



February 29-March 1, 2024

# SIIA-CIRCLE Gathering Report



Qal'thla'l'amahchun by Butch Dick

Territories of the Lək̓ʷəŋən and W̱SÁNEĆ Peoples  
First Peoples House, University of Victoria  
Victoria, BC

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# Purpose & Format

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The South Island Indigenous Authority (SIIA) and the Centre for Indigenous Research and Community-Led Engagement (CIRCLE) organized a two-day gathering on February 29 and March 1, 2024. The purpose was to collect feedback and advice for the development of child and family laws by SIIA. During this session, a technical advisory panel engaged in an informal, circle-style discussion. Each speaker was given 5 minutes for initial comments on the posed question, or 10 minutes if there were two speakers. SIIA then had 5 minutes for their response followed by a 20-minute open dialogue session.

The event brought together a diverse group of community members, legal experts, and stakeholders who all shared valuable insights and perspectives on the critical topic of child and family laws within Indigenous communities. The circle-style discussion fostered an inclusive and respectful environment where every voice was heard and respected. The feedback and advice gathered during the two-day event will play a crucial role in informing the development of SIIA's law aimed at promoting the wellbeing of Indigenous children and families on the South Island. By grounding their approach with the laws of the land, SIIA is taking a significant step towards ensuring that policies are not only effective but also culturally relevant and responsive to the unique needs of Indigenous communities.

# Acknowledgements

We raise our hands up to the South Island Indigenous Authority Leadership (SIIA), comprised of seven First Nations on South Vancouver Island for their commitment to the Indigenous families and children within their territories, their creative vision for a future that sees family and child services as a space that can be generative and positive instead of prohibitive and harmful, and understands the wellbeing of children is paramount.

We also raise our hands up to the brilliant and gifted speakers, the remarkable team at SIIA and the dedicated staff at CIRCLE that made this event possible. This gathering first came into vision when Chuck and Erica reached out to CIRCLE to determine what potential existed to work together. We were excited to support this work being done by SIIA and welcomed this opportunity to gather together. With financial support from the University of Victoria's Office of the Vice-Provost Research and Innovation Relational Knowledge grants and from SIIA, we brought together a variety of speakers with rich experience across disciplines and geographies to hold an open dialogue about SIIA's draft law.

The rich and meaningful conversations were made possible by the work of many folks behind the scenes, whose care and attention to setting the space made these fruitful discussions possible. Much appreciation and gratitude to Stacie Swain (Special Projects, CIRCLE) and Emma Conlon (UVic Law Student and Research Assistant) for managing the logistics and program leading up to and during the event. We are also grateful for Jill Isnardy-Jewer and the IGOV and Law students that were note-takers throughout the event: (Katarina Sawchuk, Jessica Frappier, Emma Conlon, Madeline Burns, Samantha Furlonger, Jeannie Paul, Shaelyn Hoffman-Menard, and Elyse Big George). Katarina Sawchuk (UVic LLM Student) took on the challenging work of distilling the plethora of notes and compiling them into a cogent and clear report. We are so grateful for her determination and careful attention to this work.

Miigwech / Huy ch q'u

Heidi Kiiwetinepinesiiik Stark and Sarah Morales (Su-taxwiye)

REPORT PREPARED BY:  
KATARINA SAWCHUK, HEIDI KIIWETINEPINESIIK STARK, AND SARAH MORALES (SU-TAXWIYE)

# South Island Indigenous Authority



South Island Indigenous Authority (SIIA) is working to develop our own Indigenous Child and Family law and to design ways of delivering services that are grounded in the values, traditions, and cultures of the South Island. We are doing research and talking to people in our communities, making sure the law and our services are based on our own culture and needs. This work will create a better path forward for this generation, and for future generations. The new law will allow our communities to develop a child and family services system that is governed by our people, for our people. In keeping with our seven Nations' culture, we take care of Guests on our territories. Our Guest Community – Indigenous Guests living on our traditional lands – are therefore full partners in our model.

By the stipulations of our federal planning funding, all SIIA team members are contractors rather than employees. Our team currently is:

**Cedar Shackelly (Tsartlip First Nation):** Community Engagement and Policy teams

**Jenna Lancaster (Namgis First Nation):** Community Engagement Team

**Chris Jim (Tsawout First Nation):** Community Engagement Team

**Shana Sylvester (Tsawout First Nation):** Community Engagement Team

**Remi Paul (Tsartlip First Nation):** Business Lead

**April Raphael (Muskowekwan First Nation):** Infrastructure Lead

**Erica Pepevnak:** Quality Assurance Lead

**Paula Rasmussen:** Indigenous Law Lead

**Chuck Eamer:** Interim Executive Director

# SIIA Leadership

**Chief Tanya Jimmy** - Tseycum First Nation

**Chief Don Tom** - Tsartlip First Nation

**Chief Ron Sam** (alternate, Councillor Jackie Albany) - Songhees Nation

**Chief Jerome Thomas** - Esquimalt Nation

**Chief Russell Chipps** - Scian'ew First Nation

**Chief Larry Underwood** - T'Sou-ke First Nation

**Chief Arliss Daniels (Jones)** - Pacheedaht First Nation

**Kendra Gage** (Treasurer) - Executive Director, Hulitan Family and Community Services

**Ron Rice** (Secretary) - Executive Director, Victoria Native Friendship Centre

**Suzanne Patterson** - Executive Director, Surrounded by Cedar Child and Family Services

**Bruce Underwood** - Board Speaker



# Centre for Indigenous Research and Community-Led Engagement



*We acknowledge with respect the Lkwungen-speaking peoples on whose traditional territory the university stands and the Songhees, Equimalt and WSÁNEĆ peoples whose historical relationships with the land continue to this day.*

At the Centre for Indigenous Research and Community-Led Engagement (CIRCLE), we are dedicated to expanding community well-being by centering Indigenous knowledge, traditions, and practices. Through engagement with Indigenous Nations, organizations, faculty researchers and students in British Columbia, across Canada, and internationally, the Centre seeks to promote, facilitate and lead relevant and ethical research that improves Indigenous peoples' lives, lands, and laws.

**Director:** Heidi Kiiwetinepinesik Stark  
**Associate Directors:** Sarah Hunt and Onowa McIvor  
**Research and Operations Manager:** Jill Isnardy-Jewer  
**Special Operations Manager:** Stacie Swain



# Technical Advisory Panel



## Lisa Abbott

Lisa Abbott, Cree lawyer, gifted with the traditional name, Thunderbird Woman Who Travels Through Land. She is from the Treaty Six Territory and member of the Pelican Lake First Nation. Lisa earned her LL.B from the University of Saskatchewan in 2005. She was senior policy analyst at NWAC, AFN and FSIN before starting her own law practice, in 2010. She has grounded her legal career on a deep commitment for access to justice for Indigenous peoples. As a champion of providing culturally relevant trauma-informed lawyering, she's assisted hundreds of former students through the Indian Residential and Day school claims processes and represented Indigenous clients in both the criminal law and child protection system. She's served on a roster providing independent legal counsel for children in care and has represented Indigenous parents, grandparents, families involved in SK and BC family policing systems. She is currently staff lawyer at the BC First Nations Justice Counsel in the Virtual Indigenous Justice Center.

## Billie Allen

Billie Allan is an assistant professor in the School of Social Work, University of Victoria, and chair of the Thunderbird Circle – Indigenous Social Work Educators Network. Dr. Allan is a Two Spirit Anishinaabe scholar from Sharbot Lake, Ontario, whose research is focused on Indigenous health and well-being, including the impact of racism and child welfare. She is the co-author, along with Dr. Janet Smylie, of *First Peoples, Second Class Treatment: The Role of Racism in the Health and Well-Being of Indigenous Peoples in Canada*.

## Gillian Calder

Gillian Calder is a Professor at the University of Victoria's Faculty of Law where she has been teaching Constitutional Law, Family Law and related seminars from feminist, queer and anti-colonialist perspectives since July 2004. Gillian's research has focused on questions of legal imagination, theories of constitutional law, law's impact on our understanding of the family and family formation, performativity and storytelling. In particular, she is keenly interested in critical legal pedagogy and the role creativity, ethical imagination and empathy should play in a legal education. Her recent work has focused on law and emotion, where she is weaving connections between teaching, embodiment and social location. She is a sole-parent to an amazing Inuk artist, a rock climber, and a lover of penguins.

## Hadley Friedland

Hadley Friedland is an Associate Professor of Law and Academic Director of the Wahkohtowin Law and Governance Lodge at the University of Alberta Faculty of Law. She researches and teaches in the areas of Indigenous law, Child Welfare law, Family law, Criminal Justice and Community-led research. She has had the honour of working with Indigenous communities across Canada to identify and articulate their own laws. Her recent research focus has been primarily around the implementation of Bill C92. Prior to law school, Hadley worked in the children services field for over a decade. She is author of the book, *The Wetiko (Windigo) Legal Principles: Cree and Anishinabek Responses to Violence and Victimization*, University of Toronto Press, 2018.



# Technical Advisory Panel



## Kundoqk, Jacquie Green

Kundoqk (Jacquie Green) PhD, is from the Haisla Nation, and Tsmishian/Kemano ancestry. She is the Executive Director of the Office of Indigenous Academic and Community Engagement (IACE) at the First Peoples House, University of Victoria. Her scholarship and leadership are embedded in Indigenous knowledge, its histories and philosophies, thereby looking at histories, identities, place and language through storytelling. She focuses her research, writing, teaching and leadership to include Indigenous and social justice knowledge, epistemologies, pedagogies and philosophies. She is a daughter to the late Ray & Mary Green, mother of 2 daughters, and momma jax to seven beautiful grandbabies. She moved away from her community in 1995 to pursue post-secondary education, never thinking her education would lead to becoming a faculty member. What keeps her grounded in her scholarship is maintaining a connection to family and community, importantly, she ensures that any kind of 'sport' is a part of her life. Her vision is that we will never need child protection for Indigenous children, but rather that our practices and leadership will consist of revitalizing our diverse cultures. She believes the work of decolonizing and Indigenizing requires a commitment from all people and in this, this is social justice work.

## Darcy Lindberg

Darcy Lindberg is mixed-rooted Plains Cree, with his family coming from maskwâcîs (Samson Cree Nation) in Alberta and the Battleford-area in Saskatchewan. He holds a BA from the University of Alberta, and a JD, LLM and PhD from UVic. He has taught courses at the University of Alberta on constitutional law, Indigenous legal traditions, treaties, and Indigenous environmental legal orders. Darcy was called to the British Columbia and Yukon bars in 2014, and practiced in the Yukon Territory with Davis LLP. His research focuses on nêhiyaw law, ecological governance through Indigenous legal orders, gender and Indigenous ceremonies, comparative approaches in nêhiyaw and Canadian constitutionalism, and Indigenous treaty making.

## Sarah Morales

Sarah Morales (*Su-taxwiye*), JD (UVic), LLM (University of Arizona), PhD (UVic), PostDoc (Illinois) is Coast Salish and a member of Cowichan Tribes. She is an Associate Professor at the University of Victoria, Faculty of Law, where she teaches torts, transsystemic torts, Coast Salish law and languages, legal research and writing and field schools. Prior to joining the faculty at the University of Victoria, she taught at the University of Ottawa, Faculty of Law where she taught Aboriginal law, Indigenous legal traditions and international human rights with a focus on Indigenous peoples. Sarah's research centres on Indigenous legal traditions, specifically the traditions of the Coast Salish people, Aboriginal law and human rights. She has been active with Indigenous Nations and NGOs across Canada in nation building, inherent rights recognition and international human rights law.



# Technical Advisory Panel



## Renee Racette

My name is Renee Racette, I am Saulteaux-Cree (Cowessess First Nation) and Metis (Lebret) from Saskatchewan. I am a visitor in the Cowichan Tribes territory. I am in-house legal counsel for the Tsilhqot'in Nation. We are in Coordination Agreement in negotiations.

## Heidi Kiiwetinepinesiik Stark

Heidi Kiiwetinepinesiik Stark is a Turtle Mountain Anishinaabekwe and an associate professor in the Indigenous Governance Program at the University of Victoria. She is the director of the Centre for Indigenous Research and Community-Led Engagement (CIRCLE). She has a PhD in American studies from the University of Minnesota. Her research interests include Indigenous law and governance, Treaty rights and Indigenous politics in the United States and Canada. Focused on both Anishinaabe and US/CA law, her recent work explores the criminalization of Indigenous sovereignty, conditions of consent, and gendered violence.

## Kekek Jason Stark

Kekek is Turtle Mountain Ojibwe of the Bizhiw (Lynx) Clan and a practitioner of Indigenous law. Kekek is an Associate Professor at the Alexander Blewett III School of Law at the University of Montana where he serves as the Director of the Indian Law Program and the Margery Hunter Brown Indian Law Clinic. He is also a faculty advisor to the American Indian Governance and Policy Institute and the Public Lands and Resources Law Review. He teaches courses in tribal law, federal Indian law, tribal natural resources law, Tribal governance, Tribal sovereignty, treaty rights, Indian Child Welfare, and American Indian diplomacy. Kekek has first-hand experience in training students in how to work productively with Indigenous principles and procedures. He has built institutions grounded in Anishinaabe law and helped students and communities forge better relations between Indigenous and non-Indigenous institutions and peoples.

## Lisa Saagimaakwe Stark

Lisa Saagimaakwe Stark, CAPSW, MSW is an enrolled member of the Bad River Band of the Lake Superior Tribe of Chippewa Indians. Lisa has direct experience in tribal child welfare, Indian Child Welfare Act representation, Qualified Expert Witness representation, supervision, and consulting with tribes. She has also worked as a training/technical specialist in trauma-informed care.



## SECTION 1: DEFINING & UNDERSTANDING INDIGENOUS GUESTS

EXPLORING DEFINITIONS OF INDIGENOUS GUESTS BEYOND SECTION 35

CAPTURING INDIGENOUS GUEST COMMUNITIES: NUMBERS, SCOPE, AND  
DEMOGRAPHICS

AVOIDING THE ARBITRATOR ROLE WHILE NAVIGATING INDIGENEITY IN  
URBAN SETTINGS

# SECTION 1: DEFINING & UNDERSTANDING INDIGENOUS GUESTS

## EXPLORING DEFINITIONS OF INDIGENOUS GUESTS BEYOND SECTION 35

### HOW WOULD YOU DEFINE INDIGENOUS GUESTS? CAN AND SHOULD WE AVOID A SECTION 35 DEFINITION OF GUEST?

POSED TO: SARAH MORALES AND HADLEY FRIEDLAND

The Law at 1.3.1(t) defines Indigenous Guest as: “all Indigenous Peoples who are ordinarily resident in the Member Nations’ Territories”.

This definition allows for the encompassing of individuals from Indigenous communities who may reside outside of their traditional territories, but still maintain connections to their Nations (while living on the territories that SIIA is responsible for). The definition of Indigenous Guests needs to take into account the definition of Indigenous (community and section 35), jurisdiction, and implementation, especially in regard to the responsibility that everyone has to children in their territory.

The question of whether to avoid a section 35 definition of "Guest" is complex. Section 35 of the *Constitution Act, 1982*, recognizes and affirms the existing Aboriginal and treaty rights of the Indigenous peoples of Canada. Defining "Guest" under section 35 could provide a legal framework for recognizing the rights and responsibilities of Indigenous Guests, but it may also impose limitations or create conflicts with the self-determined processes and protocols of the host Nations. Avoiding a section 35 definition would allow for more flexibility and respect for the unique practices of each Nation, but it could also lead to ambiguity in the legal standing of Indigenous Guests.

Ensuring the inclusion of Indigenous children's unique cultural and jurisdictional needs is crucial, and

a distinct duty of care should be considered to address these needs effectively. Incorporating Indigenous perspectives and values into the legal framework is essential for promoting inclusivity and cultural sensitivity.

The overlap of jurisdiction and law in the care of Indigenous Guests is also important to consider. Fulfilling responsibilities to these Guests while honouring their cultural backgrounds and individual jurisdictions is key. Reaching out to the child's Nation may be necessary, particularly when considering their placement and how it aligns with their own Nation's jurisdictions, laws, and values. Establishing intergovernmental agreements and engaging respectfully with Indigenous Nations could be effective methods for harmonizing potentially conflicting obligations.

The primary focus should always be on meeting the needs of the child, regardless of their origin or location. Community responsibilities should overlap, with SIIA acting as the first responder. If a child comes from a place without its own laws, SIIA laws may apply, and the same would be expected if children from SIIA territories were elsewhere. It is also vital to consider where the child's strongest ties lie, ensuring their cultural and community connections are preserved.



# SECTION 1: DEFINING & UNDERSTANDING INDIGENOUS GUESTS

## CAPTURING INDIGENOUS GUEST COMMUNITIES: NUMBERS, SCOPE, AND DEMOGRAPHICS

### HOW DOES SIIA EFFECTIVELY CAPTURE THE INDIGENOUS GUEST COMMUNITIES?

POSED TO: SARAH MORALES AND HADLEY FRIEDLAND

SIIA should act as the first responder in its territory, taking responsibility for the safety and well-being of all Indigenous children within its jurisdiction, including Indigenous Guests. However, it is crucial to respect and follow the processes and protocols of the host territory while minimizing the imposition of external practices.

The guiding principles should apply to Indigenous Guests, but there needs to be diligence in ensuring that these Guests maintain connections with their original communities and territories. Flexibility in the law is necessary to accommodate the unique circumstances of each Guest Community.

Understanding where Indigenous Guests have their strongest ties is crucial, and these ties should be considered in any placement or jurisdictional decisions. This might involve creating specific mechanisms to address disputes and overlapping interests between different Indigenous jurisdictions.

There are challenges in determining whether individuals qualify as Indigenous Guests and understanding their community affiliations. Some communities are still developing their guiding principles, and there is no clear source to identify all Indigenous people within the territory. For example, large numbers of Cree, Anishinaabe, and Mi'kmaq may be present, but identifying and classifying them as Indigenous Guests requires careful consideration.

Maintaining cultural continuity is a significant hurdle for Indigenous Guests. The federal *Act respecting First Nations, Inuit and Métis children, youth and families* references "strongest ties," referring to the connection a child or individual has with their original community.

For Indigenous Guests, this raises the importance of ensuring they remain connected to their culture and community while residing in a different territory. This is crucial when considering placements for children, as their identity and cultural ties must be considered.

SIIA faces the challenge of harmonizing its responsibilities with the laws and jurisdictions of the Guest's home community. For example, if an Indigenous child from a different Nation is living in SIIA's territory, the laws of their home community may still apply. This creates an overlap of responsibilities, requiring careful coordination between the host and the Guest's home community to ensure the child's best interests are upheld.

To manage overlapping jurisdictions and responsibilities, establishment of intergovernmental agreements with other Indigenous Nations may be necessary. These agreements may include dispute resolution mechanisms and the appointment of designated representatives from the Guest's community to ensure their interests are properly represented.

In conclusion, defining Indigenous Guests within the SIIA framework requires balancing respect for the unique processes of host territories while ensuring the rights and cultural continuity of Indigenous Guests. This involves addressing jurisdictional overlaps, maintaining cultural ties, and establishing effective dispute resolution and intergovernmental coordination mechanisms.



# SECTION 1: DEFINING & UNDERSTANDING INDIGENOUS GUESTS AVOIDING THE ARBITRATOR ROLE WHILE NAVIGATING INDIGENEITY IN URBAN SETTINGS

## HOW DOES SIIA AVOID BEING AN ARBITRATOR OF INDIGENEITY (ESPECIALLY WITHIN THE URBAN SETTING)?

POSED TO: GILLIAN CALDER

The importance of embracing self-identification, as endorsed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), is paramount, particularly as Articles 9 and 33 affirm the right of Indigenous peoples to define their own identity and membership. While some institutions, such as health authorities and legal aid organizations, already practice self-identification, the stakes are significantly higher when it involves children seeking care and support. It is essential to underscore the guiding principles of the sacredness of children and the centrality of family in these contexts.

In practical terms, SIIA's focus is on providing care and support to children in need, rather than policing who qualifies as Indigenous. Concerns about 'pretendians'—individuals falsely claiming Indigenous identity—raise questions about how identity is self-declared. Moving away from status cards as the primary identifier is suggested. The context of child welfare is distinct from situations where self-identification might be questioned, such as for financial benefits or scholarships. The stakes are different when the priority is the immediate well-being of a child.

For SIIA, it becomes complicated when negotiating with funding partners like Indigenous Services Canada (ISC) or provincial authorities, who often require clear definitions of the populations being served. While self-identification is vital, acceptance

from funding partners is also necessary, which raises another challenge.

The process of determining Indigeneity is further complicated by the effects of colonialism, which have disrupted many individuals' connections to their communities and cultures. SIIA recognizes that some children may not have a clear understanding of their identity due to these historical and ongoing impacts, and thus, they approach each case with compassion and a focus on reconnecting children with their communities.

SIIA aims to provide immediate care for children, even if this must occur prior to response from their Band. This ensures that no child in need is left without support. By fostering a sense of belonging and love, SIIA hopes to serve all children within their territory, Indigenous or not, reflecting a broader vision of breaking down colonial barriers and supporting the well-being of all Indigenous youth.

There is a need for inclusive policies and practices that respect the right to self-identify while acknowledging the historical and systemic barriers faced by Indigenous communities. Self-identification must be approached with sensitivity and understanding in the context of providing care and support for Indigenous children. Defining the population that SIIA serves is challenging, but it is recommended to embrace self-identification as long as it is accepted by funding partners.



## SECTION 1: DEFINING & UNDERSTANDING INDIGENOUS GUESTS

### TAKEAWAY QUESTIONS

- What is the jurisdiction of Indigenous Guests?
- How will the Guiding Principles be implemented for Indigenous Guests?
- How will the responsibilities to Guests be fulfilled while honouring Indigenous Guests, their Nations, their cultures, and their needs? (while considering the overlap of jurisdiction and law)
- How will the duty of care look for Indigenous Guests? Considering that this may be distinct and look different for those of member Nations and those who are not.
- How will SIIA contact the home community and families of Indigenous Guests in their care? What will be the children's access to their own culture and community?
- How can SIIA best support these children while they are in SIIA's territory and away from their own Nation and territory?
- What will be the process for dealing with Nations/Bands who do not agree with each other's approach when they both claim jurisdiction over a child?
- How can the responsibilities to Guests be fulfilled while honouring personal jurisdiction from their Nation?
- Does there require space made for Métis children as well? Will they be included as Guests or does MNBC have their own systems?
- How does self-identification impact the estimation of funding and structuring of prevention services?
- Are there any fraud prevention measures built into the law? Is this something that should be considered?





## **SECTION 2: GOVERNANCE & REPRESENTATION**

**ANALYZING THE ROLES OF THE EXPERT BOARD, REPRESENTATIVE BOARD,  
AND ELDER/YOUTH COUNCIL**

**ASSESSMENT OF THE GOVERNANCE AND REPRESENTATION STRUCTURE  
WITHIN THE GUEST COMMUNITY COUNCIL**

**NAVIGATING INTERRELATEDNESS WITHIN SOUTH ISLAND COMMUNITIES**

**EMPOWERING FAMILY HEADS: ESTABLISHING AUTHORITY AND  
COMPLAINT MECHANISMS**

## SECTION 2: GOVERNANCE & REPRESENTATION

### ANALYZING THE ROLES OF THE EXPERT BOARD, REPRESENTATIVE BOARD, AND ELDER/YOUTH COUNCIL

#### WHAT ARE YOUR THOUGHTS ON HOW WE HAVE OUTLINED OUR GOVERNANCE AND REPRESENTATION STRUCTURE WITHIN OUR GUEST COMMUNITY COUNCIL?

POSED TO: KEKEK JASON STARK

The current structure is acknowledged for its effectiveness, yet concerns are raised about its suitability for isolated families and Indigenous Guests who may lack community connections. It's unclear who will assume the role of advocate for these families, particularly Indigenous Guests, and which specific processes—such as those within a Longhouse—will be applied to them. This raises questions about accountability and how to ensure that community members, including those from Guest Communities, are fully integrated into the decision-making processes. For instance, incorporating representatives from Guest Communities into structures like the Aunties Council could be one way to enhance accountability and ensure that the voices of these communities are heard.

The existing structure within the seven Member Nations ensures access to Chief and Council. This model should be extended to Indigenous Guest Communities, potentially by establishing an Indigenous Guest Council to provide advice and ensure accountability. However, challenges exist in organizing and assigning roles within Guest Communities due to their broader scope, encompassing multiple service agencies, cultural groups, and geographic regions.

A strategy is proposed to provide immediate care followed by harmonization with the Guests' Communities, ensuring cultural sensitivity while prioritizing the child's well-being. The diverse forms of care should be tailored to individual needs rather than solely based on identity. There should be a focus placed on distinguishing services based on these needs and advocating for inclusivity and cultural sensitivity in decision-making processes.

Another important consideration is the need to clearly delineate the powers and responsibilities of the various governance bodies, including the Indigenous Governing Bodies (IGB), SIIA directors, and the Representative Board. There is a concern that the current structure may not clearly articulate these roles, which could lead to confusion and inefficiency. Developing a clearer accountability mechanism and possibly re-articulating the law to reflect the intended governance structure more accurately is recommended.

Finally, effective data and information sharing between SIIA and other organizations, particularly regarding Guests in the territory, is crucial for providing the necessary services. This issue, along with the challenges of funding and fiscal relations, must be addressed to ensure the success of the governance and representation structure within the Guest Community Council. A coordination agreement may be beneficial in this regard.

Having an **Indigenous Guest Council** raises certain questions:

- What will be the process to appoint representatives to the council?
- Who will represent those who are not connected to other community members?
- Who will be the Child Family Advocate for Indigenous Guests?
- Which longhouse will the Indigenous Guest be a part of?
- If it's an Anishinaabe family, will an Anishinaabe process be used?
- How will the networks be established?
- Will representatives from Guest Communities be a part of the Aunties Council?



## SECTION 2: GOVERNANCE & REPRESENTATION

### ASSESSMENT OF THE GOVERNANCE AND REPRESENTATION STRUCTURE WITHIN THE GUEST COMMUNITY COUNCIL

#### WHAT ARE YOUR THOUGHTS ON THE COMPLEXITY OF OUR EXPERT BOARD, REPRESENTATIVE BOARD, AND ELDER/YOUTH COUNCIL'S GOVERNANCE STRUCTURE?

POSED TO: KEKEK JASON STARK

The governance structure involving the Expert Board, Representative Board, and Elder/Youth Council is complex, yet this complexity is necessary to ensure that diverse perspectives and expertise are adequately represented. Each component plays a critical role in addressing the unique needs of the community while fostering a balanced and inclusive decision-making process.

The Expert Board is essential for providing specialized knowledge and guidance, ensuring that decisions are informed by those with deep expertise in relevant areas. The Representative Board, which includes members from each Nation and the broader community, ensures that the voices of all stakeholders are heard and that decisions reflect the collective will. This board's role is crucial in maintaining transparency and accountability. The inclusion of the Elder and Youth Councils is particularly important. Elders bring wisdom and traditional knowledge, while youth offer fresh perspectives and innovative ideas. Whether or not these roles are separately defined, it is important to ensure equal representation and meaningful participation of both youth and Elders in decision-making processes. Their involvement ensures that the governance structure is rooted in cultural continuity and forward-thinking leadership. The formal recognition of these councils within the governance framework highlights the commitment to intergenerational dialogue and equitable participation.

There is also the possibility of adopting a board to run the organization independently from political influence. This board would include an advocate as an official member, alongside representatives from each Nation, Indigenous Guests, and members from

both the Youth and Elders Councils. For this to be effective, the Youth and Elders Councils would need formal recognition. Active participation by Band members in the Representative Council is critical to overseeing activities and implementing board decisions, ensuring that community needs are addressed with genuine expertise and representation.

It has been suggested that the court system could serve as a valuable resource for certifying questions, particularly those related to Treaty Rights and intertribal representation. This could help address challenges that arise when Bands or Nations disagree on important matters. Effective collaboration among Bands is essential, and Chiefs should be actively involved to promote unity and ensure that all Bands' interests are represented. Additionally, involving other board members could provide oversight and enhance decision-making processes. Ensuring diverse representation is crucial to capturing a wide range of perspectives.

With these complexities comes the challenge of maintaining efficient communication and decision-making processes. It is important to balance the need for comprehensive representation with the need for streamlined operations. This requires ongoing collaboration and a clear delineation of roles and responsibilities to avoid overlap and ensure that the governance structure remains effective.

In conclusion, while the governance structure is complex, it is designed to capture the richness of diverse perspectives and expertise. With careful management and a focus on collaboration, this structure can effectively serve the community's needs and uphold the values of inclusivity and accountability.



## SECTION 2: GOVERNANCE & REPRESENTATION

### NAVIGATING INTERRELATEDNESS WITHIN SOUTH ISLAND COMMUNITIES

#### HOW DO WE NAVIGATE INTERRELATEDNESS WITHIN SOUTH ISLAND COMMUNITIES IN SPACES WHERE BIAS MIGHT BE DEEMED 'UNFAIR?'

POSED TO: BILLIE ALLEN

Navigating interrelatedness within South Island communities, especially in contexts where bias might be perceived as unfair, requires a thoughtful and inclusive approach. Communities are deeply interconnected, with families spanning different areas and relationships playing a central role in decision-making. While bias can be seen as unfair, it's important to recognize that some level of bias is inherent in all processes. The key is to manage it in a way that is transparent and fair.

Bias, when weaponized, can cause harm - especially in systems influenced by Western cultures, where a lack of transparency has led to distrust. Healing from these wounds involves making processes open, accountable, and clear. It's essential to ensure that the decision-making process is rooted in the community and centres around the child's best interest.

A family decision-making model can help address bias by involving relatives and the community, allowing them to come to a consensus. This approach builds trust over time, although it will take

generations to repair the broken trust caused by decades of negative experiences with external systems.

Training and emotional resilience for those involved, such as Aunties, Uncles, and Grandparents, are crucial. These individuals need to be emotionally strong and well-prepared to make decisions that are trustworthy and in the best interest of the child. Leaning into relationships and understanding responsibilities and obligations within the community are important steps toward reducing bias and ensuring that decisions are made with love and care.

Ultimately, decolonizing the way we think about bias and conflict is essential, but it takes time. If the family does not yet trust SIIA's process, they are still able to go through the traditional court system. Embracing kinship responsibilities and ensuring that everyone involved understands their role and is committed to supporting the child are vital. This approach, combined with transparency, informed consent, and a focus on healing, will help navigate the complexities of interrelatedness in a fair and just manner.



## SECTION 2: GOVERNANCE & REPRESENTATION

### EMPOWERING FAMILY HEADS: ESTABLISHING AUTHORITY AND COMPLAINT MECHANISMS

TO WHAT EXTENT DO YOU THINK OUR LAW AND SYSTEM'S ACCOUNTABILITY MECHANISMS NEED TO MIRROR THE COLONIAL SYSTEM? WHAT ARE YOUR THOUGHTS ON HOW WE POSITION FAMILY HEADS POWERS, WHICH ARE SIMILAR TO JUDGES? HOW DO WE CREATE A COMPLAINT PROCESS WITHOUT UNDERMINING A FAMILY DECISION?

POSED TO: LISA ABBOTT

In thinking about how our accountability mechanisms should evolve, it's essential to understand that simply mirroring the colonial system may not always be the best approach. We need to redefine accountability in a way that is more aligned with the needs and values of Indigenous communities.

The current system under the *Child and Family Services Act* offers minimal accountability, with limited options for parents to challenge decisions, such as filing complaints about social workers or appealing court decisions. These processes are often ineffective and don't truly address the core issues families face, especially those in vulnerable situations or urban settings disconnected from their cultural roots.

Instead of adopting these traditional structures, SIIA should focus on creating systems that support the whole family. One promising idea is the Child and Family Preservation Plan, which provides comprehensive "wrap-around" support for families. This plan emphasizes keeping the family together and addressing issues like housing, substance abuse, and counseling, while moving away from the language of "Safety Plan". The goal is to work proactively to prevent family breakdowns, rather than reacting after harm has occurred.

When it comes to Family Heads, who hold significant power similar to that of judges, there is a delicate balance to strike. Empowering them without granting legislative authority is crucial. However, there should be a way to ensure their decisions are fair and just. A Child Family Advocate could play a role in overseeing these decisions, especially when a plan isn't working or the child remains at risk. The advocate could offer guidance without undermining the authority of the Family Head.

Creating a complaint process that respects family decisions is vital. Instead of challenging these decisions in court, which could undermine the family's authority, SIIA could establish a community-based appeal body, such as the Aunties Council. This would allow for a culturally relevant way to review decisions while maintaining the integrity of family law.

Ultimately, accountability should be rooted in cultural values and focused on what's best for the child, the family, and the community. By embracing approaches such as Two-Eyed Seeing, which combines the strengths of both Indigenous and colonial perspectives, systems can be created that are not only fair but also culturally appropriate and effective.

There are two parts of the act where decisions are final:

- 1. Child Family Advocate** – if a family is unable to reach an agreement on a child's plan after a family meeting, the Child Family Advocate has the authority to make a final decision. This decision can be appealed, potentially through the establishment of an appeal body, with the goal of avoiding court involvement.
- 2. Aunties Council Final Decision** – there is the potential of this being appealed to an Elders Council.



## SECTION 2: GOVERNANCE & REPRESENTATION

### TAKEAWAY QUESTIONS

- Which cultural processes should guide the support provided by Family Advocates?
- What are the roles of individual members within the legal frameworks?
- Does SIIA have permission for Indigenous Guests? (While moving away from Section 35 rights holders)
  - If not, how does SIIA receive permission?
- How can traditional practices and cultural nuances be effectively integrated into legal proceedings conducted in English?
- What governance structure should be established for Indigenous Guests, and how can representation and decision-making processes be fair and effective?
- What roles and powers do different entities within the governance structure hold, and how can their responsibilities be clearly defined?
- What are the challenges and considerations associated with data and information sharing for coordinating services effectively?
- To whom is accountability ultimately owed within the governance and support structures?
- How can the community 'call out' someone for not respecting the responsibilities they have to their family if the community doesn't know due to the colonial system's emphasis on confidentiality?
- In what ways can Indigenous Guests be supported within the existing frameworks?
- How can Elders and Youth Councils be incorporated into the board and what roles would they hold within the model?
- How should Youth and Elder be defined in the context of this model?
- What criteria define a 'healthy youth' in this framework?





## **SECTION 3: DISPUTE RESOLUTION & CHILD PLAN**

**CHALLENGES IN IMPLEMENTING THE CHILD PLAN**

**CONSIDERATIONS FOR THE PROPOSED DISPUTE RESOLUTION MODEL  
(THE AUNTIES COUNCIL) AND ALTERNATIVE OPTIONS**

**STRUCTURING A CULTURALLY-BASED DISPUTE RESOLUTION SYSTEM**

## SECTION 3: DISPUTE RESOLUTION & CHILD PLAN CHALLENGES IN IMPLEMENTING THE CHILD PLAN

WHAT CHALLENGES DO YOU THINK WE WILL HAVE TO FACE AND ADDRESS SPECIFICALLY IN REGARD TO OUR CHILD PLAN CONCEPT?

POSED TO: BILLIE ALLEN AND LISA SAAGIMAAKWE STARK

### Challenges:

- Moving away from rigid mindset
- Comprehensive consideration (children and their family)
- Visibility and Empowerment
- Fear of Documentation
- Culturally Appropriate Documentation
- Non-Threatening Documentation Process
- Positive Presentation of Child Plans
- Relationship Building
- Engagement in Voluntary Post-Ministry Involvement
- Language and Approach
- Clear Standards and Procedures
- Time-Sensitive Reviews

The emphasis is on moving away from rigid, one-size-fits-all approaches that have proven ineffective. It's essential to consider not only the children but also their surrounding families, recognizing the interconnectedness of their well-being. To improve outcomes, systems of care should be more visible, and families should be empowered to identify and address their own needs. A significant challenge is the fear families have around documentation, which highlights the importance of building trust. Documentation should be grounded in ceremonies and traditional practices, rather than relying solely on written records, to ensure accessibility and cultural relevance. There are concerns about creating a documentation process that feels non-threatening, sensitive, and minimalistic. The process should be transparent and designed to empower families rather than overwhelm them, making it feel supportive rather than intrusive or surveillance-oriented.

It's necessary to re-evaluate existing systems that may not be effectively meeting families' needs and providing wrap-around supports. Strategies should be developed to present child plans in a positive light, focusing on support rather than punitive measures. When organizations act as the first point of contact after Ministry involvement, they face the challenge of engaging families in voluntary services. Building relationships based on reciprocity and humility is crucial—both the organization and families must commit to supporting each other. Additionally,

the language, approach, and intent used in interactions with families are vital for fostering trust and meaningful connections.

Child plans should focus on empowering families to make decisions during crises. These plans should be seen as supportive tools rather than punitive measures. Families should be actively involved in the decision-making process, reducing reliance on external authorities. Perhaps renaming 'Child Plan' to 'Family Sovereignty Plan' or 'Family Governance Plan' to better reflect the plan's intent and reduce anxiety is an option. This change should be accompanied by outreach and information-sharing to explain the plan's purpose and its alignment with traditional practices, helping to ease fears and revitalize family safety plans.

Creating a welcoming and inclusive community environment is key to encouraging voluntary engagement. It is important to make families feel safe and included when accessing services, which can help reduce barriers to participation. There is also a need for clear standards and procedures in service provision. Social workers and service providers require ongoing education and training to effectively implement legislative changes and build trust with communities and families. Regular reviews of plans are essential to ensure they remain relevant and safe, acknowledging the ever-changing needs of families.



## SECTION 3: DISPUTE RESOLUTION & CHILD PLAN

# CONSIDERATIONS FOR THE PROPOSED DISPUTE RESOLUTION MODEL (THE AUNTIES COUNCIL) AND ALTERNATIVE OPTIONS

WHAT ARE YOUR THOUGHTS ON OUR PROPOSED DISPUTE RESOLUTION MODEL (THE AUNTIES COUNCIL) AND THE OTHER OPTIONS OUTLINED WITHIN OUR TECHNICAL DOCUMENT? IS IT REASONABLE TO ASK AUNTIES WITHIN COMMUNITY TO BE PART OF THIS COUNCIL AND REVIEW DECISIONS FOR ADHERENCE WITH OUR LAWS?

POSED TO: KUNDOQK, JACQUIE GREEN

The proposed dispute resolution model centers around the Aunties Council, which embodies the wisdom and cultural stewardship of the community's matriarchs. This model seeks to ensure that disputes are resolved in a manner deeply rooted in traditions and values. A key priority is ensuring that the Aunties are emotionally prepared for their role. To approach their work with open hearts and minds, it's crucial they leave personal burdens behind. It's also important to exclude Aunties who are closely related to the involved child or family to avoid conflicts of interest. Mechanisms that facilitate consensus-building and remove communication barriers should be incorporated to support the Aunties in their decision-making process.

The safety of the Aunties is a concern, particularly in the context of the opioid crisis and family violence. Aunties are exposed to both the best and worst aspects of family dynamics, which can be emotionally and physically challenging. Creating a safe environment, both within the community and in urban areas, is paramount. Regular meetings of the Aunties Council outside of formal hearings are recommended to foster ongoing engagement and decision documentation.

The Aunties, as song carriers and decision-makers within the family, are crucial, but the involvement of Uncles, especially in ceremonial contexts, should also be considered. Traditionally, both men and women have played complementary roles in ceremonies and decision-making within communities. Reflecting this balance in the dispute resolution system is essential for upholding cultural values and

emphasizing the collective responsibility of the community.

Defining the laws and processes for child care is deeply rooted in ceremonial laws and the principles of the land, with each role within this system being held in high regard. Aunties, in particular, assume a pivotal leadership role in decision-making, especially during times when parents are facing significant challenges such as child removal, addiction, or legal issues. Aunties provide essential support by addressing questions and concerns that parents may struggle to handle on their own. It's crucial to recognize that, within this context, Aunties extend beyond the Western notion of "Auntie" and serve as an integral extension of mothers. This understanding should shape and guide the work of the Aunties Council.

Documenting decisions based on Indigenous laws is seen as valuable, even if not binding. This practice contributes to the development of a body of common law grounded in Indigenous concepts, offering a precedent for future cases.

The proposed Aunties Council model is a thoughtful and culturally grounded approach to dispute resolution, emphasizing consensus, safety, and the centrality of the family. While there are challenges to address, particularly regarding judicial review, safety, and the inclusion of Uncles, with careful implementation and support, this model could serve as an effective and respectful means of resolving disputes within the community.



## SECTION 3: DISPUTE RESOLUTION & CHILD PLAN STRUCTURING A CULTURALLY-BASED DISPUTE RESOLUTION SYSTEM

### HOW DO WE STRUCTURE A CULTURALLY-BASED DISPUTE RESOLUTION SYSTEM?

POSED TO: HEIDI KIIWETINEPINESIIK STARK

Designing a culturally-based dispute resolution system involves incorporating traditional values and structures into the process, beginning with immediate family interactions and extending to the broader community while working through layers of authority. This approach ensures that resolutions are grounded in teachings and kinship relationships while maintaining clear lines of accountability.

The proposed model emphasizes a gradual escalation process, starting with the family and only involving the Aunties Council when necessary. This approach allows for the resolution of disputes at the most appropriate level and the option to return to earlier stages if needed. The focus remains on centering the child and family, with the Aunties Council acting as a last resort when other methods have not succeeded.

At the immediate family level, the system starts with utilizing teachings, languages, stories, and kinship structures to guide dispute resolution. It is crucial to identify key figures within the family who hold authority, such as parents, uncles, aunts, or grandparents. Kinship extends beyond biological relationships and often times includes community members.

Once a resolution is reached within the family, accountability mechanisms must be established. This involves determining who will be responsible for implementing and monitoring the resolution. If the issue persists or if the family-level resolution fails, the matter should be escalated to the extended kin level. This stage involves a broader network of relatives, emphasizing consensus-building and collective wisdom. Clear roles and responsibilities for overseeing and implementing decisions at this level are also essential. If disputes remain unresolved at the extended kin level, community involvement becomes necessary. This step formalizes the resolution

process and engages community leaders or councils. In this model, the Aunties Council plays a pivotal role as the final arbiter. While the model aims to minimize external judicial review by grounding decisions in Indigenous laws, the possibility of such review cannot be entirely eliminated. Written decisions and other formalities would provide a basis for review if needed.

For the drafting of the law, it is essential to incorporate Indigenous languages. When questions arise about interpreting the law, it can then be translated into English. By capturing the law in its original language, the intention behind it is preserved,

Addressing challenges such as non-participation requires developing alternative approaches, which may include reverting to adversarial methods if necessary. Additionally, considering concurrent jurisdiction, where community-based and external systems operate together, might be appropriate in some cases.

Ensuring the emotional and mental well-being of decision-makers, especially those in the Aunties Council, is critical. Finally, fostering a culture of collective and individual accountability underscores the importance of both community and personal responsibility in the resolution process.

The duty of care is a crucial aspect to consider when addressing both collective and individual accountability within the dispute resolution system. It underscores the responsibility each member of the community has toward one another and the collective well-being. This principle ensures that all individuals not only fulfill their personal obligations but also contribute to the overall integrity and support of the community.



## SECTION 3: DISPUTE RESOLUTION & CHILD PLAN

### TAKEAWAY QUESTIONS

- Who determines if a conflict of interest exists, and how is it defined?
- What criteria are used to identify and define a 'conflict of interest'?
- What happens if parents/caregivers refuse to participate in family meetings?
  - Would the Council make a decision and enforce it without them?
- How can we ensure effective collaboration with provincial authorities, especially regarding information sharing and funding agreements?
- What is the protocol if SIIA decides not to take on a case and leaves it with the province instead?
- How is funding characterized while projecting block funds?
- There is a need for continuous updates to documentation over time, how does this function with the voluntary nature of engagement?
- How will this approach improve the well-being of our children and families, and can it serve as a leading ceremonial model to reduce the number of children in state care?
- Despite progress with delegated authorities, legislative changes, and Indigenous-focused child welfare programs, is this enough to bring more children back into their communities?





## **SECTION 4: MULTI-JURISDICTIONAL LANDSCAPE & TRAINING**

**BUILDING EFFECTIVE STRUCTURES FOR NAVIGATING MULTI-  
JURISDICTIONAL URBAN COMMUNITIES**

**RECOMMENDED TRAINING FOR FAMILY HEADS, WITNESSES, AND  
RECEIVERS IN THE NEW GOVERNANCE STRUCTURE**

## SECTION 4: MULTI-JURISDICTIONAL LANDSCAPE & TRAINING

### BUILDING EFFECTIVE STRUCTURES FOR NAVIGATING MULTI-JURISDICTIONAL URBAN COMMUNITIES

WHAT KIND OF TRAINING WOULD YOU RECOMMEND WE IMPLEMENT FOR THE VARIOUS ROLES (FAMILY HEADS, WITNESSES, RECEIVERS) OUTLINED WITHIN OUR NEW STRUCTURE?

POSED TO: LISA SAAGIMAAKWE STARK

To ensure the success of the proposed structure, comprehensive training is essential for Family Heads, Witnesses, and Receivers. This training should be tailored to address the diverse and complex needs of families and children, including factors such as substance abuse, shifts in family dynamics, mental and physical health issues, and the involvement of extended family members who may be raising children.

Families often face unique challenges, such as grandparents stepping in to raise children due to parental substance abuse or other crises. In such cases, specific training should be provided to Family Heads and caregivers to help them recognize and address the mental health or medical needs of children. This is crucial as many families are accustomed to punitive child welfare systems, which can lead to a reluctance to seek help for fear of losing their children. Therefore, the training should focus on creating a supportive environment that encourages seeking help and provides the necessary skills to care for children with higher-level needs.

A trauma-informed approach is vital to balance the safety of children with the goal of preserving families. Training should include methods to build accountability and trust within the system, ensuring that both the safety and well-being of children are prioritized.

Emphasizing reunification as the ultimate goal, the training should equip participants with the skills to navigate complex family dynamics while maintaining a focus on healing and prevention, thereby avoiding situations where children are caught in the middle of parental conflicts.

The training should emphasize the importance of shifting away from professional surveillance to family and community accountability. This includes fostering a community-wide responsibility for the well-being of children, rather than relying solely on Family Heads. By focusing on building stronger community ties and support systems, we aim to create an environment where the community collectively ensures the safety and thriving of its children.

The training should adopt a wraparound approach that addresses the holistic needs of both parents and children. This includes spiritual, emotional, and practical support. The goal is to lift up families as a whole, addressing the root causes of issues rather than simply applying punitive measures.

By implementing this comprehensive training, SIIA can better support families, protect children, and work towards a community-based system of care that is both effective and culturally sensitive.

#### Useful example: Healing to Wellness Court in Maine

Emphasis is placed on the importance of multidisciplinary support and creating a safe environment for children. This court included tasking the parents with attending counselling to address their issues and checking in every month or two, as well as having the cultural aspect with Elders present. This Healing to Wellness Court now consults with other tribes and trains them on topics such as how to navigate systems and provide supports for the parents too.



## SECTION 4: MULTI-JURISDICTIONAL LANDSCAPE & TRAINING

### RECOMMENDED TRAINING FOR FAMILY HEADS, WITNESSES, AND RECEIVERS IN THE NEW GOVERNANCE STRUCTURE

#### WHAT STRUCTURES DO YOU SUGGEST WE SET UP TO WORK THROUGH THE MULTI-JURISDICTIONAL LANDSCAPE OF THE URBAN COMMUNITY?

POSED TO: DARCY LINDBERG

It is essential to engage actively with provincial and federal governments, recognizing that Indigenous territory extends beyond reserve boundaries. This engagement should include creating cultural spaces within urban settings for ceremonies and community gatherings. Additionally, it is crucial to develop a curriculum that encompasses Indigenous laws and teachings, both for internal use within the community and for educating external parties. Such educational initiatives can help reinforce the understanding and application of Indigenous legal orders across different jurisdictions.

Frontline workers currently face significant challenges in determining jurisdictional issues related to children. To address this, the establishment of an inter-governmental authority is proposed, which would alleviate the burden on these workers by streamlining processes and ensuring children maintain strong connections to their communities through affiliation agreements. Furthermore, the creation of safe and collective spaces for urban Indigenous communities is urgently needed. These spaces would not only facilitate Indigenous practices but also provide a sense of belonging and safety, which many existing structures fail to offer.

Even after the coordination agreements under Bill C-92 conclude, it is recommended that formal, ongoing relationships with provincial and federal governments be maintained. This could involve a Memoranda of Understanding or other political arrangements to ensure continuous collaboration and support for Indigenous communities.

The overarching priority in all these efforts should be the safety and well-being of children. This includes ensuring that children have a voice in decisions affecting them and that they are surrounded by love and support. Mentorship and education programs should be established for families unfamiliar with their heritage to foster stronger community ties and cultural continuity.

The suggested structures aim to create a supportive and cohesive environment for urban Indigenous communities, recognizing the importance of cultural spaces, educational initiatives, inter-governmental collaboration, and the well-being of children as central pillars in navigating the multi-jurisdictional landscape.



## SECTION 4: MULTI-JURISDICTIONAL LANDSCAPE & TRAINING

### TAKEAWAY QUESTIONS

- What are the obligations of Indigenous Guests?
- How do we call members back home who are currently in other territories?
- How should an inter-Nation branch be structured?





## SECTION 5: REFLECTIONS ON PROGRESS

REFLECTIONS ON SIIA'S WORK TO DATE + AREAS FOR FURTHER  
CONSIDERATION

## SECTION 5: REFLECTIONS ON PROGRESS

The guiding principles and family decision-making model are widely appreciated for their child-centered approach and the support they provide families while making informed decisions. The model is comprehensive, encompassing elements for dispute resolution and provides the potential for precedent-setting. This model is able to establish a high standard for the care of children. The unique geographical foundation of the model is innovative as it enhances accessibility and inclusivity, allowing for the potential of Indigenous and non-Indigenous children to be able to access child services.

The dedication and passion are evident, highlighting a strong commitment to advocacy. The transformative efforts toward systemic reform demonstrate a robust drive for improvement.

A significant strength is the attention to data quality and ownership. There is an emphasis placed on the importance of quality assurance and data sovereignty. While this may be a challenge and raises certain questions, it is clear that there is a commitment to high standards and community autonomy for the collection and use of data. The focus on training is equally a strength, especially when it comes to “training the trainer” and the importance of public education. This training is crucial for broad understanding and effective implementation of the new system. Additionally, there is praise for the child-centered approach, incorporating the child’s perspectives and using child-friendly language, which ensures that the child’s voice remains integral to the decision-making process.

### AREAS FOR FURTHER CONSIDERATION

While the prioritizing of data is a strength, there are concerns about managing data post-enactment, especially with the transition from existing systems. It may be challenging to balance data sharing with other parties (i.e. governments, Nations, etc.) while maintaining data sovereignty as this is a delicate task that is essential for protecting community interests. There are further planning and funding strategies required to secure ownership of data and address the associated costs. It may be challenging to develop and implement

the new system due to limited time and budget constraints. That said, it is crucial to secure adequate funding and resources. It is necessary to address ongoing costs (for example: licensing) to maintain sustainable operations.

Coordination among multiple communities and languages is complex and requires robust community strategies and effective collaborative frameworks. There must be clear plans for the transition of existing Child Care Orders and Youth Agreements to the new system. This transition should maintain a priority of minimizing confusion and ensuring continuity of care.

The role of the Child Plan may include documenting the anticipated number of children and families served to help secure funding. If this is the rationale, it is worth exploring additional methods for estimating these numbers.

Consider leveraging the language and commitments of the Declaration on the Rights of Indigenous Peoples Act (DRIPA) and relevant ministerial mandate letters to advocate for funding that better aligns with the values and aims articulated by SIIA. This approach would ensure that funding criteria reflect SIIA’s priorities, rather than solely the metrics used by intergovernmental partners to assess funding needs.

Overall, the long-term sustainability of the new system requires strategic planning and ongoing support. This includes continuous training, public education, and effective data management.

### TAKEAWAY QUESTIONS

- What would data management look like?
- How can data gaps be avoided?
- What kind of knowledge can be used in the data to capture the system?
- How will current Child Care Orders and Youth Agreements be integrated into the new system?
- What changes are necessary to support these transitions?



