

# History of Child Welfare in Manitoba from an MKO Perspective

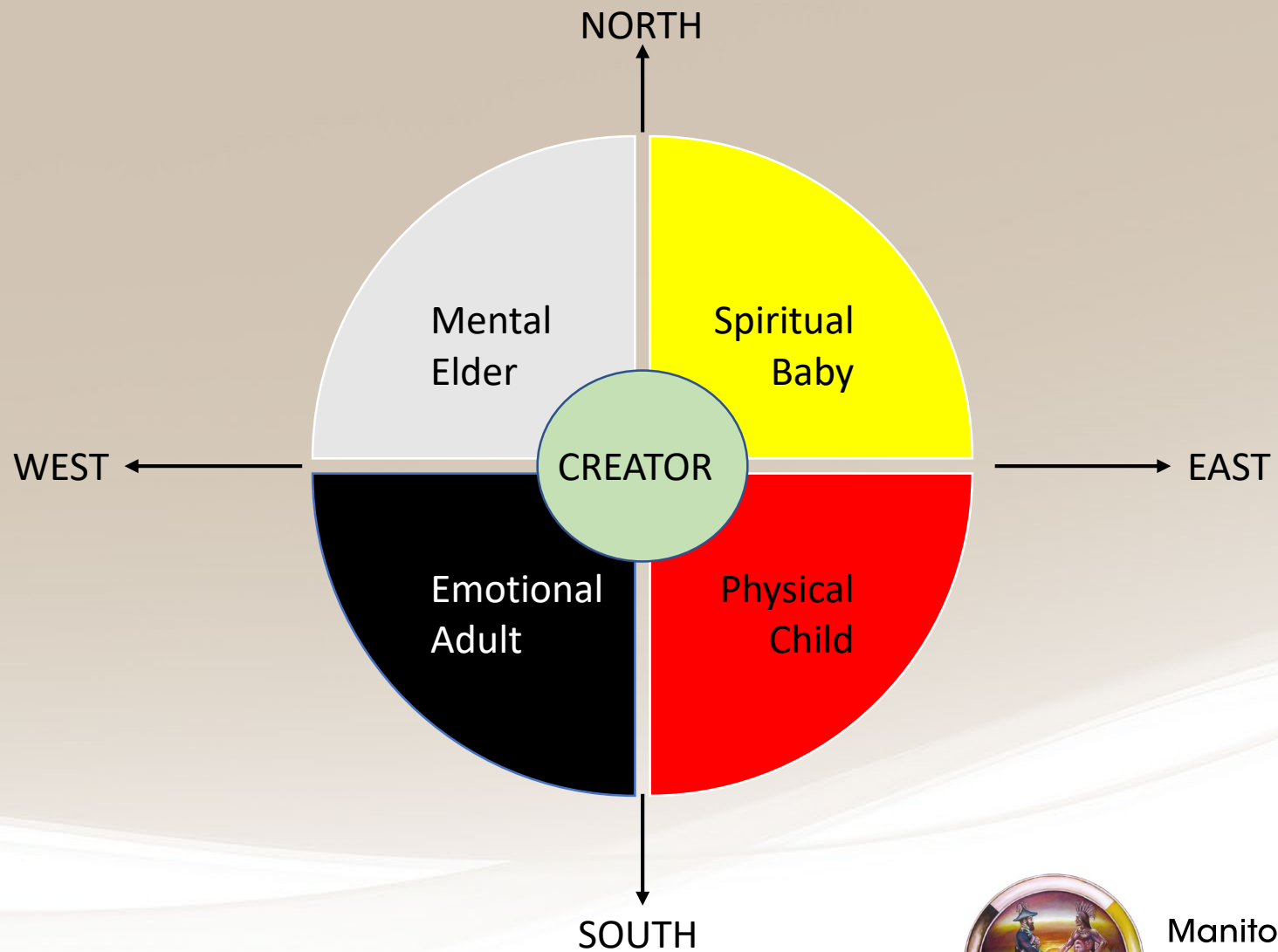
MKO Summit on First Nations Exercising Jurisdiction Over Child Welfare  
*“Empowering Our Children’s Footsteps”*

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# History of MKO

- MKO was established in 1981 by the First Nations Chiefs in northern Manitoba.
- MKO is a political organization providing a voice for First Nations in northern Manitoba.
- In 1981, MKO represented about 65,000 citizens of 26 First Nations in northern Manitoba, an area that covers about half of Manitoba.
- The purpose of MKO is to create opportunities by advocating, lobbying, and protecting programs and services within the jurisdiction of the MKO communities and citizens.
- The Mission of MKO is “to maintain, strengthen, enhance, lobby for and defend the interests and rights of First Nation people within its’ jurisdiction and to promote, develop and secure a standard quality of life deemed desirable and acceptable by its First Nations without limiting the generality of the foregoing and the objectives of MKO.”



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# First Executive Council of MKO

## FIRST MKO EXECUTIVE COUNCIL INCORPORATED 1981



Back Row: Chief Esau Turner, Grand Rapids First Nation (deceased); Chief Charlie Constant, Opaskwayak Cree Nation (deceased);  
Chief Joe Guy Wood, St. Theresa Point First Nation  
Front Row: Chief Walter Monias, Cross Lake First Nation (deceased); Chief Maggie Balfour, Norway House Cree Nation

In 1981 there was no Grand Chief.

**Chief Joe Guy Wood** was selected as the chairperson of the Executive Council of Chiefs and MKO organization.



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# The Vision of Past Leaders

- Based on the vision of past leaders, MKO has become a strong and prominent organization.
- The leaders explored ways to strengthen and promote the interests of First Nation members to achieve autonomy and self-sufficiency in all areas of life, including child welfare.





# **A Brief History of Child Welfare in Manitoba from an MKO Perspective**





# Residential Schools

- In 1879 the Government of Canada instituted a policy of aggressive assimilation.
- The church-run government funded residential schools were created with the intent of assimilating First Nations children.
- The last residential school was closed in 1996.
- The damaging impacts of the residential schools continues to be felt today.



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# Federal Authority

- Prior to 1951, the federal government held total authority over Indians and lands reserved for Indians.
- Provincial child welfare services were non-existent.





# Colonial Policies and Government Intervention

- 1950's to 1983
  - Section 88 of the Indian Act extended provincial jurisdiction to First Nations.
  - Services were provided only if the life of a child was at serious risk.



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# “Sixties Scoop”

- In the 1960’s, the provincial government introduced the policy known as the “sixties scoop” which involved child welfare agencies removing First Nations children from their families and communities and placing them in permanent non-Indigenous homes.
- The “sixties scoop” resulted in damaging impacts and intergenerational trauma for First Nations peoples.



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# Concerns Raised by Leadership

- During the 1980s, the MKO leadership and community representatives raised concerns about child and family matters, including:
  - the overrepresentation of First Nations children in the child welfare system;
  - children lost through the “sixties scoop”; and
  - the intergenerational impact of residential schools.



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## **Vision to Establish Secretariat and First Nations Law**

- In the early 1980s, the MKO leadership discussed the need to establish a First Nations Child and Family Secretariat.
- Local Child Care Committees (LCCCs) recognized the need for change in child welfare.
- The LCCCs voiced their concerns to the MKO leadership and recommended to pursue the development of a First Nations child welfare law.



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# Awasis Agency of Northern Manitoba

- In 1983, MKO signed an agreement with the federal government known as the “Tripartite Agreement” or Master Agreement.
- Under the Tripartite Agreement, Awasis Agency of Northern Manitoba was incorporated as a Child Caring Agency under *The Child and Family Services Act*.



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# Agreement – Delegated Authority

- In April 1983, the “Subsidiary Agreement” was entered between Canada, Manitoba and Awasis Agency of Northern Manitoba.
- Through the agreement, under delegated authority, Awasis was mandated to provide services to children and families residing in northern First Nation communities.



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# Call to Establish a Secretariat

- In 1992, the MKO Chiefs-in-Assembly called for the establishment of the MKO Child Welfare Secretariat to act as a resource and support centre for the First Nations Child and Family Services Agencies in northern Manitoba.



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# Manitoba Framework Agreement

- In July 1996, under the Manitoba Framework Agreement with the Government of Canada, the MKO Chiefs-in-Assembly called for the implementation of a community consultation process to document values and beliefs on child and family matters to serve as a foundation for developing a legislative framework for First Nations child and family services.
- In December 1996, through the Framework Agreement Initiative, the MKO Child and Family Jurisdiction Project was established to undertake this work.
- Between 1997 and 2000, an extensive community consultation process was conducted in the MKO First Nations. The process included community workshops, a community survey, and an Elders Forum.



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# Development of the Secretariat

- Between 1992 and 2000, with the support of the MKO leadership, MKO staff initiated the developmental work to establish the MKO Child Welfare Secretariat.





# MKO Child Welfare Secretariat

- In July 2000, the MKO Child Welfare Secretariat office was formally established.





# Damaging Impact of Child Welfare System

- Over the years, the child welfare system in Manitoba has had a damaging impact on First Nations peoples as documented in various reports.
  - *No Quiet Place*, prepared by Judge E.C. Kimmelman, 1985
  - The Report of the Aboriginal Justice Inquiry of Manitoba, 1991.
  - The First Nation Child and Family Task Force Report, *Children First, Our Responsibility*, 1993
  - The Report of the Royal Commission on Aboriginal Peoples, 1996.



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# Report of the Aboriginal Justice Inquiry (AJI) of Manitoba

- A key recommendation from the AJI Report called for the reform of Manitoba's child welfare system.





# Aboriginal Justice Inquiry-Child Welfare Initiative

- In July 2000, under the Aboriginal Justice Inquiry-Child Welfare Initiative (AJI-CWI), MKO signed a Memorandum of Understanding with the Government of Manitoba to restructure the child welfare system in Manitoba.
- Through the AJI-CWI, the mandates of First Nations Child and Family Services Agencies were extended and expanded to enable Agencies to provide services to all members across Manitoba, regardless of their residence.



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# First Nations Child and Family Services Authorities

- In November 2003, *The Child and Family Services Authorities Act* was proclaimed.
- The Act created four new Child and Family Services Authorities, including the First Nations of Northern Manitoba Child and Family Services Authority.
- In 2005, First Nation status family files were transferred to the First Nations Child and Family Services Agencies through the Authority Determination Protocol.



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# Northern Authority

- Under the Authorities Act, the Northern Authority is responsible for administering and providing for the delivery of child and family services to the following persons:
  - people who are members of the northern First Nations specified in the regulations;
  - persons who are identified with those northern First Nations; and
  - other persons; as determined in accordance with a protocol established in the regulations.



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# Northern Authority

- The Northern Authority is responsible for the management of seven First Nations Child and Family Services Agencies in Manitoba.
  - Awasis Agency of Northern Manitoba
  - Cree Nation Child & Family Caring Agency
  - Island Lake First Nations Family Services
  - Kinosao Sipi Minisowin Agency
  - Nikan Awasisak Agency Inc.
  - Nisichawayasihk Cree Nation Family & Community Wellness Centre
  - Opaskwayak Cree Nation Child & Family Services



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# First Nations Legislative Framework

- In 1998, the MKO Chiefs-in-Assembly called for the development of a legislative framework for First Nations child and family services.
- In 1999, following a consultation process, the draft MKO Family Law, called Minisiwin Winiswaywin, was created to promote family unity and wellness and to serve as a basis for MKO First Nations to develop their own laws for child welfare. It was endorsed by the MKO Chiefs-in-Assembly in 1999.
- Between 2000 and 2018, the MKO Child Welfare Secretariat continued to develop the draft MKO Family Law in collaboration with stakeholders, including the MKO leadership and community members, First Nations Child and Family Services Agencies, and the First Nations of Northern Manitoba Child and Family Services Authority.



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# Bill C-92

- On June 21, 2019, Bill C-92, *An Act respecting First Nations, Inuit, and Metis children, youth and families* became law.
- In November 2019, the MKO Chiefs-in-Assembly directed the MKO Child Welfare Secretariat to update the draft MKO Family Law in relation to Bill C-92.



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# Federal Legislation for Indigenous Child Welfare

- On January 1, 2020, the federal law, *An Act respecting First Nations, Inuit, and Metis children, youth and families* (the Act), came into effect.
- The Act enables First Nations to develop their own laws for child welfare.



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# MKO Family Law

- Since 2020, as directed by the MKO leadership, the MKO Child Welfare Secretariat continued to develop the draft MKO Family Law in relation to the federal Act and create a template law for all MKO communities to adopt if they choose.
- The MKO Child Welfare Secretariat has been working with Mack Law Corp. in developing the draft MKO Family Law.



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# MKO Family Law

- On May 27, 2021, the MKO Executive Council adopted the motion to move forward with the MKO Family Law Template and circulate it to the MKO communities.
- The MKO Child Welfare Secretariat is strong lobby to advocate, support and assist MKO First Nations in developing in CFS issues. CWS advocates in all areas regarding children and families and demographic of the children and family will not be an issue to limit the supports.



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# ***Doing it Our Way – It-To-Ta-Maso-Wak***

- Child welfare is a major policy area that MKO has championed and will continue to lead.
- *It-To-Ta-Maso-Wak*, is moving forward, carrying the legacy of our past, present and future leaders.



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# ***EKOSI, MA SI CHO, THANK-YOU***

