



***Bringing Our Children Home Act and Five Nations Template Laws on Children and Families***

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**Bringing Our Children Home National Conference  
Breakout session  
November 25-27, 2019**



# ***Manitoba Specific Federal Legislation, Bringing Our Children Home Act***

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# ***A Manitoba Specific Federal Legislation***

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- In March 2018, previous Indigenous Services Canada Minister, Jane Philpott met with the Grand Chiefs of AMC, MKO and SCO and offered an opportunity for Manitoba to develop its own specific federal legislation due to the ‘humanitarian’ crisis in Manitoba
- AMC took the opportunity to begin the process of drafting the federal legislation as it was identified in the MOU work-plan to have complete jurisdiction of Child Welfare within 5-years



# ***Steering Committee for Restoration of First Nations Jurisdiction over Child and Family Matters***

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- In July 2018, the Women's Council invited knowledge keepers who carry the experience required to inform the draft federal legislation and develop adaptable template laws on children and families to participate on a Steering Committee.
- The Steering Committee has representation from the five language groups/Nations in Manitoba.



# ***Restoration of First Nations Jurisdictions on Children and Families Forum***

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- The AMC hosted a *Restoration of First Nations Jurisdictions on Children and Families Forum* on August 16, 2018, to gather information on how we define and apply First Nations traditional family law.
- The Report for the Forum was presented to the Chiefs-in-Assembly in October and was endorsed by resolution Oct-18.08
- The finding from the report was used to inform the draft federal legislation and the work on the five Nations template laws on children and families.



# *Keewaywin: Closer to Home*

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- The AMC conducted secondary community visits further to the 2017 *Keewaywin: Our way Home* First Nations Engagement.
- The first Keewaywin report recommended restoring First Nations' jurisdiction of children and that First Nations take the lead in designing and implementing a system based on First Nations original systems.
- *Keewaywin: Closer to Home* is a continuation of the first community visits to have open discussions on:
  - Traditional family law;
  - Customary practices that still exist; and
  - Reasserting First Nations' jurisdiction over our child and family matters.



# ***Keewaywin: Closer to Home***

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From August 27 to October 5, 2018, the AMC arranged 15 community visits:

- Brokenhead Ojibway Nation
- Canupawakpa First Nation
- Ebb & Flow First Nation
- Kinonjeoshtegon First Nation
- Manto Sipi Cree Nation
- Marcel Colomb First Nation
- Mathias Colomb First Nation
- O-Pipon-Na-Piwin Cree Nation
- Peguis First Nation
- Pinaymootang First Nation
- Roseau River First Nation
- St. Theresa Point First Nation
- Waywayseecappo First Nation
- Wuskwi Sipiik First Nation
- York Factory First Nation



# ***Draft Federal Legislation***

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The following information was used in developing the draft Manitoba specific federal legislation:

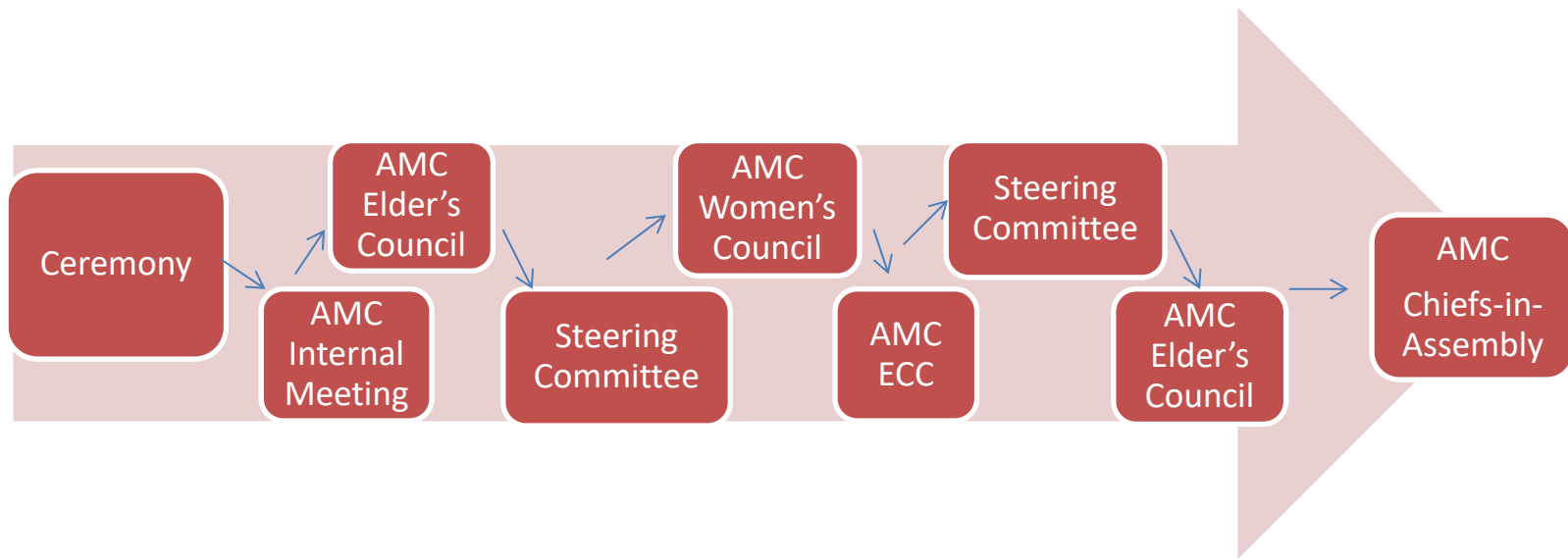
- 30 years of resolutions from AMC Chiefs-in-Assembly;
- AMC Framework Agreement Initiative;
- *Bringing Our Children Home* Report;
- TRC Calls to Action;
- Canadian Human Rights Tribunal ruling on First Nations Child Welfare;
- 2017 Keewaywin: Our Way Home Manitoba First Nations Engagement;
- Setting the foundation for Change: A Strategy towards First Nations Jurisdiction-AMC Women's Council Report;
- Restoration of First Nations Jurisdiction on Children and Families Forum; and
- Keewaywin: Closer to Home Community Visits





# ***Draft Federal Legislation Review***

The first draft of the federal legislation was completed on September 24, 2018, and went through a process of review before being presented to the Chiefs-in-Assembly.



# ***Bringing Our Children Home Act***

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- **Purpose and Intent:** Reassert First Nations Jurisdiction with respect children and family matters that empowers First Nations laws, standards, practises, and customs.
- **Recognition of Jurisdiction:** Relies on inherent rights of First Nations to develop their own laws.
- **Interest of the child:** Focuses on the wellbeing of the child and family.
- **Sustentative equality :** Child and families shall have a fair and equitable access to services they require.
- **Role of the Minister:** There is no designated Minister, but references Canada based on a treaty partner with the Nations in Manitoba. The only role of Canada is provide transfer payments and information regarding First Nations children.



# ***Bringing Our Children Home Act***

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**Role of the province:** inconsistency between provisions in the Act, First Nations laws will prevail and that the province shall transfer all information regarding First Nations children to their respective Nation

- **Regulations:** First Nations will develop their own laws, policies, and regulations.
- **Reporting and Data Collection:** Canada and the province of Manitoba will transfer all information regarding First Nations children to their respective Nations
- **Fiscal Arrangements:** Canada is to provide direct and equitable (fair and impartial ) payments to First Nations



# ***Five Nations Template Laws on Children and Families***

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# ***5 Nations' Template Laws on Children and Families***

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- To reassert First Nations' jurisdiction in the area of children and families, First Nations law templates respecting the five language groups (Anishinaabe, Nehethwuk/Ininiwak, Anishiniwak, Dakota Oyate, Denesuline) and the legal traditions in Manitoba are being developed.
- First Phase: Gathering of Information includes:
  - 21 First Nations
  - 21 Key Informative Interviews with Elders and Knowledge Keepers
  - 3 Family Law Forums
  - 1 Men's Forum
- Second Phase: Compiling and Drafting
  - Currently in the first drafting of the Anishininew, Denesuline, and Nehethwuk /Inninwak template laws



# ***5 Nations' Template Laws on Children and Families***

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- Phase Three: Community Engagements
  - Will be reviewed at the First Nations level with their citizens and legal counsel
- Phase Four: Translation
  - Family Law Coordinators will translate the templates law in respect of their Nation
- Phase Five: Implementation and Evaluation
  - Will be determined at the First Nations level



# Moving Forward

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- Opportunity for the AMC to implement the past 30 years of work from Chiefs-in-Assembly to reassert jurisdiction over children and families.
- Draft federal legislation was informed strictly by grassroots First Nations citizens and is a First Nation-led solution to the CFS crisis in Manitoba.
- Five Nations template laws on children and families are an opportunity for First Nations to revitalize traditional practises and customs in relation to caring for our children.
- Opportunity to administer our own laws and system instead of simply administering delegated authority from the government.



# Questions & Answer

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