



**Report of the
Tłıchò Community Services Agency
to the
GNWT Standing Committee on Social Programs'
Committee to Review the *Child and Family Services Act***

April 2010



Cover Letter – Board Chair

April 15, 2010

Committee to Review the *Child and Family Services Act*
The Standing Committee on Social Programs
Government of the Northwest Territories
Yellowknife, Northwest Territories

Dear Committee Members:

On behalf of the Tłıchǵ Community Services Agency (TCSA), I am pleased to submit this report. It contains our suggestion for improving the *Child and Family Services Act*.

There is nothing more important to Tłıchǵ citizens than the health of our children and our families. Over the years, we have been looking for more culturally-relevant ways to improve services.

Two years ago, our agency and your Department of Health and Social Services Social Services co-sponsored a project to improve the current Child and Family Services System. Funded by Health Canada under its Adaptation Envelope, this project has enabled us to take a close look at the existing system and recommend specific improvements.

In April of this year, I had the privilege of leading a small delegation of our people to examine the service model of the Tıkinagan Child and Family Agency in Sioux Lookout, Ontario. Over the past ten years, this Ojibway-Cree agency has developed a unique model that serves “the best interests of the child *and the family*.” It places responsibility for care and healing on parents, the extended family and the community. We were excited about what we saw. We think you will agree with us that elements of this model can be adapted to our situation in the Northwest Territories and will greatly improve the Child and Family Services System.

It is fortunate that the final stage of our joint TCSA/GNWT Department of Health and Social Services adaptation project coincides with your review of the *Child and Family Services Act*. The timing couldn't be better. It gives us confidence that your Committee will recommend much needed changes to the Act, to the system and to current practices – changes that will benefit the people we serve and strengthen the working relationship between our respective agencies and our two governments.

Yours truly,

Alfonz Nitsiza, Acting Chairperson
Tłıchǵ Community Services Agency



Acknowledgements

This project represents a long standing desire on the part of the Tłıchò Community Services Agency to remake government programs to assist our children and families create better lives for themselves. It is so important that this work continues to its conclusion, with effective community-based approaches to supporting children and their families.

We would like to thank the members of the staff of Tikinagan Child and Family Services in Sioux Lookout, Ontario, who so graciously hosted our team through their communities and inspired us with their example of compassion, courage and determination.

We would like to thank all the many people in the Tłıchò communities who have contributed to the discussions that have led to the ideas and suggestions summarized in this report to the Standing Committee on Social Programs.

Masi cho.

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Other TCSA staff who provided a much appreciated helping hand:

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Introduction

Background

In August of 2008, the Tłıchǵ Community Service Agency (TCSA) and the GNWT Department of Health and Social Services received a grant from Health and Welfare Canada's Aboriginal Health Transition Project – Adaptation Envelope.

The Adaptation Envelope is designed specifically to fund projects that adapt existing systems to better meet the needs of Aboriginal populations.

This adaptation project is entitled “Healthy Children, Families and Communities.” The purpose of the project is:

To develop a culturally-relevant Tłıchǵ Child and Family Services delivery model, adapt it to the current GNWT Child and Family Services System, and to do this in a manner that will facilitate the development of a unique Tłıchǵ Child and Family Services System under self-government.

Coincidentally, this two-year project covers much of the ground that the Standing Committee is exploring in its review of the *Child and Family Services Act*, though on a much smaller scale. Nevertheless, because of the nature of our study, we feel that our findings will interest the Committee and have implications not only for the Tłıchǵ, but also for other Aboriginal communities in the NWT.

We are now in the final stages of the project – writing up our report. But our research has been completed and we are able to describe the adaptations that we think are required, especially in relation to the *Child and Family Services Act* itself.

About this Report

This report is divided into four parts:

- **Part One** – Adaptation: What it Means and What it Look Like in Practice.
- **Part Two** – Developing a Cultural Framework to Examine the Child and Family Services System.
- **Part Three** – Evaluating the Current Child and Family Service System from a Cultural Perspective.
- **Part Four** – Developing an Interim Tłıchǵ Child and Family Services System.



Part One

Adaptation: What it Means and What it Looks Like in Practice

In the course of our research we came across an interesting document: *“It Takes a Community: Report to the GNWT Department of Health and Social Services on Child Welfare Services in the Northwest Territories”* (May 2000). The report, commissioned by the Department and conducted by the Child Welfare League of Canada, was quite extensive. As we read the document we couldn’t help noticing that many of the issues and recommendations identified in the report ten years ago were the same issues and recommendations that we were identifying today, yet little seems to have been done in the interim.

It is not uncommon for recommendations in extensive reports never to get implemented. Part of the problem seems to be a lack of consensus among partners at the outset (“going in”) about what suitable results would look like. Fortunately, in the case of this project, Health and Welfare Canada has spelled out its adaptation expectations in a document entitled *“A Review and Synthesis of Adaptation Literature: A Systems Approach to Increasing Health and Well-being of Aboriginal Populations.”*

The document notes that “adaption” is a multi-level, multi-pronged approach to increasing availability of health and social services; it is a response to address the inequity of health status that is experience by Aboriginal populations.

The document then goes on to identify some of the characteristics of adaptation in Aboriginal communities:

- It generally occurs at the systems level and requires an integration of services.
- Systemic change includes altering policies and procedures so that systems may respond to cultural nuances.
- It entails policy changes and human resource development.
- It should occur at a deep structure level by incorporating core values, beliefs, norms and other significant aspects of an Aboriginal community’s world view.
- It should be guided by indigenous knowledge and not contradict the intent of the program that is undergoing adaptation.
- It considers changes in values, beliefs, culture, social history, environmental and psychological factors.
- It requires both top down and bottom up approaches.
- It incorporates aspects from clients, practitioners and the system.

These characteristics provide a useful set of criteria on which to evaluate the success of an adaptation project – like this one. To put it in the simplest terms, if the existing Child and Family Services System incorporates all or most of these characteristics into a revitalized system, the project will have been successful. If it doesn’t, the project will have failed.

Part Two

Developing a Cultural Framework to Examine the Child and Family Services System



Over the years, the TCSA, and its predecessor the Dogrib Community Services Board, have had a long history of trying to adapt to GNWT requirements and vice-versa. Some of these efforts have been more successful than others. The Tłıchò have often complained that the GNWT systems are not culturally-relevant. The GNWT have countered that the Tłıchò have not explained what cultural relevance is or what a culturally-relevant system would look like. The development of a cultural framework is the first step in addressing this problem.

Briefly, a cultural framework is a context that describes relationships, values and principles that identify the dominant characteristics of a culture.

To identify these characteristics we reviewed the various aspects of our cosmology – our origin stories – that described how we have developed, and continue to develop, as a people from the ancient past up to the present. We spent many hours over many months with elders discussing values and child rearing practices. Finally, we have had many discussion with “young elders”: those who, in their

earlier years, lived on the land, went to residential schools, worked in the wage economy – mostly as teachers or social workers – and have been involved, either directly or through family members, with the child welfare system. From these sources have emerged defining relationships and values that define the Tłıchò identity.

The Tłıchò Identity

The Tłıchò identity rests upon five essential relationships:

1. The relationship **with the land**, particularly Tłıchò land.
2. The relationship **with one’s own inner spirit**. It is the consciousness of identity, a self-perception of being Tłıchò which is reinforced by culture, language and way of life.
3. The relationship **with the family and extended family**; the basis of Tłıchò society.
4. The relationship of the individual **with the community**.
5. The supportive relationship **with other governments, businesses, groups and organizations**.

Though these relationships are the essence of cultural framework, they must be continually reinforced and strengthened. This is done through the practice of the values.

1. **Respect** – for the land, for the inter-connection of all living things (Tłıchò Constitution), and for the Tłıchò language, culture and way of life.
2. **Independence and Self-Reliance** – the duty to care for one’s self, one’s family and the community. This is a key value in the raising of children.
3. **Peace and Reconciliation** – the ability to forgive and heal broken relationships. This value recognizes the need to resolve conflicts in the family, the community, and in relationships with others.
4. **Caring and Concern** – a willingness to help others, especially the disadvantaged or those who are suffering physical, emotional or economic problems. This value speaks to sharing and to recognition of special needs of individuals and families.

5. **Survival Through Adaptability** – the ability to continually learn and adapt to changing situations ensures survival. In the past, this value was focused on food and shelter. Today, the focus is on the survival of the culture, language and way of life.

Guiding Principle

Together, these relationships and values constitute the Tłıchò Cultural Frame. Out of them emerges a guiding principle that will be used to evaluate the existing Child and Family Services System:

Those elements of the system that reflect and support these relationships and values are beneficial and must be preserved and strengthened; those elements that don’t reflect and support these principles and are deemed harmful must be modified, changed or removed.



Part Three

Evaluating the Current Child and Family Service System from a Cultural Perspective

As we use the Cultural Framework to examine the current GNWT Child and Family Services System we note several cautions. The culture is not static. It is always changing – adapting to new situations. Not all individuals or even all communities within a culture are at the same level of cultural development or sophistication. People differ in the ways they think of their culture, participate in their culture, practice cultural rituals, know and understand their language,

adopt childhood rearing practices, etc. Nevertheless, it is possible to make certain cultural observations, which seem to be consistent throughout the culture, given the limitations we have just mentioned.

The following chart illustrates some common perceptions among the Tłı̨ch̨o about their own culture and about their perceptions of the dominant non-Aboriginal culture which is influencing their lives.

Cultural Influences within the Current Child and Family Services System – A Comparison

| | GNWT Organizational Culture | Tłı̨ch̨o Culture Frame |
|--|---|---|
| Primary Focus | On the best interests of the child. | On the best interests of the child and the family. |
| The Family | Part of the problem. The system is designed to deal with dysfunctional families. | Part of the solution. In spite of problems, the family is “in the best interest of the child” and, in most cases, the child will eventually be returned to the family |
| Authority | The social worker, the Department and the Judge have the power. | The family, the extended family and the community are relatively powerless. |
| Perception of the Court Process | Beneficial. | Punishment and shame. |
| Approach | Invasive. Apprehension has become the option of choice. It is perceived as in the best for the child and the safest alternative for the social worker and the Department. | Non-invasive. Emphasis on protecting the child within the family and extended family. Apprehension only when absolutely necessary. |
| Side Effects of Apprehension | The child is safe. The adverse affects on the family are unfortunate, but unavoidable. Long-term consequences not a factor | Removing the child from the family is always a traumatic experience, with longer-term consequences. |

| | | |
|--|--|---|
| Foster Homes | Perceived as a “safe house” for the child. The need to keep the child safe outweighs all other considerations. Assumptions are made about availability, training and support services. | Foster homes should be with members of the family or extended family – or with respected member of the community. Non-aboriginal foster homes are often perceived as the new form of residential schools. |
| System Perspective | An urban perspective. Assumptions are made about timelines and availability of resources and support services. | A rural reality and lifestyle. Remoteness presents complications in terms of timelines and availability of resources. |
| Service Emphasis | The child and the foster parents. | The child, family and extended family. |
| The Social Worker | Perceived primarily as a child protection worker. | Perceived primarily as an agency of the courts and the police – the person who “takes our children away.” |
| Hiring of Social Workers | Emphasis on academic credentials and knowledge of the system; cultural knowledge not essential. | Emphasis on situational knowledge of the community and culture is essential, along with knowledge of the system. |
| Approach to Hiring | Preference for the person with the best credentials and experience. | Preference for the Tłıchǵ person who has the best potential for development and knowledge of Tłıchǵ culture and communities. |
| Role of the Community | Very little role. Not necessary. | An important role. Traditionally, the community has helped its family members. |
| The Community and the Social Worker | Community invited to support the social worker’s decision (Plan of Care Committee). | Social worker invited to support the community’s decision. |
| Culture and Language | An important secondary consideration. | A primary concern. Essential to the child’s sense of identity. |
| Language | English | Tłıchǵ and English |

The Child and Family Services Act

As we can see, there is a disconnect between the Tłıchǵ cultural perceptions and the GNWT cultural perceptions. There is another disconnect between the title of the Act and the objectives outlined in the preamble, on the one hand, and the contents of the Act, on the other hand. (We note that the first item in the Standing Committee’s Term of Reference is to determine whether the objectives in the preamble are being accomplished.)

The title of the Act, *Child and Family Services*, would suggest that it is about services for children *and for families*. The preamble gives a passing mention to the role of the family, to the extended family (a recent addition to the Act by the 15th Assembly) and the community. But there is very little in the Act about services to the family, or about the role of the family, extended family and community. We estimate that 80% to 90% of the content of the Act is about pre-apprehension, apprehension and post-apprehension – or about the administrative roles and procedures related to legal procedures. Even where services are mentioned, they are considered optional or discretionary.

Our final report will contain a number of stories indicating how the Act is required to be interpreted on the ground in the communities. Here are some summary observations based upon our application of the cultural frame to the current Child and Family Services System.

1. The Act is not a *Child and Family Services Act*, but, rather, a Child Welfare Criminal Justice Act. There is a need to restore some kind of balance between protection and services to children and families.
2. The Act discriminates against the family and extended family. Though Aboriginal community always sees children in the context of the family and extended family, the Act is concerned almost exclusively with the “best interests of the child.” In practice, the child is divorced from the family. The family is often perceived as “the problem.” The Act should focus on “the best interests of the child and the family.” It should emphasize building on the strengths of the family.
3. The major decisions about the child are made by the Child Protection Worker (CPW), the Department, the RCMP (at times) and the court. In effect, the court is often the “court of last resort for the child.” It plays a dominant role, and workers consume large amounts of time preparing court documents. The parents, family members and community are relatively powerless as compared to the CPW, the Department, often the police, and the Judge. There is need to consider this imbalance, re-examine the role of the court and, perhaps, establish a Bill of Rights for parents.
4. The role of the Child Protection Worker militates against the role of a social worker providing family support services. The CPW is not seen as someone who “helps us,” but, rather, as someone who “takes our children away.” This image is reinforced when the CPW is accompanied by a police officer when responding to reports of abuse, which happens in most cases. For some residents, the partnership between the CPW and the RCMP raises memories of children being captured and hustled off to residential schools.

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5. Unfortunately, apprehension out of the home has become the “option of choice” in the NWT. The Year 2000 study of the Child Welfare System by the Child Welfare League of Canada noted that, in the provinces, only about 20% of children were apprehended out of their homes. The rest were served in their homes. In the NWT, about 62% of children were apprehended out of their homes and only 38% were served in their homes. We did not do a review of NWT cases in our current study, but we suspect the percentages are about the same. It should be noted that working with the child in the home forces the worker to work closely with the child and the family.
 6. There is no significant community input in decisions affecting child and/or family. If the community is called in, it is usually after the child has been apprehended. In effect, the role of the community is to support the decision about the child that has already been made by the Child Protection Worker and the Department.
 7. There is a need to re-examine the recruitment and training of CPW/social workers. There is a very high turnover rate, especially among non-Aboriginal workers. The training of CPWs, as carried out by the Department, is often not culturally-relevant. A recent training manual entitled “*Orientation Information on Child and Family Services for NWT Professionals*” contains 38 overheads. There is no mention of services for families, except for one overhead that mentions Support Services that “may” be available – the word “may” is underlined. The word “community” does not appear. The solution for the Tłıchǵ is to hire our own Tłıchǵ social workers and train them ourselves.



Part Four

Developing an Interim Tłchò Child and Family Services System

The Essential Elements

Any interim Child and Family Services System must meet four criteria:

1. It must be culturally-relevant – i.e. be based upon the relationships, values and principles described in the cultural framework.
2. It must effect real adaptation – meaning, it must effect changes in the existing system *at a systems level*.
3. It must be consistent with and able to be integrated into the broader GNWT Child and Family Services System.
4. It must further the development of a Tłchò Child and Family Services System under self-government.

Because we didn't want to reinvent the wheel, we examined a number of other Aboriginal Child and Family Services Systems in Canada. We were searching for a model of service delivery that might meet some or all of our criteria. We finally came across a program in northern Ontario – the Tikinagan Child and Family Services Program, which seemed to have many of the characteristics that we were looking for. In mid-April 2010, we sent a delegation down to spend a couple of days examining the model.

The Tikinagan Model

The Tikinagan model is entitled “Mamow Obike-ahwahsoowin,” which means “everyone working together to raise our children.” It is usually referred to simply as the “Mamow Model.”

The model has been developed over the past decade. Headquartered in Sioux Lookout, Ontario, the agency serves 30 outlying Nishnawbe communities. It has a staff of 400 and an annual budget of \$40 million.

Program Philosophy:

The Philosophy is based upon the traditional values of Respect, Trust, Honesty, Language, Elders, Culture, Customary Care, Accountability and Spirituality. The agency noted, “Our primary goal is to keep our children with us and within our communities.” The underlying idea of the model is that the entire community shares responsibility for the care and education of children. The needs of children are understood as indistinguishable from those of the community. Decisions are made about a child in consultation with First Nation chiefs and councils, elders, parents, children in care, Tikinagan staff and other community members. Given the number of family problems – mostly as a result of the harm caused by prescription drugs – there is a very strong sense that the children belong to the community and it is the community's responsibility to care for them.

The Court System:

One of the defining aspects of the model – and the one that really attracted our attention – is the relative *non-involvement* of the courts. The courts are seen as the last resort, to be used only after all other community-based alternatives have been tried. As a result, only about 15% of cases ever end up in court.

Legislation:

The agency operates under the Ontario Child and Family Services Legislation. However, and this is most important, the province introduced a special section under the Act in the early '80s – *Section X: Indian and Native Child and Family Services*. This enables the Minister to make agreements with bands and communities to provide services. It also requires an agency to work closely with the band and community. (See the Appendix.)

One of the most noticeable aspects of this legislation is the relationship between the agency and the band. The band is notified at the very beginning of any investigation and the band appoints one of its band council members as a “Portfolio Holder” to facilitate the process. *Then, it is the band that makes an agreement with the parent – a “First Nation Declaration” designating the child is in need of protection.* The agency then provides the services. One of the benefits of this approach is that the band is in partnership with the agency from the beginning of a case. This reduces the ability of community members to use the political process against the agency and its staff.

Staffing:

Most staff members provide either child care services or family support services. The agency also provides alternative care services (e.g. foster homes, group homes, etc.), adoption services and prevention programs. About 85 % of the staff are Nishnawbe and residents of the communities in which they live.

While most staff have a high school education, very few have a post-secondary degree. Staff salaries are comparable to salaries in child welfare agencies elsewhere in Ontario. The agency has a voluntary pension plan (group RSP). Recently, the board decided to require staff to pay 4% of their salary into the pension plan.

Training:

The agency runs its own training program with some help from the Ontario district office in Dryden. It has developed a nine module (3 month) program with a strong emphasis on child protection. The program is recognized by the Province of Ontario and participants who successfully complete the course can find employment with any other agency in Ontario. (During our visit the agency was negotiating with a local college to provide a certificate to workers who had successfully completed all nine modules).

Community Standards:

The agency helps the communities establish community standards. Such standards are essential in communities where there is inadequate housing and where most people live within, or close to, the poverty level. The community standards make it easier to approve foster homes and foster parents. (Sometimes, in the Tłıchǵ communities, the GNWT will not approve homes that are not up to acceptable (read “middle class”) standards. They may not approve grandparents as foster parents because they cannot help children with their homework, etc.) GNWT legislation does allow for the development of community standards, but it is uncertain if or whether the government will apply these standards to such things as facilities and foster parents.

Evaluation:

Though our delegation was impressed by what we saw, we wondered if the model has ever been independently evaluated. It has.

In August of 2009, the agency completed a three-year review funded by the province and carried out by the Centre for Community-based Research (CCRB). Overall, the review was very positive. The final report noted:

“Mamow Obiki-ahwahsoowin may serve as a guide in the planning of culturally appropriate child welfare elsewhere in Ontario. This model has the potential to improve the lives of Nishnawbe children, but also Aboriginal children throughout Ontario.”

Implications of the Mamow Model for an Interim Tłıchǵ Child and Family Services System

To adapt the Mamow Model to Tłıchǵ/GNWT requirements for an interim Child and Family Services System, the following will be required:

- Enabling legislation (such as Section 10 in the Ontario Act) that gives more authority to the local community governments for the care of children.
- An agreement (MOU) between local communities, the TCSA and the territorial government to guide day-to-day services.
- Establishment of Community Standards.
- Greater involvement of family, extended family, elders and community members in decisions affecting children – at the outset.
- The Tłıchǵ Government/TCSA as an employer, with its own staff (as opposed to GNWT staff) .
- Tłıchǵ training programs for their staff that are recognized by the GNWT.
- Better training for foster parents.
- More specialized resources.
- A more flexible approach to confidentiality.
- A restructuring of the system to create a better balanced approach between child protection and family support.

Conclusion

We think it is fortunate that the final stage of our joint TCSA/GNWT Department of Health and Social Services adaptation project coincides with current review of the *Child and Family Services Act* by the Standing Committee on Social Programs. It gives us confidence that the Committee will recommend much needed changes to the Act, to the system and to current practices – changes that will benefit both of our organizations and the people we serve.



Appendix

PART X (of the Ontario Child and Family Services Act amendment in the early '80s)

INDIAN AND NATIVE CHILD AND FAMILY SERVICES

Definition

208. In this Part,

“customary care” means the care and supervision of an Indian or native child by a person who is not the child’s parent, according to the custom of the child’s band or native community. R.S.O. 1990, c. C.11, s. 208.

Designation of Native Communities

209. The Minister may designate a community, with the consent of its representatives, as a native community for the purposes of this Act. R.S.O. 1990, c. C.11, s. 209.

Agreements with Bands and Native Communities

210. The Minister may make agreements with bands and native communities, and any other parties whom the bands or native communities choose to involve, for the provision of services. R.S.O. 1990, c. C.11, s. 210.

Designation of Child and Family Service Authority

211.(1) A band or native community may designate a body as an Indian or native child and family service authority.

Agreements, etc.

- (2) Where a band or native community has designated an Indian or native child and family service authority, the Minister:
- (a) shall, at the band’s or native community’s request, enter into negotiations for the provision of services by the child and family service authority;
 - (b) may enter into agreements with the child and family service authority and, if the band or native community agrees, any other person, for the provision of services; and
 - (c) may designate the child and family service authority, with its consent and if it is an approved agency, as a society under subsection 15 (2) of Part I (Flexible Services). R.S.O. 1990, c. C.11, s. 211.

Subsidy for Customary Care

212. Where a band or native community declares that an Indian or native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child. R.S.O. 1990, c. C.11, s. 212.

Consultation with Bands and Native Communities

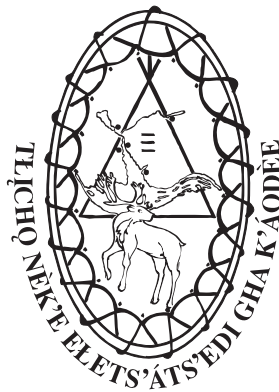
213. A society or agency that provides services or exercises powers under this Act with respect to Indian or native children shall regularly consult with their bands or native communities about the provision of the services or the exercise of the powers and about matters affecting the children, including:

- (a) the apprehension of children and the placement of children in residential care;
- (b) the placement of homemakers and the provision of other family support services;
- (c) the preparation of plans for the care of children;

- (d) status reviews under Part III (Child Protection);
- (e) temporary care and special needs agreements under Part II (Voluntary Access to Services);
- (f) adoption placements;
- (g) the establishment of emergency houses; and
- (h) any other matter that is prescribed. R.S.O. 1990, c. C.11, s. 213.

Consultation in Specified Cases

213.1 A society or agency that proposes to provide a prescribed service to a child who is an Indian or native person or to exercise a prescribed power under this Act in relation to such a child shall consult with a representative chosen by the child's band or native community in accordance with the regulations. 2006, c. 5, s. 43.



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