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Delivered Electronically and by Hand

Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair 1800 – 155 Carlton Street Winnipeg, MB R3C 3H8

Attention: Sherri Walsh, Commission Counsel

Dear Madam:

Re: Application for Standing - Phase III

We are counsel for the Manitoba Métis Federation (the "Federation") and the Métis Child and Family Services Authority Inc. (the "Authority").

The Federation and the Authority (hereinafter collectively referred to as the "MMF") have recently learned that Phases II and III of the Inquiry have been amended. As a result of these amendments we understand that Phase III will speak to the following systemic issues:

- What are the circumstances, challenges and conditions which bring a vulnerable family and in particular, having regard to other facts of this case, an aboriginal family in Winnipeg, to come into contact with the child welfare system? and
- 2. What services, programs, departments, whether government or community based, exist or ought to exist, outside the child welfare system to support such families and children.

As this Commission well knows, the *Constitution Act*, 1982 defines the aboriginal peoples of Canada to include the Métis. MMF has a genuine and demonstrated concern about the issues to be canvassed in Phase III of the Inquiry, and has a particular perspective or expertise that may assist the Commissioner. MMF therefore applies for standing as an Intervenor with respect to Phase III of the Inquiry.

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1. <u>Introduction to MMF and its involvement with Métis Families and Children</u>

Prior to the creation of the Authority the Métis people of Manitoba were not well served by the child and family services system. At the root of this problem was the fact that the Métis, historically, not been heard at the political level, were given few opportunities to participate in the governance functions of the child and family services system, and were allowed few opportunities for input with respect to service delivery for Métis children and families.

This exclusion, among other things, resulted in the creation by the Federation of the Métis Family & Community Institute ("MFCI") in May 2000. Since that date MFCI has provided meaningful policy analysis and research for both Métis child and family services and the Federation as a whole. The general objective of MFCI is the enhancement of Métis family and community life, promotion of Métis cultural identity and values, and improvement of human service delivery to Métis people through the provision of Métis-specific policy, analysis, planning and service development implementation that mirrors the unique status of Métis people in Manitoba. MFCI serves as a policy formation and coordination institute for Métis human services.

Pursuant to the child welfare recommendations set out in the Aboriginal Justice Inquiry Report and the ensuing Aboriginal Justice Implementation Commission recommendations the Federation (assisted by MFCI), Manitoba Keewatinowi Okimakak and the Provincial Government committed to a three year joint implementation process to review and restructure child and family services within Manitoba. The Federation entered into a Memorandum of Understanding with the Province of Manitoba to deliver an effective, community-based child and family service system to reflect the unique status, culture and linguistic heritage of the Métis people. In September of 2003 the Federation received a formal mandate from the Province of Manitoba to deliver child and family services province wide. Thereafter, the Authority was established through the enactment of *The Child and Family Services Authorities Act*. The establishment of the Authority represented a crucial step forward in the recognition of the right of Manitoba Métis, Non-Status and Inuit people to care and provide for their children and families.

The Authority

The Authority is an incorporated entity with the responsibility to administer and manage service delivery for Métis, Non-Status and Inuit people in Manitoba. The Authority has the power to grant mandates to affiliated service providers and receives funding from the government to carry out such tasks. The Authority is responsible for a number of broad responsibilities including but not limited to:

 Exercising the authority to delegate the mandate to provide Métis child and family services to service delivery agencies;

- Developing policy in consultation with affiliated agency staff;
- Assessing needs, setting priorities, planning, allocating funding and other resources, and managing the provision of services to Métis children and families;
- Ensuring that children and families have reasonable access to quality services;
- · Ensuring that policies and standards are followed;
- Monitoring and assessing the provision of child and family services;
- Working with other authorities, community partners, private bodies and government to coordinate services for children and families; and
- Promoting collaboration and cooperation amongst Métis communities, service affiliates and other authorities.

The Authority liaises with MFCI which, in turn, reports to the Federation Board of Directors and MMF Regions on the activities of the Métis Child & Family Services System.

The Authority has created the Métis Child, Family & Community Services Agency ("MCFCS") which is an incorporated not-for-profit agency mandated to provide a full range of services under *The Child and Family Services Act and Adoptions Act.* MCFCS provides a number of non-statutory services to individuals, families and communities.

MCFCS is committed to empowering families and the community to share the responsibility for protecting children and youth. It is committed to ensuring that all children and youth receive safe and nurturing care that will enhance their development and well being. The Federation, the Authority and MCFCS believe that the interests of Métis children are best served within their own family. However, life circumstances and challenges can impact on family functioning and interfere with parents' abilities to meet the needs of their children in the way they hoped. It is at these times that the Authority and MCFCS must get involved to support Métis families.

2. Métis People and Their Contact with the Child Welfare System

Métis children and families continue to be impacted by a number of problems that include poverty, alcohol abuse, domestic violence, child abuse and child neglect. The percentage of Métis children and families which come in contact with the child welfare system is significantly higher compared with non-Métis and non-First Nation children. Despite this fact the Authority is not resourced to the level that recognizes the continuing influx of new cases and the high needs of those currently being managed. Permanent wards continue to represent a majority of the children in care with the Authority. While the Authority includes Métis tradition, heritage and culture in all aspects of its programming much more is

needed to be done in order to reduce the percentage of Métis families that come in contact with the child welfare system.

As a consequence of the Authority's direct involvement with Métis families and children and the role which the Federation plays in overseeing activities of the Authority, the MMF is quite familiar with the circumstances, challenges and conditions which bring vulnerable Métis families into contact with the system. MMF is also familiar with the systemic issues which give rise to the high degree of Métis families and children which come in contact with the system. Its representatives have ideas about what services, programs or departments exist or ought to exist to support those families and children. Its Elders have seen changes in the system over a number of years and have experience and knowledge which will be of value to this Commission.

3. Standing Sought by MMF

The issues and recommendations to be brought forward and implemented from Phase III of the Inquiry are of direct concern and application to MMF. Further, MMF has significant knowledge of the circumstances which lead to a Métis family coming into contact with the child welfare system and the services, programs and departments which exist or ought to exist to support these families and children. As indicated above, this knowledge is gained not only from the significant role that the Federation played in devolution but in the ongoing services being provided to Métis families by the Authority. MMF respectfully submits that, as a result of the amended mandate of the Inquiry, MMF qualifies under the Amended Rules of Procedure and Practice as an Intervenor to the Inquiry and requests that this status be granted.

4. Funding

MMF requests that the Commission recommend funding be provided to MMF in order to allow for its full contribution and participation as Intervenor in the Inquiry.

Yours very truly,

DUBOFF EDWARDS HAIGHT & SCHACHTER

Law Corporation

Per:

WILLIAM G HAIGHT

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