



# PADDLING TOGETHER FOR JURISDICTION

AN OVERVIEW BASED ON THE *PADDLING  
TOGETHER FOR JURISDICTION: A COMMUNITY  
TECHNICAL DOCUMENT* PREPARED BY THE  
SOUTH ISLAND INDIGENOUS AUTHORITY  
SEPTEMBER 2023





# OUR HISTORY

## BACKGROUND

The South Island Nations have never relinquished our inherent jurisdiction to care for our children and families—we have our own laws and traditional ways of caring for our children.

This understanding has been the driving force behind the past 20 years of unity and commitment amongst the South Island Nations to regain authority over child and family services.

The South Island Nations' Leadership have maintained that our traditional laws guide us to care for our guests on our territory and so we do this work in collaboration with, and considering, our Indigenous relatives living away from home.

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| <p><b>2002:</b> VANCOUVER ISLAND ABORIGINAL TRANSITION TEAM (VIATT) CREATED BY GOVERNMENT</p> <p><b>2007:</b> VANCOUVER ISLAND ABORIGINAL TRANSITION AUTHORITY (VIATA) FACED OBJECTIONS AND ENDED</p> <p><b>2009:</b> SOLIDARITY MOVING FORWARD DECLARED; CONTINUED SUPPORT FOR JURISDICTION</p> <p><b>2009:</b> SOUTH ISLAND WELLNESS SOCIETY (SIWS) ESTABLISHED TO MOVE TOWARD A NEW SERVICE DELIVERY MODEL</p> <p><b>2011:</b> SIGNING OF THE 'CHILD AND FAMILY WELLNESS ACCORD'</p> <p><b>2013:</b> REPRESENTATIVE FOR CHILDREN AND YOUTH Tabled REPORT RECOMMENDING THE DE-FUNDING OF PLANNING CONTRACTS</p> | <p><b>2014:</b> SIWS BECAME A SERVICE DELIVERY ORGANIZATION</p> <p><b>2017:</b> PROTOCOL AGREEMENT SIGNED BETWEEN SOUTH ISLAND MCFD AND SIWS</p> <p><b>2018:</b> SIIA CREATED AS A NEW POLITICAL BODY TO SUPPORT GOVERNMENT-TO-GOVERNMENT CHILD WELFARE TABLE FOR THE SOUTH ISLAND</p> <p><b>2019:</b> TRIPARTITE PROCESS INVOLVING ALL THREE LEVELS OF GOVERNMENT</p> <p><b>2020:</b> LEGISLATIVE CHANGES CONFIRMED THE RIGHT OF INDIGENOUS PEOPLES TO CONTROL CHILD AND FAMILY SERVICES (BILL C-92 OR THE ACT)</p> |
|---|--|

## 2022: THE SOUTH ISLAND INDIGENOUS AUTHORITY WAS AUTHORIZED TO ACT AS AN INDIGENOUS GOVERNING BODY (IGB)

- » An IGB 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
- » Continued efforts to develop a child and family services law and create a service delivery model

### THE SOUTH ISLAND INDIGENOUS AUTHORITY

- » The South Island Indigenous Authority (SIIA) is currently the vehicle through which jurisdictional and planning work is happening. SIIA is authorized to act as an Indigenous Governing Body (IGB) by 8 South Island Nations and the Indigenous agencies SIIA represents.
- » SIIA is accountable to eight Nations and the guests on our traditional territories.
- » All the plans SIIA is developing are based on intensive consultation with the South Island Nations and relatives living on our territory. This is being done through our Aunties Gatherings, hosting community events, interviewing community experts, and engaging with South Island-based resources and archives..

### LEARN MORE:

**Section 1:**  
The South Island Indigenous Authority (1.1, 1.2, 1.3, 1.4)

**Section 2:**  
Community Engagement (2.3, 2.4)

**LEARN MORE:**  
Refer to the Paddling Together for Jurisdiction: A Community Technical Document (through the QR code on page 12)

### LEARN MORE:

**Section 1:**  
The South Island Indigenous Authority (1.1, 1.2, 1.3, 1.4)

**Section 2:**  
Community Engagement (2.3, 2.4)



# GROUNDING IN OUR OWN LAWS AND WAYS OF BEING

## OUR FOUNDATIONS

- » Every aspect of our Law is grounded in our traditional laws, ways of being, customs and practices about how to support and care for our children and families.
- » Our Law draws from the practices of the Longhouse, as the traditional centre of governance for the South Island Nations, as our model for family decision making and service delivery.
- » Our Law acknowledges the harm done by colonization and residential schools and states that we – as the South Island people— are best positioned to remedy this harm.

## AFFIRMATION OF BIRTHRIGHT

- » It is the birthright of our children to be in relation with, and have knowledge of, their traditional lands and territories and to be able to learn and practice their culture and traditions.

## THE PRINCIPLES THAT WILL GUIDE OUR CHILD AND FAMILY SERVICES INCLUDE:

Children are Sacred	Sharing / supporting / helping one another
Family is the center of everything	Love
It takes a community to raise a child	One heart, one mind
We are all related/ we are all one	Blanketing / lifting someone up
A sense of self and a sense of belonging (knowing who are, where you come from and what you belong to)	Our languages hold our teachings and provide an enriched understanding of the laws of each of the South Island Nations.
Respect	Jordan's Principle

### LEARN MORE:

**Section 1: The South Island Indigenous Authority (1.3)**

**Section 2: Community Engagement (2.4)**

**Section 3: The Longhouse Model (3.3)**

**Section 4: Developing our Child and Family Law (4.3.2.b)**

# WELLNESS AS PREVENTION

Our priority is to provide support services that promote the well-being of children, families, and communities.

FOR CHILDREN AND YOUTH'S WELLBEING, IT IS IMPORTANT FOR THEM TO BE CONNECTED TO THE FOLLOWING:

Culture (which includes their language(s) and ceremonies)	Community
Land	Opportunities
Family	Spaces where they experience love and safety

WITHIN OUR LAW, THE THEMES ABOVE WILL INFORM OUR PRIORITIES AND APPROACH TO SUPPORT, EARLY INTERVENTION, AND PRENATAL/POSTPARTUM SERVICES.

- » Basic support services will be available to all South Island Indigenous families and focus on strengthening family relationships, parenting and life skills, healthcare, language, connection to land, and culture.
- » We will promote community events and cultural gatherings as well as cultural camps.

### LEARN MORE:

**Section 2: Community Engagement (2.4)**

**Section 6: Service Delivery Model (6.5.1, 6.5.9)**

**Section 4: Developing our Child and Family Law (4.3.2.b)**

**Section 10: Infrastructure (10.4)**

# BLANKETING THE WHOLE FAMILY

We believe families should have access to the support they need for their children and family to flourish and, when issues arise, it is the whole family that needs to be blanketed with support.

OUR LAW WILL REFLECT AN APPROACH TO WHOLE-FAMILY, HOLISTIC SUPPORT SERVICES SUCH AS THE FOLLOWING:

Family-based treatment/ healing centres	Safe houses within communities
Family-based healing programs	Financial and professional support for family members caring for children.
Family-based residential programs (taking a 'whole family' into care as opposed to just the children).	

### LEARN MORE:

**Section 2: Community Engagement (2.4)**

**Section 6: Service Delivery Model (6.5.1, 6.5.9)**

# FOCUSED ON FAMILY DECISION MAKING

Our law is built on the understanding that it is families **themselves** who often can resolve their own issues. We also acknowledge that sometimes families need support to be able to do this. Through our law we have two main strategies to uphold this principle: (1) The Longhouse Model and (2) Child Plans. When child safety issues arise, we also understand the importance of creating Safety Plans in collaboration with the family.

## THE LONGHOUSE MODEL

- » First and foremost, longhouses are places where we come to take care of and support one another.
- » Longhouses are spaces for making decisions, celebrating milestones, upholding teachings, values, and laws, and providing healing within communities.
- » Our Longhouse Model is built on the family-based processes that traditionally/presently occur within the longhouses on the South Island.
- » The following are the significant roles within our proposed Model to support a family's decision-making process: Speaker, Family Head, Witnesses, Community experts (I.e. elders) and Other Helper Roles (I.e. cooks, firekeepers, ushers, etc.).
- » The intent of this model is not to alienate community members that do not participate in the longhouse but rather to offer a value-based and role-based framework grounded within the laws of our territories, with space created within the framework to ensure their own teachings can come forward.
- » The three phases of our Model are as follows:

- (1) **Family Meetings**—the phase in which the family comes together to resolve issues and ensure the well-being and safety of their children.
- (2) **Preparing to Gather**—the phase after a family cannot resolve an issue through informal family meetings OR they would like to formalize the decision they made throughout their family meetings through a larger gathering
- (3) **Gathering**—a decision will be made within a larger gathering of supports according to proper protocol for a family, with the key roles outlined being filled to support the family and the work happening.

## CHILD PLANS

- » A Child Plan is specific to each child and outlines the roles and responsibilities family members have to a child throughout a child's life.
- » These Plans are one of our key strategies to ensure family members can identify the kinship network around a child, and that those identified can be supports when family needs arise.
- » These Plans are developed by families to help in both good times and during challenges. The purpose for these Plans is two-fold:
  - (1) *Create a record, unique to each child, acknowledging who they are in relation to their culture and family; where they come from; and those who fill significant roles within their lives.*
  - (2) *Ensure relatives are identified in case a quick systems-level response is required, such as in potential emergency situations. When SIIA is involved, this will allow us to support families as needed to deal quickly and effectively with crises, as the families have already identified their own key family supports.*
- » Child Plans are central to how SIIA will operate with families taking the key role in caring for their own members, with SIIA support as needed. We will need the Child Plans, because if they are not completed, we cannot guarantee key people can be identified to direct a quick response. Without a Child Plan completed, professionals may have to be the ones directing the response.
- » Reviewed frequently – ideally every two to three years - so that the information is up to date.
- » Every child should have a Child Plan within 10 months of their birth.
- » SIIA will fund positions to support families in completing and updating these plans as needed.

## SAFETY PLANS

- » There will be a Child Safety Team<sup>1</sup> whose sole role will be to assess any reports that a child's safety may be at risk.
- » If safety concerns are confirmed by the Child Safety Team, the family will create a Safety Plan through a structured process.
- » The Safety Plan must address every safety issue identified by the Child Safety Team.
- » The family will ensure witnesses are present through their planning who will be accountable with the family for ensuring follow through on the plan.
- » A Safety Plan receives final approval from the Child and Family Advocate<sup>2</sup> to ensure all safety issues have been addressed. If not approved, the plan will be returned to the family for reconsideration.
- » ONLY IF the family cannot reach agreement, or if the Child and Family Advocate determines that the safety concerns will not be addressed by the family, will the Child and Family Advocate take a larger role in planning for the child.

### LEARN MORE:

**Section 3:**  
The Longhouse Model (3.3, 3.4)

**Section 4:** Developing our Child and Family Law (4.3.5. a)

**Section 6:** Service Delivery Model (6.5.2, 6.5.3, 6.5.4, 6.5.5, 6.5.6)

### LEARN MORE:

**Section 3:**  
The Longhouse Model (3.3, 3.4)

**Section 4:** Developing our Child and Family Law (4.3.5. a)

**Section 6:** Service Delivery Model (6.5.2 -6.5.6)

<sup>1</sup>: See Child Safety Team Responsibility on page 9  
<sup>2</sup>: See Child and Family Advocate Responsibility on page 8

# LAYING OUT RESPONSIBILITIES

Our law will contain a section that lays out its purposes, and the responsibilities and jurisdiction of each entity in this law, SIIA included.

## A LAW FOR ALL SOUTH ISLAND INDIGENOUS FAMILIES

The purpose of our Law is to:

- » Assert the South Island Nations' inherent right to self-governance over child and family services for all their members.
  - » We are doing this through creating a metaphorical longhouse whose four posts are on the outer edges of the territories that SIIA serves—grounding this work within the understanding that “everything that goes on in our Longhouse is under our care.”
  - » This care extends to, and covers, the Indigenous guests residing within our territory.
  - » Our law will apply to all children and families of the member Nations, regardless of their location.
- » Support/uplift/“wrap”/strengthen children, families and communities on our territory through an approach grounded within our own worldview.

## DELEGATION OF RESPONSIBILITY UNDER OUR LAW

### FAMILIES:

We see families holding the primary responsibility of ensuring that our children are cared for, nurtured, and safe.

It is up to the family, as identified in the Child Plan, potentially working with the Child and Family Advocate, to resolve issues as they arise.

Within our law, family does not just mean immediate family, nor is it limited to blood relations; it also includes chosen relations.

### FAMILY HEAD:

Identified by the family and documented within their Child(ren)'s Plans.

Responsible to make decisions aligned with the best interests of child/ren if parents are unable/not around to do so.

Pulls together family meetings when required.

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.

### CHILD AND FAMILY ADVOCATE:

One per Nation (as well as a number for the urban and away from home community).

Expected to work collaboratively with the Chief and Council or the Urban Relatives Council and to have a regular place on council agenda.

The only position that has the authority under the legislation to override a family's decision-making

process if that process is deemed not sufficient to ensure a child's wellbeing/safety.

If there are immediate and serious safety risks for the child, the Child and Family Advocate in collaboration with a child's identified family head will need to agree on a short-term solution to keep the child safe while the family planning takes place.

## REGIONAL CHILD AND FAMILY ADVOCATE

Overall responsibility for child and family services in our region.

Will sit on the Representative Council<sup>3</sup> as a non-voting member.

Oversees the practice of the community-based Child and Family Advocates and chairs a committee of all Child and Family Advocates.

## THE CHILD SAFETY TEAM

Will solely be responsible for receiving safety reports and determining if there are any child safety concerns, as defined in our legislation.

The Child Safety Team does not have a role in directing or resolving the concerns, unlike current services

Ideally do the assessment and determination of safety risk alongside family members as identified in the Child Plan.

Communicate any child safety concerns they assess to the family and to the Child and Family Advocate.

## DISPUTE RESOLUTION BODY

Our Law requires an independent dispute resolution process. If we do not have such a process in our system, the default will be the B.C. court system.

The four dispute resolution bodies we are considering include:

**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.

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

**Independent Review Board-** One means of ensuring independent review would be to set up a body for that sole purpose.

**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

## OUR SERVICE AGENCIES

We will continue to rely on the good work done by our partner agencies, who we will fund to work within our model

### LEARN MORE:

**Section 3:**  
**The Longhouse Model** (3.3, 3.4)

**Section 4:**  
**Developing our Child and Family Law** (4.3.5. a)

**Section 6:**  
**Service Delivery Model** (6.5.2, 6.5.3, 6.5.4, 6.5.5, 6.5.6)

### LEARN MORE:

**Section 2:**  
**Community Engagement** (2.4.1)

**Section 3: The Longhouse Model** (3.4.3)

### LEARN MORE:

**Section 3:**  
**The Longhouse Model** (3.4.2)

**Section 6:**  
**Service Delivery Model** (6.5.6)

### LEARN MORE:

**Section 6:**  
**Service Delivery Model** (6.5.5-6.4.7)

### LEARN MORE:

**Section 1:**  
**The South Island Indigenous Authority** (1.1)

**Section 3:**  
**The Longhouse Model** (3.3, 3.3.5)

### LEARN MORE:

**Section 9: Dispute Resolution**

### LEARN MORE:

**Section 6:**  
**Service Delivery Model** (6.5.9)

<sup>3</sup>: See Page 10 for more information on our future governance models



LEARN MORE:  
Section 5:  
Governance

### THE SOUTH ISLAND INDIGENOUS AUTHORITY (SIIA)

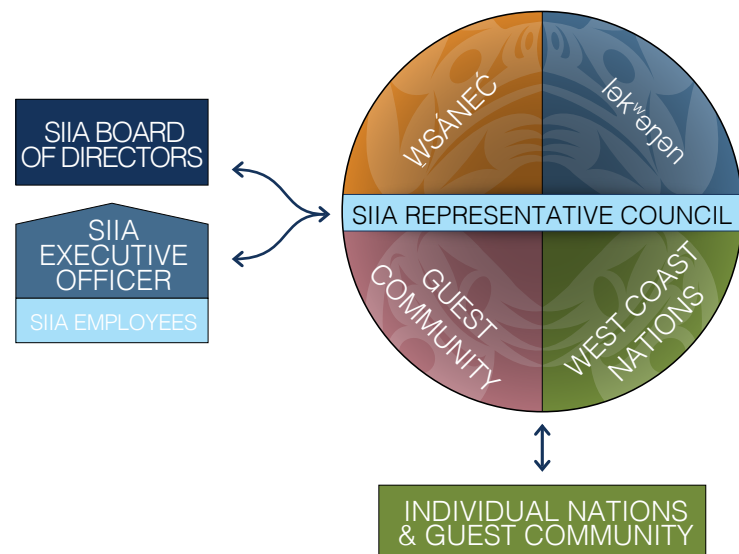
An administrative and oversight body for child and family services. Coordinated resources, disseminating funding, and setting and measuring service quality standards.

A limited staffing role, consisting of administrative roles, the Child and Family Advocates, Quality Assurance, etc.

Within our Law, we need to outline our future model of governance. The following are the two distinct models currently being considered. It is also possible for certain aspects of each governance model to be adopted into a third 'hybrid' model.

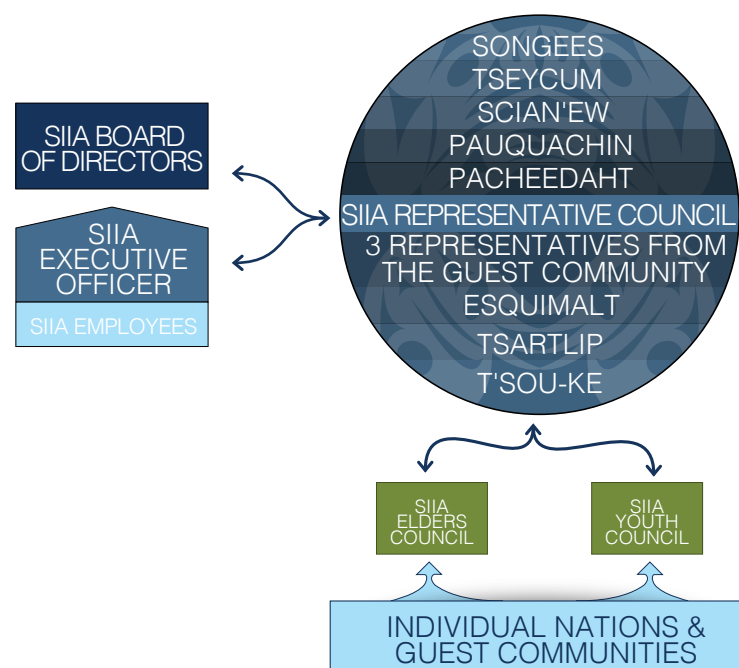
#### MODEL 1:

- » 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 – W SÁNEĆ, lək wəŋən, the western Nations (Sc'ianew, T'Sou-ke, and ꝑaačiidʔaaʔtx), and the Guest Community.
- » The Elder's and Youth Councils are recommended at the local or regional level, but not required.



#### 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.



# OTHER OPPORTUNITIES THROUGH JURISDICTION

## FUNDING AND INFRASTRUCTURE

- » Funding to ensure reasonable workloads for those in helping roles.
- » Capital investment within the South Island for Infrastructure to support:
  - » Family-based treatment/healing centres
  - » Family-based residential programs (taking a 'whole family' into care as opposed to just the children).
  - » Safe houses within communities
  - » Multi-generational housing development
  - » Gathering spaces for communities (both within the Nations and outside)

## DATA SOVEREIGNTY

- » Ensure that data collection, management, and use is in line with Nation-based data sovereignty and directly contributes to ensuring child, family, and community wellness.
- » Implement a territory-based child wellness assessment tool already at use across the province and country.
- » Organize a Best Practices/Knowledge Hub whose explicit focus is the wellbeing of Indigenous children and families on the South Island.

## DEFINE WHAT 'QUALITY' CARE AND SERVICE MEAN TO US

- » Develop an outcomes-based approach to service review and improvement (as opposed to compliance based).
- » Normalize the experience of giving and receiving feedback around services through accessible feedback/complaint mechanisms.
- » Develop our own culturally grounded response to harms that occur within our jurisdiction.

LEARN MORE:

Section 2:  
Community  
Engagement (2.4.2)

Section 10:  
Infrastructure

LEARN MORE:

Section 7: Quality  
Assurance (7.3.1, 7.4.3)

LEARN MORE:

Section 7: Quality  
Assurance (7.4.1, 7.4.2)

# FOR MORE INFORMATION

This overview is based on our larger Technical Report that is the result of several years of community engagement and consultation by SIIA, as well as several decades of community discussion by other organizations, on how the South Island Nations and their Guest Communities would like to assume jurisdiction and control of their child and family services.

Taking what we have been told about traditional and current ways our community cares for children, our SIIA Team has created the Technical Document as our translation of that learning into a way of doing the business of assuming jurisdiction. Our intention is for the Technical Document to open discussion in the community about the model that came out of the consultation, and to confirm or amend the model as the community sees fit.

There are many ways to provide services to our communities. We need the communities to direct us on the path forward.



SCAN TO ACCESS  
OUR LARGER  
TECHNICAL REPORT

FOLLOW US:



SOUTH ISLAND  
INDIGENOUS AUTHORITY

HUY CH Q'U | ʔ'EEKO ʔ'EEKO | HÍSW ƘE | HÁY SX<sup>w</sup> Q'Ə