

Fifth Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dave Gaudreau
Constituency of St. Norbert

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Fortieth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Monday, March 7, 2016

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Dave Gaudreau
(St. Norbert)

VICE-CHAIRPERSON – Mr. Matt Wiebe
(Concordia)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Mr. Allum, Hon. Mses. Irvin-Ross,
 Marcelino, Hon. Messrs. Nevakshonoff,
 Robinson*

*Messrs. Briese, Gaudreau, Helwer, Martin,
 Wiebe, Wishart*

Substitutions:

Mr. Helwer for Mr. Ewasko

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

*Bill 5–The Surface Water Management Act
 (Amendments to Various Acts to Protect Lakes
 and Wetlands)*

Mr. Greg Bruce, Ducks Unlimited Canada

*Mr. James Battershill, Keystone Agricultural
 Producers*

Ms. Alexis Kanu, Lake Winnipeg Foundation

*Bill 13–The Education Administration
 Amendment Act (First Nations, Métis and Inuit
 Education Policy Framework)*

*Ms. Sharon Parenteau, Manitoba Metis
 Federation*

*Mr. James Wilson, Treaty Relations Commission
 of Manitoba*

*Ms. Aimée Craft, National Centre for Truth and
 Reconciliation*

Ms. Siobhan Faulkner, private citizen

Mr. Norm Gould, Manitoba Teachers' Society

*Bill 15–The Child and Family Services
 Amendment Act (Recognition of Customary Care
 of Indigenous Children)*

*Ms. Judy Mayer (by leave), Métis Child and
 Family Services Authority*

*Ms. Billie Schibler, Métis Child and Family
 Services Authority*

*Ms. Tara Petti, Southern First Nations Network
 of Care*

*Ms. Brenda Watt, First Nations of Northern
 Manitoba Child and Family Services Authority*

*Mr. Bruce Unfried on behalf of Ron Monias
 (by leave), First Nations of Northern Manitoba
 Child and Family Services Authority*

Ms. Lore Mirwaldt, private citizen

Mr. Wallace McKay, private citizen

Mr. Chris Baker, private citizen

Mr. Jim Bear, Southeast Tribal Council

*Ms. Rhonda Kelly (by leave), Southeast Child
 and Family Services*

Bill 17–The Manitoba Teachers' Society Act

Mr. Norm Gould, Manitoba Teachers' Society

Bill 18–The Path to Reconciliation Act

Mr. Murray Sinclair, private citizen

*Ms. Aimée Craft, National Centre for Truth and
 Reconciliation*

WRITTEN SUBMISSIONS:

*Bill 5–The Surface Water Management Act
 (Amendments to Various Acts to Protect Lakes
 and Wetlands)*

*Joe Masi, Association of Manitoba
 Municipalities*

*Bill 15–The Child and Family Services
 Amendment Act (Recognition of Customary Care
 of Indigenous Children)*

Marcel Balfour, Assembly of Manitoba Chiefs

*Cora Morgan, First Nations Family Advocate
 Office*

MATTERS UNDER CONSIDERATION:

Bill 5—The Surface Water Management Act (Amendments to Various Acts to Protect Lakes and Wetlands)

Bill 13—The Education Administration Amendment Act (First Nations, Métis and Inuit Education Policy Framework)

Bill 15—The Child and Family Services Amendment Act (Recognition of Customary Care of Indigenous Children)

Bill 17—The Manitoba Teachers' Society Act

Bill 18—The Path to Reconciliation Act

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Mr. Chairperson: Good evening. I want to call the Standing Committee on Social and Economic Development to order.

This meeting has been called to consider the following bills: Bill 5, The Surface Water Management Act (Amendments to Various Acts to Protect Lakes and Wetlands); Bill 13, The Education Administration Amendment Act (First Nations, Métis and Inuit Education Policy Framework); Bill 15, The Child and Family Services Amendment Act (Recognition of Customary Care of Indigenous Children); Bill 17, The Manitoba Teachers' Society Act; Bill 18, The Path to Reconciliation Act.

I would like to remind the Standing Committee on Social and Economic Development that we will meet again, if necessary, on Tuesday, March 8th, and Wednesday, March 9th, 2016, at 6 p.m. to continue consideration of the bills on tonight's agenda.

How late does the committee wish to sit this evening?

Hon. Kerri Irvin-Ross (Minister of Family Services): Until we're concluded.

Mr. Chairperson: Okay. Is that good with the committee, until we're concluded? *[Agreed]*

Committee Substitution

Mr. Chairperson: We have—I'd like to make the following membership substitution effective immediately for the Standing Committee on Social and Economic Development meeting March 7th, 2016, for the PC Caucus: Reg Helwer is going to sit in for Wayne Ewasko. All right.

* * *

Mr. Chairperson: We have a number of presenters registered to speak tonight as noted on the list of presenters before you. On the topic of determining the order of public presentations, I will note that we have some out-of-town presenters in attendance marked with an asterisk on the list. With this consideration in mind, what order does the committee wish to hear the presentations?

Ms. Irvin-Ross: Out-of-towners first, please.

Mr. Chairperson: Okay. Agreed? *[Agreed]*

We also have a request from presenter Billy Schibler on Bill 15 to present jointly with Judy Mayer, who is from out of town. Does the committee agree to this request? *[Agreed]*

Written submissions from the following persons have been received and distributed to committee members: Joe Masi, Association of Manitoba Municipalities on Bill 5; Marcel Balfour, Assembly of Manitoba Chiefs on Bill 15; Cora Morgan, First Nations Family Advocate Office on Bill 15.

Does the committee agree to receive these documents and have them appear in the Hansard transcript of this meeting? *[Agreed]*

Public presentation guidelines. Before we proceed with presenters, we do have a number of other items and points of information to consider.

First of all, if there is anyone in the audience who'd like to make a presentation this evening, please register with the staff at the back of the room.

Also, if—for the information of all presenters, while written information is not required, if you're going to accompany your presentation with written materials, we ask you to provide 20 copies. If you need help photocopying, the staff at the back will help you as well.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presenters but five minutes allowed from committee members. I will raise my finger for a one-minute warning when you're getting to the last minute of your 10 minutes.

If the presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Prior to proceeding with public presentations, I'd like to advise members of the public regarding the process for speaking in committee. The proceeds of

our meeting are recorded to provide verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. It's a signal for the Hansard people behind me to turn on the mic.

And thank you for your patience; we will now proceed with presenters.

**Bill 5—The Surface Water Management Act
(Amendments to Various Acts to Protect
Lakes and Wetlands)**

Mr. Chairperson: I will now call on Bill 5, Greg Bruce, Ducks Unlimited Canada. He's an out-of-town presenter.

Do you have any written materials for the committee?

Great, okay. You can proceed when you're ready.

Mr. Greg Bruce (Ducks Unlimited Canada): Well, thank you, Mr. Chairman and good evening, respected members of our Legislature.

Handing out some briefing notes and, for your convenience, I've highlighted my speaking notes, but I've provided some additional information there for your perusal as well.

My name is Greg Bruce, head of industry and government relations for Ducks Unlimited Canada. Ducks Unlimited Canada is a private, science-based, not-for-profit conservation organization that conserves, restores and manages wetlands and grasslands to benefit waterfowl, wildlife and people.

Ducks Unlimited very much supports the passage of Bill 5, The Surface Water Management Act, in particular, the provisions contained in part 2 of the bill. On behalf of Ducks Unlimited I would like to recognize respective NDP and PC party House leaders for collaborating to ensure Bill 5 was able to navigate through second reading during a very busy time in Legislature.

I want to thank the honourable ministers Tom Nevakshonoff and Gord Mackintosh as well as departmental staff for listening to us and many Manitobans about the need to incorporate wetland-protection provisions into Bill 5. I also want to recognize Mr. Shannon Martin and the Honourable Jon Gerrard for offering us the same courtesy.

Ducks Unlimited has been actively working toward the culmination of this legislation for over 15 years now. The scientific evidence to support this

bill has grown significantly over that time. We presented data showing how ongoing wetland drainage negatively impacts our environment, our economy and our way of life. Research by government agencies, academics and Ducks Unlimited indicates that we've lost or degraded up to 70 per cent of our wetlands in many areas of Agro-Manitoba and wetland loss continues.

Wetland drainage greatly increases the volume and speed of water flowing onto downstream residents. A study released in 2014 by Dr. John Pomeroy of the University of Saskatchewan's Centre for Hydrology demonstrated that wetland drainage increased the 2011 peak–flood peak by 32 per cent.

Ducks Unlimited conservatively estimates that we have lost the equivalent flood-storage capacity of two Shellmouth reservoirs—35-mile-long Shellmouth reservoirs—due to the cumulative impacts of wetland drainage in southwestern Manitoba alone. The replacement cost for this lost protection is estimated at about \$127 million.

As we all know, Manitoba is particularly sensitive to extreme water events. During the spring—sorry, spring flood of 2011, 3 million acres of agricultural land went unseeded, costing the Manitoba economy in excess of \$1 billion. Just three years later, 3.5 million acres went unseeded or had crops drawn out as a result of flooding. The economic impacts from the lack of resiliency are borne first by the producer, but then, ultimately, the Manitoba taxpayer. The cost of these events will continue to climb as more wetlands are allowed to be drained.

Wetlands can also play an important role in drought mitigation by storing runoff and slowly releasing it into streams and groundwater. Wetland drainage destroys our natural watershed filters and converts these pesticide and nutrient sinks into sources.

In the document that I've provided, we have offered estimates quantifying the potential benefits and the associated economic implications of Bill 5. I won't—for the sake of brevity, I won't get into those details, but they're there for your reference.

As the science supporting the need for this bill has grown, so, too, have the dialogues, consultations and the public demand to protect wetlands. During the summer of 2010, the Manitoba Water Council hosted 22 public meetings in 11 communities across Manitoba. They received

400 completed questionnaires, and they heard loud and clear that wetlands were valued, wetlands were threatened and wetlands should be protected

The Manitoba Water Council also hosted consultations on the surface water management strategy in 2012. They consulted with 50 different stakeholder groups and hosted two workshops, gathering input from 130 participants and 180 municipal officials. I participated personally in those consultations and recall some of the feedback. People were very concerned that the status quo was no longer acceptable and that progress on the proposed drainage regulations was long overdue, and there were a number of landowners calling for a moratorium on wetland drainage.

* (18:10)

In June, 2014, the proposed framework on sustainable drainage regulations was released. The framework was largely based on a need for a balanced approach as recommended by a multi-stakeholder taskforce, which included representation from Ducks Unlimited, the Association of Manitoba Municipalities, the Manitoba Conservation District Association, the Keystone Agricultural Producers and others. The proposed framework was then vetted through a six-month public consultation process. I understand there were 86 submissions from that consultation and the vast majority of which were supported the concepts outline and the proposed framework. I think it's safe to say the wetland principles of Bill 5 have been well vetted.

So, given this increasing body of knowledge and public demand for wetland protection, I'm encouraged that our politicians are indeed listening and I've heard members from all three parties speak very favourably about the need to do a better job of protecting our threatened wetland ecosystems.

Manitoba is well positioned and must become a leader in wetland protection by passing Bill 5 for a number of reasons. We have the most at stake with the declining health of Lake Winnipeg and our many other water bodies. Manitoba contributes a disproportionate share of the phosphorus into Lake Winnipeg, 47 per cent of all the phosphorus loading comes from our 25 per cent share of the watershed, and Manitoba, perhaps most importantly, Manitoba cannot demand the much-needed changes in other jurisdictions without first earning the social licence by leading by example, and Bill 5 does that.

I would like to close by congratulating all three parties on their support of Bill 5. On behalf of Ducks Unlimited's many supporters and many other Manitobans who value wetlands, we strongly urge all members of the Legislative Assembly to expedite the remaining legislative procedure so Bill 5 may receive royal assent prior to the House rising.

Thank you for this opportunity to provide input.

Mr. Chairperson: Thank you, Mr. Bruce.

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Well, I want to thank you, Mr. Bruce, for your tireless advocacy on this so important file, in particular for the time that you took to educate me on this. I recall a flight this summer touring the Big Grass Marsh, the Oak Hammock Marsh; in particular, that pothole country in southwestern Manitoba was very enlightening for me and helped me considerably in working through this process.

So, on behalf of all Manitobans, I thank you for the work that you do.

Mr. Shannon Martin (Morris): Mr. Bruce, I always appreciate your comments in the engagements we've had to date. One of the comments you made was about the declining health of Lake Winnipeg. As you are probably aware, in 2013, Lake Winnipeg was declared the most threatened lake. I'm wondering what your thoughts are in terms of Bill 5's ability to reverse that course.

Mr. Bruce: I think the very first step that we need to do, and the speakers after me, I think, will be able to comment on this as well, is to, as we say, stop the bleeding. It's a bit of a term that we say. We need to stop making Lake Winnipeg worse, and the first step is to deal with the—our—what we're doing to the landscape and we are decreasing our distributed storage by ongoing wetland drainage.

So I think one of the first things, and we've been saying this for a long time, one of the first things that we can do to stop the bleeding, to stop making Lake Winnipeg worse, is to stop moving nutrients, to stop draining wetlands and making it worse. From there, once we've done that, then we can start focusing on how to make it better, and start reclaiming and rejuvenating the health of the watershed and the health of the landscape.

Mr. Martin: One of the comments you made was about how you'd consulted and had interaction with Manitoba's municipalities in the development of this

legislation. I note that the Association of Manitoba Municipalities has provided us with a written report in relation to the bill, and they note that any new responsibilities for conservation districts should not be implemented without accompanying provincial funding while conservation districts are still feeling the effects of provincial budget cuts in 2013.

So I guess against the backdrop of a department that since 2011 has seen an almost \$20-million reduction in funding, do you believe that resources exist to fully implement this legislation despite the goals of the legislation?

Mr. Bruce: Well, we have sufficient resources to fully implement all the recommendations and everything we want to do. I think collectively, we can probably all say, no, we will never have all the resources that we would like. I think what this bill does is it prevents having to invest more money if we can stop causing ourselves more problem, if we can stop causing flooding and making our flood issues worse, if we can stop making our nutrient issues worse and our climate change issues worse, we'll be able to then invest more strategically in doing the right things.

From an enforcement point of view I, think, you know, having a very good, concrete, clear rules in place for drainage is very important because people will then be able to understand and realize okay what is allowed, what is not allowed, and then that is going to allow staff—enforcement staff to be much more effective on the landscape.

Will—do we need double or redouble enforcement staff on the landscape? I would say, no, because once we have clear regulations in place and people come to realize how important those are, we can probably be much more efficient and then just deal with the, you know, with more obvious offenders, and that sets an example for others to follow and sets a social paradigm. I think that's the important part here. What this bill does, too, is it sets the bar, it sets the standard by which expectations are put out there for people. And the bottom line is that, you know, we—drainage has been allowed, and in some cases illegal drainage has been allowed, and this is hopefully, over time, going to arrest that and allow for investments in restoration, which is really critically important for the health of Lake Winnipeg and all of our other water bodies.

Mr. Chairperson: Thank you very much, Mr. Bruce.

Bill 13—The Education Administration Amendment Act (First Nations, Métis and Inuit Education Policy Framework)

Mr. Chairperson: We will now call from Bill 13, out-of-town presenter Karen—[interjection] Sorry, Sharon Parenteau.

Is it Sharon?

Floor Comment: It's Sharon, yes.

Mr. Chairperson: Sharon, okay. We have Karen on the list. Sorry. That's great. Thank you.

Do you have written material, yes? Okay. Please proceed when you're ready.

Ms. Sharon Parenteau (Manitoba Metis Federation): Good evening. My name is Sharon Parenteau. I'm the general manager of Louis Riel Institute, which is the culture and education authority for the Manitoba Metis Federation. The Manitoba Metis Federation is the official democratic and self-governing political representative for the Metis nation's Manitoba Metis community. We thank you for being invited to speak on Bill 13. Albeit positive, we have some concerns moving forward.

Firstly, we would like to reiterate our response to the Education policy framework. The Manitoba Metis Federation President Chartrand and our minister of education, Joan Ledoux, who is here with me this evening, met with Minister Allum in November to discuss the policy framework, and the following items were raised.

Firstly, the name of the document itself, we're very pleased that you're using First Nation, Metis and Inuit. Too often, when the term Aboriginal is used, it often means First Nation, and we appreciate that the government is moving forward and acknowledging the three distinct Aboriginal people.

The second item, which I have attached in your handout, is the Metis—Manitoba Metis policy. We want the Manitoba Metis policy to be entrenched throughout the policy framework. This policy is fundamental to ensure Metis participation.

The Manitoba Metis policy is based on the findings of the Aboriginal Justice Inquiry, which was commissioned to examine the relationship between the Aboriginal people of Manitoba and the justice system. In 2010, President Chartrand and Premier Selinger signed the Manitoba Metis policy that is guided by the following five principles: recognition, partnership, comprehension, capacity

and accountability. The principles of partnership and accountability ensure that the engagement of the Metis is done through the MMF.

The third point that was raised was that there is—in the bill there be recognition of the significance of The Louis Riel Institute Act, which is also attached in your documents. The LRI act is an act of legislation passed by the Manitoba government in 1995.

I draw your attention to the following objects of the LRI act, in particular, (c), (e) and (g), which I have highlighted below in my notes that I handed to you, that speak to the involvement of LRI in matters relating to Metis education: point (c), that the institute "act as an advocate for the Metis people and others in the area of education and training"; point (e), that the institute "provide advice and reports to the government of Manitoba about education and cultural matters relating to the Metis people, either on its own initiative or at the request of the government"; and point (g), "further the educational and socio-economic development of the Metis people in Manitoba." The Louis Riel Institute has never really fulfilled its mandate, according to the act.

* (18:20)

We would also like to address three items within Bill 13. If I could ask you to turn to page 2 of the bill, which relates to content, the criteria for ensuring that the curriculum reflects the perspectives of First Nation, Metis and Inuit people. According to the statistics listed in the Office of the Auditor General's report, Improving Educational Outcomes for Kindergarten to Grade 12 Aboriginal Students, released in January 2016, and I believe I say I have this attached, but I don't. It's available online, though.

Almost half the students who self-identify as Aboriginal are Metis. Therefore, nearly half of the curriculum taught should reflect Metis perspectives. There also needs to be more Metis representation on provincial education committees that develop K-to-12 curriculum. In the Auditor General's report, page 12, there's a reference to consultants who work with school divisions on Aboriginal education initiatives. Metis consultants acknowledged by the MMF should be considered.

In regards to content, 4.3.3, the third point: The measures to be implemented to support the professional development of teachers and others who participate in classroom activities. As acknowledged

in the LRI act, the purpose of the institute is to serve as a Metis education and cultural institute that will promote the advancement of education and training for the Metis people of Manitoba and foster an understanding and appreciation of the culture, heritage and history of Manitoba and of the Metis people in Manitoba for the benefit of all Manitobans. LRI is prepared to provide this professional development.

In regards to consultation, point 4: In preparing the framework or an update to it, the minister must consult with Metis, First Nation, Metis, and Inuit persons and organizations. According to the Manitoba Metis policy's terms of consultation, the Manitoba government must consult with the Manitoba Metis Federation.

The recent Auditor General's report, the response of officials on page 46 notes many partners are consulted. The partners do not include Louis Riel Institute or the Manitoba Métis Federation.

Again, LRI is willing to provide this consultation.

We are not opposed to Bill 13, but we have had minimal involvement in the development of the framework but expect to be fully engaged in the implementation of it.

That concludes my presentation this evening.

Mr. Chairperson: Thank you very much.

Hon. James Allum (Minister of Education and Advanced Learning): Ms. Parenteau, it's an honour and I'm delighted that you're here tonight. I thank you for your input. Of course, it was a great honour for me to host President Chartrand and Minister Ledoux in my office to talk about this legislation, and the legislation, as you are aware, puts in place the need to establish the framework. And the framework is a living document. It's a document that will be reviewed every three years and updated. We will depend upon consultations with MMF and the LRI in order to ensure that the Metis nation is properly represented in the curriculum in Manitoba and that you continue to be a great partner in building this province with other Manitobans, so thank you so much for coming tonight.

Mr. Reg Helwer (Brandon West): Thank you for your presentation, Ms. Parenteau. I'm interested in the content, 4.3 section of your presentation, and you say, our LRI is prepared to provide this professional development.

Can you tell me a bit more about what that would look like? Do you envision—envision providing documentation, or is it running PD days for teachers, or how would that work? *[interjection]*

Mr. Chairperson: Mr. Parenteau—Ms. Parenteau—sorry.

Ms. Parenteau: Sorry.

Mr. Chairperson: I have to just recognize—I know it's the weirdest process, right, so, Ms. Parenteau, go ahead.

Ms. Parenteau: LRI does a variety of professional development for teachers already. We provide resources in classrooms; we have teachers that call us and ask us to do presentations. I think we would just like it on a more formal basis, so that's part of what we do currently.

Mr. Chairperson: Thank you very much for your presentation tonight.

**Bill 15—The Child and Family Services
Amendment Act (Recognition of Customary
Care of Indigenous Children)**

Mr. Chairperson: We will now move on to Bill 15 and call on Billie Schibler and Judy Mayer.

All right, please proceed when you're ready, Ms. Mayer.

Ms. Judy Mayer (Metis Child and Family Services Authority): Oh, no. That's Billie Schibler.

Mr. Chairperson: I'm sorry. Are you just by yourself, then?

Ms. Billie Schibler (Metis Child and Family Services Authority): I have Minister Mayer with me here.

Mr. Chairperson: Okay. Is she going to go up to the podium, or—

Ms. Schibler: Pardon me?

Mr. Chairperson: Is she going to approach the podium, too?

Ms. Schibler: No.

Mr. Chairperson: No? Okay. All right, please proceed.

Ms. Schibler: Okay. Thank you very much.

Good evening, everyone. My name is Billie Schibler. I'm the chief executive officer for the Metis CFS authority, and I'm honoured to be here tonight

and I thank you for the opportunity to present on Bill 15.

These—what you have in front of you is a list of the concerns that we have presented to the Department of Family Services in regards to this proposed bill. The customary care matter itself is something that, of course, we have always been in support of. It was something that we had anticipated, you know, almost immediately after the devolution of child-welfare services in this province, so it's not that we didn't want to see this coming or weren't expecting it. But I think that this kind of moved very, very quickly in the last little while insofar as the consultation with the Metis population, with the Metis leadership and with Metis child welfare has not been duly noted. And these are some of the areas that we had questions about and have brought forward. And I think they're very important ones that need to be considered in order for us to fully support this bill. So I—if you will bear with me, I will read through these questions.

We want to know how indigenous is defined and we would like to know who determines the indigenous community or its representatives for the purpose of customary care.

Will leadership entities be acknowledged in legislation as identified partners of customary care: MKO, SCO and the MMF?

How will customary care look for the Metis and Inuit community members, given the diversity and difference from First Nation communities? The provincial and federal mainstream ideology needs to understand that First Nations have many different communities and nations, but the Metis are the Metis and we are one.

If a person identifies as Metis heritage, but is not registered or card-carrying, the MMF still services them. But how would the provincial government define those Metis community members?

It is our understanding that a meeting was held between the Department of Family Services and representatives from the Inuit community. And given that our Metis CFS authority has legislative responsibility to service Inuit families and children of Manitoba and the MMF currently has relationship with the Inuit people and represent them in assets, we question why the Metis were not brought to the table for these discussions.

Are family member caregivers to customary care arrangements going to be subsidized for caring for

that child? And if so, where does that money come from if these are not considered children in care?

There is the need for criminal record checks. We want to know who's going to cover the cost of that. These are all technical areas of customary care that we feel are important to be able to establish before we move ahead.

What will happen to the parent social assistance budget and their subsidized housing?

How will parents be supported in retaining their homes or residences to work towards reunifying with their children, and how can they prevent—be prevented from being pushed into poverty while not receiving the child tax or social assistance budgets for their children?

This is a big piece for us because we know that the intent, when children need to be taken into alternative care, is for a continued relationship with the birth parents in a way that supports them in healing and strengthening so that they can be ultimately reunified with their children. And quite often, in the current system the way that it is established, it becomes very, very difficult for that to happen in a supported way.

* (18:30)

And so, if we are looking at a customary-care arrangement that is to be reflective of understanding the need for that family's healing and supporting them through that process, how do we prevent them from catapulting even further into an anguish?

It was stated that—it was stated by provincial government reps that children won't be in care and that entry into customary care will either be voluntary or identified through ANCR, the All Nations Coordinated Response. Given the Province's position on private arrangements for children requiring a safe place, would ANCR's involvement in customary care not include, initially, bringing children into care? And would that not require an initial apprehension? Would this not also require an open family service file with the child-welfare system, one that would remain on record forever, even if it closes quickly?

And so for us, it's—one of the things that I've come to really understand and realize over the years is that whenever we remove children from their family situation, they've already experienced, in many cases, trauma. And to bring them into care of a child-welfare system or to apprehend them creates

another trauma. And if the intent behind customary care is, as I understood it, to be—to prevent that additional trauma and to do things in a way that supports the stability of that child, then we really need to take these kinds of things into consideration. And, as well, if we're wanting to work respectfully with families and wanting to encourage them to seek help from our system in a way that supports them, then we need to know what we're doing with these open family service files, these protection files, and what that looks like for them.

If we are emphasizing prevention to lower the number of children in care, then how do agencies access funds to continue supporting families and building capacities? It was indicated that there would—should be no distinction between foster parent and customary care funding. Well, how do the agencies access to provide support services to customary caregivers who will require skills to meet the very high needs of some of these children? The last thing that we want to see is families be set up in a customary care arrangement. We're relying on people in the community. We're relying on a lot of our grassroots families. We're relying on extended family to take on a very, very important role. And what we need to really understand and not ignore is the fact that many of these children that we bring into the care of another family as an alternate care arrangement are coming in with very high needs and very distinct traumas that need some very highly specialized and skilled caregivers, and if not the caregivers themselves, then they need to have some very, very good supports attached to them. And they need to also know how to mediate between the parents and the child in a less formal arrangement than child welfare currently does, and that takes a certain kind of skill as well. So these are all areas that we're wondering, where will the resources come from for this?

So children should not have to leave their homes and communities in order to access health services and resources. We still continue to see this. And we want to know how this will be addressed and prioritized as a separate issue to the customary care placements.

And I think that pretty much summarizes the list, and I thank you very much for your attention on that.

Hon. Kerri Irvin-Ross (Minister of Family Services): Thank you very much, Billie, for your insightful questions that you've asked. The legislation that we have in front of us today is really

enabling legislation. It's how we are going to remove barriers from our existing legislation so we can have families participate in customary care. All of the questions that you raise are extremely valuable. We've had opportunities for consultation. We're going to continue to have those opportunities. We will—the department will take on the task of reviewing your questions and providing you with some direct answers about how we move forward.

But thank you so much, and thank you very much, Minister Mayer, for your participation and your insightfulness as well. Billie, I know that you have many years of experience working on the front lines and now as the CEO of the authority, and thank you very much for your dedication to the well-being of children in Manitoba.

Mr. Chairperson: Mr. Wishart. *[interjection]*

Oh, Ms. Schibler, go ahead.

Ms. Schibler: If I can also just add, though, is that the other part of this presentation, though, was really to emphasize the fact that while we support this whole concept and we support this—the customary care moving forward, our concerns are that the pilot projects that had begun were established with our First Nation counterparts, and that went ahead before we were even fully engaged in knowing where the customary-care legislation was going to go, and so, to this part, even, we are still unaware as to how our Inuk brothers and sisters became engaged in this process outside of our involvement, and we still want to know where we as Metis fit into the planning on this.

Ms. Irvin-Ross: If I may, what we chose to do through our consultations—and it happened at the leadership council which you are a member of with us and had the conversation about customary care, and that there was an interest of moving forward.

We know that we're using the work of Ontario to help inform us as we move forward. It was a decision that we made to work first with the northern and the southern authority, but always to be working with the Metis as well and to work with you to define what your communities are, because it's much different than the First Nations, much larger communities. A community, right? So we need to do that.

And the Inuit association had contacted us and said, please, we need to be a part of this as well, and that's how that meeting occurred and has occurred. So, we can certainly, next time we meet with them,

ask about your participation of—from your authority and we can get that back on track.

Ms. Schibler: I think—thank you, I think that that's a very important piece, because if legislatively we are responsible to deliver the services to the Inuit population in this province, then we need to be at the table at the same time, and as well, I appreciate the fact that this is being modelled after some of the customary care arrangements from Ontario. I myself was in Ontario at one point in time and was involved with these processes as well.

But I will also just present to you that the Metis population in Ontario is a different population than the Metis population in Manitoba, and our Manitoba Metis Federation government is a very strong government, and that's why devolution rolled out the way that it did. And we need to make sure that we are at the table and in consultation throughout this whole process.

Mr. Ian Wishart (Portage la Prairie): I'd like to thank you for your presentation this evening. You asked some very good questions and from the response we have been receiving, I know that so many of them are yet to be addressed in clarity and I hope the consultation process will give you adequate time.

You made comments that you have had some consultation. Do you feel that you—given the status of the bill and the fact that there are pilots out there, do you feel that you've been consulted enough?

Ms. Schibler: We had very early dialogue at the leadership council table, which I sit at with our president and our minister, Mayer, and it was very early dialogue. We did not know where things were going to go with the proposed legislation at that point in time. And then, further to that, we had found out through an announcement about the pilot projects with the First Nation agencies, and then we've had one meeting with the ADM and her colleagues around what this was going to look like before it came forward.

Mr. Chairperson: Time for questions and answers had expired.

Thank you very much for your presentation.

So, that was the last out-of-town presenter.

**Bill 5—The Surface Water Management Act
(Amendments to Various Acts to
Protect Lakes and Wetlands)
(Continued)**

Mr. Chairperson: So now we're going to go back to Bill 5 and James Battershill.

Have you written materials for the committee tonight?

* (18:40)

Mr. James Battershill (Keystone Agricultural Producers): I do.

Mr. Chairperson: Okay. The staff will hand it out and please feel free to proceed.

Mr. Battershill: Good evening, honourable members of the Legislative Assembly, ladies and gentlemen. My name is James Battershill, and I'm general manager of Keystone Agricultural Producers, commonly known as KAP.

KAP is Manitoba's general farm policy organization, representing and promoting the interests of thousands of agricultural producers in Manitoba. Our membership consists of farmers and commodity groups throughout the province who set our organization's policies through a grassroots democratic governance structure.

On behalf of KAP, I would like to share our organization's position with respect to Bill 5, The Surface Water Management Act.

KAP worked extensively with Conservation and Water Stewardship and other stakeholders on the new approach to drainage proposal that provided the foundation for Bill 5. KAP elected officials and staff were pleased to participate on the advisory committee for the proposal, and KAP provided a formal submission to the department on the resulting consultation documents. And I've included a copy of that submission for the committee members' information.

KAP, as an organization, would like to thank the department staff for their work on this initiative. It was very clear from the get-go that our input was highly valued in this process. Because of this extensive consultation and collaboration, KAP is generally supportive of the new approach to drainage that has been proposed by the department and is enabled through Bill 5.

By focusing on watershed planning and recognizing that responsible drainage is a necessary

tool for farmers in Manitoba, this new approach should allow farmers to successfully manage their operations, reduce operational delays due to unnecessary red tape on projects with minimal impact, limit downstream effects from larger drainage works and protect the natural environment.

That said, we would like to mention several areas where we continue to have some concerns. And we would like the government to address this before the act is implemented.

Conservation districts, firstly, or watershed districts, as they're renamed in the act, play a critical role in implementing regional-scale water management and conservation projects. We have long supported the principle that local knowledge on the landscape should be the basis for projects and decision making.

We are concerned, however, that the new approach to drainage relies on this experience without providing a guaranteed source of revenue for projects and administration. We often hear from our directors who participate in their local conservation districts that administrative resources are the principal limiting factor on their work. If the government of Manitoba is committed to using local expertise of conservation or watershed districts, it must also commit to providing the necessary funding to ensure their success.

Further, KAP would like to express some concern over the definition of a wetland used in Bill 5, specifically definition (b), whereas low areas or wet or waterlogged soils that are periodically inundated by standing water and that are able to support aquatic vegetation and biological activities adapted to the wet environment in normal conditions.

The key word here is aquatic vegetation, from my members' perspective. Farmers are very concerned that prolonged wet and dry cycles that we're more frequently seeing are going to result in areas that are inundated with water for several years and begin to grow aquatic vegetation and therefore may be classified as new wetlands.

The problem is that this land may have been in production for decades previously, and farmers will hold mortgages on these properties. The implication that a farmer will need to pay to offset drainage on a piece of land that's been under cultivation for decades, or even centuries, does certainly not sit well with our members, and we'd like to see clarification

around that and assurances that that won't be an issue.

Further regarding this principle of offsetting wetland drainage projects as a condition of licensing, we are concerned about the wording of section 5.1(2) of the act, specifically the reference to a specified amount of compensation that a landowner would be required to pay.

KAP supports the general principle that in order to drain a high-order wetland, the benefits the wetland provides should be offset elsewhere within the watershed. However, KAP does not support that the cost of these offsets should be set by the government of Manitoba.

KAP has previously proposed a system where conservation organizations that are undertaking wetland restoration initiatives bid for farmers' offset projects to ensure that farmers pay a fair and competitive price for offsets. A system could be set up similar to a brokerage or to the carbon capture and storage program in Alberta. If a producer wishes to drain a class 3 or higher wetland, he or she must be provided with the opportunity to seek bids from conservation groups and to receive the offset benefits of that wetland within the watershed. This would foster some competition and allow farmers to be compensated appropriately for their time, efforts and land if they are the ones undertaking the conservation work.

KAP is supportive of Manitoba Habitat Heritage Corporation administering an offset program as Bill 5 proposes. However, KAP strongly believes that setting a specific compensation amount will limit both reasonable drainage projects and the restoration or establishment of additional wetlands in this province.

Further to the issue of offset compensation, section 5.1(5) of the act references a no-net-loss-of-wetland-benefits approach, but the act does not further define what wetland benefits are. KAP has concerns that the system for defining wetland benefits will have a significant impact on the viability of many drainage and restoration projects.

I'll leave you with an example. Dr. David Lobb of the University of Manitoba has been working on research initiatives that study the ecological, economic and production benefits of fieldside water storage for water retention during spring runoff and it's reused for irrigation during the growing season. When implemented in proper locations,

this type of integrated system that combines a drainage-retention irrigation system for water management and a capture-recovery reuse system for nutrient management may offer very significant environmental and production benefits. These include better in-field service and subsurface drainage, increased field production, less nutrient runoff, flood mitigation and potential for irrigation of field crops in drought years.

Innovative solutions like this are critical because farmers are already about as efficient as they can be when applying nutrients in an effort to protect the environment and because increasing weather variability due to climate change has made drought and flood resiliency a critical issue for Manitoba farmers. So we have a concern that the proposed regulatory regime as we understand it could severely limit a farmer's opportunity to take on this type of initiative on their own farm. This is because while the benefits of this type of managed water retention project is significant and diverse, there are some concerns that this type of initiative and water storage structure does not provide as much water for a habitat as a naturally occurring shallow wetland.

KAP strongly encourages the government of Manitoba to develop a system of defining and measuring the value of wetlands in this province based on a unique process that takes into account our distinct soils, social values, recreational activities, economy, and ecological and hydrological systems.

So, in our previously mentioned submission, KAP made 19 recommendations, the majority of which will be relevant when regulations for this new drainage system are developed. We appreciate that section 4.1(3) of the act requires that the government provide an opportunity for public consultation on classes of water-control works that qualify for registration versus licensing. But given that this new approach to drainage will likely succeed or fail based on how all related regulations are structured, we recommend that the requirement for public consultation be extended to all regulations related to The Water Rights Act.

So, thank you for your time today, and we do look forward and thank the government again for the extensive consultation that's happened in the past on this issue. It's been a long time coming, and we think that it's something that can be workable with a little bit of additional effort.

Mr. Chairperson: Thank you very much for your presentation.

Honourable Minister Nevakshonoff?

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Yes, thank you, Mr. Battershill, for your presentation. It's very detailed, a lot of good advice and recommendations in it, and I will take it all to heart as we move forward. Thank you once again.

Mr. Shannon Martin (Morris): Mr. Battershill, for a bill that calls itself The Surface Water Management Act, the omission of tile drainage as a component of drainage seems quite obvious. How important is it from the Keystone Agricultural Producers' perspective that the government do move on a better choice of process when it comes to tile drains?

Mr. Battershill: Certainly, tile drainage is an emerging tool that farmers are using to manage water on their land. It's very apparent that, given the challenges that we have seen with excess moisture in the spring, that it's going to be used more frequently in Manitoba. It's something that there is considerable uncertainty about on farmers' parts, both in terms of how municipal bylaws in rural municipalities treat tile drainage but also in how it's going to be incorporated in—with the regulations that will follow Bill 5. So, certainly, it's something that farmers would like clarity around. It's a very, very significant investment that farmers are making in the land, but it's also something where there can be significant production benefits and also environmental benefits as it actually increases the soil's water-holding capacity, which helps with both flood mitigation and drought resilience.

* (18:50)

Mr. Martin: I know KAP has previously—has been engaged in this process for quite some time in terms of development of the legislation, and I know you put forward earlier 19 recommendations that you're proposing. How reflective is the final bill in relation to those 19 recommendations that your members put forward?

Mr. Battershill: The recommendations that we put forward, as I mentioned, are principally at this point going to be relevant when the regulations for this act are eventually developed. Many of them are quite technical in nature and focus on the details. The general sense that we got from reading this legislation is that there are some very minor tweaks that we would like to see to ensure that the regulations have the flexibility necessary and those are questions around whether or not items like a

specified amount of compensation that is set by government is what is legally required, or if there's flexibility under the regulations for that factor.

Mr. Chairperson: Thank you very much for your presentation.

Now call Alexis Knispel Kanu? Sorry, I hope I got that right. Do you have any material for the committee when they're handing it out? You can feel free to proceed any time.

Ms. Alexis Kanu (Lake Winnipeg Foundation): Thank you, Mr. Chairman, and members of the committee. My name is Alexis Kanu, and I am the executive director of the Lake Winnipeg Foundation.

At the centre of Canada, Lake Winnipeg is the world's 10th largest freshwater lake, a majestic water body with a watershed that spans two countries, four provinces, four states, and over 100 indigenous nations. It's a lake that matters to Manitoba families. It defines our province's geography, drives our economy, shapes our cultures and supports our biodiversity.

The Lake Winnipeg Foundation is an environmental, non-governmental organization seeking solutions to ensure a clean, healthy Lake Winnipeg and watershed through research, education, stewardship and collaboration. Combining the expertise of our Science Advisory Council with the deep commitment of our broad supporter base, LWF is nationally recognized for our unique capacity to link science and action.

Scientists tell us that the answer to Lake Winnipeg's health lies in its vast watershed, an area that is 40 times larger than the lake itself and by far represents the largest land-water ratio among the world's 10 largest lakes.

Vital wetland habitats throughout this watershed serve to filter our water before it reaches our lakes and rivers. Protecting Manitoba's threatened wetlands will protect the health of Lake Winnipeg.

LWF is pleased to offer support for Bill 5, The Surface Water Management Act, and recognizes that this bill is the result of many years of hard work by many partners.

I'll provide comments on part 2 as well as part 3 of the bill. Starting with part 2, through broad public consultation, competing interests have been balanced. The common goals of flood and drought mitigation, water quality protection, and regulatory efficiency were recognized. This has culminated in

the no-net-loss-of-wetlands-benefits approach to wetland protection outlined in part 2 of the bill.

A diverse group of stakeholders and experts, as we have heard, have agreed to stem the ongoing destruction of Manitoba's wetland habitats by extending strong protection to additional wetland classes. Concurrently, approvals for routine waterworks will be streamlined and simplified.

The passage of Bill 5 will enable the development of new drainage regulations designed to increase administrative efficiency, improve enforcement and protect more wetlands in order to protect Lake Winnipeg.

Part 2 of Bill 5 demonstrates Manitoba's leadership in taking action for Lake Winnipeg, leadership that will, in turn, demonstrate to our neighbours the need to follow suit in their own jurisdictions.

With regards to part 3 of the bill, the Lake Winnipeg Foundation recommends to the standing committee that a small change be made to part 3, section 73, of the bill. The committee has the opportunity to make a significant improvement to the bill simply by removing one word from that section, the word 'force' as it relates to the frequency of public reporting.

Providing for annual public reporting on progress towards nutrient targets will create a mechanism for greater transparency and accountability, encourage further research by partner agencies and institutions and accelerate our ability to develop and implement strategic solutions.

LWF congratulates all three parties who have offered support for Bill 5 and the passage of the bill through the Legislative Assembly before it rises later this month will represent a critical step forward in our collective efforts to protect Lake Winnipeg.

Thank you.

Mr. Chairperson: Thank you for your presentation.

Mr. Nevakshonoff: Thank you, Ms. Kanu, for all of the advice that you've offered me over the 10 or so months that I've been minister of this department and for your dedication to not just Lake Winnipeg, but I think all of the water that is our responsibility to manage across this great province, and I think your words that it is incumbent upon us here in Manitoba, given the size of the watershed, to set an example so that we can hold ourselves up to other jurisdictions, I take that to heart as well.

And just in closing, thanks once again for all the advice and guidance you've offered me. Thank you.

Mr. Martin: Thank you very much for your presentation.

I'm just—in relation to your suggested amendment, I'm just curious about the potential of spikes in terms of the data itself and that a four-year trend may allow for a smoothing of the data to deal with anomalies that might occur.

So what would your response be to that?

Ms. Kanu: I think it's incumbent on those presenting this data to provide the context that allows the public to interpret it appropriately. I think it also—providing the data annually would allow our other research institutions in the province to use that data to start to talk about solutions and generate new approaches to the problem, and those folks have the capacity to work with data in order to deal with the year-to-year variability that we might see.

Mr. Martin: Would you see, then, from your organization's perspective, then, to be an impediment to—I mean, the governments' collecting this data on a regular basis, they're compiling the data, what would you see as any potential impediment to a government releasing this data, then, on an annual basis?

Ms. Kanu: I don't think there should be one, and I think certainly we can draw on the other expertise in the province to help prepare that data for public presentation.

Mr. Martin: Thank you very much for your presentation.

**Bill 13—The Education Administration
Amendment Act (First Nations, Métis
and Inuit Education Policy Framework)**
(Continued)

Mr. Chairperson: Now going to move to Bill 13 and call James Wilson, National Research Centre for Truth and Reconciliation. Do you have any materials for the committee tonight?

Mr. James Wilson (Treaty Relations Commission of Manitoba): No.

Mr. Chairperson: Okay, please go ahead when you're ready.

Mr. Wilson: And it's treaty commission—treaty commissioner and Treaty Relations Commission of Manitoba. I thought you knew something that I didn't know there for a second.

We're good?

Mr. Chairperson: Yes, I just read it like it was said so I may have it wrong, so go ahead.

Mr. Wilson: Good evening, Chair and members.

I wanted to speak to you tonight in support of Bill 13, you know, we've had—Canada's had a pretty interesting last year. Last—so last June we had the release of the Truth and Reconciliation calls to action, 94 calls to action—Justice Sinclair is here with us tonight—and it was a moment for Canada to really face up to where we've come short as far as teaching ourselves about our own history. Now our office, the Treaty Relations Commission of Manitoba, we've been doing the work of teaching people about treaties in Manitoba—all people about treaties, so we have the whole We Are All Treaty People campaign and conveying to people the importance of learning about treaties, learning about residential schools, learning about the '60s scoop, all of these things that, really, if you follow a young person today graduating out of our education system, they know more about our history than any of us did when we went to school. And the bill, in that, it enables the education policy framework, I think, it'll allow us to go that extra step of teaching all students, kindergarten to grade 12, the importance of our collective history.

And, when we're talking about really challenging issues like residential school, the Indian Act, some of the real negative things that have happened in our history, to me it's really imperative that we also balance that with some sense of hopefulness for students, right, and to me that's where the treaties come in. It's a sense of what the relationship between First Nations and other Canadians should've looked like in the first place and what it can look like.

So, when you talk about issues today with young people, contemporary issues like Kapyong Barracks, what's happening with the land at Kapyong Barracks, when you talk about resource development in the North and the duty to consult and accommodate, it's the young people that come out of understanding our history that can start to see solutions to these really, really challenging issues that we're facing as a country and as a province.

*(19:00)

So I just wanted to emphasize that the teaching of treaties in Manitoba classrooms, which is a fundamental part of the education policy framework, which is enabled by the bill, has been supported by really multi sectors across

Manitoba, from the Manitoba School Boards Association to the superintendents' association to the Manitoba Teachers' Society, Manitoba Chambers of Commerce. We've had a real diverse group of Manitobans step forward and say this is something that we all need to learn, and if we invest in our young people and in teaching young people this, again, they'll be able to see the real opportunities inherent in the province in this relationship that we have.

So I'll just keep it short, and I know there's—be a—probably a few questions, so.

Mr. Chairperson: Thank you for your presentation.

Hon. James Allum (Minister of Education and Advanced Learning): Well, Mr. Wilson, from one James to another or, really, one Jamie to another, I want to thank you, first of all, for coming tonight and sharing your insights and your observations.

On behalf of all Manitobans and Canadians, frankly, I want to thank you for the work that you do with the treaty commission because we do understand that the treaty relationship is not only the foundation for a history that not too many of us are proud of but it's also the foundation for hope and optimism going forward. Like Ms. Parenteau before you, the work that you perform in our schools and on behalf of young people today—I think you've heard me say before, I believe we're at the front end of a renaissance for indigenous culture in this province and in this country. And it's because of people like you that—excuse me—that we're in a position to do so. So I thank you so much for coming tonight and look forward to continuing to work with you for a long time coming forward.

Mr. Reg Helwer (Brandon West): Thank you, Mr. Wilson, for your presentation. And you spoke about education of the youth, but do you have some guidance for those of us that are a little older on our education?

Mr. Wilson: You can actually contact our office and we'll set up a—yes, we do—I mean, it's—we've made the—we've made a focused effort on young people, but I think this is an issue that all Manitobans need to learn about, whether it's rotaries that we've gone out to speak to, chambers of commerce, church groups, a whole wide variety. As people become aware of these issues—I'll give you an example. Paul Olson, the former president of the Manitoba Teachers' Society—and I don't think he would mind me quoting him—former history teacher, did an honours degree in

Canadian history, taught high school history for I can't remember how many years, and he went to a workshop where he heard from historians and elders, and he said that he felt ashamed, as someone who's supposed to be an expert in history, that he was missing a whole perspective out of his training. And so he took it upon himself to go to different events and listen to speakers and do reading to really get a good grasp of our history, yes.

Mr. Helwer: Thank you for that. I think it's—for those of us that are a little newer to this world than others, when I attend First Nations or Metis events or Inuit events, I guess my fear for myself is doing or saying something that I would offend without—with inadvertently doing so without knowing. And the more I learn, obviously, the less opportunity there is for that. But that is one of my fears if—and, obviously, there's more, much more, to learn, but any guidance on that regard would be helpful as well.

Mr. Wilson: Actually, if I can respond to that, that's a really important part.

So we do training where we do two days of training with teachers from all across the province. We've trained almost 2,000 teachers now. And it's—that's a very common refrain, is that there's a lot of teachers in Manitoba that are—they're very apprehensive to tackle issues they perceive as controversial, right? So one of the things that's really important to do is not only give teachers that level of comfort in tackling these issues and talking about these issues but also helping them to understand that it's their responsibility to do so. So there's a comfort level. Plus, I mean, it's part of the Manitoba curriculum. This—what the bill will do is—it's kind of like you're getting it from the ground up. You're getting that support from the ground up. Now we need it from the top down where we can say, okay, there's some responsibility to—the you have to tackle these challenging issues.

Mr. Chairperson: Thank you very much for your presentation.

We'll now call on Chuck Davidson.

No? Okay—[interjection] Chuck's name will now drop to the bottom of the list.

I will now call on Aimée Craft.

Do you have any materials for the committee?

Ms. Aimée Craft (National Centre for Truth and Reconciliation): I do not.

Mr. Chairperson: No? Proceed when you're ready, please.

Ms. Craft: Honourable ministers and members, I apologize; I don't have much of a voice tonight, but I'll do my best to express to you support for Bill 13. I'm the director of research at the National Centre for Truth and Reconciliation here at the University of Manitoba and assistant professor at the faculty of law.

My area of expertise is in treaties and Aboriginal rights, so I wanted to note how happy I am to read this legislation and understand that this important framework is being put forward. As Commissioner Wilson mentioned, indigenous people in Canada and Manitoba have a robust history, some of it being quite negative and some of it being positive and celebratory, such as treaties.

I would like to note for you, in the development of the framework and the understanding of this legislation that the history of indigenous people is not the only element that we need to consider in this framework—that it is the base, but that the legacy of residential schools, of treaties, of understanding indigenous people's place in Canada and Manitoba is an ongoing and very important process that has legacy implications and reconciliation implications.

I am going to speak to you again this evening on your Path to Reconciliation Act, and I think that these two fit together very importantly. Reconciliation defines for us where we're headed. As I said, the understanding of history is a piece of understanding how we move forward in that reconciliation. As a law professor, I'm embarrassed to have students in first year that I have to educate on the history of indigenous people in Canada.

Now, I understand that not everyone has had the opportunity to be educated on the history and legacy and understanding of indigenous people's places in Canada, but that is something that we need to fix and I believe that this bill can help us move forward in that way.

An important dimension that I would like to note is the consultation about the framework, and this is a key piece of this legislation, this idea of an ongoing consultation about how indigenous people see themselves reflected in this framework and how they are portrayed in the education system.

Now, there's an ongoing development of tools and resources, some of that through the Treaty Relations Commission of Manitoba, some through

our work and an ongoing development in understanding the place of indigenous people in Manitoba, including a better understanding of our histories. I think we can all admit, and I've heard it from this table already today, that we have more to learn collectively. We have to develop more understanding, that richness of understanding, and we can only do that in collaborating and working together on what is going to inform that understanding.

So, I'd like to, again, as I said, endorse and support this bill. And just to leave you with a thought that was underlying the Treaty 3 negotiations over 140 years ago. The chiefs of Treaty 3 assembled and said that the children of the Anishinaabe and the white children would be exchanged with each other, that they would go and learn from each other, but not for the purpose of staying there, but rather to come back and to report on what they had learnt, so that they would have the richness of their own understanding and the richness of another person's.

So this is not an effort of conversion of understanding, which might replicate the Indian residential school experience, but rather that mutuality that's provided for in the treaties. And we have an opportunity to do something really significant in Manitoba by working in this type of framework.

So I thank you; those are my comments.

Mr. Chairperson: Thank you for your presentation.

Mr. Allum: Well, thank you, Ms. Craft—Dr. Craft, that correct?

Floor Comment: Professor.

Mr. Allum: Professor Craft. Listen, I'm honoured that you would come here and present to us tonight the very wise words. I do regard, and we do regard the framework as a very organic process, I think, which speaks to the very mutuality that you were describing.

As an academic myself, I can tell you that it's not enough just to teach the history and cultures as you've indicated, or it's not enough just to speak about seminal events, whether it's the treaty relationship or residential schools, or for that matter, the '60s scoop, or Freedom Road, if it comes to that. They all form part of a narrative that needs to be a shared narrative, one in which grows and blossoms unto itself if we are going to follow down that path of reconciliation.

So I quite appreciate the points that you've made tonight and thank you so much for coming.

* (19:10)

Mr. Helwer: Thank you for your presentation this evening. And obviously you—very perceptive on the people at the table here and some of our shortcomings, and I think your voice certainly got stronger as you went along. So there's a passion there that—I'm sure your students are well served. Thank you.

Mr. Allum: Mr. Chair, since Professor Craft is actually speaking to us again, I'm wondering, it might save her some time if she would like to go now or whether she might prefer to wait until that particular bill comes forward, and I wanted to offer you that opportunity.

Floor Comment: I will wait.

Mr. Chairperson: Okay, Ms. Craft. Go ahead. You'll wait? Okay.

Ms. Craft: Thank you.

Mr. Chairperson: All right.

I will now call on Siobhan Faulkner. Sorry, what is it? Siobhan Faulkner. Sorry if I butchered that. Do you have any written materials for the committee?

Ms. Siobhan Faulkner (Private Citizen): Pardon me?

Mr. Chairperson: Do you have any written materials?

Ms. Faulkner: No.

Mr. Chairperson: No? Okay. Go ahead when you're ready.

Ms. Faulkner: Just want to make sure that you got the pronunciation right. It's Siobhan.

Mr. Chairperson: Siobhan.

Ms. Faulkner: Siobhan.

Mr. Chairperson: Okay, sorry.

Ms. Faulkner: And I thank you for the opportunity to be here tonight. I'm speaking in favour of the framework from the perspective of the Treaty Education Initiative. I'm a teacher, I'm a mentor, I'm a parent. I've been doing this a long time. And I'm so delighted to finally, as an educator, know that we're going where we need to go for our students, for our kids. And I usually don't have this much trouble talking but here we go.

For academic success for our Aboriginal students, they need to see themselves reflected in the curriculum. And it's not as easy to do that. Like, it's great to say it on paper but it's really difficult to do that. And the Treaty Education Initiative allows us to do that in a way that's really meaningful and it takes the risk out of doing it in our classrooms.

Lots of us don't have the information. Lots of us don't know the history, don't know the richness of the experience that happened before the newcomers arrived. And the kit allows us—and I'm going to refer to it as the kit because that's just what we do on the ground level—it makes a difference for us as teachers and it makes a difference for our students.

And I'm going to tell you a couple little stories because I'm a storyteller and that's just what I do and I have the mic so I'm just going to keep doing it. Okay, I'm so bad.

I—right now, I'm back in the classroom, but one of the roles that I have is being facilitator for the treaty education kit and educating fellow teachers in how to use it in the classroom. And the biggest thing that we hear from teachers is, I don't want to make a mistake. I don't want to not do justice. And the treaties—the treaty education kit allows us to do that. It gives us every single tool we need to do it, so we don't have an excuse not to do it anymore.

And it's really easy. It's been really easy up to this point for education to say, yes, I'm all behind it, I took the training, I went to cultural awareness, whatever, but it's the first thing that falls off our plates because we don't have the tools to do it. And now we do.

And as a teacher mentor, it keeps our disengaged kids in the classroom. And I'll tell you two stories about a group of kids that has changed the lives of lots of people in the province because they've been able to go around and talk about their story.

I had the opportunity to work with five kids who were looking for a way to get out of school. And they thought if they came and met with me they could get out of class and get credits and life would be good. And we happened to use the treaty education kit as a vehicle for them to find their voice in a system that had disengaged them totally. There were kids in this group that had spent more time sleeping in in the morning than attending school. And their attendance rate changed dramatically, not in class time, but to come to be part of the treaty education process.

And what they did was they took their story and their journey and they spoke across the province, they went up to Thompson, they came down here, they've spoken for all the schools in their division. And one of the biggest changes for kids, besides being engaged—and out of those five kids, three of them are now attending post-secondary education; they weren't even going to graduate—but because of this seeing themselves reflected in the curriculum, it makes a huge difference.

One of them is a young man who never spoke in school. In his middle years' experience, he never spoke at school. He stuttered. He had no place in the classroom. After this journey he spoke at WE Day in front of 16,000 kids at the arena because he found his voice and he found a passion. His passion was water issues in northern communities. He didn't know how to talk about it, and this gave him the vehicle to do it and it allowed teachers to let him hear that voice without being threatened that there's somebody—that there's a kid smarter than you in the world. We all worry about that.

It gives us a chance to start earlier. It's great to have post-secondary courses where you're going to have first-year university people taking a course. We need to start at kindergarten, and this is the tool that will let us do that in combination with what Sharon was saying about the Louis Riel Institute stuff. Those are two solid pieces in the framework that allow us to move forward in our classrooms, and I just can't speak strongly enough and passionately enough about this framework bill, and I appreciate it.

Thank you.

Mr. Chairperson: Thank you for your presentation.

Mr. Allum: Ms. Faulkner, first of all I love your name. That's a fabulous—it's a beautiful name; it just rolls right off the tongue.

I want to thank you for coming tonight and sharing your observations and your insights, and in particular telling stories, which is so essential, so inherent to indigenous culture. Wisdom is often passed in an oral culture through those very kinds of stories, and I think there is quite a bit of wisdom in what you shared with us tonight.

I think you're quite right. Teachers, while equipped, may not be always fully equipped. My own daughter teaches grade 1-2, and she had to teach the seven teachings in her class not so long ago, and she called me the night before, going I know the material, but I don't feel genuine; I don't feel

authentic in doing it. And that's something that we need to get past that. It's not enough just to know it; you have to feel it; it has to be part of you, and that's part of what we're doing.

And you're quite right—indigenous students need to see themselves reflected in the curriculum, but I want to add that the framework also speaks to making sure that kids also are learning indigenous languages because at the core of who we are and our identity is our language, and so that's essential. And then they need to see themselves reflected at the front of the classroom or the side of the classroom through teachers themselves, and the framework also contemplates that as well.

So I want to assure you that we're, I think, walking down that path together, the path that you've articulated and also I want to again thank you for coming out tonight and sharing your story.

Ms. Faulkner: And our non-indigenous students and our non-indigenous staff need to hear the stories and need to understand and appreciate that rich piece as well of our history that hasn't been told before.

Mr. Helwer: Thank you, Ms. Faulkner, for your presentation. You made it sound very easy, and I know it probably hasn't been, that you've probably had your critics along the way.

What types of things have you done to educate your critics?

Ms. Faulkner: Walked the walk; brought the kids forward and said, so you engage them differently. You've had them for 10 years. They're not coming to school. Now they're coming to school. And that's the harsh part of me. The gentle side of me, because I do have that sometimes, is to walk shoulder to shoulder and say, here's how it looks in your classroom, and take the risk. Do it, and if you make a mistake like anything else, we go back and fix it. We'll go consult an elder. If you're not sure what you're doing, we'll find out, but don't not do it because of that hesitancy that what if I do it wrong, because we make mistakes in math all the time.

And I'm not saying that they're all the same thing, but we have to take that risk in our classrooms and do it—just do it.

Hon. Jon Gerrard (River Heights): Thank you for coming and presenting and for the very important message that this—incorporating this area in the curriculum is absolutely essential if we're going to

get kids paying attention and wanting to come to school. Thank you.

Mr. Chairperson: Thank you for your presentation.

**Bill 15—The Child and Family Services
Amendment Act (Recognition of Customary Care
of Indigenous Children)**
(Continued)

Mr. Chairperson: We'll now move on to Bill 15.

Tara Petti, please. Tara?

Do you have any written materials for the committee?

Ms. Tara Petti (Southern First Nations Network of Care): Yes.

* (19:20)

Mr. Chairperson: Okay. While they're handing it out, you can proceed when you're ready.

Ms. Petti: Good evening. My name is Tara Petti, and I'm the CEO of the Southern First Nations Network of Care. I'm pleased to appear before you today to speak to you to the provisions of Bill 15 concerning amendments to the CFS act and related legislation in recognition of customary care of indigenous children.

Owing to the complexity of some of these issues and the limited time allocated for my presentation, I wish to request the committee that there be a decision to include my written submission in Hansard, which is in your packages.

Mr. Chairperson: Do we have agreement from committee to have the package to be seen in Hansard? *[Agreed]*

Dear Mr. Chairperson,

Re Bill 15. Customary Care Amendments to The CFS Act

Introduction and General Comments

I am pleased to appear before you today to speak to the provisions of Bill 15, concerning amendments to The CFS Act and related legislation, in recognition of Customary Care of Indigenous Children.

Owing to the complexity of some of the issues, and the limited time allocated for my presentation, I wish to request of the Committee that there be a decision to include my written submission in Hansard.

My presentation this evening will include brief commentary on the most important aspects of the draft legislation.

Appendix "A" of our submission is a side-by-side review of the provisions of Bill 15, with our recommendations for changes or additions, as well as specific commentary on the rationale for

each suggested change. Because of time constraints, it will not be possible to go over the proposed

changes in detail. I commend it to you, however, as a source of solutions to several of the challenges the programming envisioned by these amendments will face.

Appendix "B" is a document entitled "Aboriginal Children in Care: Report to Canada's Premiers". It was prepared by the Aboriginal Children in Care Working Group for Canada's premiers (The Council of the Federation) and released in July, 2015. Parenthetically, it would be important to mention that a co-chair of the working group that authored the document was our Honourable Minister, Kerri Irvin-Ross. This report is important because it speaks to ancillary factors that we hope this committee will recommend for inclusion as part of the suite of elements in Manitoba's Customary Care provisions.

In general, we are very supportive of this initiative, and commend those who worked on it. It has been a long-awaited development in insuring that Indigenous children will be enabled to receive equitable protection under The CFS Act, while recognizing the inherent right of Indigenous Communities to practice Customary Care in accordance with their customs, cultural practices and community values. We have three main concerns with the draft legislation itself, as well as a concern about amending the CFS Authorities Regulation.

In addition, there will be technical changes required in certain forms, including the school registration form promulgated in 2013 by Education, Family Services, and Healthy Child Committee of Cabinet. We are in the process of working out those details as well.

Using Ministerial Designation (at subsection 8.25) as the initiating mechanism for a Customary Care agreement is problematic.

Phrasing Customary Care in terms of Ministerial "Designation" of certain communities will be seen by various groups as a denial of the inherent value of

those communities as perceived by their own membership. Our experience within the communities we serve has been that people in those communities do not depend on designation by another government's Honourable Minister for their contributions (and additional future contributions) to the welfare of our children. We appreciate the importance of all the parties knowing with whom they are engaging, and therefore propose a wording change, as follows.

Our proposed solution is to suggest that Ministerial Recognition would be a more appropriate term to use in establishing relationships that will be important for certain families, children, and caregivers.

Amending Section 76 to allow easier sharing of appropriate information.

At present, the provisions of Subsection 76(3) of The CFS Act are very clear that, with certain exceptions, very little information can be shared with people or organizations outside of the present CFS system. An important part of ensuring the effectiveness and success of Customary Care

arrangements would be to ensure that appropriate and adequate information is shared with Customary Care givers. Some have suggested that the present wording of Subsection 76(3), which includes clause (g), "where a disclosure or communication is required for purposes of this Act" would be sufficient to cover all cases. We would point out that if clause (g) was sufficient, there would be no need to mention the obligation to share information with the Office of the Children's Advocate, at subclause (d.1) or by The Children's Advocate to others at subclause (d.2). The narrow interpretation of Subsection 76(3) has been that a number of agencies have received legal advice that such wording applies only to sharing with CFS agencies, and that a court order is required if information needs to be shared with, for example, a police service. The result has been that agency legal counsel regularly and routinely cooperate with the lawyers from various police services to request court orders before sharing information. Such a mechanism would be totally inappropriate for Customary Care arrangements. The first part of the solution would be to add a new (d.3) subclause to Section 76(3).

The second first part of the solution would be to add a few words in Subsection 76(12), to include Customary Care Arrangements in the same category as the voluntary services mentioned in Part 11 of The

Act. Adding a few words near the end of the same subsection to ensure that the children of minor parents would not be excluded would also be appropriate.

Finally, there should be a small addition in the first sentence of Subsection 76(14) (which covers closed files for former children in agency care), to include individuals that had been in a customary care arrangement.

The amended subsections in Section 76 would read as follows (with the changes highlighted):

Records are confidential

76(3) Subject to this section, a record made under this Act is confidential and no person shall disclose or communicate information from the record in any form to any person except

- (a) where giving evidence in court; or*
- (b) by order of a court; or*
- (c) to the director or an agency; or*
- (d) to a person employed, retained or consulted by the director or an agency; or (d.1) to the children's advocate; or*

where the disclosure is by the children's advocate under section 8.10; or

Where disclosure is required for purposes of Part 1.3 of this Act; or

(e) by the director or an agency to another agency including entities out of the province which perform substantially the same functions as an agency where reasonably required by that agency or entity

- (i) to provide service to the person who is the subject of the record, or*
- (ii) to protect a child; or*

(f) to a student placed with the director or an agency by contract or agreement with an educational institution; or

(g) where a disclosure or communication is required for purposes of this Act; or

(h) by the director or an agency for the purpose of providing to the person who is the subject of the record, services under Part 2 of The Vulnerable Persons Living with a Mental Disability Act, or for the purpose of an application for the appointment of a substitute decision maker under Part 4 of that Act.

Voluntary service records

76(12) Where the subject of a record is a person who has applied voluntarily to an agency for services under Part 1.3 or Part 11 and the agency has no reasonable grounds to believe that a child of that person, or a child who is under that person's guardianship or actual care and control, is in need of protection, the agency shall not disclose or communicate the contents of the record to any person outside the agency except

- (a) by order of a court; or*
- (b) in accordance with subsections (4) to (8); or*
- (c) subject to subsection (15), with the consent of the person who is the subject of the record, but only if the subject is a minor parent or an adult.*

Closed records

76(14) Where a ward, or a child placed under an agreement referred to in Part 1.3 or section 14, has reached the age of majority and the record of the wardship or placement has been closed, the record shall be sealed in a separate file and stored in a safe depository, and information from the record shall not be disclosed to any person except

- (a) by order of a court; or*
- (b) subject to subsection (8), to the subject of the record, but in the case of a record made before this section comes into force, the information shall be in the form of an excerpted summary; or*
- (c) subject to subsection (15), with the consent of the person who is the subject of the record; or*
- (d) in accordance with subsection (16); or*
- (e) by the director in the course of carrying out searches of the post-adoption registry under The Adoption Act; or*
- (f) where disclosure is necessary for the safety, health or well-being of a person; or*
- (g) where disclosure is necessary for the purpose of allowing a person to receive a benefit.*

Amending Subsection 8.29(2) as an Alternative to Amending The CFS Authorities Regulation 183/2003 under The Authorities Act to Clarify the Role of CFS Authorities in Relation to Customary Care Agreements.

By way of background, it is important to recall that when the CFS Authorities were created, in 2003, the issue of determining the duties and responsibilities of

the CFS authorities was solved, not by amending The CFS Act, but by placing those duties and responsibilities into Part Three of a regulation under The Authorities Act, known as The Child and Family Services Authorities Regulation (183/2003). While it would be desirable to finally amend The CFS Act to reflect the various duties and obligations of CFS Authorities, the scope of such an undertaking is not feasible at present. At minimum, therefore, it would be desirable to add details of the responsibilities and obligations of the CFS Authorities into Part Three of The Child and Family Services Authorities Regulation. One example would be the issue of approving support beyond the time a person reaches majority. Because of an oversight in the drafting of The Child and Family Services Authorities Regulation, the duties spelled out in The CFS Act under Subsection 50(2) were never formally transferred to CFS Authorities. That oversight would be perpetuated if Subsection 8.29(2) is enacted as drafted without a corresponding devolutionary clause in the Authorities Regulation. A simpler alternative would be to amend Subsection 8.29(2) as set out in Sec. 10 of Bill 15 to make it directly possible for CFS Authorities to approve the continuation of arrangements for youth that have reached majority.

Aboriginal Alternative Dispute Resolution

In Ontario, in addition to legal provision for Customary Care arrangements, it is required by regulation that one or more Alternative Dispute Resolution mechanisms be implemented. This is mentioned specifically on p. 31 of Appendix "B", the report to Canada's premiers. There is no equivalent requirement in Bill 15.

The solution would be to add a clause "k.9" under sec. 86 of The Act (Section 12 of Bill 15) to mandate alternate dispute resolution mechanisms. The details are covered in the side-by-side comparison document.

Funding

We were initially advised that because there was no incremental funding specified when Customary Care was legislated in Ontario, there was no need for supplemental funding in Manitoba. Such advice omits reference to the fact that since 1965, Ontario has had a cost sharing agreement with Ottawa whereby 93% of actual child welfare expenditures on reserve are reimbursed. This information can be found on p. 51 of Appendix "B" (which constitutes Appendix "C" of that document).

It is our respectful submission that if Customary Care is to succeed in Manitoba, it will be because there has been a decision that the additional costs associated with establishing and maintaining Customary Care Agreements with Identified Communities can be reimbursed. While funding levels are not (and should not be) embedded in legislation, our commitment to make this important innovation work well compels us to mention this concern on the record. We are recently advised that there may be provision for additional funding, and will watch this development with interest.

Conclusion

We thank you for your time and attention to this important initiative. In addition to questions that you may have now, if there are questions later, please let us know. We would be pleased to work with you to answer those questions to the best of our ability.

Yours truly,
Ms. Tara Petti
Chief Executive Officer

APPENDIX ONE Side-By-Side Comparison
Re Customary Care Amendments 07 March, 2016
In The CFS Act are not specifically listed in this section. our Provincial Government to recommend such an amendment.

New sec. 8.24 The following is added after section 8.23:

Part 1.3 Customary Care

Definitions

8.24 The following definitions apply in this part.

"customary care" means care provided to an Indigenous child in a way that recognizes and reflects the unique customs of the child's Indigenous community.

"customary care agreement" means an agreement that meets the requirements of this Part. "customary care home" means a home or other place where one or more indigenous children reside with a customary caregiver under a customary care agreement that provides for a child to reside with the person. "customary caregiver" means a person, other than the Indigenous child's parent or guardian, who has entered into a customary care agreement that provides for a child to reside with the person. "Indigenous child" means a child The following is added after section 8.23 Part 1.3 Customary Care Definitions

8.24 *The following definitions apply in this part.*

"customary care" means care provided to an Indigenous child in a way that recognizes and reflects the unique customs of the child's Indigenous community.

"customary care agreement" means an agreement that meets the requirements of this Part. "customary care home" means a home or other place where one or more Indigenous children reside with a customary caregiver under a customary care agreement that provides for a child to reside with the person. "customary caregiver" means a person, other than the Indigenous child's parent or guardian, who has entered into a customary care agreement that provides for a child to reside with the person. "Indigenous child" means a child In addition to eligibility for "membership", there should be an added concept of "affiliation" within the definition of "Indigenous child". This concept is already used in the ADP Field Guide (the ((protocol" referenced in sec. 17 of The Authorities Act). One example can be found on p. 18 of the 2014 version of the ADP Field Guide:

"A community affiliation could be extended family in the community; or that the family lived in the community in the past; or membership in a particular community; or the community with which the person identifies. Identification is based on self-declaration" (emphasis added).

There are many situations where a child may have an "affiliation" with one or more specific Indigenous communities, without having the legal ability to become a member. Due to the C-31 amendments (in 1985) to The Indian Act, that is an issue which will grow with time. It is an issue that is also relevant for Metis children. Amending or augmenting this definition to include the concept of who is or is eligible to be a member of an Indigenous community.

"Indigenous community" means

(a) an Indian band as defined in the Indian Act (Canada); or

(b) any other First Nation, Inuit, or Metis community designated as an Indigenous community under section 8.25. who is affiliated with or is eligible to be a member of an Indigenous community. "Indigenous community" means

(a) an Indian band as defined in the Indian Act (Canada); or

(b) any other First Nation, Inuit, or Metis community recognized as an Indigenous community under section 8.25; affiliation is an important addition to the bill.

Ministerial "designation" implies a colonial approach. First Nations communities (and Metis communities) have the inherent ability to "self-designate".

Defining eligible communities in the context of Ministerial "recognition" would be a more respectful approach

8.25(2) after re-numbered section 8.25(1)
Designation Designation of community by minister

8.25 The minister may, with the consent of a First Nation, Inuit or Metis community's representatives, designate the community as an indigenous community for the purposes of this Act.,
Recognition Recognition of community by minister

8.25 The minister may, with the consent of a First Nation, Inuit or Metis community's representatives, recognize the community as an Indigenous community for the purposes of this Act. As stated above, having the minister being solely responsible for the designation of communities is a colonial approach.

What is needed here is a process that is consistent with the Nation-to-Nation process that the current federal government has adopted.

New subsec. 8.26(2)(b) to be inserted after a re-numbered 8.26(2)(a). Notifying Indigenous community

8.26(2) When a parent or guardian of an indigenous child has expressed an interest in entering into a customary care agreement for the child, the agency serving the Indigenous child must notify the child's Notifying Indigenous community

8.26(2)(a) When a parent or guardian of an Indigenous child has expressed an interest in entering into a customary care agreement for the child, the agency serving the Indigenous child must notify the child's Issue One There is a conflict here with subsection 3, below (which makes it mandatory for agencies to provide customary care services). How is an agency supposed to comply with both subsection 3 and this section if a parent both expresses an interest in customary care AND also refuses to consent to the notification of the

Indigenous community if the parent or guardian has given his or her consent for doing so.

8.26(2)(b) *In the event there is opposition from the parent or guardian to notifying the Indigenous community, an effort should be made to resolve the dispute through the application of the provisions of a dispute resolution process identified in the customary care agreement in accordance with the provisions of subsection 8.28(2).*

8.26(2)(c) *If there is more than one identified community that is a candidate for a customary care agreement regarding an Indigenous child, and the parties cannot agree on which Indigenous community should be approached, the parties should attempt to resolve the dispute through the application of the provisions of a dispute resolution process identified in the customary care agreement in accordance with the provisions of subsection 8.28(2)(e) or the provisions of a regulation under clause 86(k.9). appropriate Indigenous community? Although this combination of positions may be rare, there are situations where families receiving services [or their self-styled advocates, such as the Northend Action Group (NAG) <http://nagwpg.blogspot.ca/>] have purposely taken contrarian positions, and that possibility should be covered. This should trigger an effort to resolve the impasse through an alternate dispute resolution mechanism, per 8.26(2)(b). An apprehension could be the outcome of an impasse.*

Issue Two The current draft wording supposes that there is only one identified community per child, a false assumption. There needs to be a mechanism in the customary care agreement, such as requiring some (unspecified) dispute resolution process in the agreement for establishing which Indigenous community will become involved.

8.26(3) *Parties to customary care agreement*

The added wording in (a) mirrors the wording in sec. 14, dealing with VPAs.

8.26(3) *The following must be parties to a customary care agreement for an Indigenous child:*

- (a) the child's parent or guardian;*
- (b) the agency serving the child;*
- (c) the representative of the child's Indigenous community;*
- (d) the customary caregiver of the agreement provides for the child is to reside with him or her.*

8.26(3) *The following must be parties to a customary care agreement for an Indigenous child:*

- (a) the child's parent or guardian, or the person having actual care and control of the child;*
- b) the agency serving the child;*
- (c) the representative of the child's Indigenous community;*
- (d) the customary caregiver of the agreement provides for the child is to reside with him or her.*

There will be a significant number of situations where a person having long-term care of a child has not obtained legal guardianship, yet needs to invoke a customary care placement plan. The fact of not having legal guardianship should not be an impediment to making a decision that is in the best interests of the child. For VPAs, this has been recognized since at least 1986. There should be no barrier to adding it within Bill 15.

8.28(2) *Contents of customary care agreement*

8.28(2) *The terms of a customary care agreement may include, without limitation, the following;*

- (a) the details of the supports and services that are to be made available under the agreement;*
- (b) the details of the plan for the child's safety and security;*
- (c) the length of time that the agreement is to be in effect and the details of how it may be ended.*

Contents of customary care agreement

8.28(2) *The terms of a customary care agreement may include, without limitation, the following;*

- (a) the details of the supports and services that are to be made available under the agreement;*
- (b) the details of the plan for the child's safety and security;*
- (c) the length of time that the agreement is to be in effect and the details of how it may be ended;*

(d) The details of how visitation

will be determined when the child has significant ties to another community; No Changes in (a)- (c); Clauses (d) and (e) are added.

The addition of visitation provisions and a dispute resolution process would be important elements to add, as both of these issues have the potential to get

the parties thinking ahead about potential barriers, and

(e) provisions for a dispute resolution process to be utilized should there be unresolved issues in either the creation of a customary care agreement or during the duration of a

customary care agreement establish the possibility that a viable solution can be found.

Section 9 (continued) / New sec. 8.29(2) Director's approval required 8.29(2) Despite subsection (1), the agency must obtain the director's written approval to provide supports and services, including maintenance, under the new customary care agreement. Authority's approval required 8.29(2) Despite subsection (1), the agency must obtain its mandating authority's written approval to provide supports and services, including maintenance, under the new customary care agreement. Wording should be changed to authority approval. Already, based on 12 years' of precedence, CFS authorities have been approving support beyond termination of permanent guardianship when a youth reaches majority, despite the fact that subsection 50(2) was not amended by The Authorities Regulation 183/2003 through a drafting oversight.

Authority approval for agreements

under 50(2) was the intent of devolution.

Section 9 (continued) / New sec.

8.30(2) Agency to notify when agreement ends

8.30(2) When a customary care agreement ends, the agency must notify the agency's mandating authority and the director. Agency to notify when agreement ends

8.30(2) When, through any process other than normal expiration, a customary care agreement ends, the agency must notify the agency's mandating authority and the director. There is no reason to ask anyone to go through a formal notification process to the director or an authority when an agreement has simply expired. Under "normal" expiration conditions, the agency should be focused on assessing the situation to determine safety and risk for the child, assessing the need for in-home supports, rather than sending out unnecessary notifications.

New sec.

8.34 Review by authority

8.34 During each 12-month No Changes. This mirrors the provisions in section 54 regarding period that a customary care agreement is in effect, an authority must review the agreement and the supports and services provided under the agreement to determine whether they continue to reflect the best interests criteria set out in subsection 2(1).

annual reviews for all children in care. There have never been sufficient staffing levels for agencies to achieve good compliance with this requirement.

Section 10 / Amends subsection 51(2). A new transition subsection, 51(3) is added after the new 51(2)(e). Transitional: Appeals already commenced

51(3) Where, on the day subsection 51(2)(e) comes into force, there is already an appeal commenced in relation to a planned removal which has been postponed in accordance with the provisions of subsection 51(2)(a)-(d), that appeal will be continued and completed with reference to only the provisions of subsection 51(2)(a)-(d). The costs and time delays that would be caused by someone taking a contested removal to court because of the new (e) subsection allowing the sudden removal of a child in the middle of an appeal would far outweigh the nominal additional time it would take to resolve the matter based on the "old" rules.

Failure to amend as suggested would leave a gap in the legislation, which would invite the courts to become involved through "parens patriae".

Section 11(a) / NEW. This addition amends subsection 76(3) of The CFS Act. (d.3) Where disclosure is required for purposes of Part 1.3 of this Act or

This addition will make it clear that sharing of relevant information within the context of a customary care arrangement is part of the process.

Section 11(b) / NEW.

These two Additions amend subsection 76(12) of The CFS Act. Voluntary service records Subsection 76(12) is amended in the part before clause (a) by adding "Part 1.3 or" before "Part 11". This addition will allow agencies to share information appropriately with Customary Caregivers, schools that need information, etc.

See page three of the oral

Clause 76(12)(c) is amended in the part before clause (a) by adding /a minor parent or" before "an adult. n presentation for the completed subsection as amended.

Section 11(c) /NEW.

This addition amend subsection 76(14) of The CFS Act.

Subsection 76(14) is amended by adding "Part 1.3 or" before "section 14". By adding / (Part 1.3 or" before 11Section14, it is clear that former children and youth that were in customary care arrangements would be able to review their files.

Section 12 / Amends section 86

(regulations) Section 86 is amended by adding the following after clause (k.2): (k.3) respecting the criteria for designating an Indigenous community under section 8.25; (k.4) respecting the notification of Indigenous communities by agencies under subsection 8.26(2), including, without limitation, prescribing the form, content and manner of notification; respecting the form and content of customary care agreements. respecting the supports and services that may be provided under customary care agreements. respecting safety and other requirements for customary care homes and customary caregivers and authorizing an agency to

Section 86 is amended by adding the following after clause (k.2): (k.3) respecting the criteria for designating an Indigenous community under section 8.25; (k.4) respecting the notification of Indigenous communities by agencies under subsection 8.26(2), including, without limitation, prescribing the form, content and manner of notification;

respecting the form and content of customary care agreements;

respecting the supports and services that may be provided under customary care agreements.

respecting safety and other

requirements for customary care homes and customary caregivers and authorizing an agency to

There are two general changes:

(1), a punctuation typo at the end of (k.5), and

(2), the addition of a clause, (k.9), at the end, to mandate the creation of an alternate dispute resolution mechanism.

In addition, there may be merit to re- ordering the elements and placing the alternate dispute resolution clause ahead of record retention and destruction.

waive or vary those requirements and prescribing conditions for doing so;

(k.8) respecting the retention, storage and destruction of records under Part 1.3; waive or vary those requirements and prescribing conditions for doing so;

(k.8) respecting the retention, storage and destruction of records under Part 1.3; and, (k.9) respecting one or more alternate dispute resolution mechanisms.

Aboriginal Children in Care

Report to Canada's Premiers

July 2015

Aboriginal Children in Care Working Group: Report to Canada's Premiers

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Executive Summary

Aboriginal children are over-represented in child welfare systems across Canada. In August 2014, Canada's Premiers directed provinces and territories (PTs) to work with Aboriginal communities in their respective jurisdictions to share information on local solutions; and acknowledged the need for governments and Aboriginal communities to work collectively to address this Canada-wide problem. Although Premiers also requested that the federal government be engaged in this work, neither the Minister of Aboriginal Affairs and Northern Development Canada, nor the Minister of Employment and Social Development Canada responded to invitations to participate.

Premiers also agreed to ask their appropriate Ministers to engage National Aboriginal Organizations in reviewing issues and best practices for reducing the number of Aboriginal children in care and improve the quality of care.

This report to Canada's Premiers provides examples of existing programs and services that have been shown to reduce the number of Aboriginal children in child welfare systems and/or improve outcomes for Aboriginal children in care. The report highlights a number of issues and challenges, and profiles some best and promising practices along three strategic child welfare themes: root causes of abuse and neglect; prevention and early intervention strategies for Aboriginal families; and better supporting the capacity of the child welfare workforce.

There are many programs and services in place to address issues related to Aboriginal child welfare. Those profiled in this report are only a small selection of existing efforts to support Aboriginal children and families. In spite of existing programming, Aboriginal children still vastly

outnumber non-Aboriginal children in care on a proportional basis. These statistics underscore the need to continue to work together to support vulnerable Aboriginal families and children to change the outcomes for future generations.

This work has been accomplished within the context of a broader dialogue about Aboriginal issues in Canada. The significance of these broader issues is acknowledged and woven throughout the discussion. Many of the factors that lead to children being placed in child welfare systems are rooted in events that have a harmful and enduring impact on Aboriginal families, communities and individuals, including an ongoing cycle of poverty and social challenges for Aboriginal people.

Root Causes: Research demonstrates that addressing several key social determinants of health (the conditions in which people are born, grow, live and work) is fundamental and essential in promoting the health and well-being of Aboriginal children and families. Programs and services that strengthen broader social determinants assist in lessening family distress and support the building of healthy, empowered communities. Children who live in situations where families are vulnerable are at higher risk of being removed from their homes. As a result, by providing supports that address the social and economic factors (root causes) affecting Aboriginal peoples, it is expected that the number of Aboriginal children in care would be reduced over time and their overall outcomes would be improved.

Analysis of PT programs which target root causes at the family and community level highlight several common themes and areas of focus. These include poverty reduction strategies, measures to strengthen food security, stable and secure housing, improved mental health and addictions supports, and programs aimed at reducing family violence, supporting youth, and improving education and employment opportunities.

Prevention and Early Intervention: There is strong evidence indicating that access to a range of culturally relevant prevention and early intervention programs is highly effective in mitigating other factors that contribute to Aboriginal children coming into care. By facilitating family preservation, preventative programs promote children's safety and well-being while reducing or eliminating the need for further child welfare interventions. These preventative services can include home visiting, mental health and substance abuse treatment, early

childhood education , family counseling and violence deterrence.

The initiatives profiled in this report range from sweeping policy and governance makeovers to provincial and territorial-wide programs, to smaller scale community efforts at organizational innovation and parental support programs. The successes of each case are consistently , attributed to the involvement of Aboriginal communities and organizations in their governance, design, delivery and/or evaluation.

Supporting the Systems: A supported, skilled and informed workforce is central to improving outcomes for Aboriginal children and families who are involved in child welfare systems . As child welfare systems are evolving across Canada, key components include the introduction of new planning, assessment and decision-making tools and processes that help child welfare workers make safe, appropriate and consistent decisions for the families and children they serve. These tools and processes range from Alberta's adoption of the Australian 'Signs of Safety' approach, to the Flexible Response Model being piloted in Saskatchewan, to beginning implementation in whole or in part of the Structured Decision Making System in British Columbia, Saskatchewan, Manitoba, New Brunswick, Newfoundland and Labrador and the Northwest Territories.

PT governments and Aboriginal partners share a collective goal to support healthy families who are connected to their own cultures and communities. In profiling some promising practices, some key themes have emerged. They include:

- An emphasis on meaningful Aboriginal engagement and sensitivity to cultural appropriateness.
- Many of the most successful initiatives have Aboriginal organization and/or community involvement in their governance, design , and delivery;
- Limitations in available outcome information which limits the ability to identify effective initiatives to support Aboriginal families and help to address the over-representation of Aboriginal children in child welfare systems;
- The preventative value in a focus on strengthening and preserving families; and

- The diversity, not only of Aboriginal communities and the needs of Aboriginal children across the country, but of the systems designed to provide child and family support.

This report suggests that the programs most successful at reducing the number of Aboriginal children in care are well coordinated, culturally responsive and prevention focused. Yet the programs profiled in all three thematic areas are diverse and address a number of different elements. No attempt has been made in this report to identify one-size-fits-all solutions to the problem of the over-representation of Aboriginal children in care . Given the complexity of existing child welfare systems and the many different communities and nations that make up the mosaic of Aboriginal cultures in Canada, there can be no 'one size fits all' response to the issue.

Creating permanent, meaningful change requires dialogue and commitment from governments , including the Government of Canada and Aboriginal partners , to address the multiple challenges faced by Aboriginal children and families in Canada today.

1.0 Introduction

Aboriginal children are currently overrepresented in Canada's child welfare systems. This report has been developed for Canada's Premiers to share information on potential solutions to mitigate child protection concerns, reduce the number of Aboriginal children in child welfare systems across Canada, and improve outcomes for Aboriginal children in care.

While the wellbeing and success of all children starts within families and communities, governments along with Aboriginal leaders, Elders and communities play an essential role in ensuring that highly vulnerable children are protected.

1.1 - Background

According to the Assembly of First Nations (AFN), the overrepresentation of Aboriginal children within the child welfare systems is an extension of the historic pattern of removal of children from their homes. The residential school system removed and isolated children from the influence of their homes, families, traditions and cultures. Residential schools and the systemic adoption of Aboriginal children by non-Aboriginal families disrupted families and communities. The Government of Canada's apology for Residential Schools in 2008 stated "These objectives were based on the assumption that

Aboriginal cultures and spiritual beliefs were inferior and unequal". While varied in their extent across provinces and territories, Residential schools, along with other policies which impacted Aboriginal culture and practices have had an enduring impact on perpetuating cycles of intergenerational social crises and poverty.

In August 2014, Canada's Premiers discussed the disproportionate number of Aboriginal children in care across the country and the many complex social and economic factors that underlie this situation. During a meeting with National Aboriginal Leaders, Premiers also discussed the need for a more coordinated approach to address the high number of Aboriginal children who are in care across the country. Premiers reiterated their individual commitments to work with local Aboriginal communities in their respective jurisdictions on local solutions; and acknowledged the need for governments and Aboriginal communities to work collectively to address this Canada-wide problem.

Following this discussion, Premiers created a working group of provincial and territorial (PT) Ministers (Appendix A), co-led by Premier Robert McLeod of the Northwest Territories and Minister Kerri Irvin-Ross of Manitoba, and assisted by Premier Christy Clark of British Columbia, to report back at the 2015 Summer meeting of Canada's Premiers in St. John's, Newfoundland and Labrador.

The five National Aboriginal Organizations (NAOs) were invited to provide input into the report for Premiers and invitations to participate were also extended to the Ministers of Aboriginal Affairs and Northern Development Canada (AANDC) and Employment and Social Development Canada (ESDC). However, Federal ministers did not respond to invitations to participate in this work. In addition, some PTs reached out at the local and regional levels to involve their jurisdictions' service delivery agencies, community-based organizations and other Aboriginal stakeholders to help inform their contributions to this report.

1 Section 35 of the Constitution Act, 1982, defines Aboriginal Peoples as the "Indian, Inuit and Metis Peoples of Canada". The term "First Nation" is often now used synonymously with "Indian", and the term "Aboriginal" is used to refer to each of these three peoples collectively.

2 Canada's Premiers, August 29, 2014

<http://www.canadaspremier.ca/en/latest-news/74-2014/394-premier-commit-to-improving-outcomes-for-aboriginal-children-in-care>

3 Prime Minister of Canada's Statement of apology to former students of Indian Residential Schools, June 2008

<https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>

4 Final written submission by the Assembly of First Nations to the Canadian Human Rights Tribunal, August 29, 2014

The PT Ministers agreed the report would profile some promising practices along three strategic child welfare themes:

- Root Causes-Developing strategies to address the social and economic issues that are the root causes of abuse and neglect;*
- Prevention and Early Intervention - Improving prevention and early intervention supports including early childhood education provided to Aboriginal children and families; and*
- Supporting the Systems - Modernizing tools, training and standards to better support the child welfare workforce.*

Ministers also agreed that the initiatives, programs, policies and tools be targeted specifically to Aboriginal people; have been shown or promising in practice to be effective as demonstrated by evidence such as administrative data, reviews, and studies; and have the potential to be transferable to other jurisdictions.

1.2 - Momentum for Change

This Report to Canada's Premiers on Aboriginal children in care is occurring at a time of a broader, pan-Canadian dialogue on a range of issues related to the wellbeing, inclusion, and historical treatment of Aboriginal peoples in Canada, many of which were first highlighted at the national level in the Report of the Royal Commission on Aboriginal Peoples in 1996, and in numerous federal, provincial and territorial reports since that time.

A number of recent and upcoming events are expected to contribute to this national discussion. They include:

- The Truth and Reconciliation Commission Summary Final Report - The Truth and Reconciliation Commission has completed its*

mandate and released its summary of the final report on June 2, 2015. The report speaks to the "policy of cultural genocide", that "in establishing residential schools, the Canadian government essentially declared Aboriginal people to be unfit parents."5 The report links this history to a legacy that includes overrepresentation of Aboriginal children in care and calls on federal, provincial, territorial and Aboriginal governments to take action to reduce the number of children in care.

- *Canadian Human Rights Tribunal Ruling -The First Nations Child and Family Caring Society and the AFN launched a complaint with the Canadian Human Rights Tribunal, alleging that the federal government is discriminating against First Nations by funding child welfare services on-reserve at a lower level than provincial and territorial governments fund services off-reserve.*
- *Ontario First Nations Lawsuit- The Attorney General of Canada has been named in a class action lawsuit launched by several Ontario First Nations, who purport that the federal government is liable for the removal of children under the auspices of the Canada-Ontario Welfare Services Agreement.*
- *National Roundtable on Missing and Murdered Aboriginal Women and Girls - The first Roundtable was held in Ottawa on February 27, 2015. The participants agreed to further dialogue and to a follow-up meeting to be held in 2016 to discuss progress.*

2.0 The Current Situation

Aboriginal children and their families in Canada are more likely to live in poverty, and their poverty is more likely to be entrenched and intergenerational in nature. While more than half of Aboriginal Canadians now live in urban areas, many live in rural and remote communities. Aboriginal families are more likely to live in sub-standard housing; struggle with addictions; experience food insecurity; be single parent led; experience a lack of family and other supports; and lack the skills, education and economic development opportunities required to become self-sufficient. Further detail is provided in Appendix B: Aboriginal People in Canada, Statistical Overview.

Aboriginal children in Canada are served by complex systems, driven by a mix of legislation,

policy and standards developed and delivered by PT, federal, and Aboriginal governments. A number of these systems are in transition as PTs and Aboriginal governments move towards more culturally appropriate services for Aboriginal children and families. Despite progress to date, there have been tragic instances in recent years where child welfare systems have been unable to protect Aboriginal children in care.

Some of those tragedies have been documented in recent third party inquiries and reports, including the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sine/air (Hughes inquiry) in Manitoba, and *Out of Sight: How One Aboriginal Child's Best Interests Were Lost Between Two Provinces* (Turpel-Lafond inquiry) in British Columbia. There are also recent reports published by the Auditor General of Canada that highlighted shortcomings in the child welfare systems of Nunavut, the Northwest Territories and Yukon.

These reports contain disturbing, common themes: a need to provide more effective early intervention and prevention supports to Aboriginal families; systemic failures in practice, oversight and attention to children's needs; and the disproportionate number of Aboriginal children who end up in care.

Governments, to varying degrees, are responding to these reports by taking principled and inclusive approaches to address concerns. A focus on transformed relationships and new partnerships between PTs and Aboriginal partners is considered to be fundamental to preventing and addressing the reasons why Aboriginal children, youth, and their families disproportionately come into contact with child protection services. Extensive research demonstrates that improved outcomes are directly linked to the amount of community involvement and control in service governance, design and delivery, retention and the strengthening of culturally relevant programming. To help improve outcomes for Aboriginal children in Canada, a principle of co-development with Aboriginal partners is helping to shift child welfare systems to become more culturally appropriate.

While child welfare systems are changing and evolving in many positive ways across Canada, further action is required to address the circumstances that bring Aboriginal children in contact with child welfare systems in such disproportionate numbers.

2.1 - Overrepresentation

The National Household Survey (2011) indicated that 48% of 30,000 children and youth in foster care across Canada are Aboriginal children, even though Aboriginal peoples account for only 4.3% of the Canadian population. PT statistics demonstrate similar findings.

Comparing the rates of Aboriginal children in care across the country is challenging because the composition and growth rate of the population, economic conditions, employment rates, family and community relations and supports, and definition of "children in care," vary by PT as do the child welfare standards, policies and legislation that are in place across PTs.

Furthermore, child welfare agencies across Canada do not follow a single definition of "child maltreatment" that would result in removing a child from the home. Instead, definitions of maltreatment vary. They include situations where severe physical or emotional harm was inflicted on a child, to situations where a significant risk of harm is deemed to exist but there is no allegation or suspicion that maltreatment actually occurred, to situations where living conditions make it very difficult to ensure a child's safety or basic physical, emotional or educational needs are met (i.e. "neglect" as opposed to "abuse", an issue that is discussed later in this report).

While there are differences in the types of information that is gathered, limited statistics from PTs nevertheless provide strong evidence that Aboriginal children are over-represented in Canada's child welfare systems. For example:

- In British Columbia, the Aboriginal child population makes up 8% of the total child population, yet more than 55% of children living out of their parental home in the province are Aboriginal. One in five Aboriginal children in the province will be involved with child welfare at some point during his or her childhood.
- In Alberta, 9% of the child population is Aboriginal, and 69% of children in care are Aboriginal.
- In Saskatchewan, 25% of the child population is Aboriginal, and about 65% of children in care are Aboriginal.
- In Manitoba, 23% of the child population is Aboriginal, and about 87% of the children in care are Aboriginal.

- In Ontario, 3% of the child population under age 15 is Aboriginal, and 21% of the children in care are Aboriginal children living off-reserve.

- In Quebec, 2% of the child population is Aboriginal, and 10% of the children in care are Aboriginal.

- In New Brunswick, 3% of the child population is Aboriginal, and 23% of the children in care are Aboriginal.

- In Nova Scotia, 6% of the child population is Aboriginal, and 23% of the children in care are Aboriginal.

- PEI does not track nor report on ethnic origin of children in care. The provincial population is small, and the population of Aboriginal persons is low. Reporting on Aboriginal children in care could compromise confidentiality.

- In Newfoundland and Labrador, 11% of the population 19 years of age and younger were Aboriginal according to the 2011 National Household Survey, and 34% of the children and youth in care (17 and younger) were Aboriginal as of December 2014.

- In Yukon, 33% of the child population is Aboriginal, and 64% of the children in care are Aboriginal.

- In the Northwest Territories, 61% of the child population is Aboriginal, and about 95% of children in care are Aboriginal.

- In Nunavut, 85% of the child population are Inuit, and about 94% of the children in care are Inuit. 7 Definition of overrepresentation: The proportion of children within a child welfare system, or in out-of-home care, who come from a specific ethno-racial group, is higher than the proportion of children from that ethno-racial group in the overall child population.

Similarly, the First Nations Canadian Incidence Study of Reported Child Abuse and Neglect (FNCIS-2008), a national pilot study that analyzed reported child abuse and neglect in Canada, found that First Nation investigations involving informal kinship care during the three-month sampling period in 2008 was 11.4 times the rate for non-Aboriginal investigations and the rate for investigations involving formal child welfare placement was

12.4 times the rate for non-Aboriginal investigations.

2.2 - Child Welfare Systems in Canada

Child welfare falls under PT jurisdiction in Canada. Hence, each PT jurisdiction has developed systems to safeguard the welfare of children - practices, governance and legislation -that reflect and accommodate differing circumstances across the country. Child welfare has also become more complex as jurisdictions make efforts to provide more culturally appropriate services for their populations which lead to different systemic responses and varied service delivery models that attempt to better provide for the needs of vulnerable children and families, including Aboriginal children and their families. Further complicating the child welfare landscape is the fact that the Government of Canada has fiduciary responsibility⁹ for the provision of a range of services and supports to Aboriginal Canadians.

The development and history of child welfare systems in Canada, and their interaction with different Aboriginal peoples, families and children has varied between jurisdictions. These interactions, factors relating to these interactions, and their outcomes also vary significantly across jurisdictions. Although PTs retain overall legislative responsibility for, and oversight of, the regulation and provision of child welfare within their respective jurisdictions, under the Constitution Act (1867) and subsequent Federal Court Rulings (1939, 2013/14), the federal government has an overarching responsibility for First Nations, Inuit and Metis peoples in Canada.

Federal responsibility, however, is not well-defined. Generally, there is an acknowledged principle that federal funding be provided for on-reserve programming and services to address child welfare, and to support all health and social services on reserves. However, federal responsibilities towards Inuit and Metis peoples are less well- defined and the general lack of clarity around roles and responsibilities has also had the unintended effect of resulting in a mix of funding models and reporting structures across PTs and in Aboriginal communities.

Aboriginal Service Delivery Models

A focus on partnership with Aboriginal peoples has resulted in an assortment of service models that fall into four basic combinations for service delivery, governance and legislation¹⁰:

1. *PT Model: Services are delivered directly by jurisdictions or through funding/contracts with non-*

mandated, non-profit community-based agencies that may be Aboriginal. In these scenarios, PT Child Welfare Agencies or provincial or territorial governments are responsible for service provision, governance, legislation, and a portion of the funding for child welfare services.

2. *Delegated Model: Services are delivered through delegated transfers of responsibilities to mandated Aboriginal child welfare agencies. Aboriginal service agencies assume governance under PT legislation.*

8 *Statistics are based on data provided by PTs, studies, and Statistics Canada information.*

9 *The source of federal responsibility stems from s.91(24). It is not straightforward how the federal government discharges this responsibility*

10 *As defined by Sinha, V., Kozłowski, A. (2013). The Structure of Aboriginal Child Welfare in Canada. The International Indigenous Policy Journal, 4(2), p6.*

3. *Integrated Model: Services are delivered through regional Aboriginal authorities that share responsibility with the PT. Under this model, Aboriginal authorities direct the child welfare agencies under their control, while the PT determines policies, objectives and standards, and monitors (or shares in the monitoring of) performance. Like delegated agencies, Aboriginal child welfare agencies provide service but governance is split between the PT and Aboriginal communities under PT legislation.*

4. *Individual agreements between individual First Nations, the PT and the federal government: British Columbia provides the few rare examples of this model, in the agreement with Spallumcheen First Nation to operate child welfare services under band bylaws, and the treaty with Nisga'a First Nation that recognizes its law-making authority respecting children and family services so long as they are comparable to provincial standards. Service delivery, governance and legislative responsibility lies with the Aboriginal party.*

Funding Arrangements

Under every service delivery model above, PTs essentially fund services for Aboriginal children and families living off-reserve. The federal government generally funds child protection services on-reserve through individual agreements with First Nations child and family services agencies or with

communities or provinces. Ontario is an exception. In Ontario, the province delivers child welfare services on reserve with costs shared by Canada. Despite the recent Daniels ruling (2013), and its appeal (2014), which upheld the rights of and extended federal responsibilities to Metis peoples, the Government of Canada currently has not acknowledged their financial or policy/programming role in the provision of child welfare for off-reserve, non-status, Metis, and Inuit children.¹¹

Federal arrangements for funding on-reserve child welfare services vary considerably across the country. There are many specific cost-sharing and funding agreements¹², and three general federal funding models¹³ in place to support service provision on-reserve. They include:

1. Directive 20-1, which is focused on the operational costs of the child welfare agency and the costs of maintaining children in care.

2. The Enhanced Prevention Focused Approach (EPFA), which is focused on funding early interventions and prevention as well as agency operational costs and the costs of maintaining children in care. EPFA funding has been incrementally implemented; as of October 2014, it was only in place in six provinces (Alberta, Manitoba, Saskatchewan, Quebec, Nova Scotia, and Prince Edward Island).

3. In Ontario, child welfare services on reserve are cost-shared between the province and the federal government through the 1965 Memorandum of Agreement Respecting Welfare Programs for Indians.

Under the agreement, Ontario extends its welfare programs (including child welfare) to reserves and the federal government reimburses the province for approximately 93% of the eligible expenditures.

Not only do federal funding formulas and contributions differ, but there are significant concerns from some Aboriginal organizations that federal on-reserve funding is not providing services that are comparable to those provided by PTs in off-reserve communities. Directive 20-1 and the EPFA are both subject to the upcoming ruling of the Canadian Human Rights Tribunal regarding a lack of parity between on- and off-reserve funding. In addition,

¹¹ The Supreme Court will hear two appeals on this case in October 2015

¹² Refer to Appendix C for details of exceptional funding arrangements.

¹³ These models are discussed in recent submissions to the Canadian Human Rights Tribunal the Auditor General of Canada has repeatedly noted persistent federal underfunding of on-reserve child welfare services.

The availability of, and funding for, comprehensive health and social service programs also supports families and therefore impacts the welfare of children.

These complex funding arrangements can make navigating the programs and services that form the social safety net difficult for Aboriginal families and may result in unintended service gaps.

Some children are placed in care because of maltreatment resulting from willful child abuse or significant neglect. However, issues that often contribute and exacerbate child abuse and significant neglect (ex. poverty and substance abuse) could be addressed more effectively by comprehensive health and social service programs.

2.3 - Challenges

A number of specific challenges have been raised by the various third-party reports released on Canadian child welfare systems, and by those working within them; these challenges are:

Historical/Generational Impacts

Many of the factors that lead to children being placed in child welfare systems are rooted in events that have had a harmful and enduring impact on Aboriginal families, communities and individuals including an ongoing cycle of poverty and social challenges for Aboriginal people. Work to address the overrepresentation of Aboriginal children in child welfare systems needs to recognize that these past events are closely associated with today's family and child welfare problems. Child welfare systems need to acknowledge these issues in order to move forward and provide culturally appropriate programming that could address these historical and generational impacts.

For these reasons, the majority of programs profiled in this report are specifically targeted, or culturally sensitive, to Aboriginal families and those where Aboriginal partners are involved in the design and/or delivery of the program.

Effective Aboriginal child and family services should include proactive strategies to identify and address long standing systemic and structural barriers. Aboriginal child and family development policy, practice and approaches are most effective when they reflect and reinforce the intrinsic and distinct aspects of Aboriginal culture, knowledge, customs and languages.

Neglect

There is a growing body of evidence, drawn from both child welfare research and child protection practice, that the origins and impacts of child abuse are different than those of child neglect. Child abuse is often a deliberate, harmful act that carries an immediate risk to the child's well-being. Child neglect, on the other hand, is often a failure to act in the child's best interest, and carries a risk of cumulative harm over time.

Reports have found that neglect is the predominant reason for Aboriginal children coming into care. For example, a report by the AFN (Kiskisik Awasisak: Remember the Children) noted that neglect is closely linked with factors such as poverty, caregiver substance abuse, social isolation and domestic violence that can impede a caregiver's abilities to meet children's basic physical and psychosocial needs. The association between poverty and child neglect is particularly strong. Children from low income families are many times more likely than other children to experience neglect. Given that First Nations people on average have higher unemployment rates, lower incomes, and more pervasive poverty compared to non-Aboriginal people, First Nations children also have a much higher likelihood of being placed in care as a result of a substantiated neglect investigation. Addressing the 'root causes' of neglect (as evidenced by the above correlations) is critical to reducing the number of Aboriginal children involved with child welfare systems.

Inconsistent Funding and Jurisdictional Disputes

The combined responsibilities of both PT and federal governments towards the welfare of Aboriginal families and children imply the need to work together, and with Aboriginal people, to look for solutions to the current issues for Aboriginal child welfare. While there are many examples within this report of PT government and Aboriginal partnerships, it is concerning that the federal government did not provide an official response to the invitation to participate in this work. The lack of

a federal commitment to meet its obligations for Aboriginal peoples who are not living on reserve, coupled with problems associated with the varied funding mechanisms for on-reserve services, is cause for concern. PTs urge the federal government to implement funding under the Enhanced Prevention Focused Approach across the country to better improve outcomes for Aboriginal children and youth.

The Auditor General of Canada (2011) determined that the heavy use of contribution agreements also leads to significant uncertainty around funding in several ways, but primarily by detaching funding allocations from actual needs to be met. 14 The Auditor General's report also observed that it was not clear whether the federal government is committed to providing services on reserves of the same range and quality as those provided to other communities.

PTs are working on child-first approaches for First Nation children, normally living on-reserve, that have multiple disabilities and thus, require services from multiple providers. Jordan's Principle is a child-first approach that was developed in a health services context, in response to the death of five-year-old Jordan River Anderson of Norway House Cree Nation. In 2007, a motion was unanimously supported in the House of Commons stating that, "the government should immediately adopt a child first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children." However, there are different interpretations across the country as to the application of Jordan's Principle and the complex arrangements and a lack of clarity in and between some jurisdictions over roles contribute to disputes between federal and provincial governments over responsibilities for Aboriginal children.

Gaps in Complementary Programs and Services

Child welfare systems across the country place importance on supporting vulnerable families as much as possible. Removing children from their families is a serious step taken only when other alternatives to safeguard children are not seen to be viable. A narrow focus on the funding for and delivery of direct child welfare services is comparable to only paying attention to the tip of an iceberg. Compared to statutory programs like land claim agreements that are fully funded.

Considerable social programming is provided under PT jurisdiction and accessed by both Aboriginal and non-Aboriginal people. The Government of Canada

also provides complementary programs for status First Nations children and families, such as tax benefits, income assistance, training and employment programs for lower-income families (including childcare supports); health and community programs (including prenatal care, early childhood development, mental wellness, prevention of chronic diseases such as diabetes); and the Non-Insured Health Benefits Program for prescription drugs and medical supplies, equipment and transportation for First Nations people and Inuit regardless of whether they are on- or off-reserve or are able to pay.

However, Aboriginal families can face difficulties in navigating and accessing appropriate programs, for example after moving on-reserve, which may result in program or service gaps. Federal, provincial and territorial governments have a responsibility to address these underlying issues. The federal government also has an overall obligation towards Aboriginal peoples to make the changes necessary to dramatically improve outcomes for Aboriginal children.

Coordination of the Systems

Third-party recommendations from various child welfare systems reviews in recent years have called for improved sharing of information, improved coordination between service providers (including between child welfare providers and other community agencies), and more targeted training for social workers, specifically as it relates to legislation and tools.

The Turpei-Lafond report cited the lack of accurate documentation and communication between British Columbia and Saskatchewan which resulted in gaps that failed to prevent the severe abuse of an Aboriginal child from British Columbia who came under the custody of her grandfather in Saskatchewan. A key recommendation by Turpei-Lafond was that the PT Directors of Child Welfare conduct a review of the PT Protocol on Children and Families Moving Between Provinces and Territories to ensure there is a commitment by all PT child welfare authorities that placement decisions fully support the needs of children and families, and a seamless transition of services. PT Directors of Child Welfare continue to work on this protocol.

There is a similar need to improve communication and coordination of child welfare systems within jurisdictions. For example, in Manitoba Commissioner Ted Hughes noted that better coordination, communication and funding between

child welfare agencies and the community-based organizations that are involved with families can strengthen the capacity of agencies and organizations to provide services to families in need.

Supporting children and youth in care into Adulthood

A recent Conference Board of Canada report on outcomes for Aboriginal youth found that former foster children:

- Earn about \$326,000 less income over their lifespan compared to the average Canadian. This disparity is largely due to less education - primarily lower levels of high-school graduation with most youth not having graduated from high school; and
- Are disproportionately affected by poorly treated mental health issues / mental illnesses.

In addition, the report found that over a 10-year period, the cost to the economy of not changing this situation could total an estimated \$8 billion through lost productivity.

Key to improving the outcomes of Aboriginal youth is investing in early interventions and prevention services and supports that can help youth experience a healthy and successful transition into adulthood.

Recruiting and Supporting Staff in Aboriginal Communities

A 2008 pan-Canadian report found that the majority of child welfare workers in Canada are non-Aboriginal and identify English as their primary language. Training and recruitment efforts should target Aboriginal workers who have experience or familiarity with Aboriginal community life. In addition, recognizing that many of the Aboriginal families who receive services from child welfare systems live in rural or remote communities, it is particularly important that child welfare worker training for new and existing workers include a focus on cultural awareness and respect, the effects of historical factors on Aboriginal peoples, as well as an introduction to the issues and challenges facing rural and remote Aboriginal communities.

3.0 Root Causes

Aboriginal children and youth living in Canada face persistent developmental and achievement gaps in comparison to their non-Aboriginal peers. As the 1996 Report of the Royal Commission on Aboriginal Peoples noted:

Aboriginal people in Canada endure ill health, insufficient and unsafe housing, polluted water supplies, inadequate education, poverty and family breakdown at levels usually associated with impoverished developing countries. The persistence of such social conditions in this country- which is judged by many to be the best place in the world to live - constitutes an embarrassment to Canadians, an assault on the self-esteem of Aboriginal people and a challenge to policy makers. 15

To improve outcomes for Aboriginal families a broad range of social determinants of health must be considered. As explained by the National Collaborating Centre for Aboriginal Health, "social determinants influence a wide range of health vulnerabilities and capacities, health behaviours and health management. Individuals, communities and nations that experience inequalities in the social determinants of health not only carry an additional burden of health problems, but they are often restricted from access to resources that might ameliorate problems." 16

While there is no definitive list of social determinants for Aboriginal peoples, there is consensus in the research community that the following promote the health and wellbeing of Aboriginal peoples and communities:

- *food security,*
- *housing and community infrastructure,*
- *access to potable water,*
- *income distribution and employment,*
- *mental and physical wellness,*
- *early childhood development and education,*
- *prevention of family violence, and*
- *access to language and culture.*

Research demonstrates that the factors listed above, and their manifestation as indicators of poverty, too often lead to the abuse and neglect of children, and that programs and services that address these broader social determinants assist in lessening family distress and support the building of healthy, empowered communities. Children who live in situations where families are vulnerable are at higher risk of being removed from their homes, communities, languages, and cultures . As a result, by providing supports that tackle the social and economic factors affecting Aboriginal peoples, over time , we can expect to lower the number of

Aboriginal children in care and overall improve their social and economic outcomes.

Measuring populations' health via social determinants is an established best practice with metrics implemented to suit specific groups and settings. The United Nations, for instance, uses its Human Development Index to calculate the health of nations through longevity, educational achievement, and adult literacy. The Government of Canada, through AANDC, uses the Community Well Being index to determine the health of First Nations communities based on education, labour force participation, income and housing.

15 "New Directions in Social Policy." Report of the Royal Commission on Aboriginal Peoples. Volume 3, Chapter 1. Page 1.

16 Charlotte Loppie Reading and Fred Wien . Health Inequalities and Social Determinants of Aboriginal Peoples ' Health. National Collaborating Centre for Aboriginal Health, 2009 . Page 2.

Along with social determinants that affect socio-economic status and physical and mental wellbeing, several seminal reports have argued that the ongoing impact of colonization is a key factor in the poorer health and wellbeing outcomes for Aboriginal peoples. In its extensive work on this topic, the World Health Organization (WHO) concluded that the "colonization of Indigenous peoples was seen as a fundamental underlying broader health determinant." 17 Aboriginal partners and organizations have consistently advocated for policies that target social determinants, including measures to combat the legacy of colonialism. Meaningful gains in Aboriginal child and youth outcomes will only be achieved by supporting the self-determination of First Nations, Metis and Inuit peoples which will enable them to realize their own social and economic goals.

All PTs are currently engaged in work to reduce poverty and associated/ underlying factors contributing to poverty, and most have poverty strategies, some of which are reinforced by legislation. However, for the purposes of this report, we have only included promising practices that have evidence to show that they support Aboriginal families and children.

Analysis of PT programs highlighted several common measures and areas of focus to combat and lower the number of Aboriginal children in care by

addressing root causes at the family and community level. These include:

- measures to strengthen food security and access to nutritious, affordable food;
- stable and secure housing;
- improved mental health supports and treatments, and addictions programs;
- programs aimed at reducing and eliminating family violence;
- programs relating to youth, justice, and employment (ex: access to educational supports, and developmental programs for young children); and
- improving training and cross-cultural awareness for front line workers.

Listed below are a number of programs currently operating in PTs that address broader social determinants of health for Aboriginal peoples.

Healthy Baby Program

The Healthy Baby Program promotes healthy pregnancy, early childhood development, and mother-child attachment. Low-income pregnant women, including Aboriginal women and those who live in First Nations communities, receive a targeted financial supplement through the Manitoba Prenatal Benefit of up to \$81.41 per month, based on income. Women who apply for the benefit must provide a medical note from a health care provider, confirming their pregnancy and expected due date. This requirement is designed to encourage expectant mothers to undertake early and regular prenatal care. Pregnant women, and new mothers with children up to one year of age, may also access Community Support Programs, with several sites using an Aboriginal focus to their programming, employing Aboriginal facilitators and outreach workers, and targeting supports to best meet the needs of the Aboriginal peoples in the community. While many PTs have healthy baby programs, it is of note that an independent evaluation in 2010 found that this program prevented low birth weight and preterm births, and increased breastfeeding initiation, which are outcomes that correlate with lower rates of child welfare involvement.

17 World Health Organization . *Social Determinants and Indigenous Health: The International Experience and its Policy Implications* . 2007 . Page 2.

Abecedarian Early Childhood Project

The Abecedarian pilot project is an early childhood development program in Winnipeg's Lord Selkirk Park community, an inner-city housing development. Using the Abecedarian approach, the pilot project incorporates learning into day-to-day adult-child interactions that are tailored to the needs of each child. Activities focus on social, emotional and cognitive areas of development but give particular emphasis to language. The majority of participating families are Aboriginal and provided input into program planning, including establishing a traditional Aboriginal parenting group led by an Elder. The Abecedarian approach is renowned internationally as a best practice for early childhood development programs. Early results from the Lord Selkirk Park project indicate that participating Aboriginal children made considerable gains in early language development.

Since research shows that poor early literacy and language development is associated with other risk factors (e.g. conduct problems) for child abuse, good outcomes from this project can reduce the risk of participating children being placed into the child welfare system.

PAX Good Behaviour Game (PAX GBG)

PAX GBG is a childhood mental health promotion strategy, delivered daily in first grade classrooms, that teaches students self-regulation and collaboration so that children learn they have control over themselves and their environment. About 40% of participating students are Aboriginal. Over 40 years of rigorous research and evaluation has shown that GBG results in less smoking, alcohol, and drug use; less violent crime; fewer suicidal thoughts and attempts; and more high school completion, post-secondary and labour force participation. Initial results for PAX GBG in Manitoba (including in First Nations) indicates it has positive effects in preventing early emotional, conduct, hyperactivity, and peer relationship problems, and promoting early pro-social behavior. New (unpublished) results suggest that PAX is up to two times as effective for participating Aboriginal children in improving early mental health outcomes. By lowering demands and stress on parents/caregivers, PAX may reduce the risk of children being placed into care, as well as contribute to the child's lifelong physical and mental health, and education and economic success.

Ontario Aboriginal Housing Services and Miziwe Biik Development Corporation

Ontario Aboriginal Housing Services (OAHS) is a not-for-profit housing corporation established in 1996 by the Ontario Federation of Indigenous Friendship Centres, the Metis Nation of Ontario, and the Ontario Native Women's Association. The OAHS provides culturally-appropriate housing support services to Aboriginal peoples living off-reserve in Ontario, outside of the Greater Toronto Area (GTA). This mandate is derived from extensive engagement with off-reserve Aboriginal populations.

Now supported by the Ontario Ministry of Municipal Affairs and Housing, OAHS gained administrative responsibility for a portion of the former Rural and Native Housing Program delivered by the Canadian Mortgage and Housing Corporation. With over 1600 homes in its portfolio, the OAHS is now the largest Aboriginal non-profit housing provider in the province.

The Miziwe Biik Development Corporation's Affordable Home Ownership (AHO) program works to provide housing to off-reserve Aboriginal peoples living within the GTA. The AHO program provides loans of up to \$30,000 to qualifying Canadian Aboriginal people to assist with a down payment towards the purchase of a home. The AHO program has resulted in 179 Aboriginal households receiving loans to purchase homes, 171 benefitting from the repair program, and the approval of funding for the building of 145 rental units.

Both of these programs being controlled and operated by Aboriginal organizations helps to ensure that children and families have access to culturally sensitive housing options, lessening the risk of children entering into care.

Children Who Witness Violence Program

Ontario's Children Who Witness Violence Program (CWWV) is designed to mitigate the impact of witnessing violence by providing Aboriginal children with tools to support positive development and life choices as they grow. Delivered by Indigenous Friendship Centres across Ontario, CWWV promotes healing and positive development through implementing culturally appropriate and holistic support services and activities to children and their families. The integration of a cultural framework into CWWV has been fundamental as it supports children and their families in returning to optimal functioning and thereby helps to reduce the number of Aboriginal children taken into care .

Evidence from the CWWV Program identified that families attending the program demonstrated increased implementation of traditional parenting styles, specifically demonstrating traditional roles and responsibilities as a result of their participation. It was further shown that families and school staff observed an enhancement in children's academic performance as a result of participation in the program, and decreases in unfavourable behaviours both at home and at school. An overall increase of cultural knowledge has also been identified through children's participation as a result of CWWV and Friendship Centre cultural events, and it is this ongoing exposure and connection to culture based group sessions is critical to the success of CWWV, for example through Elders, teachings, ceremonies, language and peer interactions to enhance children's self-esteem, leadership skills, trust and respect.

Ententes de collaboration en sante mentale et en dependance (Mental Health and Addiction Cooperation Agreements)

Quebec recognizes that it has a responsibility in terms of ensuring the continuity and complementarity of services with Aboriginal communities not covered by the agreements (see Appendix C for Quebec 's agreements). It does this mainly by ensuring that appropriate referral mechanisms are in place when the residents of these communities receive services in the institutions of the Quebec network, and by facilitating the transfer of expertise and knowledge in order to meet the needs expressed by these communities.

Mental health and addiction cooperation agreements seek to promote the continuity and complementarity of mental health and addiction services between the community and the health and social services centre for all individuals .

Initiated by the Ministere de la Sante et des Services sociaux (MSSS - Quebec department of health and social services), this project is currently being implemented in two pilot regions, Abitibi-Temiscamingue and the North Shore .

Partners in this initiative are the First Nations of Quebec and Labrador Health and Social Services Commission and Health Canada . Health Canada provided funding via the Health Services Integration Fund.

In the long term, this work should result in decreases to the number of children in care by ensuring

families have access to appropriate mental health services when they are needed.

Sagijug Nunavik Quebec (SNQ) project

In 2013, a Saqijug Nunavik Quebec (SNQ) coordinating group was set up under the joint responsibility of Quebec's Minister for Rehabilitation, Youth Protection, and Public Health and the Chair of Nunavik's Regional Partnership Committee, together with key local, regional, and provincial stakeholders in order to implement the SNQ project. The goal of the project is to reduce substance abuse and the resulting physical and psychological impact and over-criminalization, which in turn should result in fewer children in the child welfare system.

Saqijug (meaning a change in wind direction in Inuktitut) is a joint approach that focuses the participation of all partners in finding concrete solutions to problems identified by the region. The goal of the project is to reduce the use of alcohol and drugs, as well as the resulting physical and psychological impacts and over-criminalization, which in turn should result in fewer children in the child welfare system.

Enhanced First Nations Education Programs and Services Agreements

The New Brunswick Department of Education and Early Childhood Development has been mandated to negotiate Enhanced First Nations Education Programs and Services Agreements (Enhanced Agreements or EAs). In April 2008, a Tripartite MOU was signed between the province of New Brunswick, the First Nation Education Initiative Incorporated and Three Nation Education Group Incorporated and AANDC. The MOU committed the province of New Brunswick to a 50% targeted reinvestment in First Nations' education and stated that AANDC was to pursue contributing comparable tuition funding to First Nations in NB.

Through the EAs, many teachers have been hired and First Nations students are receiving educational resources required for academic success. The province, AANDC and First Nations education organizations are collaborating on the future of the EAs.

An independent report was completed by external consultants to review the impact of the agreements on the success of First Nations students in public schools. Preliminary analysis strongly indicated that the agreements and the reinvestment of tuition

fees have had a significant positive impact on First Nations students.

Air Foodlift Subsidy

The Government Newfoundland and Labrador (GNL) delivers the Air Foodlift Subsidy (AFS) program through the Labrador and Aboriginal Affairs Office to help offset the cost of air freight on fresh milk and other perishable food items such as fruits and vegetables. Eligible communities include Nain, Natuashish, Hopedale, Makkovik, Postville, Rigolet and Black Tickle. The AFS provides access for Labrador residents of remote communities to nutritious, perishable items year round with a subsidy paid to retailers to offset the high cost of air freight to the communities.

The AFS has also been used to address special needs of the residents of remote communities in Labrador. For example, in 2013, through the AFS, the GNL provided a one-time \$30,000 grant to the Nunatsiavut Government (NG) to help address food related concerns in Inuit communities. The funding was used by the NG to purchase meat for the community freezers in the Inuit communities to be made available to lower income and elderly people.

Funding was also used to address food insecurity in Nunatsiavut communities due to the hunting ban on the George River Caribou Herd, as well as fish consumption advisories relating to contamination in Hopedale Harbour.

Aboriginal Women's Violence Prevention Grants Program

A safe home, devoid of family violence, is an important consideration in child protection cases. Initiatives to decrease or mitigate the impacts of family violence have a positive impact on helping to ameliorate the social and economic conditions that disproportionately impact Aboriginal children and families and may lead to them coming into care. In Newfoundland and Labrador, the Women's Policy Office, through the Violence Prevention Initiative, offers an Aboriginal Women's Violence Prevention Grants program. Aboriginal organizations and governments within Newfoundland and Labrador are invited to submit applications for projects to a maximum of \$30,000 to support the prevention of violence against Aboriginal women and children. Applications that include one or more of the following activities are considered for funding:

- Preparing and implementing a violence prevention plan of action;

- *Implementing violence prevention programs aimed at men, women, children and youth, families, older adults, and other populations;*
- *Developing public awareness and education materials or activities such as posters, pamphlets or advertisements;*
- *Providing healing programs;*
- *Improving programs and delivery of services at shelters for Aboriginal women;*
- *Developing anti-violence training and materials;*
- *Providing violence prevention training for community members and service providers;*
- *Developing Aboriginal women's leadership capacity;*
- *Developing women's economic or educational capacities;*
- *Improving the cultural strength of Aboriginal communities;*
- *Supporting the transmission of cultural knowledge and language;*
- *Conducting research;*
- *Attending policy and program consultations on anti-violence work;*
- *Developing and delivering cultural and other wellness program, activities, and training that support violence prevention; and*
- *Developing mentoring programs.*

Since the program began in 2006, approximately \$1.5 million has been allocated to support 102 projects for the prevention of violence against Aboriginal women and children. Feedback from Aboriginal communities has been overwhelmingly positive and the grants provide capacity for education and awareness programs that these groups and organizations do not otherwise have. The program has also provided funding to women's shelters to help ensure that women have a safe space in crises situations, and to enhance the violence and child abuse programming that shelters provide.

Ilisaqsivik Society Community Programming

The Ilisaqsivik Society is a non-profit, community-initiated and community-based Inuit organization in Clyde River, Nunavut, dedicated to promoting community wellness. Ilisaqsivik provides space,

resources, and programming that enable families and individuals to find healing and develop their strengths. The organization includes a variety of community- and Inuit societal value-based programs, based on the premise that the people themselves know best. The programs include parents and tots programs, home visiting and pre-natal and parent support groups, counsellor training programs, men's and father-son groups, and land-based programming.

Programs are designed to help parents gain the skills and resources they need to facilitate healthy child development and deal with the challenges and stresses of parenthood. Programs for children help them gain skills in Inuktitut language, connect with elders in a positive way, learn Inuit cultural practices and traditional skills, and access healthy foods and develop healthy lifestyles. Programs are enhanced over time to meet the needs of parents and children identified by the community. All of Ilisaqsivik's children's programming is overseen by a Children's Programming Committee, and a Counseling Elder who works with the children's programs to help kids develop strong bond with Elders and to teach Inuktitut language and Inuit knowledge.

The society was a 2010 recipient of the Kaiser Foundation National Mental Health and Addictions Award for excellence in community programming, a 2012 recipient of the Prime Minister's Volunteer Award for Social Innovation.

The Residential School System in Canada: Understanding the Past - Seeking Reconciliation - Building Hope for Tomorrow

As part of efforts to develop culturally appropriate and engaging learning opportunities, and to begin to actually address some of the challenges facing northern communities today, The Governments of the Northwest Territories and Nunavut developed a unit on the history and legacy of residential schools in Canada. The residential schools unit comes with a full collection of teaching resources that help students and teachers explore the policies and historical context of colonialism that supported residential schools. Students learn about the positive and negative impacts that residential school experiences had on many people, and discuss the opportunities for reconciliation and healing that are needed today.

The curriculum resource includes a teacher's guide, a DVD with pictures, audio and video footage, a

historical timeline of the residential school system in Canada , and a collection of books at various reading levels for students and the teacher 's learning. The teaching materials cover topics ranging from the history and legacy of residential schools , traditional education and learning, colonialism , assimilation, the Indian Residential Schools Settlement Agreement , the federal apology , the Truth and Reconciliation Commission and suggestions for what reconciliation might look like. It is not exclusively tied to Aboriginal communities , because the intent is in increase all students ' understanding of the Aboriginal experience . In both territories, it is a mandatory unit for all students to take in order to graduate.

Two studies of the curriculum have indicated that students and teachers reported increased empathy , critical thinking skills, ethical awareness, and decision-making strategies.

Aboriginal Cultural Awareness Training

The Government of the Northwest Territories (GNWT) launched Aboriginal Cultural Awareness Training for all employees in June 2013. This training is intended to enhance Aboriginal cultural understanding and reaffirm the fundamental interest the GNWT places on including Aboriginal values in program and service design and delivery.

Aboriginal Cultural Awareness Training provides GNWT employees with information and context for the communities and regions we live in and residents we serve. Diversity and inclusion are crucial aspects of a strong and stable public service. This training increases understanding about Aboriginal culture, enhances awareness , and promotes a spirit of inclusion. This training also reaffirms Aboriginal values and partnerships as a key foundation of the GNWT , based on respect, recognition and responsibility.

GNWT Employees, including those working in the social services sector and in front line social work positions now participate in mandatory training modules that include the importance of Culture and Cultural Awareness, Aboriginal Peoples of the Northwest Territories, The History of the Northwest Territories from an Aboriginal Perspective, and Present and Future Challenges for Aboriginal Peoples in the Northwest Territories . Employee satisfaction surveys show an increase in the number of employees reporting cross-cultural opportunities, particularly in departments where there has been a high uptake on the new training .

Increases in societal understanding and empathy and increased cross-cultural experiences including Aboriginal populations helps to reduce racism and misunderstanding , which should lead to improved outcomes for Aboriginal people as a whole.

Jackson Lake land-based addictions and mental health recovery program

The Jackson Lake land-based addictions and mental health recovery program held in a rural setting a half-hour's drive from Whitehorse , is based on First Nation cultural ways of healing but also includes clinical approaches.

In 2014, Kwanlin Dun First Nation (KDFN) increased its land-based healing programs at Jackson Lake Healing Centre thanks to a 3-year funding commitment from the Yukon government. The 4 week residential land-based healing program is supported by the Jackson Lake Wellness Team made possible by a multi-year funding from Health Canada. KDFN implements two gender specific 4 week land-based residential treatment programs open to citizens of all 14 Yukon First Nations. The Jackson Lake Wellness Team works with other First Nation and agency partners in program development, delivery and evaluation focused on:

- prevention of addictions and mental health problems;*
- community based options for pre-treatment , support , outreach and treatment; and*
- aftercare and recovery programming.*

Since 2009 there have been one or two intakes per year for the 4 week land-based treatment programs with a maximum of 16 participants per intake. The community programming within KDFN attracts at least 20 participants per week. Outreach visits and calls to the other communities connects with former and future 4 week program participants and First Nation support staff. Results of program development is shared locally and with other mental wellness teams across the country.

This broad scope of services provided by KDFN will improve the long-term success of participants in the multi- week land-based programs. The prevention and short-term cultural and land-based options available also provide opportunities to people that want help but are not able to go out on the land for four weeks. The active preparation for treatment and aftercare offered post-treatment has increased the

effectiveness of both land-based and community based treatment.

KDFN's *Building a Path to Wellness* model is founded on the First Nation's most recent twenty years of experience, particularly with three-to-five weeks programs offered to men and women from 2010 to 2012. The program, which was created specifically for First Nations people, involves four program streams:

- 1) First Nations therapy led by a FN therapist
- 2) Land-based and cultural healing
- 3) Clinical Therapy and
- 4) Complementary or Alternative Healing Approaches. The "healthy traditional family" is used as a model for developing relationships.

Evaluations of the program have shown positive results: Based on the 2010, 2011 and 2012 evaluation reports, more than 90% of participants complete the program and all participants show improvements in well-being. The patterns in the 2013 and 2014 programs are consistent with earlier findings.

Follow-up assessments done informally and formally for up to three months post program show lasting improvements in most cases, including improved quality of family relationships.

The 2010 report specifically highlighted that two participants were making strides towards negotiating the safe return of their children to their care and noted increased exposure to 'protective factors' which may help participants control drug I alcohol abuse; bounce back more quickly from difficult situations; etc.

Anecdotal evidence from KDFN Justice staff indicates that at least 2 or 3 participants in each program (which averages 14 participants) have children that have been apprehended or are at risk of being apprehended. In approximately half the cases, involvement with the Jackson Lake treatment program along with other programs and supports have provided the foundation for the return of the children. This pattern is more frequently found in the women's program.

In the recent men's programs, a significant number of the younger men are parents of young children and the program supports them in understanding parenthood from a traditional and contemporary perspective.

The program addresses the root causes of disruptions in traditional family life - loss of the healthy family experience and intergenerational trauma related to residential schools, loss of connection to identity, land, culture, extended family and community and the use of addictive substances to deal with the symptoms. Strengths and capacities are found and reinforced.

The program also helps to support young people aging out of the child welfare system and work with other KDFN team members to prepare parents to repatriate their children that have been in the care of child welfare authorities.

4.0 Prevention and Early Intervention

There is a body of evidence that suggests child welfare systems must evolve towards providing families with holistic, targeted, community-based programs and support systems that are culturally appropriate.

The most effective prevention programs that are known to improve child welfare outcomes encompass a constellation of services that encourage family preservation. These services can include mental health treatments, early childhood education, family counseling, and violence deterrence. In promoting the development of strong families, prevention services limit interactions with child protection authorities and quicken the return of apprehended children to the family home, thus reducing the numbers of children in care. It is for these reasons that prevention supports, including early intervention to families at risk, are seen as more effective than emergency intervention. Emphasizing early intervention and prevention services in child welfare is consistent with what Aboriginal communities have been espousing for decades, both in Canada and abroad.

In reviewing literature on international practices of Aboriginal child welfare, scholar Terri Libesman concluded that support for family preservation tactics is "unambiguous" in Aboriginal communities. Recommendations from a British Columbia legislative review, which engaged heavily with Aboriginal populations, support this finding. The review found that one of the most oft-repeated critiques of child welfare systems was "the lack of preventative services aimed at resolving family problems rather than at separating families." IBHistorical policies, such as residential schools and high rates of child apprehension beginning in

the 1960s, have disregarded the rights of Aboriginal parents to care for their children.

The provision of culturally appropriate programming is acknowledged by Aboriginal partners and international research bodies as being imperative to child, family and community health, and cultural appropriateness is showing to be equally important to prevention services. Research has established a clear connection between Aboriginal culture and resilience/ self-esteem in Aboriginal children, youth and adults. There is extensive evidence that demonstrates how the use of Aboriginal languages and cultures has positive effects on health and wellness of individuals and also strengthens the family. Along with language, key themes that have been shown to provide protective measures against mental health issues, addictions, and youth suicides include access to the land, self-governance, traditional medicines, spirituality, and participation in traditional activities. For example, one peer-reviewed study concluded that the successes of the federally-funded National Youth Solvent Abuse Program are due to the program's holistic conception of resiliency that recognizes the intersecting roles of culture, spirituality, and community in supporting the health of Aboriginal youth who use solvents. Another study concluded that increased resilience through cultural attachment can improve outcomes in children and youth, including educational attainment.

To ensure that cultural supports are appropriate and responsive to the families accessing them, it is important that they are community-based and designed. Aboriginal communities and organizations, with sufficient capacity and resources, are best positioned to provide prevention and early intervention services to Aboriginal children and families because they are able to create programming that is culturally empowering to Aboriginal families in ways that other child welfare agencies may not be able. The Metis Nation of Ontario the Ontario Native Women's Association and the Ontario Federation of Indigenous Friendship Centres argue:

18 First Nations Child and Family Task Force. Children First, Our Responsibility : Report of the First Nations Child and Family Task Force . Winnipeg : The Task Force, Mannes, 1993.

In our view it has been amply demonstrated that it is functionally impossible to provide effective prevention and protection ,, services simultaneously.

Based on years of experience, we know at-risk families are highly unlikely to access prevention supports from child protection agencies given that this is perceived as a fast track to irreversible state intrusion. Conversely, at-risk families are more inclined to reach out to Aboriginal service providers to receive supports in solutions-oriented , strengths-based and cultural environments, leading to more positive outcomes.¹⁹

Yet experience in agencies where child welfare services are deeply rooted in cultural practice, values and beliefs show that prevention and protection can work simultaneously if done correctly .

In its submission to the WHO Commission on Social Determinants of Health, the AFN posited that the best way to prevent ill-health was to enable self-determination in Aboriginal communities. Studies show that increased Aboriginal control produces better socio-economic health outcomes. Healthy children and families, therefore, are sustained when First Nations, Metis and Inuit communities are able to exercise control over culturally appropriate services pertaining to children, youth and families .

Several PT jurisdictions in Canada have shifted their governance structures or are changing policies to encourage the expansion of culturally grounded early intervention and prevention supports with the aim of improving Aboriginal child and youth outcomes. In Ontario, the Ministry of Children and Youth Services is working with Aboriginal partners to co-develop an Aboriginal Children and Youth Strategy to transform the way services are designed and delivered , through nurturing more open and trusting relationships, and building in shifts in control over the governance , design and delivery of services . Similarly, in British Columbia, Delegated Aboriginal Agencies (DAAs) operate under a unique governance structure that is rooted in partnerships with First Nations and Metis peoples and guided by specific operational and practice standards . DAA responsibilities include the delivery of guardianship and child protection services and current work with Aboriginal partners in child and family service delivery is underway to further enhance prevention and early intervention initiatives . In Newfoundland and Labrador, in recognition of the need for Innu and Inuit involvement in the implementation of departmental programs and services in their communities, Memoranda of Understanding (MOUs) were signed with the Innu First Nations and the Nunatsiavut Government. These MOUs provided for

the creation of "Planning Circles" whereby senior officials from the Department of Child, Youth and Family Services meet with senior officials from each of the Aboriginal governments/organizations to discuss how to improve planning and to enhance service coordination and delivery. Manitoba is also moving to improve its child and family services system by shifting from protection to prevention, offering more supports and services to families with the goal of keeping children at home and in their own communities rather than taking them into care.

Below is a presentation of early intervention and prevention services best practices for Aboriginal child welfare that have demonstrable evidence of enhanced outcomes and apprehension reduction, either directly or indirectly. The initiatives range from sweeping policy and governance makeovers, to province or territory-wide programs, to smaller scale community efforts at organizational innovation and in-home supports. Examples were chosen based on their adherence to established criteria for inclusion, which stress the importance of initiatives being specifically designed for or culturally sensitive to Aboriginal families rather than the mainstream population. The successes of each are directly related to the involvement of Aboriginal communities and organizations in the governance, design, delivery and/or evaluation of programs.

19 Metis Nation of Ontario, the Ontario Native Women's Association, and the Ontario Federation of Indigenous Friendship Centres. A Collaborative Submission Regarding the Child and Family Services Act. 2015.

Family Development Response Program

British Columbia's child welfare policy framework prescribes the use of Family Development Responses (FORs), whenever safe and possible to do so. FORs focus on ways to keep a child safe within their own family, build on their strengths and address their challenges.

FORs offer a more collaborative and supportive approach with families when there is a child protection concern, rather than more intrusive investigations. They typically include discussions with the family on community resources and services available to address their family and parenting needs, and often include direct referrals to counselling, parenting programs and other supports to help families safely care for their child and stay together. The use of FORs has increased 20-fold since 2007; at the same time, the number of children

in care has decreased by 10%. This decrease is believed to be related to the increased use of safe alternatives such as FORs.

For Aboriginal families, when an FOR has been used, re-occurrence of child welfare issues has been lower than for those Aboriginal families where an investigation was used. However, re-occurrence remains higher for Aboriginal families than for their non-Aboriginal counterparts. Though the outcomes for Aboriginal children are promising, there are varying degrees of success amongst different bands in BC, suggesting that the uptake has been uneven across the province.

While many agencies deliver preventative programming in British Columbia, Hulitan Family and Community Services in Victoria is provided as one example of a fully incorporated and professionally accredited child and family service agency "committed to providing culturally sensitive and awareness programs and services to the Aboriginal community." They have an FOR program which is a short (3-6 months), intensive service to families identified by the Ministry of Children and Family Development (MCFD) as being in need of intervention. Families flagged for intervention are at high risk of having children removed from the home by the ministry due to issues impacting their safety and well-being. An FOR worker visits the home and works collaboratively with the family, using traditional learning and healing practices, to develop goals and activities to assist in reducing the risks identified by the ministry. Families taking part in the FOR program have experienced an early return of children to their homes. Of the 21 families that have successfully completed the program and have had their files closed, only one child was later taken into care.

This program's success would not have been possible had MCFD not revamped the intake process to ensure that it was more culturally respectful. The ministry granted the FOR program more autonomy to develop processes that best meet the needs of individual families. Additionally, guidelines were revised to support FOR workers being present at initial child protection investigations.

Intensive Parenting Program

Hulitan Family and Community Services in Victoria operates a second program that has demonstrable evidence of reducing the number of children in care. The Kwen'an'latel Intensive Parenting Program (KIP) is a three-stage parenting program for

Aboriginal parents and caregivers, living either on- or off-reserve, who have already had their children removed by MCFD. KIP works to promote healing for families to strengthen and/or maintain their cultural identities and provides culturally appropriate holistic supports to heal from the intergenerational effects of colonization and residential schools, while enhancing parenting skills. Over 85% of clients met their goals, and the program has a 55% return rate of children to their families. The project was designed by local Aboriginal community members through focus groups to provide a curriculum relevant to local cultural considerations.

Although the KIP program, like the FOR program at Hulitan, provides evidence of reducing the number of children in care, it is co-located with other programs that support the community more generally and this environment may be an important factor in its success. For example, families making use of either of these programs through Hulitan can also readily access an innovative cultural learning program for Aboriginal children, aged two to five, which fosters a strong sense of cultural identity. When programs such as infant development, early childhood support, speech and language, social assistance, family support, victim services, day care, recreation programs are co-located with programs identified to be "preventative", they allow the agencies to better know and support families.

Flexible Response Pilot Project

The Flexible Response Pilot Project (FR) in Saskatchewan seeks to strengthen the assessment of families' needs, and to provide more options to families coming into contact with the child welfare system. FR maintains a primary focus on child safety while promoting permanency for children within the family and community, and increasing the emphasis on engaging children and their families in services. The project aims to build on existing strengths to increase families' capacity to care for their children using culturally appropriate services. In a year-over-year comparison of the number of children entering care at the ministry's Saskatoon Office prior to the Flexible Response Pilot (November 1, 2012 through October 31, 2013), and during the pilot (November 1, 2013 through October 31, 2014), it was found that 49 fewer children had entered into the care of the ministry. Transfers to ongoing child protection have been reduced by over 50% in a year-over-year comparison.

Though not specifically directed towards Aboriginal families, FR was developed by the Ministry in collaboration with First Nations and Metis. The team responsible for reviewing child protection intake to determine the most appropriate FR pathway comprises members of Metis Community Family Justice, Mobile Crisis Services, Sturgeon Lake First Nation, and Saskatoon Tribal Council, along with the Ministry of Social Services. Indigenous research methodology also informs the project evaluation framework.

Intensive In Home Supports

Intensive In Home Supports (IHS) provides intensive in home family supports to ensure the personal safety of children while allowing them to remain within the family home instead of being taken into care. Operating out of multiple locations throughout Saskatchewan, the program is delivered collaboratively with Aboriginal partner organizations. Though only in operation for a short time, the program has already made a substantial impact on the lives of children and families in the province. Positive outcomes that participants have experienced include having more children safely supported at home and in their communities, as well as having more children accessing services to support healthy and positive development. From April 2014 to January 2015, approximately 335 families and 830 children have taken part in the IHS program.

Families First Program

Manitoba's Families First program promotes physical health and safety, supports parent-child attachment, and promotes healthy development through offering home visiting supports at no cost to families with children, from pregnancy to school entry. The program is delivered by paraprofessional home visitors supervised by community public health nurses who work with families regularly, in a culturally-sensitive manner, for up to three years on what community resources might best meet the needs of the family. The program is targeted to vulnerable families with young children (prenatal to age five). Families First uses a partnership approach with the families, focusing on the parents' strengths, values, and hopes for their children. Nearly half of the participating mothers are Aboriginal. A culturally sensitive approach is key to the acceptance, participation, engagement and success of Aboriginal families in the program, and can include using Aboriginal home visitors and

incorporating Aboriginal components in the programming. An evaluation covering the years 2002-2009 indicates that the Families First program reduces the rate of children being taken into care by 25% (by age 1) and reduces the rate of child maltreatment injury hospitalization by 41% (by age 3).

Isobel's Place Parent Support Program

Isobel's Place is an 11-bed adolescent parent support program providing pre- and post-natal care for young women of Aboriginal heritage who are three to six months pregnant and between the ages of 14 and 17. The initiative is offered by Ma Mawi Wi Chi Itata Centre Inc. (Ma Mawi), an Aboriginal human services organization providing child welfare and community-based programs and services to the Aboriginal community in Winnipeg and the surrounding area.

Clients participate in mandatory and non-mandatory education, health, nutritional, and parenting programming. Separate cultural programming is provided to clients, and cultural teachings are woven into all supports on offer through Isobel's Place. Young mothers and their children are assisted in relocating to independent living options, with outreach support services still available to them for a minimum of one year following relocation. In addition, young mothers are assisted in developing their own positive support network.

Isobel's Place's culturally responsive continuum of care has resulted in positive outcomes for participants. Although program participants are all wards of the Manitoba child and family services system, it is rare for their children to be taken into care. In fact, in the 2014/2015 fiscal year, only one of the mothers residing at Isobel's place, and only one of the mothers who had moved to independent living had their children taken into care.

Cooperative Planning Process for Child Welfare Services

Two related initiatives have seen a significant reduction in the numbers of First Nations children in care through increasing First Nations control over the design, delivery and governance of child and family services. The Cooperative Planning Process for Child Welfare Services (CPP), established under the Yukon's 2010 Child and Family Services Act (CFSA), mandates First Nations involvement in all aspects of planning and decision making for their children. Key features of CPP include:

- Valuing culture and community in all matters related to children and families, including a provision for custom adoption;*
- Emphasizing support to families and extended families in caring for children; and*
- Collaborative and inclusive decision making where extended family, informal support persons, service providers and professionals can come together to develop plans that respond to the needs of a child and their family.*

First Nations governments played a significant role in developing Yukon's current child welfare legislation, including CPP.

The CFSA and CPP have enabled new relationship agreements between the territory and First Nations that afford greater First Nations control of child and family services. The 2012 Child Protection Memorandum of Agreement (MOA) between the Government of Yukon through the territory's Department of Health and Social Services (HSS) and Kwanlin Dun First Nation (KDFN) is one example. The MOA outlines principles and procedures to guide and direct child welfare services provided to KDFN families with the full inclusion of KDFN in the delivery and evaluation of child welfare services. In addition to procedures for service delivery, the MOA outlines processes for addressing systemic issues and resolving differing views. Yukon reports that relationships between the Department and KDFN have strengthened since signing the agreement.

There are indications that the practices and processes set out in CCP and the MOA are having a positive impact on First Nations populations throughout the territory. Yukon is exploring establishing more MOAs with other First Nations, modelled after KDFN. Moreover, there were 30% fewer Aboriginal children in care in the territory in 2013/2014 than there were in 2007/2008.

5.1 Supporting the Systems

A supported, skilled and informed workforce is central to improving outcomes for Aboriginal children and families in child welfare systems. In particular, to move systems toward a holistic approach, child welfare workers need training that supports prevention.

Provinces and territories have responsibility for the design of all aspects of their child welfare systems, including tools, training, standards and the

workforce . PTs acknowledge the research that suggests the most successful outcomes for Aboriginal children and families are achieved when service models are based on policies and practice that promote and facilitate an individualized, strengths-based approach to child welfare.

The following definitions provide further clarification on the areas highlighted in this section.

Tools - provinces/territories use a number of tools/instruments to support the child welfare workforce in assessing a child's intervention needs and to support the planning of intervention services.

Training - includes training to obtain credentials from a post-secondary institutions as well as ongoing professional development.

Standards- measurable definitions of minimum acceptable levels of required performance , focusing on safety and achieving positive outcomes for children.

Child welfare workforce- could include provincial/territorial staff who work in front-line delivery offices, staff in delegated First Nation agencies , or staff who work for private mandated child welfare agencies . It could also include contracted non-profit agency staff delivering services that support the child welfare systems.

Child welfare systems are evolving in Canada, and a key component for many provincial and territorial systems is moving forward with new planning, assessment and decision-making tools that help child welfare workers make safe, appropriate and consistent decisions for the families and children they serve. These range from Alberta 's adoption of the Australian 'Signs of Safety' approach , to the Flexible Response model that Saskatchewan is piloting, to the implementation in whole or in part of the Structured Decision Making (SDM) system in British Columbia, Saskatchewan , Manitoba, New Brunswick , and the Northwest Territories . Newfoundland and Labrador is also in the process of implementing SOM.

The Child Intervention Practice Framework

The Alberta Child Intervention Practice Framework (CIPF), implemented in 2014, outlines a set of principles and core elements of leading practice that guide efforts in the child intervention system supporting an environment where family strengths are recognized and children and youth are respected and supported. The CIPF supports increased

inclusion and collaboration with family and their supports , a renewed understanding of harm and danger to support assessment and understanding of risk, and provides tools and supports to facilitate critical thinking , shared decision making and reflective supervision .

Signs of Safety

Alberta 's Signs of Safety (SOS) aligns with the CIPF as an evidence- and strengths-based approach to child safety in child protection work. SOS focuses on working collaboratively and in partnership with the family and their natural supports to increase safety for children, reduce risks and danger, identify complicating factors and support the development of meaningful safety plans. Alberta has formal agreements with 17 delegated First Nations Agencies (DFNAs). While several DFNAs are using SOS as part of their proactive, it is optional for DFNAs to use SOS.

Outcomes Based Service Delivery

Alberta's Outcomes Based Service Delivery (OBSD) also aligns with the CIPF and has shifted the focus of protection services to clearly identified expected outcomes of service provision , while providing for increased flexibility, creativity, collaboration and community-based services to address identified needs.

While the three initiatives outlined above are not specifically targeted to Aboriginal children, 69% of the children in care in Alberta are Aboriginal. Aboriginal OBSD sites in two large urban centers support urban Aboriginal peoples with services and supports that are culturally centered , community supported and family oriented.

All three initiatives have contributed to the safe reduction of all children in care and receiving intervention services in Alberta , including Aboriginal children. Despite the proportion of Aboriginal children in care in Alberta slightly increasing (from 68% in 2012/2013 to 69% in 2014/2015), the number of Aboriginal children in care has been safely reduced by 18%. Alberta attributes this reduction to the CIPF practice principles and strategies, SOS and OBSD initiatives which focus on principled practice, family and cultural connectivity and awareness, engagement of community and natural supports, shared decision-making and a focus on client-based outcomes.

Staff in Child and Family Services (CFS) Regions and Delegated First Nations Agencies (DFNAs),

are being trained to practice according to the programmatic values and to focus specifically on positive outcomes for children and families. Specialized training is also being provided in the use of the Signs of Safety tools.

In 2013/2014, 19 engagement sessions were held across the province and over 700 individuals participated and provided feedback on the CIPF Working Principles. A working group comprised of department, CFS region and DFNA staff engaged in the development of the practice strategies tools and resources under the CIPF. A review of CIPF practice strategies tools, resources and implementation is ongoing.

Making Sense of Trauma Workshop

"Making Sense of Trauma" is a one-day training workshop offered to frontline service providers in Manitoba by New Directions for Children, Youth and Families. Its objectives are to help workers:

- Develop an understanding of the impact of trauma and trauma informed care;
- Explore current understanding of the nervous system and how trauma responses are triggered;
- Define what "working towards resilience" means;
- Identify specific tools that assist with freeze/flight/fight survival responses;
- Understand how anxiety and neglect impact our nervous system and how to modify their impact; and
- Identify a set of tools to utilize when working with clients.

Of the participants who completed questionnaires following the training workshop (Sept 2012 to June 2014), 39% identified as a Foster Parent, 21% identified as a Child and Family Services (CFS) Worker, 8% identified as a Therapist, 1% identified as a CFS Supervisor, and 28% classified their role as "other".²⁰ Approximately 87 per cent of children in care in Manitoba are Aboriginal (as at March 31, 2014).

Results of the post-training and 6-week follow-up evaluation questionnaires indicate that participants from various backgrounds affirmed the value and relevance of the Making Sense of Trauma Workshop to their work. Participants rated the value of the workshop highly - an average of 6.08 on a scale from 1 (not at all) to 7 (extremely). Six weeks following the workshop, 63 to 81 per cent of

trainees used recovery trauma tools learned in the workshop with foster children.²¹

Importantly, participant data post-workshop and at the six week follow up demonstrate success in increased knowledge of trauma and use of workshop tools, as well as integrating a trauma informed perspective in their work in some capacity. Participants suggested a two day workshop would be beneficial as it would provide additional time to cover content and opportunities for participants to apply workshop materials through group discussion, case studies, and role-playing.

The workshop was developed and facilitated by staff of New Direction's Families Affected by Sexual Assault Program. The training was developed, delivered and evaluated in consultation with a joint training team that included representation from multiple social service agencies, health, education, the Child Protection Branch of Family Services, and the four Manitoba Child and Family Services Authorities, three of which are Aboriginal. This Training Team has met regularly to offer feedback. An Elder from the community provided consultation regarding Indigenous Family Practice in the design/development, evaluation and delivery of this training. The Assembly of Manitoba Chiefs requested the training and offered additional evaluative feedback which was integrated into the curriculum.

The Making Sense of Trauma Workshop continues to meet its goals and is effective in assisting service providers who care and support traumatized children, youth and their families within the child welfare system to be better able to do their work in a manner that promotes trauma resolution.

Aboriginal Alternative Dispute Resolution

Aboriginal Alternative Dispute Resolution (ADR) is a strategy used to resolve child protection disputes and prevent them from ending up in the court system. It is used to streamline court processes and encourage alternatives to court. Its strengths-based orientation is an inclusive and collaborative approach to resolving child protection disputes, by encouraging the involvement and support of the family, extended family and the community, in planning and decision-making for children. By regulation, Ontario Children's Aid Societies (CASs) are required to use one of the following prescribed methods of ADR:

- Child protection mediation;

- Family group conferencing ;
- Aboriginal approaches ; or

20 "other" includes Social Service Professionals from non-mandated community agencies: Knowles, MacDonald Youth Services, Marymount, New Directions and Ma Mawi Wi Chi Itata Centre; Interlake/Eastman Regional Health Authority; Assembly of Manitoba Chiefs and others. The remaining 3% of respondents did not identify their role. Percentages are based on 1,250 workshop participants .

21 At the six week follow up, percentage of trainees that had used recovery trauma tools since workshop with foster children: a. Connecting to the Present- 65.9%; b. Understanding Developmental Stages - 77.9%; c. Managing Feelings - 64.8%; d. Imagining a Future - 80.8%; and e. Dealing with Memories - 62.6%.

- Other (i.e., where the above methods are not available or where another method is deemed more suitable).

Aboriginal approaches to ADR are defined as traditional methods of dispute resolution , including circle processes , which have been established by First Nations communities or Aboriginal organizations . These services are delivered by trained, impartial Aboriginal facilitators who assist the participants to develop plans that are supported by the participants and/or the Aboriginal community and address the protection concerns identified.

The use of ADR within the context of child protection has an impact on the length or number of times families are involved in the child welfare system, and has led to more positive results. The number of referrals in the last three years are 2011/2012 - 263; 2012/2013 - 440; 2013/2014 - 331. Aboriginal ADR is viewed by Aboriginal communities as an effective mechanism for providing them with more decision-making control over the care of their children.

Formal Customary Care

The Ontario Child and Family Services Act recognizes customary care as the care and supervision of an "Indian or native" child by a person who is not the child's parent, and according to the custom of the child's Band or Native community and that customary care practices may vary from Band to Band and change over time . All CASs, whether Aboriginal or non-Aboriginal , can work with families to enter into customary care

placements. Formal customary care is a culturally appropriate placement option for First Nations children and youth in need of protection in which the child is placed with a person who is not the child's parent, according to the custom of the child's Band or First Nation community. There is a formal customary care declaration by the band, and the CAS supervises the home. The caregiver is entitled to the same reimbursements , training and support systems as foster parents.

CASs are reporting increases in the number of First Nations children and youth determined to be in need of protection moving to customary care placements, meaning that more children are able to remain living in appropriate community and cultural contexts. In 2013-2014 , an average of 1,388 children and youth were placed in customary care arrangements (up from 1,212 in 2011-2012).

Conseil de personnes significatives (Council of Significant Individuals)

The overall objectives of a Council of Significant Individuals are to keep children in their immediate environment (with family , friends , school and culture) and to avoid placing a child in a non-Aboriginal family.

Specific objectives of the initiative set up by the Centres jeunesse de l'Outaouais (CJO) are to:

- Allow parents to bring together people who are significant to their child;
- Identify potential ways to help and support the child and the child's family ;
- Work together with the child's needs in mind;
- Provide the child with stable and consistent care and relationships;
- Look for a living situation that is most similar to the child's home environment ; and
- Promote collective responsibility for the child .

At CJO, a Council of Significant Individuals is used for both Aboriginal and non-Aboriginal children. However, it quickly became obvious that this approach was especially suited to First Nations communities served by the youth centres , namely the Algonquin communities of Barriere Lake and Kitigan Zibi, given that it addressed one of their fundamental values: the importance of family and community involvement. The initiative was thus tailored to First Nations culture through the integration of symbols, practices and cultural objects such as the medicine

wheel, talking stick, traditional medicinal herbs, smudge shell, and Eagle Feather to promote honesty and strength.

When a child is removed from his or her family environment, the caseworker (responsible for evaluation and orientation of the child or for applying protective measures) has two weeks following the removal to hold a Council of Significant Individuals with the parents (and the child, if needed). The goal is to provide the child with a stable and appropriate living environment as quickly as possible. The mandate of the Council of Significant Individuals is to:

- Help parents bring together people who are significant to their child to discuss and determine together what help these people can offer the child and the parents
- Identify the person or persons to be evaluated with a view to taking the child in.

For more information, see the Meetings of Significant Individuals - Facilitator's Guide I Guide d'animation d'un conseil de personnes significatives available in English and French.

Aboriginal partners were involved in adapting this initiative to the First Nations culture by working together with community workers. The Council of Significant Individuals includes:

- a community Elder,
- people from the child's extended family, and
- the Aboriginal caseworker responsible for evaluation /orientation or applying protective measures, as applicable.

If the significant person designated to receive the child does not live near the parents, the child continues to be in contact with the latter given that it is usually someone from his or her extended family.

The Council of Significant Individuals is a win-win approach for the children, their families, First Nations communities and Youth Protection services. The children are kept in their community and environment. Furthermore, this initiative can be easily adapted to other communities.

Since the implementation of the Council of Significant Individuals adapted to Aboriginal's culture two years ago, 18 councils were held for 48 Aboriginal children. All of the children were placed

in an Aboriginal family instead of non- Aboriginal family. Before that, Aboriginal children were often placed in a non-Aboriginal family, since there was a lack of Aboriginal foster care families.

Systeme d'intervention d'autorite Atikamekw (Atikamekw Authority Intervention System)

The Systeme d'intervention d'autorite atikamekw (SIAA) is a Youth Protection system that operates differently from Quebec's general system. It targets children and families from the Atikamekw de Manawan and Wemontaci communities under an agreement between the Atikamekw Nation Band Council and two youth centres: the Centre jeunesse de Lanaudiere and the Centre jeunesse de la Mauricie et du Centre-du-Quebec. It intervenes in situations where children's security or development is in danger and aims at contributing to the well-being of members of the Atikamekw Nation using an approach that is respectful of the Atikamekw values, culture and traditions. To achieve its objectives, the SIAA promotes the involvement of the immediate and extended family as well as other community members. The SIAA also works to promote the care of children whose security or development is in danger by family or community members and therefore contributes to reducing children's placement in non-Aboriginal homes.

When a child's security or development is in danger, a Family Council is created. Decisions regarding the reasons for the authority's intervention and protective measures taken are made by members of the Family Council and the Social Protection Director, the person ultimately responsible for ensuring the security and development of Atikamekw children. If a Family Council cannot be put together or if there is disagreement about the measures to be taken to rectify the situation, the latter is referred to the Elder Council, comprising ten community Elders recognized for their wisdom. Once protective measures are determined by the Family Council or Elder Council, a Support Circle is formed to help apply the protection measures. The child's situation is reviewed by the Social Protection Director periodically, depending on the child's age or at any time if the circumstances so warrant.

The SIAA operations are described in greater detail in the Reglement relatif au systeme d'intervention d'autorite atikamekw dans les situations d'enfants et de jeunes dont la securite ou le developpement est ou peut etre considere comme compromis. (Regulation regarding the Atikamekw Authority

Intervention System in situations of children and youth whose security or development is or may be deemed in danger).

The creation of the SIAA is an Atikamekw initiative stemming from the Politique sociale Atikamekw (Atikamekw social policy) written by the Atikamekw to address social needs and ensure the well-being of members of their communities. Applying the Atikamekw Social Policy has contributed to reducing the number of situations turned over to the Youth Protection authorities by ensuring the delivery of current services to the people and families who need them. The SIAA is used as a last resort. Of the situations requiring the intervention of Youth Protection services , roughly 90% are dealt with by the SIAA ; only 10% are submitted to the general Youth Protection system. Two major positive outcomes:

- The majority of the children are entrusted to an Aboriginal person or resource; and*
- The court system (Court of Quebec , Youth Division) rarely needs to be used.*

As of March 31, 2014, 125 children have been taken into the care of the SIAA because their security or development was in danger . Of these children:

- 34 % were returned or maintained in their family ;*
- 42 % were placed with a family relative or in a Atikamekw foster care family;*
- 18 % were placed in a non-Aboriginal foster care family ; and*
- 6 % were placed in a re-habilitation center .*

The SIAA promotes greater involvement of the Atikamekw communities in the organization and delivery of Youth Protection services and a better fit of services with the values , culture and lifestyle of Atikamekw children and families.

Intervention and Risk Assessment Practice Improvement Project

The Minister of Community Services has delegated the provision of child welfare services on-reserve to Mi'kmaw Family and Children's Services of Nova Scotia (MFCS), a First Nations agency. A Tri-Partite working agreement defines the roles and responsibilities of the three parties: MFCS, the Department of Community Services (DCS) and AANDC. These three parties form a Steering Committee that oversee the implementation of the

Tripartite working agreement which includes a requirement for a working group comprised of officials from all three parties to monitor the work plans and financial arrangements of the agency, to share ideas, and to seek solutions for emerging and ongoing issues and challenges.

In 2012, a caseload/staffing evaluation, conducted by DCS, found significant deficits in resources, especially in terms of clerical support, frontline child welfare staff and service providers. DCS completed an evaluation which confirmed that the current agency staffing complement was not sufficient to allow for early intervention and risk assessment. As a result, AANDC increased operational funding and increased the staff complement by 40% across all positions. This allowed for the hiring of an additional family support worker, a family group conference worker and a move from generic caseloads to program specific caseloads. Program specific case loads resulted in better clarity of mandate and lower caseloads provided the opportunity for comprehensive review of files, more time to build relationships with clients and improved information for risk assessment and case planning. In collaboration with MFCS and to support the move to program specific caseloads, DCS provided core training for social work staff and supervisors, with an emphasis on risk management and case planning. In collaboration with MFCS, DCS arranged for a senior staff to be present on site for 2-3 days per week for a 6 month period. The Tri-Partite Working Group contracted with an external consultant to assist MFCS to develop strategic goals, which included the development of a third site and the hiring of a First Nations Child Welfare Specialist.

Agency program managers are part of the Tri-Partite Working Group and were involved in the presentation of the evaluation outcomes to AANDC, supporting the request for additional funding for staffing. Program managers meet regularly with DCS senior staff members on site. They are now working to develop new programs and services and to increase community partnerships to ensure First Nations services are available on-reserve.

The numbers of Aboriginal children in temporary care and custody was reduced by 48%, from 61 on March 31, 2010 to 38 on March 31, 2014. An increased number of kinship foster care arrangements and improvements in permanency planning for children and youth (increase in adoption vs. permanent care until maturity) has also been noted.

A Collaborative Approach to the Delivery of Child Protection Services to PEI First Nation Children and Families

The province of Prince Edward Island is responsible for providing child protection services to Aboriginal children and families residing on- and off-reserve. A First Nations organization, the Mi'kmaq Confederacy of Prince Edward Island, delivers the Prevention Respect Intervention Development Education (PRIDE) program. The province collaborates with the PRIDE program concerning child protection services on reserve.

In Prince Edward Island, the Child Protection Act requires that Child Protection Services (CPS) consult and collaborate with Designated Band Representatives regarding delivery of child protection services. The Director of Child Protection meets regularly with the Designated Representative identified for the two PEI bands to ensure issues are brought forward and quickly addressed in a collaborative way.

In December 2013, a formalized protocol was developed between CPS and the Mi'kmaq Confederacy of Prince Edward Island. This protocol provides clarity on roles, responsibilities and procedures in the delivery of child protection services involving PEI First Nation children and families. The goal of the protocol is to ensure child protection services are provided to PEI First Nation children and families in a manner that preserves and promotes the Aboriginal cultural identity of children and families.

As a result of the new protocol:

- Child Protection Services are being delivered with enhanced cultural sensitivity to Aboriginal children and families;
- Joint training has been provided to CPS staff and PRIDE program staff; and
- Department staff report better relations with First Nations partners.

Community of Natuashish Service Enhancement Program

Newfoundland and Labrador (NL) has faced challenges in the recruitment and retention of social workers in the small isolated community of Natuashish. In an effort to stabilize staffing requirements in the community, the Department of Child, Youth and Family Services (CYFS) implemented the Community of Natuashish Service

Enhancement Program (CONSEP) approach. This program is a fly-in, fly-out arrangement which includes two teams, each comprised of a Clinical Program Supervisor and two Social Workers who fly into the community on a two-week rotational basis to provide child protection services.

The work arrangements allow for extended hours of employment whereby four weeks of paid work is compressed into two weeks. These extra hours have allowed staff to be more engaged in community activities on evenings and weekends and, as a result, they are more available and visible in the community. The program, which has been in effect since December 2013, allows employees to sign up for the program in 6 month increments.

While the Mushuau Innu First Nation (MIFN) did not play a role in the establishment of the CONSEP model, CYFS did partner with MIFN to develop private accommodations for staff and, most recently, acquire additional office space in response to this program. MIFN has indicated that the CONSEP program is working well as there is an increased and consistent presence of frontline social workers providing more interaction with families in the community.

While no formal evaluations have been conducted on the program to date, the ability to recruit and retain Clinical Program Supervisors and Social Workers in the community has improved. NL is currently in the third 6-month cycle and all but one Social Worker has returned for an additional 6-month cycle at least once. Additionally, while NL was only able to recruit a single Social Worker to the community prior to the launch of CONSEP, there is now a staff complement of three social workers in the community as well as a clinical program supervisor at all times.

Finally, case load ratios, a ratio of the number of case files assigned to a social worker has dropped by approximately 43% since the implementation of the initiative. An increased and consistent presence of social workers in the community has facilitated improved service delivery by ensuring that each social worker can devote additional time to their clients.

Family Support Worker Transfer Agreements with First Nations

Yukon Health and Social Services (HSS) has entered into transfer agreements with Yukon First Nations that provide funding to the First Nations for Family Support Workers. This assists the First Nation to

carry out requirements related to collaboration, joint planning and decision making required in the Child and Family Services Act.

The objectives of the Family Support Worker transfer agreements are to:

- Work collaboratively in the delivery of child welfare services to First Nations citizens;
- Assist and support families involved in child protection investigations;
- Liaise between families and HSS social workers to facilitate case planning;
- Assist in identifying extended family or other placement resources or other supports;
- Assist to ensure understanding of expectations and processes related to planning and decision-making and in the development and implementation of culturally appropriate plans for children in care;
- Assist and support families to access support programs and services related to case planning;
- Inform HSS policies and programming from a cultural and community perspective; Coordinate and facilitate community awareness forums to provide info on child welfare services in conjunction with HSS staff; and
- Ensure children, youth and families understand their individual rights and responsibilities. Each agreement is collaboratively agreed to by the First Nation and Yukon HSS.

There has been an increase in the number of calls and numbers of families at risk documented by Yukon Family and Children's Services. Yukon HSS believes that this is a result of trust and confidence between First Nations and government partners.

Good working relationships with the First Nations Family Support Workers have strengthened HSS involvement and increased the number of extended family placements for children. It has decreased the number of Aboriginal children in care and the involvement of court activity in families' lives. It has also provided needed support to families (before child welfare involvement) in assisting and encouraging families to seek assistance and support when issues begin rather than waiting until there are

protection concerns that require children move out of a home.

6.0 Conclusion

A collective goal shared by all PTs is to support healthy, empowered families . This report has been developed for Canada's Premiers to engage governments and Aboriginal partners across Canada to address the overrepresentation of Aboriginal children in child welfare systems.

The programs profiled in this report are promising or have been shown effective in reducing the numbers of Aboriginal children in care, in improving the outcomes of Aboriginal children in care, or in addressing socio- economic factors that place Aboriginal children at a higher risk of entering into care. The programs are diverse , set in varied child welfare systems and meet the needs of a wide range of Aboriginal communities with different community strengths and challenges. As appropriate , PTs may wish to study the programs and initiatives profiled in this report to find new and innovative ways to improve their child welfare systems and to address their unique child welfare challenges .

In developing this report, several key themes emerged . For example , PTs faced challenges in finding supporting evidence for programs and services , highlighting the need for more Aboriginal-specific outcome information. Outcome data specific to Aboriginal children and families is essential to determining the efficacy and quality of supports .

Research and on-the-ground practice has shown that culturally-appropriate , prevention-based services that have Aboriginal community involvement in program development , governance, and/or delivery are effective at diverting children and families from coming into contact with child welfare systems. In addition, a skilled workforce that understands the communities and cultures in which Aboriginal people live, and is knowledgeable of the issues facing Aboriginal populations , was shown to be important for providing families with effective programming.

Programming designed to enhance the social determinants of health and well-being for Aboriginal peoples is key to improving outcomes for children and families. By working to combat the detrimental impacts linked to poverty, family capacity can be strengthened , which in turn can lessen the likelihood of neglect and the number of children coming into care.

Meaningful engagement with First Nations , Metis and Inuit partners is essential to creating holistic supports that meet the needs of Aboriginal families . The involvement of Aboriginal partners is critical to designing outcome measures that are culturally relevant and effective for program assessment , and is necessary to support agencies and staff to better serve Aboriginal children and families. Many of the programs included in this report provide important examples of co-development between PT governments and Aboriginal communities leading to successful outcomes.

Finally, as PTs and Aboriginal partners focus on reducing Aboriginal children in care and improving outcomes for Aboriginal children - either separately or in collaboration with each other - the need for meaningful federal engagement remains a critical necessity for positive change.

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- Appendix A: *Aboriginal Children in Care Working Group Members*
- Premier Appointed Ministers
- Name Ministry
- Hon. Robert McLeod eo-chair Premier , Minister of Aboriginal Affairs and Intergovernmental Relations Minister Responsible for Women Northwest Territories
- Hon. Kerri Irvin-Ross eo-chair Minister of Family Services, Deputy Premier Manitoba
- Hon. Stephanie Cadieux Minister of Children and Family Development British Columbia
- Hon. Irfan Sabir Minister of Human Services Alberta
- Hon. Donna Harpauer Minister of Social Services Saskatchewan

Hon. Eric Robinson Minister of Aboriginal Affairs Manitoba

Hon. Tracy MacCharles Minister of Children and Youth Services, Minister Responsible for Women's Issues Ontario

Hon. Lucie Charlebois Minister of Rehabilitation, Youth Protection & Public Health Quebec

Hon. Geoffrey Kelley Minister of Aboriginal Affairs Quebec

Hon. Ed Doherty Minister of Aboriginal Affairs New Brunswick

Hon. Joanne Bernard Minister of Community Services Nova Scotia

Hon. Valerie E. Docherty Hon. Doug Currie Minister of Community Services and Seniors

Minister of Human and Family Services Prince Edward Island

Hon. Sandy Collins Minister of Child, Youth & Family

Services Newfoundland and Labrador

Hon. Jeannie Ugyuk Minister of Family Services Nunavut

Hon. Glen Abernethy Minister of Health and Social Services Northwest Territories

Hon. Doug Graham

Hon. Mike Nixon Minister of Health and Social Services Yukon

Appendix B: Aboriginal People in Canada - Statistical Overview

Children in Care

• *A child aging out of foster care today [April 2014] will earn about \$326,000 less income over his or her lifespan, compared with the average Canadian. Estimating that approximately 2,291 children age out of foster care every year, the total economic gap between this cohort and the average Canadian cohort of a similar size is*

\$747 million. For example, over a 10-year period, this represents a different of about \$7.5 billion as each year a new cohort of children ages out of care. (Conference Board of Canada)

• *On a per person basis, each former foster child over his or her lifetime will cost all levels of Canadian government an estimate of more than*

\$126,000 in the form of higher social assistance payments and lower tax revenues. (Conference Board of Canada)

• *Investing in the education and mental health of a single cohort of 2,291 youth aging out of care shows that government can save \$65.5 million in social assistance payments, and raise an additional \$169 and \$55 million in income and consumption taxes, respectively, over the course of this cohort's lifespan. In aggregate, the overall total improvement to Canada's government finances is \$289 million (in 2013 \$ millions). (Conference Board of Canada)*

• *First Nations children are 12.4 times more likely to be placed via court order than other children. (Kiskisik Awasisak: Remember the children)*

• *The First Nations Canadian Incidence Study of Reported Child Abuse and Neglect (FNCIS-2008) found that First Nations children were eight times as likely to have a substantiated investigation of maltreatment, with an overall incidence rate of 59.8 per 1,000 in comparison to 11.8 per 1,000 for non-Aboriginal children. (NCCAH)*

• *FNCIS-2008 results found that 30.6 out of 1,000 First Nations children in child welfare systems were investigated due to neglect compared to 3.7 out of 1,000 non-Aboriginal children. Primary forms of neglect among First Nations children resulting in substantiated neglect investigations included: physical harm (45% or*

13.7 out of every 1,000 First Nations children), physical neglect (35% or 10.6 out of every 1,000 First Nations children) and educational neglect (7% or 2.1% out of every 1,000 First Nations children). Among non-Aboriginals, forms of neglect resulting in substantiated neglect investigations included: physical harm (43% or 1.6 out of every 1,000 non-Aboriginal children), physical neglect (34% or 1.3 out of every 1,000 non-Aboriginal children), and abandonment (7% or 0.3% out of every 1,000 non-Aboriginal children). (NCCAH)

• *FNCIS-2008 results found that 0.6 out of every 1,000 First Nations children were investigated due to neglect because of sexual abuse (2% of all substantiated neglect investigations) compared to 0.1 of every 1,000 non-Aboriginal children (3% of all substantiated neglect investigations). (NCCAH)*

• *Most cases of substantiated abuse involved neglect (37% versus 24%) as opposed to physical abuse, which was commonly substantiated for non-Aboriginal investigations (5% of First Nations*

investigations compared to 17% of non-Aboriginal investigations). (NCCAHA)

- For every 1,000 First Nations children there were 13.6 formal out-of-home children welfare placements compared to only 1.1 per 1,000 for non-Aboriginal place out-of-home. (FNCIS-2008) (NCCAHA)

- The most common type of out-of-home care for First Nations children is informal kinship care (42.0% or 10.3 investigations for every 1,000 First Nations children compared with 44.0% or 0.9 investigations for every 1,000 non-Aboriginal children) followed by family foster care at 37% or 8.9 investigations for every 1,000 First Nations children, compared with 37% or 0.8 investigations per 1,000 non-Aboriginal children. (FNCIS-2008) (NCCAHA)

Sources: Bounajm , F., Beckman , K., Theriault, L., *Success for All: Investing in the Future of Canadian Children in Care. The Conference Board of Canada . April 2014 .*

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National Collaborating Centre for Aboriginal Health. *Understanding Neglect in First Nations Families, October 2013 .* <http://www.nccah-ccnsa.ca/en/publications.aspx?sortcode=2.8.10&publication=11>

Early Child Development and Child Care

- Less than a third of children living in First Nations communities receive child care (defined as care from someone other than a parent or guardian). Of those who do, only 39 per cent receive child care in a formal setting, such as a daycare centre or a private home daycare, and 78 per cent do not have access to licensed regulated child care services.

- Inuit Regions have not received First Nations and Inuit Child Care Initiative (FNICCI) funding for infrastructure maintenance or construction since

1998. *The Kativik Regional Government in Nunavik has determined that the cost of building a new childcare centre in their Region is \$5-6 million - four times the cost of building a new childcare centre in the south. (ITK Report)*

Sources: First Nations Information Governance Centre (FNIGC). *First Nations Regional Health Survey (RHS) 2008110: National report on adults, youth and children living in First Nations communities . Ottawa : FNIGC. 2012.* <http://www.fnigc.ca/sites/default/files/First%20Nations%20Regional%20Health%20Survey%20%28RHS%29%202008-10%20-%20National%20Report.pdf>

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Inuit Tapiriit Kanatami. *Assessing the Impact of the First Nations and Inuit Child Care Initiative (FNICCI) across Inuit Nunangat . August 2014.*

Employment and Earnings

- In 2014, the employment rate for Aboriginal peoples was: 57.0% (61.5% for non-Aboriginal Canadians).

- The employment rate among all Aboriginal males 15 years and older was 59.7% (65.5% for non-Aboriginal Canadians).

- The employment rate among all Aboriginal females 15 years and older was 54.6% (57.7% for non-Aboriginal Canadians).

- In 2014, average weekly earnings of Aboriginal peoples were: \$831.56 (\$899.40 for non-Aboriginal Canadians)

- The gap in earnings between Aboriginal males and females 15 years and older was \$275.68 (the gap was \$251.52 among non-Aboriginals).

- The gap in earnings between Aboriginal males and females has been increasing over time.

Source: Manitoba Bureau of Statistics, *Labour Force Survey, annual, custom tabulation .*

- The median total income of persons of Aboriginal identity in 2010 was \$20,701, compared to \$30,195 among non-Aboriginals.

- Persons of Aboriginal identity received a higher percentage of income from government transfers and child benefits in 2010 than non-Aboriginals in 2010.

Source: Statistics Canada, 2011 National Household Survey, Selected Demographic, Income and Sociocultural Characteristics, Income Statistics in 2010 and Income Sources for the Population Aged 15 Years and Over in Private Households of Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations, 2011 National Household Survey. Ottawa, ON: Government of Canada, 2011.

Income

- In 2012, according to the Market Basket Measure (MBM), 154,000 Aboriginal persons lived in low income (compared to 4.4 million Canadians). Using the after-tax Low Income Cut-Offs, 108,000 Aboriginal persons lived in low-income (compared to 3.5 million Canadians).
- In 2012, 23.4% of Aboriginal peoples lived in low income according to the MBM or 16.5% using the LICO AT. By comparison, 12.9% of all Canadians lived in low income according to the Market Basket Measure or 9.9% using the LICO AT.
- Using the MBM, the average depth of low-income for Aboriginal peoples was 37.9% in 2012 (or 40.75% using the LICO AT). For all Canadians, the average depth of low income using the MBM was 34.5% (or 36.26% using the LICO AT).
- In 2011, the poverty rate for indigenous children was 40% which is twice the overall rate for children in Canada (CEDAW Report)
- An estimated 36.2% of women living on-reserve have a personal income of \$15,000 or less, with an overall 10% of women having no income at all, and 42% reporting they struggle to meet 'food' as a basic need. Regional Health Survey (2008-2010)
- The employment rate is significantly lower across Inuit Nunangat than in the rest of Canada, and that Inuit earn less than the Canadian average in terms of median income. However, in three out of six Regions in 2010 (Nunavik, Qikiqtaaluk, and Kivalliq) median Inuit household income was higher than median household income in the rest of Canada. This is due in part to a higher number of Inuit households having more than 1-2 income earners. It is important to emphasize that the average Inuit household is larger than the size of the average non-Aboriginal household, and household earnings in Inuit homes often need to support more people than in a non-Aboriginal home. (ITK Report)

Sources: Statistics Canada, Canadian Income Survey 2012, custom tabulation.

First Nations Information Governance Centre (FNIGC). First Nations Regional Health Survey (RHS) 2008110: National report on adults, youth and children living in First Nations communities. Ottawa: FNIGC. 2012.

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Education

- 35% of Aboriginal women aged 26 years and older have not graduated from high school. (NHS)
- Only 9% of Aboriginal women aged 25 years and older have a University degree compared with 20% of non-Aboriginal women. (NHS)
- In 2012, 72% of First Nations people living off-reserve, 42% of Inuit and 77% of Metis aged 18 to 44 had a high school diploma or equivalent ("completers"). The 2011 National Household Survey data showed that the figure for the non-Aboriginal population was 89%.
- According to the Aboriginal Peoples Survey 2012, while the majority of [high school] leavers dropped out once, 39% of off-reserve First Nations leavers, 34% of Inuit leavers and 32% of Metis leavers dropped out multiple times. Men commonly dropped out due to a desire to work, money problems, school problems, and lack of interest. "Pregnancy/childcare responsibilities" was reported by one-quarter of off-reserve First Nations and Metis women and 38% of Inuit women who did not complete high school.

Sources: Statistics Canada, 2011 National Household Survey

Bougie, E., Kelly-Scott, K., Arriagada, P. The Education and Employment Experiences of First

Nations People Living Off Reserve, Inuit, and Metis : Selected findings from the 2012 Aboriginal Peoples Survey. Catalogue no. 89-653-X- No. 001 November 2013 .

<http://www.statcan.gc.ca/pub/89-653-x/89-653-x2013001-eng.pdf>

- Tuberculosis - For on-reserve First Nations, the committee heard that tuberculosis rates on-reserve were 31 times higher than non-Aboriginal Canadians and infant mortality rates were 1.5 times higher than the national average. The committee heard from witnesses that the tuberculosis rates among the Inuit were 127 times higher than the non-Aboriginal Canadian rates and life expectancy among the Inuit remained 12 years below the Canadian average.

- Health of Aboriginal women - The life expectancy of Aboriginal women was three years lower than that of non-Aboriginal women; their suicide rates were three times higher than the national average and they were three times more likely to contract HIV/AIDS than non-Aboriginal women .

The Standing Senate Committee on Social Affairs , Science and Technology , "Proceedings from the Standing Senate Committee on Social Affairs , Science and Technology," Issue 7, Evidence, 17 November, 2011, 1st Session of the 41st Parliament, <http://www.parl.gc.ca/Content/USEN/Committee/411/soci/07mn-49183-e.htm?Language=E&Parl=41&Ses=1 &comm id=47>.

Food Bank Use and Food Insecurity

- In March 2014, 841,191 people received food from a food bank in Canada. 37% of those helped by food banks in Canada were children.

- One in seven individuals receiving food from a food bank self-identified as First Nations, Metis or Inuit (up from 11% in 2012 to 14% in 2014).

- Rural food bank users were more likely to self-identify as First Nations, Metis or Inuit (26% as compared to 14% overall)

- In 2012, nearly 4 million Canadians lived in food insecure households, of which approximately 800,000 lived in households that were severely food insecure. 70% of Canadian households that receive social assistance are food insecure, and 30% of these are severely food insecure.

- In 2012, 28.2% of Aboriginal households reported being food insecure. This is more than double the national average (12.6%).

- In 2012, an estimated 41,300 Aboriginal households (or 8.3%) reported being severely food insecure, compared to 2.6% of all Canadian households.

- Households in Yukon, the Northwest Territories and Nunavut experience extremely high levels of food insecurity, ranging from 17% of households in Yukon, to 45% of households in Nunavut.

- Seven in ten Inuit preschoolers live in food insecure households.

Sources: Tarasuk, V, Mitchell, A Dachner, N. Household food insecurity in Canada 2011. Research to identify policy options to reduce food insecurity (PROOF) .

<http://nutritionalsciences.lamp.utoronto.ca/resources/proof-annual-reports/annual-report-2012/>

Food Banks Canada , HungerCount 2014.

<http://www.foodbankscanada.ca/FoodBanks/Media/Library/HungerCount/HungerCount2013.pdf>

Housing

- In 2011, an estimated 96,000 off-reserve Aboriginal households 22 experienced core housing need (19.0%) compared to 1.4 million non-Aboriginal households (12.2%).

- Core housing need among Aboriginal lone-parent households was 40.4% compared to 25.2% for non-Aboriginal lone-parent households in 2011.

- In 2011, 34.7% of off-reserve Aboriginal renter households lived in core housing need, compared to 25.9% of non-Aboriginal renter households. Additionally, 26.6% of on-reserve Aboriginal renter households lived below core adequacy and/or suitability housing standards.

22 An Aboriginal household is defined by the Canadian Mortgage and Housing Corporation as one of the following :

a) A non-family household in which at least 50% of household members self-identified as Aboriginal; or

b) A family household that meets at least one of two criteria:

-At least one spouse, common-law partner, or lone parent self-identified as an Aboriginal ; or

-At least 50% of household members self-identified as Aboriginal.

A person self-identifies as being Aboriginal. Aboriginal identities include North American Indians (both status and non-status) , Metis and Inuit.

- Core housing need for off-reserve Aboriginal households varied in 2011 by Aboriginal household identity; Inuit households had the highest incidence (33.6%), followed by Status Indian households (23.4%), Non-status Indian households (18.6%) and Metis households (15.3%).

- In 2011, among all Aboriginal households living on-reserve (note there is limited homeownership on-reserve), 20.9% lived below only the adequacy standard, 5.9% lived below only the suitability standard, and 6.7% lived below both standards²³. These households also had insufficient income to access acceptable housing in their local market.

- By comparison, among all Canadian households (not including on-reserve households), 5.2% lived below only the adequacy standard, 4.4% lived below only the suitability standard, and 0.7% lived below both standards in 2011. These households also had insufficient income to access acceptable housing in their local market.

- Among all off-reserve Aboriginal households, 15.1% lived below only the affordability standard, 5.2% lived below only the adequacy standard, and 3.9% lived below only the suitability standard.

- In 2011, 33.4% of Aboriginal on-reserve households lived below one or both of the adequacy and suitability standards and had incomes that were insufficient to meet the costs of acceptable housing.

- In 2011, and estimated 40.0% of Aboriginal on-reserve households living in band housing lived below one or both of the adequacy and suitability standards.

- 44% of women and girls living on reserves live in homes that need repair and 31% of Inuit women/girls live in crowded houses compared with 3% of non-Aboriginal females. (CEDAW/C/OP.8/CAN/1 Report)

Source: Canadian Mortgage and Housing Corporation , Canadian Housing Observer 2014. <http://www.cmhc-schl.gc.ca/en/>

- As of January 31, 2015, there were 136 Drinking Water Advisories in effect in 93 First Nation communities across Canada, excluding British Columbia. (Health Canada)

- First Nation communities receive their water through a variety of methods, with national figures showing 72 per cent of all homes being piped, 13.5 per cent on truck delivery, 13 per cent serviced by individual wells and 1.5 per cent having no water service. A similar national breakdown can be found for wastewater systems with 54 per cent of homes being piped, 8 per cent having their sewage hauled by truck, 36 per cent having septic and other individual wastewater systems and 2 per cent of the homes having no service . (AANDC)

- 1,880 homes are without in-house drinking water service, and 1,777 homes are without wastewater service (these are primarily located in Northern Manitoba and Ontario). (AANDC)

Sources: Health Canada . Drinking Water Advisories in First Nations Communities.

<http://www.hc-sc.gc.ca/fniah-spnia/promotion/public-publigue/water-dwa-eau-agep-eng.php>

²³ Information on shelter costs for on-reserve housing is not collected by the National Household Survey; however, adequacy and suitability of housing on-reserve can be examined . Using household incomes (collected on-reserve); the percentage of households living in housing below standard(s) and unable to meet the cost of acceptable housing can also be derived.

Aboriginal Affairs and Northern Development Canada . Fact Sheet- The Results of the National Assessment of First Nations Water and Wastewater Systems (2009-2011).

2011 .

<http://www.aadnc-aandc.gc.ca/enq/1313762701121/1313762778061>

Violence Against Women

- Aboriginal women report rates of violence including domestic violence and sexual assault 3.5 times higher than non-Aboriginal women. (CEDAW Report)

- Young Aboriginal women are five times more likely than other Canadian women of the same age to die of violence. (CEDAW Report)

- More than 70 per cent of the 53 Inuit communities across the Canadian Arctic do not have a safe shelter for

women, and often the homes of family and friends are overcrowded. (Pauktuutit Report)

- According to Police-Reported Victims of Violent Crime Data from 2011, the rate of violent crime against women in Nunavut (15,453 per 100,000 females) was nearly 13 times higher than the rate for Canada. (Pauktuutit Report)

Source: United Nations. Committee on the Elimination of Discrimination against Women Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/OP.8/CAN/1. March 6, 2015. (Advance Unedited Version)
http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW_C_OP-8_CAN_1_7643_E.pdf

Pauktuutit Inuit Women of Canada. Inuit Vulnerabilities to Human Trafficking. August 2013.

Justice

- While Aboriginal people account for just four per cent of the Canadian population, one in three females in the federal correctional system is Aboriginal (43%). In addition, over the last 10 years, the representation of Aboriginal women in the prison system has increased by nearly 90 per cent, making them the fastest-growing offender group (compared with 27% for men over the same period).

Source: Assembly of First Nations, Submission in support of the 4th National Aboriginal Women's Summit -Promoting Empowerment, Equity and Leadership. October 2014.

Demographics

- In 2011, there were 88,465 Aboriginal female lone parent households in Canada (80% of all Aboriginal lone parent households and 8% of all Aboriginal households in Canada). By comparison, there were 1,098,055 non-Aboriginal female lone parent households (79.1% of all Canadian lone

parent households and 4.4% of all Canadian households).

- In 2011, in Canada, 34.4% of Aboriginal children aged 14 and under lived in a lone parent family (28.4% lived in female lone parent families and 6.0% lived in male lone parent families). By comparison, 17.4% of non-Aboriginal Canadian children lived in a lone parent family (14.4% female lone parent families and 2.9% male lone parent families).

- In 2011, there were 18,515 foster children with Aboriginal identity (9,890 males and 8,625 females) living in private households in Canada, representing 8% of the total number of persons not in census families 24. By

24 Persons not in census families may live with relatives (without forming a census family with them), or they may live with non-relatives only or they may live alone. comparison, there were 28,865 non-Aboriginal foster children (15,660 males and 13,205 females) living in private households in Canada, representing 0.5% of the total number of persons not in census families).

- In 2011, in Canada, 3.6% of all Aboriginal children aged 14 and under were foster children, compared to 0.3% of non-Aboriginal Canadians. Among families by Aboriginal identity, 4.5% were First Nation foster children, 1.7% were Metis foster children, and 2.8% were Inuit foster children.

- In 2011, 26 per cent of Inuit children in Inuit Nunangat lived in households headed by single parents. (NHS). (ITK Report)

- According to Statistics Canada, in 2011, the median age of the Inuit population was 23 years, compared to the 41 years for non-Aboriginal people, 26 years for the First Nations population and 31 for the Metis population. (NHS)

- Aboriginal people form a significant proportion of the general population in the territories. For example, 86.3% of Nunavut's population identifies as Aboriginal, as does 51.9% of the population in the NWT and 23.1% in Yukon. (NHS)

Sources: Statistics Canada. NHS Aboriginal Population Profile, Canada, 2011. 2011 National Household Survey.

<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/aprof/index.cfm?Lang=E>

Statistics Canada. Census Family Status (12), Aboriginal Identity (8), Registered or Treaty Indian Status (3), Area of Residence: On ReseNe (3), Age Groups (BA) and Sex

(3) for the Population in Private Households of Canada, Provinces and Territories, 2011 . <http://www12.statcan.gc.ca/nhs-enm/2011/rt-td/index-eng.cfm>

Inuit Tapiriit Kanatami. Assessing the Impact of the First Nations and Inuit Child Care Initiative (FNICCI) across Inuit Nunangat . August 2014.

Statistics Canada. Aboriginal Peoples in Canada: First Nations People, Metis and Inuit. Catalogue no. 99-011-X2011001 . Ottawa, (ON): Government of Canada. 2013 .

Appendix C: Details of Exceptional Funding Arrangements

Under certain circumstances, PTs also play a role in the provision of services on-reserve. Some PTs deliver child welfare services on-reserve by delegation to an Aboriginal service agency in situations where the community is not served by a First Nation Child and Family Service (FNCFS) agency or to supplement existing FNCFS programs. British Columbia and Alberta have funding agreements with the federal government involving delegated Aboriginal service agencies. In fact, the Delegated First Nation Agencies (DFNAs) operating in 39 of 48 First Nations in Alberta, are funded directly by the federal government, unlike DAAs in British Columbia, which are cost-shared between the federal and provincial governments.

In Ontario, child welfare services on reserve are cost-shared between the province and the federal government through the 1965 Memorandum of Agreement Respecting Welfare Programs for Indians. Under the agreement, Ontario extends its welfare programs (including child welfare) to reserves and the federal government reimburses the province for approximately 93% of the eligible expenditures.

Quebec assumes responsibility for the financing of health and social services offered in the Aboriginal communities covered by the James Bay and Northern Quebec Agreement as well as the Northeastern Quebec Agreement signed respectively with the Cree, Inuit, and Naskapi Nations. Pursuant to the Youth Protection Act (YPA), the Government of Quebec assumes responsibility for the protection of all

children in Quebec, including Aboriginal children. The Quebec Ministry of Health and Social Services and its network are responsible for applying the provisions of the YPA in Aboriginal communities. The financing of protection services is guaranteed by the federal government for Aboriginals living in communities not covered by agreements, and by the Government of Quebec for Aboriginals living in communities covered by agreements.

Alberta has a delivery model similar to the BC model. Child intervention services are delivered on the Reserves of 39 of the 48 First Nations in Alberta, by Delegated First Nation Agencies (DFNAs) pursuant to delegations of authority from the statutory Director to the DFNA and formal service delivery agreements with the DFNA or the DFNA and Canada. However, in Alberta, the DFNAs are funded directly by the federal government, not the province.

PTs agreed that while the data collection templates may need to vary slightly across the three groups given their different areas of focus, the identification of programs/strategies and initiatives to be profiled in the July 2015 report will be based on the following common principles and criteria for inclusion.

Each initiative, program, policy or tool profiled in the report will align with at least one of the three priority areas of focus as outlined above and must:

- Be considered a best practice or promising approach to reducing the number of Aboriginal children in care or improving the care provided to Aboriginal children and families in the child welfare systems, or ameliorate the social and economic challenges that are disproportionately faced by Aboriginal families and communities and are the root causes of abuse and neglect.*
- Be targeted to support Aboriginal children, families and/or communities*
- Be operational or have been implemented or tested (not just announced in concept). If the initiative is a new program/policy that builds on a previous program that had demonstrated success , the project description will include an explanation of the linkage.*
- Be an initiative that is unique to a PT or NAO (rather than a cross-jurisdictional program that is*

routine or ongoing), or one that has the potential to be transferrable to other PT or NAOs.

- *Be proven effective in achieving the goals of reducing the number of Aboriginal children in care or improving the services and supports provided to Aboriginal children in care, or ameliorating the social and economic challenges that are disproportionately faced by Aboriginal families and communities and are the root causes of abuse and neglect.*

25 There must be evidence of positive impacts (evaluation results, administrative data, etc.) to demonstrate some measure of positive results. If no measure of positive results is available, the initiative will not be included in the inventory. Success measures must be more than anecdotal.

Mr. Chairperson: Please proceed.

Ms. Petti: Thank you.

Just a brief description of the appendixes that are in the package. Appendix A is a side-by-side review of the provisions of Bill 15 with our recommendations for changes or additions as well as specific commentary on the rationale. Appendix B is a document entitled Aboriginal Children in Care Report to Canada's Premiers. It was prepared by the Aboriginal Children in Care Working Group for the— for Canada's premiers and released in July 2015. It would be important to mention that the co-chair—a co-chair of the working group that offered the document was our honourable Minister Kerri Irvin-Ross. This report is important because it speaks to ancillary factors that we hope this committee will recommend for inclusion as part of the suite of elements in Manitoba's customary-care provisions.

In general, we are very supportive of this initiative and commend those who have worked on it. It has been a long-awaited development in ensuring that indigenous children will be enabled to receive equitable protection under the CFS act while recognizing the inherent right of indigenous communities to practice customary care in accordance with their customs, cultural practices and community values.

We have three main concerns with the draft legislation itself as well as a concern about amending the CFS authority's regulation. Additionally, there will be technical changes required in certain forms, including the school registration form that was put out in 2013 by Education, Family Services and the Healthy Child Committee of Cabinet, and we are in

the process of working out those details as well. I'd also like to add that we are in the process of discussing all of these items with the ADM and the folks that have been working with us.

Using ministerial designation as the initiating mechanism for customary-care agreement. Phrasing customary care in terms of ministerial designation of certain communities—and we understand that to be the Inuit and the Metis communities—will be seen by various groups—or can be seen by various groups as denial of their inherent value of those communities as perceived by their own membership. In our experience with the communities we serve, has been seen that people in those communities do not depend on designation by another government's honourable minister to the welfare of their children. We appreciate the importance of all parties knowing with whom they are engaging and therefore propose a wording of change, and the wording of change is to suggest that ministerial recognition would be more appropriate.

Amending section 76 to allow easier sharing of appropriate information. At present, the provisions of subsection 76(3) of the CFS act are very clear, with certain exceptions, that very little information can be shared with people or organizations outside of the present CFS system, an important part of ensuring the effectiveness and success of customary-care arrangements, and that would be in the development of the committees that exist in the communities, that we need to ensure that appropriate and adequate information is shared with customary-care givers. Some have suggested that the present wording of subsection 76(3), which includes clause (g), "where a disclosure or communication is required for the purposes of this Act," would be sufficient to cover all cases. We would point out that if clause (g) was sufficient, there would be no need to mention the obligation to share information with the Office of the Children's Advocate at subclause (d.1) or by the Children's Advocate to others at subclause (d.2).

The narrow interpretation of 76(3) has been that a number of our agencies have received legal advice that such wording applies only to sharing with CFS agencies and that a court order is required if information needs to be shared with, for example, a police service. The result has been that agency legal counsel regularly and routinely co-operate with lawyers from various police services to request court orders before sharing information. Such a mechanism would be totally inappropriate for customary care arrangements. The first part of the

solution would be to add a new subclause to section 76(3).

The second—first part of the solution would be to add a few words to subsection 76(12) to include customary-care arrangements in the same category as voluntary services mentioned in part 2 of the act. Adding a few words near the end of the same subsection to ensure that children of minor parents would not be excluded would also be appropriate.

Finally, there should be a small addition in the first sentence of subsection 76(14), which covers closed files for former children in agency care to include individuals that had been in a customary care arrangement.

Amending section 8.29(2) as an alternative to amending the CFS authority's regulation under the authorities act to clarify the role of CFS authorities in relation to customary-care agreements. By a way of background, it's important to recall that when the CFS authorities were created in 2003, the issue of determining the duties and responsibilities of the authorities was solved not by amending the CFS act but by placing those duties and responsibilities into part 3 of a regulation under the authorities act, known as the Child and Family Services authorities regulation.

While it would be desirable to finally amend the CFS act to reflect the various duties and obligations of the CFS authorities, the scope of such an undertaking is not feasible at this present time. At minimum, therefore, it would be desirable to add details of the responsibilities and obligations the CFS authorities into part 3 of the Child and Family Services regulation. One example would be the issue of approving support beyond the time a child reaches the age of majority. Because of an oversight in the drafting of The Child and Family Services regulation, the duties spelt out in The CFS Act under subsection 52 were never formally transferred to CFS authorities. That oversight would be perpetuated if subsection 8.29(2) is enacted as drafted without a corresponding devolutionary clause in the authorities regulation. A simpler alternative would be just to amend subsection 8.29 as set out in section 10 of Bill 15, to make it directly possible for the CFS authorities to approve the continuation of arrangements for youth who have reached age of majority.

Aboriginal alternative dispute resolution. In Ontario, in addition to legal provision for customary-care arrangements, it's required by the regulation that

one or more alternative dispute resolution mechanisms be implemented. This is mentioned specifically on page 31 of appendix B, in the Report to Canada's Premiers. There is no—currently, there is no 'requivalent' requirement in Bill 15. The solution be—would—to be—to add a clause under section 86 of the act, to mandate the alternative dispute resolution mechanisms.

Funding. We were not initially advised, because there was no incremental funding specified when customary care was legislated in Ontario. There was no need for supplemented funding in Manitoba. Such advice admits reference to the fact that, since 1965, Ontario has had a cost-sharing agreement with Ottawa, whereby 93 per cent of actual child-welfare expenditures on reserve are reimbursed. This information can also be count—be found on page 51 of appendix B.

It's our respectful submission that if customary care is to succeed in Manitoba, it will be because there has been a decision that additional costs associated with establishing and maintaining customary-care agreements with indigenous communities can be reimbursed, while funding levels are not and should not be embedded in legislation. Our commitment to make this important innovation work well compels us to mention that this concern for on record.

We are recently advised that there may be provision for additional funding and will watch for this development with interest.

In conclusion, we thank you for your time and attention to this important initiative. Any additional questions that you may have now or later, please let us know, and we will be pleased to work with you to answer to the best of our ability.

* (19:30)

Mr. Chairperson: Thank you for your presentation.

Hon. Kerri Irvin-Ross (Minister of Family Services): Thank you very much, Tara. Thank you for your very thoughtful presentation and the leadership that you're showing and the co-operation with the department; we really appreciate it.

I strongly believe that this will be a new way of doing business in the province of Manitoba. It's going to take lots of energy from all of our partners to make it a success, but with your advice here—and thank you so much for working with the department. I have lots of confidence that we will be successful

and we'll be able to make a difference for Manitoba families.

Thank you very much.

Mr. Chairperson: Mr. Wishart.

Mr. Ian Wishart (Portage la Prairie): Do you have comments?

Mr. Chairperson: Did you have a comment on—

Ms. Petti: No, I just made a mistake.

Mr. Chairperson: No.

Okay, Mr. Wishart.

Mr. Wishart: I'd like to thank you for your presentation. Obviously, it's very well thought out. There's many good comments in here.

I just wondered—you meant—you've made mention of the process of consultation, and clearly that you have some unanswered questions remaining. Do you feel there has been adequate time put into the consultation to bring this bill forward?

Ms. Petti: We recognize that the bill was drafted and—in a very timely fashion, and we would also want to commend the department's work in their efforts to provide consultation to the authorities. We have had meetings with the ADM and our—all of our agencies. We have had meetings with—we have three pilot agencies that have been identified under the—within the southern network that are starting the process of beginning their pilot project work. And then we have also participated in providing feedback to the regulation and have had the opportunity to meet with the ADM to review the draft regulation.

We understand that more consultation will occur, that other regulations and processes need to be developed, and we tried to highlight as much as we can in here, with the understanding that that type of consultation and feedback and opportunities to engage the agencies and our authority will also be included in that.

Hon. Jon Gerrard (River Heights): Thank you for your presentation and your careful assessment of the bill.

I'd like—just, if you would clarify, when you replace the word designation with recognition, what do you—a little bit more precisely, what do you mean by recognition? How would it work?

Ms. Petti: Ministerial recognition would be a more appropriate term, and we just wanted to point out

that it is, in our experience in working with our communities, that the—I guess to put it plainly, like, for the minister to come in and designate that this is an indigenous community, I guess, would be more clarified in spelling out how that will be done.

I could add that we have also received some information on how that, like, the consultation that will be involved in designating an indigenous community and that we have the understanding that that is for communities in Manitoba that are not under the Indian Act, where there is, I guess, just a question on, you know, if there are Metis or Inuit communities that exist in Manitoba and how are they designated if they're not identified through the act that identifies First Nation communities.

Mr. Chairperson: Thank you very much for your presentation.

I'm going to have to—I'm going to ask leave of the committee. Ron Monias is—has Brenda Watt on his behalf. Is committee okay with having Brenda Watt present on the behalf of Ron Monias? *[Agreed]*

So I will now call Brenda Watt, please.

Do you have written materials for the committee?

Ms. Brenda Watt (First Nations of Northern Manitoba Child and Family Services Authority): Good afternoon—

Mr. Chairperson: Oh, yes, please proceed when you're ready.

Ms. Watt: Hi. May I ask—request for permission to have my colleague, Bruce Unfried, join me?

Mr. Chairperson: Is there leave from the committee? *[Agreed]*

Okay, yes, that's fine.

Ms. Watt: Thank you.

Mr. Chairperson: Okay, can you have—can we get the name for the record of Hansard? It's Bruce—

Floor Comment: Unfried.

Mr. Chairperson: Please proceed when you're ready.

Ms. Watt: Thank you for the opportunity to speak in support of the proposed legislative amendments to The Child and Family Services Act. Again, my name is Brenda Watt and my home community is God's Lake First Nation, and I am here on behalf of Ron

Monias, our CEO of Northern Authority Child and Family Services.

The duties of Northern Authority are embedded in section 19 of The Child and Family Services Act. The Northern Authority has oversight function for seven First Nations agencies in northern Manitoba.

I would like to commence my presentation by stating that customary care is not new to indigenous communities; having said that, the key points of my commentary will focus on the following historical issues and current practices which will impact on customary care.

Customs of First Nations communities: Customary care is the traditional practice that has evolved from time immemorial among the First Nations of northern Manitoba. At present, the informal practice has adapted and is alive whereby the majority of First Nations families in their communities have the capacity to care for and protect their children without the intervention of child-welfare authorities. Although much of the teachings that existed may have in some way diminished, the core values still exist and are alive today.

Historically, when parents did not take sufficient care of their children, elders and community leaders would make efforts to support the parents to change their ways. When the children could not be cared for by their own family, the child would be—would've been placed with extended family members, other band members or other First Nation community, but the child would also continue to have contact with the parents, culture and their community.

I believe that customary care supports the principles of the Aboriginal Justice Inquiry—Child Welfare Initiative. During an historic Child and Family Services amendment agreement signing between the Assembly of Manitoba Chiefs and the Province in 2000, the then-Family Services Minister Tim Sale stated: This agreement is a historic first step in the way Manitoba approaches the delivery of child and family services for First Nations people. Today's signing ceremony signals a new beginning. It is long overdue that we recognize the right of First Nations families to develop and control child and family services.

There are 64 First Nations communities in Manitoba, many in isolated areas of the province. For the First Nations who are remote and isolated, these communities do not have access to services and

programs that are often taken for granted in urban settings. The more remote and isolated the community, the worse its economic performance, Slack, 2003. Half of the First Nations children in Canada live in poverty, Colin, 2013.

Current research is clear. Children who grow up in poverty are at a higher risk of living in poverty when they're adults, less likely to graduate from high school and less likely to go on to post-secondary education. They are more likely to rely on social assistance as adults and more likely to have children before they are able to support them.

* (19:40)

Families living in poverty who have young children between the ages of zero and five face many challenges as a result of living in poverty and often turn to service providers for support to find their way through these challenges and needed services. The daily grind of poverty can take its toll on the parents and caregivers.

The Northern Authority has long advocated for changes to be made to the current regulations for foster homes and places of safety. We believe that the customary-care agreements will allow for greater flexibility for placements and will reflect the current realities of First Nations communities. *[interjection]*

Mr. Chairperson: Mr. Unfried. Yes, Mr. Unfried, go ahead. I have to recognize you before.

Mr. Bruce Unfried (First Nations of Northern Manitoba Child and Family Services Authority): I'm sorry.

Mr. Chairperson: Go ahead. Go ahead, yes, the mic's yours.

Mr. Unfried: Reference was made to funding, and again, we would like to ensure and make it clear that the Northern Authority would like to go on record in recommending that all customary-care agreements have required funding in place to ensure the safety and stability of placements.

Mr. Chairperson, 2003, with devolution, the issue was underresourced, underfunded. The finding of the human rights tribunal of two months ago confirmed that fact for the First Nations agencies and communities. The legal process we feel that the customary-care agreements will enable and will lessen the adversarial relationship which occurs between families, the child-welfare agencies and the courts. We hope and we feel that it will make a difference.

In summary, we also would like to comment on the fact that there will be a role for elected leadership. Elected leadership will have an active role to play in the care and custody of children of their communities, as they'll be a signatory to the customary-care agreements.

The—also, we feel that the system will reinforce the value of community customs. We envision agencies developing partnerships in a positive way, in a proactive way, and providing the necessary support services. The Northern Authority has undertaken pilot projects—will be undertaking pilot projects in three communities.

In closing, I would also note that the seven agencies mandated by the Northern Authority currently have 2,933 children in care. We believe this legislation will provide a framework to reduce the number and provide homes which will be culturally sensitive to the needs of children and families.

There was a comment also about consultation. We would like to provide information to the committee that we have had very open and supportive consultation with the Province. Fortunately, our CEO had worked in the Ontario child-welfare system. He was very familiar with customary care. And last fall he encouraged us to start a dialogue with agencies in Ontario, such as Tikinagan. So we've been able to rely on their contact and support and direction because they have a history of providing care under customary-care agreements.

In January of this year, the Northern Authority hired a customary-care adviser, who is currently meeting with our communities and having discussions about customary care. Brenda and our customary-care adviser have also provided monthly newsletters to our agencies to advise them, keep them abreast of the developments as they have occurred.

My final comment would be to comment or to basically state the commentary from Ted Hughes in *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*. In his report he noted: More than 80 per cent of Manitoba children in care are Aboriginal. The picture is similar across Canada, and numbers are growing. Cross-Canada research shows that Aboriginal children are taken from their homes in far greater numbers, not because they're Aboriginal, but because they're living in far worse

conditions than other children. They're poor because their parents are poor. They live in a substandard housing; their parents struggle with addictions; and they don't have a family and the other supports they need. These are large challenges beyond the child-welfare system. The responsibility to keep children safe cannot be borne by any single arm of government. It is a responsibility that belongs to the entire community.

We feel the customary-care process will basically encourage and enable partnerships and much greater co-ordination and integrated services at the community level, and services will be enriched for children and families with greater access and also having services in their home communities.

Thank you.

Mr. Chairperson: Thank you for your presentation.

Ms. Irvin-Ross: Thank you very much, Brenda and Bruce. I know that you spoke from the heart. I could feel it in my heart, how eloquently you spoke in support of customary care and having a very similar dream and hope that I have about the impact that it will make for the children that are in care today and preventing children from coming into care in the future.

The leadership that you are showing, I just want to thank you very much for that. The leadership that you have been involved in over the last year will help us be able to implement customary care much more effectively, and I am extremely grateful for that, so if you could please pass that on to Ron for me.

And your advice about it is all of our responsibility to address the needs of indigenous children and their families and that we all have to work together on that journey of healing, so I just thank you very, very much.

Oh, one more thing, please. You asked the question about funding, and I just wanted to clarify with you that the customary-care arrangements, they will have similar funding as we already have in existence for children that are in foster care, so just to confirm that for you.

Mr. Wishart: Mr. Chairman, I'd like to thank you for your presentation. Clearly, you feel very strongly about this, and I think we all hope that there's an opportunity in customary care to get it right and to help to deal with some of the crises that have developed.

But you mentioned a couple things, and I wondered if you could expand upon them. You felt that elected leadership had a role in this and it's largely undefined in the bill, and I wondered if you could expand on that.

And also you mentioned additional services in your home community, which is something that has been recommended in numerous—well, Phoenix Sinclair inquiry, a number of others as well, how you felt that this would—this bill would improve those.

Mr. Unfried: Well, based on our understanding of the legislation, a party to the customary agreement will be elected leadership, so they will have an involvement in the care and planning for children in the community. The biological parents will be a party to that. The child, depending on age, could be a part of it. The caregivers will be a part of it. It is a care plan that reflects the realities of the community, and I think, very often, elected leadership, and rightfully so, have criticized the child-welfare system for the removal of many children, and that's a fair criticism.

It would appear that this legislation will allow for placements within home communities with agreements between caregivers, parents, and leadership and child.

Mr. Chairperson: Mr. Wishart, for a return.

Mr. Wishart: Thank you very much for your answer.

The second part of that is additional services in the home community. *[interjection]*

Mr. Chairperson: Mr. Unfried, go ahead.

Mr. Unfried: Well, we feel that the next step would be to really work towards integrating services at the community level. We have a variety of services—health services, education, addictions, health, and what we would hope would happen is that the customary-care arrangement would bring these services together as part of the care plan, because the customary-care plans will have to be reviewed every year and there will have to be decisions made. Are the services being provided to this child or children?

So, in our view, it does have the potential to bring together services at the community level, which it doesn't happen now because most of the departments operate under separate silos, and this is my budget, this is my budget, this is my budget, and never the twain shall meet. We hope this will change that.

Mr. Gerrard: Just—in your presentation you explain that you will be overseeing customary-care arrangements with three of the agencies, but four of the agencies responsible for will be excluded. I'm just concerned that with what seems to be rather unfair that many children and families will be excluded from customary care, at least to start with, and on what basis are some agencies included and others excluded? Is there some criteria for this, or is it just an arbitrary decision?

* (19:50)

Mr. Unfried: It's not an arbitrary decision. We started—the agreement we had, the directions we had was to select two agencies from the authority. We were tasked with meeting with the agency directors and saying, we want to pilot two of these projects. We discussed it with each of the agencies. We were looking for one stand-alone agency, meaning a stand-alone agency, one office. OCN got selected, Opaskwayak Cree Nation. We then were looking for an agency with four—with additional communities, with additional sites. Island Lake was selected because of the four communities in the Island Lake area.

Then Nikan—Cross Lake, have expressed an interest. They're going to be part of the pilot, and also we were advised that NCN in Nelson House have an interest in it.

So, as far as I know, we're not precluding anybody. We went through a process and we put forward what the task was going to be, and we got a very positive response. Instead of two, we got four. And as far as I'm aware, we haven't said no to anybody.

Mr. Chairperson: Thank you. The time for questions and answers is expired. Thank you very much for your presentation.

I will now call on Lore Mirwaldt. Do you have any materials for the committee?

Ms. Lore Mirwaldt (Private Citizen): I do not.

Mr. Chairperson: Okay, proceed when you're ready.

Ms. Mirwaldt: Thank you to the committee and to the members for allowing me to address Bill 15.

My name is Lore Mirwaldt. I'm a lawyer practising in Manitoba. Called to the bar in 1984, I established my practice at The Pas. It's nice to see

Bruce Unfried, the former mayor of The Pas, here today. And I've worked with Bruce for many years in child welfare.

In 2005, I came back to Winnipeg because of devolution to represent my clients but most of my work continues in northern Manitoba. I practised in the area of child welfare for the past 32 years. I've been an Indian residential school adjudicator since the year 2009. Currently, I represent three northern First Nations agencies.

I'm here as a private citizen. I'm not here—I'm not paid to be here today on behalf of any of my clients. No agency money has been expended on my presentation today. I can tell you, however, that I did receive an email from Gilbert Fredette, deputy chief at Norway House. Bill 15 is causing a great deal of concern amongst my client agencies, First Nations and lawyers who practise in this area.

And the deputy chief, Gilbert Fredette, at Norway House sent me a email on it yesterday and he says, as far as I'm concerned Bill 15 is just another way for CFS and the Northern Authority to wash their hands of the responsibility of First Nations children by giving that responsibility back to parents and grandparents who don't have the infrastructure or resources to support themselves, let alone their loved ones.

Furthermore, housing conditions within First Nations communities are dreadful and are unhealthy due to overcrowding. Without a proper financial obligation in this bill, First Nations children will continue to be the collateral damage of the federal and provincial colonial undertakings which have continuously underfunded First Nations children and their rights to a healthy and productive life. Lastly, being a community leader, parent and proud grandparent, it's my obligation to speak for the children who don't have a voice. Customary care has to come with clear financial commitments that will address the copious numbers of issues that will arise and continue to put our children and grandchildren at risk. Since 1867, Canada has failed our people and the children of this land. A hundred and fifty years and generations later, the conditions and outlook for First Nations children and families hasn't changed so much. Ekosi.

And that's the email I got yesterday. I would submit to you that Councillor Fredette's frustrations are felt far and wide in the communities that will be affected by this bill.

There's 10 points about Bill 15 that I'd like to make to this committee.

Firstly, I'm in favour of customary care. It's been practised for thousands of years, as Ms. Watt put it so eloquently. She knows her history and she knows her community and that's the way of life of many indigenous families. However, Bill 15 does nothing to enhance it or legitimize it and the bill may, in fact, discourage it. Many children are currently being cared for by extended family without financial aid and without agency oversight. This bill would seek to formalize these arrangements and to put in place regulations and oversight and to put—and that will end up discouraging families from going through the required processes.

Second, the bill does not address the sovereign rights of a First Nation to determine the care and upbringing of their children. This bill allows the minister of Family Services to be the final arbiter of what is indigenous custom, and I certainly salute Billie Schibler for bringing that to your attention, about what is indigenous and who gets to decide that. With respect, in my view, that is not the—within the constitutional purview of this minister or this government. In my view, this legislation is vulnerable to a constitutional challenge.

Third, there are many barriers to customary care that this bill does not address. There is historical distrust between First Nations families and CFS. Formal processes in this bill are difficult to understand or to meet. It's simple to say, oh, it's going to be the same as foster care. Many of these families cannot meet the requirements of a foster home licensing regulation. Housing conditions in First Nations communities and in the North End of Winnipeg make customary care an impossibility for many families—availability of resources in the North and provincial licensing standards.

Fourth, there is no path to the courtroom or to dispute resolution. There is no oversight by the court. Very often the court is the only authority to turn to in a case where there is a dispute over the care of a child. There's a reason that the family bar in Manitoba is run off their feet, and that's because we're in court constantly fighting over the care of children. What are the legal rights of a parent to terminate a customary care agreement? It's not clear in this legislation. If the answer from the minister is going to be, well, we have an ADR path through section 52, well, let's forget that. Section 52 is a disaster. I was hired to go all the way to the Supreme

Court. We got—we didn't get leave, but we have a real problem with section 52 of this act and how it's administered.

Fifthly, funding has not been committed. I hear from the minister foster care rates will be used. What about Children's Special Allowances that this minister continues to claw back at the rate of \$25 million a year, from children placed off reserve. Which government will fund the administrative processes that are required by a First Nations to participate in a customary-care arrangements? Band council resolutions and agreements must be prepared and monitored. Who pays for that? Has the federal government been consulted on this? Not that I'm aware of. This bill really only applies to on reserve, where there's really not a problem; we already have customary care. The real problem is off reserve. How will this bill be applied in Winnipeg or Brandon, for example?

The next point, No. 6, there has been almost no consultation with the communities, front-line agency workers, legal counsel for agency, legal counsel for parents and the parents and children themselves. This bill is being rushed through as if it's a game-changer or a panacea to the current crisis in child welfare. In my view, it is no such thing. In fact, I believe it will create more distrust, more work, more challenges for a system that is on the brink of collapse due to years of mismanagement, underfunding and section 4 takeovers.

My next point is that we have all been asking this government to sit down with all the stakeholders in the system and to hit the reset button on child welfare. We've been asking them since 2006 to meet on these systemic issues, and they've refused. Now, on the eve of an election, they throw this legislation at us. With respect, this is a very small Band-Aid to cover the gaping wound that is child welfare in Manitoba.

Customary care has been studied in Ontario. In February 2013, a practice guide to formal customary care was published, after hundreds of consultations with child-welfare professionals, lawyers, judges, First Nations, and families and children themselves. I would recommend it to you, as it sets out a pathway that has already been walked. We can learn much from the Ontario experience, but we have to talk to people who work in our own system. It's interesting that the Northern Authority went to Ontario but didn't bother to come to Nelson House to talk about this. So far we haven't seen meaningful consultation

in Manitoba. Legislation is being presented to us as the *fait accompli*. It's a very arrogant way to govern our child-welfare system, and it's doomed to failure.

* (20:00)

One of my law partners is from Saskatchewan, and he shakes his head at our system. He cannot seem to understand why we legislate first and ask questions later. I joke with him that Manitoba's the land of good enough. Instead of spending the time and money on proper consultation and discussion, this government proposed a bill that is good enough. Well, as a Manitoban, I say it is not good enough. Our children deserve our best efforts. This bill is not reflective of our best efforts. It is a dismal patch-up job that will only create mischief in the system and in the courts. We can do better, and we can draft a bill that truly supports in-home care. Customary care is out-of-home care. There's a real difference.

So what are the answers? Support in-home care programs like the removal-of-parent program at Nelson House. Stabilize the funding for diversionary programs like Onashowewin in Thompson. That program will come to an end at the end of this fiscal year, because a \$680,000 funding cut that this government is imposing upon one of the agencies involved, NCN. Stop punishing agencies for apprehending fewer children by cutting their funding and cancelling the stabilization fund. In addition to the \$680,000 clawback, there's a \$522,000 estimated CSA clawback. So it's \$1.1 million from an agency that has a track record of reducing the number of kids in care. We leave the kids in the home. We bring the services in the home. Customary care is out of home, and, as much as you like your auntie or your grandma, kids tell me they want to go home to mom and dad. And that's what Nelson House does.

Look at true partnerships with First Nations, restore First Nation control and administration of the northern authority, without strings, without having to give up their right to litigate to gain back their CSA dollars.

Mr. Chairperson: The time for presentation is up.

Now, questions and answers.

Ms. Irvin-Ross: Thank you, Lore, for your opinions and your thoughts.

This bill is removing the barriers so customary care can be permitted in our communities. I stand behind it one hundred per cent. We have a lot more consultation that needs to happen within the

communities. We will—we have started it. We've had number of meetings. We will continue to have further consultation, as we work in implementing the phase 1 communities.

I know that there is much work that has to happen, and we've heard from previous presenters that it is not only on Child and Family Services to do that work; it is all of us working together. And I am very excited about a less adversarial role and a position for parents to maintain control and be a part of the decision making. And I think going to court fewer times may help families with reunification and a quicker way. And I think that is extremely valuable. So thank you for coming out today and making your presentation.

Mr. Wishart: I'd like to thank you for coming, Ms. Mirwaldt. I think you expressed a little bit of frustration with the process that's been involved in the development of the bill. I wondered if you could offer us an opinion on how long, how much further consultation, something that First Nations are very good at, how much further consultation would be necessary to develop a useful bill in this regard.

Ms. Mirwaldt: I think it's sad that the assembly of first—the Assembly of Manitoba Chiefs isn't here. I read that they felt they didn't get adequate notice. I think that we need a good six months of round-the-table consultations like we did at the time of devolution. There was a—they travelled throughout the province and they heard from communities. And that was very valuable. I hear that customary care is a good start; we heard that about devolution. Thirteen years later, we're still wrestling with the same problems of devolution.

Mr. Gerrard: Thank you, and thank you for bringing up the situation of the Nisichawayasihk Cree Nation Family and Community Wellness Centre, where they're having a lot of success in keeping people in homes. And I would ask you, how would you change this legislation if you were actually going to facilitate keeping kids in homes?

Ms. Mirwaldt: I think that you have to recognize the ability of families to come together and care for their children. We also have to recognize that children suffer attachment disorder when they're removed from their homes, even if it's to a relative's home. So I think we have to really start looking at family enhancement as being the way to go. In-home care has been recognized, and Justice Hughes—we presented this at the Hughes inquiry, and Justice Hughes said it was the gold standard of care. We

need the gold standard of care in Manitoba, and in-home care means no more court cases. My court cases have dropped from 30 a month in Thompson down to six, Minister, so I agree with you, court isn't the answer. I think there's lots of things we can do together, but I think we have to talk to the people who are doing them.

Thank you.

Mr. Chairperson: Thank you for your presentation.

We'll now call on Wallace McKay.

Do you have written materials for the committee tonight?

Mr. Wallace McKay (Private Citizen): Yes.

Mr. Chairperson: Okay, please proceed when you're ready.

Mr. McKay: Thank you very much, Mr. Chairman.

Good evening, honourable ministers and the standing committee members.

My name is Wallace McKay, and I have asked to appear before you on Bill 15. I appear before you not only as a resident of Manitoba but as a grandfather and a great-grandfather to children that reside in reserves in Manitoba and in the city of Winnipeg. I've had the privilege of serving as a senior political adviser to Grand Chief Derek Nepinak of the Assembly of Manitoba Chiefs and—during his first three-year term. I sat in the assemblies of Manitoba chiefs, and I've sat on the councils of various First Nations of Manitoba. I heard about their dreams for their people, and I also heard and felt their frustrations.

Presently, I serve as the political adviser to the Ontario Regional Chief Isadore Day. Earlier in life, I was the grand chief of Nishnawbe Aski Nation under Treaty No. 9 that covers three quarters of the land mass in Ontario. Following my term as the grand chief, I became the Ontario regional chief, and I then became—and then I was privileged the first executive director of Tikinagan Child and Family Services in northern Ontario.

I witnessed and experienced the initial phases in the restoration of customary care within our communities. Ontario government was a reluctant partner. Now they see their returns on their investments.

Nee-mee-nee-goh-winn. The closest translation, literal translation I can come to is "person given to

me" in the language of Inneenowauk of northern Ontario. Nee-mee-nee-goh-winn is a relationship. Nee-mee-nee-goh-winn speaks to embracing. Nee-mee-nee-goh-winn speaks to belonging. Nee-mee-nee-goh-winn speaks to responsibility and is—and speaks to caring. Nee-mee-nee-goh-winn is about family.

All societies throughout the world experience tragedies that have a devastating impact on families and their communities. First Nations communities were and have not been exempted from such tragedies, and throughout our history our forefathers developed practices in responding to compassionate and caring sustainable practice, not only for the children but to include family members as well for the whole community. The whole community will become involved in determining not only the best interests of children but the best interests of the families and community. Families would be assessed to determine who was in the best position to care and raise the children. Opportunity would be given to people to volunteer. People volunteering were not necessarily chosen. Extended families were given the priority, and if extended families did not meet the expected standard, then other members of the community were considered. Once a community decision was made, then the decision was consummated through a spiritual ceremony and celebrations. Often the family chosen would hold annual feast commemorating and demonstrating their commitment to raising and caring for the child. There was a sense of pride in the community.

* (20:10)

It is important to understand the critical need for transferring and applying culture and tradition. It is vital to the survival and the strength of community that occurs through a child's participation in—at a day-to-day community life and through interaction of the elders. When we apprehend children and remove them from their community, we are actually dislocating the very essence of the community. It is unfortunate and sad; children become strangers. The people and their community become weak. Canada's recent residential school saga attests to the present state of the First Nations communities.

Customary care should not be strictly viewed as a placement option, but should provide opportunities for people and their communities to revive and restore their cultural practices in caring for their children and families. I believe Bill 15, on customary care, provide those vital steps in the right direction.

I want to make a brief comment on Bill 15, as follows: Customary care is not a new concept. Our people developed these practices and exercised them, these parts, throughout their existence. If the proposed amendments are implemented, the relationship between First Nations communities and service providers will greatly improve and enhance. I can attest to that in the Ontario First Nations communities in a non-territory.

Customary practices arise and are kept alive from the traditional laws and ceremonies. It is vital, as they teach and compel our people to be responsible in the care of children and families. Customary care will and should be facilitating mechanism upon intervention of CFS institution to ensure that the child's community is involved and best efforts made for their involvement in the planning of supports and services. Customary care legislation provides mechanisms for increasing community involvement and control in the care of First Nations children while working with our CFS agencies.

We have a list of stakeholders that have been quoted—the Truth and Reconciliation Commission, the Assembly of Manitoba Chiefs report, Bringing Our Children Home.

I had a chance to talk to Grand Chief Nepinak once the announcement of the legislation was made, and he said to me that he was glad to see the government moving in this way. That's what he had presented in our private meetings with the Premier (Mr. Selinger), that the children should not be removed from home. If there is a problem, then we should maybe move the father or the mother out and leave the children at home. That's his strong belief in the system.

Customary care is a vital vehicle to ensure children are on a continuum link to maintain and enhance language, family and community. These linkages are critical to children's growth environment. A primary principle of indigenous belief and practices is a child is a sacred gift from the creator, and, as such, it is the collective responsibility of the community.

As laid out in the legislation, opportunities will allow indigenous communities, First Nation families, agencies to design customary approaches that meet unique needs. As I listen to Lore Mirwaldt about Nelson House, I think that's a form of customary care. The—it is vital to the process of customary care—

it—this is vital of healing of fractured families and communities. It is the beginning of reconciliation.

Under customary care, parents will be able to retain legal parental rights or guardianship in respect to the child. Termination of parental rights has been an affront to indigenous culture and traditional practices; this legislation fixes that. The part of legislation speaking to family healing is acknowledged and is unique and required. Through customary care, the First Nations will have the opportunity to incorporate healing measures.

Customary care, in its implementation, will begin to address high numbers of children in care. These children will now be at home or within their own communities. It should remove children in care within the CFS system.

Bill 15 will have its challenges at ground level. One of the challenges that we had is convincing our non-Aboriginal experts and our lawyers, this is what we wanted. We had internal battles with them, and they opposed these things moving into customary care. And now one of the things we see is there's very limited amount of court appearances. There is very limited need for a judge to decide; the communities are deciding about their families and their children, and that is critical result of children in care.

I want to encourage the standing members and government and other parties to move forward on the bill. Why? Nee-mee-nee-goh-winn, because it is the right thing to do at the right time for all the right reasons. Thank you.

Mr. Chairperson: Thank you very much for your presentation.

Ms. Irvin-Ross: Thank you very much, Wallace, for your passionate speech, your experience and your insight about the implementation, and reminding us how children are at the centre and the value of that and the gift of a child in our lives and the importance of family and that sense of belonging.

You brought up a very good point that customary care does include in-home care as well where a parent leaves, a customary care provider can come in and provide that support. But also what can happen with customary care is that the supports go to the family home and support the child and the parent together. So there is so much that we need to learn as non-indigenous people around customary care, and I

appreciate the insight that you have provided us and your support for this legislation.

Thank you very much.

Mr. McKay: Thank you very much. There is just one comment on your response and that is we depended on external expertise; now today we have the capacity. We can do it and that's what Manitoba will do also.

Mr. Wishart: I appreciate your presentation. You bring quite a wealth of experience.

I wonder if you could give us some—a background in terms of the timelines that occurred in Ontario when they introduced customary care and how long ago that was.

Mr. McKay: The timelines to fully implement—first of all, we were on a learning curve of taking over child and family service. We did everything to a standard child and family services, we Indianized it, and found out it couldn't work because of the legislation. We were—basically non-Aboriginal people were apprehending the children; now it was us as brown faces apprehending the children. It didn't make a difference, and so we went on a learning curve, and our communities, we were forced by our elders and people to get on to the customary care because they understood it, they knew how to make it work and they forced us to get it on the road, and that took—you know, as a beginning phase, about a year and a half to move forward into it.

Now we have the expertise; it shouldn't have to wait for two years or a year to get it going. It could be just rolled out quite easily.

Mr. Gerrard: Thank you for your presentation.

Two questions: Just if you can tell us, when was the legislation passed in Ontario that provided for customary care? And, secondly, can you help us understand the funding arrangements that enable customary care now?

Mr. McKay: The funding was very minimal to start off with, and it just looked like the core funding for the operation of a regular child and family service. That's how we started out. We began to develop the expertise and moving forward in customary care and what we received was an increase in the funding to respond to customary care, and the—we had about three other First Nation child and family services. There was a lot of collaboration to talk about how we move forward and things like that.

* (20:20)

So, you know, about—in about three years, you know, was when the government was able to provide funding that was required. A lot of the research was done at the community. You must understand the communities have been fractured. They have been dislocated, and you had to establish the systems in the community. People have to understand that they're moving under their own—what is it that they want? So it took a number of years to do it, but the actual funding of it was increased on a yearly basis.

Mr. Chairperson: Thank you very much for your presentation.

Mr. McKay: Thank you very much.

Mr. Chairperson: I will now call on Chief Baker. *[interjection]* Chief Chris Baker.

Do you have any materials for the committee?

Mr. Chris Baker (Private Citizen): Pardon me?

Mr. Chairperson: Do you have any materials for the committee?

Mr. Baker: Just me.

Mr. Chairperson: No, all right. Go ahead, when you're ready.

Mr. Baker: Okay. First, I'd like to thank you for giving me the opportunity to come before you and speak on this very important bill that is going to, hopefully, take its place and to embetter the lives of our people, but, more importantly, our children—but also our communities and the support that they need and the recognition of the much needs that our community faces in regards to having a decent life in our reserves and also in a province of our—province of Manitoba.

But Bill 15 is The Child and Family Services Amendment Act, and this recognizing of customary care of indigenous children was introduced by the Province of Manitoba on December 2nd, in 2015, which is not a new concept to First Nation peoples, as you well heard others speaking on that. Customary care stems from traditional law and is an inherent practice of our First Nation peoples, where, as leadership, we, in partnership with our community and families, took care of our children when there was a need. That was a practice and that was a customary law that we still practice, and I believe that is still, as we're talking about it—and trying to put it in legislation, the recognition of that.

The new legislation proposes that when a First Nation child comes into contact with a CFS agency, the child's indigenous community must become involved in the planning for the support and services, as you heard earlier, in respect to the funding and the technical aspects of caring for children. There's far more than just apprehending. There's far more than just taking the parents out of the families. There's far more than all of those things that we've heard other speakers come up before I have. Those are realities that we must face. Those are realities that we as people of decision making must put in place for the best interests of the children—but also being mindful of the families that must look after these children.

There is recognition that the proposed amendments to The Child and Family Services Act will enhance opportunities to improve partnerships with our First Nation leaderships and communities, which is a need and is recognized. And I think this is what we're all talking about and trying to find solution—positive solution, and being proactive in respect to what we must do in order to do this.

The new legislation will aim to bring together indigenous leadership and communities, indigenous families and CFS agencies to design customary care approaches that meet a family's unique needs. The legislation gives the parents a say into whether their children are placed, and also the communities will have that opportunity along with the leadership, and the parents and, hopefully, their child, which is paramount to what we're talking about and discussing.

This proposed legislation supports community control over and self-determination in the care of First Nations children while working with our CF agencies. As emphasized earlier, this is a process that we must recognize and develop and follow and adhere to.

The new legislation has responded to recommendations made and concerns raised by key stakeholders, the Truth and Reconciliation Commission of Canada's call to action regarding indigenous rights to child and family services decision making, providing adequate resources to enable indigenous families to stay together and requiring that indigenous children remain in culturally appropriate environments.

And, again, I just want to emphasize, in what the other speakers have brought forward to the attention of this committee, the Assembly of Manitoba Chiefs report, *Bringing Our Children Home*, which include

the recommendations of customary care and other service models which would ensure that children remain in their home community; the best practices cited within commissioner Ted Hughes's report on the Phoenix Sinclair inquiry related to a community's right and responsibility to decide what is best for its children and the importance of community-developed solutions and community-based services; the AJI-CWI mission to recognize the rights and the authority of First Nations and Metis peoples to control and deliver their own community-based child and family services which reflect and incorporate culture.

Customary care will support children's continued connection with their language, family, identity, community and clan. Customary care will promote children's natural cultural resiliency and positive cultural identity.

And it's my own personal view, or position, is my identity as a Cree man, as a chief, a representative of our people, that I must know my identity, my culture, my language, where I'm from, why I do what I do, as you do on your legislative seats. So we must be respectful of each other and hopefully work together in regards to this very important issue that's here before us.

I also—MKO is also calling on the minister and the government to work with MKO, and MKO First Nations on a government-to-government basis when developing legislation and regulations that affect First Nation families and children. This government-to-government relationship must be in the spirit of the AJI-CWI process. By working on a government-to-government basis, the wisdom of our grandmothers and families. MKO is hopeful that our children can be cared for within our communities and that the customary care will reflect our traditional laws.

I thank you for your time and the privilege of coming before you and speaking on this very, very important issue. I know this is a—this may look like something that's complicated, but what we should be mindful of in all of this is who and how this is going to affect our children, our communities. You could make those decisions. You're going to have to carry it where you go. I'll see you on the street; I'll meet you at a coffee shop; and I'll remind you what we decided and how we went through this process.

I know there's been talk in consultation. There's been talk in respect to, are you aware of this? How long has child and family services been here, and

how has it affected us as First Nation people? Has it done its job? Not in my eyes.

Now, we have an opportunity, I believe, that can change that trail and that can change that path and that we can have meaningful—meaningful—progress that will reflect our efforts, our commitment to what we really stand for.

* (20:30)

And it's about the children. It's about those children being taken away from home. We are good at it, taking them away. But we're no good at taking them back home. That's our job and our responsibility as leaders. That is what we should be doing and thinking about and how that's going to happen and what we must do in order for that to take place.

Again, I thank you. And I'd better stop. And I appreciate everything. And I recognize some of the ministers and the honourable people and people that spoke before me.

Cree spoken. Translation unavailable.

Thank you.

Mr. Chairperson: Thank you for your presentation.

Ms. Irvin-Ross: Chief Baker, thank you so much for your passion around this topic. I know that you speak from the heart and you speak from much knowledge as a leader within your own community but also a leader within northern Manitoba and across all of Manitoba. As the portfolio carrier for Child and Family Services, your insight is always welcome.

And you remind us, and I want you to, around accountability and making sure that we are having government-to-government conversations but also moving forward. And thank you, again, for your support and the optimism that you have that this is going to change not only for your community but for all of Manitoba and provide better supports for families and, more specifically, for children. So thank you very, very much.

Mr. Wishart: I would like to thank you, Chief Baker, for coming out today to speak on this. You're, obviously, very passionate on the issue, and I appreciate that you have reminded us all that this is about the children. And, given your experience and—with the system, do you feel that this bill is a good first step in the right direction?

Mr. Baker: It's a good first step. But, as you all recognize, it's going to take a lot of work, and it's

going to take a lot of commitment and a lot of responsibility of how we failed—not only you, but all of us, including myself. I take responsibility also. But, if we take responsibility together and put our commitment and put our words into action, would it be fair to say that we're going forward?—I think so. It may not be everything that we want. It may not be everything that everybody's satisfied with. But at least it'll give us a chance, an opportunity to see if we are going in the right direction and if it is effective and if it is bringing families together and bringing children home to their rightful place, which is to their parents. And not only that but giving support to those mothers and fathers that need it. Come to our communities. Come and see the conditions that we're subject to. You decide.

Mr. Gerrard: Yes, I want to say thank you for coming tonight and for presenting very eloquently. Thank you. Merci. Miigwech.

Mr. Chairperson: Thank you very much for your presentation.

There's an addition to this list. It—Chief Jim Bear from the Southeast Tribal Council now.

Do you have any written materials for the committee tonight? No?

Mr. Jim Bear (Southeast Tribal Council): Yes, I'll leave her after.

Mr. Chairperson: Please proceed when you're ready to.

Mr. Bear: Thank you very much. I am Chief Jim Bear and Rhonda Kelly's executive director of the southeast child and family. I'd like to thank you, Mr. Chairman, honourable ministers, standing committee members. I'd like to say your findings are going to be imperfect because we're not at the table, but that's okay. We'll work from there. I'd just like to say that on behalf of south, we do welcome bill C15 and, certainly, it's a step in the right direction, and it's going back to the future.

I hadn't realized I was brought up in a customary-care home. My sister died at a young age, leaving behind two children, and all of a sudden these two snotty brats end up in our home and end up in a bunk bed, and we just made room.

I'm glad that you're going to be getting rid of systemic discrimination and, indeed, it's quite prevalent throughout mainstream society in terms of systemic discrimination, because when my sister passed leaving behind two children, it wasn't

anything—it was no big decision by my mom and dad just to make room for both children.

On top of that, my other sister eventually had a child, and all my dad said is, you know, you go out and find a job and—I get quite emotional—so, she left the child with my parents and she's doing quite well today. She's got her education, had a good job with the government, has come home to the community with her skills. Her child is a young teenager, honours student, and I guess you guys call it customary care—you guys didn't know I was such a softy.

It's not a frustration; it's a happy occasion, and I guess I would rather move in this direction that bill C15 is providing because I went to a residential school and, you know, when you're young, when you're small and you're the wrong colour, it's damn hard and it's lonely, and you learn to keep things inside, and that's not good. I know my nephews, my niece, you know, they certainly didn't keep things inside, and I'm glad they did.

Were my parents loaded with money? Did they have a bunch of bedrooms? Were they young? No, but they provided the love that so much of our children need today. People like us who went to residential school later on went around looking for that love. We never had that love. We never had the hug, but under what you guys term customary care, they are given that automatically. They are part of the community. They are accepted by the community.

We have the—in terms of our board, in terms of child and family, they're well-trained, they're non-political, and they care. From there, in the communities, a lot of our communities, we have the resources in the community, and in my community we work on a holistic approach. We tear down the walls between us and at the council table, we're all together.

* (20:40)

But we also rely on our staff, and the staff meet quite often, and—but we're going to speed that up, whereby they meet a little more, and it's all the resources in the community, and even if resource is not tied directly into my community, but if it does provide a service to the community, they have to come to the table, because everyone has limited resources. We have limited resources, so we have to work with each other, whether we pool the limited financial resources, whether we pool the limited

technical resources or whatever, but that's how we operate.

And, you know, we don't need too much direction in order to return to what you term customary care. We can handle that. We're going to make our mistakes, but we should be allowed to make our mistakes. I mean, my god, provincial governments, federal governments have made hundreds of mistakes at our expense and we should be allowed to make our mistakes as long as it's not at the safety of the children. And as leaders, and those at our table and in the community and the elderly, we'll make sure that those children are taken care of.

So I just want to—I didn't really bring a presentation. You guys have taken me away from my nomination night, but thank god I have been nominated at home and able to be here, and I really thank you for the opportunity to hear—I wish I had a presentation, but if you have any questions, be it technical, or whatever else, I have Rhonda to assist me up here. But, again, let's get rid of all this systemic discrimination and let's just give our children the opportunity to be at home. And we are relearning the language; we are relearning our customs and our traditions, and they're powerful.

In my community, we respect the church; we respect the traditional ways of our people, and all we have to say is, we always have to watch the messenger, because the values of our people, the values of the church people are great values. You just have to watch the messenger, and that's who we'll be watching. But rest assured, we're going to try our best, and we thank the government and we certainly thank you here on the table for working towards giving us the opportunity to be able to take care of our own once again.

[inaudible] Miigwech.

Mr. Chairperson: Thank you, Chief. For someone who says they didn't bring a presentation, I think it was a very powerful one, so Honourable Minister Irvin-Ross.

Floor Comment: Is there a moment for me to say a couple words?

Mr. Chairperson: Oh, did you want to speak? I'm sorry. Go ahead.

Ms. Rhonda Kelly (Southeast Child and Family Services): My name is Rhonda Kelly, I'm the interim executive director at Southeast Child and Family Services.

Mr. Chairperson: Okay. Do we have agreement from the committee for Ms. Kelly to speak?
[Agreed]

Please proceed.

Ms. Kelly: Thank you. I think this bill is very important. I want to echo the words of Mr. Wallace McKay, that this is the right thing to do. Southeast Child and Family Services at this time has 1,200 children in care.

We—what we're finding is that this has become a business for the foster-care system, and that the customary care is what's needed. We need to have the children with the families. I was a customary care parent for a young girl, you know, in my twenties, and it was a system from Ontario. We both lived in Winnipeg, but it was—they were—I don't know how they did it, but they did it. You know what, it kept us together; it kept my, you know, my adopted sister with the family and it works. It really does.

And, I guess, the—you know, what I need to say is, with our agency and what we're trying—the message we're trying to bring across is yes, we need to keep the families together. The funding doesn't make it, you know, transferring it to another business—what it is is just keeping families together. These—the communities, the people, our people—we need the funds to be able to raise the children. They're suffering because of the poverty, and we need this. So that's my message. Miigwech.

Ms. Irvin-Ross: Thank you very much, Rhonda and Chief Bear, for your very emotional messages, but very clear and practical and honest. And I appreciate that one hundred per cent. I think the examples that you've shared about both of your families are exactly what we're wanting to see happen within the province of Manitoba, so, with your leadership, your personal experience and your determination to do business differently, I continue to be very, very optimistic, and so thank you for once again touching my heart and providing me and all of us with the insight about the importance of what we call customary care.

Thank you. Miigwech.

Mr. Wishart: I'd like to thank you both for your presentation. You provide practical examples in that you've both grown up in some form that might be determined to be customary care and in different definitions. I think we all come to recognize that there needs to be a different way forward and perhaps to find the way forward we need to look

back at what was done and what was done successfully.

So thank you for your insight tonight.

Mr. Gerrard: Thank you very much, both of you, Chief and—for your presentation, and also I want to ask, you've got 1,200 kids in care which is a lot. Are you one of the agencies which has been selected to start soon with customary care, are you further down the line, and what preparations and training are you undertaking to make sure that you're ready for this?

Ms. Kelly: In answer to your question are we one of the selected pilot projects, no, we aren't, but our agency is moving ahead. We've met with the chiefs, as a matter of fact, today, talking about customary care and that the agencies plan to move ahead with it, regardless of whether we're a pilot project or not.

As Mr. McKay and others spoke, it's in the communities. It's just a matter of how do we implement it, how do—you know, once the funding mechanisms come in place, it'll fall together.

I think in terms of, we're—actually, tomorrow we're having a presentation on customary care from Weechi-it-te-win Family Services, so that's, I guess, probably a part of what you're asking, is what are we doing. That's what we're doing; we're educating our staff on how to make this work.

Mr. Gerrard: Just one follow-up. Are you of the view then that each agency should be able to proceed when they're ready rather than having to be designated or recognized?

Ms. Kelly: Well, I think in terms of how the funding mechanism works, we obviously need the legislation in place in terms of how it's going to work in terms of finding a place—like, we need the legislation, because right now the foster-care regulations prohibit us from placing children with family members either due to, you know, not having enough bedrooms, not having enough beds. You know, like, we need that flexibility.

We've had communication and some involvement with the—even the Alberta model and, you know, they've come to consult with us about placing a child in one of our communities. And what they were able to offer was, in that home, they were able to help assist building an extra bedroom in a home, like, they were able to do that, which is something our agency wouldn't be able to do that under the current system. So that's what we're hoping for, is for some flexibility.

Mr. Chairperson: Thank you very much for your presentations.

Floor Comment: Not only that, but—

Mr. Chairperson: Oh, yes, sorry. Go ahead, Mr. Chief Bear.

Mr. Bear: We do hope we don't have to wait too long as well. I mean, we have the resources out there. We have a lot of community meetings in some of the communities, resource meetings and certainly a lot of parenting courses and different things like that. And we do have good counsellors in different issues back home as well, so, you know, I think it would be basically ready at any time.

And, as I started off saying, just get rid of the systemic discrimination, which is over-inflating what the child needs, and that's how we've always been left out of society. City hall used to be bad for that until they relaxed, and we found a different approach to get the same result. So that's all we're doing, is asking for the opportunity.

Mr. Chairperson: Thank you very much for your presentations.

* (20:50)

**Bill 13—The Education Administration
Amendment Act (First Nations, Métis and Inuit
Education Policy Framework)
(Continued)**

Mr. Chairperson: I'm now going to call Bill 17 and Norm Gould from the Manitoba Teachers' Society. Norm has also expressed interest in speaking to Bill 13 as well. Do we have leave from the committee to allow him to present to both bills while he's up? *[Agreed]*

Mr. Norm Gould (Manitoba Teachers' Society): Well, thank you, everyone.

I have some—

Mr. Chairperson: Do you have any presentation for this committee?

Mr. Gould: Yes, I have some gifts for everyone.

Mr. Chairperson: All right, please proceed when you're ready.

Mr. Gould: In case you work late into the evening, there's some flashlights there.

So thank you very much for the opportunity to speak to, first of all, to Bill 13. As the president of the Manitoba Teachers' Society representing over

15,000 members, I stand before you recognizing the impact of colonialization, the shame of our collective history as it relates to First Nations and Aboriginal peoples. We, the Manitoba Teachers' Society, are committed to partnering with our First Nations and Aboriginal brothers and sisters in a spirit of reconciliation and education.

I had the honour of attending the opening of the national truth and reconciliation centre here in Manitoba, in late 2015. At this event, I was overwhelmed by emotions, a sense of embarrassment and, certainly, guilt. I sat amongst First Nations and Aboriginal leaders, students, educators and those touched by the legacy of the attempted genocide by the Canadian government and perpetuated by the provinces. It was embarrassing and a very emotional experience for me.

With that, the Manitoba Teachers' Society endorses and supports Bill 13, the education and administration act. This act requires a policy framework to be in place that will ensure all Manitoba students learn about First Nations, Metis and Inuit peoples and their history. The Manitoba Teachers' Society feels strongly that this is a critical first step along the path guiding Canada towards reconciliation. In order to achieve reconciliation, Manitoba's principals and teachers need the support enshrined in the wording of this bill for ongoing professional learning, opportunities and resources, in order that they can effectively teach all students.

First Nations, Metis and Inuit students need to see that all of their peers are learning an accurate history that is truly reflective of the roles of indigenous peoples in Canada, not a revisionist colonial interpretation of Canadian history but a factual, actual portrayal. Through programs such as the Treaty Education Initiative developed by the Treaty Relations Commission of Manitoba, teachers have been provided the kinds of resources necessary to achieve this goal. The Manitoba Teachers' Society, along with all of our educational partners, are committed to seeing the words and commitments in this bill turn into action and not just hollow promises.

The Manitoba Teachers' Society feels strongly that this bill will provide pre-service teachers the in-depth education necessary to ensure they are fully qualified to teach all Manitoba students, including those marginalized by historic wrongs. Miigwech.

Mr. Chairperson: All right. Thank you for your presentation.

Hon. James Allum (Minister of Education and Advanced Learning): Well, Mr. Gould, I know you have more to convey to us, but I want to thank you for speaking out. It's important to hear a teacher's voice about Bill 13. It's important to know that you have considered these matters very strongly, that you have consulted with your own folks and that, you know, and teachers, and that you will have—given that commitment to continue to work down the path toward reconciliation. I think it's important that we all be engaged and no more important profession in that regard than perhaps the teaching profession. And so I thank you for sharing your thoughts tonight.

Mr. Reg Helwer (Brandon West): Mr. Gould, thank you for your presentation this evening and for the lights to show us the way. But thanks for coming and I'm sure we'll hear more.

Hon. Jon Gerrard (River Heights): Thank you for your presentation. Are you going to speak as well on Bill 17?

Floor Comment: On Bill 17, yes, I'd be happy to speak to Bill 17.

Mr. Gerrard: Going to do that now or later?

Bill 17—The Manitoba Teachers' Society Act

Mr. Chairperson: Just for clarification, we did have a little vote at the beginning of his presentation to say that he was going to speak to one and then the other. The committee agreed, so, if you wish to proceed now on Bill 17, it's all yours.

Go ahead, Mr. Gould.

Mr. Norm Gould (Manitoba Teachers' Society): So, again, my name is Norm Gould. I'm president of the Manitoba Teachers' Society. The society represents 15,000 public educators, education teachers across Manitoba. The Manitoba Teachers' Society is dedicated to safeguarding the welfare of teachers, the status of the teaching profession and the cause of public education in Manitoba.

The priority of our members is to provide quality public education to Manitoba's 183,304 public education students. Included among the society's goals is to positively influence educational change and to be recognized as an effective agent of public education so that government will consult and maintain a continuous dialogue with teachers.

It is my pleasure to stand before you today to speak in support of the proposed changes to Bill 17, The Manitoba Teachers' Society Act. The Manitoba

Teachers' Society is an incorporated entity that is governed by provincial legislation, which is unique in some ways relative to other organizations within this province. In 1942 when The Manitoba Teachers' Society Act initially assented, the act's objectives related—reflected, rather, teachers' priorities at the time and adequately protected the profession.

Over time the profession evolved and irregularities and inconsistencies in the act began to emerge, so changes became necessary. These changes had to be done through legislative amendments. So, every time the society required a change to modernization—modernize, rather, the act, the society has to go to the government, cap in hand, to request these changes which, as with any legislative amendment, was a tedious and arduous process.

The Manitoba Teachers' Society has been advocating for this legislation for many, many years. In 2001, when the Province introduced changes to The Public Schools Act that included the amalgamation of school divisions, the provincial council of the Manitoba Teachers' Society passed resolutions calling on government to give us authority to make changes to our constitution's language to reflect these amalgamations, but to no avail. Consequently, a recent review of the MTS handbook exposed many areas of confusion that were difficult to reconcile given the antiquated language in our constitution.

Bill 17 recognizes that the Manitoba Teachers' Society is the authoritative voice for teachers across Manitoba. It gives us more control over our internal governing structure and autonomy over our bylaw-making powers. This autonomy will empower MTS to effectively and efficiently respond to constantly evolving aspects of public education.

This is the ultimate professional bill that will put accountability and responsibility in the hands of the Manitoba Teachers' Society provincial council's annual general meeting, where teachers will make the final decision about how the society governs and operates. One practical example of how we are hindered by the existing legislation involves our upcoming AGM, where we would like to modernize our voting procedures by moving towards an electronic vote. However, under the current legislation, we do not have the authority to take that simple step without requesting an amendment to the legislation. One would think that government has

bigger concerns to focus on than how teachers conduct their elections.

Further, the proposed amendments outline a clear disciplinary process in section 14(1), as it asserts that the process be set out in the bylaws. This modernization of the act makes it more consistent with the existing bylaws and creates a better overall relationship between the act and the society's constitution and its bylaws.

In conclusion, we thank the Province for this amendment, and thanks in advance to the members of the Legislative Assembly for your support of these changes. Giving us the autonomy to operate at arm's-length from, yet still in partnership with, the provincial government will enable the Manitoba Teachers' Society to evolve at the same pace as the teaching profession and empower us to better serve Manitoba's 15 public-school teachers.

Thank you very much.

Mr. Chairperson: Thank you for your presentation.

Hon. James Allum (Minister of Education and Advanced Learning): Mr. Gould, again, thank you so much for coming tonight. I have to say that the operative word was modernization, and that's what we sought to do, in partnership together. And I'm pleased to be a part of that, and I know that members of our government certainly are. And then what we wanted to do was to make sure that the autonomy was in the hands of those who—who'd had—should hold it. That was the teachers—that was members of your association, Manitoba Teachers' Society.

So I want to say that it was a rare honour to be able to undertake this bill on the one hand, and also let me say to you and past president Olson as well as your tremendous staff, it's been a great honour for me to work with you and I look forward to doing so for many years to come.

Mr. Reg Helwer (Brandon West): Thank you for your comments, Mr. Gould.

I wonder if you could tell me what's your current process for changing your bylaws, and will that change after this is enacted?

Mr. Gould: No, our current bylaws—the—within the Manitoba Teachers' Society, the ultimate decision-making body is provincial council, is representation by population and based on the various locals throughout the province, they send delegates. And that provincial council, which is also our annual

general meeting, has a right to edit our bylaws and our policies, and so that process remains the same.

* (21:00)

Hon. Jon Gerrard (River Heights): I want to thank you for coming in. Salute the work that you and your council do and that the teachers do around the province, so I'm glad this is going to facilitate and enhance that ability.

Mr. Chairperson: Thank you very much for your presentation.

Bill 18—The Path to Reconciliation Act

Mr. Chairperson: We're now going to call on Bill 18 presenters.

Murray Sinclair.

Oh, just for clarification for the committee—Mr. Sinclair, you're up—the first presenter was asked to be removed from the list. So the first presenter is off the list. It's—Murray Sinclair is the presenter.

Do you have any material for the committee?

Mr. Murray Sinclair (Private Citizen): I'm afraid I do not.

Mr. Chairperson: All right. Please proceed when you're ready.

Mr. Sinclair: Other than my presence.

Mr. Chairperson: Please proceed.

Mr. Sinclair: Aimée Craft of the National Centre for Truth and Reconciliation is going to present along with me following my remarks, so allow me to thank you for this opportunity to address you on the proposed bill relating to reconciliation here in Manitoba.

I appreciate that I'm one of the last speakers to stand between you and a good night's sleep, so I—when I was asked to come here, I didn't realize that I was going to be the one that would help clear the room. But I'm used to those kinds of things occurring.

I would like to begin by addressing you in my language.

Ojibway spoken. Translation unavailable.

I am Mizanay Gheezhik, known to my family in that way, the One Who Speaks of Pictures in the Sky. I am Murray Sinclair in English, the former chair of the Truth and Reconciliation Commission of Canada, and I have come here to address you with

respect to Bill 18, the path to reconciliation bill. I want to also acknowledge all of you who are here, the various members of Cabinet, members of the Legislature and others who are present, including those in the audience, and indicate that as I was sitting throughout the evening listening to the various presentations, it occurred to me that this was kind of like reconciliation night at the Leg. I could have spoken to every one of the bills that all of the others ahead of me had spoken to, but I'll focus my remarks upon this particular bill that is in front of us.

I bring greetings as well as regrets from my colleagues, my former colleagues, Chief Wilton Littlechild and Dr. Marie Wilson. They are unable to attend this evening due to other commitments and also due to the fact that as the mandate for the Truth and Reconciliation Commission ended on December 31 of 2015, they have become engaged in more normal employment. But, nonetheless, they assure me that they are with me and with us here this evening in spirit as supportive of the remarks that I'm about to give to you.

But, again, I want to remind you that the commission's mandate is over, and though I speak from that experience, I do not speak on behalf of any existing commission.

I want to begin by acknowledging that this bill is unique, in my perspective, in all of Canada. It marks the first legislative initiative to address reconciliation since we released our final report on December the 15th of last year, and I would like therefore to commend Minister Eric Robinson as well as all of you, members of this committee and members of the House, for helping to make this very important step happen.

In our calls to action contained in our final report, we specifically pointed out that reconciliation is not just for Aboriginal people to address but required that all levels of government as well as all citizens of this country examine their very thinking, their motivation and their actions where Aboriginal people and issues that they raise and represent are concerned.

We called upon Canadians to recognize that since the time of Confederation, Aboriginal people and their right to be respected for their cultures, for their languages, for their identities and for their right to self-determination have been under attack by governments and, ultimately, because of government attitudes, the very institutions of society. Aboriginal people have lost ground in society in the fields of

education, justice, child care, health, housing, nutrition and the very quality of life because of those actions.

Canada can take no pride in what it tried to do, and almost succeeded in doing, with Aboriginal people, in attempting to wipe out their distinctiveness and their relevance to this country. Our work as commissioners and as a commission, we think, has highlighted all of that for all of Canada. Yet, though Canada can take no pride in that history, Canada has enormous opportunities now to go forward to finally get things right. And, in our view, going forward in getting things right requires leadership. Those who can influence others to support and take positive action when it comes to improving the poor relationships that this history has created need to stand up and be heard. Every institution of society needs to examine what it has done and can do and to stop doing what is wrong, and to start doing what is right.

Reconciliation is not a hard concept to understand. I have said in the past that it's kind of like a dance. We each have to follow our own movements, but, from time to time, we actually have to hang on to each other and touch in order to make it work.

In the case of this bill and what it represents, it's about coming to terms with the fact that the harms of the past have created the harms of the present and will continue to create harm in the future if we do not stop. Reconciliation is not about Aboriginal people merely healing themselves and getting over it, any more than a victim of domestic violence has the obligation to fix the marriage by stopping complaining about it. Governments have a singular obligation to lead, because governments have, through legislation, done the most damage where Aboriginal people are concerned.

While we all recognize that where First Nations are concerned, federal legislation such as the Indian Act, has done great harm, we must also recognize that provincial legislatures have also, through legislation, made an enormous contribution to that harm. Child-welfare laws, for example, have failed to take into account the importance of culture, community, family and identity.

Criminal procedures have led to significantly high prosecution rates, misuse of police, prosecutorial and judicial discretion, over-incarceration, inappropriate correctional treatment, poor release planning and high recidivism.

Every child in our schools has been taught a version of the history of this country that denigrates and shames Aboriginal peoples and over-glorifies European contribution to the colonization of this part of the world.

Health delivery, decision making and federal-provincial conflicts have led to poor health facilities and treatment of Aboriginal people, even in urban areas. Indigenous people whose rights over their lands and the resources contained within them have enjoyed none of the financial benefits from their exploitation and little of the benefits from the resulting products. Indigenous people have been denied the same treatment when it comes to infrastructure, such as roads, sewer and water, housing and schools, even though they are nominally provincial citizens.

Mr. Chairperson: I hate to interrupt. Just for one second—procedural, but it's—we are at 10 minutes, and—Mr. Wiebe.

Mr. Matt Wiebe (Concordia): I'd like to ask leave of the committee to allow Justice Sinclair to conclude his remarks.

Some Honourable Members: Agreed.

Mr. Chairperson: You have leave. Please proceed.

Mr. Sinclair: Provinces have had a lot to do about the harms we see, and that is why the leadership of each province and territory is so important. Reconciliation must address all of that and more. We have spent a lot of time, energy and resources to create this situation, and reconciliation calls for a lot of time, energy and resources to fix it.

This bill, which I support, is going to do all—is not going to do all of that, but it's a good start. It places on the shoulders of a member of Cabinet, the responsibility to focus on what governments are doing. It forces that minister to publicly account for what has been done. It renders transparent that which has been hidden by the blinders of unconscious racism of the past. And that is a good beginning. But remember, it's only a beginning.

* (21:10)

The role of that minister and the role of reconciliation in relation to government action in this province can be strengthened. The clear adoption of the UN Declaration on the Rights of Indigenous Peoples, where provincial jurisdiction is concerned, should be part of the text of the law, for example, in more than that, more than in the preface to the bill.

Reconciliation also calls for the affirmation of the nation-to-nation relationship that the treaties in the Royal Proclamation of 1763 and the Constitution of 1982 have enshrined into law. Courts have been reluctant to do that. Not because they don't see it—all you have to do is read their decisions since 1982—but because they, like a gentle grandfather would say to a recalcitrant grandson who has done wrong and continues to do it, it's better if you stand up and say it.

There are some other changes we would like to suggest that might be made to the bill and considered for the future. I would like my colleague, Professor Craft, to address some of those with you, along with her remarks, with your permission.

Mr. Chairperson: Did the committee want to proceed with Ms. Craft's presentation before we ask questions of Mr. Sinclair? *[Agreed]*

Okay. Please proceed, Ms. Craft.

Ms. Aimée Craft (National Centre for Truth and Reconciliation): Well, my comments will be brief and they will echo what Justice Sinclair has said, in terms of the visionary nature of this bill.

I'm so pleased to be able to offer some constructive comments in relation to some of the more technical aspects of the bill, and to indicate that the National Centre for Truth and Reconciliation has been looking at initiatives across the country that are meant to implement the calls to action. And this is very unique in its nature and I commend you for the initiative and the building upon what has been set by the Truth and Reconciliation Commission as a plan, a national plan, and a provincial plan and a localized plan for action around both truth and reconciliation.

Two concrete recommendations that I would suggest for your consideration are to move what is the last preambular part of the bill into an actual legislative commitment, which is to honor the Truth and Reconciliation Commission calls to action and to implement the United Nations Declaration on the Rights of Indigenous Peoples. And I think that's been an indication already from the government, and we've heard from many of the members of the Assembly, that this is a priority and a wish as we move forward as a province. And so I would recommend that that move into the legislative text as a commitment.

Secondly, I would also suggest that section 4, which talks about a broad strategy, actually incorporate the words that have been chosen in the

act, in the principle of action. That's a legacy of the commission itself talking about calls to action, and that we move beyond strategizing into determining concrete steps of action.

Now, in addition to these two recommendations, I want to note the importance of the monitoring of advancements and the reporting on measures taken to advance reconciliation, which are contained in sections 4 and 5 of the bill. These are so important. And I want to note that the consultation with stakeholders about those measures of reconciliation will be key to the success of the measures of reconciliation that are adopted within this province, and also to offer that as a research centre, we can work in collaboration with governments in any capacity to identify these forms of reconciliation, the ways of measuring them and our moves forward and progress towards reconciliation.

So, once again, I'm very thankful for the vision in this bill, its responsiveness to where we currently are and its openness to moving forward in a way that allows us to fully adopt and implement those things that have been set on our path. Miigwech.

Mr. Chairperson: Thank you very much for your presentation.

Hon. Eric Robison (Minister of Aboriginal and Northern Affairs): First of all, thank you very much, Justice Sinclair. And also I want to commend the work that you've done with Chief Littlechild and Dr. Marie Wilson. Certainly, the work that was done through the Truth and Reconciliation Commission is something that is historical in this country. I want to also convey some words that were passed on to me by Ted Fontaine, who is known to all of us here, I think, pretty much, in the room, who's a residential school survivor. And he, too, had a recommendation that survivors, which was why the Truth and Reconciliation Commission was initially established, was because of the—of why it was created and the reason these stories were captured by, in Canada, by not only indigenous peoples, but everybody that was a part of the residential school experience. So I don't want, by any means, to forget about the survivors of this experiment that was conducted upon indigenous peoples in this country. And I always want to acknowledge the survivors of this failed experiment on assimilation, I'll say.

But I believe that under point 4, or section 4, we need to, as well, work on that a little bit and to ensure that survivors have a role to play in initiating and developing the strategy. As for the two

recommendations that have been made by Justice Sinclair and Ms. Craft, I will talk with my critic and I believe that we can come up with something that we can agree on by the time this gets to third reading.

So, with that, Mr. Chair, I'd like to thank Justice Sinclair and Ms. Craft for their presentation to this committee tonight.

Mr. Stuart Briese (Agassiz): And I would like to thank Mr. Sinclair, Justice Sinclair, and Ms. Clark for their presentation tonight.

I think one of your recommendations we already did have a little bit of conversation about what we were debating this in second reading, so.

I, not having it right in front of me, I'll read Hansard tomorrow and see exactly what you recommended. And, as the minister said, we'll certainly speak to each other and see if we can make some adjustments that would suit what you're presenting and what you would like to see in it.

But, certainly, thank you for the presentation tonight. It's very—it all helps enlighten me a little bit more and that's—I think that's what part of this is all about. Thank you.

Mr. Chairperson: Mr. Gerrard—oh, Mr. Sinclair.

Mr. Sinclair: Just so you know, we'll give you an undertaking that we'll write out the recommendation specifically and share it with the minister so that you can have our intended wording from our part as well as what's ever—whatever's going to be in Hansard. Right? Thank you.

Hon. Jon Gerrard (River Heights): Justice Sinclair, I want to say my personal thank you for all the work you did as part of the Truth and Reconciliation Commission because it was not easy work. I know, listening to and hearing all the stories and the history, but you have made a tremendous contribution to all of us as Canadians from whatever background and I want to say thank you.

I acknowledge the comments of Professor Craft of the suggestions and I certainly would support those and we'll work with the others to try and make sure that they are incorporated. It is wonderful to have you here and it is nice to have this legislation moving forward now. Thank you.

Mr. Sinclair: For seven years, I was sitting at that end of the table, and it's very unusual for me to be at this end of the table. Thank you for the opportunity to see it from the other side.

Mr. Chairperson: Thank you very much for your presentations tonight.

We have one final presenter that dropped to the bottom of the list for Bill 13 and it's Chuck Davidson and I don't see him in the room here tonight, so that's the last call. He's now dropped off the list, and that is the final presenter that I have before me. Are there any other presentations before we move on?

Seeing none, that concludes the list of presenters before me.

* * *

Mr. Chairperson: And we will now—what order does the committee wish to proceed with the clause-by-clause consideration of the bills.

An Honourable Member: As presented.

Mr. Chairperson: As presented. Ms. Irvin-Ross?

Hon. Kerri Irvin-Ross (Minister of Family Services): As presented.

*(21:20)

Mr. Chairperson: As presented. All right.

During the consideration of bills—the bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is an agreement from committee, I will read the clause in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed by the clause-by-clause consideration of bills.

**Bill 5—The Surface Water Management Act
(Amendments to Various Acts to Protect Lakes
and Wetlands)
(Continued)**

Mr. Chairperson: Does the minister responsible for Bill 5 have an opening statement?

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Just very briefly, given that it's very late in the evening and I know that there may be some discussion, I just want to express my sincere thanks to all the people who have participated over a period of years in the whole Surface Water Management Strategy initiated by my predecessor, now the Minister of Justice

(Mr. Mackintosh), all the people who have contributed to it. This is a large undertaking to say the least, amendment of a number of bills consolidated into this one omnibus piece and, again, thanks to the people who presented this evening.

And on that that note, Mr. Chair, I think we should proceed, unless, of course, my critic has some opening remarks as well.

Mr. Chairperson: Does the official opposition critic have remarks?

Mr. Shannon Martin (Morris): I'd just like to, in large part, echo the minister's comments. I mean, The Surface Water Management Act is a product of a number of years, the culmination of a number of years' efforts by a number of organizations that are seeking to, obviously, ensure the long-term sustainability of our environment, of our wetlands and our waterways. While there may be some issues with the ultimate regulations that guide this bill through the process, I believe that the intent of the legislation is well placed.

Mr. Chairperson: I thank the member.

Clauses 1 through 3—pass; clause 4—pass; clauses 5 through 8—pass; clauses 9 and 10—pass; clauses 11 through 14—pass; clauses 15 through 21—pass; clause 22—pass; clauses 23 through 26—pass; clauses 27 through 34—pass; clause 35—pass; clauses 36 through 39—pass; clauses 40 through 42—pass; clauses 43 through 47—pass; clauses 48 and 49—pass; clauses 50 and 51—pass; clauses 52 through 54—pass; clause 55—pass; clauses 56 and 57—pass; clauses 58 through 60—pass; clauses 61 and 62—pass; clause 63—pass; clauses 64 and 65—pass; clauses 66 and 67—pass; clauses 68 through 70—pass; clauses 71 through 73—pass; clauses 74 and 75—pass; clauses 76 and 77—pass; clause 78—pass; clause 79—pass; clause 80—pass; clauses 81 through 85—pass; clauses 86 through 88—pass; clause 89—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 13—The Education Administration
Amendment Act
(First Nations, Métis and Inuit Education Policy
Framework)
(Continued)**

Mr. Chairperson: Does the minister responsible for Bill 13 have opening statement?

Hon. James Allum (Minister of Education and Advanced Learning): I do.

Mr. Chair, Bill 13, the First Nation, Métis and Inuit Education Policy Framework act, sets out a vision for indigenous education and outlines our government's commitment to reconciliation through education. Put simply, this bill is inspired by and is our government's response to the Truth and Reconciliation Commission's call to action and builds on the efforts already underway to both learn and teach the histories, values, knowledge and culture of Manitoba's indigenous peoples. Mandating the framework will ensure all Manitoba students and teachers will learn about the histories and cultures of indigenous peoples, the legacy of residential schools, the '60s scoop and the significance of treaties in the present day. This is one of many paths toward reconciliation.

The framework will also focus on the academic achievement of indigenous students. It will enhance teacher supports and will promote training opportunities so that indigenous students will have the knowledge and skills they need for good jobs in the future.

I'd like to acknowledge the participation and immense contribution of elders, educators, parents, students and community members who serve on the Advanced Education Training and Literacy Aboriginal Advisory Council and the Aboriginal Education Directorate Advisory Council in the development of the First Nation, Metis and Inuit Education Policy Framework.

I'd like to acknowledge the co-chairs of each of the councils: Elder Dr. Don Robertson and Stephanie Miller of AETLAAC; and Patricia Sayles [*phonetic*] and Wade Houle of AEDAC. I would also like to acknowledge Helen Robinson-Settee and Dino Altieri of the Aboriginal Education Directorate, along with their staff, and commend their tremendous leadership and commitment to indigenous education in Manitoba.

I want to say that the province has a journey ahead of us. The government has made a commitment to all Manitobans with this legislation, but particularly to indigenous students, that we will do right by you and we will do better. Our commitment to indigenous students is to focus significant energy and resources to make every effort to ensure that every support is in place to promote better outcomes, access, achievement and graduation rates of indigenous peoples. We're guided by our elders, educators and the community on this

commitment and we will work together to make us all successful.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Reg Helwer (Brandon West): I'd just like to thank the presenters again tonight. They added a great deal to this discussion this evening and we can always learn from what they've said. So, thank you.

Mr. Chairperson: We thank the members.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 15—The Child and Family Services
Amendment Act (Recognition of Customary Care
of Indigenous Children)**
(Continued)

Mr. Chairperson: Bill 15. Does the minister responsible for Bill 15 have an opening statement?

Hon. Kerri Irvin-Ross (Minister of Family Services): Yes, very briefly.

I'm pleased to be able to speak to Bill 15, The Child and Family Services Amendment Act (Recognition of Customary Care of Indigenous Children). I'd like to thank all of the presenters that we heard tonight. I think that it would be an understatement if we did not acknowledge the power in which they spoke, the passion for a better future and their optimism that they can do it.

I'm going to become very emotional because I was once offered tobacco by an elder and he suggested that my role in the community was to be a bridge-builder. And I believe that this is one aspect of that bridge that we have to build between our communities and ensure we have reconciliation.

* (21:30)

What Bill 15 will do will reaffirm the rights of indigenous communities in Manitoba, including First Nations, Metis and Inuit, to assert greater control and responsibility for the care and protection of their children. We know that customary care is nothing new to indigenous communities. But what we're doing with this bill is removing the barriers and ensuring that because of Bill 15 that there is another tool that communities can use to better support their families, that they will be able to work with CFS

agencies, parents, guardians, customary caregivers and provide what is the most beneficial, less disruption for the child and making sure that they have options and can continue to have that sense of belonging, love and identity and be— and participate in traditional ways.

This bill speaks to the best practices that we've heard from the Truth and Reconciliation Commission calls to action as well Commissioner Ted Hughes's work, as well as AMC's work, bring our children home.

One of the overall goals of customary care is to bring all parties together, to engage in a journey of— towards healing.

I need to acknowledge the indigenous leadership, the community leaders, the front-line staff and, most importantly, the Department of Family Services: the leadership of Diane Kelly as the assistant deputy minister, Heidi Wurmman as the policy executive director and all of the staff that both of them work with. We wouldn't be here tonight if we did not have your support, and I think you need to be extremely proud of the partnerships you've developed, the information you've shared and the direction we're going. It really is about government-to-government partnerships and, ultimately, reconciliation which is so needed.

So tonight is about a speedy pass of this bill to provide better support to families and communities and change the page and go back and acknowledge traditional ways, and I am very proud to be a small part of this bill. Thank you.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have a statement?

Mr. Ian Wishart (Portage la Prairie): Just a few words to thank the many presenters that were here this evening. We heard a range of opinions and, certainly, some very valuable advice and a lot of optimism, which I think is very good that we can make something work in this area, and I think it's very important that we do, especially in response to the Truth and Reconciliation Commission recommendations and in response to the document that AMC put together some time ago on bringing our children home. I think it is time that we all work together to try and make that happen.

Mr. Chairperson: Thank you very much for your words.

Clause 1 through 3—pass; clauses 4 through 7—pass; clauses 8 and 9—pass; clauses 10 through 12—pass; clauses 13 and 14—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 17—The Manitoba Teachers' Society Act

(Continued)

Mr. Chairperson: Does the minister responsible for Bill 17 have an opening statement?

Hon. James Allum (Minister of Education and Advanced Learning): I do.

Mr. Chairperson: The honourable minister.

Mr. Allum: I'm pleased to be able to speak today at committee on Bill 17, The Manitoba Teachers' Society Act.

Our government has had a positive working relationship with teachers over many, many years as we had with all of our stakeholder groups in Education because we value their contribution to the education of our children. We make an effort to involve and consult with stakeholder groups whenever possible because we know the end result, whether it is this legislation or something else, is better off for having had those important conversations.

I'd like to start my remarks by noting two points. The first is that it is clear to me and it is clear to our government that there should be no debate about the crucial role teachers play within the Manitoba education system. Every day, teachers in this province work hard to ensure all our children, regardless of their gender, ethnicity, family income, physical or mental ability or other factors, can come to class and be effective learners. Teachers work long hours in and out of classrooms, and there are few professions out there that have as much of an impact on the future of our society than the teaching profession.

Secondly, it's important to note that teachers in Manitoba have been well served by their professional association, the Manitoba Teachers' Society. Since its founding in 1919 by skilled educators who foresaw the role that teachers could have if they worked in unison, the society has earned the respect of Manitobans as a strong voice speaking out in support of our education system, our public education system, and the values that underpin it: academic success, accountability to the community, respect and diversity.

When the society approached our government about modernizing the existing act, we knew that by listening to and acting on their request, we could pay our respects and pay tribute to the long hours and hard work Manitoba teachers provide as they educate our province's children.

The legislative amendments proposing Bill 17 allows the society to utilize their own internal, democratic processes to make any necessary changes to how the society governs itself, allowing them to be more responsive to the needs of their members and more functional as an organization.

Bill 17 is an important piece of legislation that gives the Manitoba Teachers' Society more control over their internal governing structure and greater autonomy over its bylaw-making powers and, in doing so, we do show our appreciation for the immeasurable contribution teachers make to Manitoba every single day.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement? No. We thank the member.

Clause 1—pass; clauses 2 through 4—pass; clauses 5 and 6—pass; clauses 7 through 9—pass; clauses 10 and 11—pass; clauses 12 and 13—pass; clause 14—pass; clauses 15 and 16—pass; clause 17—pass; clauses 18 and 19—pass; clause 20—pass; clauses 21 through 23—pass; clauses 24 and 25—pass; clauses 26 through 28—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Is it the will of the committee to recess for five minutes so that they can get the translation done? *[Agreed]* We will reconvene at 9:45.

The committee recessed at 9:38 p.m.

The committee resumed at 9:55 p.m.

Bill 18—The Path to Reconciliation Act

(Continued)

Mr. Chairperson: All right, I'd like to call the committee back to order and thank all the honourable members for their patience for the translation and for the time here. This is fantastic that everybody was so jovial and very understanding and patient. I will now move on to the minister. Does the minister have—for Bill 18 have an opening statement?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Thank you, Mr. Chair. Very

briefly, this legislation—and I want to thank the colleagues around the table for their indulgence as well. But this legislation recognizes the important and valuable practices of indigenous cultures such as the customary act–care act that we talked about earlier, and the legislation which corrects our account of history and it also ensures the truths about residential schools and colonization, which are to be taught to all schoolchildren in time, the history, and also ensures that these things are told from an indigenous perspective in the province of Manitoba. These are very important steps towards the healing of all Manitobans in a renewed relationship between indigenous and non-indigenous Manitobans through what they call reconciliation.

And I certainly want to thank Justice Sinclair for his insight and the work that he has done in the Truth and Reconciliation Commission, and along with Dr. Wilton Littlechild–Chief Wilton Littlechild–and Dr. Marie Wilson. Certainly, they should be commended; otherwise, we would not be talking about the subject at hand. But, with that, Mr. Chair, I thank you for the opportunity to just give a few remarks to Bill 18.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Stuart Briese (Agassiz): Thank you, Mr. Chair, and I just want to say I hope this legislation moves forward. I've seen too often where some of these things are done and then they kind of sit on a shelf, and I've raised that concern already, and I will raise it once again. I hope that now that the legislation will be going into place, that it does continue to move forward. Thank you.

Mr. Chairperson: We thank the member.

Clause 1 and 2–pass; clause 3–pass.

Shall clause 4 pass?

An Honourable Member: No.

Mr. Chairperson: No? Clause 4? We have an amendment.

Mr. Robinson: Mr. Chair, I move

THAT Clause 4 of the Bill be amended by renumbering clause (a) as clause (a.1) and by adding the following as clause (a):

(a) is to be guided by the calls to action of the Truth and Reconciliation Commission and the

principles set out in the United Nations Declaration on the Rights of Indigenous Peoples.

Mr. Chairperson: It has been moved by honourable Minister Robinson

That Clause 4 of the Bill be amended by renumbering clause (a) as clause (a.1) and by adding the following as clause (a):

And then (a) is guided by—we could dispense?

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order. The floor is open for questions. Seeing none—

Amendment—pass.

Shall clause 4 pass as amended?

Some Honourable Members: No.

* (22:00)

Mr. Chairperson: We have another amendment to clause 4.

Mr. Robinson: Mr. Chair, I move

THAT Clause 4 of the Bill be amended by adding the following after—under (e), which will now be:

(f) ensures that survivors of residential school abuses have a role to play in its development.

Mr. Chairperson: It's been moved by the honourable minister

THAT Clause 4 of the Bill be amended by adding the following clause after—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you.

The amendment is in order. The floor is open for questions. No questions?

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass; clause 4 as amended—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

The hour being 10 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 10:01 p.m.

WRITTEN SUBMISSIONS

Re: Bill 5

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), I am writing to provide some comments regarding Bill 5 - The Surface Water Management Act.

The AMM would like to express our appreciation to Manitoba Conservation and Water Stewardship for meeting with our Executive on December 10, 2015 and providing an overview of the proposed legislation outlined in Bill 5.

In regard to Conservation Districts ("Watershed Districts"), the AMM has long advocated for increased provincial funding to support the implementation of water management plans due to the important and cost-effective watershed management initiatives they undertake. It is imperative that Bill 5 not result in any new responsibilities for Conservation Districts, since we believe regulations should not be implemented without accompanying provincial funding while Conservation Districts are still feeling the effects of provincial budget cuts in 2013.

In addition, AMM members overwhelmingly support improvements to water quality in Manitoba's lakes and waterways. However, effective watershed management and retention of wetland benefits demand financial support from the Province of Manitoba so that any new processes can be properly implemented and fully observed in practice.

The AMM urges the Province of Manitoba to continue the dialogue with our organization throughout the legislative process and development of any subsequent regulations that affect water management in Manitoba.

Thank you for the opportunity to provide these brief comments.

Sincerely,
Joe Masi
Executive Director

Re: Bill 15

To the Clerk of Committees:

Subject: Bill 15 The Child and Family Services Amendment Act (Recognition of Customary Care of Indigenous Children)

This letter is further to the attached email I received after the end of the business day at 5:10pm on Thursday, March 3, 2016, purporting to provide notice of meeting of the Standing Committee on Social and Economic Development.

The Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba states: "89(8) Two days notice must be given in the House of the first meeting of a Standing or Special Committee considering Bills, if presenters are registered to speak when the meeting is set." Accordingly, the computation of time for notice, excluding the first day of Friday, March 4, 2016 and not including the weekend, it would appear adequate notice was not provided.

Even if notice was properly effected, I regret I cannot get out of my work obligations as I will be at Dakota Tipi First Nation attending an Assembly of Manitoba Chiefs Executive Council of Chiefs meeting this meeting at 6:00pm, and then an AMC Chiefs in Assembly meeting all day from March 8-10, 2016. I note that AMC was never asked by Manitoba to consider potentially being a witness. As well, Grand Chief's Office received only today at about 10:20am a call from the Acting Assistant Deputy Minister's office, Manitoba Family Services, asking if he is going to attend.

I am hopeful the hearing can be rescheduled. If not, I would like to ensure for the record that the Assembly of Manitoba Chiefs supports First Nations customary care, and that:

1. The current Bill as it is now appears to perpetuate the status quo with minor changes to a provincially defined and legislated definition and approach to customary care.
2. As a delegated, provincially legislated process, the Bill does not recognize First Nations' inherent jurisdiction; recognize a nation-to-nation relationship; or acknowledge First Nation traditional laws—or allow opting out once a First Nation has developed their own law.
3. Manitoba First Nations as rights holders must be consulted when Manitoba proposes legislations that affect our rights. On January 22, 2016 the AMC informed Manitoba that it must ensure consultation with First Nations did take place. AMC did not receive a response. Involvement in

drafting regulations is not consultation. In any event, engagement of the AMC, other organizations, Authorities or Agencies, whom are not rights holders, cannot take the place of meaningful consultation directly with First Nations. It is therefore recommended that the Committee not pass Bill 15 until it has evidence that Manitoba has meaningfully consulted with Manitoba First Nations.

Yours truly,
Marcel Balfour
Director of Gaming Development and Strategic Initiatives

Re: Bill 15

To the Clerk of Committees:

Subject: Standing Committee on Social and Economic Development Bill 15 The Child and Family Services Amendment Act (Recognition of Customary Care of Indigenous Children)

I am writing to indicate that although registering to speak to Bill 15 in January 2016, I will not be in attendance of the Standing Committee on Social and Economic Development on Bill 15 scheduled for this evening, as I was not provided any written notification.

The Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba states: "89(8) Two days notice must be given in the House of the first meeting of a Standing or Special Committee considering Bills, if presenters are registered to speak when the meeting is set."

I have not received any official notification to date by email or posted letter. Given that there isn't sufficient notice and due to prior commitments I cannot attend.

I had originally registered to speak to Bill 15 as there were significant concerns with regard to adequate First Nations consultation. Given the paramount and far reaching implications that Bill 15 has on our First Nations communities, we felt that sufficient and meaningful consultation is warranted. This has not happened.

We as First Nations have varying understandings and definitions of Customary Care, we have concern that the Province of Manitoba is proceeding with their

definition of Customary Care, a definition that has never been communicated to the Assembly of Manitoba Chiefs. There has not been indication that the proposal of Customary Care has process or regulations developed. The Family Services proposal of Customary Care and how it would look for First Nations children and families has been vague and ill defined.

In our customary and traditional understandings of Customary Care, it is ceremony. It is family and friends and community coming together to offer commitments and support to a family. If for some reason parents do not have the ability to parent their children, those who participated in the ceremony welcoming new life would step forward and provide care to the child. In our view, we do not believe that our definition is the same as the Province of Manitoba Family Services and we view Customary Care as a ceremony of which ceremony should not be legislated.

As we know that the First Nations Family Advocate Office and the Assembly of Manitoba Chiefs have not engaged in meaningful consultation we do not believe that Bill 15 should proceed until proper consultation has happened. We have heard that the Province of Manitoba Family Services has indicated that their means of consultation has occurred with both the Northern Authority and the Southern First Nations Network of Care. To us, this isn't sufficient and above that, both the Authorities are under Administrative Orders and in essence are merely extensions of Family Services. Therefore Family Services have merely consulted with themselves. There may be an argument that Southern First Nations Network of Care is out from Administrative Order, but there is even further concern as many Southern First Nations aren't even aware that the Administrative Order is lifted. This further shows the lack of disconnect between, Manitoba Family Services and First Nations communities and their leadership.

Given the lack of notice of the Standing Committee Hearing, we propose that the Hearing be postponed to a later date and allow us the opportunity to speak to Bill 15. Kindly contact me. For further note, please see the attached letter provided by the Assembly of Manitoba Chiefs to Diane Kelly with regard to our proposed consultation process.

Thanks,
Cora Morgan
First Nations Family Advocate

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>