



## Kitchenuhmaykoosib Inninuwug Family Law



“Life is precious and valuable to our Creator, Kische-Manidoo.

He forms us and gives us breath so that we can live.

Creation as a human being is a precious gift to us by the Great Spirit.

Every child deserves our utmost care and love  
so as to blossom beautifully in the garden of this life.”

– Elsie Fox, Kitchenuhmaykoosib Inninuwug Elder

“Train up a child in the way he should go:  
and when he is old, he will not depart from it.”

Proverbs 22:6

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## PREAMBLE

WHEREAS the Creator Kishe-Manidoo has from time immemorial placed the ancestors and descendants of Kitchenuhmaykoosib Inninuwug on our land and waters, and has given us our spiritual beliefs and kikinohamaakewinan and our language as the basis of our dialogue;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have entered into a treaty relationship with the Crown; and the spirit and intent of the Treaty must be honoured and respected;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have land miinikozowinan based on original occupancy and traditional use and the basis of our sovereignty is our Creator-derived miinikozowinan;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have a miinikozowin to self-determination and to freely pursue our educational, economic, social, and cultural development;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have the miinikozowin to practice and revitalize our values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan. This includes the miinikozowin to maintain, protect and develop the past, present and future manifestations of our culture;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have the collective miinikozowin to baniskwezowin, peace and security as distinct peoples which includes baniskwezowin from the forcible removal of awaashishag and oshkaadizag from their dibenjikewinan and community;

AND WHEREAS all awaashishag and oshkaadizag have the miinikozowin to be loved, respected and treated with dignity, and to be heard;

AND WHEREAS the custom of Kitchenuhmaykoosib Inninuwug is that the teaching, upbringing, and discipline of awaashishag and oshkaadizag is the responsibility of every oniikihiikomaa with the advice and counsel of the Kichiihaak, grandparents, oodakonawasootamaakek, church leaders, Chiefs and Council and community bimoojikweninan egwa wiichihiiwewinan;

AND WHEREAS it is the custom of Kitchenuhmaykoosib Inninuwug that every oniikihiikomaa, every dibenjikewin member and every member of the community has responsibility for the safety, well-being and to pass on kayaash egwa miina ahchaako kikinohamaakewinan of awaashish and oshkaadiz;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have the miinikozowin to establish our own governing structures and bimoojikweninan egwa wiijihiiwewinan;

AND WHEREAS Kitchenuhmaykoosib Inninuwug have the miinikozowin to make our own laws and determine our own procedures;

## PART 1 - DEFINITIONS

“Aasokaabawiidamaakewin” means support in times of crisis;

“Ahchaako-aasokaabawiidamaakewin” means spiritual support;

“Ahchaakobimaadizowin” means spirituality;

“Awaashish/Awaashishag” means child/children or a person 17 years old or under;

“Awaashish Ayaakwami Kanawenjikewin” means a child in need of protection;

“Ayamiihaawin” means religion;

“Ayamiihaawaatisowin” means religious;

“Bakidinekewasinahiikewin” means consent;

“Dashikewinik odabiidamaake” is “Band Representative” means the person responsible for representing the interests of Kitchenuhmaykoosib Inninuwug in Child Protection proceedings;

“Baniskwezowin” means freedom;

“Bimoojikewinan Egwa Wijihiwewinan” means programs and services;

“Boonendamaakewin” means forgiveness;

“Bimikanawenjikewin egwa wijiikaabawiidamaakewin aawe oji oshkaadiz” is “CCSY” means “Continuing Care and Support for Youth” the provision of support and assistance to young persons 18 to 21 years of age to assist them in achieving independence;

“Okomaakaan egwa onashiwewiniwak” is “Chief and Council” means the duly elected Chief and Council of Kitchenuhmaykoosib Inninuwug;

“Awaashish, oshkaadiz egwa dibenjikewin wijihiwewinan winaakonikewin” is “CYFSA” means “Child, Youth and Family Services Act”



“Dakobidaawasowin” means “newborn”;

“Dashiikewin Biidahki Kanawendaakosowinik” or “community safe home” is a home identified by Chief and Council/Dibenjikewin Oganawenjikeg Opimojiketamaakeg as a place of safety for awaashish until a kabeshooninaanaakajjikewin is completed;

“Dibenjikewin” or “family” means the people who are related to awaashish or oshkaadiz and can be any of the following:

- a) nuclear family – mother, father and children
- b) Single parent family – single parent with children
- c) Grandparent family – grandparents are looking after their grandchildren
- d) Extended family – close relatives that take over to look after children or youth
- e) Blended family – family where one or both partners have children from another relationship
- f) Church family – members of the same church
- g) Community family – all of Kitchenuhmaykoosib Inninuwug
- h) Clan family – traditional family structure
- i) Inter-Nation families – family who belong to more than one First Nation
- j) Same sex family – family with two oniikihiikomaak of the same sex
- k) Childless family – couple without children
- l) Widowed family – family headed by a widow/widower
- m) Foster families – family who care for awaashish or oshkaadiz under Tikinagan Child and Family Services or Dibenjikewin Oganawenjikeg care
- n) Multi-generational Family – more than 2 generations of the same family

“Dibenjikewin Oganawenjikeyg” or “DO” means “Family Keepers” who are the staff employed to work with awaashish, oshkaadiz and dibenjikewin in Kitchenuhmaykoosib Inninuwug (formerly Tikinagan employees and family advocates);

“Dibenjikewin Oganawenjikeyg Opimojiketamaakeg” or “DOO” means the governance structure; established in Part 7 of this Law;

“Dibenjikewin Onajikewin” or “family meeting” means a family meeting as described in section 9.4;

“Dibenjikewinik Maanenimidoon” or “domestic violence” is violence or abuse by one person against another member of their family, a person with whom they have an intimate relationship, or awaashish or oshkaadiz;

“Dibiminikok Nadawendaakwak Mamao Dibenjikewin Kanawenjiikewin” is an agreement entered into if it is not likely that the child can be returned to the oniikihiikomaak;

“Anishiniwi Dashiikewin” is “First Nation” has the same meaning as ‘band’ in the Indian Act (Canada);

“Jikikinohamwaakanowaach” means are taught;

“Jimaamiinonamowaach” means resolve;

“Kaa-iishibimoondisiwaach” means operations;

“Kaamaanidodawech” or “abuser” means any person who harms an awaashish or oshkaadiz, a member of their family or another person, physically, sexually, emotionally or verbally;

“Kakwediwewi Dashidamaadoowinan” means consultation;

“Kanawenjiikewin” means care;

“Kanawenimaawasowinik” or “foster home” means a home approved by Dibenjikewin Oganawenjikeyg for the care of awaashish or oshkaadiz after a kabeshooninaanaakajjikewin has been completed;

“Kanawenimikowinik” or “in care” means that an awaashish or oshkaadiz is under the care of Dibenjikewin Oganawenjikeg;

“Kanawendaakosowinik” or “placement” means an out of home arrangement, for any definite or indefinite time, for the care of an awaashish or oshkaadiz;

“Kabeshooninaanaakajjikewin” or “home study” means an assessment of the home by the Dibenjikewin Oganawenjikeg;

“Kayaash Egwa Miina Ahchaako Kikinhamaakewinan” means the traditional and spiritual teachings of Kitchenuhmaykoosib Inninuwug;

“Kayaash doodamoowinan” means traditional methods;

“Kichiihaak” means Elders or respected and trusted community members who are wise and use their traditional knowledge to help people;

“Kikinhamaakewinan” means teaching skills for everyday living;

“Kikishkwaawaso Kanawenimidisowin” means prenatal care;

“Kiiwaaji Awaashish” means orphan;

“Kishewaadiziiwin” means compassion;

“Kitchenuhmaykoosib” means the community of Big Trout Lake;

“Kitchenuhmaykoosib Inninuwug” is the First Nation, its people, and its government, but in this law does not include those people who are members of other First Nations;

“Kichiikidoon” means declaration;

“Maamawijiinenjigewin” means consensus or general agreement or harmony. It is greater than a majority opinion but does not require unanimity;

“Maanidodawewin” means abuse and includes sexual, physical, emotional, verbal, financial abuse and exploitation, bullying and abandonment;

“Maanisewi wawenachikewin” or “dispute resolution” means a mechanism for settling conflicts or claims between 2 or more people;

“Maakwach Awaashish Kanawenimikowinik” means while a child is in care;

“Maawach ke-iishiminosech awaashish” or “best interests of the child” means making decisions with the goal of supporting and encouraging the child or youth’s happiness, security, mental health, and emotional development into adulthood, and teaching the awaashish and oshkaadiz the values, principles, customs, language, and the kayaash egwa miina ahchaako kikinohamaakewinan of Kitchenuhmaykoosib Inninuug;

“Majisaaminiwewinan” means “bad touching”;

“Mamao Obikihaawasowin” means ‘everyone working together to raise our children’ and is a Naabidoodamoowin developed by Tikinagan Child and Family Services and adopted by Kitchenuhmaykoosib Inninuug for the provision of services to awaashish, oshkaadiz and Dibenjikewin, Kitchenuhmaykoosib Inninuug now calls this model Maamao Dibenjikewin Kanawaabajikewin;

“Maamao Dibenjikewin Kanawaabajikewin” means the traditional practice of child rearing and care within which all members of the family, extended family and community are involved in caring for awaashish and oshkaadiz whose dibenjikewinan are unable to care for them;

“Maamao Dibenjikewin Kanawaabajikewin Kichiikidoon” is a declaration by the Chief and Council in an appropriate form with respect to a child;

“Maamao Dibenjikewin Kanawaabajikewin Agreement” allows Dibenjikewin Oganawenjikeg to supervise and monitor dibenjikewinan when there are mikoshkaadendamowinan and sets out terms and conditions for the family to follow;

“Dashiiikewinini” is “Member” means any person who is a member of Kitchenuhmaykoosib Inninuug or who is entitled to be a member of Kitchenuhmaykoosib Inninuug regardless of residence;

“Maamidonendamo minoyaawinik” means “Mental Health” means a person’s psychological, emotional and spiritual wellbeing;

“Miinaawasowin” means “gifting” a child to someone else;

“Miinikozowin/Miinkozowinan” means right/rights;

“Minoyaawibimoojikewinik” or “prevention” means community based activities and support which promote healthy families and a healthy community;

“Minoyaawin” means healthy;

“Misiwe Minoyaawin” means physically, mentally, spiritually and emotionally healthy;

“Naanaakajjikewin” means investigation;

“Naanaatokao” means alternative;

“Naabidoodamoowin” means “service model”;

“Nepich Miinawaasowin” means “custom adoption”;

“Obikihaawasowin” means raising a child;

“Odoobikihaawaso” or “foster parent” means a care giver for awaashish or oshkaadiz approved by Dibenjikewin Oganawenjikeg

“Odoonendamaake” or “decision maker” means a person who is authorized by Chief and Council to make decisions about awaashish, oshkaadiz and dibenjikewinan issues, when no agreement can be reached. Where the odoonendamaake is a man he will be called “Omishoomimaa” where the odoonendamaake is a woman she will be called “Okomimaa”;

“Okomimaa”/“Okomimaak” means grandmother/grandmothers;

“Omishoomimaa”/“Omishoomimaak” means grandfather/grandfathers;

“Onajikewinik Bimoojikewinik” means protocol or a written agreement between Tikinagan and Kitchenuhmaykoosib Inninuwug specifying how they will work together;

“Onihtaawikihaawaso” or “person raising a child” means any person who is not the biological parent but is a primary caregiver of a child;

“Oniibawiidamaake” means “best man and maid of honour”;

“Oniikihiikomaak” means parents “or the biological mother and father of the child or youth;

“Oodakonawasootamaakek” means “godparents” or those persons who have accepted the responsibility of teaching an awaashish or oshkaadiz to grow up in the ways of God, in accordance with the ayamiihaawin of awaashish, oshkaadiz and dibenjikewin;

“Oshkaadiz/Oshkaadizag” means “youth” or young persons aged 18 – 25 years;

“Pishikwaadiziiwimaanidodaakewin” or “sexual abuse” means a non-consensual sexual act often coerced and often by an older person against a younger person;

“Saagihiiwewin” means love;

“Danendamihiiwewin” means “concern”;

“Danendamihiiwewi Wiidamaakewin” means “reporting a concern”;

“Doodamoowin” means “tradition”;

“Tikinagan Child and Family Services” or “Tikinagan” is the designated child welfare agency authorized by the Province of Ontario to provide awaashishag, oshkaadizag and dibenjikewinan services to Kitchenuhmaykoosib Inninuwug;

“Waabimaawasonik” means “childbirth” or “at birth”;

“Wawenajikewin” means resolution.

## PART 2 - VISION, MISSION, PRINCIPLES

### 2.1. Vision

Our goal is to create a Healthy Self, Healthy Dibenjikewin, and a Healthy Community. Our ancestors held everything sacred and thanked the Creator every day for all that he had given them. We also hold everything sacred and thank the Creator for all that he has given to us.

The Creator, Kische-Manidoo has given us our values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan which provide a foundation to guide us to a strong community composed of healthy dibenjikewinan who are raising awaashishag or oshkaadizag grounded in their culture and language.

### 2.2. Mission

We will revitalize our values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan so that we can support our dibenjikewinan to raise our awaashishag and oshkaadizag in healthy homes within our community. Let us help and support each other as oniikihiikomaak and members of our community.

### 2.3. Principles

Kitchenuhmaykoosib Inninuwug adheres to the following principles:

- 2.3.1. Our values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan are fundamental and critical to our healthy sense of identity and our bimoojikweninan egwa wijihiwewinan.
- 2.3.2. Every person will be treated with respect.
- 2.3.3. In order for awaashish and oshkaadiz to develop and grow, they need a nurturing dibenjikewin that provides them with saagihiwewin, stability, structure, safety and encouragement.

- 2.3.4. The primary responsibility for the safety and well-being of awaashish and oshkaadiz is with their oniikihiikomaak. If oniikihiikomaak have challenges in parenting, then the dibenjikewin should work together to support the oniikihiikomaak in finding solutions.
- 2.3.5. Oniikihiikomaak, extended dibenjikewin and onihtaawikihaawaso will focus on the needs of the awaashish or oshkaadiz.
- 2.3.6. Bimoojikewinan egwa wijihiiwewinan to dibenjikewinan should try to prevent harm to awaashish and oshkaadiz, to avoid the need to bring them into care, to build on their strengths to help keep them together, and to support them in caring for their awaashishag and oshkaadizag.
- 2.3.7. Kitchenuhmaykoosib Inninuwug odoonendamaake must consider the modern context in which Kitchenuhmaykoosib Inninuwug kaa-iishi bimoondisiwaach.



## PART 3 - KITCHENUHMAYKOOSIB INNINUWUG

### 3.1. Inherent Miinikozowinan

Kitchenuhmaykoosib Inninuwig miinikozowinan are inherent, collective miinikozowinan that flow from the original creation and occupation of the land and waters from legal and social orders that were created before the arrival of Europeans. Kitchenuhmaykoosib Inninuwig has the inherent miinikozowin of self-governance recognized and affirmed by section 35 of the *Constitution Act, 1982* and can exercise jurisdiction over child and family services for Kitchenuhmaykoosib Inninuwig awaashishag, oshkaadizag and dibenjikewinan, regardless of the dibenjikewin place of residence.

### 3.2. Recognition

Kitchenuhmaykoosib Inninuwig hereby recognizes Tikinagan Child and Family Service as its child and family services agency, to assist in the provision of specialized services to its awaashishag, oshkaadizag and dibenjikewinan

### 3.3. Jurisdiction

Kitchenuhmaykoosib Inninuwig has jurisdiction over the following awaashishag, oshkaadizag and dibenjikewinan:

- 3.3.1. All awaashishag, oshkaadiz and dibenjikewinan who are residents and who reside in the community of Kitchenuhmaykoosib.
- 3.3.2. Any awaashish or oshkaadiz who is a member of Kitchenuhmaykoosib Inninuwig or who is entitled to be a member of Kitchenuhmaykoosib Inninuwig regardless of residence.
- 3.3.3. Any awaashish or oshkaadiz who is not a Kitchenuhmaykoosib Inninuwig member but who has one oniikihiikomaa who is a Kitchenuhmaykoosib Inninuwig member.
- 3.3.4. Any awaashish or oshkaadiz who is descended from a Kitchenuhmaykoosib Inninuwig member and who identifies as being part of Kitchenuhmaykoosib Inninuwig through dibenjikewin relationships.

3.3.5. If an awaashish or oshkaadiz belongs to or is connected to another First Nation but is residing in Kitchenuhmaykoosib, Dibenjikewin Oganawenjikeg will consult with the other First Nation, and give that First Nation and dibenjikewin members an opportunity to participate in the planning for and care of the awaashish or oshkaadiz.

#### 3.4. Mandate - Role of Chief and Council

Chief and Council are the ultimate authority with respect to all matters related to awaashish, oshkaadiz and dibenjikewin.

To accomplish this, Chief and Council shall:

- a) maintain the vision and mission of a happy, healthy community;
- b) provide good programs for minoyaawibimoojikewinik and dibenjikewin support;
- c) hold workers accountable for their work;
- d) provide programs for the teaching and retention of language and promote its use in the community;
- e) treat all Kitchenuhmaykoosib Inninuwug with respect;
- f) appoint the Dibenjikewin Oganawenjikek Opimojiketamaakek and ensure the Dibenjikewin Oganawenjikek Opimojiketamaakek is running effectively;
- g) identify and appoint Okomimaak and Omishoomimaak to assist dibenjikewinan and resolve disputes;
- h) ratify decisions made by Okomimaak and Omishoomimaak or make a Kitchenuhmaykoosib Inninuwug Kichiikidoon;
- i) take an active role in addressing parental and onihtaawikihaawaso accountability;
- j) recommend or require that couples engage in counselling to assist them in coming to terms with separation and to develop ways of continuing to parent their awaashishag and oshkaadizag;
- k) assist couples with maanisewi wawenajikewin if the couple cannot reach an agreement;

- l) provide guidance and counselling to dibenjikewinan, awaashishag and oshkaadizag;
- m) aasokaabawiidamaakewin;
- n) have authority to sign all Maamao Kanawenjikewin Agreements when recommended by the Dibenjikewin Oganawenjikek Opimojiketamaakek, or Tikinagan;
- o) recommend a Nepich Miinawaasowin, or other intervention in a dibenjikewin and facilitate such intervention if needed;
- p) develop Kitchenuhmaykoosib Inninuwug mechanisms to address issues of abuse within the community that will:
  - i. Support the victims;
  - ii. Hold kaamaanidodawech accountable;
  - iii. Promote healing and reconciliation within the community and between those who have been harmed and those who have harmed them;
  - iv. Include saagihiiwewin and kishewaadiziwin, and boonendamaakewin.
- q) develop and permit basic sexual education programs in the school;
- r) empower the Kitchenuhmaykoosib Inninuwug to become healthy individuals and healthy oniikihikomaak;
- s) develop mechanisms to promote healing and reconciliation within Kitchenuhmaykoosib.

## PART 4 - ONIIKIHIKOMAAK AND EXTENDED DIBENJIKWIN

### 4.1. Parental Responsibility

Every oniikihikomaa and every onihtaawikihaawaso has a sacred duty to care for the awaashish and oshkaadiz.

4.1.1. Every oniikihikomaa and onihtaawikihaawaso must hold themselves accountable for raising their awaashishag and oshkaadizag properly

4.1.2. Every oniikihikomaa, and onihtaawikihaawaso will:

- a) Show saagihiiwewin and respect the awaashish and oshkaadiz;
- b) Provide the awaashish and oshkaadiz with a healthy and safe environment; free of physical, sexual, emotional, and verbal abuse, and physical danger, and the effects of alcohol & drug abuse, gambling, and other addictions;
- c) Provide the awaashish or oshkaadiz with:
  - i. nutritious food/home-cooked meals
  - ii. clean water to drink
  - iii. a clean, warm, and safe home, including fire safety
  - iv. a proper night's sleep in a warm bed with sheets and blankets
  - v. medical care, including emotional, mental health care and counselling
  - vi. appropriate clothing and footwear
  - vii. regular bathing to ensure the awaashish and oshkaadiz hygiene
- d) Provide for their awaashish or oshkaadiz, if financially able to do so, or provide in kind services (e.g. wood, traditional food, groceries, clothing);

- e) Teach the awaashish and oshkaadiz their culture, customs, language, provide spiritual guidance and pass on the kayaash egwa miina ahchaako kikinohamaakewinan to the awaashish and oshkaadiz at home starting when the awaashish is born;
- f) Ensure that the awaashish and oshkaadiz jikikinoamwaakanowach:
  - i. Honesty
  - ii. Respect
  - iii. Responsibility
  - iv. Kishewaadiziwin
  - v. Patience
  - vi. Boonendamaakewin
  - vii. Generosity
  - viii. Humility
  - ix. Appreciation
- g) Be available/accessible to the awaashish and oshkaadiz:
  - i. Spend quality time with the awaashish and oshkaadiz
  - ii. Communicate with and listen to the awaashish and oshkaadiz
  - iii. Be at home to care for, and to provide guidance unless there is a valid reason to be absent (employment, medical, educational, etc.)
  - iv. Be aware of the awaashish and oshkaadiz activities and monitor their use of TV, video games, the internet and other technology
- h) Encourage the awaashish and oshkaadiz self-esteem:
  - i. Accept awaashish and oshkaadiz uniqueness;
  - ii. Encourage awaashish and oshkaadiz participation at home, at school, and in the community;

- iii. Not belittle or threaten the awaashish and oshkaadiz;
  - iv. Ensure the awaashish and oshkaadiz mental health by promoting their psychological, emotional and spiritual wellbeing;
  - v. Find a way to provide each awaashish and oshkaadiz with space and privacy even in a small or overcrowded home;
  - vi. Be involved in the awaashish or oshkaadiz education;
  - vii. Communicate with teachers;
  - viii. Assist with homework;
  - ix. Talk to awaashish or oshkaadiz about school;
  - x. Recognize achievements;
  - xi. Visit the school and attend school events.
- i) Ensure that the awaashish or oshkaadiz with special needs can reach their full potential by providing the necessary services to the awaashish or oshkaadiz;
  - j) Not exploit the awaashish or oshkaadiz by involving them in illegal or immoral activity.

#### 4.2. Discipline of Awaashishag & Oshkaadizag

4.2.1. The values, principles, customs, language and kayaash egwa miina ahchaako kikinohamaakewinan of Kitchenuhmaykoosib Inninuwug do not support oniikihiikomaak pushing, grabbing, hitting, swearing at, threatening or yelling at awaashish or oshkaadiz. These behaviours are harmful to awaashishag and oshkaadizag.

4.2.2. Physical discipline may be used in Kitchenuhmaykoosib only if it meets the following conditions:

- a) only if it is done by oniikihiikomaak;
- b) not to be done in anger;
- c) Oniikihiikomaa provides an explanation to the awaashish or oshkaadiz of the reason for the discipline;

- d) Oniikihiikomaa reaffirms their saagihiiwewin for the awaashish or oshkaadiz after administering the discipline;
- e) not against awaashish or oshkaadiz under two, as they are unable to benefit from it;
- f) not against oshkaadizag, even though they can understand it, they are at a vulnerable age and other methods should be used;
- g) if it is not degrading or humiliating;
- h) if it does not involve the use of objects or blows to the head;
- i) if it is for the purpose of correction;
- j) if it is reasonable in the circumstances and not excessive;
- k) if it is not routine.

#### 4.3. Helping Oniikihiikomaak

The purpose of this law is to help oniikihiikomaak to build on their strengths and not to punish them.

Oniikihiikomaak need to learn about values, principles, customs, language, kayaash egwa miina ahchaako kikinohamaakewinan to restore healthy parenting practices.

#### 4.4. Oniikihiikomaak Education

Oniikihiikomaak need education and support about:

- a) Kikishkwaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin;
- b) Awaashish and oshkaadiz development and healthy living so they can raise healthy awaashishag and oshkaadizag;
- c) Daily living skills such as housekeeping, budgeting, cooking, daily routines and seasonal preparations;
- d) Developing healthy relationships;
- e) Appropriate parental separations to avoid conflict and focus on being oniikihiikomaak to their awaashishag and oshkaadizag;

- f) Developing and maintaining relationships with their awaashishag and oshkaadizag, even if they do not live with them;
- g) Appropriate discipline for awaashishag and oshkaadizag;
- h) Helping awaashishag and oshkaadizag to be emotionally and mentally healthy.

#### 4.5. Treatment and Counselling Programs

Oniikihiikomaak need to be encouraged and supported to attend treatment programs, self-help groups, or one-on-one counselling for drug, alcohol, and gambling addictions, and for grief and loss

#### 4.6. Parenting Programs

Parenting Programs need to be done through mentoring and hands-on parenting programs, not just classroom sessions. Oniikihiikomaak need to apply themselves to their programs for them to be successful.

#### 4.7. Location of Services

Kitchenuhmaykoosib Inninuwug should provide support to dibenjikewinan in natural settings, including the dibenjikewin home, daycare, youth centres, schools, churches, and land-based camps, should take the services to dibenjikewinan rather than wait for dibenjikewinan to seek help.

#### 4.8. Responsibility to help oniikihiikomaak

Every community member has a responsibility to help oniikihiikomaak in accordance with the following:

##### 4.8.1. Kichiihaak

- a) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkwaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin;
- b) By encouraging awaashishag and oshkaadizag to learn by helping Kichiihaak;



- c) By visiting the oniikihiikomaak in their homes to develop relationships with them and having oniikihiikomaak visit them in their homes as part of Kitchenuhmaykoosib Inninuwug bimoojikewinan egwa wijihiwewinan;
- d) By providing guidance, support, and prayers;
- e) By being role-models.

#### 4.8.2. Chief and Council

- a) By maintaining the vision and mission of a happy, healthy community and holding workers accountable for their work;
- b) By providing good programs for minoyaawibimoojikewinik and dibenjikewin support;
- c) By providing programs for the teaching and retention of language and promoting its use in the community;
- d) By treating all Kitchenuhmaykoosib Inninuwug with respect;
- e) Aasokaabawiidamaakewin;
- f) By providing guidance and counselling to dibenjikewinan, awaashishag, and oshkaadizag and encouraging them;
- g) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishwaawaso kanawenimidisowin, waabimaawasonik dakobidaawasowin and obikihaawasowin.

#### 4.8.3. Grandparents

- a) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkwaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin;
- b) By using the language so awaashishag, oshkaadizag and dibenjikewinan will be exposed to it;

- c) By supporting and guiding the parents to care for their awaashishag and only take over caring for their grandchildren if the oniikihiikomaak are unable to do so, and the grandparents are healthy and can provide such care;
- d) By being role-models.

#### 4.8.4. Community Bimoojikewinan egwa Wijihiwewinan

- a) By visiting dibenjikewinan in their homes to provide ongoing support to oniikihiikomaak and to empower dibenjikewinan;
- b) By organizing activities and events for awaashishag, oshkaadizag and dibenjikewinan;
- c) By having public education sessions about community services;
- d) By treating all dibenjikewinan with respect, saagihiiwewin and kishewaadiziiwin;
- e) By helping Kichiihaak to understand modern day issues faced by dibenjikewinan;
- f) By establishing relationships with their clients so that they can be helpful without being threatening;
- g) By working together with other bimoojikewinan egwa wijihiwewinan;
- h) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkawaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin.

#### 4.8.5. Church Leaders

- a) By working together to repair the fabric of our community;
- b) By providing spiritual guidance, encouragement and support to awaashishag, oshkaadizag and dibenjikewinan;
- c) By promoting healing, kishewaadiziiwin, and respect;
- d) By visiting dibenjikewinan in their homes and having dibenjikewinan visit them in their homes;

- e) By being active in community events;
- f) By collaborating with other church leaders to promote consistent kayaash egwa miina ahchaako kikinohamaakewinan on marriage and parenting;
- g) By providing pre-marriage and marriage counselling;
- h) Aasokaabawiidamaakewin in collaboration with Chief and Council;
- i) By collaborating with the Dibenjikewin Oganawenjikeg Opimojiketamaakeg to provide service to awaashishag, oshkaadizag, and dibenjikewinan;
- j) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkawaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin.

#### 4.8.6. All community members

- a) By providing role models for healthy living;
- b) By assisting oniikihiikomaak in whatever way they can to become healthy oniikihiikomaak;
- c) By helping our awaashishag, oshkaadizag and dibenjikewinan;
- d) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkawaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin.

#### 4.8.7. Natural Helpers

- a) Are community members who volunteer to help whenever its needed, even if it is not their job;
- b) By assisting in times of crisis;
- c) By helping without asking for compensation, but accepting it with gratitude if it is offered;
- d) By teaching awaashishag and oshkaadizag to be natural helpers;

- e) By being a role model for oniikihiikomaak, awaashishag and oshkaadizag;
- f) By passing on values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan on kikishkawaawaso kanawenimidisowin, waabimaawasonik, dakobidaawasowin, and obikihaawasowin.

#### 4.8.8. External Service Providers

- a) By following Kitchenuhmaykoosib Inninuwug Law and Onajikewinik Bimoojikewinik;
- b) By being accountable to Dibenjikewin Oganawenjikek Opimojiketamaakek and by taking direction from a Dibenjikewin Oganawenjikek manager.

#### 4.9. Minoyaawibimoojikewinan

##### 4.9.1. Offering minoyaawibimoojikewinan at the following three levels:

- a) Services for the whole community  
awaashishag, oshkaadizag and dibenjikewinin activities, Community social activities, educational workshops, fun activities that encourage working together by all members of Kitchenuhmaykoosib Inninuwug;
- b) Services for dibenjikewinan who are struggling  
one to one and dibenjikewin support/counselling, support for oniikihiikomaak through group activities, danendamihiiwewi wiidamaakewin for services from other providers, resource coordination for the dibenjikewin, customized to meet the needs of the dibenjikewin;
- c) Services for dibenjikewinan in crisis  
aasokaabawiidamaakewin, danendamihiiwewi wiidamaakewin and advocacy, resource coordination for individuals or the Dibenjikewin

4.10. Support for Those Who Have Been Abused

4.10.1. Every Kitchenuhmaykoosib Inninuwug member and every dibenjikewin will support those who have been abused by:

- a) Believing their story;
- b) Not hiding the issue;
- c) Not pressuring the person who has been abused to keep the abuse secret;
- d) By providing them with a safe place;
- e) Not taking the side of the kaamaanidodawech;
- f) Reassuring the person who has been abused about their sexuality;
- g) Not building barriers between the dibenjikewin of the person who has been abused and the kaamaanidodawech and participating in healing programs to prevent or break down barriers between dibenjikewinan;
- h) By supporting mechanisms which hold kaamaanidodawech accountable;
- i) By providing opportunities for person who has been abused and kaamaanidodawech to pursue their own healing at their own pace;
- j) By using kayaash egwa miina ahchaako kikinohamaakewinan to facilitate the healing process;
- k) By using saagihiiwewin and kishewaadiziiwin for person who has been abused and kaamaanidodawech to reach a state of true boonendamaakewin.

4.11. Helping the “Kaamaanidodawech”

4.11.1. Kaamaanidodawech may receive services to help them change their behaviour if:

- a) The person is held accountable for their behaviour by Kitchenuhmaykoosib Inninuwug and/or the courts; and
- b) The person acknowledges that their behaviour has harmed others, wants to change their behaviour, and willingly participates in their own form of healing;

- c) The person is willing to work on their healing and to earn the boonendamaakewin of those they have harmed.

4.11.2. Kitchenuhmaykoosib Inninuwug will develop an approach to deal with a kaamaanidodawech who is not willing to cooperate with the healing program set out or who reoffends after participation such a program

4.12. Role of the Extended Dibenjikewin

4.12.1. When a dibenjikewin requires assistance in caring for their awaashish or oshkaadiz, Dibenjikewin Onajikewin shall be held to develop a plan for the care of the awaashish or oshkaadiz.

4.12.2. Normally, the dibenjikewin should make the choice of who should raise an awaashish or oshkaadiz, taking into consideration the awaashish or oshkaadiz connection to the proposed odoobikihaawaso and the ability of the proposed odoobikihaawaso to look after the awaashish or oshkaadiz.

4.12.3. Dibenjikewin Onajikewin may be called by the Chief and Council, or the Dibenjikewin Oganawenjikek if they recognize the need for a plan for any awaashish or oshkaadiz.

4.13. Role of Kitchenuhmaykoosib Inninuwug

4.13.1. All members of Kitchenuhmaykoosib Inninuwug share the responsibility to ensure that awaashishag or oshkaadizag are safe and well cared for. Anyone aware of awaashish or oshkaadiz needing help should take action to ensure the awaashish, oshkaadiz and dibenjikewin receive the help needed. This responsibility includes danendamihiiwewi wiidamaakewin to Dibenjikewin Oganawenjikek and providing care for awaashish and oshkaadiz.

## PART 5 - PARENTAL RELATIONSHIPS

### 5.1. Guidance and Counselling

All Kitchenuhmaykoosib Inninuwug will be encouraged to seek guidance and engage in counselling prior to entering a relationship, prior to marriage, prior to becoming oniikihiikomaak, and during the marriage or co-habitation.

- 5.1.1. Such guidance and counselling may include building healthy relationships, communication, and parenting.
- 5.1.2. If the couple is married, the oniibawiidamaake will provide support and guidance to help the couple have a healthy, positive, and respectful marriage as the Creator intended.
- 5.1.3. Any couple with awaashishag or oshkaadizag who separate will engage in counselling to assist them in coming to terms with the separation and to develop ways of continuing to parent their awaashishag, oshkaadizag and dibenjikewinan.
- 5.1.4. Such counselling may be done by:
  - a) extended dibenjikewin, oniikihiikomaak, grandparents, oniibawiidamaake; or
  - b) church leaders; or
  - c) bimoojikewinan egwa wiijihiiwewinan; or
  - d) Chief and Council; and
  - e) external professionals (under the direction of the Dibenjikewin Oganawenjikek Opimojiketamaakek)

5.1.5. If required by Chief and Council, the couple must engage in such counselling.

### 5.2. Domestic Violence

- 5.2.1. Kitchenuhmaykoosib Inninuwug does not condone or tolerate any form of violence or other abuse between spouses or partners, or oniikihiikomaak and awaashish and oshkaadiz.
- 5.2.2. No negative implications will be made or held towards any person who leaves their spouse or partner due to violence or other abuse against them.

### 5.3. Separated Oniikihiikomaak

When oniikihiikomaak do not live together, they will follow the terms of this law:

#### 5.3.1. At the Time of Separation

When a couple who are married or who are co-habiting separate, they will try and enter into an agreement about the following:

- a) custody of the awaashish or oshkaadiz;
- b) access visits for oniikihiikomaak;
- c) child support, if financially able to do so, or provide in kind services (e.g. wood, traditional food, groceries, clothing);
- d) who will stay in the house (if they have one). Generally, the oniikihiikomaa who has care of the awaashish or oshkaadiz will stay in the house;
- e) whether one partner will provide financial assistance to the other partner;
- f) how their debts will be paid;
- g) how the household goods and other property will be divided.

### 5.4. Parenting Awaashishag and Oshkaadizag Where Oniikihiikomaak are Separated

#### 5.4.1. Oniikihiikomaak of the awaashish or oshkaadiz will prefer their awaashish or oshkaadiz interest to their own. They will:

- a) Take into consideration wishes of the awaashish or oshkaadiz;
- b) Exchange information about the awaashish or oshkaadiz;
- c) Encourage the awaashish or oshkaadiz to have a good relationship with each oniikihiikomaa and their oniikihiikomaak new partner;
- d) Refrain from making negative remarks about the other oniikihiikomaa in person, in public or on social media;



- e) Consult each other regularly about important issues such as the awaashish or oshkaadiz education, health care, and ayamiihaawaatisowin upbringing.
- 5.4.2. Oniikihiikomaa residing with the awaashish or oshkaadiz at the relevant time will make the daily decisions affecting his or her welfare.
- 5.4.3. If the awaashish or oshkaadiz needs emergency medical care while with oniikihiikomaa, that oniikihiikomaa will promptly notify the other oniikihiikomaa of the emergency.
- 5.4.4. The awaashish or oshkaadiz will reside with one oniikihiikomaa on a schedule as agreed upon by the oniikihiikomaak.
- 5.4.5. Oniikihiikomaa or onihtaawikihaawaso may telephone and communicate by e-mail or social media with the awaashish or oshkaadiz on a regular basis. The awaashish or oshkaadiz may telephone or email or contact on social media each oniikihiikomaa as he or she wishes, where it is safe to do so.
- 5.4.6. Oniikihiikomaa or onihtaawikihaawaso may make inquiries and be given information by the awaashish or oshkaadiz teachers, school officials, doctors, dentists, health care providers, or others involved with the awaashish or oshkaadiz.
- 5.4.7. It is in the awaashish or oshkaadiz best interests to continue a relationship with his or her maternal and paternal grandparents. The grandparents will have reasonable access to the awaashish or oshkaadiz.
- 5.4.8. If Oniikihiikomaa or onihtaawikihaawaso plans a vacation with the awaashish or oshkaadiz, that oniikihiikomaa will give the other oniikihiikomaa a detailed itinerary.
- 5.4.9. If oniikihiikomaak or onihtaawikihaawaso plans a vacation outside Canada with the awaashish or oshkaadiz, the other oniikihiikomaa will provide the travelling oniikihiikomaa with a notarized letter authorizing the awaashish or oshkaadiz to travel with that oniikihiikomaa.
- 5.4.10. If oniikihiikomaa or onihtaawikihaawaso proposes to change their residence, that oniikihiikomaa will give their new telephone number and address to the other.
- 5.4.11. Oniikihiikomaak may attend all school functions, and parent-teacher meetings.

5.4.12. Oniikihiikomaak will not change the awaashish or oshkaadiz name or First Nation membership without written consent.

5.4.13. The awaashish or oshkaadiz will be raised in the ayamiihaawaatisowin or spiritual practices as agreed upon by the oniikihiikomaak.

5.5. No Contact

5.5.1. Oniikihiikomaa may be denied access or other contact with their awaashishag or oshkaadizag if:

- a) it would result in physical, sexual, or emotional harm to the awaashish or oshkaadiz;
- b) Oniikihiikomaa is under the influence of alcohol or drugs;
- c) Oniikihiikomaa is not behaving in a respectful manner to the awaashish or oshkaadiz or the other oniikihiikomaa;
- d) it is prohibited by court order.

5.6. Resuming Contact

Dibenjikewin Oganawenjikek may permit access or contact by oniikihiikomaak to resume on terms and conditions where:

- a) access or contact is supervised by Dibenjikewin Oganawenjikek or;
- b) where a oniikihiikomaa has shown a change in behaviour to the satisfaction of Dibenjikewin Oganawenjikek.

5.7. Maanisewi Wawenajikewin

If the couple cannot reach an agreement on any of these items, they will seek help to resolve the issue in accordance with Part 12 of this Law.

## PART 6 - THE AWAASHISH AND OSHKAADIZ

### 6.1. Gift from Creator, Kische-Manidoo

Every awaashish and oshkaadiz is a sacred gift to us from the Creator, Kische-Manidoo

### 6.2. No Abuse of Awaashishag and Oshkaadizag

Kitchenuhmaykoosib Inninuwug does not condone or tolerate any form of maanidodawewin of awaashishag or oshkaadizag including physical, sexual, emotional, or verbal abuse, financial abuse and exploitation, bullying and abandonment.

### 6.3. Miinikozowinan Awaashishag & Oshkaadizag

Every awaashish and oshkaadiz has the miinikozowin:

- 6.3.1. to be loved, to be respected and treated with dignity as a unique, special, and valued individual, and not to be discriminated against because of their gender, racial origin or sexual orientation.
- 6.3.2. to know and learn their culture, language, history, and kayaash egwa miina ahchaako kikinohamaakewinan, at school, at home, in the community and on the land.
- 6.3.3. to ahchaakobimaadizowin egwa ayamiihawi-baniskwezowin and to practice the ayamiihaawin naanda ahchaakobimaadizowin of their choice, subject to their oniikihikomaan guidance.
- 6.3.4. to be safe and protected, to receive good and nutritious food, to have clothing that fits well and keeps them warm, and to have a clean, healthy home.
- 6.3.5. to attend a school program that meets their cultural, social and academic needs.
- 6.3.6. to regular and appropriate medical and dental care, including meeting any special needs.
- 6.3.7. to participate in recreational activities that are appropriate to their skills, interests and community setting.
- 6.3.8. to be free from physical, sexual, emotional, verbal abuse, financial abuse, exploitation, bullying and abandonment.

- 6.3.9. to be free from the effects of alcohol and drug abuse and other addictions.
- 6.3.10. to access minoyaawibimoojikewinik bimoojikewinan egwa wijihiwewinan for their safety and wellbeing.

6.4. Responsibilities of Awaashishag and Oshkaadizag

Every awaashish and oshkaadiz has the responsibility:

- a) to respect their oniikihiikomaan, onihtaawikihaawaso, grandparents, oodakonawasootamaakek, Kichiihaak, elected leaders and siblings;
- b) to respect all creation, including the property of others;
- c) to follow directions given by their oniikihiikomaan, onihtaawikihaawaso, grandparents, oodakonawasootamaakek, Kichiihaak and elected leaders;
- d) to follow house rules of their home or kanawenimaawasowinik;
- e) to participate in an appropriate level of household chores;
- f) to participate in any guidance, counselling, or any treatment plans;
- g) to attend school or naanaatokao educational setting;
- h) to follow community laws, including curfews;
- i) not to bring drugs or alcohol, or other contraband, into the community.

6.5. Awaashish Kanawenimikowinik

6.5.1. Many awaashishag egwa oshkaadizag kanawenimikowinik have been affected by abuse, neglect, dibenjikewin violence, dibenjikewin breakdown, alcohol, drug abuse, and intergenerational trauma, and need assistance to overcome the harm that has resulted.

6.5.2. When awaashishag or oshkaadizag are placed kanawenimikowinik, the odoobikihaawaso have the responsibility to provide care, protection, and nurturance and to treat the awaashish or oshkaadiz as their own awaashish or oshkaadiz.

6.5.3. No awaashish or oshkaadiz should be placed outside Kitchenuhmaykoosib Inninuwug or a nearby First Nation, unless there are circumstances which require that the awaashish or oshkaadiz be placed elsewhere (eg. special needs, treatment etc.). When awaashish or oshkaadiz are placed outside of Kitchenuhmaykoosib Inninuwug, there is a special responsibility to keep these awaashish or oshkaadiz connected to their dibenjikewinan, their community, and their Kichiihaak.

6.5.4. All awaashishag and oshkaadizag Kanawenimikowinik are entitled to:

- a) Visits and the miinikozowin to talk privately with dibenjikewin members, Dibenjikewin Oganawenjikek, spiritual advisors and counsellors;
- b) Understand the rules, discipline practices, and responsibilities when kanawenimikowinik;
- c) Participate in developing their own plan of care and to be heard when decisions are being made about them;
- d) Make a complaint about the services they are receiving and to ask for a review of their kanawendaakosowinik;
- e) Privacy and to have personal belongings, including the miinikozowin to send and receive mail and messages that are not read by others;
- f) Be informed of their miinikozowinan in a language that they can understand;
- g) Regular communication and visits with their immediate dibenjikewin unless the visit or communication would endanger the awaashish or oshkaadiz health or well-being.

6.5.5. All oniikihiikomaak are entitled to receive information about their awaashish kanawenimikowinik on a regular basis.

6.6. Child Benefits

Child benefits from government are intended for the benefit of the awaashish or oshkaadiz and should go to the awaashish or oshkaadiz odoobikihaawaso.

PART 7 - DIBENJIKEWIN OGANAWENJIK EK OPIMOJIKETAMA AAKEK ("DOO")  
("GOVERNANCE STRUCTURE")

7.1. Mandate

7.1.1. The Dibenjikewin Oganawenjikek Opimojiketamaakek is hereby mandated to work on behalf of the Chief and Council on all matters related to awaashish, oshkaadiz and dibenjikewin services in Kitchenuhmaykoosib.

7.1.2. Chief and Council will be responsible for Maamao Dibenjikewin Kanawaabajikewin Kichiikidoon and Agreements.

7.2. Composition

7.2.1. Membership of the Dibenjikewin Oganawenjikek Opimojiketamaakek shall consist of:

- a) Two members of Council, one of whom shall be the Dibenjikewin Oganawenjikek portfolio holder and one of whom shall be the health portfolio holder;
- b) Three Kichiihaak, appointed by Chief and Council;
- c) One representative of Tikinagan, appointed by Tikinagan;
- d) Two young adult oniikihiikomaak, appointed by Chief and Council;
- e) Two oshkaadizag, appointed by Chief and Council.

7.3. Criteria

7.3.1. Members of the Dibenjikewin Oganawenjikek Opimojiketamaakek should have the patience, strength, kishewaadiziiwin, knowledge, and wisdom to help awaashishag, oshkaadizag and dibenjikewinan and have the capacity to work with external service providers.

7.4. Privacy (Confidentiality)

7.4.1. Members of the Dibenjikewin Oganawenjikek Opimojiketamaakek shall respect the privacy of all employees, clients, and Kitchenuhmaykoosib Inninuwig.

7.4.2. Members of the Dibenjikewin Oganawenjikek Opimojiketamaakek shall create and follow all Kitchenuhmaykoosib Inninuwig privacy policies.

7.5. Terms of Reference for Dibenjikewin Oganawenjikek Opimojiketamaakek

7.5.1. General

The Members of the Dibenjikewin Oganawenjikek Opimojiketamaakek are responsible to Kitchenuhmaykoosib Inninuwug Chief and Council for overall governance and oversight of the following programs:

- a) Dibenjikewin Oganawenjikek (formerly Tikinagan and Family Advocates (Band Representatives))
- b) Dibenjikewin Wellbeing
- c) Choose Life
- d) Mental Health
- e) Healthy Babies
- f) Jordan's Principle
- g) Brighter Futures
- h) Nodin
- i) Preschool/daycare/early years
- j) Community well being
- k) Addictions programs including National Native Alcohol and Drug Abuse Program and, suboxone
- l) Diabetes programs
- m) Safe House
- n) Women's Shelter
- o) Special Needs
- p) School counsellors
- q) Programs for oshkaadiz including:

- i. Services for oshkaadizag age 16 and 17 pursuant to a Voluntary Youth Service Agreement ("VYSA") or a Maamao Youth Service Agreement ("MYSA").
- ii. CCSY for oshkaadizag age 18 to 21 years.
- r) Such other programs serving awaashishag, oshkaadizag, and dibenjikewinan as may exist from time to time

#### 7.5.2. External Agencies

The Members of Dibenjikewin Oganawenjikek Opimojiketamaakek are responsible to oversee all external agencies providing services to Kitchenuhmaykoosib Inninuwug awaashish, oshkaadiz and dibenjikewin, including services operated by:

- a) Independent First Nations
- b) Independent First Nations Alliance ("IFNA")
- c) Sioux Lookout First Nations Health Authority ("SLFNHA")
- d) Tikinagan
- e) Nishnawbe Aski Nation
- f) Ontario Provincial Police/Kitchenuhmaykoosib Inninuwug Police
- g) Nishnawbe Aski Legal Services Corporation
- h) Coroner's Office
- i) Doctors and nurses
- j) any other external service providers providing services to Kitchenuhmaykoosib Inninuwug awaashishag, oshkaadizag and dibenjikewinan

#### 7.5.3. Accountability

Specifically, the Members shall:

- a) Oversee all Kitchenuhmaykoosib Inninuwug programs, provide direction to services, and receive reports from all programs;



- b) Ensure that all programs are accountable to Kitchenuhmaykoosib Inninuwug Chief and Council;
- c) Oversee external agencies providing services to Kitchenuhmaykoosib Inninuwug awaashish, oshkaadiz and dibenjikewin and ensure compliance with Kitchenuhmaykoosib Inninuwug Onajikewinik Bimoojikewinik;
- d) Oversee the development of new services in accordance with the mandate from the Chief and Council; and
- e) Develop services that promote healing and reconciliation in Kitchenuhmaykoosib Inninuwug;
- f) Develop and implement standards for service which are appropriate to Kitchenuhmaykoosib Inninuwug including background and criminal records checks;
- g) Manage the Dibenjikewin Oganawenjikek Opimoojiketamaakek orientation, organization, development and self-evaluation;
- h) Report to Chief and Council as required on all matters within its mandate;
- i) Provide an annual written report to Chief and Council including recommendations for changes to these Terms of Reference and this Law.

#### 7.5.4. Strategic Plan / Vision / Direction

The members of the Dibenjikewin Oganawenjikek Opimoojiketamaakek shall:

- a) Approve the vision and direction for the Dibenjikewin Oganawenjikek Opimoojiketamaakek;
- b) Ensure the Dibenjikewin Oganawenjikek Opimoojiketamaakek has a strategic plan;
- c) Develop and implement training programs for all Dibenjikewin Oganawenjikek and bimoojikewinan egwa wijihiwewinan;
- d) Develop and implement a communication policy for Kitchenuhmaykoosib Inninuwug.

#### 7.5.5. Policies

The members of the Dibenjikewin Oganawenjikek Opimojiketamaakek shall:

- a) Establish the Dibenjikewin Oganawenjikek Opimojiketamaakek policy framework and direction; and
- b) Review and revise all policies and this Law on a regular basis (at least every five (5) years).

#### 7.5.6. Financial

In regard to finances, the Dibenjikewin Oganawenjikek Opimojiketamaakek shall:

- a) Plan for and pursue sufficient funds to operate the Dibenjikewin Oganawenjikek Opimojiketamaakek, its management, and bimoojikewinan egwa wijihiwewinan effectively;
- b) Approve and monitor bimoojikewinan egwa wijihiwewinan, the operating budgets of programs under its control, and generally oversees financial matters, capital expenditures, etc.;
- c) Report to the Chief and Council, to Kitchenuhmaykoosib Inninuwug financial manager and to funders where required, to ensure the efficient management of financial resources;
- d) Approve contracts and salary grids with respect to salaries, wages, and other benefits for the staff;
- e) Assure the maintenance of accurate financial reports;
- f) Ensure the annual production of financial information required for Kitchenuhmaykoosib Inninuwug's audited financial statements;
- g) Ensure that bimoojikewinan egwa wijihiwewinan under it are adequately insured for all possible and/or likely liabilities;
- h) Administer the funds of all bimoojikewinan egwa wijihiwewinan under its mandate.

#### 7.5.7. Human Resources

In regard to human resources, the Dibenjikewin Oganawenjikek Opimojiketamaakek shall:

- a) Establish sound human resource policies, practices and procedures that are readily available and applicable to all staff;
- b) Hire a Director who is responsible to the Dibenjikewin Oganawenjikek Opimojiketamaakek for the management and operation of the bimoojikewinan egwa wijihiwewinan. Maintain an effective working relationship with the staff;
- c) Approve the contracts of the Director, including hiring, compensation, and termination;
- d) Ensure that the Dibenjikewin Oganawenjikek Opimojiketamaakek has an appropriate plan for the hiring and training of all Dibenjikewin Oganawenjikek in all aspects of their activities to increase the capacity of Kitchenuhmaykoosib Inninuwug to operate the bimoojikewinan egwa wijihiwewinan under its mandate;
- e) Develop job descriptions for all Dibenjikewin Oganawenjikek positions and other bimoojikewinan egwa wijihiwewinan;
- f) Develop and implement proper procedures for recording of activities, maintenance of client files, and information sharing;
- g) Ensure that all Dibenjikewin Oganawenjikek have an appropriate benefits package;
- h) Develop and implement a case management naabidoodamoowin for Dibenjikewin Oganawenjikek;
- i) Ensure all Dibenjikewin Oganawenjikek have appropriate training for their positions, including suicide risk assessment, First Aid, and CPR where appropriate.

7.6. Eligibility of Members

7.6.1. Each Member shall be a natural person at least (18) years of age.

7.6.2. Each Member shall be a member of Kitchenuhmaykoosib Inninuwug.

7.7. Term of Office

7.7.1. The term of each Member shall be four (4) years subject to Chief and Council's miinikozowin to replace Members at any time. Retiring Members shall be eligible for re-appointment for a maximum of eight years (two 4-year terms).

7.8. Kichiihaak

7.8.1. The Dibenjikewin Oganawenjikek Opimojiketamaakek shall appoint a Council of Kichiihaak to act as advisors to them.

7.9. Vacancies

Vacancies on the Dibenjikewin Oganawenjikek Opimojiketamaakek, however caused, may be filled by the Chief and Council. Any person appointed to fill any such vacancy shall hold office for the unexpired term of the person who caused such vacancy.

7.10. Code of Conduct

7.10.1. Every Member of Dibenjikewin Oganawenjikek Opimojiketamaakek shall adhere to a Code of Conduct and shall:

- a) Provide a high standard of personal example and leadership;
- b) Perform in a professional manner at all times;
- c) Ensure confidentiality is maintained at all times in respect to Kitchenuhmaykoosib Inninuwug, clients, community members and staff in accordance with Kitchenuhmaykoosib Inninuwug's privacy policy;
- d) Demonstrate respect and dignity for all staff, clients, Chief and Council and Kichiihaak, and band members;
- e) Attend all meetings and contribute to the timely start of meetings by being punctual;
- f) Maintain adherence to the policies of the Dibenjikewin Oganawenjikek Opimojiketamaakek in all aspects, including the policy on expenses;
- g) Maintain the integrity of organizational reporting and communications.

#### 7.11. Removal of Members

A person shall cease to be a Member of the Dibenjikewin Oganawenjikek Opimojiketamaakek:

- a) if the member resigns in writing;
- b) if the member is removed by Chief and Council;
- c) if the member is charged with a criminal offence;
- d) in the opinion of Chief and Council if the member is experiencing personal problems which interfere with his duties;
- e) if the member ceases to be a resident of Kitchenuhmaykoosib Inninuwug.

#### 7.12. Quorum

A majority of the Members in office shall form a quorum for the transaction of business. If all ten positions are full the quorum will be six.

#### 7.13. Meetings of Dibenjikewin Oganawenjikek Opimojiketamaakek

The Dibenjikewin Oganawenjikek Opimojiketamaakek shall hold at least 6 meetings in each fiscal year. Meetings may be called at any time to be held at any place by the Chairperson or any two members.

#### 7.14. Maamawijiinenjigewin

The Members shall attempt to reach an agreement on all questions by maamawijiinenjigewin. A declaration by the Chairperson that a wawenajikewin has been carried by maamawijiinenjigewin shall be conclusive evidence of that fact. If no maamawijiinenjigewin can be reached on a question then, a vote shall be held.

#### 7.15. Voting

If a vote is required, all members of the Dibenjikewin Oganawenjikek Opimojiketamaakek can vote, and all questions shall be decided by a majority of votes. All votes at any such meeting shall be taken by show of hands unless a ballot is demanded by any member. No one other than a Member shall vote on any question proposed for consideration at any Dibenjikewin Oganawenjikek Opimojiketamaakek meeting.

7.16. In Camera Meetings

Meetings of the Dibenjikewin Oganawenjikek Opimojiketamaakek shall be open to all Dibenjikewin Oganawenjikek Opimojiketamaakek members only unless the Dibenjikewin Oganawenjikek Opimojiketamaakek requires that any meeting or part thereof shall be held in camera.

7.17. Minutes

- 7.17.1. Copies of the approved minutes shall be available for inspection by Chief and Council during regular business hours.

## PART 8 - SERVICE PROVIDERS

### 8.1. Supporting Dibenjikewinan

All bimoojikewinan egwa wiihiiwewinan should be based on values, principles, customs, language, kayaash egwa miina ahchaako kikinohamaakewinan.

### 8.2. Tikinagan Child and Family Services

#### 8.2.1. Creation

Tikinagan was created by the Chiefs of Nishnawbe Aski Nation to strengthen awaashishag, oshkaadizag and dibenjikewinan, and communities.

#### 8.2.2. Mandate

Tikinagan is mandated by the Chiefs to provide child and family services in a manner that respects the inherent miinikozowinan of the First Nation and is sensitive to the unique needs of First Nations awaashish, oshkaadiz and dibenjikewinan, culture, traditions, and the concept of the extended dibenjikewin.

#### 8.2.3. Relationship

The relationship between Kitchenuhmaykoosib Inninuwug and Tikinagan shall be spelled out in a written Onajikewinik Bimoojikewinik that describes the practices and procedures that will be followed in Kitchenuhmaykoosib.

#### 8.2.4. Specialized Services

Certain specialized services to awaashish, oshkaadiz and dibenjikewin shall continue to be provided to Kitchenuhmaykoosib Inninuwug by Tikinagan. These services include the following:

- a) Adoptions pursuant to Part VIII of the *Child, Youth and Family Services Act*;
- b) Secure Treatment Applications pursuant to Part VII of the *Child, Youth and Family Services Act*;
- c) Licensing of group homes pursuant to Part IX of the *Child, Youth and Family Services Act*;

- d) Serious occurrence and awaashish or oshkaadiz death reports of all awaashishag in Tikinagan Child and Family Services or Kitchenuhmaykoosib Inninuwug care;
- e) Protection services for Kitchenuhmaykoosib Inninuwug in the City and District of Thunder Bay;
- f) Such other services as may be identified in an Onajikewinik Bimoojikewinik between Kitchenuhmaykoosib Inninuwug.

8.2.5. Tikinagan retains the authority to exercise its child protection mandate under the *Child, Youth and Family Services Act* if Kitchenuhmaykoosib Inninuwug is unable or unwilling to ensure the safety of any awaashish or oshkaadiz.

### 8.3. Dibenjikewin Oganawenjikek

The provision of awaashish, oshkaadiz and dibenjikewin services to Kitchenuhmaykoosib Inninuwug shall be carried out by Dibenjikewin Oganawenjikek under the direction of Dibenjikewin Oganawenjikek Opimojiketamaakek.

### 8.4. Dibenjikewin Oganawenjikek Opimojiketamaakek

Dibenjikewin Oganawenjikek Opimojiketamaakek is responsible for the following bimoojikewinan egwa wiijihiiwewinan:

- a) Dibenjikewin Oganawenjikek [formerly Tikinagan and Family Advocates (Band Representatives)]
- b) Dibenjikewin Wellbeing
- c) Choose Life
- d) Mental Health
- e) Healthy Babies
- f) Jordan's Principle
- g) Brighter Futures
- h) Nodin
- i) preschool/daycare/early years
- j) Community well being



- k) Addictions programs including National Native Alcohol and Drug Abuse Program and, suboxone
- l) Diabetes programs
- m) Safe House
- n) Women's Shelter
- o) Special Needs
- p) School counsellors
- q) Programs for oshkaadizag including:
  - i. Services for oshkaadizag age 16 and 17 pursuant to a Voluntary Youth Service Agreement ("VYSA") or a Mamao Youth Service Agreement ("MYSA").
  - ii. CCSY for oshkaadizag age 18 to 21 years.
- r) Such other programs serving awaashishag, oshkaadizag and dibenjikewinan as may exist from time to time

## PART 9 - SERVICES PROCESS

### 9.1. Protecting Awaashishag and Oshkaadizag

9.1.1. Where a danendamihiiwewi wiidamaakewin is raised about awaashish, oshkaadiz and dibenjikewin, Dibenjikewin Oganawenjikek will go and visit the dibenjikewin to determine whether the awaashish, oshkaadiz or dibenjikewin requires help.

Awaashish ayaakwami kanawenjikewin under any of the following conditions:

- a) the awaashish or oshkaadiz has been abused physically, sexually, emotionally, or verbally, or financially or is at risk of such abuse;
- b) the needs of the awaashish or oshkaadiz as set out in Section 4.1.2, are not being met by the oniikihiikomaak or odoobikihaawaso;
- c) the awaashish or oshkaadiz has been harmed emotionally and demonstrates anxiety, depression, withdrawal, delayed development, criminal activities, sexual gestures, or self-destructive or aggressive behaviour, including suicidal gestures;
- d) the awaashish or oshkaadiz has been abandoned or orphaned or the oniikihiikomaak are unavailable to care for the awaashish or oshkaadiz;
- e) oniikihiikomaak are unable to provide care due to alcohol or drug abuse, lack of parenting skills, criminal activities, incarceration, mental illness, or other reason.

### 9.2. Danendamihiiwewi Wiidamaakewin

9.2.1. If the danendamihiiwewi wiidamaakewin is not serious, the Dibenjikewin Oganawenjikek may ask the Okomimaak/Omishoomimaak to visit the dibenjikewin, counsel the oniikihiikomaak, or provide any other minoyaawibimoojikewinan.

9.3. Naanaakajjikewin

9.3.1. If the danendamihiiwewi wiidamaakewin is more serious, the Dibenjikewin Oganawenjikek shall do a more thorough naanaakajjikewin to identify what help the dibenjikewin requires.

9.3.2. The purpose of the naanaakajjikewin is to determine whether the danendamihiiwewi wiidamaakewin is verified and whether there is awaashish ayaakwaami kanawenjikewin.

9.3.3. Once they have finished their naanaakajjikewin, the Dibenjikewin Oganawenjikek shall call a dibenjikewin onajikewin to make a plan. A third party can also call a dibenjikewin onajikewin.

9.4. Dibenjikewin Onajikewin

9.4.1. Dibenjikewin Onajikewin will be the primary mechanism for case management by Dibenjikewin Oganawenjikek. Dibenjikewin Onajikewin shall be held whenever it is necessary to discuss the situation of an awaashish, oshkaadiz or dibenjikewin.

9.4.2. At a minimum, a Dibenjikewin Onajikewin shall be held:

- a) any time a critical/significant decision is to be made about the awaashish or oshkaadiz;
- b) to develop a plan for services to the dibenjikewin and for review of such plans;
- c) prior to a awaashish or oshkaadiz coming into care on a planned basis, or following an awaashish or oshkaadiz coming into care on an unplanned basis;
- d) prior to an awaashish or oshkaadiz being placed on a long-term basis by Chief and Council or under Nepich Miinawaasowin;
- e) to determine where an awaashish or oshkaadiz shall be placed;
- f) prior to an awaashish or oshkaadiz returning home from care;
- g) prior to proceeding to alternative maanisewi wawenajikewin;
- h) for naanaatokao maanisewi wawenajikewin.

9.4.3. Composition of Dibenjikewin Onajikewin shall include:

- a) oniikihiikomaak/onihtaawikihaawaso;
- b) members of the extended dibenjikewin, including grandparents;
- c) representative of Chief and Council;
- d) Dibenjikewin Oganawenjikek/Tikinagan staff;
- e) bimoojikweninan egwa wiijihiiwewinan who are/could be involved with the dibenjikewin;
- f) external services who are involved with the dibenjikewin;
- g) Kichiihaak;
- h) any persons selected by the oniikihiikomaak to support them.

9.4.4. Private Arrangements are arrangements between the oniikihiikomaak and odoobikihaawaso when the dibenjikewin arranges a voluntary agreement with another dibenjikewin member, relative, or other First Nation member, to care for the awaashish or oshkaadiz temporarily or on a long-term basis. Financial arrangements, if any, are between the oniikihiikomaak and odoobikihaawaso.

9.4.5. If the Dibenjikewin Onajikewin reaches an agreement on a plan, the Dibenjikewin Oganawenjikek shall make a recommendation to the Chief and Council for an appropriate form of Kitchenuhmaykoosib Inninuwug Kichiikidoon (see Part 10).

9.4.6. If the Dibenjikewin Onajikewin does not reach an agreement on a plan for the dibenjikewin, the Dibenjikewin Oganawenjikek Director shall bring the matter to Chief and Council for direction.

9.4.7. If no agreement has been reached at the Dibenjikewin Onajikewin, Chief and Council may place the awaashish or oshkaadiz in kanawenimikowinik under Kitchenuhmaykoosib Inninuwug Kichiikidoon (section 10.10-10.11) or authorize the Okomimaak/Omishoomimaak to make a decision about what should happen in the dibenjikewin. (Part 12)

9.5. Protecting Awaashishag and Oshkaadizag in Emergency Situations

9.5.1. Dibenjikewin Oganawenjikek will respond to each tanentamihiiwewi wiidamaakewin to ensure that the awaashish or oshkaadiz is safe. A Dibenjikewin Oganawenjikek worker will visit the home to talk to the awaashish, oshkaadiz and dibenjikewin, determine safety issues, and conduct a kabeshooninaanaakajjikewin. If an awaashish or oshkaadiz is in imminent danger, immediate action will be taken.

9.5.2. Dibenjikewin Oganawenjikek shall have the miinikozowin to request and receive police assistance and shall have the miinikozowin to enter any premises where there is serious Awaashish Ayaakwami Kanawenjikewin.

9.6. Dibenjikewin Oganawenjikek as “Band Representatives”

Subject to onajikewinik bimoojikewinik where Kitchenuhmaykoosib Inninuwug members are residing in a jurisdiction other than that served by Tikinagan, Dibenjikewin Oganawenjikek shall have the mandate to:

- a) Represent Kitchenuhmaykoosib Inninuwug in any court proceeding involving Kitchenuhmaykoosib Inninuwug as the “Band Representative”;
- b) Enter into service agreements with other agencies for the provision of services to Kitchenuhmaykoosib Inninuwug;
- c) Participate in dibenjikewin and case conferences when other agencies are providing services to Kitchenuhmaykoosib Inninuwug members and Tikinagan.

## PART 10 - MAAMAO DIBENJIKEWIN KANAWAABAJIKEWIN

### 10.1. Naabidoodamoowin

Maamao Obikihaawasowin is a naabidoodamoowin which provides services to awaashishag, oshkaadizag and dibenjikewinan once danendamihiiwewi wiidamaakewin have been identified. Kitchenuhmaykoosib Inninuwug hereby adopts the Maamao Obikihaawasowin naabidoodamoowin which will be called Maamao Dibenjikewin Kanawaabajikewin.

### 10.2. Continuum of Services

Maamao Dibenjikewin Kanawaabajikewin provides for a continuum of services depending on the danendamihiiwewi wiidamaakewin and the circumstances of the dibenjikewin.

### 10.3. Kitchenuhmaykoosib Inninuwug Kichiikidoon

Kitchenuhmaykoosib Inninuwug may make a Declaration with respect to an awaashish or oshkaadiz for any of the following:

- a) Maamao Dibenjikewin Kanawaabajikewin Agreement (section 10.6);
- b) Maamao Dibenjikewin Kanawenjiikaawin Agreement (section 10.8 – 10.9);
- c) Dashikewin Biidahki Kanawendaakosowinik (section 10.10 – 10.11);
- d) Nepich Miinawaasowin (custom adoption) (Part 11).

### 10.4. Quorum

The Kitchenuhmaykoosib Inninuwug Kichiikidoon must be signed by a quorum of Kitchenuhmaykoosib Inninuwug Council members.

- 10.5. Maamao Dibenjikewin Kanawaabajikewin Agreement
- 10.5.1. Kitchenuhmaykoosib Inninuwug may declare that a dibenjikewin be supervised by Dibenjikewin Oganawenjikeg. Such Declaration, along with a Maamao Dibenjikewin Kanawaabajikewin Agreement, sets out terms and conditions for the dibenjikewin to meet in order for the awaashish or oshkaadiz to remain within the home. If those conditions are not met, the awaashish or oshkaadiz may be removed from the home.
- 10.5.2. The Maamao Dibenjikewin Kanawaabajikewin Agreement requires the bakidinikewasinahiikewin and agreement of all parties involved, including:
- a) oniikihiikomaak, and onihtaawikihaawaso;
  - b) the awaashish who is 12 years of age or older;
  - c) Kitchenuhmaykoosib Inninuwug and any other First Nation involved with the awaashish, oshkaadiz and dibenjikewin;
  - d) Dibenjikewin Oganawenjikek.
- 10.6. Maamao Dibenjikewin Kanawenjiikaawin Agreement
- 10.6.1. Kitchenuhmaykoosib Inninuwug may declare that an awaashish or oshkaadiz be placed in Dibenjikewin Oganawenjikek care under a Maamao Dibenjikewin Kanawenjiikaawin Care Agreement if an awaashish or oshkaadiz needs to be moved from their own dibenjikewin.
- 10.6.2. The Maamao Dibenjikewin Kanawenjiikaawin Agreement requires the bakidinikewasinahiikewin and agreement of all parties involved, including:
- a) oniikihiikomaak, and onihtaawikihaawaso;
  - b) the awaashish who is 12 years of age or older;
  - c) Kitchenuhmaykoosib Inninuwug and any other First Nation involved with the awaashish, oshkaadiz or dibenjikewinan;
  - d) Dibenjikewin Oganawenjikeg;
  - e) the odoobikihaawaso.
- 10.7. Dibiminikok Nadawendaakwak Maamao Dibenjikewin Kanawenjiikewin Agreement

Dibiminikok Nadawendaakwak Maamao Dibenjikewin Kanawenjiikewin Agreement places the awaashish or oshkaadiz in Dibenjikewin Oganawenjikek care on a long-term basis.

10.8. Care by Kitchenuhmaykoosib Inninuwug Authority

10.8.1. Noomake Kitchenuhmaykoosib Inninuwug Kichiikidoon

Kitchenuhmaykoosib Inninuwug may declare that an awaashish or oshkaadiz is to be placed in the care of an onihtaawikihaawaso without parental bakidinikewasinahiikewin for a short term for any of the following reasons:

- a) oniikihiikomaak are temporarily unavailable to care for the awaashish or oshkaadiz or to make arrangements for the care of the awaashish or oshkaadiz, for such reasons as being incarcerated, in the hospital or cannot be located to sign;
- b) oniikihiikomaak wishes to obtain independent legal advice before signing any agreement;
- c) oniikihiikomaak are unwilling to sign and a short time is needed to mediate or negotiate an agreement with the oniikihiikomaak.

10.9. Naanaatokao Care Service

Maamao Dibenjikewin Kanawenjiikaawin is a method of placing awaashishag and oshkaadizag into Dibenjikewin Oganawenjikek care. When awaashishag and oshkaadizag are brought into care, they are placed in a dashiikewin biidahki kanawendaakosowinik or kanawenimaawasowinik within the community of Kitchenuhmaykoosib Inninuwug or as nearby as possible.

10.10. Dashiikewin Biidahki Kanawendaakosowinik

Chief and Council may approve homes within the community to provide care to awaashish or oshkaadiz through a Dashiikewin Biidahki Kanawendaakosowinik Declaration. When a home is declared to be a Dashiikewin Biidahki Kanawendaakosowinik, Dibenjikewin Oganawenjikek must conduct a kabeshooninaanaakajjikewin. Dibenjikewin Oganawenjikek are responsible to conduct kabeshooninaanaakajjikewin and to provide support to the odoobikihaawaso.



10.11. Payment of Subsidy

- 10.11.1. After a kabeshooninaanaakajjikewin has been completed and approved, the home will be opened as a kanawenimaawasowinik, and a subsidy may be paid by Dibenjikewin Oganawenjkek.

## PART 11 - NEPICH MIINAWAASOWIN

### 11.1. Doodamoowin

In Kitchenuhmaykoosib Inninuwug culture, there has always been nepich miinawaasowin of awaashish or oshkaadiz. This was done by dibenjikewinan and can be done without the involvement of third parties.

### 11.2. Modernization

Kitchenuhmaykoosib Inninuwug wants to maintain kayaash doodamoowinan of nepich miinawaasowin to address modern issues as giving the awaashish and oshkaadiz legal status, clarifying the awaashish and oshkaadiz guardianship for school, health care, and other government services.

### 11.3. Nepich Miinawaasowin

11.3.1. The decision to have a nepich miinawaasowin is a decision made by the oniikihiikomaak of the awaashish or oshkaadiz.

11.3.2. The desirability of a nepich miinawaasowin may be suggested or recognized by a third party such as:

- a) extended dibenjikewin members;
- b) Chief and Council;
- c) Kichiihaak;
- d) church leaders;
- e) Dibenjikewin Oganawenjikek;
- f) Oodakonawasootamaakek.

11.3.3. The extended dibenjikewin members, Chief and Council, Kichiihaak, church leaders, and Dibenjikewin Oganawenjikek can facilitate or assist in the process of nepich miinawaasowin.

11.3.4. Nepich miinawaasowin can occur in any of the following situations:

- a) waabimaawasonik, or another time;
- b) Awaashish or oshkaadiz is a kiiwaaji awaashish;
- c) Onihtaawikihaawaso wants nepich miinawaasowin the awaashish or oshkaadiz to change the status of the awaashish and oshkaadiz.

- 11.3.5. When awaashish or oshkaadiz is nepich miinawaasowin, the awaashish or oshkaadiz must be aware of who their natural oniikihikomaak are and the natural oniikihikomaak should have an on-going relationship with the awaashish or oshkaadiz, where it is safe to do so.
- 11.3.6. Nepich miinawaasowin is not a decision of the Chief and Council; it is an agreement between by or among dibenjikewinan.
- 11.3.7. Chief and Council will ratify or sanction the nepich miinawaasowin by a special form of Kitchenuhmaykoosib Inninuwug Kichiikidoon.
- 11.3.8. If desired by the dibenjikewin or community, a ceremony or blessing can be held to celebrate the arrival of the awaashish or oshkaadiz in his or her new home.
- 11.3.9. Chief and Council may sign this Kitchenuhmaykoosib Inninuwug Kichiikidoon at the ceremony or blessing if the dibenjikewin wishes.
- 11.4. Nepich Miinawaasowin at Birth
- 11.4.1. Oniikihikomaak may decide prior to birth to nepich miinawaasowin the awaashish to a friend or relative.
- 11.4.2. Counselling will be available to the oniikihikomaak and the adoptive oniikihikomaak.
- 11.4.3. The oniikihikomaak receiving the awaashish have the miinikozowin to name the awaashish, but may consult with the natural oniikihikomaak about the awaashish name.
- 11.5. Nepich Miinawaasowin of Kiiwaaji Awaashish
- 11.5.1. There are two situations when this option can be used:
- a) kiiwaaji awaashish – both oniikihikomaak are deceased or;
  - b) main oniikihikomaa is deceased and other oniikihikomaa is absent, uninvolved, or unknown.
- 11.5.2. All reasonable efforts shall be made to involve the living oniikihikomaak in the plan and to obtain their bakidinikewasinahiikewin.

- 11.6. Nepich Miinawaasowin by Onihtaawikihaawaso
- 11.6.1. Onihtaawikihaawaso, awaashish or oshkaadiz being cared for may wish to have a nepich miinawaasowin to strengthen the awaashish or oshkaadiz connection to the adoptive dibenjikewin.
- 11.6.2. In order to preserve the awaashish or oshkaadiz cultural identity and connection to community, legal adoption under the *Child, Youth and Family Services Act (CYFS)*, adoption of an awaashish or oshkaadiz by non-Indigenous persons will not be permitted unless:
- a) There are special circumstances or the proposed adoptive oniikihiikomaak are related to the awaashish or oshkaadiz, and;
  - b) The biological oniikihiikomaak agree (if they are alive); and
  - c) Chief and Council approve the proposed adoption.

## PART 12 - KITCHENUHMAYKOOSIB INNINUWUG MAANISEWI WAWENAJIKEWIN

### 12.1. Doodamoowin

If talking to the oniikihiikomaak, and counselling them regarding the proper care and safety of their awaashish or oshkaadiz did not improve the situation, the Kichiihaak of the dibenjikewin made a decision about what was to happen.

### 12.2. Wawenajikewin by Okomimaak/Omishoomimaak

Where an agreement has not been reached, then the Okomimaak/Omishoomimaak shall be asked to jimaamiinonamowaach the issue by Chief and Council.

### 12.3. Okomimaak/Omishoomimaak

Okomimaak/Omishoomimaak are recognized by Chief and Council, and have the authority to make decisions about awaashish, oshkaadiz and dibenjikewin issues when no agreement can be reached.

### 12.4. Selection of Okomimaak/Omishoomimaak

Chief and Council shall determine who these Okomimaak/Omishoomimaak will be in accordance with doodamoowin, culture, and the following criteria:

- a) saagihiiwewin and kishewaadiziwin
- b) people are treated equally
- c) everyone has a miinikozowin to speak and to participate
- d) fairness
- e) patience, humility
- f) respect
- g) consistency
- h) discretion, respect for confidentiality

### 12.5. Chief and Council Wawenajikewin for Okomimaak/Omishoomimaak

The Okomimaak/Omishoomimaak shall be identified and ratified by Chief and Council in a Kitchenuhmayaakoosib Inninuwug Wawenajikewin.

12.6. Number of Okomimaak/Omishoomimaak

Chief and Council shall identify a number of Okomimaak/Omishoomimaak, who can be called upon in small groups to assist a dibenjikewin and to make decisions with respect to that dibenjikewin.

12.7. Conflict and Alternative Okomimaak/Omishoomimaak

12.7.1. Where there is disagreement, the Okomimaak/Omishoomimaak chosen for each dibenjikewin shall be people who can make decisions without favouritism, in a fair-minded way. Normally it will be considered a conflict for an Okomimaa/Omishoomimaa to be odoonendamaake with respect to their immediate dibenjikewin. The Chief and Council can determine if a particular Okomimaa/Omishoomimaa is in conflict and can appoint another Okomimaa/Omishoomimaa.

12.7.2. Matters involving two or more First Nations shall be handled by each First Nation by sending two Kichiihaak who will become the final odoonendamaakek on the issue. If the First Nations do not send Kichiihaak to participate the Kitchenuhmaykoosib Inninuwug Okomimaak/Omishoomimaak shall be the final odoonendamaakek.

12.7.3. The processes followed where two or more First Nations are involved shall adhere to the same principles as are outlined for odoonendamaake at the First Nation level as set out in Part 13.

12.8. Participation of Parties

The Okomimaak/Omishoomimaak shall ensure that all the issues have been thoroughly discussed and that all of the parties involved have had a full and fair opportunity to participate.

12.9. Communication to Chief and Council

If the Okomimaak/Omishoomimaak are satisfied that sufficient discussion has been held, they will make a decision and explain reasons for their decision to the Chief and Council.

12.10. Decision of Okomimaak/Omishoomimaak

A decision of the Okomimaak/Omishoomimaak shall be made within 30 days from the date on which they were asked to resolve an issue.

12.11. Interim Decisions of Okomimaak/Omishoomimaak

The Okomimaa/Omishoomimaa may make an interim decision about any aspect of the dibenjikewin situation to be in effect during the 30 day odoonendamaake process.

12.12. Chief and Council Ratification

12.12.1. Chief and Council shall ratify the decision of the Okomimaak/Omishoomimaak making a Kitchenuhmaykoosib Kichiikidoon.

12.12.2. If the Chief and Council, do not approve the ratification of a decision of the Okomimaak/Omishoomimaak they may:

- a) refer the decision back to the Okomimaak/Omishoomimaak for further consideration;
- b) request that the Okomimaak/Omishoomimaak meet with the Chief and Council to discuss their reasons for the decision.

PART 13 - PROCESSES FOR KITCHENUHMAYKOOSIB INNINUWUG  
ODOONENDAMAAKEK

13.1. Odoonendamaakek

All Kitchenuhmaykoosib Inninuwug odoonendamaakek shall be based on this law and the values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan of Kitchenuhmaykoosib Inninuwug.

13.2. Principles of odoonendamaakek

Kitchenuhmaykoosib Inninuwug odoonendamaakek must reflect the following principles:

- a) Saagihiiwewin and kishewaadiziiwin
- b) people are treated equally
- c) everyone has a miinikozowin to speak and to participate
- d) fairness
- e) patience, humility
- f) respect
- g) consistency
- h) discretion, respect for confidentiality

13.3. Where an individual is not satisfied with the process for resolving any dispute, that individual shall raise the concerns with the process with the Okomimaa immediately, as soon as the person identifies a concern about the process.

13.4. Modern Context of odoonendamaakek

Kitchenuhmaykoosib Inninuwug odoonendamaakek must consider the following factors:

13.4.1. cost: the expense of implementing a decision including:

- a) costs kanawendaakosowinik of the awaashish or oshkaadiz;
- b) costs for bimoojikweninan egwa wiichihiiwewinan for the awaashish or oshkaadiz;
- c) cost of access visits between awaashish or oshkaadiz, and the dibenjikewin;



- d) costs to Dibenjikewin Oganawenjikek for implementing the decision.

13.4.2. confidentiality:

- a) The need to respect the privacy of individuals and not to disclose information about them which could be prejudicial to or cause harm to the person;
- b) The need to follow the Dibenjikewin Oganawenjikek confidentiality policy.

13.4.3. the miinikozowinan of individuals:

- a) The need to respect the miinikozowin to which a person is entitled by reason, law or cultural values, principles, customs, language, and kayaash egwa miina ahchaako kikinohamaakewinan.

13.4.4. responsibility:

- a) The need to answer for an action taken or the failure to take action, and to repair any injury that may be caused.

13.4.5. accountability:

- a) The need for people to be morally, legally and mentally accountable for their action and inaction.

13.4.6. liability:

- a) The need to determine who is legally responsible for an actual or possible loss, benefit, expense or burden.

13.4.7. funding:

- a) The need for adequate funding to support the implementation of this Law.

## PART 14 - GENERAL

### 14.1. Liability

14.1.1. The Chief and Council, Dibenjikewin Oganawenjikek Opimojiketamaakek, Dibenjikewin Oganawenjikek, Tikinagan, and any other person having powers or duties under the Law or the regulations, will not be liable for anything done or not done by him or her in good faith in the performance of his or her duties or in the exercise of his or her powers.

### 14.2. Regulation Making Powers

14.2.1. The Chief and Council may make regulations for the purposes of this Law.

14.2.2. If there is a conflict between a regulation made under this section and any provision of this Law, this Law prevails.

14.2.3. The Chief and Council may make regulations assigning functions or the powers to the Dibenjikewin Oganawenjikek Opimojiketamaakek, and the Dibenjikewin Oganawenjikek.

### 14.3. Offences

14.3.1. A person is guilty of an offence if the person:

- a) hinders, obstructs or interferes with a Dibenjikewin Oganawenjikek worker conducting a naanaakajjikewin under this Law, or otherwise impedes a Dibenjikewin Oganawenjikek worker in exercising the powers or performance of their duties under this Law;
- b) willfully collects, uses or discloses personal information in contravention of this Law or the regulations made for the purposes of this Law;
- c) fails to comply with an order or direction made by a court;
- d) contravenes any other provision of this Law.

14.3.2. Mekwaach awaashish Kanawenimikowinik, no person shall:

- a) induce or attempt to induce an awaashish or oshkaadiz to leave the care of the person with whom the awaashish or oshkaadiz is placed;

- b) detain or harbour the awaashish or oshkaadiz after the Dibenjikewin Oganawenjikek require that the awaashish or oshkaadiz be returned;
  - c) interfere with the awaashish or oshkaadiz or remove or attempt to remove the awaashish or oshkaadiz from any place.
- 14.3.3. No person shall knowingly give false information to the Dibenjikewin Oganawenjikek.
- 14.3.4. Kitchenuhmaykoosib Inninuwug may enforce this law using Kitchenuhmaykoosib Inninuwug justice practices including restorative justice and impose sanctions that are proportionate to the seriousness of the offence.
- 14.4. Laws of Other Jurisdictions
  - 14.4.1. Kitchenuhmaykoosib Inninuwug shall have the individual miinikozowin to utilize the courts and laws of Canada and Ontario, but only after they have exhausted all Kitchenuhmaykoosib Inninuwug processes contained in this Law.
  - 14.4.2. Such miinikozowin to utilize the laws of Canada and Ontario shall include, but not be limited to the:
    - a) *Divorce Act* (Canada);
    - b) *Family Law Act* (Ontario);
    - c) *Children's Law Reform Act* (Ontario);
    - d) *Child, Youth and Family Services Act* (Ontario);
    - e) *Family Responsibility and Support Arrears Enforcement Act* (Ontario) or their successor laws.
- 14.5. Ratification
  - 14.5.1. This Law will be ratified through a referendum of all Kitchenuhmaykoosib Inninuwug members, age eighteen and over.
  - 14.5.2. The Chief and Council will:
    - a) Issue a notice with instructions, place, dates and times to all members, age eighteen and over, of the proposed referendum;

- b) Notify members, age eighteen and over, who are non-residents of Kitchenuhmaykoosib Inninuwug about the referendum;
- c) Prepare a simple question to be answered by a Yes or a No.

14.5.3. The Chief and Council will commission three members to conduct the referendum who will assume total responsibility for the referendum, including but not limited to:

- a) Preparing ballots;
- b) Securing and preparing a place where the referendum ballots will be cast;
- c) Arranging appropriate security measures to ensure security of the ballot box;
- d) Arranging for the site and format for the counting of cast ballots;
- e) Declaring the results of the referendum.

14.5.4. In order to declare this Law, the ratification will require 50 + 1% of all ballots cast by Kitchenuhmaykoosib Inninuwug members in the referendum.

14.5.5. At least 250 votes must be cast in the referendum for this Law to be ratified. If fewer votes are cast Chief and Council may direct further action including another referendum.

14.5.6. Once the ratification has been completed, the Chief and Council will make the Law available to the public.

14.6. Amendment

This Law shall be amended according to the same ratification procedure outlined in this Law. The amendment shall be passed by 50 + 1% of the Kitchenuhmaykoosib Inninuwug members who voted at the referendum.

14.6.1. Any member of Kitchenuhmaykoosib Inninuwug may submit to the Chief and Council proposed amendments to this Law. The Chief and Council will post notice at the Kitchenuhmaykoosib Inninuwug government office and other sites deemed appropriate stating the date, time and place of a general meeting to address the proposed amendments.

- 14.6.2. The Chief and Council will cause a legal review of the proposed amendments before convening a general meeting and may cause a lawyer to be present during the general meeting.
- 14.6.3. Kitchenuhmaykoosib Inninuwug members proposing the amendments will be given ample opportunity to debate the proposed amendments at the general meeting. Once the debate has been concluded, the Chief and Council will call for a secret ballot vote to determine if there is enough support to move for ratification of the proposed amendments.

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Late Phyllis Semple  
Jacob Ostaman  
Darryl Sainnawap  
Late Fred Duncan  
Late Mary Jane Crowe

Delphine Lachinette  
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In 2019 a new version of the Law was developed under the guidance of a new working group consisting of:

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Kitchenuhmaykoosib Inninuug Chief and Council, Chief Donny Morris, Deputy Chief Stan Bluecoat, Head Councillor Ryan Sakakeep, Leo McKay, Jack McKay, Bonnie Sanderson, Richard Anderson and Beatrice Fox reviewed the draft Law on three occasions and approved it on October 18, 2019.

Technical support was provided by:

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Community consultation was held during September and October 2019 through open houses, door to door visits, and radio programs.

The Law was ratified at a community referendum on November 8, 2019 and enacted by Chief and Council in a BCR dated November 19, 2019.