A group of people posing for a photo

Description automatically generated**Technicians Meeting on Bill C92**

**Keeping Our Families**

**Together**

**February 11 & 12, 2020**

**REPORT**

**Preamble:**

Bill C-92: *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, federal legislation “[Summary] This enactment affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services and sets out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children, such as the best interests of the child, cultural continuity and substantive equality.”

This legislation came into force effective January 01, 2020; the Regional Director General, Mr. Jaimie Brown was present at the Assembly of Treaty Chiefs (Treaty No. 6, Treaty No. 7 and Treaty No. 8 [Alberta]) during the 2019 Fall Session held in Edmonton November 18th and proposed the questions to the Chiefs on the implementation of the legislation. It was decided by the Chiefs to hold a meeting of the Chiefs specifically on Bill C92, as well as to have a meeting of Technicians experienced in the area of Child and Family Services prior to the Chiefs meeting to receive and share information on the legislation and to come with recommendations for consideration of the leadership.

Treaty 7 First Nations Chiefs’ Alliance was the Host of the Technicians meeting that was held February 11 & 12, 2020 in Calgary; the following is a brief summary of the presentations and discussions of that meeting.

**Facilitator and Elders:**

Mr. Dean Janvier facilitated the two-day session; and Elder Diane Meguinis of Tsuut’ina and Elder Leonard Bastien-Weasel Traveler of Piikani provided prayers and words of guidance to the participants:

**Purpose of Meeting:**

Ms. Anne Many Heads provided welcoming remarks and informed the group that this meeting had been called for by the Chiefs and agreed by the Regional Director General of Indigenous Services Canada to present the legislation that came into effect January 1st. She advised an agenda was developed by the three Treaty area organizations to share information and foster dialogue. It is recognized that each First Nation is autonomous, and each will be respected for what decision is done internally for their own peoples. She encouraged full participation and will be submitting a summary of the meeting.

**Agenda:**

**Item One: Presentation by Indigenous Services Canada**

Mr. Marcus Leonard from Ottawa, who assisted in the development of the Bill and Mr. Malcolm Johanneson of Alberta Regional office provided an update of Canada’s Implementation. The exerts of the power-point presentation is included with this report for information purposes.

Status and Purpose of the Act

* Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, received Royal Assent on June 21,2019 and came into force on January 1, 2020.
* This legislation is an historic step toward comprehensive reform since it seeks to change the way that child and family services are provided to Indigenous children, with the ultimate goal of reducing the number of children in care.
* The purpose of the Act is to (section 8):
  + affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services;
  + set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and
  + contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
* The Act is not about imposing solutions but is rather about opening the door for Indigenous Peoples to choose their own solutions for their children and families

Context on the Act

* The Act will help address the first five Calls to Action issued by the Truth and Reconciliation Commission in 2015 and will also advance several of the Calls for Justice made by the National Inquiry into Missing and Murdered Indigenous Women and Girls.
* The Act is also consistent with:
  + Canada’s ratification of the United Nations Convention on the Rights of the Child; and
  + Canada’s commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.
  + More generally, the Act seeks to advance Canada’s commitment to reconciliation with First Nations, Inuit and Métis through renewed nation-to-nation, Inuit-Crown and government-to government relationships based on recognitions of rights, respect, co-operation and partnership

Preamble and Definitions

Preamble

* Provides background information on the Act.

Definitions (section 1) •

* Includes definitions for numerous key terms, including:
  + care provider: a person who has primary responsibility for providing the day-to-day care of an Indigenous child, other than the child’s parent.
  + child and family services: services to support children and families, including prevention services, early intervention services and child protection services.
  + family: defined broadly and includes a person whom a child considers to be a close relative or whom the Indigenous group, community or people to which the child belongs considers to be a close relative of the child.
  + Indigenous governing body: means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people who hold rights recognized and affirmed by section 35 of the Constitution Act, 1982

Interpretation sections of the Act and Principles

Existing agreement (section 3)

* Provides that existing agreements (including treaties and self-government agreements) that address Indigenous child and family services and that are concluded before January 1, 2020, prevail over the provisions of the Act in the case of a conflict or inconsistency.

Minimum standards (section 4)

* Specifies that the standards imposed by the Act should be interpreted as “minimum standards” and provides that, should the provincial or territorial standards go beyond what is provided in the Act, their standards remain valid.

Binding on Her Majesty (section 7)

* Provides that the Act is binding on Canada and the Provinces and Territories.

Principles (section 9)

* Establishes three principles to guide the provision of child and family services provided in relation to Indigenous children: the best interests of the child, cultural continuity and substantive equality.
* The Act must be interpreted and administered in accordance with these principles.

Best Interests of Indigenous Child (section 10)

* The best interests of the child applies to all jurisdictions.
* The Act seeks to ensure that the best interests of the child are always considered when making a decision affecting that child.
* When determining the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered.
* The Act includes a non-exhaustive list of factors to be taken into consideration when making that determination.
* Under the Act, when determining the best interests of an Indigenous child, primary consideration must be given to:
  + the child’s physical, emotional and psychological safety, security and well-being; and
  + the importance, for that child, of an ongoing relationship with his or her family and community and of preserving the child’s connections to his or her culture.
* As per the Act, where possible, the requirements of the Act with regards to the best interests of the child should be interpreted in a manner consistent with the laws of the Indigenous group to which the child belongs.

Provision of Child and Family Services

Effect of services (section 11)

* Section 11 requires that child and family services provided in relation to Indigenous children be provided in a manner that:
  + takes into account the child’s needs and his or her culture;
  + allows the child to know his or her family origins; and
  + promotes substantive equality between the Indigenous child and other children.

Notice (section 12)

* Section 12 requires that advance notice of any significant measure to be taken in relation to an Indigenous child be sent to:
  + the child’s parent and care provider; and
  + the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs.
* However, the Act limits the personal information that can be shared in the notice provided to the Indigenous governing body.
* Exception: The notice does not have to be sent if sending it would not be in the best interests of the Indigenous child to be affected by the significant measure.

Representation and Party Status (section 13)

* Section 13 provides the right to make representations and the right of party status to the child’s parent and care provider in the context of civil proceedings regarding the provision of child and family services in relation to that child.
* Section 13 also provides the right to make representations to the Indigenous governing body acting on behalf of the Indigenous group to which the child belongs.

Priority to preventive care (section 14)

* Section 14 requires that priority be given to child and family services that promote preventive care over any other services.
* Section 14 also requires that priority be given to prenatal services over other services in order to prevent the apprehension of the child at the time of the child’s birth.
* Exception: Section 14 is only applicable if it is consistent with the best interests of the child or is likely to be in the best interests of the child after he or she is born.

Socio-economic conditions (section 15)

* Section 15 provides that the child must not be apprehended based solely on his or her socio-economic conditions.
* Exception: This rule only applies to the extent that it is consistent with the best interests of an Indigenous child.

Reasonable efforts before apprehension (section 15.1)

* Section 15.1 provides that Indigenous children can only be placed outside of their families when it has been demonstrated through evidence that efforts were made to keep the family united.
* The Act provides that an apprehension of an Indigenous child who resides with one parent or another adult family member cannot occur before the service provider demonstrates that reasonable efforts were made to have the child continue to reside with that person.
* Exception: Apprehension without the demonstration of reasonable efforts could occur where it is consistent with the best interests of the child.

Order of Placement

Priority for Placement (sub-section 16 (1), (2) and (2.1))

* Sub-section 16 (1) of the Act establishes an order of priority to be followed when considering the placement of an Indigenous child.
* Sub-section 16 (2) encourages placing the child with or near children who have the same parent or who are otherwise members of the child’s family.
* Sub-section 16 (2.1) provides that the placement of a child must take into account the customs and traditions of Indigenous peoples, including with regards to customary adoption.

Ongoing Reassessment of Placement (sub-section 16 (3))

* In accordance with sub-section 16 (3), if an Indigenous child does not reside with family, a reassessment must be conducted on an ongoing basis to determine whether it would be appropriate to place the child with parents, or where that is not possible, with another adult family member.
* Also, if the child resides with his family but not with his or her parent(s), a reassessment must be conducted on an ongoing basis to determine whether it would be appropriate to place the Indigenous child with his or her parent.

Emotional Ties and Affirmation of Jurisdiction

Attachment and emotional ties (section 17)

* Section 17 stipulates that the child’s attachment and emotional ties to adult members of his or her family, including the child’s parents, are to be promoted when the child is placed with someone who is not a member to the child’s family.
* Exception: As specified in the Act, this rule would only apply if it can be applied in a manner that is consistent with the best interests of the child.

Jurisdiction (sections 18 and 19)

* Section 18 affirms that the inherent right of self-government recognized and affirmed by section 35 of the Constitution Act, 1982 includes jurisdiction in relation to child and family services.
* Section 18 specifies that the jurisdiction over child and family services includes legislative authority and authority to administer and enforce laws. The authority to administer and enforce laws comprises the authority to provide for dispute resolution mechanisms.
* Section 19 states that the Canadian Charter of Rights and Freedoms applies to an Indigenous governing body in the exercise of jurisdiction in relation to child and family services on behalf of an Indigenous group, community or people.

Exercising Jurisdiction under the Act (section 20)

* Section 20 outlines the process for exercising jurisdiction under the Act.
* The Act was designed to enable Indigenous groups and communities to transition towards exercising partial or full jurisdiction over child and family services at a pace that they choose.
* A section 35 rights-bearing Indigenous group, community or people with an authorized Indigenous governing body, has two primary options for exercising jurisdiction under the Act:

OPTION 1

* The first option is for an Indigenous group or community to adopt a law on child and family services and to send a notice to the Minister of Indigenous Services and the government of each Province or Territory in which the Indigenous group or community is located informing them that they are exercising their jurisdiction.
* In that case, their Indigenous law would not prevail over conflicting federal, provincial and territorial laws on child and family services.

OPTION 2

* The second option is for an Indigenous group or community to send a request to the Minister of Indigenous Services and the government of each province in which the Indigenous group or community is located to enter into a tripartite coordination agreement related to the exercise of their jurisdiction.
* If an agreement is reached within 12 months following the request, the laws of the Indigenous group or community will prevail over conflicting federal and provincial laws.
* If no agreement is reached within 12 months following the request, provided that the Indigenous governing body has made reasonable efforts to reach an agreement, the Indigenous laws will prevail over conflicting federal, provincial and territorial laws.
* To facilitate the conclusion of a coordination agreement, at any given time, the Act allows the parties to benefit from a dispute resolution mechanism to be established by regulations co-developed with Indigenous peoples.

Indigenous laws prevailing over conflicting laws

* Under Option 2, the Indigenous laws would prevail over conflicting federal, provincial and territorial laws and regulations over child and family services as soon as the Indigenous laws come into force and until they are repealed by the Indigenous governing body.
* According to the Act, there are some exceptions to this conflict of laws rule:
  + Section 10 to 15 of this Act with respect to the “Best Interests of Indigenous Child” and the “Provision of Child and Family Services”; and
  + Provisions of the Canadian Human Rights Act.
* The exercise of jurisdiction over child and family services by an Indigenous governing body would also be subject to the Canadian Charter of Rights and Freedoms as per section 19.
* The Act imposes certain publication obligations upon the Minister of Indigenous
* Services Canada to help ensure social workers and other service providers are made aware of the existence of the Indigenous laws. For example:
  + Publication of information related to notices and requests received as well as concluded coordination agreements; and
  + When provided a copy, ensuring that Indigenous laws that have force of federal law under the Act are made accessible to the public.

Information in relation to Indigenous children in care

Agreements – Information (section 27 to 30)

* Sections 27 to 30 address the gathering of information about Indigenous children and the services provided to them, and the disclosure of that information, including to affected families and communities.
* It was envisioned that these details would be determined when discussions take place between provinces, territories and Indigenous governing bodies regarding the collection, retention, use and disclosure of information respecting the child and family services that are provided in relation to Indigenous children.
* Once all parties would agree as to the proper way forward, it was envisioned that they would enter into agreements specifying all relevant details with regards to that information.
* To pursue these goals, the Act:
  + States that the Minister may enter into agreements with Provinces, Territories, and Indigenous governing bodies, respecting the collection, retention, use, and disclosure of information relating to child and family services provided to Indigenous children;
  + Empowers the Minister to disclose information about Indigenous children and the services provided to them.
  + Allows provincial and territorial governments or public bodies established under a provincial or territorial Act to collect and disclose information respecting child and family services provided in relation to Indigenous children and information about individuals in relation to whom those services are provided for the purposes of implementing an agreement referred to in section 28 of the Act.

Five-year review and Regulations

Five-year review (section 31)

* Section 31 requires that the Minister undertake a review of the Act in collaboration with Indigenous peoples, and potentially provincial and territorial governments, every five years after January 1, 2020.

Regulations (section 32 and 34)

* Section 32 authorizes the Governor in Council to make regulations when the affected Indigenous governing bodies were afforded a meaningful opportunity to collaborate in the policy development leading to the making of the regulations.
* Under the Act, the following regulations can be adopted:
  + regulations respecting the application of the Act;
  + regulations relating to the provision of child and family services in relation to Indigenous children; and
  + regulations on transitional matters.
* Provincial and Territorial governments may also collaborate in the policy development leading to the making of regulations.

Transitional Provisions and Coming into Force

Representation and party status – Transitional provision (section 33)

* States that where a civil proceeding respecting the provision of child and family services in relation to an Indigenous child is pending on January 1, 2020, the rights described in section 13 (the right with respect to making representations in court and t party status) can only be exercised where that would be consistent with the best interests of the child and appropriate in the circumstances.

Coming Into Force (section 35)

* States that the provisions of the Act will come into force on a day or days to be fixed by order of the Governor in Council.
* An Order in Council fixed the coming into force of the Act in its entirety to January 1, 2020.

Note: The information provided in this presentation does not, and is not

intended to, constitute legal advice.

Dialogue of the participants brought forth concerns expressed:

* Further clarification is required, and definitions are broad, First Nations would have to develop their own definitions.
* Exercise of jurisdiction in partial or full – do not have complete law enforce all at once
  + Piece meal approach is acceptable – to adopt continuum model for the First Nations as first exercise of jurisdiction – not a one size fits all approach
  + Family – to be defined by the group themselves and goes beyond the blood relationship and not up to Canada to determine within own legislations based on Culture and Traditions
* Indigenous Governing Body – important to exercise jurisdiction and authorized by Indigenous Government Body
* Substantive quality (5 areas) Courts created this.
* Areas of concern include Funding and changes with the new Fiscal Relationship, impacts to current funding agreements, ambiguity around whether Treaty Nations would become Canada’s version of Self-Government Nations, content of Coordination Agreements and working with the province around (possible) transition, the need for proper Judiciary training
* Assuming the liabilities related to children in care is a serious consideration of the First Nations

**Item Two: Presentation by Government of Alberta**

Ms. Gloria Iatridis, Assistant Deputy Minister of Policy, Innovation and Indigenous Connections, Government of Alberta, Children's Services provided the overview from the provincial perspective. She reported they know very little on actions to move forward. A power-presentation is included for informational purposes. She made mention that the Cowessess First Nation from Saskatchewan gave notice they will be implementing their Law based on the format of the Alberta Child and Family Enhancement Act.

Ms. Iatridis also stated while Indigenous Governing Body is fairly clear meaning the First Nation Governance structure of the Chief and Council, it is less clear for the Metis. She cautioned that the complexity of each First Nation having their own laws, systems and tools exits and stated the importance to keep track of people; based upon the question what would happen to a child when laws of one First Nation differs from another First Nation – whose law prevails?

Participants took the opportunity to express serious concerns regarding the implementation of Bill C-92; concerns relating to involvement of the province within the process. First Nation laws must take precedence if there is to be true jurisdiction and authority of the First Nations. Issues regarding the lack of clear funding being identified for the capacity, transitional and implementation; issue involving those First Nations not prepared/willing to accept not only the responsibilities involved but the liabilities that will also arise; respect must be given to the direction taken by individual First Nations, i.e. Kokum’s Law of the Alexander First Nation, Kainai (Blood) Nation, Siksika Nation…

**Item Three: Legal Experts**

**Dr. Wilton Littlechild:**

As an internationally renowned expert on the UN Declaration on the Rights of Indigenous Peoples, Expert Mechanisms on the Rights of Indigenous Peoples; and a Commissioner on the Truth and Reconciliation Commission of Canada on Indian Residential Schools, Chief Littlechild presented a power-point presentation on international laws that recognizes the jurisdiction of Indigenous peoples and the Rights of the Child. (A copy of the power-point presentation is included with this report.):

* The TRC Calls to Action recognizes children have Treaty Rights and he encouraged people to keep that in the forefront.
* International Laws, Norms and Standards
  + Treaty
    - Treaty and Inherent Rights – Matter of international concern, interest, responsibility and character (UN Treaty study) and strengthen partnership between States and Indigenous Peoples and as a foundation to CFS.
  + UN Declaration on the Rights of Indigenous Peoples
    - Articles 1 & 3 – most fundamental right to self-determination (3)
  + Convention on the Rights of the Child – General Comment 11
    - Is referenced in the UN Declaration, the importance of the convention companion law (11) specific to Indigenous Children and their rights under the convention: defines the Best Interest of the Child, Fundamental Focus on Culture, Respect for the Views of the Child and Links with other International Law
    - the UN Dec and Convention took 27 years to pass them
  + Organization of America States Declaration on the Rights of Indigenous Peoples
    - Directly refers to Family and Indigenous Laws
  + International Labor Organization – C169 and the Committee on the Elimination of Racial Discrimination
    - Canada has not ratified but it is in effect
* The Right to Play – Children have the Right to be Happy
* Mayan ceremony and prophesies:

1. Things get better for indigenous peoples; spirituality must come back to leadership
2. Women will take a more prominent role in leadership
3. Must build on the strengths of our people
4. We must work very, very, had on unity.

It was stressed throughout the hearings that Canada had no right to assume jurisdiction over children and the resulting end of the attempt of cultural genocide encountered in the Indian Residential School system. Further, the provinces by enacting legislation that assumed their jurisdiction over children and families, including Indigenous children and families. Former IRS survivors during the numerous hearings of the TRC demanded federal legislation recognizing the right of Indigenous peoples over their own children wellbeing.

Enacting First Nation laws, regulations and policies is at the discretion of each First Nation with the province being ordered to recognize and adhere to the jurisdiction and authority of those First Nations who exercise their rights.

**Mr. Paul Seaman:**

Mr. Season of Gowling WLG, provided his analysis of Bill C-92 – a copy of the power-point presentation is included with this Report for informational purposes.

* The Act sits until an Indigenous Group enacts notice of interest and implementation for their Nation
  + Coordination agreement is entered into with reasonable efforts
  + Provincial governments will not be allowed to delay implementation of the First Nation Law
* Indigenous Governing Body accommodates the First Nations, Inuit and Metis people
* Technical guide treated as a regulation – consuming in context of intent
* Definitions are vague

**Item Four: Working Groups**

The participants were separated into Treaty area groups: Treaty No. 6 (two groups due to number of participants), Treaty No. 7 and Treaty No. 8. The following are the highlights based on the presentations as there were similarity between the groups.

**Question One: What would a healthy child look like in your community; and what would children and their parents need?**

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| A child who has a strong self-identity, knowing the culture, traditions, teachings and languages of his/her people |
| A child who is happy, confident, content and knowing they are loved |
| A child who is safe, has a home, good health, physically active, thriving in their education (traditional and contemporary) with hope for their future |
| A child who have positive and healthy relationships, have positive communication skills and equal opportunities |
|  |
| In order to provide for a healthy child, parent require support and resources: |
| House and infrastructure, clean water, safe environment – addiction and violence free |
| Implementation of cultural teachings, Indigenous languages, inclusion of Knowledge Keepers in community activities involving children |
| Parents require employment, transportation, sense of self-worth and confidence |
| Parents must be the caregivers of their children – to accept full responsibilities for the child |
| The community must implement programs to promote good parenting skills, grief and loss therapy, economic stability, conflict resolution trainings, sports/art/dance/drama/sciences to provide opportunities for children – having programs work collectively |
| Understand children have become an industry that involves many people at various levels – the provincial child and family services department has created a complicated bureaucracy with a large budget, funding for Indigenous children goes from Canada to Alberta. |
| Chiefs must keep children as a priority – issues impacting children should always be first on their agendas |

**Question Two: Based on what is in the best interest of the child, and the information provided on Bill C-92, what would be your recommendation(s) to your leaders and community?**

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| Reference Convention on the Rights of the Child General Comment 11 – identifies “Best Interest of the Child” |
| Utilize Indigenous languages in the Law |
| Hold community informational workshops for the leaders and community citizens |
| Leaders to meet with the front-line workers |
| Further analysis of Bill C-92 for possible implications |
| Understand the impact of the new fiscal relationship |
| Recognize independent sovereignty, each community has different needs – need to act in our sovereignty |
| Leaders need to exceed the national standards as a Nation – negotiate funding, including Treaty Based Funding |
| Review other Laws and supporting documents – best practices |
| Utilize the concept of “it takes a whole community to raise a child” |
| Take the time do get it right – do not rush, communicate with the peoples of your Nations, including staff |
| There will be First Nations ready to proceed in implementing their own Laws – i.e. Bloods; and there will be those who are not prepared to move with implementing their own Law |
| Must determine costs for the various phases: Capacity for working on Law, i.e. staffing, community meetings, legal advisory, Knowledge Keepers’ advisory. Capacity for working on standards, regulations, policies. Transitional costs – on-going meetings between leadership, community, staff, courts, federal and provincial departments |
| One group recommended the rejection of Bill C92 with the development of a Declaration on Child and Family Wellbeing in the Indigenous languages of the Treaty areas. |
| Must determine the power of the Courts – whose court will be making decisions regarding children?  Example: Justice – provided within the Treaty No. 7 from provincial court document and only applies to Calgary and does not align with presentation nor party status under the provisions of Child and Family Services that is link to section 13, under C-92   * + As of Monday, the DFNA workers report to judge in courtroom 205     - 7 to 21 days to have a case conference     - Judge to oversee case conference between DFNA and the families     - Personal interpretation – micromanagement of the DFNA work   + Summary hearings – under the enhancement act – under summary hearings and not under criminal codes – judges determine final outcome-based lack of participation of the parents and be charged   + Under C-92 – party status – section 13 – the right to make representation and right to party status to the child’s parent and care provider in the care on the context of civil proceedings     - Protection is required for the parents and families going to court   + Demographics show community-based services are working for under 12. Teenagers – 85% - challenging issues due to historical impacts – linking services to fit the needs of the children are working   + Training and community engagements are needed |
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**Question Three: What key issues must be acted upon right now that will provide support for mothers, children and children with special needs?**

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| Data base to be established that clearly identifies those children with Special Needs (Schools have been labelling Indigenous children with Special Needs in order to access additional funding for their institutions) |
| Address mental health issues immediately |
| Fathers to be held responsible for their children – single Mothers require support to raise their children |
| Implement the traditional methods of parenting – “forget about the provincial way and instead go back to your traditional ways” |
| Address trauma that has led to addictions |
| Jordan’s Principle: Too many barriers and no guarantee services will be provided – community peoples need to be well informed – i.e. Workshops and Advocacy |
| Internal dispute resolution process must be implemented |
| Mothers require support groups of other Mothers and Grandmothers – put an end to lateral violence, end hurting each other and practice Creator’s laws |

**Conclusion:**

It was discussed that each Treaty area will meet with their Chiefs and Councils prior to the Assembly of Treaty Chiefs meeting scheduled for March 4th and 5th in Calgary. It is the intent to have the leaders prepared to have a full dialogue on the legislation and how they each will be engaged pertaining to the implementation of the legislation.

Comments from the dialogue were summarized; however, written transcripts of the session are being prepared from the audio recording and will be provided to the host organization for distribution. It was stressed that while officials from both Canada and Alberta had been invited to review the legislation and share background information, this was a meeting called by the Chiefs for the technicians to attain the information, have the opportunity to ask questions and share information. The outcome is to have the Chiefs well informed and prepared to provide direction at the Assembly of Treaty Chiefs of Treaty No. 6, Treaty No. 7 and Treaty No. 8 (Alberta).

**REGISTRATION**

**Treaty No. 6**

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| **FIRST NATION/ORGANIZATION** | **NAME** | **TITLE/POSITION** |
| Alexander First Nation | Melvina Arcand | Director |
| Alexander First Nation | Loiselle Arcand | Asst. Director/Band Designate |
| Alexander First Nation | Anita Arcand | Council |
| Alexander First Nation | Rene Paul | Elder in Training |
| Alexis Nakota Sioux Nation | Martha Letendre | Band Designate |
| Alexis Nakota Sioux Nation | Doris Cardinal | Social Development Director |
| Alexis Nakota Sioux Nation | Lonnie Letendre | Council |
| Alexis Nakota Sioux Nation | Jackie Letendre |  |
| Beaver Lake Cree Nation | Germaine Anderson | Chief |
| Cold Lake First Nation | Pamela Scanie | Manager FCSS |
| Cold Lake First Nation | Leona Metchewais | Band Designate |
| Enoch Cree Nation | Scarlett Papin | Manager/Band Designate |
| Ermineskin Cree Nation | Tyler Makinaw | Council |
| Ermineskin Cree Nation | Tennille Makinaw |  |
| Ermineskin Cree Nation | Wilton Littlechild | Legal |
| Heart Lake First Nation | Craig Cardinal |  |
| Louis Bull Tribe | Donna Twin-Hardy | Band Designate |
| Louis Bull/Montana Tribe | Claudia Berland | Executive Director |
| Louis Bull Tribe | Tammy Moonias | Council |
| Montana First Nation | Sheila Potts | Elder – AKO Child & Family |
| Montana First Nation | Bradley Rabbit | Council |
| Montana First Nation | Debra Strongman |  |
| O’Chiese First Nation | Joanne Gladeau | Family Connections & Designate |
| O’Chiese First Nation | Phyllis Whitford | Team Lead |
| O’Chiese First Nation | Eva Ironbow | Elder |
| O’Chiese First Nation | Martin Ironbow | Council |
| Paul First Nation | Lorna Rabbit | Band Designate |
| Paul First Nation | Yvette Dennehy | Social Director |
| Paul First Nation | Myrnn Rabbit | Council |
| Paul First Nation | Faron Bull | Council |
| Saddle Lake Cree Nation (DFNA) | Leslie Cardinal | Executive Assistant |
| Saddle Lake Cree Nation (DFNA) | Denise Steinhauer | Band Designate |
| Saddle Lake Cree Nation (DFNA) | Shelly Delver | Director |
| Saddle Lake Cree Nation | Cherrilene Steinhauer | Council |
| Saddle Lake Cree Nation | Leonard Jackson | Council |
| Saddle Lake Cree Nation (DFNA) | Louise Large | Cultural Language/Child Law Dev. |
| Saddle Lake Cree Nation | Mary Jane Cardinal | Social – Policy Analyst/Program Dev. |
| Saddle Lake Cree Nation | Pamela Quinn | Council |
| Saddle Lake Cree Nation | Carl Quinn | Elder |
| Samson Cree Nation | Kevin Buffalo | Council |
| Samson Cree Nation | Marlene R. Buffalo | Elder |
| Samson Cree Nation | Koren Lightning-Earl | Legal Council |
| Tribal Chiefs East CFS | Leigh Ann Edwards | Senior Manager |
| Tribal Chiefs East CFS | Kathleen Gadwa | Executive Director |
| Tribal Chiefs East CFS Kehewin | Wanda Stone | Caseworker, Supervisor |
| Tribal Chiefs East CFS Kehewin | Glorya Badger | Band Designate |
| Tribal Chiefs East CFS Kehewin | Roland Quinney | On-site Elder |
| Tribal Chiefs West CFS | Teresa Steinhauer | Director/Band Designate |
| Tribal Chiefs West CFS | Judy MaGilvery | Supervisor |
| Tribal Chiefs West CFS | Denise Ledoux | Special Projects |
| Tribal Chiefs Ventures | Theresa Houle | Tribal Council |
| Yellowhead Tribal Council | Derek Chewka | Director CFS |
| Yellowhead Tribal Council | Candice Willier | Policy Analyst Researcher |
| Yellowhead Tribal Council | Carollyne Robertson | Executive Assistant |
|  | Shawna Johnson |  |
|  | Hadley Friedland |  |
|  |  |  |
|  | Jolene Anderson |  |
|  | Chrystal Hill |  |
|  | Wanda Cardinal-Stone |  |

**Treaty No. 7**

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| **FIRST NATION/ORGANIZATION** | **NAME** | **TITLE/POSITION** |
| Blackfoot Confederacy | Candace Royal | Consultant |
| Blackfoot Confederacy | Brent Scout | Communications |
| Blood Tribe | Floyd Big Head | Council |
| Blood Tribe | Marcel Weasel Head | Council |
| Blood Tribe | Franklyn White Quills | Council |
| Blood Tribe | Kyla Crow | Council |
| Blood Tribe KCSC | Deb Hellwig | Band Designate |
| Blood Tribe KCSC | Pam Wadsworth | Manager/BD |
| Blood Tribe KCSC | Shannon L. Soop | CEO |
| G4 | Dean Many Wounds | CEO |
| G4 | Adeline Rabbit | CFS Coordinator |
| Piikani CFS | Kelly Provost | Executive Director |
| Piikani Nation | Theodore Provost | Council |
| Piikani CFS | Joseph Yellow Horn | Board Chair |
| Piikani Nation | Stanley Grier | Chief |
| Siksika Nation | Fred Rabbit Carrier | CFSC Board Chair |
| Siksika SFSC | Merlin Breaker | CEO |
| Siksika SFSC | Yoland Youngpine | Director |
| Siksika SFSC | Penina Good Eagle | Manager Finance Policy Planning |
| Siksika Nation SFSC | Esther Majoros | Band Designate |
| Siksika Nation | Norman R. Rabbit | Elder |
| Siksika Nation | Shelly Calf | Court Worker |
| Stoney Nakoda CFS | Kolet Bigstony | Caseworker Supervisor |
| Stoney Nakoda CFS | Paul Amanoh | Acting Director |
| Stoney Nakoda | Dianne Dixon | BP Band Designate |
| Tsuut’ina DFNA | Marcia Halfe | Director |
| Tsuut’ina DFNA | Jamie Spring Chief | Team Lead |
| Tsuut’ina DFNA | Crystal Genaille | Team Lead |
| Tsuut’ina DFNA | Ivonne Crane | Board Chair |
| Tsuut’ina DFNA | Joyce McMaster | Associate Director |
| Tsuut’ina DFNA | Jodi Two Guns | Portfolio Liaison Officer |
| Tsuut’ina DFNA | Norma Littlechild | Band Designate |
| Tsuut’ina Nation | Paula Big Plume | Council |
| Tsuut’ina Nation | Leon Littlelight | Council |
| T7 BTCP | Connie Fox | Blood Tribe |

**Treaty No. 8**

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| --- | --- | --- |
| **FIRST NATION/ORGANIZATION** | **NAME** | **TITLE/POSITION** |
| Athabasca Tribal Council | Brant Janvier | Band Designate |
| Big Stone Cree Nation | Helen Alook | Council |
| Big Stone Cree Nation | Lawrence Oar | Council |
| Big Stone Cree Nation | Robert Cardinal | Council |
| Big Stone Cree Nation | Don Gambler | Council |
| Big Stone Cree Nation | Felix Schroder | Council |
| Big Stone Cree Nation | Ken Alook | Council |
| Big Stone Cree Nation | Lillian Anderson | Council |
| Big Stone Cree Nation | Loretta Gladue | Council |
| Big Stone Cree Nation CFS | Patsy L’Hirondelle | Director |
| Big Stone Cree Nation CFS | Ray Peters | Board Member |
| Big Stone Cree Nation CFS | Francis Gladue | Board Member |
| Driftpile Cree Nation | Jonathan Grioux | Council/Portfolio Holder |
| Driftpile Cree Nation Health | Alva Bellerose | Band Designate |
| Driftpile Cree Nation Health | Lois Tomkins | Health Director |
| Driftpile Cree Nation Health | Darlene McLean | CAO |
| Driftpile Cree Nation | Derrick Laboucan | Council |
| Driftpile Cree Nation | Caroline Isadore | Council |
| Duncan’s First Nation | Keith Lawrence | Council |
| KTC Tribal CFS | Joanna Shaw | Executive Assistant |
| Little Red River Cree Nation | Doreen Nanooch | Band Designate |
| Little Red River Cree Nation | Veronica Nanooch | Assistant Director |
| Little Red River Cree Nation | Pearl Auger | Executive Director |
| Loon River First Nation | Cody Letendre | Council – KTC Board Member |
| Lubicon Lake Band | Dwight Gladue | Knowledge Keeper |
| Lubicon Lake Band | Mona Ominyaya-Auger | Membership |
| Lubicon Lake Band | Troy Laboucan | Council – KTC Board Member |
| Mikisew Cree Nation | Doreen Jackson | CFS Consultation/Tech |
| Mikiseew Cree Nation | Gail Collins | CFS Transitional Consultation/Tech |
| North Peace Tribal Council CFS | Ashley Robicheau | Prevention Manager |
| North Peace Tribal Council | Kaia Lomothe |  |
| Sucker Creek First Nation | Carol Okemow | Council |
| Sucker Cree First Nation | Noella Willier | Council |
| Treaty 8 Urban Office | Melissa Tallman | Sr. Operations Manager |
| Treaty 8 Urban Office | Loretta Bellerose | Director |
| Treaty 8 First Nations of Alberta | Margo Auger | Acting CAO |
| Treaty 8 First Nations of Alberta | Gwen Muskwa |  |
| Western Cree Tribal Council | Tina Kappo | Executive Assistant |
| Western Cree Tribal Council | Viola Goodswimmer | Board Chair |
| Western Cree Tribal Council | Tasha Horseman | Vice Chair |
| Western Cree Tribal Council | Sheena Horseman | Board Member |
| Western Cree Tribal Council | Rosanne Mustus | Board Member |
| Western Cree Tribal Council | Philomene Kappo | Board Member |
| Western Cree Tribal Council | Eileen Knott | Board Member |
| Woodland Cree First Nation | Marilyn Rudd | Band Manager |
| Woodland Cree First Nation | Joe Whitehead Jr. | Council – KTC Board |
| Whitefish Lake First Nation | Carol McLeod | Prevention Manager |
| Whitefish Lake First Nation | Dale Tallman | Program Coordinator |
|  | Denise Wildson |  |
|  | Angele Auger |  |
|  | Viola Good Swimmer |  |
|  | Gilbert O |  |
|  | Mark Cardinal |  |
|  | Marilyn Bulldog |  |
|  | Carol Schimarike |  |

**UNEDITED TRANSCRIPTS**

**Bill C-92 Technical Meeting   
Day One   
February 11, 2020   
Best Western Premier – Edmonton**

**Prepared by: Pe Metawe Consulting**

**Welcome**

**0:00:00 Chairperson Dean Janvier: My name’s Dean Janvier, for those of you I haven’t met before, I’m, from Cold Lake First Nation. It’s my great honor to be able to be here today amongst all of you in Treaty 7 Territory. I’d like to thank all the Treaty 7 Nations for hosting us at this really wonderful event here this morning. I’d especially like to thank Anne here this morning for helping to organize this whole great event. For all of us to be here together to talk about something very important to all of us, our children. So we put together a very informational agenda today, and we’ll have an opportunity for all of us to be talking with, with each other and, and to talk, and ask questions throughout the day, if that’s what you’d like to do. And before we get started, to go any further on the agenda, we’re gonna follow our protocol and we have an Elder here this morning, we have Misses Dianne McInnis. If she could please come up, from Treaty 7 here, Tsuut’ina Nation, if she could come up and begin our meeting with a prayer.**

**Opening Prayer  
Dianne McInnis**

**0:01:20 Elder Dianne McInnis: Good morning everyone. It’s always an honor to be able to say a prayer, an opening prayer and a welcome to all of the visitors who have come into our territory. I’m, I’m a descendant of Treaty 7, and I’m, I welcome Treaty 6 people and Treaty 8 people and all the technical, technicians from all over, whether you’re from Edmonton or Calgary or whichever place you’re from. I’m, I’m really honored to be part of this process by opening and welcoming you here to, to our, to the lands at Treaty 7. You know, the Treaty 7 has, has the majority of the people here are the Blackfoot People and then you have the Stoney People and the Tsuut’ina People. The Tsuut’ina People are, are, are part Dene, Dene, I myself am a Dene Cree. There’s lots of, you know, I guess, there’s lot’s of different tribes in our community at Tsuut’ina. Mostly there’s, the speakers are down to about twenty-seven, twenty-seven people that are full, fluent speakers at Tsuut’ina. I’m not a fluent speaker, but I can understand the language and I, I’m a, I don’t know how that happened but it did. And there’s lot’s of people who are like me. This, this process that we’re in, I, I really was staying up late and I was studying this and looking at this and looking at all your agenda and thinking about what it is that we’re trying to do. What is it that we’re trying to do? Are we trying to preserve our, our families, our people and, and retrieve our children out of the care systems that they’re in? And are we making places for them to come to be with their other relatives and do their other relatives want them? You know, our, our people have become so assimilated into main stream society. In, in traditional times that the Chiefs, the leaderships are the ones who take the children who have no parents. For whatever reason, it’s the leaderships responsibility to take those children and raise them up. That’s what leadership does. At least that’s in my, my knowledge and thank you for calling me an Elder. I don’t know if I’m really an Elder. An Elder to me is a person who has lived like, really, really long time, like many, many winters. I’m only here because I, I was talking with Anne and she needed someone and I went to one session before in December because of Anne, and I, I just agreed and she said I want a woman to come and do the opening prayer for us because this involves women and children. This whole process that we’re involved in. So, I’ll, I’ll, I’ll say a prayer in Tsuut’ina, what little language that I do know, and I’ll ask for, for blessings for this meeting, blessings for your journey home and blessings for your families that you left at home. And the work, the hard work that you have ahead of you. It takes, it takes a whole community of people to raise one child and this is really close to my heart because I, in my, in my teachings the children, my mom and my grandmother told me that my kids are not even my kids. They belong to the Creator, and Creator gave you those kids to look after. They’re not even ours. So it’s a holy thing that you’re dealing with. Your children are holy. And so I’m really grateful to be here to be able to express these thoughts and these, this thinking. This, it’s called, I’m a Knowledge Keeper because of, of my ancestry. And because of my dad is a Veteran, he’s a World War Two Veteran and when he came back from the war he said that he seen the women and the children being refugees on the streets over there. And he said that’s what we’re doing to our women and children. In our own country. And I’m grateful I had a mom and a dad and I really feel sad for those little kids that are in care and trying to structure systems so that we can bring them back to us. I feel really sad about that. That our leaderships just can’t step up and take them. That’s what I feel, that’s why I’m crying. Not. (speaking traditional language) Father, you’re the one that I talk to. Take pity on me. And these, (speaking traditional language), these men and women and these people, (traditional word) that are sitting here (speaking traditional language) help them Creator. Their work is really hard, that they have to do. And I also, I’d like to ask for prayers for the people who are all in the blockades all across Canada. And, and that, that we struggle every single day we struggle. And the work that you do is, is sure, yeah you get paid, but you get, you’re gonna get paid more when, when those children are safe, in a safe place. Coz it goes back on you, the payment goes back on you in a good way. I, I was up really late last night and really early and I, coz I, this is so hard, this work that you’re doing is so hard and I was out in a parking lot watching people coming in and I could see people just walking real, like it’s a hard thing to do. But that’s the way it is with all of, everything, everywhere we go in our communities. And I, I, I ask for blessings for all of you, for the work that you’re doing. It’s hard work. (speaking traditional language) thank you.**

**0:07:52 Chairperson Dean Janvier: Thank you very much Diane. (traditional word) Now I’d like to call up Anne, Anne Manyheads to come up and talk about the purpose of our meeting today.**

**Agenda Overview  
Anne Manyheads and Dean Janvier**

**0:08:08 Anne Manyheads: So, good morning everyone. My name is Anne Manyheads and I’m the CEO of the Treaty 7 First Nations Chiefs Association. The PTO office for the Treaty 7 First Nations. This event today is really coordinated in conjunction with my counterparts from Treaty 6, Confederacy of Treaty 6, and from the Alberta First Nations, Treaty 8 First Nations of Alberta office as well too, so definitely this was not a task that was undertaken solely by our office and I’d like to thank both entities and the staff who provided that assistance to coordinate and bring this event together. We are anticipating a very full house, so for those coming in, just make sure you find an empty or open seat and let’s get cozy. We’ve got, we’ve worked very hard on trying to establish an agenda that we felt could, you know, you know, foster this, this, this opportunity of information sharing and then of course some dialogue. And then, you know, really the intent for this technicians meeting came about as a result of the, a decision that was put forward by the Assembly of Treaty Chiefs back in November of 2019, and it was indicated then that, you know, there was, there was, there was needing some further direction with respect to the C-92 legislation, and as many of you know, that that particular legislation and Act has come into force as of January 1st. And my understanding is that albeit there are certain sections of that Act that are now in, in force and are implemented, there are still other sections that still need work and still need input and guidance from First Nations in Alberta and as well, as I had mentioned, the direction came from the Assembly of Treaty Chiefs and, and that table of Chiefs are also looking to you as Technicians to provide some input and to provide some direction into perspective decisions that will be made. The Assembly of Treaty Chiefs meeting is expected to take place on March 4th and 5th, right here at the Best Western. In fact, it’s in the old Jimmy Deans night club so, if any of you want to rekindle some memories, you know, you’ll have that opportunity there. But anyhow, again, I would like to welcome you all, I encourage you all to again, you know, share what information you do have, ask the questions that you need in order to, to get that clarification. We have several presenters on the agenda that we hope will be able to provide the information that you need to take back to your leadership. Take back to your respective Nations. I think the other thing that’s important to mention here also is that you know, we respect the fact that each Nation is autonomous and of course you’re developing and many of the Nations are at different levels in, in this whole process and we respect the fact that, you know, you’re doing what’s best, in the best interest of your Nation and what you feel would work and, and that’s fine. Again, here’s an opportunity as a collective to be able to gather the information and of course share that information back with leadership in, in March. So again, I encourage you guys to participate, ask your questions and, and again I look forward to the next two days and I hope you do as well. So thank you.**

**0:11:58 Chairperson Dean Janvier: Thanks Anne, appreciate that. And also thanking the people from Treaty 6 and Treaty 8 that helped to organize this event also, thank you very much for that. It’s so nice to see all of you here this morning. We have a full agenda of information for you, I’m just gonna go through it and go through the documents so that you’re aware of what’s gonna happen today and tomorrow and also with the information that’s been provided in handouts. So if you’re missing any of them you can ask for them. So I’ll draw your attention to day one here, this morning we’re going to ask you first of all on the housekeeping things, if you could please, if you haven’t done so already, please stop by the registration desk outside and just register yourself. There is gonna be some reimbursements for travel that are gonna be provided to each Nation. A maximum of two people per Nation, so if you’re here representing your Nation today, please let the registration desk know that and they can assist you with your, with your expenses today. Also we have a, this morning we have a, some discussions coming up on Bill C-92, an Act respecting First Nations, Inuit and Metis children, youth and families. And we have, first up from Indigenous Services Canada we have mister Marcus Leonard and Mister Malcolm Johannesen, they’ll be coming up here shortly and doing a presentation. Following that we’ll be having the Alberta Child and Family Services doing a presentation. Ms. Gloria Iatridis, or Iatridis. I’ll have to ask her. Iatridis? Okay. Perfect. Thank you. And then we’re gonna have lunch, that’s one of my favorite parts of the day, I don’t know about you guys, and after lunch we’re gonna be having a legal expert panel available. Doctor Wilton Littlechild, Ms. Mary Ellen Turpel-Lafond and Mr. Paul Seaman from Gowlings. So after that we’re gonna be having an open question period and discussion for all of you who’d like to stay for that. And one other housekeeping item, I’ve been informed that just across the hall here in the temple room, there’s gonna be, the representatives from Indigenous Services, Mr. Leonard and Mr. Johannesen are gonna available all day. After their presentation is done, they’ll be sticking around and they’ll be right across the hall in that room, so if you have further questions for them or things you’d like to discuss with them, please feel free to drop by and see them at any point to have further follow up discussions. So just a couple other housekeeping items, the bathrooms are also just across the hall, and there’s smoking just available outside the door here on the, on my left. If you’d like to do that at any point during the break. So, I think that about covers it for the announcements. Yes. Okay, so with that, I would like to start off with our agenda and call up our representatives from Indigenous Services Canada. Mr. Leonard and Mr. Johannesen, please come on up. You’re up. Have a seat at the table here and these microphones work and then we can go from there. While they’re coming up, I just also wanted to, I said I would do this, draw your attention to the handouts, so we have several. The first one is, it’s a briefing note from the Assembly of First Nations. It’s dated November 1st, 2019. So if you, if you have this, or if you don’t have it, please stop by the registration desk. The second one is, it’s called the technical information package. It’s from Government of Canada, Indigenous Services. So that’s, that’s the second document. The third one is, also, it’s from the Assembly of First Nations, it’s called a primer on practice shifts required with Canada’s Act respecting First Nations, Inuit, Metis youth and families. That’s this one, and it was authored by Mary Ellen Turpel-Lafond. And the last one is the Indigenous Services Canada introduction to the Act respecting First Nations, Inuit, Metis children, youth and family. That’s this one here, so if you’re missing any of those documents, please again, stop by the registration desk and ask for your copy. Okay. So, is it just you or do we have another?**

**Bill C-92 – An Act Respecting First Nations, Inuit and Metis children, youth and families  
Marcus Leonard and Malcolm Johannesen**

**0:17:17 Marcus Leonard: Figuring it out. So it will just be me to start. But Malcolm will join me in a couple of minutes but I’m, I’m mostly doing the presentation. I’m gonna introduce myself, my name is Marcus Leonard, I am a Senior Policy Manager at Indigenous Services Canada. And I work for the Child and Family Services reform sector back in Ottawa. So really we oversaw the process that led to the creation of the Act. We oversaw the drafting of the Act and now we’re tasked with the implementation of the Act. So I would like to acknowledge that we are here on Treaty 7 territory and would like to thank them for welcoming us here on their lands in order to have us and allow us to have these very important conversations about Indigenous children and families. I would also like to thank the, Diane for, for her wise words and allowing us to start this conversation in a good way. So I will start with a brief update on the Canada side of where we’re at with the implementation. And, and after I will go on with the presentation that I think you all received a copy of. Which is really a, an introduction to the Act but quite a lengthy one. I was not quite sure how long I had to be up here and how much information I could share, but very flexible to, to adapt to whatever your needs are. I think we’re gonna go through the presentation and feel free to stop me at any time. You will see that the presentation really goes into some sort of a clause by clause of the Act, so really just bring everyone up to speed on to like, what does the Act intend to do and what are it’s articles and I think it can greatly inform our conversations for these next two days. As was mentioned, just right before I started talking, we, I will stay here, we, me and my regional colleague will be available to have discussions with groups that would like to have some more of a private conversation on, on their own situation and, and their own objectives moving forward, so we’re more than willing to have these conversation. You, and Malcolm will join me shortly but feel free to go signal to him your interest, and the plan I think was for us tomorrow morning and potentially a bit in the afternoon, to set up some sort of, of a timeframe where we can meet with the groups that, that wanna meet. I know there’s a very good agenda also for the afternoon so I think the information that will be shared by the legal experts will be quite interesting and, we will be here to, to listen to them as well. So with regards to the Act, little update, so on January 1st, the provisions of the Act, respecting First Nations, Inuit and Metis children, youth and families that I will refer from now on as the Act, coz it is quite a lengthy name. Came into force, and as a result, these provisions and minimum standards must now be applied by any agencies, whether directly by Provinces and Territories or by First Nations, Inuit or Metis delegated agencies. When Child and Family services are being provided in relation to them. But it’s important to state that the current service providers such as the delegated agencies. They remain in place as of January 1st, 2020 and this system will only change as Indigenous governing bodies develop their own models of services and begin their transition towards exercising partial or full jurisdiction over child and family services. And I think you have now a copy, but in preparation for the coming into force of the Act, on January 1st, an in depth technical information package has been prepared and distributed. This information package that you have, in your hands, is also available on the ISC website in both French and English. So, my regional colleague Malcolm will be more than willing to send the link to potentially the organizer, to dispatch to the participants, the link to the website in which you can find the technical information package in both official languages. Also in preparation for the coming into force of the Act, Indigenous Services Canada ensured that support was available by telephone, in order to allow to any urgent questions to be answered. So these, and this telephone line is still running. The information is available on the ISC website as well, the same webpage within which you can find the technical information package. You will also find on that webpage a generic email address that is also available for, for whoever would have a questions on the Act and its implementation. We have started to receive some questions and we are processing them as, as fast as we can, so. Should technicians here have a questions, that generic email box can be used, should you wish to ask the questions directly to our branch in Ottawa. I’m not sure if, if that was an issue here, but there’s a lot of concerns raised as to which courts would actually hear cases underneath the Act. Also, I need to state that the Act is not intended to replace the jurisdiction of courts presently hearing child protection matters. So cases dealing with Child and Family Services involving Indigenous children, continue as of January 1st to hear these cases. But are now applying an additional set of principles and standards, which are found in the Act. With regards to the implementation of the Act, Indigenous Services Canada is committed to adopting a distinctions based approach, which will be really reflective of the unique traditions and cultures of each First Nations across the country. So that’s why it’s, it’s really an honor be here today, these technical discussions are very important. Because that was stated earlier, the Act is really a framework for the exercise of jurisdiction by Indigenous groups over child and family services. It does provide minimum standards to be applied but these are truly minimal. We invite all First Nations, when exercising their jurisdiction, to go beyond and nonetheless to say the provinces and territories also can provide additional rights than the ones being mentioned or established in the federal Act. So there are discussions and you may have questions moving forward that I will not have the answer to, the reason being that we need to come up with these solutions together, and that’s why I really value the opportunity to be here and hearing your thoughts on some of the issues. For example, I know there was a lot of questions raised on what is the definition of care provider. What are the significant measures in accordance to section 12. Well we’re gonna talk about these provisions here at a very high level, but these solutions with regards to definitions, Canada did not wanna impose them on First Nations. We wanna make sure that the approach being pursued is reflective of your own views and traditions. So that’s why we are gonna have these conversation, I’m here to hear what your views are on, on certain issues or definitions, such as these ones. So it’s really a technicians meeting and I, I think it’s, it’s, I’m very grateful to be here to help inform that conversation and to really hear what you have to say on that. So that is a little bit of, of the update. I’m gonna go through the presentation which really explains the Act. Feel free to interrupt me at any time because it is a long presentation, I’m gonna try to kind of speed it up because I know there’s two items on the agenda for the morning. And I have for, whoever heard me talk already, I know we’ve done some technical briefings when we were going through the parliamentary process, I can talk forever, and ever, and ever. And I know that’s not the point, so feel free to stop me at any time, and to tell me to move forward, I’m okay with it. But I’m really passionate about this file and, and I think that’s the reason why I love talking about it and I love hearing your views about it because it, it is a framework and we need your help in order to really make this a tool that is reflective of, of your own cultures and traditions. So just to go through quickly, status and purpose of the Act, I’ll let you read this at your own leisure, but so of course the Act, I received Royal Assent on June 21st, came into force Jan 1st. The purpose of the Act is to, and that’s mentioned that clause 8, so affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services. Set out principles applicable on a national level to the provision of child and family services in relation to Indigenous children and contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. As I mentioned, the Act is a framework, so it is not about imposing solutions. It’s about opening the door for Indigenous Peoples to choose their own solutions for their children and families. I’m actually just looking for the, the remote. Do I have the remote? Oh good. Okay. You can keep it. You can keep it. I was just wondering if it was gonna change on its own magically. So, a little bit of context, the act will help address the first five calls to action issued by the TRC, the Truth and Reconciliation Commission in 2015. And will also advance several of the calls for justice made by the National Inquiry into Missing and Murdered Indigenous Women and Girls. So if we go, now we, and for whoever has the Act, it’s actually, it could be a good idea to follow through with the Act, because that’s, that’s a little bit how the presentation is built. So the preamble, it’s, it’s, it’s also very important part of the legislation, provides very important background and information on the Act. The preamble is followed by the definition section. And so, these are, or this section one is where you’re gonna find some of the terms that we know need further clarification, but again, these terms were incorporated in the Act, quite in a broad manner to ensure that the way they are defined and interpreted moving forward really is reflective of Indigenous priorities and cultures. So the first definition we have is the definition of care provider, because as you will see, the care provider is given some important rights within the Act. For example, the care provider will be allowed and will be getting party status in a civil proceeding involving an Indigenous child. So, so that’s quite an important right. The way the care provider was defined is whoever has primary responsibility for providing the day to day care of an Indigenous child, other than the child’s parent. The reason that these rights were given to care provider was to ensure that when it is the grandma who’s taking care of the child, for whatever reasons there are, we wanted that grandma to be able to get party status and to have rights, because she is in, de facto, the care provider for that child. If there is a customary adopt, if there is a customary adoption that takes place, the customary adoptive parents, they did not necessarily have rights prior to Jan 1st. And by this definition of care provider, which is really broad and focused on whoever has the day to day care, these traditional caring practices are captured. So that person will be given rights under the Act. And should you feel that these rights are not given to you as care provider or as an Indigenous group, or as a parent, you are free to, to contact the band office, you can contact the service provider, tell them that you have this specific right under the Act and that moving forward, you would like to exercise your right, and should it get there, the courts also have to follow these principles and they have to give you these rights. So I just wanted to really re, or emphasize on, on this aspect of it. So take advantage of it, this is a very important tool that is being created. There’s other definitions that are included in the Act, so for example, child and family services, it is defined as services to support children and families, so quite broad. And we list some of the matters that we know are included, so including prevention services, early intervention services, and child protection services. So these are the services we know. An issue that came up, well not an issue, but something that came up even before the parliamentary process, but also at the times where the Act was going through the parliamentary committees, what about children aging out of care. So we know this is an important, or also a practice, and the approach that was taken is, First Nations in their own laws can provide for children aging out of care. So we see already some interest in doing it, and we would invite groups to, to keep that in mind and to do it, should they have the, the willingness and capacity to do so. And I’ll touch upon that later, the exercise of jurisdiction, but the Act allows for a, an exercise of jurisdiction that’s either partial or full. You don’t need to have a complete law that covers prevention, protection, aging out of care before you can move forward. You could, as an Indigenous group, say I wanna exercise partial jurisdiction first, I wanna start by taking care of, of the preventative services, of the prevention. I don’t want to deal with apprehension at this time, I need to have further research, further conversation, and that is okay. The Act is really flexible and it allows for the groups to take a continuum of, of, or to adopt a continuum of, of models. It’s really up to the groups, to determine what they want as their first exercise of jurisdiction. And then we take it from there. So it’s not a, a one size, or fits all approach, it’s really flexible to your, your priorities. So that’s why, if you wanna just do prevention at first, you could create a law on prevention only, and then make your notice or request under section 20, and that is more than acceptable under the Act. So family, also, defined very broadly in the Act. And includes a person whom a child considers to be a close relative, or whom the Indigenous group considers to be a close relative. So really, we left the term family to be defined by the groups themselves. We wanted to go beyond the notion of, family is just a blood relationship. It’s broader than this, and that’s what we heard throughout our engagement. But it is not up to Canada to determine who do you consider family, this is really something that you can come up with in your own legislation, and in, in your own practices. But it is very broad and it allows for a large group of individuals to be captured based on your cultures and traditions. The Indigenous governing body is defined as a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people who hold rights recognized and affirmed by section 35. So we can touch on that a little bit later. It becomes quite more important when we talk about the exercise of jurisdiction, because the notice, or request to enter into coordination agreement has to be sent by that authorized Indigenous governing body, so we will touch on that a little bit later. Some tools of interpretation that are included in the Act are found between Section 3 and Section 7. So, Section 3 really protects the existing agreements. So it protects Treaties. It protects self-government agreements. That was the idea behind clause 3. We heard loud and clear, we don’t want your Act to modify our Treaties. We don’t want your Act to modify our self-government agreements. Well this is the reason why Clause 3 was added to the Act. So it provides that the existing agreements, such as Treaties and self-government agreements, that address Indigenous child and family services, and that are concluded before Jan 1st, 2020, will prevail over the provisions of the Act, should there be a conflict or inconsistency, so that was really the idea behind clause 3, a protection of these, of these very important agreements that are Treaties and self-government agreements. Section 4, when I talked earlier about these minimum standards, this is what Section 4 says. It really specifies that the standards imposed by the Act should be interpreted as minimum standards and provides that should the Provincial or Territorial standards go beyond what is provided in the Act, well their higher standards will remain valid. So, by enacting the act, Canada did not wanna take away any rights that are given to First Nations to, to Indigenous families. To Indigenous children. Automatically by enacting the Act, so that’s why Section 4 was added, it really states, should you wanna give greater rights, please do so and they will remain valid. Section 6, it’s not in there, but I just wanna flag, coz there is some questions raised on that. There, there is a, an, a new version of the Act that came out, because in the first version of the Act, it didn’t specify which Minister would be responsible for the administration of the Act, and so now on the Justice Canada website, there is an amended version where the Minister of Indigenous Services Canada is clearly mandated to be responsible for the implementation of the Act. So this is the new clause, well this is the new definition of Minister actually. So I just wanted to clearly mention that the Act was amended as of Jan 1st. It was amended automatically, because of the Act creating both departments, so now we know there’s a piece of legislation that clearly defines the mandates and the creation of both Indigenous Services Canada as well as Crown Indigenous Relations and Northern Affairs. So that Act triggered an automatic amendment to C-92, which mandated that the Minister of Indigenous Services Canada, Minister Mark Miller, will be responsible for the implementation of the Act. So Section 7 does clearly state that the Act is binding on Canada as well as the Provinces and Territories. And section 9 establishes three principles to guide the provision of child and family services, providing relation to Indigenous children, which are the best interest of the child. Cultural continuity, and substantive equality. So when services are provided to Indigenous children and when the Act is being interpreted, or applied, it must be done so in accordance with these three very important principles. I’m keeping track of time too, so I don’t, oh I think I’m still in Ottawa time. It was, it was lunch time, I was like, what? Okay. So Section 10, the best interest of Indigenous child. So, the Act seeks to ensure that the best interest of the child are always considered when making a decision affecting that child. And of course when services are provided to an Indigenous child, there’s a lot of factors that need to be taken into consideration, and I wanna clarify that the factors listed in the Act, they’re not the only factors to be considered. These are just some of the factors to be considered, and we invite all groups, in their own legislation, to provide for additional factors. These were just common grounds that we heard that was important. The cultural heritage, the connection with the, with, with the community. The, the need for stability. So these are the things that we heard were important to consider. But we know well that through your own traditional laws or cultures, you will have some other factors that you will want to be considered when children are made with regards to your children. So in your own laws, you are free to define any other factors you would like to be taken into consideration. So the Act states that when determining the best interest of the child, so important consideration, primary consideration must be given to the child’s safety, security and wellbeing, as well as the importance for that child of an ongoing relationship with his or her family, and the community. As well as preserving the child’s connection to his or her culture. So it’s really, again, a framework but what that really looks like, this is left up to you to define in your own laws, and during the parliamentary process, there was a fourth paragraph that was added to this section that now states that where possible, the requirements of the Act with regards to best interests of the child, should be interpreted in the manner consistent with the laws of the Indigenous group to which the child belongs. So no matter how it is framed, we know that First Nations would not do anything that is not in the best interests of their children. So no matter how we write it on paper, we’re telling the courts, show flexibility. Apply this section in accordance with the First Nations laws. So this is what the fourth paragraph was added for, and I think it was a very important addition. Now we move, so these were mostly broad principles to be kept in mind when you are providing services to Indigenous children, but now section 11, we’re really entering into the nitty gritty of these minimal standards, right? Like, these minimal rights that apply as of January 1st. So of course the, the, the, the new definition of the best interest of the child are these factors, are already applicable as of Jan 1st, but here we enter more into the positive rights. So the rights that you can already take advantage of. Even without having a law, and that’s an important aspect to mention. In order to benefit from these few articles that I’ll, I’ll mention in the next few minutes, the care providers, the parents, the family, the Indigenous groups. They can take advantage of them as of January 1st. You do not need a law in order to, to benefit from these principles. So that was a big change as of Jan 1st, that these rights, these principles are applicable and, you are benefitting from them, so make sure that if that’s not the case, you raise your voice and that you do clearly state that you have these rights, and that you want to take advantage of them. So Section 11 requires that child and family services provided in relation to Indigenous children be provided in a manner that takes into account the child’s needs and his or her culture. Allows the child to know his or her family origins. And promotes substantive equality between the Indigenous child and other children. And the right to notice, which I presume will be discussed a little bit later today. But Section 12 requires that advanced notice, oh. Yes.**

**(speaking off-mic)**

**0:49:46 Marcus Leonard: Substantive equality. So the, the term substantive equality itself was not defined in the Act. In Section 9, what you have is the broad principle of substantive equality is, is listed in there. And it’s illustrated through five concepts I believe, that clearly captures the, the idea, or some of the ideas behind substantive equality. As you know, the term substantive equality has been created and defined by courts. And so we didn’t want to embed anything in the legislation that would keep that right at a certain point when we know it’s gonna keep on evolving. And we are, and again, First Nations are able to, to, to really provide their views on what substantive equality means. But what we know for sure is that, and that’s not in the Act, but it, substantive equality goes beyond the same level of service, right? It’s also the same, the same chances in life, the same chances to success. Right? So that’s may mean that additional services are needed for Indigenous children in order to, to catch up the gap, right, and to make sure they have the same level of success in life than the non-indigenous children. So there’s not one definition of substantive equality. But I can tell you that it goes beyond the same level of services, it’s really about the outcome. Right? And the, the chance of, of having the same outcomes. Yeah, sure.**

**0:51:47 Malcom Johannesen: Sorry, just to elaborate on that, from the, the sort of, the example we use when we’re discussing Jordan’s Principle, which also uses the principle of substantive equality is, is an example of three children to look over a fence. And one child can stand on the ground and see over the fence, the other two cannot. There’s a medium kid and a short kid. If we provided all three children with the same box, the tall kid can see over the fence better, the medium kid can see over the fence and the short kid still can’t. So what substantive equality says is that the kid see over the fence because they’re the shortest requires a larger box. The medium kid requires a shorter box and the tall kid, the tall kid doesn’t require a box at all. And that’s that idea that it’s not the same services for everybody, it’s the service that provides them with the same outcome.**

**0:52:38 Marcus Leonard: That’s a very good illustration of it. I may use it moving forward, I like it. It’s less theoretical and more practical. I really like it. Thank you for that. So, so yes to go back to the notice provision, so section 12 requires that advance notice of any significant measures to be taken in relation to an Indigenous child, be sent to the child’s parents and care provider, and the Indigenous governing body acting on behalf of the group, community or people to which the child belongs. So there is that automatic notice that has to be sent in advance of a significant measure to be taken. What is a significant measure, well that’s a good question. Again, these technical conversations will help inform path forward, groups in their own legislation could help define this term, but again we know we are not there at this point, so what we’re looking to get as input is, and again feel free to, to, if you have specific views on that, or technical views on that, feel free to reach Malcolm and send your views. He, or you can use the generic email box as well. We are gathering all input in order to determine what is needed in order to define this, right? And, and we don’t wanna impose, like I said, a definition or a process through which that would be done. But of course a question that we could ask ourselves is, are we gonna need a regulation on that, or not? Is it really the best way forward? The idea was to avoid having regs, as much as possible because we really wanted an Indigenous groups in their own legislation, to kind of establish these, these definitions and these practices. But we are also aware that before that happens, their guidance is needed on, on what is a significant measure, and so really we, we turn our minds to you and we’re having these conversations across the country to really see what are significant measures? And again, the hard part in creating this Act is that there’s no one size fits all approach. So for example, we could really have a policy paper that says, each time, see now I’m talking to much. But that’s okay. But we could have a policy paper that says, a significant measure is any move involving the child. Okay. But you could have a scenario where, really the child is just moving in front of the street. And everybody knows it. Is that significant measure? But if you move from New Brunswick to Alberta, well that is a significant measure. So the hard part with, with this, with this matter is that there’s so many scenarios out there, each child has it’s own situation. So it’s really hard to capture that in some sort of guidelines, or regulations. And even through the Act, you needed to have as much flexibility as we could in order to, to have the flexibility to really address the specific situation of the child, there’s millions of different children’s that are gonna face different situations, so that’s a complexity that, that we’re facing. But yes we are turning our mind on what does significant measure means? Yeah. And the Act limits the personal information that can be shared in the notice provided to Indigenous governing bodies. It doesn’t preclude it though so the Act does not state that no personal information can be shared, it just states that only the necessary personal information can be shared with the Indigenous group through that notice. There can be agreements as to what that notice will look like in terms of Indigenous governing bodies, but I just wanted to clarify that, coz we, we’ve heard that, that oh the Act does not allow for the Indigenous governing body to receive personal information, well that’s not true. And, but, I’m talking too much again, but that’s okay. That perception of, of the Act came from somewhere and it’s because the first version of it that was introduced in February 2019 did not allow for any personal information to be shared with the Indigenous group. But, as it went through the parliamentary process, parliamentarians heard huge criticism on that specific aspect, so they have decided to amend the Act in order to now allow for the necessary personal information to be shared. So that’s where the, that misperception came from, but now it does state at paragraph two that the necessary personal information can be shared. We have a question here.**

**(question off-mic)**

**0:59:08 Marcus Leonard: Yeah. No that’s a good point, and I take note of it. And again the idea, and I think you, your, your indicating it well, but the idea is, the Act is all about collaboration, right? It, it’s gonna be successful if the Province works with Canada, works with the Indigenous groups. This is how we can have a successful implementation of this Act. And when we have issues like, let’s say the information that is required in the context of the notice, our answer is, as a service provider, don’t hesitate. Start by calling the Nation. Call the band rep, call the band council. Tell them that there is a child involved, what type of notice and information would they need. A conversation can go a long way. And I think it goes in the vein of what you’re saying. I understand your point also that Canada has to deal with the Province in order to, to allow Indigenous groups to, to tell both Crowns how they can best fit in and be involved. And not the other way around, imposing on First Nations to be stuck in, in these numerous steps prior to getting any rights. But again, these rights are applicable even before First Nations create their own laws, so these rights are applicable as of right now. But there are some complexities with the application of this, of this section, and my, my, my, or Canada’s position on that is, let’s all work together to see how can we best achieve the goals of the Act and how can we make sure that the Indigenous groups and communities are aware of what’s happening to their children. So, but I do agree with you, but the groups have to be involved somehow. And, groups may have different views on that and what types of information they want and what types of information they need, but I say conversation can go a long way.**

**(question off-mic)**

**1:04:12 Marcus Leonard: No, and thank you for, for your comments. I think this is also why I’m here today, in order to, to yes get technical views on, on how we can best move forward, but we know very well that there are some disagreements, or in satisfaction of the process. That led to the Act and so we’re also there to take notes of these, so I thank you for your point, I am writing them down and, and bringing them back. In terms of the goals of the legislation and its objectives and some specific quality and the best interest of the child, as I mentioned, Canada was always truthful in a sense where we said, this is the first step towards reform will happen when the, so the three groups involved can actually successfully make sure that Indigenous children remain at home with the persons that loves them. So there’s a huge process leading there but this is certainly a first step towards reform. It does provide for real concrete rights, the rights of notice. This is admitted in the legislation and applicable no mater what. And it does, and we’re gonna enter in this a little bit later but it does affirm the inherent right of, of self-government. And not to recognize it, we didn’t use recognize because it’s an inherent right, and what we heard is that we don’t need your recognition, we have it. These are own, our own rights. So this is why they have to use the term affirms, the inherent right of self-government, which includes the rights to jurisdiction, so it’s just a first, very important step towards reform, but we need to work all of us together in order to really get to the point that we all want to be in, where all children can grow in their community, in their families, in their culture. So that was the notice provision. Other important rights that are provided in the legislation, the right to representation and party status, yes we have a question?**

**(question off-mic)**

**1:07:40 Unnamed Male Speaker: One of the things that prior to, well I guess when Minister Philpott, then Minister Philpott introduced the, the tabling of the concept of developing a CFS bill, she asked for our input. She asked for advice. She asked us to come forwards with stuff. But from Alexanders perspective, when we put forward our submissions, we came at it strictly from the Treaty perspective. The Treaty perspective that basically said, and understood, we all knew Kookums had the authority, which are the grandmothers. They always had that authority. Nobody took that away from them. Nobody, even today it’s practiced. Kookum had, Kookums had that authority to take care of their, their grandchildren and great grandchildren. We subsequently codified that into our Kookums law. With our Kookums law, it reinforced and reclaimed the jurisdiction and the authority that they’ve always had on their behalf. As the grand, as the grandmothers. As the Kookums. So everything that you’ve put out here, is an offense first of all to the Kookums. Because they’ve been stripped of their authority. And it goes back to 1987, and I hope I don’t offend anyone, the late Richard Cardinal case prompted the, the reason for this type of, or the approach that happened before this law came into play. But then we gotta ask ourselves a bunch of questions here, and I’m sitting here, going crazy, I was gonna try to not say anything today, I was gonna sit and listen but no. What is being said is offensive. What I’m looking at is, I go back to the days of the Indian Act, and some people will say I was probably there when the Indian Act was written, I don’t know. But I go back to the days of the Indian Act, in particular Section 8, laws of general application. We all know it. Alberta knows it. INAC knows it. Or whatever you guys call yourself. You know it. The only reason Alberta was involved in child and family services matter was because of Section 88, laws of general application. The reason for that is because we didn’t have codified or written laws or anything to set that out. Nor does Canada. So the province was given that responsibility through the Indian Act. Okay, having said that, with the oxymoron created by this, what then becomes our Province? We said that in our submission. If you have created federal legislation to give recognition to our authority of Kookums authority, what role does the Province have, why should they continue to be involved in it, and we said we objected to the, to the coordination agreement, that are set out in, in the legislation. But nobody paid attention to it. It’s almost like there was, there had to be certainty that the funding that is provided for children in care on or off reserve needed to continue. So it brings back to the admin reform agreement. And many people know what that admin reform agreement, that needs to come back to the table because you guys are gonna try to, I shouldn’t say you guys. Canada is gonna try to slide that under the fiscal relation strategy that they’re setting up with the AFN. So all these variables, all these political issues need to be brought to the table. We continue to file our notices of non-consent because we’re Treaty. We have that jurisdiction. We have that authority, we have the sovereignty. You kind of upset me when you said we don’t, you don’t need to give us recognition. I don’t know what you meant by that. We need you as our Elders said years ago. Reciprocal recognition of each other’s laws and government. You need to recognize that, we have that authority, we have that law and we have the government. This doesn’t do any of that. This basically says, oh Alberta, you gotta come and sit at the table with us, coz we’re talking about the jurisdiction and authority provided under Treaty. No, we don’t want, well, I shouldn’t say that. I don’t wanna offend Gloria over there, but. We shouldn’t be saying in that context, but we need to be understanding that we’ve got our, our, our law. We’ve got our authority. We’ve got Kookums law. We wanna sit with Canada, say okay give that recognition to, notify Alberta you have no more say in that. We wanna, to kick em out today, our Kookum’s Law was drafted and finalized. But we had such a good working relationship with them that we, we entered into an arrangement. But we’re missing the point when it comes to what this was all about. So what we need, and we’re gonna be, we’re gonna be going back I think, and having discussions with our Chief and Council, our Elders and our Kookums. Do you want them to tell you what your Kookums authority should be? No, they’ve already had that. They knew how to take care of their grandkids. Their grandchildren and so on. Those are the things that are missing. This is the, I, and I guess it, I can’t be disrespectful to Treaty 6, 7 and 8 coz there’s a reason for this type of assessment here. But if we’re not gonna go back from here and if all you’re doing is trying to sell that to me, you’ve wasted your time. If you’re gonna go back and tell them we need to revisit what is contained in there, and go back to Cabinet and allow for amendments to happen, we can talk. Not until then. Thank you.**

**1:13:51 Marcus Leonard: Again, thank you for your interventions. We are taking note and we will brief back.**

**1:13:59 Unnamed Female Speaker: I have something to say. So, I have to agree with the Elders sitting at that table because listening to this, to me it sounds like you guys have given power to the courts to define what a care giver is for us, and this whole, what is it that we just read?**

**1:14:23 Marcus Leonard: The significant measure?**

**1:14:24 Unnamed Female Speaker: Yeah, the measure. Like I feel like you guys are just replicating what the Province already does in terms of child intervention services. And we know the colonial history is child removal, and I feel like you guys have just given the power to the courts to define, to allow that to happen and we know the courts are not just when it comes to Indigenous Nations. Look at Colton Boushie, look at Wet’suwet’en. Canada took Cindy Blackstock to court in the human rights law courts. And you expect us to believe the court involvement is gonna be just? Like I read the website, I seen the engagement sessions, and I noticed in Manitoba there was a grandmother circle. That was considered engagement. But my mother was in a grandmother circle in Alberta and she had no idea that could have possibly been to inform this Bill C-92. That’s not proper consultation and even if you consider it consultation, that’s not consent. So I have to agree with the Elders from that table. And this whole collaborative effort thing, to me is just, it’s just rhetoric because the legislation has already been passed.**

**1:15:51 Marcus Leonard: So there’s a couple of things I wanna touch on. First, you’re talking about consultation, we have never seen the development process as a consultation. It was always clear at each sessions that it was not consultation, it was engagement, so I just wanna clarify that. This is not consultation, it’s also just a technical discussion on the act. Now I’m not trying to sell anything, and I don’t wanna be sounding like I am, this is the Act that is in force as of now. We’re here to gather the feedback, the comments and the Act is in force so we’re trying to make sure it can be applied in a culturally appropriate way. When we’re talking about codevelopment of the implementation, it’s really making sure that Indigenous vision and Indigenous priorities and cultures are really the leading factors in defining what care provider in significant measure, what they mean to them, so this is what we mean by codevelopment moving forward. When it comes to, and I think it’s maybe because we’re not there yet, but really the Act, so there’s two pieces to the Act. One is to set up these minimal standards that we’re going through right now, but there’s the other sections that is really about your jurisdiction. The jurisdiction of First Nations. So you will be able, we’ve, we’ve never, so we know that there are traditional laws and this Act was meant to facilitate your exercise of jurisdiction. It is not meant to deny it. And again, the provinces being involved, so the idea is not for the province to be involved forever. Right now the files are being handled, not by Canada, they are being handled by the Province, so if we don’t want like what was said earlier, if we don’t want to have any children falling in through the cracks, because I think we can all agree on one thing, we’re all here for the children. We’re all here to make sure that nothing bad’s happened to them because of jurisdiction battles. So at some point we need to have that tripartite, just discussions, to say okay, this is the traditional law. So what steps are needed in order to provide for a proper transition to the exercise of jurisdiction by the, the Indigenous groups itself, and should the Indigenous group wanna take over the entire jurisdiction and wanna provide their own services without the province being involved, well after that, this transition will have taken place, they are free to do it. It was just to make sure nobody would fall through the cracks. But we do take your points, I just wanted to, to, to, to make these, these comments back as well.**

**1:19:06 Chairperson Dean Janvier: Okay, just, excuse me, I just wanna make a couple of quick announcements. Just in order to capture the important comments and questions that are being brought forward, just ask you to please raise your hand in advance and what we’ll do is we have a microphone, we’ll bring it to you and then, then you can go from there. So we just wanna make sure we, we capture all these comments, very important, on the record. And also the answers to, to these questions. So, and one other announcement, at 10:30, we are gonna take a break, we’re going to take a short break and we’re gonna remove that back wall and create some more space coz we have quite a few people here today. So again, we’re gonna ask Marcus to please try to get through some of your key points you wanted to get across to the audience and also we have one more comment before we go to that. Go ahead.**

**1:20:05 Leonard Jackson: Good morning. Good morning. Hello. Good morning. Again, (speaking traditional language) I forgot to mention that earlier, and my name is Leonard Jackson, I’m from the Saddle Lake Cree. I have a question. Every one of us that represent our Nations here currently are operating from a funding arrangement. Within that funding arrangement there are certain applicable, applicable clauses. One of them that really needs to be discussed and brought out to the open is the one where all applicable laws apply, federally, provincially and territorially. With this new legislation, what impact going forward is that going to have in terms of, I guess, bring the bands notice of budget adjustment, or, or what. I don’t know. And given that we all are operating from this current agreement, does this current legislation apply within, because it says from time to time the Federal Government will create laws that will be acknowledge in the agreement. I need to know going forward because as it is right now, I am not, we are not happy with our current funding arrangement. I spoke earlier about the co-development process, and I forgot to mention under the guise of the fiscal relationship, changing of the new fiscal relationship, what they had to do was get away, do away with INAC and create these two evils. ISC and CERNA. Funding arrangements were being signed by Nations without even the proper legal authority or legislation in place back in 2017. So what, what justice is there for us at this level, at the end of the day?**

**1:23:19 Malcolm Johannesen: So, when it, excuse me, when it comes to the, to the funding arrangement and the funding of an Indigenous law under, under this act, that’s, what that funding arrangement will look like will be part of that coordination discussion between Canada and the First Nation, essentially right now Canada has a model of funding, child and family services that’s approved through Treasury Board and Cabinet. That model is the current one that’s in existence but it doesn’t match what a First Nation might ask for so right now there is no defined model of what would funding look like through this Act because First Nations will come to the department and say, here’s what our legislation says, here’s what we need to implement it, at which point in time Canada will work with the First Nation to develop a model to fund that legislation and then we’ll get approval through Cabinet and Treasury Board to do that, so that there’s not a predefined model now of how funding will look, it’ll determined by each individual Nation, through that coordination agreement process.**

**1:24:26 Marcus Leonard: And again I think the only thing I would like to flag is, that we know that the Act will result in new funding relationships. How that looks like as, as Malcolm said, we’re gonna see moving forward and it’s gonna depend on what the Indigenous groups intend to do with the Act. But again all, all funding that would be required to implement the Act, groups are, can do their own assessment and, and see what that would look like for them, and they can contact the region, so there can be an assessment of, of these needs, but these needs will vary depending on the, the models that are being proposed and also the, the, the priorities of the group. I think we have a question over there.**

**1:25:20 Crystal Hill: Good morning. I have a quick question. For the non-delegated First Nations, those that receive services from let’s say the Ministry of Children’s Services in Alberta, my understanding is there is admin reform agreement, and dollar for dollar, and so for those First Nations, such as our First Nation, when we discuss funding and we when we go forward in those conversations to have those robust conversations, because you’re making reference to those First Nations who already have funding, established funding agreements and funding formulas in place, as DFNA’s, delegated First Nations agencies. And now you’re, I hear you say is that we have the opportunity to assess our First Nation and assess the needs, which includes the financial need, and therefore we present our funding formula. Is that what I’m hearing?**

**1:26:10 Marcus Leonard: Well, so I’m, what I’m saying is, what the funding will look like depends on the priorities of the Nation. In order for us to do our assessment work, I’m not saying you’re going to request it, you’re going to receive it. But we need, we need.**

**1:26:25 Crystal Hill: Oh yeah, we know that already.**

**1:26:27 Marcus Leonard: We need to have a conversation that starts from somewhere and, so that’s gonna be applicable to, to your Nation. But as you mentioned, a self-government Nation or some, a Nation that is already having a delegated agencies, maybe have different needs. But we need to start that conversation and, and the best way to inform our self, and we know there’s an extensive work needed to, to assess these needs, it’s quite a complex exercise, but the groups are, yes invited to start this work and to present their request to Canada. Yeah.**

**1:27:05 Chairperson Dean Janvier: Well that sounds like the best Act ever, so if we request it, we’re gonna receive it, that’s good. And just if we could take a note from Leonard here, if you could just, if you’re comfortable, if you could just say your name and then where you’re from also before you start talking, coz it’ll help to make the notes later. Thank you.**

**1:27:25 Crystal Hill: Okay, Crystal Hill from Ermineskin Cree Nation, I was also going to build on that. So let’s say our Nation is quite progressive in the work in terms of children’s services and the stance and the position we’re taking, and an evaluation of community needs assessment and evaluation has already been concluded, when can we go forward in request to meet to discuss these funding formulas? Thank you.**

**1:27:49 Marcus Leonard: So, I’m, I’m not too well versed in to, does Ermineskin have their own law already?**

**1:28:05 Malcolm Johannesen: Sorry, just to, to expand on that answer, part of, part of what Marcus is saying is, there’s a current model of funding that delegated agencies receive, but it’s, it’s replicated on the current system of practice, which is been pointed out, has a tendency to lean towards intervention and protection as opposed to prevention. So for a non-delegated Nation, you, you’re in a situation where you can look at the picture from a different lens. And so if, if the legislation and, and idea around how you wanted to operate at your Nation is more heavily focused on a preventative aspect, on a community wellbeing aspect, then that’s, that’s the model that you can bring to the table with Canada that we can then work through how we can support that. As opposed to replicating the current funding approaches, which would just replicate the current model.**

**1:28:56 Marcus Leonard: And I was asking if, if you had a law coz there’s numerous funding aspects to this, right? There’s, there’s also the, the capacity building aspect, and I can state that some groups have already came forward, sent a notice of intent under twenty paragraph one, saying we are this First Nation, or we are this Inuit group, we are working at engaging with our community in order to exercise jurisdiction in the future, but in order to get there we, we need that, or we need to have conversation on cap building, or even I need that amount of cap building. We’ve already started to receiving these request. I mean, like I don’t know how the days, the days going fast already. So we’re, I think we’re going to pause. I know I have the Provincial colleagues as well, do you need a lot of time? No? Okay. So I think we’re gonna reconvene with me again, we’re gonna try to get as much as in the weeds as we can, and again, we’re open tomorrow to have these one on one types of discussion. So we’ll be here. So I think maybe that’s gonna be the best venue to do that. But I’ll go through, just more quickly, the presentation coming back and addressing these answers and I guess after that we’ll let the Provincial counterparts speak as well. So how long are breaking for?**

**1:30:27 Leonard Jackson: Hello. Leonard Jackson, once again. Marcus, I wasn’t satisfied with your response to my question.**

**1:30:36 Chairperson Dean Janvier: Okay we have another, another comment here. And then we’ll be taking a break at 10:30.**

**1:30:44 Leonard Jackson: I wasn’t satisfied with your response to my question because again, we all know, well Saddle Lake, I’ll speak for Saddle Lake. We’ve signed into an agreement. That agreement identifies strictly that we are to abide by all laws. Okay? This is the new legislation that has come into paly now. What impact or what implication does that give the funding agent in terms of agreeing with the legislation?**

**1:31:17 Marcus Leonard: So, in terms of existing funding relationships, I think we need to have the conversation on how do you see the Act impacting you financially. What would you need, and then we can take the assessment of it further.**

**1:31:31 Leonard Jackson: You’re still not understanding.**

**1:31:34 Marcus Leonard: But maybe it’s best we schedule some time tomorrow to have this discussion. I don’t know what the current fiscal agreements covered, I know you’re talking about abiding to all laws, like there’s, there’s an assessment needed in there where we take a look at that agreement. We see how, depending on how it’s framed, how the Act impacts it, and we can then react accordingly, but there, there’s a, an assessment process needed. So I can’t answer right now.**

**1:32:05 Leonard Jackson: But these are legal instruments that we are required to sign and, you know, to say that, or to give that, that, to imply that we agree. I look at everybody around this table, around this room, and I’m wondering, because you said it yourself, you can either go partially or go all the way. What impact, or what is the ramification for everyone of those Nations that are represented here today, going forward, based on a current funding agreement that’s in place. Yes there must, we need to have this discussion because the implications are far reaching. Thank you.**

**1:32:09 Marcus Leonard: Correct. To implement.**

**1:33:04 Marcus Leonard: And again, thank you for this, there’s no, I can’t answer what this Act will do for, for all Nations because at the end of the day it’s the Nations who are gonna tell us what they wanna do with the Act. So that’s why I can’t come up with an answer, and that’s why we, we need to keep on having these conversations.**

**1:33:23 Chairperson Dean Janvier: Okay, thank you very much for your presentation, we’ll be taking a break now. Please come back in twenty minutes, we’ll be reconvening then. Thank you.**

**Break**

**1:45:08 Unnamed Speaker: Test, one, two. Test one, two. Test.**

**1:53:52 Chairperson Dean Janvier: Okay, we’re gonna get going again here in a couple minutes, so if you could just grab your, fill up your cup of coffee, and grab your colleague from the hallway and come on back in, we’re gonna continue on with our presentation. We’re gonna have more presentation, more questions and answers, so please come on back in, make yourself comfortable.**

**1:54:19 Unnamed Female Speaker: Sorry. Sorry, attention everyone, there, we have some ladies sitting out at the registration desks and if, if for those First Nations, as we had indicated, we are reimbursing two technicians per Nation. If whomever is a decision maker or authority, if you could please see the ladies out there to fill out the claim forms, and identify, you know, whether or not it’s the Nation being reimbursed or if it’s individuals being reimbursed. If you could do that by noon and fill out the forms, we’re trying to process as many as we can today, coz unfortunately we won’t have signers tomorrow, but if you can get that process undergoing then we can try to ensure. Otherwise we’ll have to do the reimbursements afterwards, and then mail, mail the reimbursements to you. Okay?**

**1:56:05 Chairperson Dean Janvier: Okay, welcome back everybody, we’re gonna carry on with our presentation. We’re gonna ask them to continue to walk through the different sections and provisions of the Act. And we’ll continue to take your questions and comments as we do that. So please go ahead.**

**1:56:30 Marcus Leonard: Thank you. So I was told two things. I need to speed up, and I need to bring the mic closer. So, the mic is closer, one things done. The speeding up, I’ll do my best. But I think what we’ll do is, I’m just gonna go through the presentation, make sure you guys al have the information I wanted to provide, then I’ll, I’ll take questions up to 11:30. At which point my Provincial colleague will join me on stage, we’ll do our update, and I’ll remain on stage for afterwards when she’s done, we can both take your questions up til noon. That will lead us to lunch. So, I will continue the presentation. We talked about the minimum standards, so Section 13 really gives the right to party status to the parent and the care provider, whoever they may be. And also provides the right to make automatic representations to the Indigenous governing body. So this is a very important right that was added at Section 13. Section 14 talks about giving priority to prevention. So preventative care now has to be prioritized over apprehension, so 14 is really the key for that matter. And the second paragraph does, does state that priority should be given to prenatal services over other services in order to prevent the apprehension of the child at the time of the child’s birth. So really, Section 14 is the key when it comes to prioritizing prevention at all times, even prebirth. So that is the, the provision or the clause on prevention. Section 15, provides that, whoops I’m, I should change my. Section, is it 15? Provides that the child must not be apprehended based solely on his or her socio and economic conditions. So that was a, a great advancement as well. Section 15.1 was added at the Parliamentary process and provides that Indigenous children can only be place outside of their families when it has been demonstrated through evidence that efforts were made to keep the family united. So, this is also an important new provision. The Act provides that an apprehension of an Indigenous child who resides with one parent or another adult family cannot occur before the service provider demonstrates that reasonable efforts were made to have the child continue to reside with the person. So let’s say you have a child that is already with a family member and keep in mind, family is defined very broadly as whoever the child considers to be a close relative or whoever the groups consider to be a close relative for the child. So really, a lot of flexibility there with the definition of family. But, if the child is placed with the family member, in order to take it out of that context, then the service provider has to demonstrate through evidence that they have shown, or they have made reasonable efforts to keep the child where it is. The order of placement. So Section 16, sets out a order of priority for the placement of the child. So, when, in last resort, an apprehension is needed, the Act establishes an order of priority to be followed when considering the placement of a child. Then the same section, but the other paragraph, encourages the, the placement of the child with, or near children who have the same parent, or who are otherwise members of the child’s family. So it all goes about first keeping the child with his parent, then the family, the community, another community, and if that’s not possible, then any other adult. A paragraph was added to make sure that the placement of a child in accordance with that order take into account the customs and traditions of Indigenous peoples, including with regards to custom readoption. So we really wanted to make sure that if there was a customary adoption that took place, that that be considered when placing the child, and that priority be given to continued care. And I just wanna flag here that that order of priority can be changed through an Indigenous law. Okay? So we have, it’s Section 22 or 23 that mentions some of the sections that can’t be changed through an Indigenous law, even if they have to be read together, but Section 16 is not part of it, so an Indigenous group can establish in their own legislation, an other order of priority. Section 16 also provides for a reassessment of placement. So if an Indigenous child has, so has been taken away a reassessment must be conducted on an ongoing basis to determine whether it would be appropriate for the child to be placed back with the parents, or when that is not possible, with another adult family member. So we’re just saying, there may be a need for apprehension at first, but there are a lot of factors that can lead to a child being returned to their family, community and parents. And there should be an ongoing reassessment of that possibility. So again, parent, families, communities can use that tool already to request that a reassessment be made of a placement already done. Section 17 stipulates that the child’s attachment and emotional ties to adult members of his or her family are to be promoted when the child is placed with someone who is not a member of the child’s family. So here what is being really said is, should an apprehension be the way to go, last resort, and if the child can’t be placed with a parent or the family, then there is an important consideration that has to be, or to be given to the possibility of keeping the contacts with the family, keeping the contacts with the parents. Should it be phone calls, should it be visiting rights, should it be, but in that time where the child is away, we need to promote attachment and emotional ties to the member of the child’s family, in order to keep the child’s culture/heritage. So that’s Section 17. So these are really the, the, when we talk about setting up minimum standards, well, this is where they’re at. They’re at 10 to 17, they’re the more concrete rights, they are what groups, what family, what parents can already take advantage of. And now we’re entering into the second big portion of the act which really talks about jurisdiction. And again, Indigenous governing bodies can already take advantage of, of, of these jurisdiction provisions, and I’m gonna explain what they are. But it’s kind of a very different subject, so they’re no longer principles to be applied but they are principle, they are provisions on the jurisdiction and how under the Act, what options are possible under the Act to exercise that jurisdiction. So Section 18 is the key provision, it affirms that the inherent right of self-government, recognized and affirmed by Section 35 of the Constitution Act includes jurisdiction relation to child and family services. And it goes beyond this. Because we heard loud and clear, you need to say that some, that under the jurisdiction, we have the right to make laws. We wanna see that in there, we don’t wanna be told that we didn’t have that right. So the, the act goes beyond and it does specifies that the jurisdiction over child and family services includes legislative authority, so the authority to make laws. Whoops, I’m not, okay. And as well, authority to administer and enforce these laws. So not only do you have the authority to make your own laws, but you can of course enforce and administer them. And we’re going a step beyond by saying, the authority to administer and enforce laws, includes the authority to provide for dispute resolution mechanisms. So this is the way you want your, your children to be, so how do you want the decisions to be made. If you wanna take over jurisdiction. Do you wanna create some sort of a dispute resolution mechanism that would take into consideration all, all the submissions of the, of the parties and then make a recommendation on, on how or where the child should be? Well this is something you have available to you. So it could be a Grandmothers Council. Grandmothers council could be established to make determination on what is to happen to the child. And to gather the facts and to make a recommendation and provide for where the child will be placed. So this dispute resolution is open to you to, to take advantage of, you can create it through your own legislation. And so we went as, as far as, as clarifying that in the act. Section 19 states that the change, the Charter of Rights and Freedoms applies in the exercise of jurisdiction. And then we we enter into Section 20, which is really the, the nitty gritty of the process to exercise, but we have a question over there.**

**2:08:09 Chairperson Dean Janvier: Just one second til we get the mic.**

**2:08:12 Unnamed Female Speaker: Do the rules apply to the Provincial and Federal Courts? So let’s say the Nation, our law says, and this is the process we’ve identified in dealing with our matters relating to our children, will the Provincial and Federal Courts adhere to those decisions?**

**2:08:30 Marcus Leonard: So if we go through and we’re gonna go through the two options, but if you do make a request to enter into a coordination agreement, no matter if we conclude that agreement or not, after twelve months, your laws are paramount, or they’re, they’re over and above both the federal and the provincial laws so they would have to be followed. And that leads me to the two options to exercise jurisdiction. Under the Act, and, and we’ve seen, this is a, it’s a flexible piece of legislation, this afternoon you’re, you’re gonna hear visions of how it can be helpful and how it can be used. But here we’re really focusing on two options that are a direct result of the Act. With different consequence, as I just mentioned. So you have the, the first option, because some of the groups told us that they didn’t want to have these discussions with the Province, and that they had inherent jurisdiction and that that they just wanted to create their law and provide notice and then starting exercising. So the Act allows for that under option 1, but it doesn’t trigger the automatic prevailing of Indigenous laws over the Provincial and Federal laws. So that is the big difference. If you do go with just a notice of intent, then this is kind of the group saying, we can do, so we have the jurisdiction, we’re gonna do what we want, when we want and we don’t wanna have any discussions with both Canada or the Province. So that is a scenario. The other scenario where groups are, are more greatly taking advantage of this one at this time, is where you simply trigger the conversation around coordination agreements. So as a group, I intend on exercising my jurisdiction, I have my law, and now we need to sit together, the three of us, to see what transition is needed, how are we gonna transfer the files from my children to myself, what funding do I need, what are we gonna do with emergency services, what do we do to ensure that no child falls through the cracks, and these are the conversations that are triggered by that second option. And so if we have these conversations, no matter if an agreement is reached or not, after twelve months, your laws are automatically prevailing over the provincial and the federal acts. So then all your principles, your laws, your service requirements would have to be followed. So this is the second option. Yes I have, there’s numerous questions actually, around.**

**2:11:33 Unnamed Female Speaker: Okay, so prevailing, you keep making reference to prevail, so my question was adherence. So is there a definition to prevail, and does it include adherence?**

**2:11:43 Marcus Leonard: So, there’s no definition for prevailing in the Act, but what prevail means is, they, yours are really just, they, if they don’t follow it, they would be in breach. Your law prevail over theirs. And just the same thing with the federal act as well. So let’s say I said, the order of placement can be changed, well it’s as a result of that. So if I go around and I say your order of placement is not consistent with mine, then your laws prevail, so I would lose in court.**

**2:12:21 Chairperson Dean Janvier: We have a gentlemen in a blue shirt in the back and we have a lady here in a green blouse in the middle, and then we have this lady up here at the front. So if we could start at the back please and then come this way. Thank you. You had your hand up at the back sir? You’re up next.**

**2:12:35 Brad Rabbit: Morning, my name is Brad Rabbit, from the Montana First Nation, representing Ako Child and Family Services. One of the questions I have, I just maybe good clarification in relation to coordination agreements, especially with non-delegated First Nations. Could you elaborate a little bit more on what you mean by coordination agreement when you’re talking about tripartite? What does that mean for non-delegated First Nations, does that mean that that coordination agreement is with the Province? Or can that Nation develop a coordination agreement with another DFNA? So that clarification is needed for us to be able answer some of the challenges that we have at this point.**

**2:13:37 Marcus Leonard: So, I don’t wanna confuse things, but there can be numerous agreements that are entered into, such as, let’s say the, the, the delegation agreements when you create a delegated agency, that’s one type of agreement. Here when we talk about coordination agreement, the act specifies that the request to enter into these have to be inclusive of Canada as well as the Province. So, because they are the main service providers at this point, and even more in the, in the scenario where you do not have a delegated agency, they have to be involved in order to see how we transition it. But again, we don’t need to conclude an agreement before your law can be given that force of laws, federal law or give paramountcy over the two other laws. What’s really important is that as a group, you make a request to enter into these discussion to both the province and Canada.**

**(speaking off-mic)**

**2:14:57 Malcolm Johannesen: So the, the Coordination Agreement is, excuse me, it’s an administrative, it’s a tool to talk about the administrative transition of services. So, when a Nation creates a legislation and exercises it, they then choose how they want their legislation delivered. If they want to delegate an agency under their own law, they can do that. If they wanted to delegate another agency to deliver their services under their law, they can do that. What the coordination agreement is, is a mechanism to have that administrative conversation, to transfer the current process of doing business to the new process of doing business as defined by the First Nation. So it is more of a transitional agreement that allows for that, those steps to happen, so that at the end state whatever the First Nation envisions as the end process, that gets gotten to. And the coordination agreement is the process through which we go from where we are right now, to that and what that looks like, the Nation can define. It can have it’s own delegated agency. It can have it’s own service provider. It can delegate another agency that is totally up to the Nation.**

**2:16:11 Chairperson Dean Janvier: Okay, thank you for your question. We have a, the lady here in the middle.**

**2:16:14 Koren Lightning-Earle: Hi, two points, the first.**

**2:16:17 Chairperson Dean Janvier: Could I ask you to please state your name, and where you’re from? Thank you.**

**2:16:21 Koren Lightning-Earle Then you’ll know who I am. I’m Koren Lightning-Earle, who should I say I’m here with? I’m with Kasohkowew Child Wellness Society. And Enoch, and Wahkohtowin Lodge. So two things, with the coordination agreements, can you confirm that the First Nations can create their, as long as they’ve shown reasonable efforts to coordinate with the Province, that, and if the Province doesn’t come to the table they can continue. Like, Quebec’s not going to anybody’s table. Just to confirm that. If the Province doesn’t come to the table, and they have made reasonable efforts, they can still move forward with creating their law, even if the Provinces choose not to come to the table, and it’ll still have the same force and effect as the Federal law? And then second, what I think Miss Hill was trying to talk about was that, who is going to enforce those courts to abide by the Nation laws. Like in the States, with Nikawa, they have court reporters that go and report on the courts on who is following Nikawa law and who is not following Nikawa law and that’s reported back to the National Indian Child Welfare Association. And there is nothing like that in Alberta because there are cases, there’s a case here in Calgary which will be going to court soon, I think the trial is some, maybe it was this week or next week, where there is a judge asking for the constitutionality of Bill C-92, and it’s just that, it’s not existed, Provincial Court. So like what you, like what Indigenous Affairs did with matrimonial property and some of the land management, they created an organization to support Nations to create these resources. Are they thinking of doing something similar like that, so that there is something like, what you created with the matrimonial property, with that whole group that they did.**

**2:18:11 Marcus Leonard: Great, thank you for that. So to, to, there’s, your question is, is three folds. I’ll, I’ll answer the, the first part. So, the act was built in order to provide for the same status for the laws of Indigenous groups, that are faced with a scenario that the Province does not come to the table. So that is clear. You have to make the request to both parties, but should one of them not show up, your laws will still prevail twelve months after. Then, when it comes to making sure courts are enforcing Indigenous laws, again this is why, coz the act has to be interpreted in it’s whole, so you have the party status provisions that is there, and you have the right to make representation, so whoever believes that the law is not being followed can actually, based on C-92, say you are in the wrong. So with, there’s no official process right now, should there be one, should there be one created by regulation, open to that conversation, but at this point in time, we’re really relying on the Nations to make sure that their laws are being followed. So that is the second part of your question, and for the institution, again, now I’m here explaining the act and what it does, and what it does not do, but there is an additional step we need to take and we need to have the conversation on, again, how can we successfully implement this Act. What are the tools that are needed that can help you and that could help kind of oversee it’s implementation. Did we hear that there’s a need for an institution, certainly. How that would look like though, we were far from having consensus across the board. There is some frustrations with the existing models, so we are open to having these conversations and there are some sort of transitional committees that will be put in place. That will gather regional inputs, as well as national, and we can have these conversations to see, is there a need for an institution, if so, what would that look like? And also is there a need for regulations and if so, what would that cover? So we are open to having these conversation, should let say some processes are needed in order to kind of make sure laws are respected or whatever. But we didn’t wanna impose.**

**(speaking off-mic)**

**2:20:55 Marcus Leonard: So.**

**(speaking off-mic)**

**2:2105 Marcus Leonard: So we did, prior to January 1st, we did have a conversation and a, and a technical briefing with the Canadian Bar Association, and we. No, I know, but they are greatly involved in the judicial system, as you know, and we did have.**

**(speaking off-mic)**

**2:21:26 Marcus Leonard: Yeah. We did send the technical information package to the legal, including the judiciary associations, prior to January 1st, so they did get the technical information package. And then again, but that, that was our, the training was limited to that. To my understanding. But I, I get your point, that additional training would be needed.**

**(speaking off-mic)**

**2:21:54 Marcus Leonard: Okay.**

**2:21:57 Koren Lightning-Earle: The Judiciary has no training and the Alberta Provincial Judges have request, like they have no training and they’re requesting training. So, to their knowledge they, we haven’t, they, what they hear is, they, like there’s no technical package they’ve received.**

**2:22:15 Marcus Leonard: Okay. Thank you.**

**2:22:16 Chairperson Dean Janvier: Okay we have one question here, then we have one question at the back. And we have one question up at the front. Go ahead.**

**2:22:23 Monique Letendre: Okay, I think that. I think you kinda, oh sorry. My name is Monique Letendre from Alexis Nakota Sioux Nation. I think the discussion that just happened here kinda answered mine, where my original statement that the courts can define what best interest of the child is, or re-made reasonable efforts, like, that was my question. If our laws prevail could the government still go to court, and yeah, we can, right? I mean, they can.**

**2:22:52 Marcus Leonard: They could but then your definition would, would prevail.**

**2:22:55 Monique Letendre: Depending on how the court defines it though, and then how the court defines it is going to set precedents.**

**2:23:00 Marcus Leonard: I can’t, I can’t talk on behalf of the judiciary.**

**2:23:03 Monique Letendre: You, you know. Something to keep in mind, right?**

**2:23:12 Chairperson Dean Janvier: Uh, no, over here in the middle. At the back.**

**2:23:15 Marcus Leonard: And I’m just wary of time though to, like it’s fine, I don’t know how, and I’m gonna leave it up to you, we have fifteen minutes left. You guys have the, the, the PowerPoint. It’s pretty self-explanatory. I think maybe it’s best we keep on doing that interaction and we keep on answering questions, up to 11:30. And that will be it for the presentation, I just wanna make sure, just flag that where we’re close to the end of, of my time. So let’s, if everybody agrees, let’s keep on doing these Q’s and A’s, and comments, but I will not have the time to finish the presentation. Okay.**

**2:23:56 Kaia Lamothe: Thank you, my name is Kaia Lamothe, I’m with North Peace Tribal Council. Just here for information purposes, not representing our leadership at all. Again, for information. Just a question, clarification regarding, just to take a step back, Sections 18 and 19 under jurisdiction, affirming the inherent right of self-government. We all know the 1995 federal self-government policy and what that’s about, and we know the process is based on negotiation, and it’s based on ratification on both sides. So something here has been ratified already in parliament. Now when our communities create their own law, is that ratifying a self-government agreement on our side? Are we subjecting ourselves to the primacy of the Crown and Crown sovereignty? Thank you.**

**2:24:56 Marcus Leonard: So very, very good question. When it comes to, I’m not too sure, where you’re, you’re, you’re head, or you’re heading with that question, but the, so there’s two ways. There’s, so with regards to, like let’s say First Nations ratification of the agreement, is that where you’re talking about, or are you talking about our internal ratification of it?**

**(speaking off-mic)**

**2:25:22 Marcus Leonard: The Act, yes.**

**(speaking off-mic)**

**2:25:35 Kaia Lamothe (continuing on-mic): being implemented in a backward. That’s what it looks like to me. Now, it’s, it’s process. So there is now consultation, nor negotiation up front with Indigenous Peoples, communities, groups. It was done through the AFN. And in Alberta, a number of our Nations are not even part of the AFN. There’s some issues there that need to be put on the table and talked about, and you know, the implications need to be clearly understood that it looks as though, on the Federal Government side, they’ve already ratified and implemented something. Numerous terms and conditions. Now when we go ahead and, at our community level, create our own law and ratify that through a referendum or whatever the process is, my question is, what is Canada’s position on that. Are we bending the knee to Canadians own sovereignty?**

**2:26:43 Marcus Leonard: Okay, but it, but what I wanna say is, so the Act is, is a framework, but again, so you go ahead, you do your ratification or your referendum or your approval of your laws the way you wanna do them, that’s fine. But again, the, the Act is not a pre-negotiated self-government agreement. We don’t know what are gonna be in these coordination agreements. And depending on the models that are being presented and the needs of the communities, this will really, there’s no template of a coordination agreement. It’s gonna vary depending on what the Nations want. And so because of that, we don’t have a blank slate internally, and we’re gonna have, we’re gonna have our own internal requirements to, to have that approved as well, because it’s not a blank slate. And, the content of these coordination agreements were not predefined. They will be defined based on what the communities are coming forward to do. And I just wanna state, the Indigenous governing body that will exercise jurisdiction, it is up to the Nations choosing. It, it is not, so the communities, or the Treaty Nations or the communities are best placed to determine how they wanna move forward with this. And so based on that, they will come forward with their views of the models and we’re gonna have a coordination agreement with them. Not with AFN. So just to clarify that.**

**2:28:07 Kaia Lamothe: Okay thank you for your statement, very much, and for taking the tough questions up there. Appreciate it. So I would also however, just like to state that you haven’t answered my question, so I’m just gonna leave it at that. And I would also like to state that there are numerous First Nations that have objected to the entire process and they’re completely being ignored, and their children and families are being ignored, so that’s my final statement on the matter. Thank you.**

**2:28:32 Malcolm Johannesen: And I, I think it’s, it’s, it’s important to, to note two things. Because I don’t wanna debate your point around consultation and such because that hasn’t taken place, there was, for Treaty 8 First Nations, Treaty 8 First Nations of Alberta did set up, I think a three-day session in the summer of 2018, prior to the Minister coming to visit, to have conversations around this concept. The other thing that I think is, is important to touch on is this is just one option. This isn’t a binding thing that First Nations have to go through, this is an optional thing. If you want to use what the Act provides to exercise jurisdiction, a Nation can choose to do that. Or a Nation could choose to leave this on the table and say we don’t agree with the principles of it and we’re gonna go through another avenue. That, a Nation can choose to do as well. Whether it be through a Treaty based funding agreement, whether it be through another approach. They can go through that process. What this is is one option, that opens a door a certain way. Nations are not obligated to walk through that door.**

**2:29:41 Marcus Leonard: So I know it’s twenty-five, so maybe just the last questions and then that’s it.**

**2:29:48 Chairperson Dean Janvier: Okay we have a, we have several questions. We have one more question at the back. And then we have three questions here at the front.**

**2:29:59 Marcel Weasel Head: Yeah, thank you. Quick question there.**

**2:30:00 Chairperson Dean Janvier: And then one more on this side. Four questions at the front.**

**2:30:03 Marcus Leonard: Yeah.**

**2:30:04 Marcel Weasel Head: Yeah, my name is Marcel Weasel Head, a member of Blood Tribe, Chief and Council. The question that I have is regarding liability within the Tribe and leadership.**

**2:30:18 Marcus Leonard: So, I, I take your question to be around liability issues? Again, by exercising, by exercising jurisdiction comes a big responsibility. And I know groups are aware of that, and, and we were told that numerous times. That’s why we made sure there was a transition process in place and all liability issues would be dealt with in the coordination agreement. This is a very important transitional issue that needs to be resolved based on conversations.**

**2:30:52 Chairperson Dean Janvier: Okay, we have four questions at the front. We may not get through all of the questions by 11:30, at that time we’re gonna be asking our representative from Alberta to come up. However, I will remind you that there is a break out room right across the hall, where you can meet with these gentlemen and have further conversations over today and tomorrow. So, if we don’t get to all the questions this morning, then, then I would ask you to follow up there. Please go ahead Mister Jackson.**

**2:31:21 Leonard Jackson: Again good morning. Two quick questions. Number one, the legislation as it is, it is a standalone? If so, can you please tell the people exactly what this means, because I know back in 2018, then Minister or, sorry Attorney General Jody Wilson-Reybould did announce a major overhaul in the family law legislation, and this was part of the discussion going forward, which is a blanket piece of legislation that deals with certain acts within that legislation that is going to have an impact on the very people that sit here. That’s one question. Is it a standalone.**

**2:32:08 Marcus Leonard: Can I, can I answer, yeah, can I answer it right away?**

**2:32:09 Leonard Jackson: No. Hang on. Before you, I lose my train of thought, again, coordination agreements. I’ve heard so much about coordination agreements, I don’t know what the heck they are, what they mean, are they predetermined, who controls them, is it you, is it the Province, a combination of both. Like, tell us, who is, what is this? Where is it? What, what can I, where can I get my hands on it so that I can ring the neck.**

**2:32:41 Marcus Leonard: Okay. So quickly is, is the legislation stand alone, no. Of course Canada has committed to a broader reform of child and family services through six points of actions. One of them was to establish a legislation that would set minimum standards and allow for the exercise of jurisdiction. There are other points of actions however that Canada keep working on. Such as the data strategy, right? Making sure that all Indigenous groups have access to the information with regards to their children, so there are, there is a bitter, a bigger picture to this, it’s not standalone, and as I mentioned, it is a first step towards reform. It is not a complete solution. The full reform will, will be successful when we can all put our mind to it and see how it can best be done. But this is just a first step, and it’s not a standalone. Yes.**

**(speaking off-mic)**

**2:33:52 Leonard Jackson: Everybody heard, this is not a standalone process. So the whole broader picture under the family law legislation has an impact going forward. Again, coordination agreements, quickly. I’ve given you two minutes.**

**2:34:06 Marcus Leonard: Yeah, sorry. The coordination agreements, I’ve touched upon it a little bit earlier, we didn’t write a coordination agreement. So that’s an agreement, so it’s a, it’s a, it’s a contract that, that three parties will discuss. The Indigenous group, so whoever wants to take on that jurisdiction, so should it be, because it could be Treaty 7 as a whole for all their Nations. They could be mandated to do that. But it could be the Nation itself. Like a specific Nation. And so that’s up for the groups to determine how they wanna move forward. That group is part of that agreement, with the Province, and Canada. So these are the parties to it. What the coordination agreement look like, there’s no model. We don’t have a template, because that’s gonna change depending on what you want. It’s gonna change depending on what each groups want. And it’s gonna be modeled in accordance with the wish and desires of, so I have nothing to show for it because we did not create a template for these coordination agreements. They will be built once we start having these conversation as three parties and see what are needed in there and how can we best transition. It’s really that. Coordination is to coordinate the transition from one system to yours. That’s what it is, but there’s no template, so you can’t shape something or, yeah.**

**2:35:31 Chairperson Dean Janvier: Okay thank you for those questions Leonard. Over to Gwen.**

**2:35:35 Name Withheld: Good morning. I just have a statement that I just need to correct on what you just said.**

**2:35:40 Chairperson Dean Janvier: Oh, Gwen. Can you just for the record, state.**

**2:35:43 Name Withheld: No, I don’t feel comfortable, I just feel like this is a check box process, similar to the rights and recognition things. I just wanna clarify, on Treaty 8 meeting, that was not consultation, nor, and they made that very clear at that meeting that it was not consultation. Even though their numbers are in the reports, stating that, it wasn’t deemed consultation for the Chiefs and the people in attendance there, and they will be working on some of these things, but I just wanted to make sure that you’re not using Treaty 8’s information, numbers, even though I know they’re in those reports, but I just feel that this process, like I said, is a check box process that’s similar to the rights and recognition, the exploratory tables, you’re coming here to check a box, seeing what the Nations wanna do and then you’re gonna limit somehow, either through your policy boxes, or your fiscal arrangements in all these things, so I just wanted to put that out there that it was not deemed consultation.**

**2:36:54 Marcus Leonard: Thank you, and again, as was said during the previous meetings when we did engage on the act, it’s not seen as consultation. We’re not even portraying it that way. The report you’re mentioning is really a list of who we talked to, so it was not consultation but engagement. And today what we’re doing is, and today and tomorrow, it’s really just, this is a first conversation. This is to, first of all, we needed to, I needed to hear everything you had to say and I needed to present the Act and what it does and what it doesn’t do. But it’s just a beginning. There’s gonna be some transitional transitional committees that will be put in place, in which everybody, or, will have a voice on the regional level. And so that’s just the beginning of the conversation, and it’s not perceived as consultation for sure, and happy to put that on the record.**

**2:37:49 Chairperson Dean Janvier: Okay, one more question here at the front.**

**2:37:53 Myrna Rabbit: Good morning. My name is Myrna Rabbit and I’m from the Paul First Nation. I just have a quick (audio briefly cuts out) we were having a little discussion here in regards to this Section 20, in regards to creating our laws for our own communities and, wouldn’t this cause conflict, because if every Nation were to create their own laws and because we have, within the communities we have other members from different communities, so wouldn’t this create some sort of conflict, I don’t know, maybe this would be my question to my fellow First Nations. So it’s like a, a dual citizenship amongst our children, within our communities. Creating this, creating our laws. I think it’s. It’s questioned that we kinda had here. Is it, I think it’s gonna create some conflict.**

**2:38:58 Marcus Leonard: So I’m, I think what you’re calling conflict is really maybe complexities? Will there be complexities in, in the process? For sure. It’s not an easy thing to transfer jurisdiction. But it is a necessary thing. So these conversations need to take place, and your own laws can cover your members,, and they need to be, when you create your laws, you need to be clear as to what your vision is as to who it, it, it would include. Right? And as part of these coordination agreement discussions, that’s why it, it’s so important that your vision is a little, is, is clear when we get in these discussions because we need to see. So let’s say you wanna cover these and these peoples, then how does that look like on the ground, right? So it could mean that the province is no longer providing services to these children. But we need to make that clear, right?**

**2:39:55 Chairperson Dean Janvier: Okay, well I wanna thank you for your time and your presentation this morning. This morning they’ve been presenting from this document here, which is available to all of you. It’s called the Introduction to the Act Respecting First Nations, Inuit and Metis Children, Youth and Families. There’s a few more information slides that were not gone through this morning due to time constraint of this morning. However, in the interest of staying with the agenda, we’ve invited our representative from Alberta Child and Family Services, Miss Gloria if she, if she could introduce herself and make her presentation. And then what we can do is later on today, these gentlemen will still be here, if there are further questions and comments that you have after lunch, we can raise them then. So, the conversation will continue on. Okay, so but for now we’ll welcome our representative from the Government of Alberta, thank you.**

**2:41:05 Gloria Iatridis: So good morning everyone. My name is Gloria Iatridis, I am the Assistant Deputy Minister of Policy, Innovation and Indigenous Connections with the Province, Children’s Services. I wanna start by just acknowledging that we are on Treaty 7 territory. I always enjoy coming south and, and seeing everyone. I also wanna just say thank you to Elder Dianne for the wonderful prayer this morning and also just to say that yes indeed this is very difficult work and, but it definitely shows the commitment of everyone for being here today to have this conversation. I also wanna thank Bobbi for reaching out to me and asking if I could come and share a bit of an update on where the Province is at with Bill C-92. And I do wanna reiterate and I know there are many, many questions, and we have questions too, so I think the important thing today is that we’re all here to have this conversation and to clarify the questions that people have. So I might not have all the answers, but I will definitely take all the concerns back to the Province and, and provide more information at a later date if I can’t answer some of your questions. And I don’t believe I provided copies of this PowerPoint, but I have given an electronic copy to the organizers, and they will make sure that everyone has a copy of the presentation after the meeting today. So I’m also going to apologize now because some of the information that I’m going to provide will be repetitive from what you’ve hear earlier around the act, but I do wanna set the context a bit before I give the update on where the Province is at. So my presentation today will provide you with a quick reminder of the key components of the Federal Act, it’s purpose and highlight the principles as they relate to the work that we do in Children’s Services. I will also focus some time on the minimum national standards and what our Ministry has done to prepare and explain hour our processes and legislation meet those standards. And I will then provide you with a quick update on where we are at with the overall coordination agreement process. So as you all know, the federal act was passed into law on June 21st, 2019 and came into force on January 1st, 2020 and that’s important because it’s already in effect. Especially in regards to the minimum standards. So the Federal Act also speaks to the jurisdiction of all Indigenous People with regards to child and family services. And it applies to the delivery of services specifically for Indigenous children and families, and includes prevention, early intervention, and child protection services. The federal act also establishes those national principles and minimum standards that are required of any service provider who is currently delivering child and family services. When we look at the Act, we’ve distinguished into three main parts. The interpretation and purpose of the federal act, the minimum standards themselves, and the authority and the laws of Indigenous groups. And I will provide you an update from the Province on where we are at with both the minimum standards, and with the coordination agreement process. So I just wanna go back to the original purpose and I think Marcus had spoken to it a bit earlier and the purpose of the act is it relates to the United Nations Declaration on the Rights of Indigenous People, and how it also relates to the calls to action from the Truth and Reconciliation commission and the Murdered and Missing Indigenous Women and Girls report. I think it’s important to go back to those pieces of information and, and remind ourselves of why we’re moving forward with this legislation. So, you’ll likely recall that the first five calls to action made by the Truth and Reconciliation commission are regarding child welfare. And they speak to providing adequate resources to keep Indigenous families together, where safe to do so. And to keep children in culturally appropriate environments. They speak to appropriate training for agency workers, especially when working with Indigenous families. It speaks to establishing national child welfare standards for Indigenous children, including the ability to establish their own agencies and prioritize in culturally appropriate placements. And, and that was that specifically was part of why there was a need to develop the national standards that we are discussing today. Under the Murdered and Missing Indigenous Women and Girls Report, and the calls to action, it speaks to the recognition of Indigenous jurisdiction, self-determination in child welfare, allowing Indigenous communities control over service delivery, applying and Indigenous definition of best interest, prohibiting taking children into care on the basis of poverty, prioritizing culturally appropriate placements and services. So this is just a quick overview of some of the, the calls to actions in those reports that has led to some of the work that we’re doing right now. There is currently strong alignment between the principles of the Federal Act to the guiding principles currently embedded in our Ministry’s Child, Youth and Family Enhancement Act. As well we find that there is general alignment between the factors to be considered in the Federal Act. And the matters to be considered in the, in the Provinces Act. And some of you may recall in February of 2019, our Ministry passed Bill 22, which came into effect and added some guiding principles, matters to be considered, and a number of other changes to the Child, Youth ad Family Enhancement Act. Also, some more enhancements around providing notice. So as of January 1st, 2020, minimum national standards apply for all Indigenous child and family services, regardless of the service deliverer. And it refers to Sections 11 through 17 of the Federal Act and it’s related to things like notice, representation, and party status. Priority to preventative care, socio-economic conditions, priority placement, attachment and emotional ties. So the Federal Act is aligned with our Child, Youth, Family Enhancement Act and our processes, and our legislation, generally meet the minimum requirements. So since this portion, the minimum standards came into effect on January 1st, 2020, it was important for us to build better awareness with our staff, within the Ministry, and so over the last few months we have been doing a number of things. All our children’s services staff were made aware of the Federal Act when it came into effect. Early in January our Deputy Minister did send out an email with more information for staff ensuring that they knew that the Act came into effect. It also provided them with a heads up that our Ministry was going to be providing training and that it, it was a mandatory requirement that all staff participate. The child intervention staff participated in a policy to practice information session on January 30th, to learn more about the Federal Acts, the principles and minimum national standards, and to continue to talk about the, the process. We didn’t host the session earlier because we were waiting on required information from the technical meeting with the Federal Government on January 23rd and 24th. We also, in order to make sure that our staff are aware, and we know that there’s still lots of questions, especially around how you interpret certain sections and how do you define things. We’ve set up a, a special email address within our Ministry for our staff to be able to send their questions and we are making it a priority to make sure that we respond to their questions as soon as possible. We’re also regularly connecting with Indigenous Services Canada and other provinces and territories to seek clarity on the interpretation of the Act, especially in regards to definition and the minimum standards. And I know earlier there was a comment made around the courts defining those definitions and I do think that this important because, you know, the minimum standards are in effect now. And there are some lack of clarity around some of the terminology and the sooner we can get that addressed the better. So, that’s kind of where we’re at with the, the minimum standards. I do wanna quickly speak to the coordination agreement process. And just provide you with a bit of an update on some of the discussions we’ve been having at the Ministry. So my Minister, Minister Schultz, has met with numerous First Nations and Metis over the last six months to discuss C-92 and other topics of interest by particular Nations. Alberta has not received official notice from any Indigenous governing body under Section 21, nor has Alberta received a request from an Indigenous governing body to enter into any coordination agreements. So we haven’t received any formal notices. I do have noted on the PowerPoint, Cowessess First Nation from Saskatchewan. It’s my understanding that they have given notice to the Federal Government. And they are in the process of ratifying their laws with the member in their Nation. Once they are done that, it is my understanding that they will want to enter into negotiations on a coordination agreement with several provinces, including Alberta. An interestingly enough, I did have in December, the opportunity to meet with Cowessess First Nation and my Minister and they shared with us that they are modeling their laws off of Alberta’s Child, Youth, Family Enhancement Act and they do, and that is one of the reasons why they came to us, to have a conversation around whether or not we would support a partnership. So Children’s Services is still unclear about the process that is going to be established, to vet and determine who is an Indigenous governance body and we’re still unclear around the process for a coordination agreement. But we are aware that the Federal Government has a public site, or you’re working on a public site. Website, and we’re looking forward to getting more information on that as well.**

**2:54:11 Chairperson Dean Janvier: Okay before we move on, we have one question over here.**

**2:54:19 Crystal Hill: Hello. Crystal Hill again. I just have a quick question regarding notice for, let’s say hypothetically, Ermineskin Cree Nation comes forward and serves the Province and the Feds notice of Indigenous governing body. Are you, what is the messaging out there, how is this going to, sorry, I wrote this down. I’m just gonna look at it. Hold on. So how is this going to impact the courts and the go forward? So, in terms of notification and bringing the First Nation to, let’s say, those court matters and those cases, specific cases in that time of, well we’re not necessarily in the coordination agreement, just the Indigenous governance body. It’s kinda fully loaded.**

**2:55:22 Marcus Leonard: So I’ll, I’ll take a first crack, at, at, at answering. So as was mentioned, we are working on establishing a web page that will list all known Indigenous governing bodies. Just to make it easier for the service providers. As to whom they should provide notice to, and also its gonna probably be helpful for the courts to know who has been acting, or who is acting as an Indigenous governing body and for which child. So we are working on that. And to, coz, so that’s kind of the.**

**2:56:06 Crystal Hill: That part.**

**2:56:07 Marcus Leonard: Coz there’s multiple, yeah.**

**2:56:08 Crystal Hill: Yeah, there’s, there’s different areas.**

**2:56:11 Marcus Leonard: That’s it, so if you’re talking about Section 12, and receiving notice of, like, significant measures, you could send a letter to Canada and the Province already stating that this is the Indigenous governing body that should receive the Section 12 notice. That can be done, again, that would be posted on the website moving forward. And that can be done as of right now, and for the process of providing notice under, to exercise jurisdiction, I know in the technical information package, at page 25 we have all the information, well maybe it’s, it’s no longer 25, but, there is a list of, or how you can send your notice, to whom you may send it. And where I would turn over to, to our counterparts is, I’m not, so we’re suggesting you contact the department, I don’t know where they wanna receive their.**

**2:57:03 Crystal Hill: I think, yeah, I think we’ve established that quite clear, my understanding is clear there. Where I’m finding ambiguity is in the Provincial piece and that aspect of things. So what is the practice measures that are going to be taking place with First Nations who identify the Indigenous governance body, such, let’s say hypothetically, Ermineskin Cree Nation, and how are, how is the Ministry supporting both non-delegated First Nations and delegated First Nations in the go forward? When Indigenous governance bodies have been identified and notice has been given forward to the Province of Alberta. That’s my question, sorry.**

**2:57:40 Gloria Iatridis: Yeah, it, it is my understanding that the first point of contact is the Federal Government and they determine who is an Indigenous governance body, correct me if I’m wrong.**

**2:57:50 Marcus Leonard: So, for, I would suggest that what is done first is that you both let Canada know and the Province, that for Ermineskin, this will be the Indigenous governing body that should receive a Section 12 notice. And then as mentioned, we are building the website that’s gonna list all that, and that will be followed by the Province when they have to apply the minimum standards. So, so that’s what is envisioned, but as soon as an Indigenous governing body has been mandated to receive these notices, it is binding on, on, on the Province to, to serve notice.**

**2:58:30 Crystal Hill: So the Province does not have a defined service delivery, or practice measures in place and how there’s gonna support non-delegated and delegated First Nations going forward once this is established, right? So you’re not there yet, is what you’re saying?**

**2:58:45 Gloria Iatridis: Yeah. Go ahead.**

**2:58:48 Malcolm Johannessen: I, I think one of the things that, sometimes we get caught up in delegated/non-delegated. This applies to all on and off reserve children, and so like a delegated agencies, it’s ability to, to effect change stops at the border of the Nation. So I think it’s important to just make that distinction that with this, this minimum principles that applies to all Indigenous children, regardless if they’re on or off reserve, so if they’re in the care of the Province off-reserve, regardless if they’re a delegated or a non-delegated Nation, the Nation can provide notice to both governments saying this is the Indigenous governing body, or this is the point of contact for which we should be notified for all our children.**

**2:59:30 Crystal Hill: Thanks for clarifying that. I just need to establish that there’s no set practice measures in place on how they’re gonna support First Nations as we start rolling out our identification of our Indigenous governing body. That’s what I’m trying to establish.**

**2:59:44 Gloria Iatridis: Yeah, and I think the reason that there isn’t a set process in place is based on what Malcolm said earlier, that each Nation will be different, and each Nation will come forward with different needs and that’s part of the negotiation process and we wanna be as responsive as we can possibly be, but we, if we set the process without knowing what your needs are, then it would be really difficult for, for us to work together. So each individual Nation will come forward when they’re ready, and we will discuss that.**

**3:00:20 Chairperson Dean Janvier: Okay I see five questions out there right now. It’s 11:53, so I’m gonna ask Gloria if she could, if you guys could hold on to those questions for a minute, and ask Gloria to finish her presentation, and then we’ll go straight to your questions.**

**3:00:36 Gloria Iatridis: Thank you, I just have a few more slides. So I just want to speak to the ongoing work and just reference, you know, over the last ten years, our child intervention practice in Alberta has been shifting. We know that we need to do more, we need to keep implementing changes to increase cultural connections and reduce the number of Indigenous children in care. This work that we’ve been doing also includes changes with the introduction of child intervention practice framework that really includes new tools, policy practice, and legislative changes. And we know that C-92 is strongly aligned right now with Child, Youth, Family Enhancement Act and we, we will continue to work with the delegated First Nation agencies and all First Nations, the non-delegated as well, to deliver services and to continue to build stronger alignment. There definitely is a need to continue to work together and to build capacity and to improve services for indigenous children and families. So I do want to just say that I know, and you probably already know, that our premier is meeting with your First Nation Chiefs on Wednesday to have a conversation about a number of things. And you know, we hope that that conversation will continue to take place. Just to summarize, the new C-92 Principles in Minimum Standards for Indigenous Children are being applied in Alberta and I know that there’s still some clarity required around definitions and practice, and we’ll continue to be working with others to put it in place. Children’s Services will continue to request clarity from Indigenous Services Canada on the coordination agreements and the inter, the Indigenous governance bodies and when we do receive a notice from an IGB we will determine the next steps required to move forward. And Children’s Services is committed to continuing to work together to continue to build capacity and to share information and if, I know this a short presentation, and a short time to have a conversation from a provincial perspective, but I do want to reiterate that you know, we’re always available if you want to have an individual conversation. You can reach out to me, you can reach out to my Minister’s office, and we’re always open to conversation. So thank you.**

**3:03:20 Chairperson Dean Janvier: Okay, thank you. We have a question from Mr. Paul, then we have three questions in the middle, and then Mr. Jackson.**

**3:03:29 Renny Paul: Hello. If I say my name I’m going to deny owing anybody money if they come and ask. Renny Paul, technical Elder, Alexander. Couple of things come up and now it, it, the question’s come up because of what Gloria presented on a couple of issues. But I think more than anything, the, because of the ambiguity, the uncertainty, and the gaps in existing legislation, your, your C-92. There’s so much unknown and if we’re looking at dealing with issues around the coordination agreement you say you don’t have yet, the question that I have is if, when we go back and we go back to our community and report to our Kookums and our leaders that this is what it’s all about. Our Kookums, as I mentioned before, have always had that authority to take care of a child. And, and, and, and the way that they’ve done that. So, if we develop our Kookums law, I don’t like some of the words you put up there, not, both, both Alberta and Canada. I’m not happy with some of the words you put up there. Exercising, it’s like, almost a, some form of delegation of authority. That’s kind of offensive. I, I think more than anything it’s about recognizing what our authority, our sovereignty and our jurisdictions all about. So when we get to a coordination agreement, that you put up on there, and by the way, this is another thing that Alexander is happy or accepting C-92. We’re still opposed to it. In, in, in, in every sense. But as an, as for example, if we put up to start discussions with you, both of you on a coordination agreement, and it’s principled on our Kookums law, if our Kookum’s law is very clear and specific in what they, they, they, want included in that law, if we entered into coordination agreement, is there, is there an opportunity where Alberta and Canada are gonna be, I’m not, object to what is included in that law, or is the coordination agreement gonna say, you find something offensive in our Kookum’s law. Is there going to be a, a point where you’re going to exercise your authority and say no we can’t enter into these discussions and we can’t give you, we can’t give you the, recognition on your jurisdiction, your authority and on your Kookum’s law. Because when I look, what I’m seeing here, what I’m reading is don’t comply, if we don’t hit that minimum standard or knowing full well we’ve exceeded minimum standard, are you guys gonna say no we can’t, we can’t enter into these discussions with you.**

**3:06:40 Chairperson Dean Janvier: Okay, in the interest of time I’m gonna ask if we can get the other four questions out, and then I’m gonna ask you to respond to all the question. Next question, the lady in the red. Isn’t that a song? The lady in red?**

**3:07:00 Connie Fox: What? What do you wanna hear? My name’s Connie Fox, I’m the manager for Blood Tribe Child Protection Services. I thank you all for your presentation. My question is to Alberta. Alberta and Canada have recognized Bill C-92 as presented here today. Sections 11 through to 19. Prior to January 1st, off-reserve children under the Family Law Act, under the old Family Law Act, non-Nation members were making application for private guardianship of our children. Delegated First Nations took position for those children, with the support of our leadership. Because of the band council resolution that stated there was a moratorium on private guardianship and adoption. So largely delegated First Nations have paid the cost of those legal fees for those off-reserve children, so my question to Alberta is, given Bill C-92 and Section 11 of Bill C-92, can I now invoice the province back as of January 1st for those cases where we’re still in court?**

**3:08:18 Chairperson Dean Janvier: Okay, thank you. We had another question here at the middle table and then one more over there, and then Mister Jackson. In the middle table, the lady in the green. Yeah. And then there was a lady over here.**

**3:08:30 Unnamed Female Speaker: I’m the lady in green. Just to clarify for Alberta, Indigenous governing bodies, I’ve heard that Alberta’s says that they’re, they don’t understand what Indigenous governing bodies is several times this week. But, so just on page 7 of the INAC package it does say what an Indigenous governing body is. So it could be a Band Council, it could be Metis Nation, it could be Inuit Land Claim organization. So there is Indigenous governing bodies in Alberta and there are representatives in this room of Indigenous governing bodies. So I just wanna clarify that for the record that ISC does define it.**

**3:09:09 Chairperson Dean Janvier: Thank you. We had one more question over here.**

**3:09:14 Jamie Springchief: Yeah, I just have a question, my name is Jamie Springchief. It’s a little bit back and forth and I just have a little bit of confusion that these agreements are to the Province and to the Federal Government. But whereas I see the Government of Alberta as the same as us except you already have your own legislation. We are gonna implement our own if we express intent. So, that’s confusing because of the things that are, the comments that are going back and forth but the second part is, in these contribution, or these, these agreements, these binding agreements, is that for services also, such as CCO, the database. The advocate. All these other services that, that we utilize under the current Province of Alberta. Will those be negotiated in those agreements, or will be, will be allowed to have our own?**

**3:10:11 Chairperson Dean Janvier: Okay, thank you and Mister Jackson here at the front.**

**3:10:24 Leonard Jackson: My question is to both, Marcus and Gloria, a lot of talk on the legislation piece. I wanna talk policy for a moment. Because policy feeds into legislation. And right now as we speak, what the Province does, the Federal Government will realign it’s policy pieces in terms of administering certain social services on reserve. Okay? What does that mean in terms of policy going forward, and does the admin reform agreement continue to play havoc on reserve in terms of delivering the service because that basically dictates what service you will get while you’re on reserve and what services you will receive while off reserve, meanwhile the two levels of government are reimbursing each other based on the amount of dollars that they expend on the Indigenous people. I want a response to that before I go further.**

**3:11:45 Chairperson Dean Janvier: Do you guys wanna go ahead and respond here?**

**3:11:50 Malcolm Johannesen: So, the Provincial policy in terms of this, this supersedes Provincial policy and Provincial legislation. So the reason the Federal Government.**

**3:12:00 Leonard Jackson: Can you repeat that please.**

**3:12:02 Malcolm Johannesen: For, the reason for, that the Federal Government adjusts the Provincial policy, is because as you pointed out before, the laws of general applicability. But, because there were no federally, federal laws around social services, this is a federal law around child, family services. So it supersedes the others. So the Province can change it’s policy, which will have, if it, it it doesn’t meet the minimum principles, in here, these supersede it. If you, an Indigenous community makes it’s own laws, those laws take primacy over Federal and Provincial laws anyways.**

**3:12:40 Leonard Jackson: But we had our own.**

**3:12:40 Malcolm Johannesen: So the admin reform agreement has no play in it, because the admin reform agreement, Canada only reimburses for those children that have a service provided directly by the Province for those Nations that are not delegated. Canada provides no reimbursement for Children that are not at a non-delegated Nation.**

**3:13:00 Leonard Jackson: You know, if we were continued to thrive as the real First People of this land, and if the government didn’t decimate our way of life, our governance systems, and if there wasn’t a Treaty, you or you would not be sitting here. And so for you to say that there was no law in place or the Federal Government could only do what the Province required, like, that’s ludicrous, because it, the Treaty was there first. Under that Treaty, the Federal Government has obligations to the First Nation people of this land. The original people of this land. And if you’re saying that the admin reform agreement does not apply, I wanna thank you wholeheartedly and I hope Gloria, that you’re listened, going forward, I’m gonna give you heads up, I wanna thank off, out of the box. This is Leonard Jackson, Saddle Lake Cree.**

**3:14:05 Chairperson Dean Janvier: Okay, thank you Leonard. So if we could have the answers to the other four questions please, and then we’ll be breaking for lunch, lunch is ready, so. Thank you. Thank you all for your questions.**

**3:14:18 Gloria Iatridis: So I, I’m going to start answering all four and I’ll just come back to the first one around whether or not the Province agreed with particular coordination agreement. It, it doesn’t matter because under the Act, if Nation makes a reasonable effort to negotiate a coordination agreement, and your laws are going to become in effect anyway after twelve months. If the Province doesn’t enter into a coordination agreement, your laws will still apply. And that’s laid out in C-92 and correct me if I’m, I’m. So the Province can’t stop anything because we haven’t signed a coordination agreement. Just to go back to Connie, I’m probably gonna get more details from you, I will take your question back and see what, you know, given C-92, and the cost that you’ve incurred, for sure I’ll take that back and funnel through it the right people in our, I don’t have an answer for you right now. But definitely I will get more details from you and bring it back to the Province. I’m just trying to figure out. Question three. And I just wanted to thank your, the lady who clarified that in the Federal package it speaks to what an IGB is. I think there’s some confusion still around the interpretation of that because it speaks to Section 35, and it speaks to Section 35 rights holders determining who their Indigenous governance body is. So I think the important thing about that piece is that it’s the rights holders themselves that will determine who will represent them. And I think that’s it’s open to interpretation. Especially when it comes to Metis People, we’ve had some conversations with the Metis Nation of Alberta, the Metis Settlement general Council, and so there’s more clarity when it comes to First Nations and Inuit people. But it’s still unclear when it comes to Metis people, so that’s what we mean when we say that we’re not clear yet on what an Indigenous governance is. So. As far as coordination agreements, and whether or not it’s going to include CCIO or CCO, I’m, I’m not a program deliverer so I don’t know the right terminology. Or even services like advocates, you know advocacy for children. I think it really is dependent on the Nation and it comes back to the fact that the, the Act really allows First Nations, Metis and Inuit people to define what they wanna focus on. Is it prevention, is it protection. You know, it, it goes broader than that. It even speaks to prenatal care of children. So, the Act really allows that flexibility for you as a, a Indigenous governance body to define what it is that you want to focus on in, in your particular community. So, your coordination agreement will agree whatever it is that you think that you need to move forward with the priorities that you’ve set out and I know that we’ve had some conversations with individual Nations and we’ve had some conversations with Tribal Councils and they’re, the, the issue of data sharing is an important one. You know, what systems will be used, and it comes back to the comment from the lady over here, sorry I’m, can’t remember your name. Where you talked about the complexity of each Nation having having their own laws. So, that means, you know, each Nation may have their own systems. Each Nation may use different tools. So you know, it is an important piece because how are you going to keep track of the children? When they’re not on reserve. When they may be in another jurisdiction. Because this legislation really allows you to have agreements with other jurisdictions, not just the jurisdiction that you reside in. So, having those conversations about how you want to establish yourselves and what you wanna include, and a coordination agreement is extremely important, so. As far as the ARA question, I’m assuming that if a non-delegated Nation chose to have their own laws, then that ARA wouldn’t apply any more. Because we wouldn’t be providing the service, so. Just, to confirm what Malcolm said. So. I think I answered all the questions. Thank you.**

**3:19:32 Marcus Leonard: And just, to, to also just close on, on my portions of the answer, I just wanna finish and say yes what I’m hearing is, more work is needed. I said this, the act was a first step towards comprehensive reform. There are broad terms that were added to the act in order to allow us to shape it. And when I say us, I mean all of us. In a way that is in accordance with your customs and traditions. So Canada is committed to continuing these conversation, and bringing clarification on, to both the Indigenous groups as well as the Province. On, on some of the terms that are used in the Act. Coordination agreement, the discussions will really be adapted as was said, to your goals and priorities, the Act allows for a lot of flexibility, so the coordination agreement will be reflective of that, and the conversation will also be reflective of that. To touch on the data, holding in the data sharing. That is an important issue that more than likely the coordination agreement will address. Who should keep that information. What tools should be used. What types of information sharing do we wanna have in place. So these are really the transitional aspects that would probably have to be captured in the coordination agreement, based on the groups, priorities and willingness to, to take that on. To touch on the definition of Indigenous governing bodies, yes, the Act allows for, it’s as flexible as it can get. It’s really the rights holders who will determine who is there Indigenous governing body. And that’s, that’s, that’s pretty much it. I think all the rest was kind of addressed, but really I think what we get from this is, it is a first step. There are further work needed. That’s why we’re here. That’s why we’re hearing your comments and your thoughts, and we’re looking forward to continued conversation. So thank you so much for having us here, as was said, we’re gonna stay around, me and Malcolm for the afternoon and for tomorrow, should you wanna have the conversations on Nations basis. We are more than willing to, to do that. So thank you.**

**3:22:00 Malcolm Johannesen: And just, just on that point, my, our, our team is over here at the table here, just, can you wave your arm up higher Erica. If you speak to Erica, she can just keep track of, of everybody so we can make sure everybody gets a chance to meet that would like to, Erica is just keeping a list of everybody. Thank you.**

**3:22:18 Chairperson Dean Janvier: Okay, well thank you very much gentlemen. Thank you for your presentation this morning. I’d like to thank everyone for being here this morning and participating the way you have. Great questions. I, I think it’s pretty clear from this mornings conversations, there are a lot of concerns, a lot of issues, a lot of questions out there still. So we will be coming back in one hour and we’re gonna take a one hour break and then we’ll have a panel, a legal panel after lunch, and then we can have more opportunities for questions and comments at that time. So, thank you again, please enjoy your lunch. It’s ready, it’s just outside in the hallway. And we’ll see you at 1:15. Thank you.**

**Lunch Break**

**4:19:49 Chairperson Dean Janvier: Well I hope you guys had a really good lunch hour and some good food and good company. And we’ll be getting started here in a couple minutes. So if you wanna just go do your last minute stuff, maybe grab a cup a coffee or little snack. Whichever. And we’ll begin going here in a couple minutes. Thank you.**

**4:24:58 Chairperson Dean Janvier: Okay, good afternoon everybody. Welcome back. We’re gonna get under way with the afternoon’s agenda. So we have our legal expert panel coming up next. And we have two people with us this afternoon, and regrets from Mary Ellen Turpel-Lafond, she couldn’t make it. Last minute change in her schedule. She couldn’t be here today. But we have with us at the head table here, Doctor Willie Littlechild and also a Mister Paul Seaman from Gowlings. So Willie is going to talk about the Treaty and Inherent Rights aspect of this, and international law. And then we’ll be hearing a bit of an analysis from an impartial legal framework. In other words, this is not a government analysis, this is an independent analysis from Paul after that. So, again, we’ll be taking all of your comments and questions from the floor as before. And we’ll be having microphones available, so please make sure to enter your comments and questions into the record. Okay? So with all that, oh, and we should probably all give a big round of applause for our cooks, who did such a wonderful lunch today. Thank you. Okay, so take it away Willie.**

**Legal Expert Panel  
Dr. Wilton Littlechild and Paul Seaman**

**4:26:46 Chairperson Dean Janvier: Willie, before you get going, just, we’d like to know if we’re gonna be able to get copies of this available after you’re done.**

**4:26:57 Dr. Wilton Littlechild: Presentation. Yeah. Yes, and thank you very much. Good afternoon to each and every one of you. (speaking traditional language) I just bring you greetings in my language to acknowledge Treaty 7 territory and thank them for their permission to gather on a very important topic and discussion here today. It’s so great to see all of you. I was asked right off the bat, before I came into the room if I could start with a story. Because on the agenda it says it’s about legal experts. And my friend, I don’t see where he’s hiding but he said, make sure you tell that story about that legal expert. So there’s this friend of ours, he’s just graduate, graduated from law school, he opened his law office. And he instructed his secretary exactly what to do when someone comes in to his office. And he, he said if it’s one of our people, just send them in, but if it’s one, not one of ours, just make them wait for a little bit, he said. And then when you, I give you the nod you can tell them to come into my office. Sure enough, this guy comes in and he asks for an appointment and he said, just one moment please, I’ll talk to, I won’t name him. He says there’s a guy out here waiting to see you. Well just send him in he says, and he picks up his phone, puts his two feet on the, on his desk and he’s on his phone and he says, yeah? Oh boy that’s a very serious case. Yeah I think I could take it, but it’s gonna cost you ten thousand dollars retainer right of the bat. So if you’re willing to pay a ten thousand dollars I’ll, I’ll take your case. So have a seat, he said. Still got his phone in his ear. And by the way, what’s your name? So the guy says his name. I’m George and I’m here from SaskTel to hook up your phone. So he got caught. Legal expert we call him. So I was listening this morning to a lot of your interventions and the presentations, and it, it occurred to me that we’re talking about or two or maybe three sets of standards on child and family wellness, and I’d like to introduce a fourth standard. It’s kind of an orphan standard because we sometimes forget about it. We talk about Provincial standards and how we need to comply with Provincial standards in child welfare. We talk about national standards, which was a call to action from the TRC Truth Commission to call on Canada and governments to establish national standards. But there’s a very third and very important, a very third. A third and very important set of standards, which actually we use, I think, but we don’t talked about them a lot in these discussions. And those are our culturally relevant standards. And the fourth set of standards was I wanna share with you, to talk with you about them, are the international standards. So I’d like to begin, based on your agenda, to, to talk about Treaty and inherent rights, but first is there anyone here from Siksika? Siksika, where are you Siksika. They’re not here, and I want to acknowledge them. So in their absence, where are you? Oh. Okay, there’s a messenger. Last week, Siksika Chief and Council and their health department did something here in the City of Calgary which really captured the City. And what they did is two things. They partnered with the Calgary Hit Men and the Red Deer Rebels junior hockey teams to play a game here in Calgary and dedicated to a theme, every child matters. So they played this game with that theme that every child matters. And I, as we sit here talking about legislation, I thought what a, a good (unintelligible word) it was to the activity that they did last week. First of all they opened a game with Oh Canada, Oh Canada and broadcast the game in Blackfoot. Which was a first. It was a second, because last, last year the Cree broadcast it. NHL Happened, but don’t say that back there. It was a first Blackfoot broadcast of live, live televised hockey game. It was quite interesting. But the point I wanted to make was they acknowledged that they uplifted children, all children through, through a hockey game and they were able to have a cultural exchange, right throughout the game. Even the, the concession stands were selling Indian popcorn and, what do you call those burgers? Bannock burgers. It was all Indian menu. It was really, really, quite, quite interesting. So I thought I would acknowledge their leadership in that way. So every child matters, is what they said, and throughout the whole game, the broadcast, that was the, the theme. And in our Truth and Reconciliation Commission Calls To Action, we made a point also that every child has Treaty rights. All children have Treaty rights. And we need to also be mindful of keeping that in a forefront. And then when we talk about international norms, international standards. International laws. There are at least four, I want to reference with you this afternoon. There’s more than four, but four for the time that we have. First of all, when you look at the word international, you can say it in two ways, I guess. One is international and the second one is interNATIONal. Because we had Treaties among ourselves in olden days. Which were international treaties. As a matter of fact the most mispronounced city in Canada was the site of one of those. Some people call it Wetaskiwin but it’s Wetaskiwin. Peace Hills where Treaty was made. Then I wanna focus mainly on the UN Declaration on the Rights of Indigenous Peoples. And at the front end of that UN Declaration, you’ll see that article 1. Well let me back, backdrop a bit first. In 1923, and 1925 when our Indigenous leaders tried to get into the League of Nations, which is called the United Nations, they weren’t allowed to go in. Luckily Chief Deskaheh was invited to talk to the City Council in Geneva, to explain to them why he came to Geneva. And it was because of Treaty violations that they were concerned about. But Article 3 is the underpinning and most fundamental article in the UN Declaration. And this is what you’re here about, I believe. In the long-term. And that’s the right to self-determination. And that’s Article 3 of the UN Declaration. And I’m gonna come back to the UN Declaration. The other international law I wanna talk to you a bit about the convention on the rights of the child. Because the convention on the rights of the child is referenced in the UN Declaration. And I had the honor of chairing four sessions of the convention on the rights of the child. And the importance of the convention on the rights of the child is a companion law, and it’s called common number 11. So under the convention on the rights of the child, when a country ratifies a convention, or when a country agrees to accept and endorse and support a convention, and they ratify it. Canada ratified it in 1976. The convention on the rights of the child. The interesting thing though between the two parallel declarations, I’m sorry, the declaration and the convention, both of them took 27 years of debate at the UN. You would have thought people would be interested in protecting the rights of children, but yet it took 27 years to pass that convention. So, there’s a companion document, because under that convention, once you ratify the convention as a country, like Canada, you have to go and report to the UN on how you are complying with the convention. And for many years, because we were not there, Canada as a state would come to Geneva, or go to Geneva and say, well we have no problems in Canada. Our children are all okay, they’re well taken care of. And then that would be the end of the presentation. So it was very important that a separate piece of legislation, international law, be drafted, and it’s attached to the convention on the rights of the child, but it only applies to Indigenous children. So that’s the importance of that comment. In the other international arena, where we took twelve years to battle that one out, the Organization of American States, the OAS, which covers North, Central, South America, is the first time in international law that family is in the legislation. So it’s very important that family as a, a unit is mentioned under international law. Because as I see it, one of your objectives is to keep our families together, or to reunite our families. Under the OAS Declaration, which is, which was adopted in June, last June, two years ago. Canada has still not ratified that declaration. I shouldn’t say ratified. Endorsed the declaration, but we’re working on them to, to do that soon. But in the OAS declaration, for the first time, family is mentioned, and for the first time Indigenous laws are mentioned. So it’s a very important international law. There’s other references to children in the ILO convention 169. The International Labour Organization Convention number 169. Canada has still not ratified that either. But it’s in effect. Both of these conventions, the ILO Convention number 169 and the OAS Declaration are already law. Just because Canada didn’t ratify them yet, they’re still law, as international instruments. The other one that I wanna mention is the convention on the rights of. I’m sorry, the convention on, the elimination of racial discrimination. So that’s the focal point I wanted to share with you in the, in the presentation. So let’s go then to the TRC Call to Action. If you remember our report, the very first six calls of action are about child welfare. Because that’s how important we felt our report needs to focus on apprehension of children. So we called upon the federal government to enact an Aboriginal child welfare legislation that establishes national standard, and that’s the one we’re talking about today. Coz they followed up on that call. But it’s to affirm the right of Aboriginal governments to establish and maintain their own child welfare agencies. Also to require all child welfare agencies and courts to take the residential school legacy into account in their decision making. So some of you will know that there’s the Gladue case, which is referenced in court a lot. And now there’s a new case, I’m not sure how it’s pronounced properly. Eperly, or Iperly case. The Gladue case says that you must take into account the circumstances of the individual that’s in front of the judge, before sentencing. But there was no requirement to try and find out whether that person had gone to residential school, or whether or not they had been impacted by residential school. But Iperly decision says that now. So, they need to take that into account in their decision making. And then to establish as an important priority, the requirement that placements of Aboriginal children into temporary or permanent care be culturally appropriate. So that’s why I mentioned that there’s culturally appropriate standards. Not everyone uses them. But I know that at least in one or maybe more First Nations, they have their own child legislation. But the standard that they use is not the Alberta standard. They build on the Alberta standard and make it culturally relevant. And I guess a quick example would be to ask four questions to the child. What is your responsibility as a child to your teacher or principal in school? What is your responsibility to the police? Or what is your responsibility to your parents and grandparents? And what is your responsibility to Chief and Council? But then you flip that same set of questions. And you ask Chief and Council, Chief and Council, what is your responsibility to your child? A member of your Nation. And police officers, what is your responsibility to that child? Or school principals and teachers, what is your responsibility? And then of course you’ll see that, that when you introduce a Cree relevant standard, it applies better and more than Provincial standards. You know better than I do, all the complaints we hear that the Alberta government and the standards they set for child and family wellness have not worked. They have not worked for us. Well, if the objective was child apprehension, they’ve worked very well. Coz I remember when we started the Truth and Reconciliation Commission, the child apprehension rate in Alberta was 69% for First Nations, Metis or Inuit. When we were done the Commission it had gone up to sixty, 73%. And last year if you read the Child Advocates report, it’s even higher. So the child apprehension rate is going up, so that’s an indication of course, that there’s something wrong in that system and I’m glad that you’re taking your expertise to make things better for our children. So in the UN Declaration, in the preambular paragraph, you’ll see that there’s a paragraph that reads, recognizing in particular the right of Indigenous families and communities, to retain shared responsibility for the upbringing, training, education and well being of their children, consistent with the rights of the child. So consistent with the rights of the child brings in the convention of the rights of the child. That’s where they’re linked with the Declaration. And secondly, recognizing the urgent need to respect and promote the inherent rights of Indigenous Peoples. And I know we have different languages here, but in our language, (speaking traditional language) means inherent right. You’re born with it. You don’t go and ask our government to give you inherent rights or ask anyone to give you. You have them, you’re born with them. (speaking traditional language) inherent right. And that’s derived from economic and social structures, political structures, from their cultures, spiritual traditions, histories and philosophies. Especially their right to their lands, territories and resources. So it’s very important that that definition of what inherent right means, is legalized in the Declaration. And don’t forget, Canada has gone on record publicly at the United Nations that they support and endorse fully the UN Declaration without any qualifications. So these are very, very important parts of the legislation. And considering that the rights affirmed in Treaties between states and Indigenous peoples are in some instances, not all, not all instances, but in some instances, matters of international concern. For example, Treaty 6. That’s an instance where it’s a matter of international concern. It’s a matter of international interest. It’s a matter of international responsibility. And it’s an international character. So, that’s stated in the UN Treaty study. Considering also that Treaties, and the relationship they represent, are the basis for our strength in partnership. A strength in partnership between Indigenous peoples and states. So these are the important preambular paragraphs in the UN Declaration, as a foundation for child and family wellness legislation. You’ll also see in the Articles, the operative paragraphs of the UN Declaration. For example, Article 14 is on education. I’m just gonna keep going here because I’ll take too much of your time. Article 21 is important in terms of areas of jurisdiction that you undertake, or can undertake. In the areas of education, employment, vocational training, retraining, housing, sanitation, health and social security. All of which are important for child wellness. But the next important section is that stage, shall take effective measures and where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous Elders, Women, Youth, Children and persons with disabilities. Now why that’s important is the word, the second word in that sentence. It’s, it says shall. It doesn’t say may. It means it’s mandatory that they shall take effective measures. Article 24, particular attention shall be paid to the rights and special needs of again, Indigenous Elders, women, youth and children with, I’m sorry, persons with disabilities. Sometimes we overlook, not intentionally, but many times they’re left out, our people with disabilities. And again it’s mandator that States shall take measures in conjunction with Indigenous Peoples, to ensure that women and children enjoy the full protection and guarantees against all forms of violence and discrimination. And again it’s mandatory, but in this instance, it calls on government to work with our leaders. So when you look at the convention on the rights of the child, comment number 11, these are the, the rights under the convention for Indigenous children. And it’s quite a, this is the one I think we forget about when we, when we do our laws. I think you need to look at this international law. It’s on Indigenous children, under the convention on rights of the child. Because this morning you heard a lot. You heard many times, what’s the best interest of the child. What’s in the best interest of the child. Well this answers that question in full detail. This comment number 11. And it’s a part of the convention. Indigenous children are entitled, it says, and should enjoy the same level of rights afforded non-Indigenous children. As outlined in the convention. And states, should work to strengthen connections and cooperation with Indigenous communities to empower Indigenous children to express their rights. So you’ll see as I said, the best interest of the child is covered in this convention. Very strong and fundamental focus on culture. Culture is mentioned a lot in comment number 11. And also the need to respect the views of children. How many times have you consulted your own children before you do something. Actually, they have a right to be heard as children. That’s Article 12 of the convention. I remember I was, I better not tell you that story. But respect the views of children. I’ll tell you a different one instead. There was this little booklet put, put out by one of the church groups on the convention n the rights of the child. And this dad thought, boy this would be a good idea for me to give this to my children, these little wee tiny books. He has four children, so each, he gave each one of them a book. And one day at home they were misbehaving as children will sometimes, and he tore into his children and one of the children said, dad you can’t do that to us. What do you mean I can’t do that to you? I’m your dad. Swat. You can’t do that to me, she pulls out this little book. It says so right in here, you cannot do that to me. And then he said to me, well I gave them as a gift, I didn’t know, think they were gonna read it. So. Respecting the views of the child is important, but I think in things that we, we do. And link your legislation with other international laws. I think if you can do that, whether it’s in your own child and family wellness law, or your Kookum’s law, or your child family legislation, you should link the comment number 11 to your law. Because it covers many, many areas. It covers health, it covers education, and if you can reference your own law and link it with convention number 11, I’m sorry, comment number 11, it just gives your culturally relevant law international status. It’s not just national, but it’s international status. So, I suggest maybe that would be one consideration. The other law I mentioned, the Organization of American States, where the first time Indigenous family is recognized. And it’s in Article 17. The family is a natural and fundamental group unit of society. Indigenous peoples have the right to preserve, maintain and promote their own family systems. States shall recognize and protect the various Indigenous forms of family, in particular the extended family. Coz the notion of extended family is new to the UN. And it was new to the OAS. The UN didn’t put in, but the OAS put it in. So the notion of extended family is now in international law as well. In matters relating to custody, adoption, severance of family ties and related matters, the best interest of the child shall be a primary consideration. And I know bill C-92 also says that. In determining the best interest of the child, courts and other relevant institutions shall take into account the right of every Indigenous child in community with member, with member, with other members of his or her people it should say. To enjoy his or her own culture, to profess and practice his or own religion. Or to use his or her own language. And in that regard, shall look to the Indigenous law of the peoples concerned. And shall consider their points of view, rights, and interests. Including the positions of the individuals, the family, and the community. And this morning you heard a question or a comment, I think, from center court, like a basketball court here. Centre court, she’s looking down at her Blackberry on her phone reading her message. But she said judges don’t know this. And this is one of the articles that judges should know when they’re talking about our children. Because it is international law. But it’s up to us to inform them I guess, now, since they, they’re not, following it. So as I said, the OAS, for the first time, talks about family. It also for the first time talks about Indigenous law. For the first time under international law, indigenous law is recognized. So it’s important in your deliberation when you’re gonna be making your own law under C-92 if you decide to go that way, that you incorporate these legislations. Indigenous people have the right to promote, develop, and maintain their own institutional structures and their distinctive customs, spirituality, traditions, procedures, practices. And in the cases where they exist, juridical systems or customs. In accordance with international human rights standards. So if you have your own court system or a juridical system of some kind, that section refers to you. The Indigenous law and legal system shall be recognized and respected by national, regional, and international legal systems. So it’s at every level of recognition. The matters referring to Indigenous persons or to their rights or interests in the jurisdiction of each state shall be conducted so as to provide for the right of the Indigenous people to fully represent, to be fully represented with dignity and equality before the law. Consequently, they’re entitled without discrimination to equal protection and benefit of the law, including the use of linguistic and cultural interpreters. There’s a lot of challenges some of our people still face regarding language. I’ll tell you a quick story. The first time I had a murder trial, I had a murder case, and the courthouse clerk phoned me and said, we understand you’re a lawyer that speaks Cree. And I said yes, I do. And she said the judge wants you here at one-thirty this afternoon to represent an individual who does not understand English. But he says he speaks Cree. So I said, well, I don’t really want to go coz I don’t do criminal law. Especially murder. Well, you be here or you’re in contempt of court. So I went to court with my court tie on. Anyway, the judge says here’s your client, you go in that room and you interview him, and once you’re ready to come you come on out. So I asked him in Cree, (speaking traditional language). Do you understand what you’re facing in this court? And he said (speaking traditional language). He said, well I guess I killed somebody. So he didn’t even know, right then I knew he didn’t understand the charge of murder. Coz he said I guess I killed somebody. I think he would’ve, he would’ve said it differently. So then I thought, well, I gotta explain to him the seriousness of this charge, murder. (Speaking traditional language). I said with a murder charge, and if you’re convicted, you could spend ten years or more in prison. Or even you may die in prison. More than ten years. So he looked at me and we talked about first degree murder, second degree murder. I explained to him it’s lesser and lesser time in prison. But then I got to the last one, manslaughter. And we don’t have a Cree word for manslaughter unless somebody in the room knows it. Do we have a Cree word for manslaughter? So anyway, I told him I couldn’t figure out how to say it. And I said well, (speaking traditional language, laughter). What I said was like, it’s like if you half killed somebody, manslaughter, we couldn’t, we don’t have words, so I said it’s like if you half killed somebody. And he says well I can’t have killed somebody. If I did he must be dead. Anyway. So it’s the first time I had a conflict with, with English law and Cree speaking individuals. So. But anyway. You’re entitled to linguistic and cultural interpreters. By the children. State shall take effective measurers in conjunction with Indigenous people to ensure the implementation of this article. So that’s in the OAS and it’s important that, that we use these two. Not just the UN Declaration but the OAS Declaration. And I’ll give you one example. Under the UN Declaration, Article 37, it says treaties must be honored and respected and enforced. It stops there, but the OAS Declaration continues and says they must be honored and respected and enforced according the original spirit and intent, and as understood by Indigenous peoples. And that’s the full understanding of our Elders when they were talking to us about these declarations. So it’s important that you put the two together. And if, you heard it this morning, if the two, there’s two laws on the same topic. It’s the stronger law that’s enforced. You heard it this morning. When there’s a conflict between, in the agreements I think you were talking about. The agreements with the Provincial Government, the Federal Government, and you have your own law. It’s your own law that’ll take precedence over both Federal and Provincial. It’s the same thing in the Treaties. So next I’m gonna bypass this because there’s not enough Kookums in here. So, but we did that as a, we had a grand, grandmother’s circle that was really, really, a ceremony, I’ll say. Much like the Mayan ceremony. I was invited to a Mayan ceremony in, a few years ago when the five thousand year calendar came to an end. The Mayan calendar. And you, you saw there that, in the newspapers in Canada it said, the Mayans are predicting the end of the world, and what they were misunderstanding was, it was the end of their calendar, not the end of the world. The end of their calendar. So they had a ceremony to welcome the new calendar, and it’s an all night ceremony. And I was picked from among ten thousand people to go and witness this ceremony where they say goodbye to Grandfather Sun and it’s all night and at sun up they welcome Baby Sun, they say. They welcome Baby Sun and the new calendar starts. But during the night, it’s a prayer ceremony all night. The Elder stop for four times and they make a prediction. So the first prediction that they made, they said under this new era, this new energy, this new calendar, things will get better for Indigenous peoples. Things will get better for us, if four things happen. And the first thing they said was, spirituality must come back to leadership. So in a sense, we’re straying away from our spirituality. Notice it doesn’t say religion. It says spirituality. So it has to come back to leadership. That’s why I’m so thankful at every meeting like this, you always have Elders, men and women lift up the pipe. And offer thanksgiving. In the pipe ceremony. Women will take a more prominent role in leadership. When that happens, things will change they said. And also, we must build on the strengths of our people, we’re too used to tearing each other down they said. We always pull each other down, we criticize, we complain. Now, let’s look at our strengths and build on those strengths, instead of tearing them down. Then things will get better for us. But the last one is the hardest one. It’s the hardest one. Because they said it’ll get better for us but we must work very, very hard on unity. Work very, very hard on unity. And things’ll get better for us. So, I think that’s the end of my presentation. I thank you for your patience. But don’t forget, while you’re doing your law, there’s national standards, yes, Bill C-92, Provincial standards, yes, Bill 22. But we’ve got our own standards. Culturally relevant standards. (speaking traditional language) Anyway, we have our own form of culturally relevant child wellness. So let’s use that and then on top, consider the international law as well. Don’t forget about that. Like comment number 11. So with that I thank you very much. And I wish you well and I wish all your children, grandchildren, great grandchildren, they not only have a right to play, they have a right to be happy, and that should be our objective. (speaking traditional language) Thank you.**

**5:14:03 Chairperson Dean Janvier: Okay great. Thank you very much there Willie. Great hearing from you again. Our next presenter is gonna be Paul. Go ahead Paul.**

**5:14:32 Paul Seaman: Thanks so much Dean and thanks to everyone here for the, the very kind invitation and, and such a great turnout, to come discuss these important issues. I’d like to start by acknowledging that, that we’re gathered here on Treaty 7 territory, on which I’m a visitor and a guest and I also wanted to acknowledge the, the great remarks and, and wise words of Doctor Littlechild and, and on that note, he’s, he’s also a very tough act, tough act to follow. So I wanted to, to start by trying to, to give you my own lawyer joke. Since this is, since this is the legal expert panel, I don’t, I don’t think it’s gonna measure up, but, does anyone know the difference between a lawyer and a herd of angry buffalo? The, the lawyer charges more.**

**5:15:34 Doctor Wilton Littlechild: Do you know what the difference is between a, lawful, and illegal. Lawful and illegal. Once’s a sick bird.**

**5:15:58 Paul Seaman: So before I, before I continue, I just wanted to introduce myself, my name is Paul Seaman, I’m a partner at Gowlings, which is a national law firm and I’ve had some, as I’ll get into in the presentation, I’ve had some significant exposure, both as part of the development of Bill C-92 and now as, as part of it’s implementation, so I know there’s been criticisms, there’s been mixed reviews and I’ve been a, a critic of it myself. Which I’ll get into for a couple of reasons, but I’m not here to, to either sort of knock down the Act, or cheerlead it at all. I’m here as, as Dean said, to give you a little bit of a, an unbiased sort of good, bad, and ugly summary of, of Bill C-92. So the agenda that I wanted to cover is just a little bit of brief background, at least from my perspective. I know that not all of us in the room were, were as closely tuned into Bill C-92 when it was being developed. I know others were. For those that were, please bear with me. What I wanted to do or wanted to focus on though, is I wanted to focus on the Sections that really go to the heart of what Bill C-92 does and if you decide that Bill C-92 is the direction you wanna head, these are the, so sort of the first Sections in my view that you’re gonna run into and that you’re gonna have to consider, and as I say, as we go, and, and really when I reach the end of my presentation, I’ll give you a sense of, of some of the, the opportunities and some of the challenges that I think are, are, are waiting in Bill C-92. So first, just a bit of brief history. It was developed, the term gets thrown around a lot, co-developed as between Canada, Provinces and Indigenous People. I put that in quotes on purpose. I was involved, as I said, to some extent, as were many others at the level of the National Advisory Committee on Child and Family Reform. And I was there on behalf of a client, Karissa Kenney, family services. You may know Mary Teejee, and Warner Adam. As I say, this, this bill has several fans and several detractors. There are certainly, if nothing else, lots of things going around, going on around it, and when I say that, there’s a, a larger context of, of course the Caring Societies case between the Canadian Human Rights Tribunal and the challenges in enforcing those orders, ongoing. There’s the, the context of delegated agencies in a lot of instances, reaching limits in how far they can go because of the extent of Provincial delegation and, and the relative suitability of provincial legislation. As Doctor Littlechild mentioned during the course of his presentation, there’s a lot of new principles, as I say, there’s, there’s Provincial legislation being contemplated in BC, Bill 26 is an example. And as we go forward, and I know this was a bit of a, an issue that came up with some of the, the presentations this morning, is you hear the, the Federal Government saying a lot about this being sort of a, a framework by, by their estimation. Which is an interesting observation because there’s sort of two aspects to the bill that really stand out to me, just looking it over. First it’s not super, super long. But it does contemplate a lot of regulations. So it’s been passed into force, I think with an expectation that there’ll be a heavy emphasis on it being implemented by way of regulations, and one of the, the, the sort of the first interesting sort of gotcha’s about the legislation is the wording on how you enact a regulation. So, it’s, this is Section 32 of the Act, and I don’t intend to get too bogged down on this just yet. But the language that’s used is, is that regulations can be enacted if Indigenous Peoples have had a meaningful opportunity to collaborate, not on the regulation, but in the policy development. Leading to the making of the regulation, so. We’re not sure as this Act gets implemented and built out what exactly that means. The other thing that I was gonna mention is the subject, the, the whole act is subject to a five-year review period. So every five years, the Crown is gonna sit down and review the provisions of the act and see if it’s still working properly, or so they say. So first, I think the Act came in to force on January 1st of this year, but it doesn’t actually apply, so in other words it doesn’t do anything, it just sort of sits there, unless you actually do something. So I’m gonna get to this definition in a second, but the basic point is that the Act does not apply at all until an Indigenous governing body, as defined under the act, provides the Minister with notice and requests what’s called, a coordination agreement. I’ll get to this in a minute. And as I say, the Act has, has it’s fan and it’s detractors. So there’s some positives, so it’s been lauded for making best interests of Indigenous children front and center in services and, and especially I think in instances of contemplated apprehension. Also, prioritizing children who are taken into care remaining with their family, which was alluded to by Dr. Littlechild earlier. However, the two primary criticisms, at least, coming out of me, and this has been quite consistent I think, are the unclear funding arrangements even to get into a coordination agreement or to develop a law. I’ll get to that in a minute. And also there’s a potential, and Dr. Littlechild referred to this very briefly, from multiple levels of laws to apply at once, federal, provincial, or territorial, and potentially Indigenous. So I’ll show you some of those definitions as I work through the Act. So the first definition I wanted to walk you through is, is found at the front end of the Act, of Indigenous governing body. And it’s defined as meaning a council, government, or entity that’s authorized to act on behalf of an indigenous group, community, or people that holds rights recognized and affirmed under section 35. So we don’t know exactly what that is but bringing that back to the idea that this is intended to accommodate First Nations, Metis and Inuit peoples, there’s no doubt that there’s a variety of different bodies that can be captured under that definition. And where this definition really ties into the Act is in Section 20. So Section 20 and Section 21 are really the, sort of the heart of the Act. And what Section 20 says, and I’ve underlined some of it, some of the important parts that I wanted to emphasize is that if an Indigenous group, community, or people intends to exercise its legislative authority in relation to child and family services, an Indigenous governing body, so something that meets the definition that I just walked you through. Acting on behalf of that Indigenous group, community, or people may give notice of that intention to the Minister and the government of each province in which the Indigenous group, community, or people is located. And moving into coordination agreements, the Indigenous governing body may also request that the Minister and the government of each of those provinces enter into a coordination agreement with the Indigenous governing body in relation to the exercise of legislative authority respecting among other things, and a list follows. And I’m going to get into into what’s in that list in a second. But the first thing I wanted to point out is there’s a little bit of what I call a bit of chicken and egg problem here where there’s still been no clarity on resources and funding. But on the other hand, Indigenous governing bodies are also expected to submit as part of this, this notice and this request, a fully completed law. So I’ll get to that in a minute but just keep that in mind. So Section 20, sub C, one of the topics that’s contemplated by coordination agreements is of course fiscal arrangements relating to the provision of child and family services by the Indigenous governing body and, skip ahead, to support the capacity of the Indigenous group, community, or people to exercise the legislative authority effectively. So in other words, in order to get anything done, the Act is recognizing you’re gonna need fiscal considerations worked out. Again, keep this in mind. And skipping ahead to some of the other key sections, first of all, Section 20 sub 3 says that the Indigenous law comes into force when a coordination agreement is actually entered into. So you’ve, at this point you’ve submitted your notice and your request and you’ve managed to enter into some kind of agreement. Or if reasonable efforts have been made to do so and a year has passed. So then, after that happens, the next thing you see is some of the other key sections which Dr. Littlechild was referring to about paramountcy and laws being of greater effect than others. Then those sections start to apply. So I’ve given a different name to the potential problem that could come up here and I call it the Frankenstein problem if things aren’t done very very carefully. I’ve reproduced Section 22 sub 1 here and this is the part of the Act that says that the indigenous law will trump federal law. So you’ll see if there’s a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous community, group, community or people, in a provision respecting child and family services other than a bunch of sections of the Act that is in a federal act or regulation, the provision that is in the law of the Indigenous group, community, or people prevails to the extent of the conflict or inconsistency. Now that sounds great, I think, sort of on its face when you ready it once. The trick is the very last part of it. To the extend of the conflict or inconsistency. So in Canadian law we have this really interesting thing. The provinces and the feds, and it comes up from time to time, the example I can use right now is banks. The banks have, the banks are federal things and the banks are legislated and regulated by the feds. But for example, they deal in insurance. And the provinces legislate respecting insurance under their powers of property and civil rights. And so under the case law of the Supreme Court of Canada right now it’s a really high bar to say, this is just completely inconsistent, you can’t have both laws apply. So in other words, you have to have almost like a red light green light kind of a situation. Law number one’s telling you to do A, law number two is telling you to do B, and you can’t do both. So there’s a potential here if things aren’t sort of drafted carefully and put together carefully, that the part of the federal law that doesn’t, that isn’t inconsistent with the Indigenous law could continue to apply. So skipping ahead, there’s another section that’s almost identical, or identical in concept anyway, but it deals with provincial law. So you see, for greater certainty if there’s a conflict or in consistency between a provision respecting child and family services in a law of an Indigenous group, community, or people and a provision respecting child and family services is the key part, in a provincial act or regulation the provision that is in the law of the Indigenous community or people prevails. And again you’ve got this little bit of gotcha language potentially, to the extent of the conflict of inconsistency. So same concept. If there isn’t like a true conflict between two laws there’s a possibility that some or part of provincial law may continue to apply. So again this the issue that I have been calling the Frankenstein problem. And there’s a, there’s actually a third potential for conflict contemplated under the act, and that’s between two Indigenous laws. I find this such an interesting thing for the Act to contemplate because again, this is one of the first times we’ve ever seen Indigenous law recognized under legislation. And there’s a provision in there to decide which Indigenous law will apply if there’s multiple laws that could apply in the circumstances. So, again this is a, it’s a bit of a dense definition. I know the, I tried to get the font pretty big but I, I’m sure that people at the back can’t hear it so just bear with me, I’m gonna read the whole thing. If there’s a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous community or people, and a provision respecting child and family services that is in a law of a another, of another Indigenous group, community or people, the provision, this is the key part, the provision that is in the law of the Indigenous group, community or people with which the child has stronger ties, taking into consideration his or her habitual residence as well as his or her views and preferences, giving due weight to his or her age or maturity, unless they cannot be ascertained and the views and preferences of his parent and the care provider, and again, you see this language, prevails to the extent of the conflict or inconsistency. So again, I just wanted to recap, there’s still some room here where if things aren’t sort of carefully, drafted considered, Federal, Provincial or Territorial as well as other Indigenous laws could conceivably apply anyway.**

**5:30:29 Chairperson Dean Janvier: Okay, just before we go on, we do have one question there in the back. If we could get a microphone. Sorry, we can’t, we can’t hear you this far, you’re gonna need a microphone. Right in, right at the back in the middle. Thank you.**

**5:30:53 Unnamed Female Speaker: Hi. The question I have is, if there’s conflict and inconsistency between the Federal law and the Provincial law, are we to understand that the Provincial law will supersede the Federal Law?**

**5:31:10 Paul Seaman: Maybe I should, I should back up for a minute. The, those sections, what they look to do is they look to sort of compare the Indigenous law with Federal law and the Indigenous law with Provincial law. So in Canada we’ve, we’ve always sort of had these two levels of government, the Feds and the, and the Provinces, and, and we’re what’s called a federalist country, so typically, something called paramountcy applies regarding Federal laws over Provincial laws. So the example that I gave you with the banks, even though we, we tend to sort of accept the, the Federal laws as being paramount over the Provincial laws, the point I was trying to make was that it has to rise to the level of you can’t comply with both. So in other words, banks were complaining, as I understand it anyway, in this particular case I’m thinking of in 2007, it’s the Canadian Western Bank case and they were saying this, you know, we can’t possibly apply the Bank Act as well as all these Provincial insurance acts and the Supreme Court of Canada said, well if you can do both, you must do both. The, the law has to actually say, yes on one side, no on the other for it to actually conflict. Does that help, is that, is that, does that help your, your, answer your question?**

**5:32:33 Chairperson Dean Janvier: Okay I have two more questions, one over here, and then one in the middle at the back.**

**5:32:38 Floyd Bighead: Okay. (speaking traditional language) My name is Floyd Bighead, I’m from the Blood Tribe and I’m the voice of Indian Rodeo. I just have one kind of question here and I think it’s relatively important on this number 24, one there. And we do have a lot of, a lot of that happening right now, where different Tribal members marry each other and then of course, my question is, who determines the child, or who has stronger ties to which side. That is my question, there. Is it, like our child welfare, is it gonna be the Alberta Government, or, or how extensive are you guys gonna go into that to define that question? The stronger ties.**

**5:33:38 Paul Seaman: I, I understand that a question, I wasn’t here for the question, but I understand a question came up earlier today about definitions. And definitions, as I say this, this act is a bit light on definitions, and it’s very heavy on anticipating regulations. This could be something that, that is subject to regulation under this Act that, that sort of helps us figure out how those stronger ties get determined. The Act already spells out, at least some of what needs to be determined, and that’s that part, you can see, that speaks to habitual residence, views and preferences and those types of things. So it’s, it’s a question I think of who’s gonna determine that is, is gonna be one thing. But, you know, are they gonna be limited to the considerations under the act. I think that’s the other question that I’m asking myself. So good question.**

**5:34:48 Chairperson Dean Janvier: Go ahead.**

**5:34:40 Unnamed Female Speaker: On Section 23, it refers to best interest of a child, so then, if it’s not in the best interest of a child, Indigenous law doesn’t apply. So what, what applies at that point. Provincial, Federal, so, I mean, it’s confusing because, isn’t that, basically what happens, we go in as Nations and say, this is the best interest of the child, somebody else sees it differently, and then you land up in court and the courts will side with whatever party, but it’s so, it just goes back to them saying our laws are not in the best interest of our own kids, with that Section 23. That’s how I’m reading it.**

**5:35:27 Paul Seaman: Yeah, I, I agree with your observation. The other thing I would add is Section 19 that makes the entire thing subject to the Charter. So the, the Charter is still sort of a layer above the law as well, so another great observation. So just moving ahead.**

**5:35:55 Chairperson Dean Janvier: We have a, sorry Paul, we have a couple more questions from table number one here. (unintelligible) first, he was little faster on the draw there Leonard.**

**5:36:04 Unnamed Male Speaker: Yeah, I beat him. I just got one question, and I’m hoping, and I’ll continue to call the legal expert, coz you’re working for us both as legal experts. But from our legal experts, earlier this morning I put that question to INAC and the Province, I never got a response, I didn’t feel comfortable that they didn’t say anything about it and it’s a conflict in laws. If we, as I mentioned before, our Kookums have always had that authority, we’ve codified that authority into our Kookums law, and if we assert that law, that jurisdiction, that authority and it’s inconsistent with the coordination agreement or any part of the Federal or the Legislation that’s there right now, C-92, what recourse do we have? What do we do when we can’t move forward with our assertions of sovereignty, jurisdiction and authority because they’re saying no you can’t. Or they’re presumably saying that you can’t. Now, the issue was, and I think when you brought it up earlier, about, and the real problem is that the Indian Act is still there, it’s alive and well. Section 88’s still there, so when we, in September 2018, we asked Minister Philpott this question and the question very clearly, when does Federal legislation is developed, are you gonna service notice to Alberta to vacate our, our responsibility and our authority. And again, she couldn’t answer that. So I’m, I’m, I’m a little bit confused as to, or a little bit concerned as to what we’re gonna do if we develop this law, or if we finalize our law and the inconsistency that they see as being something that they’re not happy with, even though we don’t see it as inconsistency. What is our recourse, what do we do? Grin and bear it? I don’t know.**

**5:38:15 Paul Seaman: Well this is, you know, this is coming back, to I think, some of the limitations with this bill. So, you know, full disclosure, I, again, I was one of the critics of this bill, and I and some of my colleagues actually drafted a piece of draft legislation that did some of the things, addressed some of the things that you’re speaking to. So for example, completely punching out Section 88 of the Indian Act, and those recommendations didn’t get accepted, and so now what we have here I think is a piece of legislation that’s purporting to sort of, I think, to some extent helpfully acknowledge self-government, self-determination, but’s it only by legislation, right? Like so it’s a, a layer below the Constitution, so there’s still that layer of, of sort of limitation, and, and restriction, and, and so it’s, it’s a, it’s a very moderate step is what I would say, but I agree with your observations.**

**5:39:15 Leonard Jackson: Good afternoon. My question to you, I was gonna wait to the end because it was so quiet, I said, I better not be the first one. But anyway, coming back to the initial slide of your presentation, when you said to the group that the, you reminded us of when the legislation came into effect, January 1st, 2020. You also went on to say that, however, this does not apply until such time, First Nations are ready to move forward. Well I beg to differ. I’m not a legal, nor am I a scholar of anything, other than being a, a nitpicker I guess. But, within the agreements that are in place now, and I’ve said this to ISC and the Province earlier, we are bound by certain terms and conditions of these agreements and one of them is applicable law. Federal, Provincial and Territorial. This is the law now. We can’t turn a blind eye. Okay? So what is the impact going forward, if Saddle Lake for instance decides to sit and wait. Is that giving the Province a read into that silence as they’re okay with it. We’ll continue business as usual. Or, does that mean C-92 going to wreak havoc within the First Nations regardless. There’s no, I haven’t had a clear answer yet. In addition to that, Section 10 to 17 of the Act itself, it’s loaded with a lot of ammunition that I like to call rules, that determine the law. However, in this case, they’re quote and unquote, identified as minimum standards. If in fact, that the Constitution of Canada is based on the supremacy of God, and the rule of law. How then, can we have an oversight, for lack of a better word, on this legislation?**

**5:42:03 Paul Seaman: Okay, no that’s, those are great comments and, and I’ll start my answer by saying I didn’t mean that the legislation, you can act like it’s just not there. What I meant is that the process that I walked you through, like Section 20, etcetera, doesn’t start until a step is taken by an, you know, an Indigenous governing body under that definition that I walked everyone through. So if I were to say that it just, it’s not there and you can completely ignore it, that would be false, because other people may exercise the jurisdiction recognized under those sections, and at that point, a lot of these sections that we just, that I just took you through are gonna have cascading effects all over the place, because whatever law is enacted, by that particular community, is gonna necessary potentially impact all kinds of different things within Federal/Provincial spheres. Children, families, etcetera. So I, you’re, you’re quite right, that the, the entire Act is there and it’s, how Canada’s chosen to move ahead with this policy. All I meant to communicate was, active steps have to be taken if you wanna assume the jurisdiction, not that there will be no impacts and there will be no need for oversight and, and all of the things that you’re talking about.**

**5:43:28 Chairperson Dean Janvier: Thanks. Okay, anonymous person at table 2 please.**

**5:43:33 Name Withheld: Thank you. I just wanna go.**

**5:43:35 Chairperson Dean Janvier: Sorry, sorry, just Willie wanted to jump in on that one for one sec.**

**5:43:38 Dr. Wilton Littlechild: Yeah. Just, very briefly. I think that, what’s important is that we design our own conflict resolution mechanism. If we make our own conflict resolution mechanism, that’s who decides that question. It’s better we do it under our own sovereignty, or traditional government, whichever you want to couch it. The problem is there’s no existing conflict resolution mechanism in here, but it is referenced. There’s no number to it, but there is an article on conflict, or dispute resolution mechanism. But it’s, it’s limited to only a situation. So if you, if you for example take a look at, hope I’m not wrong on this, Article 28, 40 and 41 of the UN Declaration, and that cluster of articles is a conflict resolution mechanism. And that’s what you use to create your own conflict resolution mechanism. Because as you said, or someone said, we have conflicts within our own communities. And where do we go with that conflict. If we don’t have a conflict resolution mechanism our self, then it goes to, outside the courts, with outside entities. Can I also make one other, just one other observation on the definition section, that really is concerning, and I mentioned it publicly before, at least, in, in the hearings. I think it’s on, it’s on the definition section of governing body. I think that’s what it is. Governing body. It says Indigenous governing body means a council, government or other entity. Or other entity. What does that mean? Is it just a group of other people that, that can form themselves as a, an entity and their authorized on, to act on behalf of a group? Anyway, I had a problem with the definition section as well, just to add to that list of concerns. What does that mean, other entity?**

**5:46:43 Paul Seaman: I, I agree quite agree, I mean you can sort of drive a truck through that definition, it’s so broad. But I wanted to just, in closing, sort of touch on a couple of other points. Most of you, and there’s a typo on this slide, I apologize, I know some of you have seen this technical guide that came out on Dec, it should say December 31st, 2019 on, on the Act. And it’s, it’s got a lot of content in there, it’s quite dense, I don’t if anyone’s had a chance to sort of, flip through it, but I have an extract here from it, on page 26, and you’ll remember I made reference to this whole chicken and egg issue with funding and resources, so in order, in order to actually get through the door, and I know some of the, at the back, probably can’t see this so I’ll maybe read this out as well, it says in order to have an Indigenous law addressing child and family services prevail over conflicting Federal, Provincial and Territorial laws, a request must be made to enter into an, a coordination agreement as described in Section 20 sub 2. And then there’s a check list for submitting your request under 20 sub 2. It says before submitting a notice or request, Indigenous governing bodies can choose to continue dialogue with ISC to explore options for the exercise of jurisdiction over child and family services, before submitting a request, first, first item on the list, develop a child and family services law. Now this is of course a bit problematic because this put’s the proverbial cart before the horse, where the communities that are gonna be relying on this law and developing the law are gonna need the resources first to do it. So there’s a bit of an issue there on this point that I’ve been making about the, the chicken and egg problem but the second thing I’ll say to, and just in passing, is, I was a bit stunned at the way that this, this technical guide was sort of purporting to, sort of set out the rules, because as I’ve said earlier, this is a very regulation heavy looking kind of an act, and, and it says that there’s gonna be collaboration before regulations are put into place, but on the other hand, this technical guide is sort of being treated in a way, like a regulation. So, I have to say that I was a bit confused, a bit troubled by that. But just to, to wrap up, just in summary, I mean, there, to echo some of the thoughts and the wisdom by Dr. Littlechild, there’s, there’s new principles, there’s some opportunity here, recognition of, of jurisdiction and children and families and this ties into international laws very helpful aspects, but there’s all kinds of uncertainties I think still on funding. There’s a potential for uncertain applications of, of all three levels of laws in there, for the reasons that took you through. And as I said, I, I expect this, this could be sort of a, a, something that takes shape with regulations primarily, and as I say, the, the degree of consultation on those regulations is, is similarly unclear. So that’s all I had to share with you for now but I’m happy to, to continue answering questions if there are any.**

**5:50:02 Chairperson Dean Janvier: Okay, go ahead Gwen.**

**5:50:04 Gwen Muskwa: Just one question in relation to the coordination agreements and that harmonation, harmonization of laws, right? Is what they’re looking at. But, when a Nation develops their laws, there’s always an application of the charter. So, they also, the piece that I’m more worried about is Section 52 of the Constitution, on the supremacy of laws. Anything in, that’s not consistent with the Canadian Constitution could, or may not come into force. So if Nations are developing their own laws, this is where they can get that hook, is my concern. Was there any consideration when you were sitting on the development piece of this? On that section applying?**

**5:50:59 Paul Seaman: Well, I, I think Section 52, the Supremacy Clause, so in 1982 Canada sort of changed from a system of largely legislative supremacy into a system of constitutional supremacy, so the, as part of that, you know, when you hear about laws being struck down, you know, for all kinds of different reasons, medically assisted dying, you know, the, some of the, the bigger cases that have made their way through the Supreme Court of Canada, they get struck down coz they’re inconsistent with the Charter and Section 52 is the section that strikes them down. So the interesting thing about the way this legislation has been set up, is the Constitution is up here, the legislation is, is down here, but the legislation is purporting to set out what’s contained in Section 35, which is, as I say, up here. So, for the legislation then to say, that the, it’s subject to the Charter, etcetera, you know, it creates, again, a bit of a loop. I don’t know if that’s what you were pointing out but that, I see that as somewhat problematic too.**

**5:50:05 Gwen Muskwa: And just to add to that, if a Nation develops their own constitution, and develops their own laws, will that, like you know, people are talking about the paramountcy of laws here, so if they have a constitution and their laws, then that should be the ultimate law for them. And not needing a harmonization agreement, or whatever, the Nations will define that for themselves.**

**5:52:33 Paul Seaman: Yeah, I, I don’t know what the position is gonna be yet from ISC on that, but you’re right.**

**5:52:48 Chairperson Dean Janvier: Okay we have one more question up here at the front. Thank you.**

**5:52:52 Unnamed Female Speaker: Hi. So, I guess this question is related to how the Act is enforced. In force, as of January 1st. But from what I understand, Indigenous law will not be considered until an agreement is entered into. So it’s still into force, whether or not we enter into a coordination agreement.**

**5:53:21 Paul Seaman: The law is sitting there in force, and nothing is gonna happen in terms of an Indigenous law being but in force pursuant to that act, until those sections that I walked you through are, are.**

**5:53:33 Unnamed Female Speaker: Yeah. So Indigenous law won’t be even considered until we enter an agreement?**

**5:53:38 Paul Seaman: Unless it’s being considered under, for example, some kind of a change to Provincial laws or something like that that’s separate and apart from this.**

**5:53:44 Unnamed Female Speaker: So the minimal, what did they call it? Minimal requirements? Minimum standards are in force. So under care provider, guy over there, said that the care provider would be allowed party status in civil proceeding. And he alluded to, like kinship and that, but would that be the same as foster homes too? Like, foster parents who are non-Indigenous, who are non-status, who are not a part of a Nation, Treaty Nation. Would that mean they could, under Federal legislation, and law, go to court and have their rights recognized?**

**5:54:39 Paul Seaman: It’s not clear. This is one of the definitions that, that was provided under the Act. So care provider, I’m just reading directly from the Act, means a person who has primary responsibility for providing day-to-day care of an Indigenous child, other than the child’s parent. Including in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs. So it’s just, it’s not clear.**

**5:55:04 Unnamed Female Speaker: But, say if a foster parent wants to go to court for the child, coz the, he, quoted, where’d he go? Oh. Party status allowed party status in civil proceeding. What does that mean?**

**5:55:21 Paul Seaman: Well can you point me to the section?**

**5:55:23 Unnamed Female Speaker: No, he said it, and I wrote it down in my notes. It’s in relation to the care provider definition. They would be allowed party status in civil proceedings.**

**5:55:35 Paul Seaman: Yeah. Well party status in a civil proceeding just means you have a, like you’re a formally recognized before the court in whatever the proceeding is. So it’s like a, a procedural right to be there, if I can put it that way. I’d have to see exactly what was being referenced to, to answer your question.**

**5:55:51 Unnamed Female Speaker: Okay, I have another question. Say, if this Federal Act wasn’t there, a foster parent would have to go through Provincial Court, right? Or, so now that the Federal law is in force, would a foster parent go under Federal. That’s what I mean, like, is there. Because we’re Nations, and we’re supposed to have a Nation to Nation relationship with Canada, and it just seems like this is giving rights to, like, I guess the settler population. You know what I mean?**

**5:56:36 Paul Seaman: I hear what you’re saying, for sure.**

**5:56:44 Chairperson Dean Janvier: So just to clarify, like, you’re raising a question about Section 13, of the, of the Act. Which is like, who can be a party, so that was. Just for Paul’s, Paul’s reference. And to summarize, his answer was, it’s not clear. That’s what he said. Okay. Leonard?**

**5:57:15 Leonard Jackson: I promise this is my last question. Quebec is challenging this law. Under Section 38 of the Constitution, it speaks to how the Constitution can be amended. If it has 50% majority support from the Provinces. Okay? What would happen in the event that the Provinces say, yeah, we are gonna side with Quebec. Trudeau would definitely, definitely see the end prize, certainty, and finality. Which is why it’s so important for those of us, this table and this room right now to embrace (traditional word) and hanging on to that Treaty. Developing your own constitution based on who you are. Never forget the Elders who walked before us. Especially those that ensured that we would be taken care of, for as long as the sun shines, the grass grows, and the rivers flow. Thank you.**

**(speaking off-mic)**

**5:58:45 Paul Seaman: Yeah, no, it’s a, and that’s a good observation too. I mean yeah, I’ll, I’ll take it back a little bit to 1998 when Quebec was making noise about potentially seceding from Canada and one of the, if you look at, and it went to the Supreme Court of Canada through a reference case and the Supreme Court had to answer the question of, if Quebecers decide that they wanna secede, what then? And one of the, one of the interveners in that case is one of our clients, the Quebec Cree, and they more or less were making the point, you know, we were here first. I don’t think you have the entire say in this whole thing and, you know, we need to be a part of any big changes to the Constitutional landscape of Canada, including secession, so I think the same principle applies here. I mean if there were, if anyone tried to sort of change the landscape here, constitutionally, Indigenous people need to be at that table for sure.**

**5:59:49 Dr. Wilton Littlechild: Just to add a point in agreement with what you just said, but it’s not only Quebec. Be mindful that when this was being discussed, Alberta also was gonna go to court. So, to go back to the Quebec reference case, one of the questions that was raised was, who’s gonna take over the Treaty obligation that’s there? Would Quebec be willing to take over the Treaty obligation? So they never got there but it’s an interesting, it’s an interesting position. But I think if we get there first, like you said, if we get there first with our own laws, we have our laws already in existence. (speaking traditional language) And it’s there. I think that’s what stopped, that’s where our strength is, and that’s what would stop them. Because it’s the same thing with, if there’s anybody here that belongs to Wexit, you know. If you are, how are you gonna settle Treaty 6 obligations and how are you gonna settle NRTA. How are you gonna settle these unfinished business. So it’s not as easy as they, they think, but you’re right, I think we need to assert our own jurisdiction and our own law. That’s really the best solution, I think. And to the, I see the voice of rodeo back there about tie-downs. It’s eight seconds, if they don’t get up. Ten seconds if they get up, you’re out. No, just kidding. But anyway, you’re right. Seriously, you’re right. It’s up to us.**

**6:02:20 Chairperson Dean Janvier: Okay. Yeah. Another question over here on my right. Gentleman in the very wonderful pink shirt.**

**6:02:30 Unnamed Female Speaker: Can you put your hand up please?**

**6:02:47 Unnamed Male Speaker: (speaking traditional language)**

**6:05:22 Dr. Wilton Littlechild: (speaking traditional language) I’m just saying a story, quickly to the first time I lost a case in child welfare. It was to argue a Cree tradition where the mother of the child asked the court to allow her grandmother, the grandmother, her mother, the grandmother of the child to raise the grandchild in a Cree traditional way. And the judge said, Mister Littlechild, I agree with everything you said about Cree law, but I have to follow the Alberta Child Welfare Act, so they took the child. So, that’s the first time I saw a cultural clash happen. Where a child was apprehended, even though the judge agreed with the Cree tradition, and the Cree law. It’s a, it’s a good question you raise, so for me, where I see the, there’s openings for our law to be applied and followed. That we reunited our families, we rebuild our Nations with our children. I agree with that. Because I think we can protect that in court. So hopefully I answered your question. (speaking traditional language)**

**6:09:55 Chairperson Dean Janvier: Question at the back.**

**6:10:05 Unnamed Female Speaker: I have a question. I am from the Nakota Nation, and I took a little bit of law in my early days and I was thinking, with our children, like most of our First Nation children have disabilities. When they have disabilities and they’re put into foster homes, and then they come out, with this bill, like this bill C-92, the way I’ve been reading it, is it going to protect our children with disabilities? Because most of them will ask, do you have a family member who can be the trustee of the child, and if we don’t find a healthy family member, then we have to put the child under the Mental Health Act. Is there any guarantee, or do we have to create our own, in our own words, but in a professional way, and implement it, and integrate it, with the Child Welfare Act?**

**6:11:46 Paul Seaman: So I have a couple of comments. The first comment I have is that, one of the bigger discussions that was going out while C-92 was being considered was on the idea of substantive equality, and the bill does contemplate interest of children with disabilities in the substantive equality section. And this is, around Section, I think 9, sub 3. So there is some recognition of that, in the Act. Under that section. So the idea would be that children should not be disadvantaged at all because of that disability.**

**6:12:38 Unnamed Female Speaker: So you’re telling, you’re telling me that, you’re telling, you’re telling me that the Bill C-92 is going to protect our First Nation children in the Nakota land?**

**6:12:51 Paul Seaman: No, I mean I can’t, I couldn’t hope to give you that promise here today. And I’ll go back to my initial comment that when I was involved in some of this, these discussions, I was pushing a much more ambitious legislative scheme that was, it was much more likely to be protective of those children. What I’m telling you is that there is some hints of that in the Act but in my view that is one of the great shortcomings of this Act, is it hints about funding, it hints about things about substantive equality, it hints about being consulted, about regulation, but it’s not as precise as I would have liked it to have been.**

**6:13:37 Unnamed Female Speaker: So because it’s not precise and one way or other, we still have to fall under the child welfare act when we’re going to court to protect a child from being taken, from being taken from the mother and when we find kinship. When I mean kinship that means a family home. Then this Bill C-92 can help me protect the child? Coz I’m looking at the child’s well-being. Well-being means yes, healthy, a healthy home, and culture components.**

**6:14:21 Paul Seaman: Yeah, I, one thing I will say, I can make a positive comment about the Act, is it does push things a good step in the direction of family unity. So this is a little later on in the Act, this is in Section 16, which it provides sort of a list of kinships ties in sort of an order of priority and the idea of family unity in that section. But again, as I say, it may not go sort of as far as I would’ve liked it to and it sounds like you would like it to as well.**

**6:14:56 Unnamed Female Speaker: Well, thank you for your answer.**

**6:15:07 Jackie: Good afternoon. My name is Jackie, I’m from Alexis. My question is the same as the lady in the next table. While we’re all fighting over jurisdictional issues, constitutional law, inherent law, et cetera, who’s gonna be looking after the best interest of our children? That’s my question. Because legislation means it came into law. So this new Indigenous, Metis and Inuit legislation came into effect January 1, 2020. So that means whether we like it or not, it’s there. And we have to deal with it. So how do we protect our children? I was in the net just surfing around, I found this fact sheet, I don’t have it with me but at best, at minimum, it says to look at the following twenty-three standards and number 1, right at the top of the list was BIOC, Best Interests of the Child. It, at, told all of us Nations, define what’s your best interests of your child, our children. Define it, what does that mean in your community, how does it look like. Write ‘em all down. What about reasonable efforts in placing a child. We all know that nobody looks for reasonable efforts unless you’re a DFNA. I worked for a DFNA for many years, I did child protection. So provincially, it’s not looked like that, children go right away to foster home, into non-Indigenous foster homes. So these are all like big questions and we need to address them. Whether like, we think that it’s not gonna happen, it’s happening. And how come like, who was all consulted, where are all the aborgin, I don’t even like the work aboriginal, I’m Native. Where was our piece where we were consulted? My questions. Hope you can answer them. Coz they’re very important for our children. These are our children, not those children, but our children. (Traditional word)**

**6:17:37 Chairperson Dean Janvier: Thanks for that. Just wanted to make a comment on that one in case you weren’t here this morning. This is our meeting, this isn’t the government’s meeting. All the Nations here were invited to come here to learn something about this and take the information and bring it back home to each of your communities and your leaders and to bring your recommendations forward there. And on that other point, the other reason why we’re meeting here is that when the Chiefs met in November, last November, they asked for this meeting to take place in advance of their next meeting to discuss this issue. They want to hear from you, what your recommendations are for them to action going forward. So, I couldn’t agree with your comments more and I want to thank you for bringing them forward. Thank you.**

**6:18:33 Doctor Wilton Littlechild: If I may, just make a suggestion. If you look at the United Nations document that I was referencing in my presentation, paragraphs 30 to 33 explain fully from an Indigenous perspective, what does the best interest of the child mean. So it’s, it, your question is answered in the comment number 11, that’s what I’m trying to say. And it will differ from tribe to tribe or Nation to Nation, but never the less, the definition of the rights, the best interests of the child under the convention on the rights of the child, is answered in comment number 11. That’s why I say, sometimes it’s, it’s an orphan document that we don’t look at, but I think we need to start looking at it. Because Indigenous people drafted it, not, not government.**

**6:20:13 Chairperson Dean Janvier: It’s getting pretty quiet out there. Just wondering if there’s anybody else that had a question or a comment that they wanted to make? We have another one at the back please.**

**(speaking off-mic)**

**6:20:30 Chairperson Dean Janvier: Yes. Okay, good. Good question, all of the ones that were done this morning, there will be copies available. So the question to Willie and Paul is, will you make copies of your presentations available for everyone to, so they can have a copy to take home to their leadership.**

**6:20:53 Paul Seaman: No problem.**

**6:20:55 Chairperson Dean Janvier: Answer’s yes from both. Okay, it’s looking pretty quiet here. We haven’t had a break for a while, so that pretty much brings us to the end of our agenda for, for day one. In terms of questions and answers. I wanted to do a little bit of a recap for you in terms of going forward. We heard a lot today regarding information. And that was a whole lot of information for you to have to take in and consider and think about. And of course raises a lot of other questions. I’m sure that a lot of other questions will come to you a little later today as you go through this, maybe you go for dinner, go out for a bit with your friends, whatever, but that’s what tomorrows agenda is all about. So as I mentioned, tomorrow we’re gonna be giving all of you the opportunity to participate in groups to have discussions about some of your questions among yourselves, and also to come up with some ideas about how you wanna move ahead. As Willie has said a little earlier, one of the challenges that we face is unity, but in order to develop some unity, one of the things that we have to do is to look at common ground. If we don’t have common ground, we can’t achieve unity. So, in order to achieve common ground there will be common issues, challenges, concerns. And then we have opportunities and we have strengths. So how can we put these things together so that when we go and present our information, each of us to our Nations, each of us to our, our respective communities, and then coming back together again as a whole, many Nations together. Our leadership. Is there things that we can agree on that we wanna put forward to them. So, we’re looking forward to having more of a detailed discussion tomorrow, there’ll be resource people available all day. And hopefully we’ll see all of you tomorrow. Until then, I’d like to wish you all a very wonderful evening. Thank you, thank you so much for your time and attention today, and we’ll see you again tomorrow morning bright and early. Thank you.**

**Bill C-92 Technical Meeting   
Day Two   
February 12, 2020   
Best Western Premier – Edmonton**

**Welcome and call to order  
Dean Janvier**

**0:00:00 Chairperson Dean Janvier: We’re gonna get going in about two or three minutes here, so if you wanna grab yourself a cup of coffee or little snack. Little health break outside. Whichever, we’re gonna get going in a couple of minutes. Thanks.**

**0:04:13 Chairperson Dean Janvier: Good morning everybody. Welcome to day two of our meeting, the Bill C-92 Technical Meeting. For Treaty 6, Treaty 7 and Treaty 8. My name is Dean Janvier, I’m from Cold Lake First Nation and it’s really a pleasure to be here this morning. Hope we all had a good rest, had some time to think about all of the information that we heard yesterday. There was quite a bit of information presented and I’m sure for most of you, maybe some of the first, some of you heard it for the first time, so, it was a lot to go through. Like to get started here this morning. And following our, our protocols, I’d like to invite Leonard Weasel Traveler to come to the front please. He’s gonna start us off with a prayer this morning. Welcome Leonard. Come on up.**

**Opening Prayer  
Leonard Weasel Traveler**

**0:05:33 Leonard Weasel Traveler: (speaking in traditional language) Morning, ladies and gentlemen. First of all, it’s always an honor, but the other part of it, it’s, it’s a responsibility, it’s an accountability. You know, to be asked for, for a prayer and a, the ceremony. In our philosophy, in our belief, in Blackfoot world view, the Elder that you call on, he becomes responsible. So right now I am responsible for all of the prayers I say, they have to be utmost genuine for all our needs. All our benefits. For us to move forward. So my prayer today is for us to move forward with the best interests of our children, our grandchildren, and our children of the future. Yesterday I heard comments. I heard opinions. I heard concerns. I heard the cries of our children in these comments. For the past twenty years, in the City of Calgary, I’ve been working in the trenches. In, in child and family services. The past, I worked with Connie Fox. You know, a number of you sitting around in this room, different times our paths have, have crossed. But what’s most important is, is our children. One of the things, you know after consulting with a number of Elders in the work that I’ve been doing, it’s, it’s, it’s, it’s a support service. I come to realize, that these children, and what was, what was said yesterday, it was really good. I heard good comments. Good concerns. You know I, I try to follow this, this, this rule of thumb for me. You know, every day when I go to work, for these children, I, I try consciously, mentally, emotionally, physically, spiritually, to go to work in the best interests of these children. If it’s my agenda, than I just as well stay home. I’m, I’m useless. I’m worthless. So if we put the children first, in, in what we’re doing, so when I go to work, these children, what I say, and what I do, and what you say and what you do, you are the voice of these children. So let’s set aside egos, let’s come together. I heard yesterday, grandma’s law, eh? (speaking traditional language) Your grandma’s law, eh? The Mother’s law. I agree with that. It’s been my experience in working in children’s services, there’s no love that’s more powerful than a mother’s love. And even more powerful than that, is grandma’s love. So those are, you know, those are what we need for our children. You know, and my opinion, yesterday, what was presented, it was, it was, for me, it was, it was really good for me to hear that. You know, I, I’ve, you know working in, in child and family, yeah I was aware of the, the development of this particular law that came into effect January of this, of this year, 2020. But yesterday, the way it was presented, and, and we had, you know, the presentation from, you know, the Indigenous perspective, and then we had the presentation from the western world perspective, eh? And sitting there, listening to them, they didn’t agree. There was no agreement. And looking at this law, which is a legal instrument, at the end of the day, it’s going to be our legal representatives that’s going to cut the deal for us, eh? So you know, in my opinion is that perhaps we can all come together and speak on, you know, on, on one voice in how, what we want and what we interpret for that law to be in the best interests of our children, today and tomorrow. That’s just, just my opinion. You know, I think every one of you are all, you’re here as the experts, to represent your Nations, your Treaty area. All of you have lifetime experience in, in this particular area. But again, you know, we have to come together, we have to support one another. We can all agree, you know, with what occurred in regards to colonization. Colonialism. Is, is, you know, has that, that, I guess you would say the result of it. You know, today, you know why we’re in this room. You know, is it our children that are being affected. So those are just, you know, my comments. I, I reflecting on yesterday, there was really good comments made. I guess my point here is, let’s come together and support one another. I feel that if we are unified in our position, that’ll give us strength, that’ll give us power in moving forward. So my prayer today is, again, for the best interest of those children. As I mentioned, all of you, you are the voice for these children. They, you know, they have no voice. You are the voice. And let me put another way. We are the voice. So let’s come together on this. I think the objective today is to come up with a strategic plan for the Chiefs, when they, when they come and meet next month. And set them up and, and be there to support them. Let’s support our Chiefs. Let’s support our leadership. For the end result of, you know, the best interest of the children. So I’ll go to the Creator and my first language.**

**(praying in traditional language)**

**Day One Recap  
Dean Janvier**

**0:21:20 Chairperson Dean Janvier: Thank you very much Leonard. I really appreciate you being here today and starting us off with your, your comments and, and your prayers. It’s a very kind of you. Thank you so much, again. Appreciate that. Good morning everybody. We have a little bit of work to do here this morning. And then we would like to give you the opportunity to have a plenary discussion with yourselves, to kind of wrap things up here. So the first thing I’d like to do is read out for you a summary of yesterday’s discussions, and I’m told that they’ll be able to make this on a website, I’m not sure which one yet, I’ll be told which one. Treaty 7 website. And you’ll be able to take a copy of that when you get home. So you don’t need to write down everything right now, but I’ll just, I’ll go through it and then you can print it off and put it in with your notes when you get home. So it’s Bill C-92 Technical Meeting day one recap. Treaty 6, Treaty 7, Treaty 8. And we started with an opening invocation by our Elder Diane McInnis. Thank you Diane for that yesterday. And she also made a comment about leadership taking responsibility, to take care of children and care for them. And the process involving women and children. Then we heard from Anne Manyheads, who was instrumental in helping to organize this meeting. From Treaty 7. And she talked a bit about the purpose, welcoming everyone, establishing an agenda to bring to you information and dialogue. And then, that this meeting was mandated by the Chiefs from, from Treaty 6, Treaty 7 and Treaty 8 at their AOTC meeting. Assembly of Treaty Chiefs in November 2019. So it is our meeting and that’s why we are meeting, because the, the Chiefs had asked us to do that. Then they were asking us for further direction on how to address Bill C-92. That the legislation was coming into force on January 1st, 2020 which is now is in force. So we heard a bit about that yesterday. And, and they wanted to know more about what the sections are all saying in the bill, and, and what kinda regulations that, that we may need to be pushing for. So that is to be brought forward to them at their next meeting, which will be held here in the same hotel on March 4th and March 5th. Also that, of course, recognizing of course, as we always do, every Nation is autonomous and, and they’re able to make their own decisions and do what they wanna do to look after their own people, of course. But having said that, it was their information we can bring to them together. So on the first item we heard from Marcus Leonard and Malcolm Johannessen from Indigenous Services Canada, that the bill came into force on January 1st. It has minimum standards that will be applied to any delegated agencies. That the system will only change when a First Nation develops their own legislation through a partial or full implementation. And that an in depth technical review document which was handed out yesterday, is also available on the Indigenous Services Canada website. And also in French and English. The Act is coming into force, it now is in force and support is available. If you have questions, for example, when you go home, you can call into a phone, a phone line and also on the website with email questions. So there is support there. Which courts will hear the cases under the Act, that was a question. And did not intend to replace any judicial system to hear in cases. An additional principles and standard are contained in the Act. When it comes to implementing the Act, it is committee to a distinction based approach across Canada. Technical discussions are important, and so the Act is considered a framework for the implementation of these minimum standards, and for the principles. On definitions. Definitions, solution, Canada did not impose and so First Nations can reflect on their own views of what those definitions mean based on our culture and traditions. Regarding the presentation and the introduction to the Act, to adapt to the needs that, that are out there. Presentation was read with a broad review of the definitions, in particular Sections 1, 3, 4, 6, 9 to 20. Noting that Section 6 was amended on the Indigenous Services Canada website document. That was amended on the 1st. Further clarification is required, and definitions are broad for First Nations developing their own definitions. The exercise of jurisdiction can be in part, or fully, and it does not have to be a complete law all at once. Taking a step by step approach is acceptable, or a piecemeal approach to adopt a continuum model for First Nations as the first exercise of jurisdiction. And a not a one-size fits all approach. So each Nation can develop their own approach. Family, the word family. It is to be defined by the group, the Indigenous group themselves. And it recognizes that this goes beyond simple blood relationship ties. And it wouldn’t be up to Canada, it is not up to Canada to determine within its own, based on the culture and traditions. So the Indigenous Nations can decide for themselves on that one. There was discussion about what is an Indigenous governing body and that, and that it is that body in, and this is the language in the Bill, not, not my language. Important to exercise the jurisdiction and authorized by the bill itself. Substantive equality is, is referenced in the bill in five areas. Substantive equality, as was mentioned yesterday, what does that mean? Well, the example was that, well it means that different approaches and, and things can happen to achieve an equal outcome. So the example was, if there were three people trying to look over a fence, and one was tall, and one was medium height and one was shorter, if the tall person can see over the fence already, they don’t need anything to stand on. The medium sized person would require a medium sized step to be able to see over the fence, and the shorter person would require a higher step. So they’re, they’re treated in different ways but they achieve the same outcome and that was the example used yesterday of talking about substantive equality, and I guess in the same way, applying it to our children is, some children may need different ways of supporting, then other children. But we all hope that they all are able to achieve success in life. So that was kind of a, how that was explained in the Bill. Again, that’s for each Nation to talk about that and decide for themselves. So another one was areas of concern include funding and changes with the new fiscal relationship. The impacts on current funding agreements. Ambiguity about whether Treaty Nations would become Canada’s version of self-government Nations. What is the content of coordination agreements. And working with the Province of Alberta around a possible transition. And the need for a proper training for the judiciary, since the courts are supposed to have a role in the implementation of this bill. And questions about what are the possible liabilities now. As we go forward. For each Nation. So item number two is from Alberta Child and Family Services. They did a PowerPoint presentation. What, what they’ve done is they’ve done a, a review of the, of the new act, and compared it against the Alberta legislation on, on children, families and youth, and they, they feel that it’s, it’s very similar already, but there are some different components. So they also gave the example of Cowessess First Nation giving notice and ratifying with membership, coordination agreements with several provinces, and they’ll be building their law on the format of Alberta Child and Family Enhancement Act. So that was something that they brought up. So regarding the answers, the federal package and the definition and interpretation of Section 35. The rights holders will continue to determine that. The Alberta Government also brought up the fact that they’re not very clear on what this means for the Metis. And, and that the Alberta Government is concerned about data sharing. That it is important and the complexity of each Nation having their own laws and systems and tools. And that the Nations themselves also brought that up, saying, you know, how are we gonna be able to access or own data and start taking care of that for ourselves, so. The Alberta presentation was quite short, and there wasn’t very much discussion on it, so, I do think that’s an area where there needs to be a lot more follow up. So item three was the legal expert panel with Doctor Willie Littlechild and Paul Seaman from Gowlings. So Doctor Littlechild, Willie, he talked about the three sets of standard on child wellbeing. The first standard, provincially. So complying with Provincial standards. And also the Federal standard. That was part of the TRC calls, Truth and Reconciliation Commission Calls to Action. So that’s now been developed and is now in this new act. What is the federal standard for children? And, and then he talked about another one, a third one called culturally relevant standards. And I think what he had said at that time, what he was referring to was, our own culturally relevant standards of our own people. And then he brought up a fourth standard. The international standards. And he went through that. So in the TRC calls to action, every child that is in our communities, also has Treaty rights, and as Leonard mentioned earlier this morning, so they don’t have a voice of their own to express that. So it’s our job to try to express that in the best way we can on their behalf, in our work. And on the Treaty and inherent rights, he brought it forward that this has been a matter of international concern, interest and responsibility. There was a UN Treaty study and that it’s been happening for many decades. And we now have the UN Declaration on the rights of Indigenous Peoples, Articles 1 and 3 being fundamental. Including the right to self-determination. He talked about the convention on the rights of the child. General comment number 11, which is referenced in the UN Declaration. And the importance of the convention companion law, number 11 specific to the child, fundamental focus on culture, respect for the views of the child, and links with other international law. There’s the OAS, which is the Organization of American States, which includes North America, Central America and South America. Regarding the Declaration on the Rights of Indigenous Peoples, that’s, that’s the OAS Declaration as they call it. That one also, for the first time in international laws, references the rights of the family in that. So, there Indigenous laws, international law. Then he talked about the ILO convention, which is the International Labour Organization convention, 169. And the CERD, which is the convention, Committee on the Elimination of Racial Discrimination. So Canada has not ratified that, but it is also in effect. So they also both contain comments about rights and standards of Indigenous Peoples worldwide. So we talked about consider incorporating and referencing the general comment number 11 in your own First Nations laws. And specifying your culturally relevant laws yourselves and as we heard yesterday, for example, there’s one Nation, I believe it was Alexander that has a law now called Kookum’s law, for example. So that’s another example. Then we had, he also brought up the Mayan ceremonies and prophecies. There was a change to a new Mayan calendar. And this is the new sun calendar. And they believe that, in their own ceremonies, that things are supposed to get better for Indigenous Peoples, provided four things happen. The first one, spirituality must come back to leadership. The second one, women must take a more prominent role in leadership. The third one, we must build on the strengths of our people and the fourth one, we must work very, very hard on unity. So he also brought up, don’t forget, there’s national standards and provincial standards, but that we have our own standards. That’s the culturally relevant standards. And that children have a right to play and they have a right to be happy. Paul from Gowlings did an also, the second one, he did an analysis of Bill C-92, which will be provided to you. Also a copy of Willie’s presentation should also be available to you also. That this, this law was co-developed with Canada and there was consultation with Provinces also. And the larger context of the First Nation caring society’s funding. This is before the Canadian Human Rights Tribunal. I don’t know if you guys know much about that, but that’s the Jordan’s Principle case. And then, that the Act sits until an Indigenous group, that’s the wording in the legislation, enacts their notice of interest and the implantation to, to go under the act. So in the, in the first definition, it’s intended to accommodate First Nations, Metis and Inuit peoples and tie into Section 20, and 21 of this act. And that is regarding jurisdiction. So, Section 20, a First Nation can exercise their, their own, their own legislative authority on their own. They can develop their own law. However, and he brought this up, that was what he called a chicken and egg problem with this. That there’s no clarity about where’s the funding. Where’s the dollars to develop this law. So you can enact your own law, to, to get into this process, to, to do something, but you have to develop your own law first, on your own. Which, you know, he brought up that makes no sense. And then there was also a lot of discussion about how do you move ahead, and that there was a need for a lot of regulations because there isn’t much detail in this bill. It’s very broad. And that the fiscal relations would have to be worked out in the future. And that’s something else that we heard from the Federal Government in the morning. That, they, they still don’t have much information regarding how they intend to support this bill through, through the economic component. And then on the technical guide, on page 26, it’s being treated as a regulation, and that’s confusing in terms of the context of the intent. So, they say that they’re gonna develop regulations but then they’ve already developed this technical information package, right? So, which has a lot of rules in there. Right? So to wrap up the day, I just gave a quick review of day one and, and also to, what to expect for today, so that’s pretty much it. And the meeting adjourned at 3:17, so, again a copy of this will be made available for you to download on Treaty 7’s website. Thank you for listening to that, and I was provided this also. This is another resource package. It’s from the Wahkotowin Centre of Law and Governance lodge. And this available also for downloading on, on the internet and that’s from, I believe out of the University of Alberta, I believe. So, I have a copy up here if you wanna just come and have a look later, you can come and see. Oh, here it is. Yeah. It’s at, yes it is at the University of Alberta. So they have an email and they have a website at the Ualberta.ca. So you can find it on that. On that website. And I’ll just leave it here, you can come and have a look. Anytime, so, for this morning, I made a couple of notes here. You know, I really liked what Leonard had to say this morning about you guys being the experts. You guys having all the experience, you guys been doing this all your lives professionally and, and not even professionally but just as a human being, you know. And why are we all here. Well, we are all here, that is true, because we all want to see something better for, for the children that are in care, right? Of course. And we want them to come home. Right? And then also there are children that are not, haven’t left the community or anything like that, but they need support. They need, they need assistance, and the parents that are trying to raise these children in, in cases that, that you’re dealing with. They may need support, they need, they may need guidance. Things like that. And they may need other, other kinds of supports that, that you can think of. And yet each day, you know, you have many challenges before you, right? As Leonard mentioned, you have to get yourself ready, you know, mentally, physically, emotionally, spirituality, to go out there and try to do the best job you can. And I’m sure that that’s not the easiest career choice or the easiest thing to do every day but of course you must do it because it’s in your heart. It’s something that you wanna do. So given that, and given the mandate of this meeting regarding what can we bring forward on March 4th and 5th to our leaders, what are we, what kind of information are we gonna present them with. What kind of recommendations are we gonna make. What kind of requests are we gonna ask them to go forward and, and fight for on our behalf and on the children’s behalf. These are the kind of questions that, that we wanted to, we wanted to go over today. So. On that one, there are a couple of, couple of things that, that we can go on. First one is, what would a a healthy child in a family community look like to you? So, so if we’re gonna start from developing a vision, or developing a common position, or finding some common ground. If we’re gonna get some unity on this, maybe we should talk about what, what the children are needing. Right? What the families are needing, what the parents are needing. So in, you know, in order to achieve that healthiness, and then a second question is gonna be, what advice are, are you gonna be wanting presented to our leadership regarding this? So the bill is now in effect. What is, what is it that you’re gonna be asking our leadership to do regarding Bill C-92. What is the next steps on that. And then, and then as Leonard said for example, one of them is, how, how do you address the Bill from a legal perspective. So, each of our Nations has legal advisors. Perhaps one of the recommendations can be to have those legal advisors meet and try to develop a common position on this. So that was something Leonard had mentioned this morning. As an example. And then of course, this, this one’s very important I think, is the last kind of major question is, the third one is, what, what are your immediate priorities. So, this is a great opportunity for us to talk about, not just like, you know, the big picture of, you know, jurisdiction and, you know, regulations and all that kind of stuff, but as I mentioned earlier, the, what is it that’s, that’s, that’s the most urgent thing that you have to deal with every day? That you need immediate action on. You know. What is it that, that, that you need to take place, that you need the Chiefs to be aware of so that no more children leave, right? So that that stops. First of all. So there’s no more apprehensions, right? What’s needed for that? And then of course the next one is, dealing with families in crisis. Or dealing with families that are having a, you know, different challenges. What kind of supports are needed immediately, that, that you can work with. That, that will make a big difference. So what are the priorities in other words. So, so what I recommend is we break up into some small groups, four groups. One on this side, one in this corner, one in that corner, one in this corner, and one in that corner. And we can break for a half an hour, and you guys can get together and talk about the first, the first question. So what is the healthy child and the family community look like? So what is it that we’re working towards here. If we’re gonna achieve success, what does that look like? So we’ll break for half an hour for that. So we’ll come back together at 10:00. So group one here, group two in the far corner over there, group three in that corner, and group four in this corner. So just organize yourselves, and we’ll have a note taker for each group. Thank you.**

**Breakout Sessions**

**0:49:42 (Briefly speaking off-mic)**

**0:49:50 Chairperson Dean Janvier: So, Treaty 8, Treaty 8 group is over there. If you wanna meet as all Treaty 8, there’s a table over on this side, with, Ken Alook, my good buddy, Oilers fan. Over there. There’s another group at the back over there. If you’d like to meet as Treaty 6, please feel free to do so. I’m not trying to tell you how do you, how to do this work. The idea is, we’re gonna give you the opportunity to discuss this question, and one other thing, I’ve already been asked that when we come back together and share our information with one another, whatever it is we decide to share, we are gonna be asking the Government representatives to leave the room. So they will not be listening to this information, when you guys all come back together. It’s, it’s gonna stay within the, the Treaty Nations. As advice to, to our leaders. Okay? Just wanna be clear on that. That’s already been brought up, and I wanna make that very clear. This is for Treaty Nations only, and the Government will not be here, either Federal or Provincial for any of this. Okay? Thank you. We’ll be, we’ll be reconvening at 10:00.**

**0:52:36 Unnamed Female Speaker: Can I have your attention please? I see everybody is a little confused. So if we can have you break into your Treaty areas, I think this is Treaty 8 over here? So all of those at Treaty 8, please go over here. Treaty 6 is along this line. And then we’ll put Treaty 7 right here. Okay? So right in here, is Treaty 7, in the middle. Treaty 6 will be over on this side. And Treaty 8, you look like you did a good job, I wanna give you a round of applause. You organized yourselves. Okay 6, don’t make me be shy. Get organized.**

**1:18:10 Chairperson Dean Janvier: Okay it’s 10:00, so if you guys just wanna wrap it up and then I’ll bring the microphone around to each group, and then we’ll go to the next question.**

**1:27:26 Chairperson Dean Janvier: Okay it’s ten after ten, so if you guys just wanna wrap it up, we’ll do the reporting back.**

**1:30:33 Chairperson Dean Janvier: Okay, sounds like you guys are making really great progress, so instead of breaking up the groups at this time, I’m just gonna throw up the next question. So the second question, we’re gonna ask each group to focus on for the next half an hour or so is, what advice are you gonna be advising to bring forward to our leadership on March 4th and 5th. How do you think they should respond to this Bill C-92, as a Nation, as a group of Nations, as a Treaty area. And as all the Nations together here. So, so what are your thoughts on that, please share with one another. What advice do you have for leadership on how to respond to this. Okay, go ahead. We’ll, we got a half an hour. So it’s 10:15, so til 10:45 on that one. We got a request for a break, so yeah, let’s break for fifteen minutes, we’ll come back at 10:30.**

**1:45:13 Chairperson Dean Janvier: Okay, we’ll get reconvened here and we’ll get going again in a couple minutes. So, grab your coffees, grab your snacks. Go take your health break and we’ll get going again in a couple minutes.**

**1:50:19 Chairperson Dean Janvier: Welcome back everybody. If I could get you all to take your seats. We’ll move on to the next question. It’s up on the screen here, just to guide your discussion. So again, we’re asking for advice to bring forward to the leaders, regarding Bill C-92. What are your recommendations? So we’ll go now til about 11:00 and then we’ll do one more question, which, which shouldn’t take long, and then we’ll do the wrap up from each group. Okay? We’ll report back. Then we’ll have final comments. Closing comments. Okay thanks. You guys can get your groups back together and I’ll check in with you again about 11:00.**

**2:18:20 Chairperson Dean Janvier: So excuse me for a minute, It’s 11:00, it sounds like you guys are making really good progress, so just carry on. And in about ten more minutes or so I’ll just give you that last question, and then after that we’ll wrap up and come back together in one large group. Thank you.**

**2:36:29 Chairperson Dean Janvier: Okay so it’s twenty after, and just gonna add on the last questions, so, one more question to inform our leadership about is, what are those key priorities, action items, that you wanna advise them on. I heard some suggestions already coming from the group, so just, if you can make kind of a short list of what are the key action items that you need to help you do your jobs better out there in the field and support our children and families, please bring those ideas forward as well. So I’ll give you guys another fifteen, twenty minutes and then we’ll wrap up and, in the large group again. Thanks.**

**2:59:14 Chairperson Dean Janvier: Okay guys, it’s twenty two, so if you could just wrap up your conversations and we’ll be bringing the mic around in about two or three or minutes to each group. You can share some of your findings as you wish, or not. And hope you found this time to talk amongst yourselves very valuable to prepare yourselves to brief your Chief and Councils, your leadership, your Elders, your community members and get ready for the AOTC.**

**3:01:49 Chairperson Dean Janvier: Okay, if I could get you guys to wrap up your discussions and choose one person from your group to make a little report back, that would be even better. So as soon as you’re ready we’ll, we’ll be bringing the mic around. Maybe we’ll start with Treaty 8, if you’d like to? Start from the north and work our way south? How about that? Get the host, Treaty 7 to report as the final word. Can we go as Treaty 8? Yeah? Yes? Okay. Eight, seven, six, five, four, three, two, one. Yeah. Okay. Great. Okay everybody I’ll just ask you to take your seats.**

**Sharing of Breakout Session Discussions**

**3:03:20 Chairperson Dean Janvier: Okay, so just a couple of comments before we get started on our reports from the groups. First of all, just to remind everybody, this is our own meeting. This is pretty confidential discussions. We’re not expecting to, you know, report this information to anybody outside this room. Except for our own people. We’re not sending a report or anything to the Governments or anything like that. This is all internal information, internal discussion. And by the same token, whatever you’d like to share from your groups, that’s totally up to you. And, you know, we’re, we’re just really basically looking for some of the key points that maybe came out in your discussion this morning on those three questions. So, with that, you know, we’ll leave it up to you to, to decide which parts of your discussion you’d like to share with the others. And then when we’re done we’ll, we’ll all get together for a closing comment, okay? So Treaty 8. You guys ready to go?**

**3:04:30 Loretta Bellerose: So, you wanna put it back to the first question then?**

**3:04:32 Chairperson Dean Janvier: Sure. Sure. We’ll get George to do that.**

**3:04:39 Loretta Bellerose: I’ll do the second question.**

**3:04:41 Chairperson Dean Janvier: Okay, there we go. Question number one. Or no, that’s question two I think. Yeah, there you go. That was question one. Yeah, the first one we, yeah you got it. Okay. So if I could have your attention please, we’re gonna go to Treaty 8. You’re on.**

**3:05:04 Unnamed Female Speaker: Okay, with this one they broke it down to two, the two questions. What would a child, healthy child look like in your community. A healthy child is holistically, culturally, spiritually, emotionally supported to participate within their community. They are provided a safe environment to participate, and have a voice within the community. Their services for, all services are provided, both with substance, community, strategy. To ensure that the child has everything they need to be a productive adult. Parents are given services and programs to assist in them in the intergenerational trauma. Safety nets are provided, like, block parenting. Adequate services and provisions to, like, the doctors, dentists, that are culturally appropriate to the programs. Elders components. Specialized services. Safe drinking water. Infrastructure. Gotta mind my, trying to read my chicken scratch. Family shelters to bring the children home. Parent engagement. Community wellness. Community assessments. Family dynamic workshops. Roles and modeling. What do you call them? Mentors. Mentors. Something to do with, oh, they suggested that they’re, Treaty 8 do not have any social media for one night. Cut off all internet. To become a family night. Support the leadership, and the leadership to support the community events and to have the child be reared by the community. Not just the family. I think that’s basically what most of what they said.**

**3:07:25 Loretta Bellerose: Just the first question, or all three? Okay. So, pull up the next one then. Okay, so based on what is in the best interest of the child, and the information provided on Bill C-92, what would be a recommendation to your leaders and community. So we have best interest of the child can only be determined by your community, not any government institution. Community taking care of own system. Your own child wellbeing laws. Teach them how to be resourceful. Teach them the old ways, land based teachings. Community specific conversations on best interest of the child. Children are our future, it’s our responsibility to look after them. Leaders need funding to, to develop what we can do. I’m trying to decipher which ones. Be aware of, an analysis of where we sit today with our kids. No data of children in care. Regarding disabilities, institutions, group homes, placement changes, conversation about, if the best interest of the child is currently in our CYFE Act, are they, have they met that determination. But it is not culturally specific to each Nation, but having a, a thorough analysis of every one of our child, kids off-reserve. Connections, family visits, connecting with community. How many times, how many times in community events, round dances, memorials, meaning working with the child on the best interest of the child. And that reassessment of the file that Bill C-92 speaks of. What is the cultural plan? Have they adhered to the cultural plan? How many community visits? How often have they seen their parents? Are they participating in Treaty days? Are they participating in memorials, or feasts specific to their family or their community? Having an analysis of the best interest of your child in regards to culture and community connection. Have they been complied with? Let’s see. Spare, parenting specific and caregiver training. So conversation about the parents in our communities needing parenting specific training, but also the caregivers could be foster parents. And in regards to, again, culture, community, traditions, values, beliefs of that Nation. Community norms, having those, that training delivered to our parents, because the children, the long-term goal is to return them to the parents, but also to current caregivers, coz you have to work with both, when you’re working with the children who. Workshops on Bill C-92 and the community. Not just Bill C-92 but the current CYFE Act, like a child welfare 101 that our community needs to understand where we sit today. That it’s in full force and effect as of January 1st. We can’t do anything about it. It’s here. And what we do, do we need to do to currently work within what’s been enacted. But as well, understand what the current Child, Youth and Family Enhancement Act means to our, to our families and our communities and the work that’s done. Significant measure was a conversation. Significant measure within Alberta Children’s Services, is only when the child is going for adoption and private guardianship. But in Treaty 8 the community, the conversations are significant measure, if the child is apprehended. Coz they’re enduring trauma. They’re taken out of the home. That’s a significant measure. But, if you do not develop that process of what a significant measure is, then Province will continue to determine what that means to them. We have to put our own position forward. What notice should look like, what significant measure means, in absence of that, they’ll continue to do the work and only notify you when they think they should. Representation across Canada. It was a conversation of best interest of the child. And those provisions under C-92 , you have to remember this, this Act now applies across Canada, so you’re gonna get notice, not just from Alberta, but other provinces and other Nations, and there’s also the conversation about, there’s two pieces under a representation and party status. The child’s parents and caregiver says they have party status, and the Indigenous governing body has representation status. What those two mean, what does it mean and who is the child care provider? Coz when we say child care provider, we’re talking about the foster parent. And what’s the issue now? That they fight us from returning our kids home. So that’s an issue under Bill C-92. Yeah, and the, the rest of specific to Treaty 8 Chiefs. Key issues? Jordan’s Principle. Jordan’s Principle, there’s been some changes in the funding. Historically everybody could apply for funding, you know, there wasn’t any restriction, but there has been new guidelines set in place for the new fiscal year funding, which impacts some of the people that have applied for that funding, coz they’re saying no duplication in funding, so they have a Tribal Council organization, and if three entities in that body apply to do suicide awareness, for an example, only one person will get that funding. So they created this whole gift pot, and now they’re gonna make you fight for that pot, I guess. Every child that comes into care should be defined as special needs. Special needs is not just FAS, autism and all of those pieces. A child that comes into care that interacts with the system, something significant happened at home. Which creates trauma for that child, therefore, they’re all special needs. Social workers need specific training. Treaty 8 specific, in our, in our case. Treaty 6, Treaty 7 specific. Treaty 8 Elders, for us we have specific Treaty 8 cultural awareness training that they developed, but what we’re, we’re saying is that it needs to be training for caseworkers because that’s where we’re in right now. We’re still in the system, and currently the training that they get is driven by Provincial delegation training. But it’s not Nation specific. It’s not our Nations training them on our ways, in our Treaty territory. Infrastructure, housing. Without adequate funding we are always in need. When bringing our children home, this an important topic. Right? That, that needs to be addressed in regards to funding. When it comes to, that they are no longer to apprehend based on the socio-economic conditions under Bill C-92. So historic, like sometimes they won’t allow the grandparents to have the child because one is in a wheel chair, and one is in a cane and diabetes, right? They can’t do that anymore. And they can’t apprehend because when you go as workers, when you go in and do an investigation, you have to check to make sure there’s food in the cupboards, and if there’s none, provide the food but don’t apprehend coz there’s no food in the home. And the other piece is overcrowding. History has been that in order for us to place a child with a home, they had to have their own room. They can’t apprehend based on those because the significant amount of kids in care in Alberta is based on neglect. And that socio-economic conditions has a lot to do with that neglect and the overrepresentation of Indigenous kids in care. And who’s gonna monitor? Now that Bill C-92 is in force and effect, who’s gonna monitor that they are not apprehending, based on socio-economic conditions? Not just, not apprehending, but they’re providing brief services, for the family so they don’t have those needs, right? If they need a food voucher, then give it. But who’s, who’s monitoring to make sure that that’s happening? So there was also a conversation about home visits. Currently we’re, again within the system. And that we, moving forward we’re, regardless of residency, when our Nations take over the service delivery off reserve, before we get to that place we have to work in the arena we currently are now, and some of the concerns are lack of capacity, foster parents. Right? So building those relationships with them, and maybe a cultural resource person to go in there and teach them about the Nation way of life, the culture, the traditions of the community and building that relationship, because we may not have that capacity, but alongside that, doing caregiver recruitment at the Nation level on-reserve, off-reserve. But we do have to be cognizant that we still have to work with the current care providers that are not Nation. And how do we build that relationship while we bring our children home. Capacity, educators, mental health workers, care providers. Doing a capacity resource internal review at your Nation level. In your education department, who completed social work? Who completed mental health? Who completed addictions? Who completed education? These are your capacity first, before us at the Nation level, for that vested interest for our people to fight for us, to do what’s right for our people, to do that review, right? And as well as a feasibility study. We’re also talking about a feasibility study, our homes, right? The lack of housing, what kind of programs and services do we currently have at our Nation level. What do we need to get ready for our kids coming home and the other piece is the impacts of those, which is (mic cuts out) Nation, housing, other program areas when they start coming home, when they turn of age to eighteen, these needs are required, proper funding by Indigenous Service Canada. So forecasting those implications and moving our leaderships to the arena of fighting for those adequate resources at the Ottawa level. Band designate role, there was a conversation about that. And as a Nation I’m gonna take Bigstone for example, when they developed their own law, and the took, take over service delivery of the, all of their off-reserve kids, the band designate role now changes to a potential provincial designate role. Coz remember the band designate is the conduit between the Nation, culture, community, connection for the child off-reserve. You flip that around. Now it’ll be a provincial designate, so if Alberta apprehends Bigstone child off-reserve, they know who to contact to bring the file home to that Nation. So you gotta remember, you’re flipping everything around. All of your resources, your group homes, your institutions, your fee-for-service providers, WJS, whatever they’re called, they will now serve the Nation moving forward when you develop your own law, because you will be the bosses of your legislation and your child well-being laws. They have to comply and make sure that they’re doing the work that you have set forth for your kids, not you asking them to please do this. If they don’t do it, then you hand it over to somebody else who will. That’s it!**

**3:21:53 Chairperson Dean Janvier: Right on. Okay thank you. Do we have a presenter from Treaty 6? Two groups? Okay. Group right here?**

**(speaking off-mic)**

**3:22:07 Chairperson Dean Janvier: Okay. We’ve got a volunteer. I feel like a game show host here. Here you go.**

**3:22:26 Tyler Makinaw: Afternoon, Tyler Makinaw, Ermineskin. So what, what would a healthy child look like in your community. What do the children and their parents need? A holistic environment. One that allows them to be happy, confident, safe. Allow them to heal when, when they’re connected. Know their language. Strong identity. Laughter, positive role models, goals, time for play, ceremony, language. The space for love, the opportunity for love. Hope for their future, Basic needs met. Knowing that they’re loved. Know where they belong. Knowing that they are loved. To be content with their, where they are. To have self-esteem. To be outgoing. To have the opportunity to, to hear stories being told by, by, by Elders. By, by, by the older ones, you know, the ones that have, that have the experience, to be, to be taught in that way. To be taught in a loving way. To have freedom, you know, that’s something that’s often overlooked. To, to know, it’s for them to feel that they are free. Free to express, express emotions. Sharing the, the ability to learn how to share with one another. Sleep and nutrition. Very important things. Physical activity. The opportunity for sports, all different kind of sports. Not just hockey and slow pitch. You know. You know there are, there are many other kinds of sports out there. You know, the ability to have and build positive, or a positive and health relationships. Education. Build on community skills. Thriving in school. We should be reaching for the highest. And to have the opportunity for traditional, along with western education. You know I often say that, that we have to, we have to know our ways, our own traditional ways and we have to know the, you know, the (traditional word) ways. You know, the, the, the government ways. We have to know their ways better than them, along with our ways. You know, and this, it’s, it fits with a lot of why we’re here today. So next question, what do children and their parents need? Right off the bat, shelter. A good, you know, I heard housing over here. So adequate housing. Housing that’s up to standards, you know, that, that we’re all okay with. Supporting that work, you know, every child and parents need a, a support network within their community. Adequate opportunity for employment. Clean water. Addiction free housing. You know, our family I should say. Positive reinforcement such as role models and programs, and, and resources and you know, that nature. Resources such as, you know, the ones that allow for healing. For financial, you know, financial help, financial, you know, boosts. Equitable and fair resources that are open to everybody. You know, Jordan’s Principles a tough one. You know, just opportunities that are, that are equal to each of us. You know, cultural resources. You know, you know learning on the land. Cultural based resources. Health and educational resources. Leadership and Elder involvement, you know, together on, Council support. That’s, and also that’s counselling services. Extended family involvement such as Kookum’s, Moosum’s, you know, (traditional word), cousins, you know, all, all of that. Bring the families close together in a way. An environment that is free from violence within the home and within the schools. All microsystems. A nurturing environment. Every child needs to have an opportunity to be nurtured. In whatever environment they’re in. Economic stability. Our, our, our families, you know, are, they definitely need economic stability. You know, moving from home to home, from couch to couch, you know from community to community, from Ermineskin to Louis Bull to Samson to Montana, you know that happens back home. You know, spiritual, spiritual resources. Quality time with each other, with friends, with positive supports. Healthy utilization. Security. You know, having them feel that hey are safe in their own home, their own school, their own transportation to get to school. You know, getting out of the car and walking to the building. You know, all these things, and, and secure in their, if you know, if they’re not with mom and dad. Where are they staying? You know, it’s knowing that, you know, that they feel that they’re safe. Having, having parents, you know, living without the fear of, you know, child welfare coming to knock on their door. You know, that’s, that’s so important, that’s so big, just having, you know, allowing our parents to be free to be a parent without worrying about having their child taken away. Structure. Communication. (traditional word) You know, all the Cree wind words. Knowing spirituality, ceremony. You know, having a solid foundation of what our Treaty rights are. You know, you don’t need to necessarily, you know, read the whole entire thing, you know if you can, that’s, you know, all the power to you. But knowing the essentials, they’re, they’re, they’re big things within our Treaty that everybody should know. Healthy parenting skills. Role and responsibilities and modelling. We should have, you know, there, there should be these resources in each of our families, let alone, you know, our communities, where we can learn from each other. Celebrate our children. Every opportunity that we have to celebrate our children through every sort of milestone and every chapter in their lives. It should be celebrated, along with the parents. Celebrate the parents, you know, successes in, in, in their journey in becoming, you know, a good positive role model and a good, good positive parent for their child. Affection. You know, allowing the opportunity for our, our, our, our parents and our, our children to be affectionate to one another. You know, it’s so many different spaces within our, our, our social services system. They don’t have that opportunity. Basic necessities. Food, clothing. These are, there’s, you know, it’s a struggle, you know, having a, a healthy breakfast in the morning. Before or when they get to school. A healthy hub for, for youth to hang out. You know, it’s, I’ll use Ermineskin as an example. We have irregular hours within our recreation department, and they, and it, and they close early. They close at 7:00. You know, something that allows our children to, to go to until 9:00 or 10:00 PM but if they know that it’s always going to be open, that there’s a safe place for them to go to, so it, you know a hub for our children to hang out at. That, a healthy, safe hub. Grief and loss therapy. Technology free time and spaces. Natural healing practices and passing on that knowledge. Inclusivity. No discrimination. To come from a place that we all belong. You know that kind of adds to the, you know, equal opportunity to services. Anti-oppressive acts need to stop. You know, we have a lot of learned behaviors that have happened as a result of assimilation and colonization. You know, so these anti-oppressive acts, you know, they need to stop, such as lateral violence. You know, this idea of working in silo’s within our departments. That could help, you know, our, our parents and our children in so many different ways. So working together. Conflict resolution. Strengthening the connection between Elders and youth. You know, just finding more ways that we can involve and put our, you know, have our Elders at the forefront where they, where their voices are, are, are the loudest. Understanding compassion and ceremonies. And we also need spaces and opportunity for expression, you know, the areas out of, you know, our mainstream ideas such as, you know, in the sciences. You know, allowing children to have a free and open mind and pursue anything that they want to purse. And, okay, the next question. So what’s, based on what is on the, in the best interests of the child in the information provided in Bill C-92. So recommendations to leaders and community. So, reference the CRC, the Convention on the Rights of the Child, you know, Willie talked about it yesterday. General comment number eleven, reference it, use it. Use international law to support your own law development. You know, these are, there’s strong voices in the international, in the international platform that we can use to support us. You know, the Canadian government, they pay attention to these people so if we use them those only help, they only serve to help us. Use the words in our language, you know. You know, in our way, you know, put it in Cree, you know, for Treaty 6 or in Treaty, you know, Treaty 8, you know, Dene or Cree. Or you know, or Lakota or Blackfoot down in Treaty 7. You know, put it in your language first. And then English. So, have an information workshop to the leaders, for the leaders, and then to the community, so, to give an opportunity for the community really be involved and for our leaders to really include the perspective of the people that are, you know, are living the day-to-day. You know, the, our parents and our children. To be informed, to be, to represent the children and families that speak for us. You know, add in, you really look at question, or Section 21, so the inherent right to self-government. Impacts on Indian Act, legal advice, and others. So to work with the people to develop their own legislation that is representative of the people. And the children and the communities. So I talked about this in a sense that you know, when you’re in your law development stage, you know, dream big. You know, when I, when I talked about developing our law in Ermineskin, our own child law, it’s what I want and what I see for Ermineskin is basically the exact opposite of Provincial law right now. And that’s what I’m pushing within Ermineskin. To have it completely tailored to what Ermineskin needs. And to what Ermineskin desires. And, and it just so happens it’s the exact opposite of what we currently run on within the, within our own Provincial law. So dream big. Make it, make it yours. So know the real meaning of the best interest of the child. You know, look up that definition. Find it and see how it works for you. So again, that’s for our leadership. Draft a letter to the CFS services that they demonstrate that they’re meeting the best interest of the child. You know, get that stuff in writing and, and use it. And use it as your, as your, as your, as your, as your leg stand on. Right? Get it in writing. So leaders, depend on your technicians, you know, the staff that are working in the front line. The staff that are, you know, that are in the trenches. You know, use the recommendations that they have. So meet with your front line staff and you know, just ensure that you have the voices of the community. You know, have a lot of community input sessions. Collect experiences, collect stories. Use those stories. Add them in. You can put them in your preamble of your law. Your law development and you, you can have these, these things that are used as supporting mechanisms for your law development. You know, especially, you know with the, when you go to choose whichever option, whether it be one or two. So trust, yeah. Trust your experts. Leaders be present in these sessions too. The more, so the more the leadership is able to be present in, and involved in sessions such as today, you’re able to understand the loopholes within C-92, you know the, the lawyer for Gowlings yesterday afternoon talked about the loop holes. You wouldn’t know those unless you came to these, or unless you had a tech tell you. So be present. Make a serious effort on learning and in, you know, improving your perspective on where you’re gonna speak from, so that you’re not just speaking off a laptop like I am today. You can speak from the heart. Our Nations need to empower one another to be consistent with messaging. You know, use, you know, go to other Nations across Alberta. And find what’s working for them and be open to sharing. Sharing that information. You know, we can, we can share information yet mold it a little to, you know, to, so that it fits, you know, our Nations respectively. So come up with a coordinating agreements based on the child. Based on the best interest of the child. So again, find your definition, get that definition for the best interest of the child. DFNA and non DFNA and funding discrepancies. Understand the impact of the new fiscal relationship. Nations need to be recognized in their own independent sovereignty. Again, make what you want for Bill C-92 and your response to it, whatever option, yours. Your Nation specific. Each community has different needs for, for our people. Our children and our families. We need to act in our own sovereignty. But, again, look to each other for supports. Leaders need to exceed the national standard as a Nation. We can build and complement what we know, and what we practice while respecting the diversity and acknowledging universalism of our national, of our natural laws. You know, leaders negotiate funding. Come from a Treaty based perspective. Each tribe build a child act. Build it in a way that serves the Nation best. Community meetings. When we develop the law that we need, use the international instruments, you know. UNDRIP, community on the rights of the child. Convention, the CERD. Racial discrimination. You know, OAS, Wilton talked about it yesterday. Organization of American States, they have supporting documents within those so that you can put in your, you know, to use as supporting documents.**

**3:38:19 Chairperson Dean Janvier: Excuse me. Just wanted to make a note, it’s twenty after twelve and lunch is ready for. So if I could just ask you to kind of wrap it up and then go to the part where you’re talking about the urgent priorities, and then we can all get some lunch.**

**3:38:35 Tyler Makinaw: Okay. I won’t, I won’t stand in the way. So key issues.**

**3:38:40 Chairperson Dean Janvier: Sorry to put you in that spot.**

**3:38:42 Tyler Makinaw: No worries. So key issues. So, right off the bat, reassess all, all the files. Reassess all the files that the Province currently has for your Nation. Or, you know, demand that. Get that, get that going right, you know, right. Inform caseworkers and frontline, front line workers about Provincial way, so that they kinda, and, you know, and how it conflicts with your direction as the Nation. Deal with the trauma. Training for special needs. More of a connection to your Jordan Principle resource. You know, having a strong Jordan’s Principle worker within your community, within your Nation. And having them at arm’s length from your children’s services department. You know, that, that will go a long way. Strong connection, close connection, yeah okay just said that. Empower the oppressed, understanding the facts of trauma. Our mothers know what they, what they’re not paying attention too. We need to come from a place of love and empowerment towards mothers and children. Let’s be authentic in our love as loving people. We care, we carry enough shame. How we proceed and practice law and policy. Policies need to be mindful of whether we are continuing to shame or help others to heal from that. What are, what are the mothers need is other mothers lifting them up. Don’t gossip, help each other rise and heal. We need to use the gifts that the Creator gave us. We don’t throw our people away with special needs and always ensure we lead with our language. (traditional word)**

**3:40:30 Chairperson Dean Janvier: Great work. So just, just a question to everyone, it’s been awesome to hear all the feedback and all the comments and I think you guys have done tremendously good work. I do hear a little bit of a commonalities already emerging between the first report and the second report. It’s not the same but there are some, definitely some common themes that are emerging. I think there’s two more groups to report here on what they had discussed and so I’m just looking to the group here, did you wanna take a break for lunch right now, kinda like a short break. Like a half an hour and then come back and finish off the last two reports, or would you prefer to do the last two reports and then break for the day? I’m just looking for a show of hands I guess, if you wanna break now, just show me your hands. If you’d like to finish up the reports, and then go for lunch, please show your hands. Oh yeah, definitely break now for lunch. Okay. So we’ll come back in about, half an hour then, about one o’clock. Okay great, thanks. I guess that was kind of a silly question, eh? Lunch or no lunch.**

**3:50:30 Unnamed Female Speaker: Is there a representative here from Whitefish Lake First Nation? Whitefish Lake? Okay. AKO? You’re AKO? Duncan’s? Duncan’s First Nation? Okay.**

**4:14:39 Okay guys. It’s almost one, so just get you guys to grab a cup of coffee, maybe a bit of dessert, whatever, and then we’ll begin start here in a couple of minutes.**

**4:19:50 Chairperson Dean Janvier: Okay we’d like to get going here. It’s one o’clock, so. Did we have someone from this group in the front that wanted to present? Marcia? Oh, from Treaty 7, yeah. This one here, there was a small group of Treaty 6, was that Bobbi? Okay. So Bobbi’s gonna present the smaller group from Treaty 6 that spoke up at the front, and then we’re gonna get Marcia to do Treaty 7. Then we’ll do some closing comments. So we’ll just get going here you guys, I don’t mind if you continue eating but I’m gonna ask you politely if you could please give your attention to Bobbi now, she’s gonna be giving her groups report. Okay? Thank you.**

**4:20:50 Bobbi: Thank you Dean. Basically in listening from the presentation from Treaty 8 and the larger Treaty 6 group, a lot of what was already shared was also discussed within this group. But I think question one, healthy child, and, the grandmothers put it very eloquently, children who are unconditionally loved and nurtured. That’s what is gonna make a healthy child. A child with a sense of knowing who they are, with a good grasp on their language and culture. Understanding the traditional and spiritual connection to the land, their relations and who, and who are brought up with respect. And we talk about discipline in that area. Not violence but healthy discipline. Children needs routines, involved in community and sports. Guidance and a homes with no addictions or violence. But what I think the key thing that I got out of here was, what is badly needed in our community is addressing the poverty. So, question two, based on the, what is the best interest of the child and the information provided in Bill C-92, what would be your recommendations to your leaders and community. Not any particular order, so I moved this one to the top, is their recommendation to the leaders is to put children first on every agenda or decision making process. Another recommendation was to reject the implementation of Bill C-92. But I did through, put it back to the group that, you know, to reject, but what is the solution? What will you offer in it’s place? Again, a declaration for those information, Treaty 6, 7 and 8, and, at an AOTC back in the early 2000, did a health declaration but they also did a declaration on children. And I know that a few years ago Treaty 6 updated that declaration. So maybe contact your PTO offices for that declaration so you see what the Chiefs had already put in place. Dean and I was talking about this, it does need to be updated. But there is one there. But it was also discussed to put a declaration in your own language. And I know, I don’t see anybody here from Samson here but they just recently did their constitution. And it’s in their own language. In syllabics too I believe they’ve used. So it’s important to put these into our own languages. It was also recommended to look at Treaty based funding as opposed to these agreements that are being offered. And one of the key things, and I think I heard it from the other group was, our leaders, our Chiefs and Council in particular, be educated on the issues faced by you front line workers. What you have to go through on a daily basis. What policies are coming down, so it needs a broad spectrum of training because we have to understand, a lot of our leaders are not trained in every single area that they’re responsible for. So, the staff, or community spirited people should be working with their leaders to make sure that they’re well informed before going into any, any meeting and that they, they know what that arguments are, they know what the funding arrangements are. And key one came from Saddle Lake, was implemented, First Nation Judicial System, including family courts. But not the courts you may see in the province or in federal courts. Your own form of judicial systems that were there long before contact. You know, how do we take care of each other, how do we hold each other accountable. So that was question two, and the key issues being acted on right now, it was recommended to determine exactly how many children are special needs. Because a lot of our children’s are labelled special needs when they go to public schools. And that’s because the schools receive additional funding for special needs children. So more children with special needs, more funding the schools get by both feds and the province. And this has been going on for a long time, so, you know, instead of looking at a university path they’re put into lower levels. And this isn’t right. They don’t do this to non-Native children because more than likely those parents will be in there demanding what, what is, what are they doing to their kids? But for so long, but it’s changing, but for so long the school just did it. Without even informing parents. And I know that because of my own children. And to determine the needs of the community. We’ve heard it in the other two reports. What are our real needs for funding? Housing? The support programs that the children and their parents need? So I won’t elaborate too much further because a lot of it has already been shared and that’s from our small group.**

**4:27:05 Chairperson Dean Janvier: Great. I was informed that it was gonna be Marcia who was going to report from Treaty 7, is that correct? Is she here? Okay, great. Do you need a microphone? Yeah.**

**4:27:41 Coby Royal: (Speaking traditional language) Good afternoon everybody, my name is Coby Royal. I’ve been asked to come here today to take notes. I’ve been asked by the Blackfoot Confederacy Tribal Council to take notes and then submit them. They’re going to be hiring a coordinator in this area, so, to take knowledge and bring it back. I’m gonna go through what was said in our circle and then Marcia’s gonna specifically speak to Treaty 7 directors, the data, justice, political area. So on the first slide, I had them in two questions. And just briefly because I know many of you had said the same thing, so for children it’s the social, physical, and emotional needs, safe environment, spiritual cultural identity is needed. There was a lot of focus on having pride back for the children and having that belonging and no children should be making adult decisions. There’s many children taking care of their siblings. There’s a lot of children who are facing life stresses, knowing what to eat, how to clean their clothes, pack their lunches. Children need to be respected and then also there’s children need to know their clans and their family members. So that was the first question, the first slide. The second slide, to summarize, communities knowing their role within the clans. And what they meant by community knowing their role was that a lot of us are isolated, not only within our homes and our families, but also within our departments, there’s a lack of that community engagement with one another. There was also a focus on the healing within community and addictions that many of us our facing. Children need to know their roles going back to traditional roles, the roles within societies, and bringing that forward in our children. Also, mothers need to begin knowing that they’re right to be a mother and sometimes what ends up happening is when children are taken away from the mother, they feel that they don’t have a right to be a mom when the child’s brought back to them. Going on slide, the second slide, so I guess question three for us, if you want to change it might help. So systemic issues in community. There’s no respect for self, or knowing oneself, and that’s due to historical impacts, colonialization. However, our traditional ways, and it’s not just Blackfoot but many of our ways, they’re very complex, spiritual complexity. We need to teach children to take care of life, not just themselves, but life in general. A lot of children are having children, so how to be a parent at a young age and having respect for your child at a young age for the mother and the father. Women are our leaders, the matriarch, women need to be given back their power. Colonialization has taken away from many of these complexities. Going to my next point, young people are not taught life is to be respected. Young people having children without knowing their parents or how to be a parent, prior children born, there were, there was a ceremony, naming ceremony. Through this ceremony a declaration was given or spoke to the Creator that we accept the gift as respect, or accept the gift of the child. The next point was camps were round to protect us. We’re now silo, our departments, our communities, and Chief and Council need to protect one another. Our next bullet was, we live by unwritten legislation, we have different laws, natural laws, Blackfoot laws. People are confused, they either know the white man law or they know Blackfoot law, but not many people practice both ways. These bills impact us and they are forced upon us. It changes our way of life. Going to the last slide, recommendations. Re-do engagement with health and education. There’s liability and we need to recognize it. The other one was don’t push the process, it feels very rushed. Treaty 7 worked together, hearing from children, caretakers are not being taken, oh, hear from children, caretakers are not being taken to jail for what they have done our children with abuse. Leadership needs to be, one sec, oh, leadership needs to bring everyone together. Understanding that we have the Education Act, the Health Act, the Justice Act, there’s liabilities and accountabilities. Where will the cost come from, from legislation. Child welfare is an industry, there’s lots of people involved, there’s doctors, psychologists, so it’s not just one group of people. One last, did I get, oh, thank you. The last part, Siksika said they have their legis, Ghana has a legislation, Chief and Council need to hear from family and the workers, front line workers. Relationship between the Blackfoot Confederacy Tribal Council and G4, that’s Stony Nakoda, or Morley and Tsuut’ina, they need to build their relationships. Chiefs need to come together and focus on this. AOTC, how to make this a priority for Chiefs. So requesting another meeting. One of the next steps Connie had put forward is, she wants the directors within the Treaty 7 Child Family Services and the Chiefs to sit down together and have that discussion. Going back, going to the special needs, they said FASD and autism was, is with a lot of our children. And there, a lot of the supports are being found late when children are moving from house to house. And one of the area is Jordan’s Principle, help these children, but when some of the ladies were filling out the information, it’s not very straightforward. So that’s even becoming a barrier. Some of the forms. The last one is stop using Alberta acts, need our own acts, positive way of looking at child welfares to rebrand. There was also in Ghana, they had a legislation that was put forward years ago and what ended up not moving the legislation forward around children’s services is just the information or lack of information getting to people and making sure it was correct. So. Learning from that, making sure anything that moves forward, that it’s transparent and people understand. I’m gonna put it to Marcia now. She’s gonna speak on Treaty 7 directors, what they have talked about prior is the political area, the data, accreditation.**

**4:35:36 Marcia Halfe: Hello, good afternoon. I’m Marcia Halfe, I’m the director for Tsuut’ina Nation. I am also part of the Treaty 7 directors group. We had an opportunity to have our regular meeting last week and have a chance to talk about what was gonna come down the tubes for yesterday and today. One of the interesting things in this whole process is justice has not been involved. In the work that we do, the judge makes the final decision. It’s not a director, it’s not the worker. We can go into court, we can take an order, but a judge can overrule that. And that’s the area where yesterday and I’m, I don’t mean to offend anybody or sound negative, but yesterday there was a young man named Marcus sitting on the stage that presented Bill 92 like we don’t live in a colonialized society. But we do. In order for us to achieve equality, we have to address racism and discrimination. That is, that is on the foremost. I’m going to share two things in our work that we do that’s really important that the Chiefs need to understand. And first is justice. On Monday we were provided here in Treaty 7 with a document from the provincial court. So this only applies to Calgary. But it’s very serious and people need to, especially leaders, they need to understand how this court document does not align with representation and party status of Section 13 under the provision of child and family services that’s linked to Bill C-92. So in this court document, as of Monday, our DFNA workers now have to go before a judge in courtroom 205 within seven days, no longer than twenty-one days, to have a case conference. And that judge is going to oversee that case conference between the DFNA and the families. So in, in my interpretations, and which I’m asking colleagues to help me with this interpretation, is they’ll be micromanaging what the directors already do for their agency. The judges have not provided any of this information to us other than on Monday. And I’ll share a quick story of how justice has an impact on the work we do. Our staff took in a supervision order. And, and the parents had consented. It takes a lot of bravery, sometimes for these parents to agree to work with child and family services, because they’re scared. But in this case, this parent consented to work with us. We went to court, they did not give us that order. Instead the, the supervisors were subjected to the stand to give witness. We ended up having to take up apprehension order forward, that was granted. We ended up having to take an order, so a six month temporary guardianship order was applied for. When it got back into court, there was a different judge on the bench that said to the staff, you, this, this order should have been a supervision order. Well we knew that. But they challenged our competency. That court system did. Made my workers jump through hoops. Then we get in front of a different judge to say, well that woman has a right to raise her child, with supports and with monitoring. My staff knew that. So that justice system took us in one full complete circle, and next week we’re back into court with the supervision order. And if they had listened to the parent and respected that parents consent, in the beginning, we would have already been progressing forward with that family for two months. The time and care for that child would not be accumulating because we would have had progress. But that’s what the court system is doing. Now part of this document, and I’ve shared it with some people because it doesn’t apply to Edmonton, it only applies to Calgary. But in this court document it speaks to summary hearings. Which, we’re reading between the lines but a summary hearing, if a person is charged under the, the Child, Youth, Family Enhancement Act, it goes to summary hearings. It’s not under the Criminal Code, so when you read this document, if the judge feels that the guardians, or the parents have not engaged in the proceedings to date, whether the, and the judge will make a decision whether the matter should be referred to summary hearing. Those, that means the parents can be charge under the Act for not engaging with Child and Family Services. But when you read Bill 92 and representation of party status, Section 13 says, Section provides the right to make representation and the right of party status to, to the child’s parent. And the, and the care provider in the context of civil proceedings. So we need protection for our parents, our families that are going into court, and, and I say this loudly to my staff, do whatever you can to keep the parents out of court. Because once we get into the court system, like the Elder said in our group this morning, that’s a foreign system. And our parents do not have the support to walk through those, those court proceedings. And most of the parents give up when they get into court. And so we always ask our parents to look at agreements versus orders to try and keep them out of court and work together. Our statistics in Tsuut’ina show that we are working out of the box, we are working away from Ministry policies. In four years, my team in Tsuut’ina have reduced the number of PGO children that are placed off-reserve. They have returned 72% of the PGO’d children back to our community. Back to their families. We have, we did not do an apprehension of children for probably a year and a half. I think in three years we, three children came in and it’s unfortunate that in two weeks we had to apprehend seven kids. But that’s just the nature of our job. But in that process our demographics are showing something. We’re not apprehending children so the, the children we deal with under the age of eleven, or twelve sorry, we only have eleven kids. Because we’re not, we’re break, we’re building parental capacity using our community based services and our Elders. But what we are seeing is the children we’re case managing are teenagers that didn’t have nurturing and guidance and love and stability and safety as a small child. Now that they’re teenager, they know what they want. And they’re pushing back. So in Tsuut’ina, our, our demographic is eighty-five percent teenagers and for the, their moms and the Kookum’s in this room, we all know teenagers know everything. And it’s a very, very challenging demographic for our, our staff to deal with that. So from ages twelve to seventeen, we have nine girls and sixteen boys. And that tells us who’s falling through the cracks. It is our teenage males. And so we’ve, we, we’re starting to link our demographics to where our gaps are in the services that we deliver. But to have a full operating preventative community based program to deliver services to, to meet their basic needs, has been the biggest support for us to achieve such a, like a success in terms of returning children back to our community. But we do need training for our, and community engagements for our grassroots people. And the other area (mic cuts out) wanted me to speak to was politics but I don’t want to. But I’m gonna share my thoughts from yesterday. As an Indigenous Dakota woman, scholar and social work, a kookum, an auntie, I think a lot of us here have the Indigenous right to serve our Indigenous children and families, with the support and protection that the non-Indigenous workers receive in a regional area. We’re bound by what they call a Child First Act here in Alberta, and our decisions, whether they’re right or wrong, and the right ones usually don’t get highlighted, it’s the wrong decisions that get highlighted. We’re held accountable for that. We can be eighty years old, and a case can come up and we can be called to the stand to give testimony of our involvement and decision making in that file that happened, twenty, thirty years ago. In that process, we have a case which is probably a human rights case. I don’t know what it is, but it scares the heck out of me. We had a, have a previous worker who has been charged under the CYFE Act, and one of the reasons is neglect of a case load. And I asked the Ministry for data to say how many non-Indigenous social workers have had a dead kid or an injured child on their plate and how many of those social workers have been charge under the act to be held accountable for neglecting their case load, and I have not received any information from the Ministry. Instead it’s more, you gotta watch what Marcia says. Because that’s a human right case. We are sitting ducks in this process and as far as I’m concerned, because out there in a CFSA, those front line workers making decisions on behalf of our children and families are protected by a union. A union has millions, billions of dollars and they have not been a part of this Bill 92 process. And I don’t foresee these non-indigenous agencies giving back our children, so easily. Because our children have been a livelihood for these people. We have paid mortgages for our caregivers. We’ve had, we, our, our Indigenous children have educated those caregivers children’s through, through universities and colleges with the monies that we give them. And that’s a reality. And so when we make decisions that we feel that are in the best interest of our Indigenous children and families, who’s gonna be on our side to support us as Indigenous social workers? For me, my career’s important, I put thirty years into it, and I’m not ready to put my career on the line because somebody’s going to say, well that doesn’t meet the standard over here. Or you’ve just bent that government’s policy. It’s, it’s a real fine line we’re walking. And our Nations need to be ready for this. It’s, we’ve been neglected for a long time. We haven’t had a voice as, as directors. A lot of this information we received yesterday, there was some of us that sat here and said, if we were given that proper definition and breakdown of Bill 92 last year, we would have been progressing further. But yesterday we heard somethings that the DFNA Directors were never given that information. So there are some of us that, we have our backs up against the wall, we don’t know what this is going to entail. Some Nations are ready, some aren’t. And we, for Treaty 7, we’ve said we’re not exempt to these social ills. We all have the same common issues and child abuse and child maltreatment, child neglect is all the same in every First Nation. It’s no different over here than it is over there, so what, so what we were looking at is more of a collaborative approach of how do we get to, to getting some good outcomes for our children, and looking at partnership. I think that’s it.**

**4:49:34 Chairperson Dean Janvier: Okay that’s awesome. Such good feedback, good comments. I really want to take my time to thank each and every one of you for being here. I’d like to, really, especially thank all of our Elders and ceremony leaders for coming here and being here. Also to support us throughout, through this process and I’d like to support, give thanks to our leadership that were here, took the time to be here and be a part of this and listen, and, and learn and give, give their comments. To all of you people who are, are, are, are workers, are frontline workers, are caregivers, you know, thank you for being here and, and being so open and honest in bringing forward your, your thoughts and your, your feelings and all the things that concern you. I really sincerely hope that you’re able to take that information and bring it forward to your leadership, to your communities and, and make them even better prepared then they will be coming forward on March 4th and 5th. We’re gonna have another chance to, to go through these very important issues with, with our leaders at that time. And, and get them to make the decisions that will need to be made, to give the direction that, that we need to go in from here and then we’ll all have some more clear direction on, on the next steps and the work that we do. In our home, in our communities. So with that, you know, I, I really wanna thank each and every one of you and as I mentioned earlier, all these documents that, that we’ve gone through, except for this part, again, this is not gonna be made public. But the other documents are now available on Treaty 7 First Nations Chief Association website, which is Treaty 7, that’s T-R-E-A-T-Y Number seven, dot org. Okay? So Treaty7.org. And you just click on events archive at the top, and then you’ll see a CFS workshop, February 11th and 12th. You go on click on that and then all the documents will be there, you can reference them or print some of them as you wish, okay? So for follow up, ask you to stay in touch with your, with your PTO, with your Treaty 7 or confederacy of Treaty 6 or Treaty 8 First Nations of Alberta, if you have further comments, questions, that you wanna do in order to get ready, I know those organizations will be following up after this to, to go over the outcome. And see if there’s things that they can do together to, for example, make a common briefing note or common presentation or something like that. That’ll go forward to AOTC. And so, you know, with that, I think you’ve all done a great work and you all deserve a great round of applause. So, you know, in closing, I’d just like to ask our Elder for today, Leonard, if you can come on up and make a couple of closing comments and, and send us off, close the meeting and send us off back home in a good way. So thank you very much.**

**4:53:15 Leonard Weasel Traveler: Well thank you, I, I feel, feel honored to, to say a few closing comments and to do the prayer. I’m just so, so very, very proud of all of you in what the work you’ve done to acknowledge the, I guess your knowledge. Your intelligence. You know, and how, I guess, how present you are with this situation of our, of our children and this Bill C-92. The group that I sat with, the one comment that was made by a couple of the ladies there, that, you know, comes to my mind is, I wanna mention here, my closing comments, is that we’re, we react to situations and, like now, right now we’re reacting to this Bill C-92 and with the information that we got, well, we’ve got five years to, you know, to get our, to get our act together. But yet at the same time, you know, you know we have to do, you know, our, our homework and, and try and cover every, every aspect. I really appreciate, you know, the last comments that were made by the, one of the Treaty 7 directors, and I don’t know your name, but I appreciate your, your comments. Those are very important, you know, the justice side of things in, in regards to the connection to child welfare. You know, education, you know is, is a big part of it. As well as health. And so they, they have to be part of this equation too that’s being discussed with Bill C-92. But overall I’m just really, really impressed with all of your knowledge, all of you people that are here, you’re all knowledge keepers in regards to child welfare. And we need to, we need to work together, we need to support one another. You know, there is, you know, these wedges that are there between us and we have to just, just set em aside, you know, in the best interest of these children. Coz it’s, you know I look back at, at the history in Alberta, when I was a young leader, when I first got into politics back in the seventies, gives you and indication of how old I am and, not a spring chicken any more. Been around for a while. And at that time, we had the most powerful political organization in Canada. And that was called the Indian Association of Alberta. They were the movers and shakers and we, you know, we made a difference together. And then from a historical perspective, in the early, in the late 80’s, there was a conference that was held and that was initiated by the Royal Canadian Mounted Police. They brought us together and we had a meeting with them and the Indian Association was a part of it. And I always think about that meeting. Within a year, there was no more Indian Association of Alberta. I think to myself, was that the strategy of the RCMP, to work on the, the dissolution of the most powerful political Indian Organization in Alberta, that was always at the forefront, protecting our rights and making sure we had all our concerns taken care of. I mean, that’s just my assessment, that what took place at that time. So you know, and then you, you look at historically, again, there was these, I guess you’d, I’d don’t know, what you wanna call it, but you know the, the push for self-government agreements, instruments. The, I guess the, again, the devolution of, you know our fiduciary, the Department of Indian Northern Affairs, now it’s called, what Indigenous Services of Canada. Probably the name will change next week. But anyhow, the point I wanna make is that when those agreements came out, unanimously at that time there was forty-four First Nations in Alberta, and there was not one Chief or First Nation was going to take on any of those self-government instruments. But what had, what happened was that there was carrots placed in front of, you know, some of the leadership and slowly but surely, I think all of the forty-four First Nations right now have their own agreements. You know, which are multi-year funding agreements. And so those, you know, they’re, they’re divide and conquer tactics. So I guess the point I wanna make here, we have to remain united in regards to what we want to have in place, for, for our children. And you know, and the elephant in the room here, is money. It’s all about money. And then on the other side of it, you know, the, the people that benefit the most, not us, it’s the industry that’s been set up. You know, the foster parents associations, like what was mentioned by the Treaty 7 directors, you know. Their mortgages were being taken care of, their retirements plans. And on our side of the equation, what do we have? There’s a fear of liability. Those are, those are things there that are, that we have to deal with. We have to look at. So you know, just, you know, just reflecting on, in all these things, and I’m really proud of all of you, speaking as an old man. Really proud of you for, for your intelligence, your awareness. Keep up the good work. And let’s take down those frickin’ dividers, eh? Let’s work together. So my prayer is that we all make it home safely, be with our loved ones, and we make it through the winter, and we all have good times in walking on the new green grass and move forward. (Speaking traditional language).**

**5:03:17 Chairperson Dean Janvier: Okay, well thank you, Leonard, and thank you all. Wish you all a very safe trip home. Look forward to seeing you again soon. And special thanks to the Treaty 7 Nations for hosting us. We look forward to coming back here soon. Thank you. (Traditional word), safe trip, bye bye.**