

Setting the foundation for change

A strategy towards First Nations' jurisdiction of child welfare in Manitoba

Assembly of Manitoba Chiefs
Women's Council
Final report—March 2018

Presented by:



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

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Executive Summary

This report is the strategy for the Assembly of Manitoba Chiefs on child welfare reform. It contains the findings from the Assembly of Manitoba Chiefs Women's Council Strategic Planning Session on child and family welfare held on March 9 and 10, 2018.

The Women's Council oversees the child and family welfare file at the Assembly of Manitoba Chiefs and developed this foundational strategy to assist in navigating the current Manitoba Child and Family Services landscape and to guide further work on the Assembly of Manitoba Chiefs and Government of Canada Memorandum of Understanding on child welfare reform.

The Memorandum of Understanding presents a way for the First Nations to work with the Government of Canada to address key issues in child and family welfare, to assert jurisdiction in caring for our children and to transform First Nations child and family welfare in Manitoba.

In the report, factors that support and challenge First Nations' jurisdiction in the area of child welfare, a vision of First Nation jurisdiction in the area of child welfare and broad strategic directions needed to implement the vision, including needed priorities are outlined.

The foundational strategy requires exerting our jurisdiction of child and family welfare; strengthening relationships with First Nations leadership, communities and Provincial/Territorial Organizations and building and defining relationships with the Government of Canada and the Province of Manitoba.

The alignment of the Assembly of Manitoba Chiefs and Canada Memorandum of Understanding and the federal government's plan to reform the child welfare system offers a unique opportunity for Manitoba First Nations to exert our inherent jurisdiction over our children and develop a First Nations system reflective of First Nations traditional laws for child and family welfare.



This report was presented and reviewed at the March 19 and 20, 2018, Assembly of Manitoba Chiefs emergency meeting on child welfare. Manitoba Chiefs-in-Assembly accepted this report and a work plan at the March 21 and 22, 2018, Special Chiefs Assembly on Education in Long Plain First Nation. Through resolution the Chiefs mandated the Assembly of Manitoba Chiefs Secretariat to move forward with the necessary work to see full jurisdiction and authority over our own children realized. Additionally, a Manitoba First Nations Declaration of Principles on Inherent Sovereignty and Responsibility Over Our Own Children was developed to lay out a collective position that advances First Nations' jurisdiction in the area of children and families.

Table of Contents

Executive summary	i
Introduction	1
Meeting activities	1
Overview of current context	2
Force field analysis	4
What holds us back?	4
What moves us forward?	5
Vision for the future	7
Broad strategies	8
Foundation building	9
Exerting our jurisdiction.....	10
First Nations leadership and communities.....	11
Provincial Territorial Organizations	11
Agencies	12
Relationship with the Government of Canada	12
Relationship with the Province of Manitoba	13
Moving forward.....	14
Appendix A	15



From left to right: Councillor Shawna Henderson, Fox Lake Cree Nation; Chief Karen Batson, Pine Creek First Nation; Chief Viola Eastman, Canupawakpa Dakota First Nation; Councillor Samantha Folster, Norway House Cree Nation; Grand Chief Arlen Dumas, Assembly of Manitoba Chiefs; Chief Stephanie Blackbird, O-Chi-Chak-Ko-Sipi First Nation; Chief Francine Meeches, Swan Lake First Nation; Chief Priscilla Colomb, Marcel Colomb First Nation; and Guest Councillor Germaine Cameron, Swan Lake First Nation.

Introduction

On March 9 and 10, 2018, the Assembly of Manitoba Chiefs (AMC) Women's Council worked with LAHRK Consulting to begin developing a strategic plan to address the current crisis in child welfare. With over 11,000 children in Child and Family Services (CFS), 90 percent of whom are Indigenous, this is an urgent issue for First Nation families and communities.

The goal of the meeting was to build a foundation from existing work and begin the development of a collaborative and comprehensive strategy that will assist in navigating the Manitoba CFS landscape and that will guide further MOU (Memorandum of Understanding) work. It did so by identifying the next steps needed to move forward with building relationships and asserting and implementing First Nations' jurisdiction in the area of child welfare. Building on the *Keewaywin Engagement Manitoba First Nations Child and Family Services Reform Report* and the MOU between the AMC and Canada, the Women's Council recognized there is currently a unique opportunity to address the CFS crisis by pursuing First Nations jurisdiction of child welfare.

The Women's Council noted that the discussion cannot be about fixing the system or about pouring more money into a broken system. Instead, it must be about creating a new system based on First Nations cultural and traditional childrearing practices. A new system would be shaped by:

- Customary care—drawing on traditional values and approaches to raising and supporting children;
- Prevention, not apprehension—avoiding the need for child apprehension by focusing on supports, programs and funding to strengthen families and communities;
- Support for the whole family, not just the child—supporting parents and extended families in their own healing to create a healthy home for the child; and

- Keeping the child in the family, in the community, and in the nation—ensuring that when apprehension is necessary, the child stays as close to home as possible.

This report presents the outcomes from the Women's Council meeting. It builds on the groundwork already laid through numerous AMC resolutions, reports and legal rulings to assert a path forward for First Nations to exert their jurisdiction in the area of child welfare. It reflects the unified voices of the AMC Women's Council as they oversee the child welfare file at AMC.

The AMC and the Women's Council make special mention of the importance of leadership serving on agency boards and the workers carrying out the challenging work of our First Nations Agencies and on behalf of our children.

Meeting Activities

The meeting began with a short overview of the current context, including the roles and positions of the AMC, Province of Manitoba and Government of Canada. The Council then completed a Force Field Analysis, identifying the factors that support and challenge First Nation jurisdiction in the area of child welfare. This initial discussion developed into the creation of a vision of First Nation jurisdiction in the area of child welfare.

The Council then discussed the broad strategic directions needed to implement the vision, outlining needed priorities. Finally, the Council examined six key issues: First Nations leadership and communities, exerting our jurisdiction, relationships with Provincial/Territorial Organizations (PTOs), the Government of Canada and the Province of Manitoba. For each issue, the Council identified actions that could be undertaken to move towards First Nation jurisdiction and a First Nation model for child welfare.

Overview of current context

The current system of child welfare in Manitoba does not meet the needs of First Nations, communities, families or children. It does not reflect First Nation values, does not support the whole family as a resource for the child and removes children from their families and communities, often for months or years. In many cases, the reason for apprehension is based on systemic factors related to poverty and/or the social determinants of health; it is often not a matter of poor parenting or abuse, but a lack of resources and capacity available to the family and community to ensure healthy outcomes for the child. As such, the current child welfare system is part of a broader practice of cultural genocide, extending the colonial frameworks of the residential schools and the Sixties Scoop into the present day.¹

There are currently a number of factors coming together to create an opportunity for change in the child welfare system in Manitoba. The first five Calls to Action of the 2015 Truth and Reconciliation Commission (TRC) of Canada directly address child welfare, affirming the role of First Nations in leading child welfare policy, recognizing the disruptive

legacy of residential schools in parenting and family development and calling for the immediate implementation of Jordan's Principle.^{2,3} The Canada Human Rights Tribunal (CHRT) released a decision in 2016 in which it ordered that Canada "cease its discriminatory practices and reform the First Nations Child and Family Services (FNCFS) Program ... [and] take measures to immediately implement the full meaning and scope of Jordan's Principle."⁴ These two documents lay out the challenges of addressing the issues in the current child welfare system and identify entrenched discrimination and the resulting intergenerational trauma as essential elements to be addressed.

Child welfare reform and care for children and families has been a growing priority for the AMC, with a number of resolutions focusing on the importance of First Nation self-determination and leadership in the area.⁵ In 2017, the First Nations Family Advocate Office undertook an extensive community engagement process to "develop FNCFS Program reform options that respond to the CHRT decision, Canada's acceptance of the Tribunal decision, the TRC's Calls to Action relating to child welfare and AMC resolutions directly related to child welfare reform."⁶ Through an in-depth engagement process, including engagement sessions with 23 First Nations, rights holders and stakeholders developed a large number of recommendations for the reform of the child welfare system and the implementation of Jordan's Principle.

Also in 2017, the AMC signed an MOU with the Government of Canada to establish meetings to discuss child and family welfare. In particular, these meetings are intended to address recognition and respect of First Nations' jurisdiction in the area of child well-being. In 2018, the Government of Canada released a six-point plan to address the systemic problems in First Nations child welfare across the country. The six points are:



- Continuing the work to fully implement all orders from the Canadian Human Rights Tribunal;
- Shifting the programming focus to prevention and early intervention;
- Working with our partners to support communities to draw down jurisdiction in the area of family and child welfare, including exploring co-developed federal legislation;
- Supporting Inuit and Métis leadership to advance culturally-appropriate reform;
- Developing a data and reporting strategy with provinces, territories and Indigenous partners; and
- Accelerating the work of trilateral technical tables that are in place across the country.⁷

The emphasis on implementing the orders from the CHRT and on drawing down jurisdiction, along with the MOU, begins to address the systemic exclusion of First Nation leadership in the area of child and family welfare. The growing awareness of the impacts of the current child and family welfare model on First Nation children and families, along with the recognition of the need for First Nation leadership and self-determination, opens a window for movement toward a new way of addressing the care of children and families.

The Province of Manitoba is also moving towards change in CFS. In October 2017, it announced that the child welfare system would be revamped to address rising costs and the increasing numbers of children in care. The Province's four-point plan proposes to work towards community-based prevention, family reunification and permanent guardianships, block funding and legislative reform.⁸ The AMC has raised numerous concerns with the four-point plan. The concerns include lack of meaningful consultation with First Nations; the risk of losing children to permanent non-First Nation guardians; an approach to First Nation customary care that is defined and legislated by the Province; mandatory block funding agreements for child maintenance tied to consent

to allow the practice of Children's Special Allowance (CSA) claw back; and a lack of recognition of First Nation jurisdiction and a nation-to-nation relationship.

Despite the concerns relating to the Province's approach to child welfare reform, the alignment of the MOU and the federal government's six-point plan offers a unique opportunity for First Nations to lead the overhaul of the child and family welfare system. The rest of the report presents some of the steps needed to make this a reality.

¹ First Nations Family Advocate Office. 2017. *Keewaywin Engagement Manitoba First Nations Child and Family Services Reform Final Report September 2017*. Long Plain First Nation: Assembly of Manitoba Chiefs.

² Truth and Reconciliation Council of Canada. 2015. *Truth and Reconciliation Council of Canada: Calls to Action*. Winnipeg: Truth and Reconciliation Commission of Canada.

³ Jordan's Principle is a child-first principle. It states that the government or department that first encounters the child in need will provide the needed services, and will, if necessary, contact the department responsible for paying for the service after the fact. Jordan's Principle is intended to ensure that Indigenous children receive the same care in the same timeframe as would be available to other Canadian children.

⁴ Canadian Human Rights Tribunal. 2016. *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*. 2016 CHRT 2, para.481. Accessed at https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/127700/index.do#_Toc441501141

⁵ APR-17.01, Expansion of the First Nations Women's Council (FNWC) Mandate to Include Child and Family Matters; APR-17.02, Amendment to the AMC Constitution Re: Inclusion of the Role of the Grandmothers' Council; APR-17.04, A File by File Audit of Child and Family Services Agencies; APR-17.05, Children's Special Allowance Recoveries; APR-17.06, First Nations Law on Children and Families; APR-17.07, Parity of On-Reserve Income Assistance and On-Reserve Foster Care Rates; APR-17.12, Assembly of Manitoba Chiefs and Jordan's Principle Engagement and Service Coordination.

⁶ First Nations Family Advocate Office, 2017, p.3.

⁷ Tasker, P. 2018, January 25. Jane Philpott unveils 6-point plan to improve 'perverse' First Nations child welfare system. CBC News. Accessed at <http://www.cbc.ca/news/politics/jane-philpott-six-point-plan-first-nations-child-welfare-1.4503264>

⁸ Province of Manitoba. 2017. *Transforming Child Welfare in Manitoba*. Accessed at https://www.gov.mb.ca/fs/childfam/pubs/child_welfare_reform.pdf

Force field analysis

In order to identify the opportunities and constraints affecting the potential for First Nations to assert jurisdiction in the area of child and family welfare, the Women's Council completed a Force Field Analysis. A Force Field Analysis is a tool used to identify the various forces affecting how a situation may resolve. It may include negative forces that push the situation in a detrimental direction; it may also include positive forces that push the situation towards a desirable outcome. In small groups, Council members brainstormed and compiled notes on the factors that influence the current context of child welfare.

What holds us back?

There are a number of barriers that hold First Nations back from achieving jurisdiction in child welfare. The Women's Council identified four significant areas of challenge that hold First Nations back from moving towards jurisdiction in child welfare. The first area of challenge is the **role of federal and provincial legislation and policy**. This was expressed through comments such as:

- Provincial/federal policies
- Governments think they know what is best for us!
- Jurisdiction
- Federal government legislation needs change
- Provincial government legislation and discriminatory policies
- Boundaries on/off reserve
- Agencies and authorities are controlled and conditioned by policy and legislation
- Child and Family All Nations Coordinated Response Network (ANCR)
- Justice system
- Permanent wards

The second area of challenge is that **too many children are apprehended because of systemic factors**, including poverty and inadequate resources and the lingering effects of colonial policies. This was expressed through comments such as:

- Historical trauma, residential schools, Sixties Scoop, etc.
- Sixties Scoop, residential school mentality (lesser people)
- Lack of traditional and cultural teaching
- Misappropriation of our traditional knowledge, values, teachings and practices
- Discrimination
- Lack of funding to address social issues/prevention
- Kids in hotels
- Poverty
- Social determinants to health
- Safety
- Housing
- Isolation
- Language
- Trauma
- Birth alerts and children apprehended at birth

The third area of challenge is the **power imbalances in the current child welfare system**, and the resulting effects on parents, extended family and the community. This was expressed through comments such as:

- Imposing on families and making unfair restrictions
- Too much power to foster parents/need to believe in family unity
- No, or lack of, participation by First Nations
- Not enough supports for our families (legal) when children apprehended
- Supports needed for parents! Supports not punish!
- Lack of supports in the community

- We are not worthy
- Apathy as grassroots people feel they are not being heard

The fourth area of challenge is the lack of accountability, information and coordination to effectively manage the complexity of the child welfare system and the need for inclusion of First Nation leadership. This was expressed through comments such as:

- First Nation leadership not understanding system
- Lack of common vision
- No communication, or lack of, [between] PTOs, Leadership, AFN Regional Chief
- No unity amongst Manitoba PTOs
- Ego
- Fear in agency workers of losing their jobs

These are considerable challenges. They point to issues that are larger than simply the child welfare system itself: the colonialism and inequality ingrained in federal and provincial legislation and policies; the entrenched poverty and trauma resulting from said policies; the power imbalances that make it difficult to support families through the child welfare system; and the complexity and competing priorities that make it very difficult for First Nations to address child welfare as an isolated issue.

What moves us forward?

At the same time, there are a significant number of strengths and opportunities for First Nation action in the area of child welfare. The Council identified

four significant areas of strength that support First Nations in moving towards jurisdiction in child welfare. The first area of strength is the sense of **self-determination and autonomy for First Nations to chart their own future and have full control over their own decisions, people, families, communities and nations**. This was expressed through comments such as:

- Creating our own destiny
- Recognizing and celebrating our resilience as First Nations people!
- Federal legislation and First Nation impact
- Eliminate Province!
- Breaking barriers
- Resources and Funding
- Our future as First Nations people is dependent on us

The second area of strength is that the Women's Council and First Nations are striving to **be unified and raising their voices together in working towards common goals**. This was expressed through comments such as:

- One voice; one direction
- Manitoba Chiefs unite & collective voice
- Unity among Manitoba PTOs and AFN Regional Chief
- All First Nations have got to be in unison; not have own agendas
- A set plan
- Making sure our voices are heard!



The third area of strength is the **power of First Nation culture, language, tradition, ceremony and knowledge**. First Nation traditional practices are a source of strength. This was expressed through comments such as:

- The strength of our culture and languages
- Culture
- Relearn roles and responsibilities of each group of people—family circle
- Our sacred teachings
- Determination
- Cultural & traditional
- Leadership to touch the spirits of our communities
- Our ceremonies and traditional knowledge
- Living by our traditional values
- Traditional practices
- Customary care—First Nation perspective
- Guidance of Elders
- Kinship
- Gender equality balances views
- Our Ancestors are watching us
- Our role as life givers, mothers, kokums
- Responsibilities

Finally, the fourth area of strength is **the community and its capacity to nourish and heal the children, youth, women and men, and Grandmothers and Grandfathers to build healthy relationships**. This was expressed through comments such as:

- Community members and families are informed and help us move forward
- Relationships
- We want healthy communities, families
- Empowerment of women and the importance of healing; it is not until that happens that a community heals
- Listening to the impacts of the children at the community level
- Healthy families
- Detox and family rehab
- Supporting families
- Empowering families, parents to better provide for children; how they view better—every family is different
- Empowering families to have a voice
- Home visits face-to-face with families, rather than meetings at higher level all the time
- Love for our children and families
- Reunification
- Parental supports re. addictions etc.
- Partnerships, referral systems
- More workers (& training), cultural based training for non-First Nation workers
- Training and certification
- Access to education and training in community moves us forward

This remarkable list of strengths and supports provides a solid foundation on which to build a new approach to address child and family well-being in First Nations. Building on inherent right to self-determination, First Nations are working together to enhance and lift up their cultural and traditional practices and language. By supporting healthy relationships for all members of the community, and by providing their own services in an appropriate way, First Nations strengthen their communities—children and families together—for the future.



Vision for the future

The Women's Council discussed and agreed upon many elements of a vision for how children, families and communities would be supported under a First Nation-led model. Their vision rests on First Nation jurisdiction. It is family-centered; builds on support from the whole community; incorporates traditional values and teachings; is more holistic in its approach to child welfare; and creates a new model with new policies and practices.

First Nation jurisdiction is a key element in the revision of child and family welfare. First Nations never gave up the right to their children. A mix of Provincial and federal policies and procedures, combined with insufficient funding, has created a system where individual families and First Nation communities have been unable to exercise self-determination in caring for their children. The new model upholds and supports First Nation jurisdiction, enabling a more holistic approach to child welfare.

A First Nations' child and family model of care is **family-centered**. The whole family is involved with support and resources focused on helping all members of the family build strong and healthy relationships. Parents receive supports (e.g. parenting programs, addictions counseling, etc.) to keep the family together. Families are encouraged to spend time together and to develop internal strength and positive relationships, rather than looking to external sources for affirmation.

The **whole community** and the family are involved in keeping children safe. Child welfare programs and staff are not feared, but are seen as a resource. Schools and other institutions are educated on medical and other issues to be able to support children and families. Grandmothers and Elders play an important role, leading the community by teaching and supporting families and children. Whether

living on reserve or off, children have a relationship with their First Nation and with the community.

The land plays a central role in developing and implementing a new approach to child and family welfare. The new system incorporates **Traditional values and practices**, including language, kinship and the land. This offers the opportunity for healing in relationship with the land and connecting children—especially those who grow up in the city—to the community. Going back to the land enables healing and would contribute to all structures in First Nations, including justice, education and health systems.

Too often, children are apprehended because of poverty, rather than because of parenting issues. No child should be removed from the family or community because of poverty. The new model is more holistic and **addresses broader issues of poverty and health**. A social determinant of health approach—recognizing that health is affected by systemic socio-economic factors, rather than individual choices—illuminates the systemic factors that need to be addressed to create healthy homes and families.

Finally, it is not enough to reform the old system of child welfare; **a new model, with new policies and practices**, must be created. The First Nations model for child and family welfare will utilize the expertise, knowledge, hard work and passion of existing agency staff already working in First Nations communities and with First Nations people, providing an opportunity for agency staff to work in a truly First Nation system that is unburdened by provincial legislation.

Staff is trained, and foster parents screened, to support the new, family-centered model. First Nations are better able to track their children, including in urban centres, and plans for aging out of care, especially when children live off reserve, are implemented. The new system receives the amount of funding it would need (at least as much as CFS currently receives). Funding formulas are equitable, and there is a watchdog in place to ensure that the funding is fair and sufficient to enable prevention rather than apprehension.

Broad strategies

In seeking to implement their vision, Council members reviewed the recommendations that emerged from the *Keewaywin* report and shared stories of child welfare from their own communities. Through discussion, they described a wide variety of aspects of child welfare, recognizing that it cannot be separated from other policies. They also discussed the bigger context of child welfare in Manitoba, and how it is connected to a large-scale institutionalization of First Nation children (and adults), including through the justice and health systems. The result is an overarching framework of action and strategies that, if implemented, would create substantial movement towards a new model for child and family welfare in Manitoba.

At a high level, **self-determination and self-governance** would play a major role in enabling First Nation leadership in a new child and family welfare model. First Nations may develop their own constitutions, laying out roles and responsibilities, not only for the leadership but also for the membership. This would empower members to take responsibility in the community, building stronger relationships and caring for the community as a whole. Moreover, the Province of Manitoba must respect the right of First Nations to self-determination and to use their own laws and protocols as part of the nation-to-nation relationship to Canada.

As part of the self-determination and self-governance approach, First Nations can create **local structures**

and processes to support child and family welfare.

While templates may be created by AMC or other collaborative bodies, each First Nation would need to revise and customize the templates in order to create its own structures and processes. The structures and processes will be developed through engagement with the community, recognizing that the power lies within the people to take care of the children. Stories about child welfare will be shared with the leadership to ensure that the leadership is aware of emerging challenges and opportunities. First Nations may wish to develop their own laws for child welfare and

may develop custom councils with headwomen and men representing families as part of the new model. Current workers in local CFS offices will be retained and will receive training in the new approach.

A First Step: A First Nations CFS meeting of Agencies and Authorities took place on March 13-15, 2018—the North and South Regional Meeting. The MOU and the goal of First Nation-led child and family welfare were presented at that meeting. This will begin the process of sharing information with Agencies and Authorities to bring them on board with the new direction for child and family welfare.

Unity among First Nations in Manitoba and their representative PTOs is important in asserting a new vision and direction for child and family welfare. The AMC, Southern Chiefs' Organization (SCO) and Manitoba Keewatinowik Okimakanak (MKO), along with the Manitoba Regional Chief of the Assembly of

First Nations (AFN) must work together and share information. Each PTO must have a defined role in working to support children and families. Building on the mandate and resolutions from the AMC, the roles for each PTO may be different, but all can work together, as described in the AMC, MKO and SCO Political Unity Accord, towards agreed-upon goals.

Finally, there are a number of **barriers and issues created by the current child welfare system**, which must be addressed. The complexity of these barriers

and issues, as well as the lack of control by First Nations, indicate that simply adding more funding will not solve the problem; what is needed is a complete overhaul of the system. This will require dialogue and communication between Agencies, First Nations, the PTOs and the Provincial and Federal governments to make sure everyone is on the same page, and regional advisory committees, working with the Province, Authorities and Agencies, must include First Nation leadership.

The current funding approach must be revised to address the provincial government claw back of CSAs, problems with the proposed block funding approach and the lack of clarity about how much money is actually needed. There should be no more permanent wards in the system and family reunification must be supported as a goal for every child and family. Mediation processes are needed to address conflicts and support families as they work through conflict. There must be leadership involvement in First Nations Child Welfare Committees and a leadership council in regional authorities to act as policy advocates for the families and children in the system. Children must have access to the services they need, when they need them, following Jordan's Principle and as reiterated by the recent CHRT ruling.

Foundation building

To address the broad strategies outlined above, the Women's Council worked in small groups to identify six key foundation-building areas:

- Exerting our jurisdiction
- Relationship with First Nations leadership and communities
- PTOs
- Agencies
- Relationship with the Government of Canada
- Relationship with the Province of Manitoba

The areas were developed in response to the question **“what steps are needed to implement First Nation jurisdiction?”** Council members discussed both specific actions to move towards First Nation jurisdiction and general principles and priorities for the new, emerging model. While not a complete action plan, the ideas presented here offer some next steps for the AMC and its partners to build the foundation for change.



Exerting our jurisdiction

First Nation jurisdiction supersedes Provincial legislation, and the Provincial role in First Nation child welfare must be eliminated. Following the discussion above, a new system for child and family welfare must respect First Nation culture, tradition and language. The new model must be culturally appropriate, involve all stakeholders and rights holders and build on ancient practices and traditions. It must be developed through engagement with Knowledge Keepers, Grandmothers and Elders, Youth and others to ensure that it is relevant and appropriate to the local First Nation context and priorities. It must also include a clear sense of unity for all stakeholders, building on a shared vision. A committee representing Manitoba First Nation concerns must be convened to contribute to a national discussion on child and family welfare.

The governance frameworks that support child and family welfare must reflect First Nation self-determination. First Nation leadership must be involved in any legislative or policy change affecting First Nation children and families and must work with the community to ensure that the new model is grassroots-driven. First Nations must be informed and empowered to remain aware of and in communication with their Nation's children after apprehension. Frontline workers must be brought on board to share in the vision of healthy communities, families

and children. Funding must be provided directly to First Nations through transfer payments. Family placements must be a priority, and housing must be available in the community for placements where necessary so that children do not leave the community. Prevention is a priority, and wellness/treatment centres will support whole families in caring for their children.

One action for First Nations is identified:

- Develop customary care practices, building support for the child from the family to the community to the nation

A number of additional actions arising from the concerns relating to jurisdiction and policy were identified:

- Apprehensions must be stopped
- Eliminate the system of permanent care wards
- Birth alerts and apprehensions must be shared with the child's First Nation so that it is aware and involved in the child's care plan
- A national registry for First Nation children must be created to share information about birth alerts, apprehensions and placements with the home community/First Nation
- A policy for information-sharing for a child who dies in the system must be created
- The CSA claw back must end
- The process for screening and communicating with foster care providers must be reviewed and improved
- More supports for parents and safe homes must be provided to support the focus on keeping the family together
- Healing centres must be created in each community





First Nations leadership and communities

This is an opportunity to revive and strengthen the five nation/language groups' legal traditions in Manitoba for caring for our children, families and communities.

It is essential to keep First Nations fully informed about the process and provide continuous opportunities to hear from First Nations to make sure the new model's intent of responding to First Nations' priorities, respecting First Nations' inherent rights and providing holistic care for children, families and communities remains the focus.

A number of specific actions to support communication with First Nation communities were identified:

- Assure communities that children and their safety come first
- Put rules and protocols in place to create safe spaces for discussion
- Include sharing circles, conflict resolution and restorative justice in communication
- Use easy-to-understand language in presentations and workshops and encourage engagement through real life stories in a high impact, relatable way
- Have traditional supports in place for children and families
- Include more private options (e.g. questionnaires), asking youth what they think and feel
- Provide role models in the community
- Reduce stigma around child welfare

- Inform agencies about the process
- Use local CFS offices to support the process

Provincial Territorial Organizations

The AMC, MKO and SCO have an important role to play in asserting First Nation jurisdiction in the area of child and family welfare. The three PTOs must work with local First Nation leadership and communities to respect the culture and traditions of each Nation. Each has a different mandate, but it is important to work together to review and achieve the objectives set out by the communities.

A number of actions for the three PTOs were identified:

- Develop a work plan to implement First Nation jurisdiction, including clearly defined objectives to ensure there is a good focus for the work to implement First Nation jurisdiction
- Clearly identify a realistic time frame and timeline in which to accomplish the goal of jurisdiction transfer
- Compile and review all resolutions from the PTOs relating to child and family welfare
- Clearly define the roles and responsibilities of each PTO
- Redefine and follow First Nation protocols for leadership, communication and accountability
- Divide the work between the three PTOs, while keeping it under one umbrella:
 - For example, MKO (North); SCO (South); AMC (All); AMC must hold the umbrella as it represents 62 out of 63 First Nations.
- Define the scope and responsibilities of the various groups working on this issue, including RAC, Leadership Council, etc.
- Develop a national committee to share information about First Nation child and family welfare across Canada
- Consult with communities on any legislative changes

In addition, a number of actions for First Nation and PTO leadership to undertake were identified:

- Develop a communication strategy to share the work being done with all communities, including:
 - Newsletter
 - Talk show for leadership to talk about important issues
 - Community bulletin
 - Dedicated website
- Respect the positions of the Grand Chief(s)
 - Be accountable for actions
 - Show solidarity every day
 - Come together regularly; not only in times of crisis
 - Have an order of protocol in place
- Be visible in the communities
 - Visit all communities at least once during their terms
 - Strengthen the relationships among the Grand Chief(s), between PTOs and First Nations leadership and between First Nations leadership and communities
 - Report regularly and in a timely way to build these connections

Agencies

There are many dedicated and professional First Nation Agency staff already working with our children and families. They have a significant role to play as First Nations exert our jurisdiction over child and family welfare. However, there is a great deal of conflict and tension between many First Nations and their local agencies because of the policy frameworks that constrain how the agencies operate and the extent to which they can internalize

First Nation priorities and processes. In many cases, there is a significant amount of fear and stigma connected to CFS agencies. The new model for child and family welfare currently being developed will require agencies to think outside of the box as they adapt to a new way, to a new protocol to change a broken system.

In the new model, agencies will be grassroots-driven, and there will be no stigma. Each community's families, Elders, youth, women and leadership will contribute to the creation and implementation of child and family welfare. Participatory processes for front-line workers will enable them to contribute to legislation and policies to build the new model. The new model will expand the mandate of the agencies to focus on the family, not just the child, and it will include key people (e.g. mothers, aunts, grandmothers). Agencies will have traditional, rather than institutionalized names (e.g. Home Keepers). Funding, including capital for special projects, will be needed to create First Nation agencies under First Nation jurisdiction.

Relationship with the Government of Canada

The Government of Canada seeks to have a nation-to-nation relationship with First Nations. From a First Nations perspective, this relationship is premised on the inherent sovereignty of First Nations and, to be successful, it must be built on a foundation of trust, respect and honesty, as well as First Nation self-determination and autonomy. Each First Nation must be free and able to define itself, including its citizenship; this must not be imposed by the Government of Canada. However, how the nation-to-nation relationship is perceived by the federal departments depends on the government of the day.

Accountability, transparency, truthfulness and financial responsibility are key principles that will strengthen the relationship between the Government of Canada and First Nations. The Government must be open, and there must be opportunities for

dialogue with the Prime Minister. One-on-one relationships between First Nations, AMC and the Government must be created and reinforced to deal directly, and only, with federal departments.

A number of actions to build a stronger relationship with the Government of Canada were identified:

- Honour the Treaties
- Provide transfer payments directly to the First Nation (not the Province) so that the Nation can more easily access needed funds
- Provide funding for off-reserve members
- Ensure adequate funding for quality child care
- Change spending policies to reflect First Nation authority
- Stop providing substandard services to First Nations
- Eliminate stereotyping and labeling, and educate newcomers on First Nations issues
- Uphold its fiduciary responsibility to First Nations

Relationship with the Province of Manitoba

The Province of Manitoba has claimed responsibility for child welfare even though First Nations have the inherent right to care for and raise our own children. Through CFS, the Province has created a system of policies and practices that have resulted in the apprehension of a vastly disproportionate number of First Nations children. This system does not work for First Nations. Challenges in addressing the relationship with the Province include its paternalistic attitudes towards First Nations people and its reluctance to engage in honest, open engagement that respects First Nations' jurisdiction. The Province has been prescribing child welfare policies for far too long.

The most important point as First Nations transition to a new model of child and family welfare is to put the child first. This requires an immediate end to

incentivizing child apprehension, and that the Province respect First Nation leadership and communities as the process of disengaging from the current model takes place.

A number of actions to build a new relationship with the Province were identified:

- First Nations and the Province will meet in ceremony
- Define protocols for consultation
- Clearly defined boundaries for Provincial access to communities
- First Nation children must be placed in culturally appropriate homes only within the family, community and/or Nation

In addition, a number of actions were identified for the Province:

- First Nations and the Province will meet in ceremony
- Honour First Nations and their inherent rights
- Return to First Nations' intent for child and family welfare
- Work to end systemic racism against First Nations people
- Provide adequate supports for healthy communities and prevention of child apprehension



Moving forward

There is currently a great deal of attention being paid to child welfare in Manitoba. The Government of Canada has shown an interest in addressing child welfare and in supporting First Nations in creating their own models to support children and families. The MOU between the AMC and Canada presents a way for First Nations to work with the Government of Canada to address key issues in child and family welfare and to assert self-determination in caring for our children. The result is a unique opportunity to transform First Nations child and family welfare in Manitoba.

The *Keewaywin Engagement Manitoba First Nations Child and Family Services Reform Final Report* describes the opportunities, challenges, priorities and concerns relating to child and family welfare of First Nations in Manitoba. Through a detailed engagement process with First Nations across Manitoba, the report presented a wealth of information and strategies which support the AMC in its efforts to build stronger families and community; to strengthen First Nation culture, language and traditions; to address key infrastructure needs that affect capacity for child rearing; and to advocate for children to be supported with first-rate, equitable on- and off-reserve resources.

Building on the *Keewaywin Report*, the vision, strategies and foundational steps outlined in this strategic planning report provide the next steps towards the creation of a new model of child and family welfare based on First Nation jurisdiction in Manitoba. The vision focuses on prevention, strengthening First Nations and keeping children safe within the family, community and nation. It is rooted in the customary care traditions and values of individual First Nations, and supported by the AMC Women's Council in a unified and powerful voice.

The next step for the AMC is to incorporate this report's strategies and foundational steps into the AMC-Canada Draft Work Plan that includes timelines and actions assigned to specific parties. It can include

actions relating to the six areas included here: exerting our jurisdiction, relationships with First Nation leadership and communities, relationship with agencies and relationships with PTOs, the Government of Canada and the Province of Manitoba. The plan requires accountability from not only AMC, but also from the other PTOs, from First Nations and First Nation leadership, from the Government of Canada and from the Province of Manitoba. Implementing the MOU and working with PTOs and First Nations communities is the first step in building a new model for child and family welfare in Manitoba. Working together in this moment of opportunity will bring our children home.

The AMC Chiefs-in-Assembly reviewed and endorsed this report *Setting the foundation for change: A strategy towards First Nations' jurisdiction of child welfare in Manitoba* at the March 21-22, 2018, Special Chiefs Assembly on Education in Long Plain First Nation. This report is a result of the work of the AMC Women's Council. It compiles results of their strategic planning on how to move forward on the AMC-Canada MOU on families and children that reforms First Nations CFS.

At the March 19 and 20, 2018, AMC emergency meeting on CFS, the AMC Women's Council presented this report, along with a proposed draft work plan. From discussions at the emergency meeting, the need for a declaration was identified. This resulted in the *Manitoba First Nations Declaration of Principles on Inherent Sovereignty and Responsibility Over Our Own Children* (see Appendix A). The Declaration has 14 principles and lays out a collective position defined by Manitoba Chiefs that advances First Nations' jurisdiction in the area of children and families.

AMC Resolution MAR-18.03 RE: *Support for Strategic Plan, Work Plan, and Declaration on Families and Children* (see Appendix A) endorsed this report, work plan and declaration, and mandated the AMC Secretariat to move forward with the necessary work to see full jurisdiction and authority over our own children realized.

The power is within us, our communities and our nations.

Appendix A

ASSEMBLY OF MANITOBA CHIEFS
Chiefs Assembly on Education
Keeshkeemaquah Conference Centre
Long Plain First Nation
March 21 & 22, 2018

CERTIFIED RESOLUTION

MAR-18.03

**RE: SUPPORT FOR STRATEGIC PLAN, WORKPLAN, AND DECLARATION ON
FAMILIES AND CHILDREN**

WHEREAS, First Nations have inherent jurisdiction of their children and families; and

WHEREAS, in November 2017 AMC Chiefs-in-Assembly moved resolution NOV-17.02, *Re: Memorandum of Understanding Between the AMC and Canada on Child Welfare* that seeks to have a nation to nation relationship to reestablish First Nation jurisdiction for Child Welfare and reform of the First Nations Child and Family Services Program; and

WHEREAS, on March 19 and 20, 2018 the Assembly of Manitoba Chiefs held a two day emergency meeting on Child and Family Services in response to the province of Manitoba's unilateral reform initiatives; and

WHEREAS, the AMC Women's Council presented an update at the emergency meeting on CFS and presented a draft strategic plan titled *Setting the Foundation for Change: A Strategy Towards First Nations' Jurisdiction of Child Welfare in Manitoba* and a draft Workplan for the AMC-Canada MOU for Families and Children; and

WHEREAS, at the emergency meeting on CFS a proposed *Manitoba First Nations Declaration of Principles on Inherent Sovereignty over Our Own Children* was read out (attached).

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly support the strategic plan, workplan and the Manitoba First Nations Declaration of Principles on Inherent Sovereignty over Our Own Children.

CERTIFIED COPY
of a Resolution Adopted
on March 21 & 22, 2018
Long Plain First Nation, Manitoba


Grand Chief Arlen Dumas



March 21, 2018

Manitoba First Nations Declaration of Principles on Inherent Sovereignty and Responsibility Over Our Own Children

1. Our children are on loan to us just as we are all Creator's children. It is our responsibility to care, love, protect, nurture and teach them to ensure a good, happy and healthy life.
2. Our sovereign Nations, the Anishinaabe, Nehethwuk/Ininiwak Anishiniwak, Dakota Oyate and Denesuline, represented by 62 First Nations in Manitoba assert and maintain our sovereignty, self-determination and inherent jurisdiction over our own children and families in our own territories, wherever they live on or off reserve.
3. *Wahbung: Our Tomorrows* responded to a critical time, and now, the call for unity must again rise to see all Manitoba Chiefs, Chiefs' organizations and First Nation's Agencies and staff work towards a First Nations Child and Family Services system that truly advances First Nations' jurisdiction in the area of children and families.
4. We no longer accept provincial control over our children and families, and we unite to assert our inherent jurisdiction over our children and to remove our children from the imposed provincial child welfare system that is not reflective of the identities of our children, families and communities.
5. We will continue to pressure the Province of Manitoba on the required work of the Aboriginal Justice Inquiry-Child Welfare Initiative so that First Nations reclaim full authority, not only delegated authority, over our child, family and community well-being matters.
6. We support the Assembly of Manitoba Chiefs and Canada Memorandum of Understanding on Child Welfare that includes joint discussions recognizing and respecting First Nations' inherent jurisdiction over the well-being of our families, leading to the restoration of full jurisdiction of child and family matters and leading to the reform of the federal First Nations Child and Family Services Program accordingly.
7. We will pursue codifying our own laws relating to children and families that reflect the traditions, customs and practices of the five nation/language groups.
8. With our Nation-to-Nation partner the Crown, we will co-develop enabling legislation that recognizes our First Nations' laws and supersedes provincial jurisdiction over our children.
9. We will engage our communities to participate in discussions concerning the current provincial Child and Family Services system and moving forward towards self-determination.
10. We will invite the Province of Manitoba to participate in discussions regarding issues, and at times and on terms as agreed upon by the Parties.
11. In the work done through the Assembly of Manitoba Chiefs and Canada Memorandum of Understanding on Child Welfare, Manitoba First Nations will create a First Nations system for child welfare that represents our families' and children's best interests based on our customary care practices, which are integral to achieving the good life.

12. The signatories of this Declaration of Principles attest that the Province of Manitoba's child welfare reform plan is not in the best interest of First Nations, and their unilateral changes to the Child and Family Services Act supported by an invalid consultation process contradict this Declaration of Principles; and therefore, are not supported or endorsed by the Assembly of Manitoba Chiefs.
13. It is critically important that we commit to protect the connection between mother and father, child, family and community. The Creator gave us the right to raise our children. The Creator doesn't give us children that we are not meant to have. It is our utmost responsibility to protect and nurture that connection.
14. As leadership, we are vested with the responsibility of carrying that collective mandate of our Nations forward in respect, truth, courage, humility, wisdom, honesty and love.

