"/strengthen/heal children, families and communities; | (6) To facilitate the return of children of the member Nations to the jurisdiction of the member Nations, and to return them to their family and communities; |
| (4) To set out principles and standards that apply to the delivery of child and family services for Indigenous children and families | (7) To establish that every person, agency, or entity that this law applies to has responsibilities to carry it out in a manner that is consistent with this law. |

4.4.2 APPLICATION AND SCOPE OF THE LAW

The Federal Law requires us to clearly define the jurisdiction of our law. Our law will be based on the inherent jurisdiction of our member South Island Nations (Section 35 rights-holders). The law will apply to all children and families of the member Nations who have signed on to the law, regardless of their location.

We have heard there are no traditional words to distinguish between on- and off-reserve, municipal boundaries, etc. These are artificial distinctions and will not be reflected in the law. The

4.4 WHAT WE HAVE HEARD SO FAR

inherent jurisdiction of the South Island Nations is intrinsically tied to their territory. Therefore, this law will extend throughout their combined territories. It is in keeping with the concept of inherent jurisdiction based on territory that our leadership has the vision to include Indigenous guests residing on their territories. The law will apply to all Indigenous children and families residing in the combined territory of the member South Island Nations. The four 'posts' of the SIIA longhouse are the four corners of our territory, meaning that what happens in this territory and under our metaphorical longhouse is within the inherent jurisdiction of our member Nations.

Establishing our jurisdiction will also shape how our law outlines the procedures for returning children home when they have been separated from their families and moved to other communities, and inform the policies and processes developed to ensure reunification is done in a way that is healing for the child, the family, and the community. Our jurisdictional parameters mean that this law will extend to children across international borders, and we are consulting with our legal team to determine how to address this and advocate for bringing children home if it's in their best interest.

Within the legislation there will also be provisions that allow for Nations to remove the application of our law to their children and families. Some of our member Nations are involved in the treaty process, and they may decide at a later date to instead exercise their inherent jurisdiction in that way. Regardless, we are all paddling together now, and even if some Nations stop paddling alongside us, they will be able to take what has been done so far with them. This process is for the benefit of the whole South Island. The law will remain flexible in this, as the intent of the law is to respect the inherent right of each Nation. Indigenous Guests who are members of other Nations, and in particular Nations who have exercised their jurisdiction in some manner, will need to have their rights respected. Other Nations and IGBs will also be able to join SIIA should they choose. Also, each member Nation and the Council of Indigenous guests¹⁸ will be able to make their own regulations and policies so long as they are consistent with this law.

4.4.3 GOVERNANCE STRUCTURE OUTLINED IN THE LAW

SIIA is in the process of restructuring our governance model. The legislation will establish the restructured South Island Indigenous Authority as the governing body that South Island Nations will act through to exercise their inherent jurisdiction. SIIA has been given the authority through Band Council Resolutions to establish the law, regulations, and policies. SIIA, under the direction of its new Board, will administer funding, support the implementation of the law, act as a service delivery oversight body, and provide central coordination for the South Island on Indigenous child and family well-being. The Nations and the service delivery agencies in the South Island will remain responsible for day-to-day operations of programs and services, but with planned expanded services and new mandates. The law will say how Directors are appointed and removed and their roles and responsibilities.¹⁹

4.4.4 SERVICE DELIVERY OUTLINED IN THE LAW

The legislation will set up SIIA's service delivery model. SIIA is developing a service delivery model that has family decision-making as its foundation, and in which the family and Nation help to direct service. The legislation will set out new roles, and address child plans, support measures, family meetings, family supports, duty to report, and safety assessments.²⁰

4.4.5 INTERPRETATION OF THE LAW

Good legislation begins with an outline of key definitions and guiding principles as a framework

¹⁸: See Section 5 for more details
¹⁹: See Section 5 for more details
²⁰: See Section 6 for more details

4.4 WHAT WE HAVE HEARD SO FAR

for interpretation. For our purposes, it is especially important to ensure our law reflects communities' definitions of certain terms.

As the laws and ways of being of the South Island Nations have been passed down orally from generation to generation, usually without being written down, we understand that this law we are developing cannot capture everything, however we want to ensure that these oral laws remain at the forefront. Therefore, our law will include a provision that states that when it comes to interpretation of our law, it is expected that it will be guided by oral traditions.

We also know that the laws of our Nations are best reflected and understood within their own languages. As one community member shared with us, "one word in our language may have five different translations—which captures the depth and wisdom contained within them. Our team is working to bring these key principles and concepts into the legislation. Not all these principles need to be necessarily written down in the law but can still inform the interpretation and administration of the law as unwritten principles. As Nations continue the work of revitalizing their languages, we hope that work will further enhance and build upon this law.

"Our laws, teachings, and values are held within our languages."

4.3.5 A. KEY DEFINITIONS

These are some of the terms we will need to define in our law. Many of these terms still require further community consultation. Some of these terms have already been defined in previous sections.²¹

(I) ADOPTION/ CULTURAL ADOPTION/ CUSTOMARY ADOPTION

Our law will need to define adoption/cultural/custom adoption. We know that "adoption" is not a new concept for the South Island Nations; however, it does function differently from the Canadian colonial laws. Since numerous family members (grandparents, aunts, uncles, etc.) can have a caregiving role within a child's life, adoption is about a shift in the role of chosen family members to day-to-day care. Family, with the guidance of Elders/respected people within the family, determine who should take over the day-to-day care of a child if necessary and for how long (more temporary placement to more permanent). Adoption in this way does not mean that a child's relationship with biological parents would be severed. Cultural or customary adoption can occur through a formal ceremony.

"When you adopt someone, you share your family teachings and stories and they become your child."

(II) ABUSE/ NEGLECT

It is important that our legislation defines abuse, to ensure we have an established threshold guiding us in how we protect children against serious harm. Communities have shared that it is important for our definition to include physical, sexual, emotional, and mental abuse.

(III) CAREGIVER/PARENT

A caregiver is anyone who has assumed legal responsibility for the day-to-day care of a child. There are traditional and contemporary situations where children live with family other than their birth parents. We want our law to be inclusive of situations like this, and for this not to require legal intervention as currently is mandated in colonial law. We think

²¹: See Section 2 and Section 3 for more details

4.4 WHAT WE HAVE HEARD SO FAR

that the use of the term caregiver can be respectful to families' structures and can be more gender inclusive.

(IV) CULTURE

The term "culture" needs to be defined within the legislation as we state that it is within a child's birthright right to be connected to their culture. From what we have heard, culture entails connection to place, community, teachings, and language, and held by a collective with shared history and traditions.²²

(V) COMMUNITY

Our definition of "community" needs to be very broad as community members have shared that community is not defined by the boundaries created by colonial policies, like reserves and municipalities.²³

(VI) CHILD/ YOUTH

We need to define the term "child" in order to define who is the primary recipient of care within our law. The definition of "youth" is also important because our law needs to define eligibility for transitional support services. From what we have heard from communities, the difference between child, youth, and adult is not necessarily defined by a number but rather is dependent on someone's ability, knowledge, and responsibilities. It is likely that we will have to create age-based categories for service delivery purposes; however, we want the definition to remain flexible based on individuals. The categories that have been suggested are 0-11 'child' and 12-29 'youth'. It was clear from community members that support services for youth should not end at 18 or 19. It was also stated by the age of 12 a youth should have a voice in decision-making processes; however, younger children can have a voice as well.

"Within the longhouse people are not given roles and responsibilities based primarily on age, but rather on what they were born into, their ĀCELĀNEN, how they carry themselves, and milestones and ceremonies they have taken part in"

(I) FAMILY

The term "family" means something different to the community members of the Nations and to our Indigenous guests than it does to non-Indigenous people. Since colonial policies have disrupted Indigenous families it is important that our law reinforces our own understanding of this term.²⁴

(II) FAMILY HEAD

This is a key term we need to define, as it comes with it a set of obligations and responsibilities that will be outlined through our law, which will impact people who fill this role within a family.²⁵

(III) INDIGENOUS GUEST

We have learned within the legal orders of the South Island Nations there is an expectation and obligation to be a good host. There are reciprocal obligations for the guest, who should be willing to participate in our protocols and to fulfill obligations as a good guest²⁶

Our law will have to define who is Indigenous Guest as they will be covered under this law as well. Who is considered an Indigenous guest is a complex question that can

²²: See Section 2.4.1 for more details

²³: See Section 2.4.1 for more details

²⁴: See Section 2.4.1 for more details

²⁵: See Section 3.4.2 for more details

²⁶: See Section 3.3.5 for more details

4.4 WHAT WE HAVE HEARD SO FAR

involve diving into difficult questions about identity and what it means to belong to an Indigenous community.

Our law will not rely on Indian Act definitions. Individuals who are considered non-status will be included as Indigenous guests. Our intent is to ask the question of “who are you and where do you come from?” We recognize that because of colonial policies like residential schools and the 60’s scoop answering this question may be difficult for some. SIIA will continue to consult with the member Nations and Indigenous guests to define and articulate the term.

(IV) SPEAKERS, FLOOR MANAGER, WITNESSES

We have heard from community members about the role of Speakers, floor managers, and witnesses within the longhouse. Our legislation will define longhouse roles within the context of the legislation, which will be similar, but slightly different to, its meaning within the longhouse.²⁷

4.3.2.B GUIDING PRINCIPLES

The law will set out guiding principles to inform how the law is interpreted and administered. These principles will inform decision-making and the provision of child and family services under this law. Each of the member Nations’ legal orders have unique aspects; however, there are foundational principles that are similar across legal orders, which we would like to become the foundations of this law.

The guiding principles that we think could be included in the legislation are listed below. Please note that these are not the only principles that can be included in the law, nor necessarily how they will be articulated after consultation. We would like to hear your feedback on how to best articulate these principles or about other principles that you think should be included within the law.

PRINCIPLE #1: CHILDREN ARE SACRED

| LANGUAGE | FAMILY |
|--------------|---|
| SENĆOŦEN | SᑕELITĪKĒĒ - children SXÁ,XE - sacred |
| ləkʷəŋən | To be consulted on |
| diiʔdiitidq | To be consulted on |
| Hul’qumi’num | Mukw’ smuneem tst ‘o’ xe’xe-- all our children are sacred |

Our children are the future of our Nations. “It’s the little ones we have to love and value, hold them up high for a reason; they are our future, and they will not go far if you are mistreating them or harming them and not guiding them and the importance of acknowledging their wisdom and the power that they carry.” They have pure hearts and spirits. They are also our teachers; “our old ones said they were our leaders. The children are guiding us not the other way around.”

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF CHILDREN ARE SACRED AS REFLECTED IN THE FOLLOWING CONCEPTS:

- (1) It is everyone’s responsibility to uphold and protect the sacredness of a child;
- (2) Children are gifts to their family, ;
- (3) Children and Elders hold special gifts as they are both closest to the Spiritual world;
- (4) A child’s autonomy should be respected;

²⁷ See Section 3.4.2 for more details

4.4 WHAT WE HAVE HEARD SO FAR

(5) A child’s views and preferences must be considered in decision-making, and a child should be supported to articulate their

views and preferences in a manner that is culturally acceptable.

PRINCIPLE #2: FAMILY IS THE CENTER OF EVERYTHING

| LANGUAGE | FAMILY |
|--------------|-------------------------------------|
| SENĆOŦEN | ŚW ELOKE |
| ləkʷəŋən | Sche’chu/ sche’le’chu |
| diiʔdiitidq | Ćawisuqʷaabł / baʔas (family group) |
| Hul’qumi’num | ‘ts’lh’a’amtim’ |

As was emphasized in community engagement sessions, for the South Island Nations family is the center of everything. It is the most important social group. Families know what is best for their children. Families have always been and should be the decision-makers regarding their children. From community engagement sessions we have heard that every family interprets and practices laws in their own way and our goal is to support families in doing so.

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THIS PRINCIPLE THAT FAMILIES ARE THE CENTER OF EVERYTHING AS REFLECTED IN THE FOLLOWING CONCEPTS:

- (1) Children are gifts to their family;
- (2) It is the shared understanding amongst member Nations and Indigenous Guests that family means something beyond immediate family. It is those who choose to have a close relationship with a child;
- (3) Caregivers are responsible for the day-to-day care of children, but families have a responsibility to also oversee the well-being of children;
- (4) A child’s best interests are usually promoted when a child resides with members of their family, and when those kinship relationships are actively maintained for the benefit of the child, family, and community;
- (5) All family members have an important role to play in the life of a child and those roles and responsibilities should be considered in decision-making about a child, as it is in the child’s best interest;
- (6) Active efforts must be made to support families in decision-making and to ensure that issues regarding child and family well-being that arise are resolved within the family;
- (7) Families play an integral role in passing down knowledge relating to a child’s identity;
- (8) A child’s best interests are promoted when their family is supported.

PRINCIPLE #3: IT TAKES A COMMUNITY TO RAISE A CHILD

| LANGUAGE | |
|--------------|--------------------|
| SENĆOŦEN | To be consulted on |
| ləkʷəŋən | To be consulted on |
| diiʔdiitidq | To be consulted on |
| Hul’qumi’num | To be consulted on |

4.4 WHAT WE HAVE HEARD SO FAR

Through engagements we have repeatedly heard the statement “it takes a village to raise a child”. Every community member has a role to play in supporting children and families. We have also heard that every community member has a gift that contributes to community.

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE THAT IT TAKES A COMMUNITY TO RAISE A CHILD AS REFLECTED IN THE FOLLOWING CONCEPTS:

- (1) There is a collective obligation to maintain safety for children and families;
- (2) Communities have an obligation to support families, and it is the responsibility of every community member to ensure the safety and well-being of children in their community;
- (3) Every member of a community has a role to play in supporting children and families;
- (4) A child’s best interest is promoted when the community works to support their family;
- (5) When families are supported, communities/ Nations are strengthened.

PRINCIPLE #4: WE ARE ALL RELATED/ WE ARE ALL ONE

| LANGUAGE | |
|--------------|------------------------------------|
| SENĆOŦEN | EKÁTEL (we are all connected) |
| ləkʷəŋən | To be consulted on |
| diiʔdiitidq | Hišuk ma ćawak (everything is one) |
| Hul’qumi’num | To be consulted on |

The saying ‘we are all related’ often came up in engagement sessions and this is a principle that has a deeper meaning to be articulated in the law. This principle is a reminder that our relationships and obligations extend beyond our immediate families, to neighboring Nations and to the greater community. It expands through time to our ancestors and future generations. This principle also extends beyond human-to-human as it also includes our relationship with the land. It is the understanding that all beings are related and are equal. This principle reminds us of the obligations we have to each other. This principle emphasizes the importance of creating and maintaining good relations.

This principle conveys the idea that our sense of belonging is shaped by our relationships and obligations to others. The question of ‘who are you and where do you come from’ helps us to situate each other within the web of relations.

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF WE ARE ALL RELATED/ WE ARE ALL ONE

- (1) There is value in relationships;
- (2) Each Indigenous Guest brings value to family, community, and territory.
- (3) Guests have an obligation to learn our protocols when residing in our territory.

PRINCIPLE #5: SENSE OF SELF AND SENSE OF BELONGING (KNOWING YOU ARE. WHERE YOU COME FROM AND WHAT YOU BELONG TO)

Community members have consistently shared with us how important it is for children to have a sense of self and a sense of belonging. Community members say children have a right to know who they are and where they come from, who they are related to, and what they belong to. An essential part of belonging is being connected to their culture and land. Urban community members stressed the importance of feeling a sense of belonging while being away from home and creating a sense of family and community within the urban setting.

4.4 WHAT WE HAVE HEARD SO FAR

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF SENSE OF SELF AND SENSE OF BELONGING AS REFLECTED IN THE FOLLOWING CONCEPTS:

- (1) A Nation-based identity is essential to the well-being of a Child, their family, and their greater community;
- (2) A Child has the right to know who they are, where they are from, what they belong to, who they are related to, what lands and places they belong to, and to be in relationship with their community;
- (3) A Child’s best interests are promoted when they are made aware of and provided with teachings and knowledge regarding who they are, who their relations are, their histories, their customary rights, their traditional territory, and their community;
- (4) Family members play an integral role in passing down knowledge relating to identity and what they belong to;
- (5) A child’s best interests are most often promoted when a child resides with members of their family;
- (6) A member Nation’s child’s best interests are promoted when a member child resides within their traditional territory.
- (7) A child’s best interests are promoted when they have a sense of belonging, and their sense of community is facilitated while living away from their community and are taught how to appropriately connect to the territory they are guests on.

PRINCIPLE #6: RESPECT

| LANGUAGE | |
|--------------|---|
| SENĆOŦEN | ÁTOL - respect for the rights of others |
| ləkʷəŋən | To be consulted on |
| diiʔdiitidq | duubiiyuqʷeeyił ʔiisaak. - Respect all people |
| Hul’qumi’num | si’emstuhw |

We understand respect as being a common legal principle in the laws of the South Island Nations. Respect underlies all relationships among people and with the land. Respect is shown by honouring differences. This principle is exemplified within the host/guest relationship. Hosts have an obligation to respect the cultural diversity and differences of the guests on their territory. Guests have the reciprocal obligation to follow the protocols of the South Island Nations while on their territory. We have often heard that the Nations of the South Island Nations will not change how they “light the fires of their Longhouse” and that when guests are on the territory of the South Island Nations “they must follow our ways.” Individuals are to be treated with respect and have the right to individual autonomy. Individual autonomy has limits within the collective. When making decisions regarding children and families we must show respect for each other and communicate in a good way to try to find solutions.

THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF RESPECT AS REFLECTED IN THE FOLLOWING CONCEPTS:

- (1) Every person is important to the health and well-being of our community, and as such, every person deserves to be treated with respect;
- (2) Respecting our families and the responsibilities associated with our families helps us respect who we are and our place within the community;
- (3) In respecting all things, we respect the Creator;
- (4) Respect helps us to live a good life and helps us to follow our teachings in the ways we learn, teach, work, and interact with others;
- (5) A child’s best interests are promoted when the child feels that they, and all their relations, are treated with respect.

4.4 WHAT WE HAVE HEARD SO FAR

PRINCIPLE #7: SHARING /SUPPORT/ HELPING ONE ANOTHER

| LANGUAGE | |
|--------------|---|
| SENĆOŦEN | ĆĀNEUEL OL translates as “working together” |
| ləkʷəŋən | Gwen’əŋ’á’tŋ - helping one another |
| diiʔdiitidq | łu’satł,- good to each other |
| Hul’qumi’num | Hw’uywulh - sharing/ supporting |

“Our culture is about sharing, if you are well off you are expected to help others.” We have always been taught to support our families and communities whenever we can.

*THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF **SHARING /SUPPORT/ HELPING ONE ANOTHER** AS REFLECTED IN THE FOLLOWING CONCEPTS:*

- (1) We are the caretakers of our families, and we must support each other to protect and preserve our families and all families within our community;
- (2) What we have is not as important as what we share with our family, and how we reach out to help other families within our community; this is evidenced by our ceremonies which are a means of being generous, of celebrating and helping our relations, and of creating connections with others;
- (3) Working with others in and outside of our families to support, honour, and celebrate one another helps us to develop relationships and resolve conflicts, and teaches us to be selfless while recognizing that our interests are best served by building deeper and enduring connections to all families in our community;
- (4) A child’s best interests are promoted when the community works to actively support their family and, in turn, enable their family to support and nurture their child.

PRINCIPLE #8: LOVE

| LANGUAGE | |
|--------------|--|
| SENĆOŦEN | SŦI - love ŚWELI,IŦEN -kind and generous people |
| ləkʷəŋən | To be consulted |
| diiʔdiitidq | To be consulted –yaʔakmis? |
| Hul’qumi’num | nu st’i ch |

Love is a principle that underlies family and community relationships. We have heard from community engagements that “decisions regarding children and families should always come from a place of love, care and understanding.” Community members acknowledged that the principle of love can also mean making difficult decisions.

In one community interview it was stated that “trauma has done a good job of making us feel like we don’t have anything to offer or that we can change in order to be loved, and it’s really important to just love a child for who they are.”

Love is one of the important foundations in family and community relationships;

4.4 WHAT WE HAVE HEARD SO FAR

*THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF **LOVE***

- (1) A child’s best interests are supported when they feel loved, and they and their family are treated with love;
- (2) We recognise that as a result of colonialism and inter-generational trauma we all share struggles, and therefore, the characteristics and challenges of Indigenous people are to be considered in decision-making.

PRINCIPLE #9: ONE HEART, ONE MIND

| LANGUAGE | |
|--------------|-----------------------|
| SENĆOŦEN | NEŦ,OMET |
| ləkʷəŋən | Nétsamaát |
| diiʔdiitidq | To be consulted on |
| Hul’qumi’num | nuts’amaat shqwaluwun |

One heart, one mind has been identified by community members as a shared principle. We work together as one people: one heart, one mind, and treated equally

*THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE **ONE HEART, ONE MIND** AS REFLECTED IN THE FOLLOWING CONCEPTS:*

- (1) We work together and put aside differences for the collective good of the community;
- (2) Working together to make a decision is just as important as the decision itself;
- (3) Working as one is in the best interest of every child under this law;
- (4) Collaboration and consensus building helps us to maintain harmony and balance within relationships;
- (5) Collaborative decision-making processes must be considered in decision-making under this Law.

PRINCIPLE #10: BLANKETING/ LIFTING SOMEONE UP

| LANGUAGE | |
|--------------|-----------------|
| SENĆOŦEN | To be consulted |
| ləkʷəŋən | To be consulted |
| diiʔdiitidq | To be consulted |
| Hul’qumi’num | To be consulted |

We wrap a blanket of love and healing around families so that they will be whole again. The importance of including this principle emphasizes that the purpose of this law is to facilitate healing and to uplift families.

*THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE OF **BLANKETING/ LIFTING SOMEONE UP***

- (1) CULTURE CAN FACILITATE HEALING;
- (2) A PRIMARY OBJECTIVE OF THIS LAW IS TO BLANKET/UPLIFT FAMILIES SO THEY CAN HEAL AND BE WHOLE AGAIN AND TO PROTECT THEM FROM FURTHER HARM.

4.4 WHAT WE HAVE HEARD SO FAR

PRINCIPLE #11: OUR LANGUAGES HOLD OUR TEACHINGS AND PROVIDE AN ENRICHED UNDERSTANDING OF THE LAWS OF EACH OF THE SOUTH ISLAND NATIONS.

As we have heard from community engagement sessions, the languages of the South Island Nations contain their laws, teachings, culture, spirituality, beliefs, and ancestral knowledge. The purpose of including this as a principle within the law is to acknowledge writing these principles down in English is inherently limiting and that the meanings of many of these principles are best understood within the languages of the South Island Nations.

*THIS LAW IS TO BE INTERPRETED AND ADMINISTERED IN ACCORDANCE WITH THE PRINCIPLE THAT **OUR LANGUAGES HOLD OUR TEACHINGS AND PROVIDE AN ENRICHED UNDERSTANDING OF THE LAWS OF THE SOUTH ISLAND NATIONS AS REFLECTED IN THE FOLLOWING CONCEPTS:***

- (1) Our languages contain our laws, teachings, culture, spirituality, beliefs, and ancestral knowledge;
 - (2) There are terms within the languages of the South Island Nations that do not have an English equivalent, thus the languages of the Nations should be given priority in interpreting these principles;
 - (3) The transmission of languages is integral to cultural continuity;
 - (4) It is a right of children from the Member Nations to have access to and the opportunity to learn their language;
 - (5) A child's best interests are often being supported when they have access to and the opportunity to learn their language;
- (1) Using the languages of the South Island Nations enriches every process detailed under this law.

PRINCIPLE #12: JORDAN'S PRINCIPLE

Jordan's Principle is a legal principle from Canadian common law that SIIA will adopt into the law. Jordan's principle is a child-first principle that ensures children do not experience service denials, delays, or disruptions because of jurisdictional disputes. As files are transferred from provincial jurisdiction and other Nations create their own child and family laws, there is potential for children and families to be put at risk because of jurisdictional confusion or conflict. This will be especially true for children with multiple connections and Indigenous guests whose home community has their own law. Therefore, SIIA would like to include Jordan's principle as a guiding principle of the legislation to ensure jurisdictional service gaps will not result in the delay or denial of services for children and families.

There is also potential to be gaps in services due to their being multiple service providers on the South Island. However, SIIA intends to mitigate this by taking on an oversight and coordination role between agencies. Jordan's Principle would also apply to these situations where it is unclear which agency should provide services.

4.4.6 FEDERAL ACT REQUIREMENTS OF OUR LAW

Although the Federal Act recognizes and affirms inherent jurisdiction of Indigenous peoples in relation to child and family services, it also establishes national minimum standards that must be met by our law. Our law will redefine and strengthen these minimum standards to best suit the needs and reflect the laws and values of the Indigenous communities we serve.

The three service delivery principles and requirements in the federal legislation that need to be outlined by our law:

(1) BEST INTERESTS OF THE CHILD

The first minimum standard in the Federal Act is the Best Interests of the Child. This concept is not new and exists, with slightly different definitions, in the current provincial child and

4.4 WHAT WE HAVE HEARD SO FAR

family service legislation. The Federal Act states that Best Interests must be a primary consideration in the making of decisions or in the provision of child and family services. Our law can be legally challenged if it is deemed to be contrary to the Best Interests standard.

"The best interest of a child must be the primary consideration in the making of decisions or taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests for the child must be the paramount consideration."

-The Federal Act

How our law should strengthen or alter these minimum standards to reflect the laws and values of the South Island Nations is something that SIIA's legal team has been considering. One of the issues with Best Interests is that it prioritizes the individual interests of the child over the collective interests of the family and community. Some legal experts have also suggested that the Federal Act would be stronger if it recognized the importance of a child having ongoing relationships with their community and if their culture were understood in law to be an essential aspect of an Indigenous child's emotional and psychological safety, security, and wellbeing.³ Within our law we know that some of the issues that are associated with past applications of Best Interests will be mitigated by SIIA's service delivery model focusing on supporting families as the primary decision-makers. Therefore, this inherently changes how Best Interests is applied, because it will be applied primarily by families and communities rather than social workers, agencies, and ministries.

OUR COMMUNITIES TELL US THAT THE BEST INTERESTS OF A CHILD, FROM THEIR PERSPECTIVE, INCLUDES:

- » To have a sense of belonging and to know who they are and where they come from;
- » To be connected to their community, specifically to Elders and knowledge holders that can help guide them;
- » To be involved with cultural and recreational activities;
- » To be connected to their culture, participate in ceremony, and have access to traditional foods;
- » To be placed with a family member instead of a stranger.

The language we have heard in community is much stronger than what 'Best Interest' articulates, speaking to a child's rights rather than their 'Best Interests.' For example, in WSANEC law we have CELANEN. We see that a WSANEC child's best interests are being supported when their CELANEN is being upheld.

(2) CULTURAL CONTINUITY

The second minimum standard in the Federal Act is cultural continuity. The importance of culture in the well-being of Indigenous children is recognized in the Act.

Our legal team has been considering whether we need to strengthen this minimum standard to reflect the values of our Nations. This standard will be interpreted in our law consistent with how we define "family" and "community", as those are key concepts in the definition. We are concerned Indigenous guests and individuals from the member Nations who do not participate in the longhouse may view grounding this law and the provision of child and family services in the Longhouse Model as being assimilative. Our language must be clear that our intent is not to interfere with the cultural continuity of the Indigenous group, community, or people that a child belongs to and that their cultural continuity will be respected. However, while living on the territory of the South Island Nations there is an obligation that an Indigenous guest follows the protocols of the South Island Nations. We will be clear that the cultural continuity of all individuals will be respected, but it must be balanced with the collective cultural continuity of the South Island Nations.

4.4 WHAT WE HAVE HEARD SO FAR

(3) SUBSTANTIVE EQUALITY

The third standard through which the Federal Act is to be interpreted and implemented is the concept of substantive equality.

Cowichan Tribes have clarified this standard in their draft legislation. They say substantive equality in their system “considers systems and structures and the history of colonialism and its effects on Indigenous Peoples.”²⁸We think this is an important distinction to consider in our law as well. The second clarification Cowichan tribes made within their draft law states: “substantive equality seeks to remedy distinctions in law, policy or programs that have the effect of perpetuating arbitrary disadvantage and provides treatment that is the same for everyone may lead to inequality among certain groups.”²⁹

A provision similar to this within our legislation will be important because each of the member Nations and the community of Indigenous guests have unique strengths, levels of capacity, and needs. Therefore, treating all the same from our perspective may lead to inequality. The decision making, and the provision of services, must assess and consider each community on their strengths and challenges rather than treating them all the same. Similarly, something important to consider in our legislation is that we will be making a legal distinction between Indigenous guests and those from member Nations for the purposes of defining the application of the law. Therefore, our law will likely add a provision stating that this distinction must not result in law, policy, or programs creating arbitrary disadvantages. We also must consider a provision to protect those who do not participate in a longhouse. This cannot mean there will be decision making and services which put them at a disadvantage.

(4) NOTICE REQUIREMENTS

Section 12 of the Federal Act requires that any service provider must provide notice to the child’s parent and care provider, as well as the relevant IGB before taking any “significant measures” in relation to the child. Significant measures have not been defined but will need to be in our legislation.

Notice to a Governing Body

If SIIA takes “significant measures” with a child where another IGB’s law also applies, we will need to give notice. Similarly, if an agency elsewhere in Canada engages with a child from the member Nations, SIIA will have to be notified before any significant measures are taken.

(5) SOCIO-ECONOMIC CONDITIONS

Section 15 of the Federal Act states that a child must not be apprehended solely on the basis of socio-economic conditions and that reasonable efforts must be made to have a child to continue to reside with parents/family. This is consistent with our community and SIIA beliefs as well.

(6) PRIORITY PLACEMENT FOR INDIGENOUS CHILDREN

Included in the standards of the Federal Act are directions on the placement of children. Section 16(1) prioritizes placement of an Indigenous child in the following order, provided that the determination is in keeping with Best Interests:

- | | |
|--|-----------------------------------|
| (1) With one of the child’s parents; | (4) With any adult who belongs to |
| (2) With another adult member of the child’s family; | a different Indigenous group; or, |
| (3) With an adult that belongs to the same Indigenous group; | (5) With any other adult. |

28: Cowichan Tribes (2023). Cowichan Tribes’ Child and Family Wellness Law: May 2023 Consultation Draft for Discussion. Retrieved from https://ourchildlaw.cowichantribes.com/wp-content/uploads/CT-Draft-Law-Open-House-version_-2-w-logos.pdf

29: *ibid.*

4.5 MOVING FORWARD

Section 16(2) also stipulates that decision-makers must consider placement near siblings and that the “customs and tradition of Indigenous peoples in a child’s placement s.16(2.1).” It is important our law address placement, even though our system will view placement in a different way from the current system. In the SIIA service delivery model decisions about placements, whether temporary or more permanent, will be made by the family and community. They will be the ones applying placement priorities.

(7) PRIVACY AND CONFLICTS OF INTEREST

Our law has to address privacy and conflicts of interest. The colonial concept of ‘confidentiality’ is different from the more commonly used term ‘privacy’. Neither of those concepts fits smoothly into the longhouse and the close Indigenous communities that we represent. SIIA wants to make sure we hear from the community about what is okay to share and what is private, so we can create appropriate provisions for our law.

(8) DISPUTE RESOLUTION

Our law must establish an independent dispute resolution process to resolve disagreements that arise from our services. The alternative to creating our own system is disputes would go to the Provincial Court system. Since SIIA’s service delivery model supports families making their own decisions, we do not want these matters going before Provincial Courts. Disputes should be resolved within communities and focus on returning balance within relationships, rather than ensuring an adversarial outcome. To prevent colonial courts having a role, we must create a dispute resolution mechanism respecting the principle of natural justice from Canadian common law. This principle underlies western dispute resolution mechanisms like negotiation, mediation, and arbitration.

We have learned from our communities and from the Aunties, that within the legal orders of many of the South Island Nations, the longhouse is where dispute resolution occurs. SIIA’s legal team wants Nations to be able to do as they have always done and resolve disputes with their longhouses, but at the same time the process must be adaptable for Indigenous families who do not and do not wish to participate in the longhouse, or in situations where the longhouse process has not created an accepted solution. The dispute resolution mechanism we have created will reflect the laws and values of the South Island Nations and will be based on the Longhouse Model. See Section 7 for more information on our Dispute resolution Model.

4.5 MOVING FORWARD

Each community is at a somewhat different stage of community engagement and so has had a different influence on our planning to date. Moving forward, that really doesn’t matter, as we will now bring forward our draft plans and engage with communities on that basis. Once communities have provided feedback on the contents of this report, SIIA will provide the outcome of this next round of community consultations to the legal team so they can continue to create the next draft of the law. We will then distribute the draft to community for further feedback.

One idea we have discussed is to put together a Community Legislative Advisory Committee, which would provide representatives from each community with an opportunity to discuss whether the emerging law is reflective of their values, and to provide technical input on the draft legislation.

The legislation will need to be approved by Nations. Once Nations have approved the Law, the legal team will be responsible for drafting the Coordination Agreement with the federal and provincial governments, which will outline the transition, implementation, and operation of this new law.

SECTION FIVE: GOVERNANCE

5.1 INTRODUCTION

The following section describes SIIA's current governance structure and presents two draft models SIIA staff have developed for the future, reconfigured governance structure. We encourage and look forward to any feedback and input on these two proposed models.

5.2 GOALS AND OBJECTIVES

- » To create a community-driven governance structure;
- » To create a model that ensures representation of the views and voices of all Indigenous communities that SIIA serves;
- » To create a model that captures the voices of knowledge-holders, youth, and community members;
- » To create a model that is simple, efficient, and effective;
- » To create a model that is grounded in the culture, laws, and values of the South Island Nations

5.3 OUR APPROACH

SIIA is a not-for-profit society registered under the B.C. Societies Act. As a society, it is governed by a Board of Directors. Currently, SIIA's Board of Directors is composed of the eight South Island First Nations Chiefs (or their alternates), as well as representatives appointed by the Boards of three Indigenous service agencies, located in and providing service to the urban Indigenous population. The three Boards all appointed their Executive Directors to serve on the SIIA Board. The three Indigenous service agencies are Hulitan, Victoria Native Friendship Center (VNFC), and Surrounded by Cedar. These three agencies are the major service providers for child and family services to our urban Indigenous community, and do not have a direct governance link to our member First Nations. Two other Indigenous service agencies that provide child and family services – NIL TU,O and the South Island Wellness Society - are included in our planning processes but do not have seats on our Board, as their Boards draw from essentially the same entities as SIIA.

Our current governance structure with direct links to the governance of the South Island Nations and Agencies has been a strength while we have remained as a planning organization. However, this structure has always been seen as temporary until SIIA shifts to a service oversight and administration organization. The purpose of revising the governance structure is so we do not create direct conflicts of interest within the structure, and to create separation from political processes. As the governance structure currently stands, both the Chiefs and the Executive Directors that currently serve us so well would be placed in a conflict of interest in decision-making due to their role as service and funding recipients under the new legislation.

Moving forward, SIIA will remain a not-for-profit society, at least initially, because it is necessary for SIIA to have the capacity, rights, powers, and privileges of a natural person under Canadian common law to be able to enter contracts, purchase property, borrow money, etc. The not-for-profit structure also limits the legal responsibility of the people in governance roles because of the legal status as a society.

Ideally, in the future, it would be best to transition to an organization which stands independently and is not under the Societies Act. Being under the Societies Act comes with some restrictions as the law is administered through provincial laws. Hence, there is potential for the structure to distort the interpretation of the laws of the South Island Nations. While the restructured board must comply with the Societies Act, not-for-profits are extremely flexible, and their governance structures can be customized through by-laws to meet the needs of the South Island

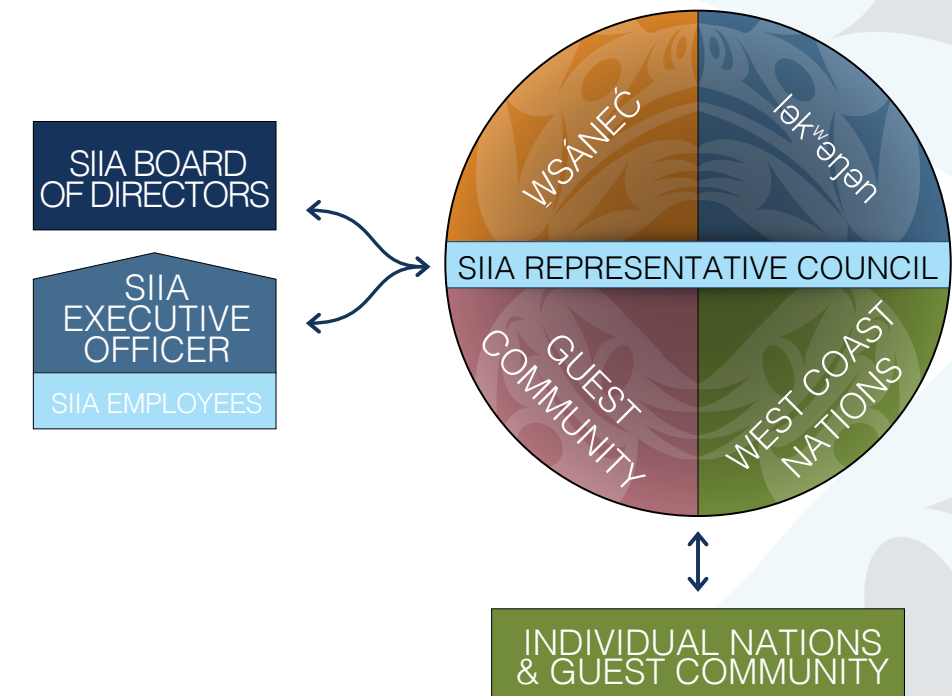
Nations and Indigenous guests on the territory. SIIA intends to ground its governance structure and its operations within the governance, laws, practices, and shared values of the South Island Nations. This governance structure will be accountable to the South Island Nations and Indigenous communities.

5.4 WHAT WE HAVE HEARD SO FAR

To begin the development of the new governance structure SIIA staff conducted research on principles of good governance, not-for-profit board structures, board structures of other Indigenous Governing Bodies, Indigenous governance, and the requirements of the Societies Act. A report was prepared for SIIA's Board that provided options and recommendations for a restructured board based on this research. The report was presented at the board's September 2022 strategic planning retreat.

Initiated by the discussions with the Board, SIIA staff have come up with the following models. Please note that the names of the bodies within the structure are tentative.

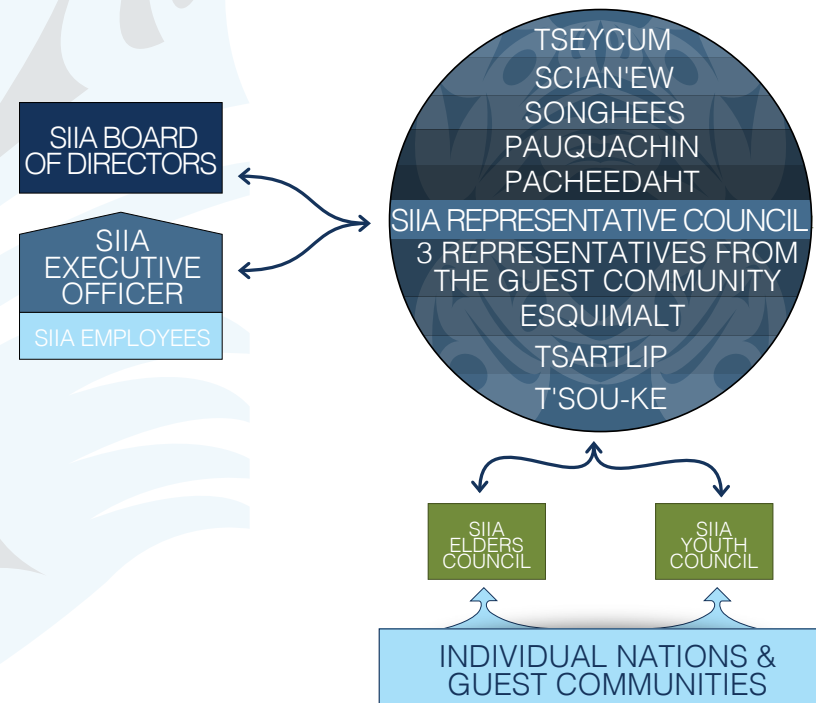
DRAFT MODEL 1



NOTES ON MODEL 1:

- » The Board of Directors is an "Expert Board", made up of people with specialized knowledge (law, finance, human resources, governance, etc.) and with one seat for the Speaker of the Representative Council.
- » The Representative Council has representation from our four groupings – WSÁNEĆ, lək'wəjen, the western Nations (Sc'ianew, T'Sou-ke, and paačiid?aa?tx), and the Guest Community.
- » The Elder's and Youth Councils are recommended at the local or regional level, but not required.

DRAFT MODEL 2



NOTES ON MODEL 2:

- » The Board of Directors is an “Expert Board”, made up of people with specialized knowledge (law, finance, human resources, governance, etc.) and with one seat for the Speaker of the Representative Council. (The same as in Model 1).
- » The Representative Council has one representative from each of our eight Nations and three from the Guest Community. There is also a seat for a representative from each of the Elders and Youth Councils.
- » The Elders and Youth Councils are mandatory at the regional level, with representation mirroring the seats on the Representative Council, but voluntary and not required at the Nation and Guest Community level.

WHAT IS THE SAME BETWEEN THESE TWO MODELS?

The two models are very similar in that both have an Expert Board, a Representative Council that advises the Board, and formal connections to our communities.

WHAT ARE THE DIFFERENCES?

- » Model 2 is a more complex model that has more secondary organizational structures and more requirements for community involvement. The Elders Council and the Youth Council are required representative bodies, and the Representative Council is larger, including a representative from each of our Nations and multiple representatives from the Guest Community. Overall, Model 2 requires more people from each community to participate in the broad governance structure. Model 1, conversely, has a small Representative Council that will not provide direct representation for each Nation. The Nation groupings (W SÁNEĆ, læk wəŋəŋ, and West Coast Nations) will need to develop a method to select one representative, and the reporting lines back to the individual Nations will be less obvious. As well, Model 1 does not have the additional advisory structures of an Elders and a Youth Council.

STRENGTHS AND CHALLENGES TO BE ADDRESSED IN EACH MODEL

What we have heard from our community engagement sessions is that witnessing is an incredibly important governance principle of each of the South Island Nations. This principle ensures accountability. SIIA's reconfigured structure intends to adhere to this governance principle. As this governance structure is not directly connected to leadership it will be the responsibility of members of the Representative Council to report back to the leadership and the community within their respective region.

A speaker will be chosen by the Representative Council, and that position will both manage the Council and have a full voting seat on the Expert Board. In a sense, the Speaker of the Representative Council is an expert in the communities we serve.

The Elders and Youth Councils will need to have meaningful roles if they are mandatory bodies. Their connection to the Representative Council, both with a seat at the Council, will legitimize the Elder and Youth voices in our process.

REPRESENTATIVE COUNCIL

The major purpose of the Representative Council is to ensure that decisions made for SIIA by the Expert Board are community-informed and community-driven. The Representative Council will fulfill this purpose through its representation and connections to our communities, and by the role of the Speaker, who both chairs the Council and has a seat on the Expert Board.

The Council will be responsible for ensuring that the law and decisions relating to that law's interpretation are done in a way that upholds and reflects the laws and values of the South Island Nations. In addition, the Council will ensure the law, the strategic plan, and the vision continue to reflect our Indigenous laws and our shared values. Individuals who are appointed by their community or Nation to this position will likely be knowledge holders or acknowledged community leaders on child and family matters and will be community members.

SIIA is unique as it considers jurisdiction based both on membership of Nations as well as geography to encompass the Indigenous guests on the traditional territory of the eight Nations. Model 1 and Model 2 differ in how that membership is represented on the Council:

- » **In Model 1**, the Representative Council would be smaller, with the territory divided into four regions: W SÁNEĆ, læk wəŋəŋ, Guests, and Scia'new/T'Souke/Pacheedaht. Each region will be able to elect or appoint a representative to the Representative Council. To ensure that the voices of our Indigenous guests are represented, an Urban Relatives Council would be established, which should include Kwakwaka'wakw and Nuu-Chah-Nulth representatives, as well as the other diverse membership of our Guest communities. The Relatives Council would appoint one representative to the Representative Council. Each Nation can create their own elder and youth councils, which may advise the Representative Council and their respective representatives.
- » **In Model 2**, each of the eight Nations would appoint a representative to the Council, as well as three people representing the diverse Guest Community. It is also recommended that the Elders Council and the Youth Council each have one seat on the Representative Council.

The Representative Council would also have the option to bring in other community experts, for example mothers, grandmothers, aunties, knowledge keepers/Elders to assist them in advising the Expert Board on certain issues.

THE REPRESENTATIVE COUNCIL WILL ADVISE AND MAKE RECOMMENDATIONS TO THE EXPERT BOARD REGARDING THE FOLLOWING:

- » Ensuring voice from communities continues to drive our work
- » The development of service standards
- » The development of services delivery policies

5.4 WHAT WE HAVE HEARD SO FAR

- » Amendments to the law
- » Fiscal recommendations
- » Nation-to-Nation protocols
- » Complaints process management
- » Data collection
- » Program and service delivery model development and revision.

The Representative Council will not try to influence family decision making.

In summary, the differences between Model 1 and Model 2:

| MODEL 1 | MODEL 2 |
|--|--|
| <ul style="list-style-type: none"> » The Nations are represented by regional representatives, with three members representing the eight Nations. » One representative is appointed by the Urban Relatives Council to represent the Guest Community. » There are no regional Elders or Youth Councils. | <ul style="list-style-type: none"> » Each of the eight Nations has a representative appointed. » There are three representatives from the Indigenous Guest community. » There is one representative from the Elders Council and one from the Youth Council appointed to the Representative Council. » The model requires an Elders Council and a Youth Council with representation from each Nation and the Guest Community. |

THE EXPERT BOARD

The Board of Directors is the governing body of SIIA. We are referring to it as the Expert Board because that is a particular type of board structure, which recruits its members based on their set of skills or expertise. These skills are identified as expertise that is required to govern the agency they serve. The Board is the administrative and technical body responsible for the administration of the SIIA and our legislation. Directors have a duty of care and a fiduciary duty of loyalty to the organization and its membership. The number of directors for the Board will be prescribed in the Constitution and Bylaws. SIIA has tentatively decided on including five to seven directors, who each have areas of knowledge and expertise. Suggested skills and qualifications might be classified as expertise in: Indigenous law and/or family law; not-for-profit finance; Indigenous child and family services provision; Indigenous organizational governance; government relations; and human resource management. In SIIA's model, one director position will be reserved for the Speaker of the Representative Council; their particular expertise will be the communities we serve, and they will be responsible for bringing any issues or concerns from the Representative Council forward to the Board to be addressed.

This board will confirm the SIIA's Bylaws and Constitution. The bylaws can set out how many Board members will constitute a quorum and when decisions must be made by consensus.

5.5 MOVING FORWARD

RESPONSIBILITIES OF THE BOARD

- » Overseeing the general management of the organization
- » Setting long-term objectives and creating an annual strategic plan
- » Evaluating the performance of the organization
- » Periodic review and amendment of our legislation
- » Decision-making accountability for the SIIA
- » Approve annual Operating Plan, covering fiscal and operational priorities
- » Approving practice standards
- » Approving service delivery policies
- » Hiring and overseeing the role of the Executive Officer.

SIIA EXECUTIVE OFFICER AND THE ADMINISTRATIVE BODY

The SIIA Executive Officer would be responsible for ensuring the day-to-day business of SIIA is conducted properly. The Executive Officer oversees SIIA's services, and the administrative structure needed to support it, such as human resources, Information Technologies, and finance. The Executive Officer attends all Board meetings as a non-voting support, provides reports to the Board on a regular basis or upon request, and is responsible for creating an annual Operating Plan, which outlines how SIIA will put the Strategic Plan into operation. The overall administrative structure of the SIIA reports up through the Executive Officer.

The Regional Child and Family Advocate will have overall responsibility for child and family service matters for the SIIA. The Advocate will attend the Representative Council as a non-voting member and will raise any legal or operational issues for our territories with the Council for consideration and recommendation to the Board.

5.5 MOVING FORWARD

The governance structure is intended to reflect the shared values of the South Island Nations, while also respecting the uniqueness of each, while being inclusive of the Guest Community. What is important is that values from community members are considered and the principles of the Indigenous laws traditional in our communities are honoured and respected. The restructured Board must comply with our own Indigenous legislation as well as some components of existing colonial legislation. However, there is flexibility to incorporate the Indigenous culture and teachings from our communities into the board's structure and operation.

SECTION SIX: SERVICE DELIVERY MODEL

6.1 INTRODUCTION

The following describes the service delivery model proposed by SIIA for child and family services. We welcome and encourage feedback on this model.

SIIA is not primarily a service delivery agency. SIIA's role will shift in the next few years from the current planning organization to become primarily an administrative and oversight body that oversees the child and family services provided. It will also perform the function of coordinating resources, disseminating funding, and setting and measuring service quality standards.

The South Island Nations and our Indigenous Guests are blessed by strong Indigenous agencies providing services to our communities. The roles and mandates of these existing agencies will need to shift and change to reflect the new Indigenous law and the service priorities of the South Island Nations. Families will be at the centre of decision making about their needs and outcomes. The Longhouse model will become the basis of our services.

SIIA will support Nations, as well as communities and agencies, if they wish to expand their services.

6.2 GOALS AND OBJECTIVES

- » Funding strength-based services that provide holistic, wrap-around supports;
- » Recognizing families as the key decision makers on child and family matters, and supporting families in their decision making;
- » Creating a culturally based and aware service model that accounts for historic colonial impacts;
- » Asserting full jurisdiction over child and family services, facilitating growth and healing for our families and communities, and providing community support for all Indigenous children and families residing in the South Island.

6.3 OUR APPROACH

Historically, South Island Nations families and communities all played a role in helping children thrive. We are developing a service model that is based on family decision making, and in which every individual, family, community member, Nation, and agency will play a role in ensuring that our children are cared for, nurtured, and safe. We know that families are the primary legal institution in Coast Salish communities and traditional law. Based on what we have heard from community engagement sessions, extended families should be the decision makers regarding what is best for them and their children. SIIA's Service delivery model is based on the premise of ensuring families are supported in making decisions.

6.4 WHAT WE HAVE HEARD SO FAR

We know the Longhouse Model will be the foundation of how we provide services. The Longhouse Model replicates family decision making that occurs in the longhouse, and is a structured, supportive method of family decision making. The process does not need to occur in an actual longhouse to be successful and is quite adaptable to other Indigenous ways of being besides the Coast Salish and Nuuchahnulth origins of our eight Nations.

SIIA will provide support to families to allow them to be successful through this process. From our discussions with community members and with the Aunties Group, we heard that supports should not just be centered on the child, but rather on the whole family. We believe in blanketing the family to support them in providing the best environment and outcomes for their children.

6.5 TYPES OF SERVICES OFFERED THROUGH OUR MODEL

6.5.1 UNIVERSAL SUPPORT SERVICES

We believe that all families need to be supported to raise healthy children. As much as possible, culturally appropriate, universal support will be the basis for enhancing our families and communities. One of the things we heard consistently in our consultations was that the promotion of culture and language was a preventative service, building stronger children and stronger communities. We also heard that a part of culture was building the connection to the traditional lands, and that learning based on traditional ways of learning and of healing was important.

6.5.2 CHILD PLANS

A key strategy we see moving forward with our families and communities is to ensure that each child has a Child Plan created by their family. The Child Plan is specific to each child and outlines the roles and responsibilities family members have to a child throughout their life. The Plan includes information on any important cultural ceremonies the family wishes for the child, as well as who needs to be involved when support is needed, and in potential emergency situations.

From community engagement sessions, we have heard about the various ceremonies associated with an individual transitioning through life stages and how these life stages are celebrated and acknowledged within the longhouse. For example, we have been provided with teachings about the ceremony in which a child is welcomed by the family and the whole community. Parents were reminded of their responsibilities to the child and were expected to publicly commit to raising and caring for that child. Other family members who were to play an important role in the child's life also take part and commit to that child. Communities are involved in this process because it is known they all play a role in raising a child. This is one of the processes that the Child Plan can help the family with if that would be helpful.

The intent of the Child Plan is to help a child know who they are, where they come from and who their family is, in a traditional sense. Having a Child Plan is intended to clarify the child's place within the culture and the traditional concept of family. It will also help SIIA to know where they can offer support and help to a child and help the community to deal quickly and effectively with family crises. It is not meant to be negative or a threat to families, but rather as a family-developed plan to help in both good times and challenges. Also, we need to consider how we, as communities, ensure that all children are safe, healthy, and well at all times—and what we do when this is not the case.

Another purpose of a Child Plan is to identify who are the key family members in times when a family needs support. We know that families often do this, it is just not written down. To be able to help, others need to know who to get into contact with. Who are those family members that play key roles in this child's life, whether that be grandparents, aunties, uncles? or others. Identifying from the beginning who in the child's life can help in decision making saves time and gives clarity in times of distress. The Child Plan serves as a reminder of the roles and responsibilities expected of everyone involved in the plan. It is important to note that our use of the term "family" in this context refers to the expanded definition of family in our legislation. The definition of family is very broad to reflect the diversity of who community members consider as family.

We intend for these child plans to be reviewed frequently – ideally every two to three years - so that the information is up to date. These plans could also be updated at the important milestones celebrated within the longhouse. Every child should ideally have a child plan within 10 months of their birth.

6.5 TYPES OF SERVICES OFFERED THROUGH OUR MODEL

6.5.3 THE FLOOR MANAGER

Each family is responsible for completing a Child Plan for all children in their family. We will work to include the Child Plan in other early years registrations and processes that all families experience. It is not meant to be difficult or trying.

SIIA will be funding one role that is meant to assist families with completing the Child Plan, ensuring the plan is stored privately and securely, and assisting with renewals. There will be at least one Floor Manager provided for each of our Nations, with the potential for more than one for our larger Nations, as well as a number (yet to be determined) for our Guest Community. One of the two key roles for the Floor Manager is overseeing the Child Plan process for their community.

The second major duty for the Floor Manager is fulfilling the traditional floor manager role in the longhouse. The Floor Manager assists the family in moving through the longhouse process (if the family agrees to the support). This support can be for cultural or ceremonial purposes or can be in instances where the family is working through some challenges concerning their children. The Floor Manager has no legal authority and is solely involved in assisting the family in formal child planning or in cultural and problem-solving processes.

6.5.4 WHEN THINGS GO WRONG

Most families, most of the time, are able with their own support system to resolve any issues that are challenging for the well-being of their children. SIIA fully supports families finding those solutions on their own or, when solutions are beyond the abilities of the family alone, we will provide whatever help we can to make families successful with their children. We want the standard expectation to be that families will resolve their problems, and SIIA hopes our formalizing some of the traditional ways families resolved problems will build the capacity in the community for better processes and outcomes for children.

We know, however, there are some circumstances where some families have not developed the capacity to problem solve, and this lack of capacity can place children at harm. Since the province and the Ministry of Children and Family Development will no longer have a role with our children and families it is up to the SIIA to ensure children remain safe when the family is unable. When there are reports of children being unsafe – wherever those reports may come from – the SIIA needs to have a response. We will describe that response in the section below. However, we want to emphasize that the first step in addressing concerns regarding the well-being of children is talking directly to the parents that are struggling, as well as those other family members identified in the Child Plan. Our first expectation is that the family will have the knowledge, desire, and capacity to solve the problem, while sometimes needing a little help.

6.5.5 ASSESSMENTS AND THE CHILD SAFETY TEAM

We want families and communities to see SIIA as an organization that is there to help families problem-solve while ensuring that children remain safe. The best situation for children remaining safe and thriving is by remaining in their family, with the risk to their safety resolved. That will always be our first desired outcome. At the same time, children need to remain safe, and it is the legal obligation of our organization to ensure that safety.

Most reports about child safety made to MCFD at this time come from family members or community professionals. When SIIA begins receiving reports, we believe our presence in the community and our commitment to supporting families before they reach crises will reduce the number of formal reports. Regardless, there will be reports that children are unsafe. We will create a special team for assessing those reports, called the Child Safety Team. The Child Safety Team will solely be responsible for accessing these reports and determining if there are any child safety concerns, as defined in our legislation. Unlike the MCFD social workers they will be

6.5 TYPES OF SERVICES OFFERED THROUGH OUR MODEL

replacing, the Child Safety Team have no role in resolving those concerns or suggesting actions by the family. Ideally, they will be doing the assessment and determination alongside family members as identified in the Child Plan. They communicate any child safety concerns they assess to the family and to another official, the Child and Family Advocate. It is up to the family, as identified in the Child Plan, working with the Child and Family Advocate, to resolve the concerns.

6.5.6 SAFETY PLANS

If the Child Safety Team identifies safety risks for a child, the Child and Family Advocate will speak with the person identified as the Family Head in the Child Plan and arrange for the family to come together and resolve the safety concerns. If there are immediate and serious safety risks for the child, the family head and the Child and Family Advocate will need to agree on a short-term solution to keep the child safe while the family planning takes place. Our Longhouse Model of services is the traditional way family issues were resolved in our communities. The model has several steps and roles that are built into it, all working to create consensus on a solution to the problem being addressed. Our Floor Manager will have training and expertise on implementing the Longhouse Model and is there to help the family organize and implement. At the end of the family process, the family will need to create a Safety Plan that deals specifically with each, and every safety issue identified by the Child Safety Team. After the family has finished its process, which will include the role of witnesses to the agreement to ensure broad understanding within the family, it will be presented to the Child and Family Advocate who will either confirm that the safety concerns have been appropriately dealt with or determine they have not. If they have not, the plan will be returned to the family for re-consideration. Only when the family internally cannot reach an agreement or agreement cannot be reached between the family and the Child and Family Advocate does decision making then rest with the Child and Family Advocate.

6.5.7 THE CHILD AND FAMILY ADVOCATE

The Child and Family Advocate is the only position in our structure that has the authority under the legislation to override a family's decision-making process. There will be one Child and Family Advocate appointed in each of our Nations (8 in total) as well as a lead and junior positions in our Guest Community. The Advocate is expected to work collaboratively with the Chief and Council and to have a regular place on the council agenda, at least once a month. In our Guest Community, the Advocate will have a similar relationship with the Urban Relatives Council.

Ideally, the Child and Family Advocate will be a voice for children and families in their community, although doing so in a way that does not infringe on the role of the Chief and Council. The Advocate will have a good understanding of the culture and of the community they serve, so they are able to make sound decisions on those few occasions when they need to intervene in family matters. If the Advocate needs to intervene, they will do so in consultation with the Chief and Council (or the Urban Relatives Council) to make sure they are operating with community at the top of their minds,

6.5.8 THE REGIONAL CHILD AND FAMILY ADVOCATE

The Regional Child and Family Advocate has overall responsibility for child and family services in our region. This position will oversee the practice of the community-based Child and Family Advocates and chair a committee of all Child and Family Advocates. That committee will review and recommend any practice changes arising from their own experience or the findings of the Service Quality reviews. The Regional Advocate will sit on the Representative Council as a non-voting member.

6.6 MOVING FORWARD

6.5.9 OTHER SUPPORT SERVICES FOR FAMILIES AND CHILDREN

Adoption of the Longhouse Model by SIIA is meant to work alongside, and not replace, the many other services that are valuable to children and families that lie outside the specifics of this model. Those support services will come from the SIIA, from our funded agencies, and from other services in the social service sector.

Direct SIIA Services. We heard in our consultations that often the people who are responsible for the family problems are the ones least impacted by any interventions. SIIA would like to take a different approach to helping families, one that is more in line with our cultural teachings. Some of the services we are currently investigating include whole family healing centres; safe houses; treatment centres; and cultural centres or camps. We also are interested in how providing access to sports and cultural activities can enhance the health and wellbeing of children, families, and communities.

SIIA Funded Services. SIIA will take over the funding of Indigenous child and family programming from the federal and provincial governments. That means current services funded for agencies such as our service partners (Surrounded by Cedar; NIL TU,O; South Island Wellness Society; Hulitan; and some programs of the Victoria Native Friendship Centre) will no longer be funded directly by the governments, but instead the funding will come through SIIA. We also believe that, beyond the funding currently allocated to Indigenous child and family services in South Island, that we are under-funded and will be asking for additional funds during our Coordination Agreement negotiations with the two governments.

Other Supportive Services. We believe families should have access to the support they need for their children and the family to flourish. Those supports can be professional, personal, or community and culture driven. Our expectation is that SIIA representatives have a sound knowledge of supports that are available and can help families to access those supports. In particular, the Child and Family Advocates and the Floor Managers must help families who likely do not know the range of services available, and to advocate within their community and their organization for those supports that are needed.

6.6 MOVING FORWARD

The South Island Indigenous Authority is building a service delivery system that has at its heart the culture of our Nations and a strong belief in our families. We intend to reinforce and celebrate our cultures, as they are essential for healthy children, families, and communities. We also will return to a more traditional way of decision-making in child and family matters, where families are encouraged and supported to make the difficult decisions that impact their families as they grow.

In our staffing model, SIIA is setting up a service delivery system that is tied to our community governance and structures. We want our Floor Managers and our Child and Family Advocates to be seen as a part of the communities they serve, as valued assets in their communities. And finally, we owe it to our children and communities to ensure that our children are safe. Our Child Safety Team will be tasked with ensuring safety while at the same time not taking away from the families and communities the role of nurturing their children.

As this model is significantly different from the model serving the community now, we need to hear the community and community leadership is comfortable with and supportive of this model of supporting our children and families.

7.1 INTRODUCTION

SECTION SEVEN: QUALITY ASSURANCE

7.1 INTRODUCTION

The following section provides an overview of SIIA's plan for ensuring the quality of our service delivery model for the South Island. This framework also will inform our other service streams—finance and administration, governance, service delivery, legislation—as we build a structure that will best serve our children and families from this point forward.

7.2 GOALS AND OBJECTIVES

- » Develop a robust Quality Assurance framework that promotes continuous quality improvement within our new system
- » Have 'quality' as a concept defined according to, and have it experienced by, the communities that we serve
- » Support our communities to close the gap between "who they are and who they want to be"³⁰
- » Develop Quality Assurance standards that are grounded in the worldview/ways of being of our Nations
- » Understand how Quality Assurance standards will apply to the service providers (both Indigenous and non-Indigenous) within our territory serving our people
- » Establish our own data management framework and system that adheres to the principles of OCAP®
- » Establish a community/Nation/Territorial wellness monitoring framework
- » Establish a restorative approach to system-related grievances

7.3 OUR APPROACH

Our reassertion of jurisdiction over our children and families gives us the opportunity to define what 'quality' as a concept means to us, and how it should be monitored and ensured. Quality Assurance is not a foreign concept within our communities, however, the language used to describe this understanding in community widely differs from how it is understood through a colonial lens. For example, when Elders look at traditional objects, they can immediately recognize that an "object is of good, solid quality, that the person who made it knew what she was doing, and that she had followed the proper protocols (for example, demonstrating respect for the materials and offering prayers for guidance)"³¹. Our community engagement activities have been foundational to help us articulate what quality means to our children, families, and communities.

7.3.1 THE ROLE OF DATA IN QUALITY ASSURANCE

A considerable amount of First Nations data is held by institutions that are not Nation-based organizations, governments, or Indigenous service agencies. Hesitancy towards data collection is understandable across Indigenous communities given our poor experiences with western, colonial, extractive research processes. Across our territory, outsiders have come in, taken stories and biological materials, and used them for their own benefit. These are all historic issues that have their own contemporary repercussions.

We need to reclaim data, however, as a neutral tool, whose use depends on the entity collecting and using it. Through this process of reasserting our jurisdiction we are simultaneously taking a step towards Indigenous data sovereignty as well. Indigenous data sovereignty refers to the understanding that Indigenous Nations are the supreme authority in relation to their data as it relates to their people, lands, history, current circumstances, etc.³²

30: Gwen Phillips as cited in Indigenous Data Toolkit. (2021). Data Project and Toolkit Overview - Webinar 1 Part 2 [Youtube]. Retrieved from <https://www.youtube.com/watch?v=N8tBuiebrpk>

31: LaFrance J. & Nichols, R. (2009) Indigenous evaluation framework: Telling our story in our place and time. Alexandria (VA): American Indian Higher Education Consortium (AIHEC). Retrieved from www.indigeval.aihec.org/Pages/Documents.aspx

32: Gwen Phillips as cited in Indigenous Data Toolkit. (2021). Data Project and Toolkit Overview - Webinar 1 Part 2 [Youtube]. Retrieved from <https://www.youtube.com/watch?v=N8tBuiebrpk>

7.4 WHAT WE HAVE HEARD SO FAR

As we work to reassert our inherent jurisdiction over our children, we cannot understate the importance that good data governance will play in ensuring that all functions of our governance structure (both at a legislative and Nation level) will be well informed to make decisions. We also want to ensure that we, as the South Island people, can tell our own stories in our own words. We want to continually empower our people as subject matter experts on themselves through promoting their ability to have access to, and drive the collection of, the information they need to promote the health of our people.

“First Nations governments are not wanting to operate with the big brother mentality that we’ve all been groomed into believing in relation to what data does to us—it’s more like we want to come from the grandmother perspective. We need to know because we care.”³³

7.4 WHAT WE HAVE HEARD SO FAR

This section outlines our Quality Assurance framework moving forward based upon what we have heard through our community engagement activities. This section also highlights a few current practices and technologies SIIA needs to consider moving forward to support this work.

The principles of our Quality Assurance framework come from the ways in which we do our work within our longhouses as these ways of being have allowed for the continuation of our families since time immemorial.

7.4.1 LONGHOUSE QUALITY ASSURANCE FOUNDATIONS

Based on what we have heard from engagement sessions with the Aunties, we understand that in the longhouse connections to the past, present, and future are continually occurring through the work happening on the floor. It is well understood for communities that decisions made today must be made with future and past generations in mind. For example, the names that community members carry connect them to their ancestors who have gone before. We also are told of the importance of carrying our name in a good way so that the name might not end with us. We are always thinking of the continuance of our names, our families, our children, and our nations. All this work happens within the context of, and given meaning through, our communities and families.

The graphic to the right represents this concept through a cedar tree, whose roots represent our ancestors, the trunk our present lives, and the leaves, our children and future generations. All are connected and the health of each impacts the health of the others. SIIA’s Quality Assurance framework grounds itself in this teaching, as we learn from our shared pasts, to ensure we are walking in good ways in the present, to promote the thriving of our future generations.



³³: Gwen Phillips as cited in British Columbia’s Office of the Human Rights Commissioner (2020). Disaggregated demographic data collection in British Columbia: The grandmother perspective. (p. 14). Retrieved from https://bchumanrights.ca/wp-content/uploads/BCOHR_C_Sept2020_Disaggregated-Data-Report_FINAL.pdf

7.4 WHAT WE HAVE HEARD SO FAR

SIIA staff have drawn out the following foundations from community engagement to inform our Quality Assurance framework:

(1) CULTURE

Culture remains the center of all the following teachings. Culture is what has sustained our people since time immemorial and will continue to do so for the generations to come.

Our people have ways of being, teachings, and protocols that govern all our interactions, roles and responsibilities in our longhouses. These teachings go back generations, and it is the responsibility of those taking part in the work to know the teachings that go along with it.

For those raised with teachings, most will know the protocols for everything from harvesting to dancing; canoeing to naming; being born to honoring a loved one who has passed. It is our peoples’ understanding that in ceremony even by missing one step, you are breaking protocol. Protocols are expansive and specific, and differ by family, community, and Nation. These are the tried-and-true ways of being that have guided our people for thousands of years.

(2) PREPARATION (“TO BE PREPARED FOR THE WORK TO COME”)

Preparing for a ceremony or any community function is a process that can take years of planning. It is common to hear stories from community members of all ages preparing for ceremonies years in advance; from children making bracelets for giveaways, to Elders crocheting pouches for a family to hire their workers. Community members have shared how they are always preparing themselves and getting ready for what may come in the understanding that anyone might get hired to help a family.

Part of preparation for any ceremony or gathering in community involves hiring those needed to be present at the work. Specifically, any work brought to the longhouse requires individuals to be hired to support very specific aspects of the work. These individuals are sought after intentionally as those who have expertise and experience in what they are being asked to do.

Furthermore, the importance of inviting witnesses has been highlighted as essential as a part of the preparation process.

WITNESSING

Being called to ‘witness’ in the Coast Salish tradition is a sacred honor. As a witness you are to listen and watch the work that is going to take place and carry the message back to your home community. If, in the future or anytime in your life, there is a concern over what took place you, as a witness, must recall what you heard and saw regarding the event.³⁴

Witnessing is a key practice that ensures that any work happening within the community is open and transparent (to those who have the right to be there). It is the understanding that keeping things ‘private’ isolates family and thus, witnessing is an act that brings in the larger community for love, support, and presence.

Moreover, witnessing forms the basis of how accountability is then practiced within the community. Those called as witnesses have the responsibility to ensure that moving forward, the ways that people are living reflect the commitments/responsibilities they made/accepted in a meeting or ceremony.

³⁴: Morales, S. (2014). Snuw’uyulh: Fostering an Understanding of the Hul’qumi’num Legal Tradition. p. 79.

7.4 WHAT WE HAVE HEARD SO FAR

(3) ELDERS

Elders are living connections to the past. They impart traditional knowledge, wisdom, and Indigenous world views to matters in the present. They help make sense of present circumstances. They listen, witness, and use customs and traditions to guide conversations and processes.

Within our longhouses, our Elders sit on the floor. They are the ones ensuring that the work is being done in a good way. It is the common understanding that “if anything goes wrong, we have these Elders here to correct us.”

Elders are not just present at the final ceremony but are an integral part of the planning process as well. Elders and knowledge keepers are the ones to share protocol and ensure that those involved belong to the work they are trying to bring on the floor. It is understood that you can't do anything without Elders there. Elders are the ones to watch and correct if the wrong process is being done for the work. If there have been steps missed, they will address the wrongdoing as required in a manner that holds up the person/family respectfully.

(4) FLEXIBILITY AND RESPONSIVENESS

We are reminded through our teachings that we don't know everything, and we learn something new every day. In our longhouses, we must have an open heart for learning and being taught when things are not done right. When things happen in our longhouses, we have protocol and teachings that guide how we respond. Our responses to challenges are always grounded in love and respect as we strive to care for the spirits of those impacted.

Our responses are in relation to the harm that has occurred, and we know that we can't wait too long to respond, as we never want our loved ones to suffer further harm while waiting for a response.

(5) COMING IN WITH A GOOD HEART AND MIND (NƏWES ŠXWƏN ?AY ŠQWELƏQWƏN | ÁMEKT TFEN ÍY, ŠKÁLEÇEN)

When we come together to do any work involving our children, this teaching is of the utmost importance. Our children are the center of this work, they are the ones on the blanket in the Longhouse, and they must be what ground everything we do.

When preparing for the work, those hired or participating have certain ways of ensuring that they are bringing in a good heart and mind to the work. For some, this means going for a bath, a cedar brushing, or spending time in prayer. It is each person's responsibility to ensure they are of a good heart and mind, but the community still plays a role in supporting one another on this journey as well.

“The teaching of Kwa'lung is an invisible hook at the door where we leave our egos, political agendas, negative thoughts and feelings that don't serve the work we are doing in caring for our children and families.”

7.4.2 SERVICE DELIVERY CONSIDERATIONS

Community members have shared with us many stories of their experiences within the current child welfare system. Many of these stories parallel the stories we have heard about the child welfare system as it operated decades ago. While there have been some significant changes in how Indigenous children and families are served—such as through the creation of Delegated Aboriginal Agencies (now known as Indigenous Child and Family Service Agencies) and the Aboriginal Operational and Practice Indicator Standards—the way that service quality has been understood and measured over the years still operates within an inherently colonial framework.

7.4 WHAT WE HAVE HEARD SO FAR

THE FOLLOWING ARE MECHANISMS IN PLACE RIGHT NOW WHICH WE ARE CONSIDERING AS WE MOVE FORWARD:

7.4.2.A AUDITS AND DELEGATION

It has been reinforced through our community engagement activities that communities want access to quality programs, resources, and services. We also have heard that the ways community perceive quality is often based on how one feels when accessing a service; *Do they feel respected? Do they feel judged? Do they feel like their voice matters? Do they feel their cultural ways of being are being respected?*

The Quality Assurance Branch of the Ministry of Child and Family Development is currently undergoing a shift away from compliance-based audits towards a more outcomes-based approach, with greater capacity to measure these feelings. This shift within the Ministry has been helpful for us to learn from as we move towards developing a system similarly grounded in an outcomes-based approach. This aligns with our understanding that often, for a child, it matters far more for them to have a person show up at their school play, than to know whether that person has comprehensive case notes documenting their every interaction with them.

The balance here is complex, as standards are often in place to hold workers and adults in a child's life accountable to actions, which, when done, are intended to lead to better outcomes for a young person. However, as our current audit system works, the focus is solely on social workers' documentation of actions, rather than looking at what those actions mean for the children and families they are working with. Moreover, as SIIA moves towards a more family-grounded service delivery model, we also are aware of the delicate balance of monitoring children's wellbeing and safety, while not becoming paternalistic and overbearing to the detriment of the family unit itself.

Another key theme we have heard time and time again is that children know when they are feeling unsafe, when they can trust someone, or when something around them just isn't right. We have heard repeatedly of how important it is to ensure that children and youth have a voice in all processes that impact them. Some suggestions we have heard from the community to incorporate children/youth's voices include sending frequent surveys over text that children and youth can fill out, as well as following up with children, youth and/or families after they no longer are receiving direct services.

SIIA's intention moving forward is to ensure that our audit process is based on what children, families, and community members say is important to experience when accessing services. This will mean looking at new and existing tools that can support agencies and service providers in measuring outcomes and meaningful quality for those they are connected to. This work needs to be done in collaboration with our local service providers, as we want to ensure that these audit processes and tools are beneficial to our agency partners and provides them with the information they need for their own internal service delivery improvement.

7.4.2.B A COMPLAINTS RESOLUTION PROGRAM

When discussing child and family work in our current context complaints are inevitable, considering how emotionally charged conversations around children and families can be. According to the MCFD director of their complaints program, of all the services MCFD accepts complaints from, 90% arise from child protection. These complaints are valid as the people involved are speaking from their hearts and about their feelings. However, as was shared by this same director, 50% of the time when they receive a complaint, all the complainant needs is to feel heard for the complaint to be able to be closed.

7.4 WHAT WE HAVE HEARD SO FAR

Through our engagement with community, concerns have been raised around how within the current practice framework, when a youth or family has a valid complaint about the conduct or mistakes of a social worker, there is a culture of being hesitant to admit error due to the potential legal ramifications.

Furthermore, stories have also been shared by community members and former youth in care about how they never knew that they could make a complaint about the service they were receiving. This reminds us that the quality of a complaints program doesn't matter if people don't know about it, and it is not accessible to those who need it.

We acknowledge that mistakes will be made, just as they are made by individuals and families, as we create a new pathway for caring for South Island Indigenous children—mirroring ways that the South Island Nations have cared for their children since time immemorial. We see this journey, however, as necessary as the South Island Nations and our Guest Community develop our organization and support our community members to grow into healthy parents, aunts, uncles, grandparents, and leaders.

We also want to normalize the experience of community members giving feedback around services, which is why we want to position a complaints/feedback program not as a siloed department that only becomes involved when something goes wrong, but something that SIIA and our service providers are always intentionally looking to gather. Moreover, in keeping with the themes we have heard through our community engagement activities, we want to ensure that if any harm has occurred, that we have a flexible and robust enough system to care for the spirits affected, and learn from any mistakes that were made through ensuring we are guided by the following principles: (1) Restorative; (2) Accessible to all—everyone's voice matters; (3) Truthful; and (4) Respectful.

Moving forward, we need to determine how much of complaint resolution should rest within SIIA as an organization and how much within the service providers themselves based on both community member and service provider feedback.

7.4.2.C MANDATORY PRACTICE REVIEWS

While the intent of the new system being developed is to promote the vibrancy of Indigenous children and families on the South Island, we also acknowledge that the ongoing impacts of colonization still harm Nations, communities, families and individuals to this day. Notably, around 90% of fatalities of young people receiving services/funding from the Ministry that are being reviewed presently are due to overdose deaths. In these cases, and many others, it is important to note that sometimes a practice review is done, and it is determined that there is nothing more a team could have done to support a child. Moreover, sometimes, even if things were changed in how a child's file was handled, due to external factors, like the toxic drug supply, it is uncertain how much of a difference these changes would have had to shift eventual outcome.

As the South Island Nations do their healing work, we want to ensure that even in the worst-case scenarios SIIA still has a plan to bring truth, healing, and restoration to those impacted by unforeseen harms that occur within our jurisdiction. This parallels how the South Island Nations have teachings and ceremonies to support them in even the most difficult of circumstances, such as the passing of a loved one.

As a system, we don't need to inherit anything that doesn't serve our children, families and communities in the long run. We must pose these very difficult questions to those in the community to see what they want to see when these kinds of tragedies happen. This might look different for everyone—some families might want to know an internal practice review has happened while some might rather ensure that funding is there to hold a gathering to collectively grieve the loss of a child, youth, or young person.

7.4 WHAT WE HAVE HEARD SO FAR

We want to ensure that our new system will be structured in a way that draws from the teachings and ceremonies that already exist in our communities to navigate these difficult circumstances, as we ensure a degree of dynamism to orientate ourselves towards continual improvement. More engagement is needed with service providers to learn what is most helpful for them in the time following a critical injury or death of a young person to learn from potential mistakes to prevent them in the future.

7.4.2.D ACCREDITATION

Accreditation is a formal, independent verification that a program or agency meets established quality standards and is competent to carry out specific assessment tasks. The purpose of accreditation is to indicate to the people receiving services that a program or agency has met certain standards of service provision. In the South Island, there is no established mandatory accreditation standard for social service agencies, and thus, this is something the communities might want SIIA to reinforce if they see some intrinsic value in it. It is important to note, here on the South Island, many agencies and Nations have taken it upon themselves to attain accreditation, largely through Commission on Accreditation of Rehabilitation Facilities (CARF) International.

7.4.3 COMMUNITY WELLNESS PROMOTION

The present-day child and family system is saturated with an alarming number of gaps regarding how information on our children and families is collected and used to promote the wellness of our people. We see these gaps as further necessitating and reinforcing our need, as the South Island people, to develop our own system, grounded in our own ways.

SIIA is uniquely positioned through the direction of our leadership to care for all Indigenous children and families on the South Island (both of our member Nations and our non-member Nation relatives living on the South Island). While we still to this day have been subjects of research, we can take back research to measure what matters to us and empower ourselves as the subject-matter experts on our own people.

7.4.3.A COMMUNITY WELLNESS MONITORING

The beginning of wellness monitoring and plan development generally involves taking one or two things you want to measure, and setting up indicators to know when you have achieved what is important to you.³⁵ Our community engagement activities have led to the development of extensive lists of child/youth wellness indicators specific to each Nation as well as compiled to cover the South Island as a whole. Each monitoring system that was looked at was evaluated by our team based on whether it could successfully capture information that aligned with these determined wellness indicators.

THROUGH SIIA'S RESEARCH, UTILIZING THE SURVEYS ALREADY BEING ADMINISTERED THROUGH THE HUMAN EARLY LEARNING PARTNERSHIP AT THE UNIVERSITY OF BRITISH COLUMBIA IS OUR SUGGESTED PATH FORWARD FOR FOLLOWING REASONS:

- » Survey measures align with 70%+ of established Nation wellness indicators and has the possibility of being expanded to capture more specific SI/ Nation indicators through the development of unique survey modules.
- » On/off reserve data collection; provincially collected; out-of-province member potential
- » Ability to disaggregate Nation-based Data as needed
- » Have an Aboriginal Steering Committee already in place
- » Adhere to the principles of OCAP ®
- » Developed through rigorous academic-community-research-child collaborative efforts
- » Well-established and used across the province
- » High standards of safe-guarding data
- » Institutional Resources available (faculty and access to extra funding and grants)
- » Can be licensed (and owned by SIIA)
- » Being used by other First Nations Governments

³⁵Gwen Phillips as cited in Indigenous Data Toolkit. (2021). Data Project and Toolkit Overview - Webinar 1 Part 2 [Youtube]. Retrieved from <https://www.youtube.com/watch?v=N8tBuiebrpk>

WHAT IS THE HUMAN EARLY LEARNING PARTNERSHIP?

The Human Early Learning Partnership (HELP) is a collaborative, interdisciplinary research network, based at the School of Population and Public Health at the University of British Columbia for the past 20 years. HELP's unique partnership brings together many scientific viewpoints to address complex early child development (ECD) issues.

HELP's research reaches from 'cell to society', including how early experience affects the development of the brain, to monitoring children's development over time, and further to family policy that supports optimal child development. HELP builds on a range of population health approaches, including social determinants of health. The questions in the surveys measure core areas of child/youth development that are known to be good predictors of adult health, education, and social outcomes.

HELP's data currently comes from 4 different surveys targeted at children as young as 1 and 2 (completed by parents) to those in middle school, with a youth survey currently in its development stages. Other than the survey for toddlers, all surveys are primarily administered through the school system.³⁶

7.4.3.B BEST PRACTICES HUB

As the people of the South Island, we are dynamic and ever evolving, and have always adapted to utilize the technologies and tools available to us to support our families, and communities. For example, through our community engagement, we have learned about how the process of weaving has evolved over the years, from using woolly dog hair to using sheep wool; from using traditional spindle whorls to modern day carting technology.

To keep in line with the teaching that has come out of communities around people's responsibility to share what they know, especially for the benefit of the future generations, we believe this is an important time to establish a collective 'research' hub for the benefit of our children and families. Currently, no established research hub exists within the South Island whose explicit focus is the wellness of Indigenous children and families. As we move forward in asserting jurisdiction, we want to ensure that we are also supporting and empowering our Nations and communities in being subject-matter-experts on their own children and families. We want to support their growth by sharing our learnings with one another, and establishing what best practices are here in our territory. We have a lot to learn, and thus, establishing a research hub could support the coming together of community experts to promote the wellness of children and families on the South Island.

Several social service agencies across the province have already incorporated research as a branch of their service delivery models. For example, both Vancouver Aboriginal Family and Child Services and Carrier Sekani Family Services have research teams whose purpose is to improve health, social, and legal services for their community through community-based research.

Moreover, a research hub could also act as a centralized repository of all data that has and is being collected on our South Island children and families to support ease of access by our member Nations to their own data in adherence with the principles of OCAP®. Furthermore, having a centralized authority could support our member Nations in entering research partnerships with outside bodies to promote the wellness of their children and families.

³⁶ Human Early Learning Partnership (HELP). (n.d.). Retrieved from <https://earlylearning.ubc.ca>

7.5 MOVING FORWARD

In moving forward, we remain in continuous need of feedback and input from community members especially in regards the following:

- » Our Longhouse Quality Assurance Framework
- » Community Wellness Monitoring Tools
- » Best Practices Hub
- » What structures/systems need to be in place for them to trust that SIIA (and its contracted agencies) are doing work in a good way

In this next phase of engagement, we will also need to draw heavily upon our service provider network and technical experts to accomplish the following:

- » Define roles between service agencies and SIIA.
- » Developing standards, policies, and best practices applicable within our territory.

SECTION EIGHT: DISPUTE RESOLUTION

8.1 INTRODUCTION

As discussed in Part 4 of this report (Developing Our Child and Family Law) having an independent dispute resolution process, one based on the common law principles of administrative fairness and natural justice, is a requirement. If we do not have such a process in our system, any dispute has the option of using the B.C. court system to air their disputes.

8.2 GOALS AND OBJECTIVES

- » Support families, using the Longhouse Model, to resolve any disputes inside the family and the process;
- » Develop options for dispute resolution that can be presented for consultation with our communities;
- » Ensure all options are consistent with the concepts of natural justice and administrative fairness;
- » Select an option to develop a formal dispute resolution model for the South Island.

8.3 OUR APPROACH

The law will establish an independent dispute resolution mechanism to resolve disagreements that arise out of our service delivery model that cannot be resolved through our normal cultural processes. The purpose of developing a dispute resolution process is to prevent disputes from going through the Provincial Court system. Since SIIA's service delivery model supports families in making their own decisions, we want to ensure that decisions made by families with our support cannot be overturned by Provincial Courts. We also do not want provincial court judges attempting to apply our law without necessarily understanding the legal orders of the Nations. We want disputes to be resolved within communities and we want to ensure decisions focus on retaining and returning balance within relationships rather than encouraging an adversarial system.

The dispute resolution mechanism we develop should employ the principles of natural justice and administrative justice from Canadian common law. Procedural fairness is not concerned with the outcome of a decision but rather that the proper steps were followed in making the decision. There are several principles involved, including the right to an impartial decision maker that is free from bias, and the right to a clear, transparent, and consistent process. The common forms of western dispute resolution mechanisms like negotiation, mediation, and arbitration or tribunals all include such principles.

As we have learned from our consultations and from the Aunties, within the legal orders of the South Island Nations the longhouse is where dispute resolution occurs. SIIA believes the traditional dispute resolution practices in the longhouse will³⁷ mean any formal dispute resolution outside of the longhouse process will be unusual, however we need to have that alternative process as a safeguard. We are discussing how to develop a dispute resolution process that bridges western and Indigenous law into one dispute resolution mechanism. We want people from our Nations to be able to do as they always have and resolve disputes with their longhouses, but for situations where disputes are not adequately resolved, or for families who do not comfortable resolving disputes through a process aligned with the longhouse, we need separate procedures.

³⁷ See Section 3 for more details

8.4 WHAT WE HAVE HEARD SO FAR

SIIA staff has done research on the various dispute resolution mechanisms other IGBs are putting forward as parts of their laws. Our community engagement activities have further given us direction on how dispute resolution might look in our future system.

The following are four options we are putting forward for a formal dispute resolution process. There are more than four potential options, and we are open to accepting an option outside of these four. The purpose of selecting the options below is to offer a range of possibilities, and to focus the discussions on some of the core issues the system will need to address.

REPRESENTATIVE COUNCIL

One of the roles we could assign to the Representative Council would be to be the independent Dispute Resolution body. This could be with the whole Council or a sub-committee.

| PROS | CONS |
|--|---|
| <ul style="list-style-type: none"> » Not directly involved in services or service delivery; » An existing group so duties can be added to list without creating new structure; » Have oversight of practice in their mandate, so this is another factor in practice. » Members are selected to Council for the expertise in child and family services. | <ul style="list-style-type: none"> » Some complainants may question the neutrality of the Council. » Especially in Model 1, it is a small group so little ability to recuse members if there is a perceived conflict. |

ELDERS COUNCIL OR AUNTIES COUNCIL

A distinctive role we could assign to the Elders Council, or the Aunties Council would be to have the final say in dispute resolution.

| PROS | CONS |
|--|--|
| <ul style="list-style-type: none"> » Elders and Aunties groups are known for their knowledge in child and family matters. » Gives a specific task to the group, recognizing their expertise. » While an official consultative group, should not be perceived as too closely aligned with the organization; should be seen as largely neutral. | <ul style="list-style-type: none"> » May be very taxing work for people in their later years. » May have issues with personal connections leading to perception of bias. |

8.5 MOVING FORWARD

INDEPENDENT REVIEW BOARD

One means of ensuring independent review would be to set up a body for that sole purpose. This is the model used by Cowessess, as the first agency approved under Bill C-92.

| PROS | CONS |
|---|--|
| <ul style="list-style-type: none"> » Should be seen as very independent, if set up properly. » Could recruit people with background and expertise in conflict resolution. | <ul style="list-style-type: none"> » Depending on who is recruited, may have limited connection with our communities. » Could be difficult for Family Leads and families to view as a legitimate body. » Not necessarily aligned with the Longhouse Model principles. |

PROVINCIAL COURT

Another way of ensuring review, especially while building the other parts of our system may be a higher priority, is to continue to use the Provincial Courts for this purpose. This could be an interim or a long-term solution. This is the approach Cowichan Tribes will be using.

| PROS | CONS |
|--|---|
| <ul style="list-style-type: none"> » An existing body that currently serves the same function. » Simplifies the number of Councils and Boards we need to create at the start of our process. » Shouldn't need to worry about administrative fairness and natural justice being properly observed. | <ul style="list-style-type: none"> » Many in our community will have had a bad experience of the Provincial courts. » No relationship to any other processes in our system. |

8.5 MOVING FORWARD

SIIA knows it needs to develop a dispute resolution process so we can have an independent structure that minimizes our overlap with the provincial court system. We do not believe at this time our dispute resolution system will be used often. The experience of Cowessess First Nation, who set up the independent Eagle Woman Tribunal, is that the tribunal has almost never been accessed. We need to hear from our communities what type of final voice would be acceptable to them. We have provided four examples of solutions, but the communities may have a solution different than those presented. Consultation will be key on resolving this issue.

9.1 INTRODUCTION

SECTION NINE: FINANCE AND ADMINISTRATION

9.1 INTRODUCTION

The following report outlines SIIA's update regarding finance and administration planning to support entering into a coordination agreement, and with the transition and implementation of the legislation. It includes a comprehensive overview of the funding currently available and what SIIA's goals and objectives are in developing a model. It also describes where SIIA is currently in the process of finance and administration planning and what we plan to do moving forward.

9.1.1 THE FEDERAL ACT

The Federal Act does not explicitly have a funding mechanism attached to it. Within the Federal Act funding, it is mentioned in the preamble, in which *"the Government of Canada acknowledges the ongoing call for funding for child and family services that is predictable, stable, sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities."* It is important to note that this statement in the preamble is not legally binding, but funding should align with these principles.

Beyond that, funding is only mentioned within s.20(2)(c), which states that fiscal arrangements are a matter to be negotiated by IGBs with both the provincial and federal governments alongside coordination agreements. Transition, implementation and operations funding are built into the terms of fiscal agreement that are meant to be negotiated.

This lack of a guarantee of funding within the Federal Act has been highly criticized because it leaves funding to be determined through negotiation between IGBs and federal and provincial governments. Here, there is notable power imbalance in the history of jurisdictional disputes regarding Indigenous CFS funding between the federal and provincial governments. Jordan's principle applies to the negotiations themselves. Canada should be the payor of first contact and, if Canada thinks provinces should also pay this is up to the federal and provincial governments to resolve between themselves through dispute resolution mechanisms described in the Federal Act. Further, Canada, and the Assembly of First Nations (AFN) have entered into an agreement to establish a joint financial table which will hopefully result in clearer policies on funding. This opinion comes from our legal team. Overall, in our ongoing discussions with government, we are confident that funding will become clearer with each stage in negotiations.

9.2 GOALS AND OBJECTIVES

- » Have quality, reliable and sustainable resources at all levels of our system that meets the needs of each of the Nations and Indigenous guests on the South Island
- » Ensure that preventative funding exists to keep families together.
- » Develop a robust and flexible finance model that can adapt to changes over time
- » Develop a business plan that supports capacity building and service delivery
- » Support the South Island Nations in accessing the funding that is immediately available

9.3 OUR APPROACH

SIIA comes from the understanding that our communities remain relationally and culturally rich in so many ways. We also know that there are significant financial needs that need to be considered as we move forward in this work.

9.3 OUR APPROACH

“Our people were the wealthiest on earth. We needed nothing. We lived in a virtual paradise.”³⁸

We need to develop a finance and administration model that meets the needs of all members as well as the needs of those within the territory based/regional model under the jurisdiction of our longhouse. We want our model to support our vision to provide holistic, wrap-around social programs and services to individuals, families, Nations and the South Island Indigenous guests. Moreover, we also want to ensure our model is flexible and can adapt to changes like population increases, inflation, geographic location, and actual costs.

It is important for us to enter into the coordination agreement with a clear understanding of what our needs and wants are for the South Island territory as a whole. SIIA will need to negotiate fiscal agreements that provide funding for both capacity building as well as transition, implementation and operational costs. These costs include but are not limited to staffing our future administrative, service delivery, and governance structures, IT and communication systems, and programming/resource costs.

The intention of SIIA is not to become a service delivery agency, but rather the authority responsible for overseeing the dissemination of how funding will flow to each Nation and agency. Agencies will remain accountable for day-to-day service delivery, but will have funding to expand their services, especially regarding prevention related work. SIIA will need to ensure that there is enough funding to hire and retain workers to run the programming needed within communities.

Other IGBs that we are connected to have reminded us that when we enter into our coordination agreement to negotiate fiscal arrangements, we are not negotiating the inherent rights of the South Island Nations. The funding we will be trying to access is to support our inherent rights which were challenged through the mistreatment and unwarranted removal of our children from their families and communities. We intend to hold the federal and provincial governments accountable to this when we enter fiscal arrangements and to remind them of their ongoing responsibility to fund this kind of work in the ways that we need. So far in meetings with representatives of the federal and provincial governments have been receptive and supportive of our plans.

9.3.1 ACCESSING AVAILABLE FUNDING

SIIA is currently accessing the capacity funding available to Indigenous communities to assess their readiness to exercise their inherent jurisdiction over child and family services, develop their own child and family laws, and prepare for coordination agreement discussions. The work SIIA is doing across all our service streams is being funded through this funding stream. It is important to note that this capacity funding will end once we trigger our coordination negotiation table.

Once we signify that we are ready to enter discussions to reach a coordination agreement, there will be separate funding available to help with participating in the negotiation process that on a one-year time frame, with flexibility for extension.

9.3.2 FINANCIAL AND ADMINISTRATIVE MODELING

SIIA is in the early stages of financial and administrative modeling, especially as we are starting our new “system” from scratch. Furthermore, although we know that we do not want to parallel the current colonial system, we still will be inheriting many of the issues it has caused through chronic underfunding. The chronic underfunding of services within our communities also makes it difficult for us to estimate what the true cost is of operating services might be.

SIIA's service delivery model will serve a large population, which will result in new staffing costs and the costs associated with managing significant amounts of data. Putting together a holistic, traditional care system in a single Nation would be challenging enough, but creating one for a territory means there we will have more working parts and to coordinate. Moreover, as we are

38: Dave Elliot as quoted by W SÁNEĆ School Board (n.d.). STÁ,SEN SENĆOFEN Language. Retrieved from <https://wsanecschoolboard.ca/sencoten-language/>

9.4 WHAT WE HAVE HEARD SO FAR

proposing several initiatives that have never been funded before (such as child plans for every Indigenous child/family in the South Island), estimating costs has been challenging. Furthermore, until our new governance structure and service delivery model are finalized through community engagement initiatives, it is difficult to cost out what will be needed.

We are heavily relying on our service delivery agencies as crucial partners in this process, as they are currently being funded to providing support services and have deep understandings around what is needed moving forward, both operationally and within our future service delivery model. We are further relying on the expertise from our agency partners to ensure we do not overlook any costs and underestimate the funding we will need.

9.3.3 RELATIONSHIP BUILDING AND CAPACITY ASSESSMENTS

Currently, SIIA is in the process of gathering information and building upon relationships we will need to help us develop a detailed business plan and budget for all of this work. While we have heard a lot from community members about the programming that both exists and doesn't within community, we need to confirm this with staff and leadership to determine what resources exist versus what resources are inaccessible to community members for any number of reasons. We are looking to develop a comprehensive understanding of each community's capital assets and infrastructure, gaps in resources, and opportunities for improvement and growth. Due to different factors, such as population size and location, the current capacities of the Nations and communities on the South Island are varied. We need to take into consideration these factors and ensure they are accounted for within our financial and administrative planning process.

Analyzing the current capacity in our communities and agencies is essential as we plan for recruitment, retention, and professional development of leadership and staff through this transition. All of this will be included within our business plan and budget.

9.4 WHAT WE HAVE HEARD SO FAR

As our financial and administrative planning is dependent upon all our other plans being confirmed by communities, we are at the beginning stages of reaching out regarding the technical aspects of the work needing to be done in this regard.

9.5 MOVING FORWARD

As we move forward engaging with our communities, leadership, and agency partners, we need to solidify every other framework to cost them out appropriately. This needs to be a collaborative approach to ensure that the following steps are successful:

- » Clarify the roles and responsibilities of SIIA, Nations and agencies
- » Develop 5 and 10-year comprehensive budgets and business plans to be able to support the negotiation of fiscal agreements
- » Develop a transition plan for our new model
- » Understand the associated costs to transition to full operations from MCFD and produce interjurisdictional coordination agreements with both the provincial and federal government
- » Continue to engage with community leadership to assess current capacities

SECTION TEN: INFRASTRUCTURE

10.1 INTRODUCTION

Throughout the course of SIIA's community engagement process, there have been common themes raised about the need for adequate resources and infrastructure. One of the main messages we continue to hear is that the best way to ensure the safety and overall well-being of children is to invest in the health and well-being of families and communities. A big part of making sure this change will be successful will be to invest in infrastructure development. As we move forward, SIIA must determine what infrastructure will be required to transition, implement, and operationalize our legislation and support the service delivery model. The following report outlines SIIA's plan to understand the funding available and what will work to the collective advantage.

10.1.1 BACKGROUND

Lack of quality, safe facilities and infrastructure are of concern with several First Nations across Canada. Historically, as we measured our wealth by colonial standards, we consistently failed to reach a passing grade. For example, impoverished conditions in First Nation housing were a reason for many children being taken from their homes.

As mentioned in Section 6, in 2016 the Canadian Human Rights Tribunal (CHRT) ruled that the Government of Canada's provision of First Nations Child and Family Services (FNCFS) were discriminatory on the prohibited grounds of race and national or ethnic origin. The CHRT ruling also noted that capital was an area needing immediate redress. The CHRT issued orders for Canada to fund the purchase and construction of capital assets for the delivery of FNCFS services and services under Jordan's Principle.³⁹

As a result of the orders, Canada is now implementing capital asset funding as an immediate measure. A capital asset refers to any physical property that is required to operate programs and services, such as buildings, vehicles or other infrastructure intended for long-term use. Capital asset funding is available to (1) FNCFS service agencies; (2) First Nations Authorized Jordan's Principle service providers, and (3) First Nations, which includes authorities, boards or other entities created by First Nations for the purpose of providing social services or health care. To receive funding, the capital asset must support the delivery of at least one FNCFS activity. An FNCFS activity includes prevention services as well as protection and guardianship services. Some examples of what capital assets funding will cover are:

- » capital needs assessments;
- » capital feasibility studies;
- » environmental assessments or reviews;
- » design costs;
- » land purchase;
- » purchase, new construction, renovation and replacement of assets;
- » ongoing Operations and Maintenance costs (including repairs) for these FNCFS-funded assets;
- » initial furniture, information technology and other equipment fit for purpose to furnish new spaces;
- » site preparation, lot servicing and site clean-up after construction;
- » upgrades to roads to enable access to the building or other assets such as structures to support land-based learning and programming;
- » up to 15% of the total capital project cost for administration costs;
- » professional fees (e.g., technical personnel, and engineering, manufacturing or building of capital project facilities and structures);

These funds are now available the purchase and construction of capital assets on reserve, as well as on/off reserve project needs assessments and/or feasibility studies that support the delivery of services. This retroactively includes that were underway between August 26, 2021 and January 18, 2022.

³⁹ 2021 Canadian Human Rights Tribunal 41: Order

10.2 GOALS AND OBJECTIVES

- » Invest in the overall health and well-being of families and communities.
- » Strengthen family, community and Nation capacity
- » Provide supports and healing opportunities to parents and caregivers
- » Assist Nations in accessing immediate capital asset funding
- » Develop a long-term strategy for capital asset and infrastructure management

10.3 OUR APPROACH

Our community engagement activities remain the foundation of all of the SIIA work is doing. The questions we have asked throughout our engagement sessions have been thoughtfully curated not only to understand traditional Indigenous law, but also to understand the structural needs and dreams of our communities. Our infrastructure planning is based on the understanding that the resources and funding we access will be more impactful with Nations and agencies working together, as opposed to through a per capita distribution.

We have been connecting with various other IGBs and Nations to learn from their experiences in developing infrastructure to serve their communities. Notably, our team travelled to Sts'ailes First Nation in the Spring of 2023 and were able to learn from their journey of infrastructure acquisition, development, as well as both the challenges and strengths of having resources located on reserve.

Additionally, meetings with agency directors here on our territory has been invaluable in helping understand the limitations of the current spaces that are available for our children, youth, and families for programming opportunities.

It is important to note, that once SIIA has entered into a coordination agreement under the framework of Bill C-92 Nations will be routed through SIIA for management and distribution of funding capital assets and infrastructure. provided through the grant mechanisms established. As per the Agreement-in-principle for the long-term reform of the FNCFS Program, this does not mean that Nations will receive less funding under the grant system.

Furthermore, we also need to consider that once we enact our new law, several infrastructures currently available to our Nations and agencies through the Ministry of Child and Family Development will no longer be available to us—most significantly perhaps, their data management system— which will fall upon SIIA to develop.

10.3.1 ASSISTING NATIONS ACCESS IMMEDIATE FUNDING

Currently there is funding available to Nations to address immediate needs, that SIIA is hoping to support the Nations in accessing. This funding the direct result of the 2016 Canadian Human Rights Tribunal (CHRT) ruling that the Government of Canada's provision of First Nations Child and Family Services (FNCFS) and Jordan's Principle services were discriminatory on the grounds of race and national or ethnic origin and ordered Canada to reform the FNCFS Program and implement the full meaning and scope of Jordan's Principle.

SIIA has connected with administrators, department heads and program managers to accurately map what infrastructure communities have or are planning and they would benefit from in the future. SIIA is in the process of conducting an initial overview capital needs assessment survey to determine exactly what needs are for each community.

In June 2023, SIIA reached out to administrators, department heads, and program managers to start a dialogue about resources that communities currently have. In July 2023, a survey was sent to each Nation and organization with the purpose of determining the programs and services related to child and family development.

The survey was divided into four key areas cultural programming, support services, capital assets and infrastructure. The purpose of collecting this data is to highlight the unique strength of each community that identify gaps and opportunities for growth. This data will also be used to

10.4 WHAT WE HAVE HEARD SO FAR

inform the process of developing legislation that is based upon the needs and goals of the South Island Nations. This survey will not only help the nation in accessing immediate funds, but also for business planning and budget development for the negotiation table.

10.4 WHAT WE HAVE HEARD SO FAR

Our community engagement section of this report outlines the services that community members hope to see within their communities.⁴⁰ All of these hopes are what is informing our infrastructure development planning.

While some of these resources, programs, and services highlighted by community already exist in some certain spaces, what has been reiterated time and time again is the lack of space community members have for gathering. This was especially emphasized by those living in urban settings away from their home territories. Community members have expressed a yearning for a sense of belonging, and noted that connecting to culture, identity and inherent knowledge are solutions to this issue. As we look towards building infrastructure, these perspectives inform our understanding that anything that is built should be communal with a large focus to cultivate a sense of connectedness to identity.

“Having spaces where we can just be Bak’wam [Indigenous] together... where you don’t have to explain yourself to people is important”

Moreover, a huge topic for discussion has been where our future infrastructure should be located. Our work spans a large territory, and community members have highlighted the importance of having resources locally accessible—especially for those living in the more remote regions of our territory. We also are mindful of the stories that have been shared with us about healing initiatives for community members within their community can be challenging insofar as they can just “walk back to their house at any time” and the prevalence of community-based gossip/shame when they choose to access a resource.

Finally, many community members have shared that as every individual and family is/are different, there can be no “cookie-cutter” approach to support services. This will mean that our infrastructure development planning needs to consider all the different approaches to healing and wellbeing within community to allow community members choice and agency as they determine what they need at any given moment.

10.5 MOVING FORWARD

SIIA is looking to move forward strategically to maximize the resources for the South Island children and families. These are some of the key points that will underpin our strategy moving forward:

- » Ensure that the diverse group of First Nations people, including 8 Nations and the urban guests here on the territory can direction regarding our infrastructure development through both community engagement activities as well as our Board of Directors.
- » Determine what funding has been applied for by individual Nations and what can we do collectively to ensure SIIA’s model won’t negatively impact current or future planning of individual Nation’s and agencies.
- » Continue our engagement with external experts in areas such as information technology, architecture and engineering that are familiar with the scope of major projects.
- » Determine whether to adopt a phased approach to infrastructure management through assessing the strengths and limitations our Nations and agencies currently
- » Ensure that the professional companies we are consulting receive direction from various groups—such as our Aunties group, Board of Directors and suggested technical points of contact from our survey.

⁴⁰ See Section 2.4.2 for more details

10.5 MOVING FORWARD

SECTION ELEVEN: CONCLUSION

Hopefully, we have demonstrated that we are looking at the big picture and the complexity of a complete system overhaul. Our team has spent much time in asking, then reflecting, then summarizing the views, knowledge, expertise and life experiences of community members in regard to child-raising and care. We see hope, determination, and excitement for the coming changes. We also hear and see the frustration from those who have had their lives negatively impacted, often over generations by a colonial system.

SIIA is ready to take the next step in having bigger conversations about the proposed model and path to jurisdiction. We need continued input and regular discussions with all stakeholders in our communities, including families, knowledge holders and leaders. We need to build on the successes of our Indigenous child and family agencies to open doors that remain closed under the current system. We must have a clear picture of the needs in communities and in the region to prepare the facilities and supports for a new service structure. Additionally, we need the ongoing support and expertise of our legal team to continue to define and prepare the law.

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10.5 MOVING FORWARD

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