



Chronology and Overview of First Nation Involvement in Child Welfare

**The Assembly of Manitoba Chiefs (AMC) & the
Southern Chiefs' Organization (SCO)**

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Introduction

- This presentation will provide:
- A chronology of events that have occurred in child welfare as it affects First Nation children families and communities (“First Nation Child Welfare”);
- An overview of the involvement of First Nation leaders and others in advocating for changes in First Nation Child Welfare law, policy and practice.



Intro cont'd

- Other events, outside of child welfare, are included to provide context.
- A brief introduction to First Nation and federal and provincial government relations is also provided.
- Note: this is not a complete list of events. There may be more events that have occurred that are also, in the AMC and SCO's view, relevant and important events.

Intro cont'd

- This presentation was prepared in looking at AMC and SCO's child welfare documents in preparation for the Phoenix Sinclair Inquiry and is based on those documents.
- For more detailed information, see AMC and SCO's documents at Exhibit 47 in this Inquiry.

Terminology

- Indian, First Nation, Aboriginal and Indigenous
 - “Indian” – defined term in the *Indian Act*, 1876;
 - “First Nation” – is the preferred term;
 - “Aboriginal” – defined term in the Constitution Act, 1982. Includes the Indian, Metis and Inuit peoples;
 - “Indigenous” – developed at the international level, used in the United Nations Declaration on Indigenous Peoples (UNDRIP) – includes Canada’s Aboriginal peoples;
- Crown, Government of Canada, federal government
 - “Crown” refers to the reigning monarch of the colonial governments in place at various times. Today, references to the Crown refer to the Government of Canada/federal government.

Terminology

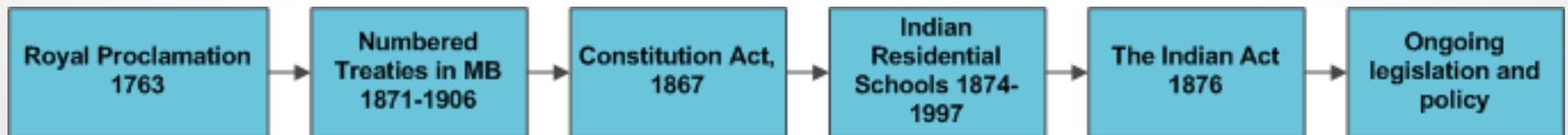
- First Nation leaders, includes:
 - the Chief and Council of a First Nation “Band” as defined in the *Indian Act*;
 - the Grand Chief of the Assembly of Manitoba Chiefs (AMC) and its predecessors, the Manitoba Indian Brotherhood (MIB) and the Four Nations Confederacy (FNC); and
 - the Grand Chief of the Southern Chiefs’ Organization (SCO);
- Indian Affairs (IA), Indian and Northern Affairs Canada (INAC), Department of Indian Affairs and Northern Development (DIAND), Aboriginal Affairs and Northern Development Canada (AANDC)
 - All refer to the federal government department responsible for administering the *Indian Act*.

Terminology

- First Nation Child Welfare and First Nation Child and Family Services
 - Both references in this presentation will be used and refer to the same area of law and policy

First Nation and Government Relations

- The history of First Nation and government relations is extensive. This brief introduction will outline what the AMC and SCO view as key events that have had an impact on First Nation Child Welfare.



The Royal Proclamation, 1763

- Established a system of government for former French colonies and included a framework for relations between the Crown and First Nations.
- First Nation lands were recognized as being distinct from the lands forming part of the colonies and could only be transferred to the Crown through a **nation-to-nation** process.

The Numbered Treaties in Manitoba, 1871-1906

- Treaties numbered 1-6 and 10 were signed nation-to-nation between the Crown and First Nations in Manitoba between 1871 and 1906.
- First Nations view the signing of these treaties as a sacred process.
- First Nations entered into treaties to ensure that, “*so long as the sun shines, the grass grows and the rivers flow*”, First Nation languages, culture, traditions, and relationship to the land would be protected.

The Numbered Treaties in Manitoba, 1871-1906

- The treaties were prepared by the federal government, negotiated and signed to set out the rights of First Nations and the federal government to use and enjoy lands held by First Nations.
- The signing of treaties was a process that created a relationship and continues to govern the parties to the treaties in all of their dealings.

Constitution Act, 1867

- The division of powers sections 91 and 92 of the Act set out the areas of responsibility for the federal and provincial governments.
- **91(24)** The federal government is responsible for “**Indians, and Lands reserved for the Indians**”.
- **92(13)** The provincial government is responsible for “**Property and Civil Rights in the Province**”. This includes having the general responsibility for child welfare.

Indian Residential Schools

1874-1997

- “Indian Residential Schools” as defined in the Indian Residential School Settlement Agreement, refers to the post-confederation schools operated by the federal government in partnership with a number of churches.
- Operated from approximately 1874 to 1997.
- While many of the Indian Residential Schools closed in the mid-1970s, the last school did not close until 1997.

Indian Residential Schools 1874-1997

- Established during the numbered treaty negotiations, the government wanted to assimilate Indian children by removing them from their families and communities to be educated in government funded schools operated by churches.
- The federal government recognized that these policies of assimilation were aimed to “*kill the Indian in the child*” and were wrong.
- In its Statement of Apology on June 11, 2008, the federal government further recognized that, “*the legacy of Indian Residential Schools has contributed to social problems that continue to exist in many communities today*”.

Pre-Indian Act Legislation

1847 – Present Date

- Numerous policies and laws at this time on the care of First Nation children as well as policies and laws on First Nations generally, were aimed at accomplishing the Canadian government's goal of assimilating First Nations into the dominant culture.

1850, 1857, 1969

- Pre-Indian Act Legislation allowed voluntary and at one point involuntary enfranchisement.
- For example: Indian women in marrying non-Indian men automatically lost their status. Changes to deal with these provisions were not made until 1985.

The Indian Act

1876

The Indian Act

- The *Indian Act* was first passed in 1876. Among other things, the *Indian Act* provides for:
 - the administration of Indian affairs;
 - a superintendent general of Indian affairs is to be responsible for administering the *Indian Act*;
 - defines who is entitled to be registered as an “Indian”;
 - defines what a “Band” is;
 - establishes “reserves” for the use and benefit of Indian Bands;
 - required enfranchisement of Indians in certain circumstances.

The Indian Act

- The *Indian Act* included many of the provisions from earlier pieces of legislation.
- The *Indian Act* has been revised numerous times.
- However, many of the same provisions from earlier versions remain intact today.

Post-Indian Act Legislation and Policies

Example:

- ***Regulation Related to the Education of Indian Children***, passed in 1894.
- Allowed for an Indian child from 6 to 16 years of age, to be removed where the child was “*not being properly cared for or educated*”, or whose parent(s)/guardian(s) were “*unfit or unwilling*” to provide for the education of the child.
- Noted as one of the earliest pieces of legislation that set out certain circumstances that would allow for the removal of First Nation children from their families.

Post-Indian Act Legislation and Policies

1886 – 1940s

The Pass System

- The Pass System was a policy enforced by Indian Affairs that prohibited First Nations from leaving their reserve unless provided a pass signed by the Indian Agent. The pass set out when the First Nation person could leave the reserve, where they could go and when they had to return to the reserve.

Chronology and Overview of First Nation Involvement in Child Welfare



Chronology and Overview of First Nation Involvement in Child Welfare

1876 to present date

Indian Affairs Responsibility for Child Welfare on Reserve

- Indian Agent provided services to First Nation children and families.
- Services were minimal, children were often apprehended and placed in Residential Schools.

Early Child Welfare Legislation in Manitoba

Various child welfare legislation was passed in Manitoba from 1887 – 1922

1887

The Apprentices and Minors Act

Passed in Manitoba in 1887, led to the establishment of a superintendent of neglected and dependent children.

1895

The Humane Societies Act

Revision to *The Humane Societies Act* of Manitoba allowed for the creation of societies that provided services to children in addition to animals.

1898

An Act for the Better Protection of Neglected and Dependent Children

Passed in Manitoba in 1898, led to the establishment of the Children's Aid Society of Winnipeg.

1922

Child Welfare Act

Passed in Manitoba in 1922, led to the establishment of foster homes and with revisions later in the 1950's, the establishment group homes.

Chronology and Overview of First Nation Child Welfare

1947

Canadian Welfare Council and Canadian Association of Social Workers

- Presentation to a parliamentary committee on possible changes to the *Indian Act*. They describe the living conditions on reserves as inadequate and services provided to First Nation communities as being incompatible with services provided to non-First Nation communities.
- They state, "*Indian children who are neglected lack the protection afforded under social legislation available to white children in the community.*"
- They condemn the practice of placing First Nation Children in Residential Schools.

Amendment to the Indian Act, 1951

1951

Amendment to the Indian Act to include Section 88

- This amendment allowed for provincial laws to apply on reserves.
- As a result, the Province of Manitoba's child welfare laws apply to First Nations living on reserve.

The “Sixties Scoop”, 1960 -1980

1960s to 1980s

The “Sixties Scoop”

- The policies of child welfare authorities that allowed for the apprehension and placement of First Nation children in middle class, non-First Nation homes throughout Canada, the United States and overseas countries.
- The Sixties Scoop resulted in the loss of culture and connection to family and community for First Nation children impacted by these policies.
- The effects of the Sixties Scoop continue to impact First Nation children, families and communities today.

The Hawthorne Report, 1966

1966

The Hawthorne Report

- Indian Affairs commissioned the Hawthorne Report to examine the living conditions on First Nation reserves.
- The report described child welfare on reserve as varying from “*unsatisfactory to appalling*”.

The Bilateral Agreement, 1966

1966

Bilateral Agreement between Indian and Northern Affairs Canada and the Province of Manitoba

- In the Agreement, Indian Affairs and the Province of Manitoba agreed to share the costs of extending services provided by the Children's Aid Societies of Eastern, Western and Central Manitoba to 14 Southern First Nations under the Canada Assistance Plan.
- Provincial child welfare services were available only on an emergency basis and in cases of extreme neglect. Other assistance was to be provided by Indian Affairs.
- Indian Affairs reimbursed the Province for per diem costs of providing services for First Nation children.

The Bilateral Agreement, 1966

- The remaining 45 First Nations in the Province at the time, were not provided services under this or any other agreement.
- The Agreement was negotiated without the consultation or involvement of First Nations.
- It remained in place until the signing of the Canada Manitoba Indian Child Welfare Agreements in the 1980s.

Manitoba Indian Brotherhood, 1968

1968

Formation of the Manitoba Indian Brotherhood (MIB)

- Comprised of all of the First Nation Bands of Manitoba at the time. Established to advocate on issues of common concern to Manitoba First Nations.

1971

Wahbung: Our Tomorrows

- The Manitoba Indian Brotherhood (MIB) published, Wahbung: Our Tomorrows, a position paper to the federal government that was signed onto by all members of the MIB.
- Sets out the First Nation approach to economic, social and educational development.
- Inadequate community services, marginalization and poverty were just some of the obstacles identified by the MIB.

Manitoba Indian Brotherhood, 1968

- The MIB called for a “total” approach to economic, social and educational development.
- Called for concentrated efforts in all areas of services including:
 - Child welfare;
 - Housing;
 - Education;
 - Justice and
 - Economic development;
- to support economic, social and educational advancement of First Nations.

Early First Nation CFS Agencies, 1974-1977

1974 – 1977

Establishment of the Early First Nation Child and Family Services Agencies

- First Nations were concerned that communities were being inadequately served through the provision of services by Children's Aid Societies and Indian Affairs in the Bilateral Agreement of 1966.
- Advocacy by First Nation leadership and community members led to the establishment of First Nation Child and Family Services Agencies.
- Also established Local Child Care Committees.

Early First Nation CFS Agencies, 1974-1977

- At that time, these Agencies did not have full mandates to provide child and family services under provincial or other legislation to their communities.
- They were set up to allow First Nations to develop our own child and family services programs. The following First Nations entered agreements with INAC for this purpose:
 - Fort Alexander Band (now Sagkeeng First Nation), in or about 1974;
 - The Pas Band (now Opaskwayak Cree Nation), in or about 1976;
 - Peguis Band (now Peguis First Nation), in or about 1977;

Local Child Care Committees

- Set up under the agreements between Early First Nation Agencies and INAC, were comprised of community members that deliberated on a broad range of issues in the delivery of child welfare services to their communities.
- Allowed community members to stay informed of issues and become involved in the delivery of child welfare services in their communities.
- As more communities became involved in delivering services, almost every reserve had a Committee.

Local Child Care Committees

- By First Nation Task Force in 1993, most Committees were not funded, and ceased to exist;
- FN Task Force Report in 1993 recommended the revival of Committees;
- Believed Committees should be the mainspring for the operation of child welfare services in communities;
- Believed Committees should have a clear mandate and sufficient power and resources to exercise that mandate;
- Recommended that they be elected or chosen by the elected authority (Chief and Council), or as the community may decide.
- Recommended that they be established both on and off reserve.

West Region Tribal Council/CFS

- **West Region Tribal Council** established in 1979
- Member communities: Valley River, Pine Creek, Skownan, Crane River, Ebb and Flow, Rolling River, Keeseekoowenin, Gambler's, and Waywayseekappo
- Created **West Region CFS** to operate beside it in 1982
- West Region CFS mandate given in 1985
- Board of Directors of West Region Tribal Council and West Region CFS comprised of Chiefs from member First Nations

The Manitoba Indian CW Subcommittee, 1977

1977

The Manitoba Indian Child Welfare Subcommittee

- The subcommittee was comprised of representatives from the Manitoba Indian Brotherhood and the provincial and federal governments.
- It was established in 1977 to review the needs of First Nations people in child welfare and develop plans and proposals to respond to those needs.

The Manitoba Indian CW Subcommittee, 1977

- The subcommittee report was released in 1980.
- Called for major reforms to the system and acknowledged that the Numbered Treaties and the Constitution Act of 1867 placed First Nations in a unique position.
- Recognized that extended families and the community were essential resources in providing for the well-being of the child.
- The subcommittee recommended that First Nations be included in and involved at all levels of the delivery of child and family services.

The Manitoba Indian CW Subcommittee, 1977

- Found,
 - *“The current state of affairs is unacceptable to both Indian people and to those professionals involved in the area of child welfare as it is fragmented, discriminatory and at the mercy of political and jurisdictional disputes.”*

The Four Nations Confederacy, 1980

1980

Re-organization of the MIB to form the Four Nations Confederacy (FNC)

- Comprised of the Southern First Nation members of the MIB. The Northern First Nation members went on to form the Manitoba Keewatinowi Okimakanak (MKO) in 1981.

1980

FNC response to the Report of the Manitoba Indian Child Welfare Subcommittee

- FNC called for a significant increase of social service worker positions within Bands and Tribal Councils.

The Four Nations Confederacy, 1980

- FNC proposed that service workers would be trained so that they could gradually assume responsibility for providing child and family services.
- The workers would be of First Nation ancestry, work on reserve and develop services based on First Nation beliefs, values, customs and traditions.
- Important for us as Chiefs at the time, that workers not only be First Nation, but that workers would develop services and practice in a way that was based on First Nation beliefs, values, customs and traditions.
- As First Nation communities developed the ability to provide services, the province would transfer authority to the Tribal Councils or groups of First Nation communities.

Dakota Ojibway CFS, 1981

1981

Establishment of Dakota Ojibway Child and Family Services (DOCFS)

- It was the first, First Nation Child and Family Services Agency (FNCFS Agency) in Canada.
- Established by an agreement between Canada, Manitoba and the Dakota Ojibway Tribal Council (DOTC) to provide child and family services to the 8 DOTC member First Nations.

Canada Manitoba Indian Child Welfare Agreement, 1982

1982

Canada Manitoba Indian Child Welfare Agreement

- Also known as the Tripartite Agreement or Master Agreement, arose from discussions between the governments of Manitoba and Canada and the Four Nations Confederacy after the release of the Manitoba Indian Child Welfare Subcommittee report in 1980.
- In entering into the Tripartite Agreement, the parties established a framework by which First Nations would acquire the authority and responsibility for child welfare.

Canada Manitoba Indian Child Welfare Agreement, 1982

- It was an agreement-in-principle that emphasized the need for programs and services to:
 - support First Nation family life;
 - prevent family breakdown;
 - and prevent the removal of children.
- Provided services in accordance with Provincial legislation.
- Parties signing on to the Tripartite Agreement would then sign Subsidiary Agreements which set out the administrative and financial details for the provision of services.
- From the leadership's perspective, we were talking about sovereignty – for the time being, we were “**borrowing**” the legislation to learn the system so that we could eventually deliver it to our own people in our own way.

Tripartite Agreements 1982-1991

1982 to 1991

Tripartite Agreements signed with First Nation Child and Family Services Agencies (FNCFS Agencies) and others in Manitoba

- Numerous FNCFS Agencies and other groups of First Nation communities in Manitoba entered into Tripartite Agreements to provide a full range of child and family services to their communities under Provincial legislation.

Kimelman Inquiry, 1982

1982

Government of Manitoba Establishes Review Committee on Indian and Metis Adoptions and Placements in Manitoba “Kimelman Inquiry”

- Inquiry headed by Chief Judge of the Manitoba Provincial Court, Edwin Kimelman to focus specifically on Aboriginal children adopted out of the country and placed in non-Aboriginal foster placements.
- At this time, Manitoba places a ban on the adoption of Aboriginal children outside of Canada.

“Native Children and the Child Welfare System” Report, 1983

1983

Canadian Council on Social Development (CCSD) Report by Patrick Johnson, “Native Children and the Child Welfare System”

- Provided the first comprehensive statistical overview of First Nation Child Welfare.
- Author Patrick Johnson is noted as coining the term, the “Sixties Scoop”.
- Found that First Nation children were consistently overrepresented in child welfare services and identified escalating rates of First Nation children coming into foster care and being adopted into foreign countries.

The Kimelman Report, 1985

1985

No Quiet Place: Review Committee on Indian and Metis Adoptions and Placements – “The Kimelman Report”

- Criticized the provincial government's operation of child welfare system in Manitoba, as practicing “*cultural genocide*” against Aboriginal families and communities.

The Kimelman Report, 1985

- On cultural bias in the child welfare system:
“practiced at every level from the social worker who works directly with the family, through to the lawyers who represent the various parties in a custody case, to the judges who make the final disposition in the case.”
- The Kimelman Report made a number of recommendations, including the idea of giving control of child welfare for children residing off-reserve to Aboriginal agencies.

Moratorium on Indian CW Development, 1987/1988

1987/1988

INAC Imposes Nation-Wide Moratorium on Indian Child Welfare Development while it is Self-Evaluated

- Evaluation states that the Tripartite Agreements are more of a hindrance than a tool and highlights the concern that the costs involved in the delivery of child and family services to First Nations are escalating.

The Assembly of Manitoba Chiefs, 1988

1988

Re-organization of the Four Nations Confederacy to form the Assembly of Manitoba Chiefs (AMC)

- The AMC is the coordinating body on common issues and strategies mandated by the Chiefs-in-Assembly.
- The Chiefs-in-Assembly is comprised of all the Chiefs of those First Nations in Manitoba who choose to be members of the AMC.
- The Chiefs-in-Assembly is the forum for First Nations in Manitoba to conduct nation-to-nation discussions and to address common issues and concerns in order to develop common strategies and initiatives;
- Constitution of the AMC adopted September 1994
- Currently represents 59 of the 63 First Nations in Manitoba

Aboriginal Justice Inquiry, 1988

1988

Government of Manitoba calls Public Inquiry into the Administration of Justice and Aboriginal People, commonly known as the “Aboriginal Justice Inquiry”

- Created in response to the murder of Helen Betty Osborne in 1971 and the death of J.J Harper in 1988
- Headed by Associate Chief Justice of Manitoba of the Court of Queen's Bench, Alvin Hamilton and Associate Chief Judge of the Provincial Court, Murray Sinclair.

INAC Management Document, 1989

1989

INAC releases Indian Child and Family Services Management Regime Document

- The core theme of the document focuses on the steady increase in the costs of delivering child and family services to First Nations.
- The document sets out a management regime that proposed a long-term plan that included, among other things:
 - funding for protection services only, with very little prevention;
 - and the funding of agencies based on a formula.

INAC Management Document, 1989

- Analysis of the document was done by consultants on behalf of First Nations Child and Family Services Agencies found that:
 - capping would occur on annual increases;
 - no enhancement of services would take place;
 - set rates were too low and local conditions of communities were not considered.
- Consultants recommended that these issues needed to be addressed

Directive 20-1, 1991

1991

Contribution Agreements and Funding under Directive 20-1

- INAC considers the Tripartite Agreements to have expired by 1991 and proceeds to fund on-reserve FNCFS Agencies through the signing of yearly Contribution Agreements under INAC's Program Directive 20-1.
- Developed by INAC without extensive consultation with First Nations

AJI Report, 1991

1991

Report of the AJI is released

- Chapter 14 of the AJI on Child Welfare provides an extensive review of the operation of the child welfare system in Manitoba and provides recommendations to change the system.

AJI Report, 1991

- Recommended that:
 - Aboriginal and non-Aboriginal child and family service agencies be provided with sufficient resources to provide communities with the full range of direct service and preventive programs mandated by *The Child and Family Services Act*.
 - Revisions to *The Child and Family Services Act* that state that Aboriginal people are entitled to services in a manner which respects their unique status, and their cultural and linguistic heritage.

AJI Report, 1991

- Jurisdiction of FNCFS Agencies to be extended to include off-reserve band members.
- FNCFS Agencies to be provided with sufficient resources to ensure that expanded mandate can be effectively carried out.
- Mandating of an Aboriginal child and family services agency to be established in the city of Winnipeg.

Repatriation Program, 1992-2001

1992

Manitoba First Nation Repatriation Program

- Established in 1992 to repatriate First Nation adoptees to their families and communities.
- Even though there was a demonstrated need for the continuation of the program, the Department of Indian and Northern Affairs decided that funding for the program would be discontinued in 2001.

FN Child and Family Task Force, 1993

January 1993

Establishment of the First Nation's Child and Family Task Force

- Established by the AMC and the federal and provincial governments, the Task Force was to:
 - examine the provision of child and family services to First Nations children and identify strengths and weaknesses in the system;
 - strengthen the quality, management and governance of child and family services to First Nations children;
 - develop a plan of action for addressing immediate service and operational issues in First Nation Agencies as well as a strategy for longer term structural changes.

FN Child and Family Task Force, 1993

- Traveled to First Nation communities throughout Manitoba, hearing from First Nations leaders, agency directors, staff and community members.
- The Task Force's Final Report was released in November of 1993.

FN Child and Family Task Force, 1993

- Reached fundamental conclusion that “**power and responsibility for First Nations child and family service must shift from where it rests now to the First Nations people**”.
- Plan called for a progressive transition to self-government, where “**the First Nations will design for themselves, appropriate structure and service delivery for their children and families.**”

FN Child and Family Task Force, 1993

- The Task Force suggested that this transition should occur in three stages:
 - short-term;
 - Intermediate; and
 - long-term,
- Short-term, beginning with the creation of a First Nation Directorate to provide services in accordance with provincial legislation and work on the transition plan and research the development of law, codes, standards, and protocols.

FN Child and Family Task Force, 1993

- The intermediate plan involved the passing of a federal First Nations Child and Family Services Act.
- Finally, in the long-term plan, First Nations would assume full responsibility for their child and family services, which in the Task Force's view, was up to First Nations to determine.

Framework Agreement Initiative, 1994-2007

1994 - 2007

Framework Agreement Initiative (FAI)

- Signed by the AMC, on behalf of Manitoba First Nations and the Minister of Indian Affairs and Northern Development to:
 - begin a process towards self-government for First Nations in Manitoba; and
 - build a renewed relationship with Canada.

FAI, 1994-2007

- The three main objectives of FAI were to:
 - restore to First Nations, jurisdiction over areas of government affecting First Nations;
 - dismantle the existing departmental structures of DIAND as they affect First Nations in Manitoba; and
 - develop and recognize First Nation governments in Manitoba, legally empowered to exercise the authorities required to meet the needs of First Nation peoples.

FAI, 1994-2007

- The AMC led the Comprehensive Table dealing with the broader issues of the FAI,
- the MKO was the table lead of the Child and Family Table, and
- the SCO was the table lead of the Education Table (after 1998).
- Child and family services was identified as a priority. The AMC Chiefs in Assembly passed a resolution September 13, 1994 expediting the negotiations occurring at the Child and Family Table.

FAI, 1994-2007

- From 1996 to 2000 a number of projects were completed in the Child and Family Table of the FAI to assist FAI negotiators in reaching an Agreement in Principle (AIP) on Child and Family matters.
- One of the key areas to be addressed in the AIP on Child and Family matters was the exercise of jurisdiction by First Nations in providing child and family services off reserve.

FAI, 1994-2007

- Delegated Authority vs. Full Jurisdiction was a theme explored at length in FAI negotiations:
- **Delegated Authority** referred to the administrative control over or “devolution” of authority and responsibility for a particular area without the transfer of legal jurisdiction over such area.
- **Full Jurisdiction**, the inherent right of self-government, referred to the exercise of jurisdiction over particular areas including the right to make laws and not simply to administer the laws or directives of another government.

FAI, 1994-2007

- An Agreement in Principle was drafted but never signed.
- Funding for the FAI was discontinued.
- In 2007, the AMC voted to dissolve the FAI, citing an absence of federal commitment to the process.

Southern Chiefs' Organization, 1998

1998

Formation of the Southern Chiefs' Organization (SCO)

- “Accord of the SCO” adopted by the Chiefs April 1998
- SCO began operating December 1998
- Constitution of the SCO adopted July 2000

Southern Chiefs' Organization, 1998

- Establish a forum specifically for the southern First Nations of Manitoba. SCO was the entity established to give effect to the Accord and derives its mandate from the Chiefs-in-Summit, made up of the Chiefs of those southern First Nations entitled to membership in the SCO
- Currently, represents 33 of the 36 southern First Nations

FN Caring Society, 1998

1998

Formation of the First Nations Child and Family Caring Society of Canada (Caring Society)

- Established to provide research, policy, professional development and networking support to FNCFS Agencies in caring for First Nations children, youth and families.

Joint National Policy Review, 1999

1999

Joint National Policy Review

- Joint process between DIAND and the Assembly of First Nations (AFN) to review DIAND's national policies on First Nations CFS.
- Research done to look at possible solutions to concerns with national policies.

Aboriginal Justice Implementation Commission, 1999

1999

Government of Manitoba Establishes Aboriginal Justice Implementation Commission to address recommendations of the AJI Report

- In fast-tracking issues relating to child and family services for Aboriginal peoples, the Government of Manitoba established the Aboriginal Justice Implementation Committee (AJIC).
- The AJIC developed an action plan to address the original recommendations in Chapter 14 of the AJI Report.

Aboriginal Justice Implementation Commission, 1999

- Recommended that the Government of Manitoba enter into an agreement with the AMC and the Manitoba Metis Federation (MMF) towards a plan for First Nations and Métis communities to develop and deliver Aboriginal child welfare services.

AJI-CWI, 2000

2000

Aboriginal Justice Inquiry – Child Welfare Initiative (AJI-CWI)

- Memorandums of Understanding (MOUs) entered into between the Province of Manitoba and:
 - the AMC, on behalf of southern First Nations;
 - the MKO on behalf of northern First Nations; and
 - the MMF on behalf of the Metis people of Manitoba,
- marked the beginning of the AJI-CWI.

AJI-CWI, 2000

- AMC MOU states, the delivery of child and family services and programs to First Nations in Manitoba must respect their unique status, as well as their cultural and linguistic heritage.
- The MOU recognized that First Nation people have the right to control the delivery of child and family services and programs for their respective community members.

AJI-CWI, 2000

- AMC, MKO, MMF and Province enter into the Protocol Agreement to establish a common process for implementing changes to the current system.
- The Protocol Agreement created a framework for separate and distinct province-wide child and family services mandates for First Nations and Metis people.
- AMC had representatives in nearly all of the working groups responsible for the implementation of the AJI-CWI.

The Southern Authority/AMC/SCO

November 24, 2003

The Child and Family Services Authorities Act Proclaimed (The Authorities Act)

- Establishment of the Southern, Northern, Metis and General Authorities.
- Section 6(3) *The Authorities Act*, the AMC has responsibility for appointing the board of directors of the Southern Authority.
- Section 22(d) *The Authorities Act*, Southern Authority to provide annual report and audited financial statements to the Minister and the AMC.
- Section 58(c) of *The Authorities Regulation*, the Grand Chief of the SCO has a seat on the Leadership Council.
- Section 58.1 of *The Authorities Regulation*, the Grand Chief of the AMC sits as an ex-officio member of the Leadership Council.

Duties of Authorities

Required to develop culturally appropriate services, practices and procedures consistent with provincial legislation

Section 19

- (b) develop objectives and priorities for providing child and family services consistent with provincial objectives and priorities;
- (c) ensure that culturally appropriate standards for services, practices and procedures are developed;
- (d) ensure that the standards developed under clause (c) are consistent with provincial standards, objectives and priorities;

Joint NPR Final Report, 2000

2000

Joint National Policy Review Final Report

- Found that federal government funding formula Directive 20-1 did not provide sufficient funding for FNCFS Agencies to deliver culturally based and statutory child and family services on reserve, comparable to services provided to other Canadians.
- Important to note federal funding issues as they have an impact on the ability of FNCFS Agencies to comply with provincial legislation.

Joint NPR Final Report, 2000

- DIAND and AFN set up National Advisory Committee to implement recommendations
- Commissioned Caring Society to do research into solutions
- Caring Society publishes the Wen:De Reports 2005

Changes for Children, 2006

2006

Province of Manitoba announces “Changes for Children: Strengthening our Commitment to Child Welfare” Action Plan

- Changes for Children involved the implementation of recommendations from external reviews of the child and family services system completed in 2006.
- Implementation Team comprised of
 - two external chairs
 - CEOs of the four Authorities
 - two representatives from Manitoba Family Services and Housing was set up to oversee the process.

Changes for Children, 2006

- Implementation plans developed by the Implementation Team, were to:
 - always respect the spirit, intent and longer term objectives of the AJI-CWI; and
 - clearly and demonstrably strengthen the capacity of the child and family services system.

Caring Society Complaint, 2007-present

February 27, 2007 – present date

Caring Society and AFN file complaint with Canadian Human Rights Commission (CHRC)

- Assembly of First Nations (AFN) and the Caring Society allege that the Government of Canada provides **inequitable levels of child welfare funding to First Nations children and families on reserve.**
- Referred to the Canadian Human Rights Tribunal (CHRT)
- A number of procedural delays – hearings start February 2013
- Hearings are expected to continue to August 2013.

National Advisory Committee, 2007

June 2007

First Nation Child and Family Service National Advisory
Committee Meeting in Winnipeg

- INAC presents plans for a regional roll-out of a Prevention-focused approach for child welfare services on reserve.
- INAC indicates that the new model is based on the Alberta model of prevention services and says that the plan for the new model will have a strong focus on working together with interested partners in Manitoba.

AMC Resolution, 2007

August 2007

AMC Resolution re: National Advisory Committee to create “Made in Manitoba” Prevention/Early Intervention Framework and Funding Model for On-reserve Service Delivery

- The AMC passes a resolution directing AMC Chiefs to work with the Province of Manitoba, INAC, the Southern and Northern Authorities, FNCFS Agencies and MKO in forming a National Advisory Committee to develop a new “Made in Manitoba” service framework to ensure early intervention and family enhancement services are delivered to families residing on reserve.

AMC Resolution, 2007

- AMC directed that any framework and funding model would incorporate Jordan's Principle, a "child first" principle including, promising practice models demonstrated by successful First Nation programs.

SCO Resolution, 2008

May 2008

Resolution of the Southern Chiefs Organization re: First Nations' Child Care and Family Services

- The SCO passes a resolution for the development of a model First Nations' Child Care and Family Services law.
- In the resolution the SCO authorizes, among other things, the allocation of resources to complete this work and the development of a work plan.

SCO Resolution, 2008

- States SCO objectives:
 - of developing and implementing First Nations' child and family services law
 - to ensure that First Nations are accountable for the care of First Nations children
 - to protect and preserve First Nations' nationhood and First Nation citizens from assimilation in the application of non-First Nation laws.

Transfer of Responsibility, 2008/2009

2008/2009

Transfer of Responsibility and Leadership of the Southern First Nation Network of Care from the AMC to the SCO

- The AMC signed the MOU in the AJI-CWI in 2000 on behalf of Southern First Nations, at a time when the SCO was in its infancy.
- The AMC and the SCO acknowledged from the outset, that the SCO would eventually assume responsibility in the place of the AMC, as appointing body and on Leadership Council.

Transfer of Responsibility, 2008/2009

- In 2008 SCO and in 2009 AMC, passed resolutions in support of this transfer of responsibility.
- To date, the AMC remains the appointing body in *The Authorities Act* but SCO has taken its place on the Leadership Council. AMC remains an ex-officio member of the Leadership Council.

Conclusion

- At this juncture in First Nation Child Welfare, we have the benefit of recommendations from:
 - ***The Canadian Welfare Council and Canadian Association of Social Workers, 1947 (those recommendations referenced in this presentation);***
 - ***The Hawthorne Report, 1966;***
 - ***Wahbung: Our Tomorrows, 1971;***
 - ***The Manitoba Indian Child Welfare Subcommittee Report, 1980;***
 - ***The Canadian Council on Social Development (CCSD) Report by Patrick Johnson, “Native Children and the Child Welfare System”, 1983;***

Conclusion

- ***No Quiet Place: Review Committee on Indian and Metis Adoptions and Placements – “The Kimelman Report” , 1985;***
- ***The Report of the Aboriginal Justice Inquiry (AJI), 1991;***
- ***The First Nation’s Child and Family Task Force Report, 1993;***
- ***The Framework Agreement Initiative (FAI), 1994-2007;***
- ***The Joint National Policy Review Final Report, 2000;***
- ***The Wen:De Reports, 2005;***
- ***The Reports for Implementation in Changes for Children, 2006;***

Conclusion

- Most of the recommendations from earlier reports speak to the need to:
 - Recognize the impact that policies of assimilation have had on First Nation communities and work towards ensuring that they are not continued;
 - Acknowledge that First Nation communities are in the best position to identify how to meet the needs of community members;
 - Ensure that a holistic or “total” approach is taken to child welfare – look at solutions in all service areas – child welfare, housing, education, economic development;

Conclusion

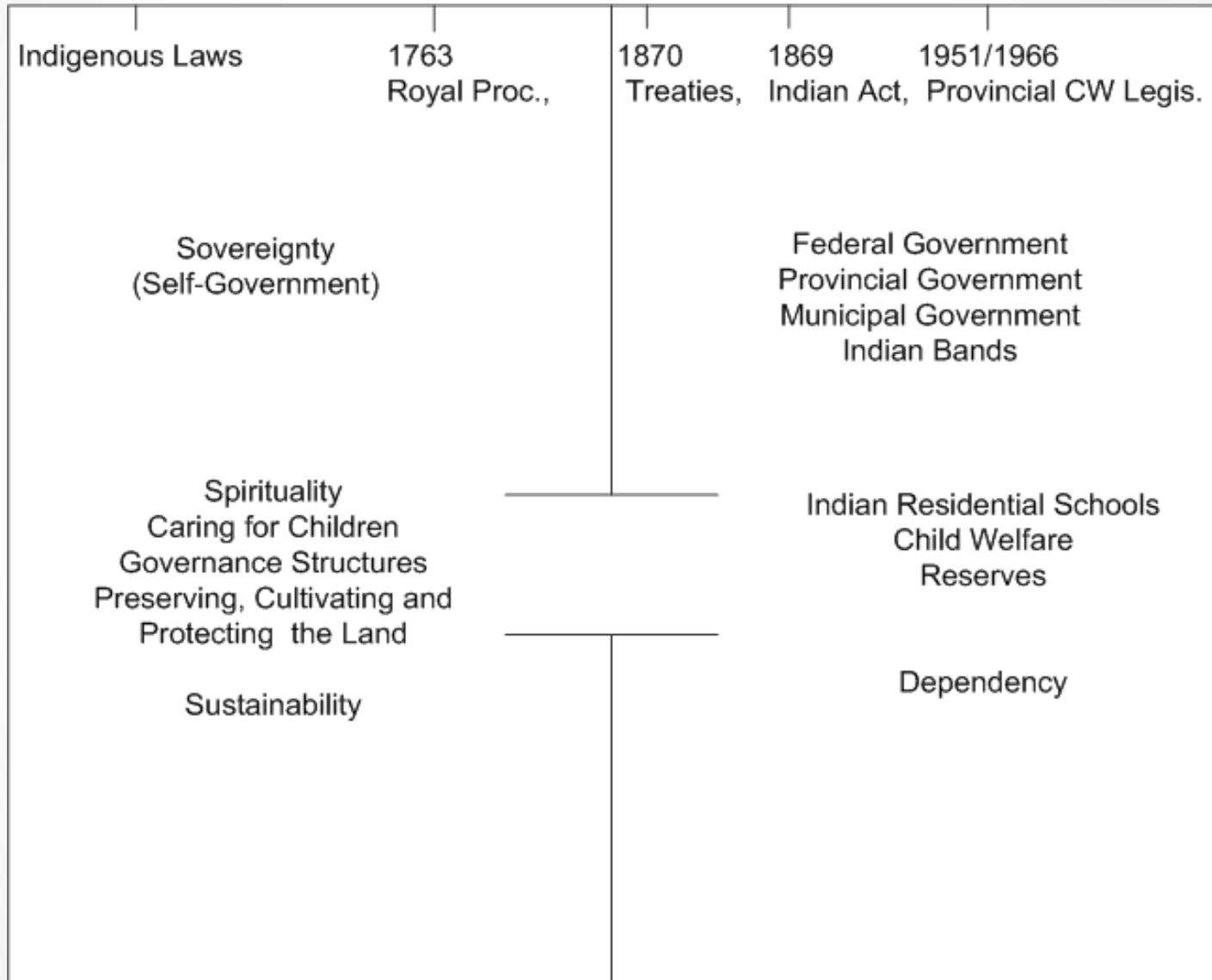
- Revive programs like the Repatriation Program and Local Child Care Committees, that have worked for First Nation Communities;
- Renew relationships between First Nations and the federal and provincial governments;
- Ensure that everyone involved is contributing the best resources possible to provide for the care of First Nation children;
- **Realize that we've been "borrowing legislation" and realize the goal of restoring full jurisdiction for child welfare to First Nation communities.**

Conclusion

- There are a number of recommendations that have been made in order to improve First Nations Child Welfare.
- Many of these recommendations from earlier reports need to be looked at.
- If we want recommendations to work for First Nation children, families and communities, we need to look to this history and engage First Nation communities in determining how best to move forward.



Two Houses Analogy

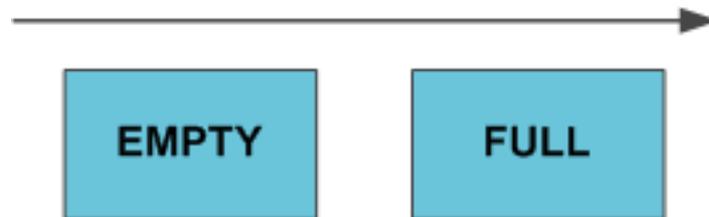


Two Houses Analogy

Prior to Contact



Treaties/Indian Act



First Nation Sovereignty

