



Cowessess First Nation  
The Miyo Pimatisowin Act  
Chief Red Bear Children's Lodge  
Eagle Woman's Tribunal



# Introductions

Cowessess First Nation  
Constitution asserts  
Inherent Rights & Treaty  
Rights

Cowessess First Nation  
heritage are Saulteaux,  
Cree, Nakota, Metis

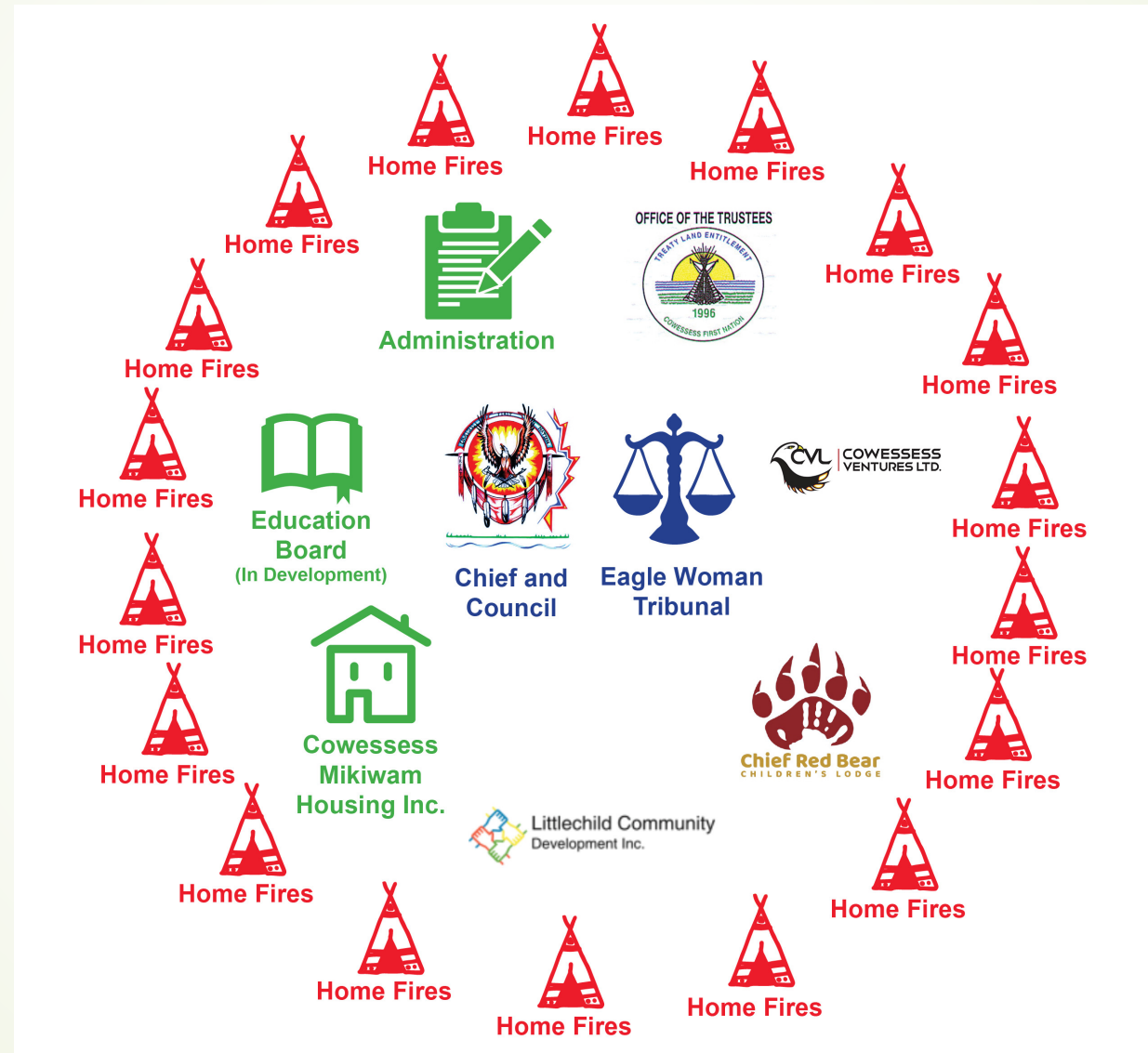
Impact of Indian Act,  
residential school, 60s  
scoop, colonial child  
welfare, and more  
created intergenerational  
trauma in many homefires

Nation Re-Building to  
strengthen the form of our  
sense of who we are from  
a cultural, spiritual,  
traditions will come in the  
form of our laws


Cowessess First Nation  
population as of March  
2021 is 4,302

- 910 live on reserve

# Cowessess FN Governance Structure







## In Order to Understand the Approach, first..

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Cowessess First Nation (and ancestors) never agreed to relinquishing rights

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The current situation was done with minimal input of Cowessess First Nation

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Doctrine of Discovery colonially removed underlying title and Treaty's (literal colonization version) removed Aboriginal Title

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Marshall Trilogy legal case (USA) and St. Catherine's Milling Case (Canada) colonially placed Cowessess First Nation as domestically sovereign)

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BNA Act S. 91(27) and Indian Act 1876 drives colonial approach to paternalistic attitude and colonial legal process

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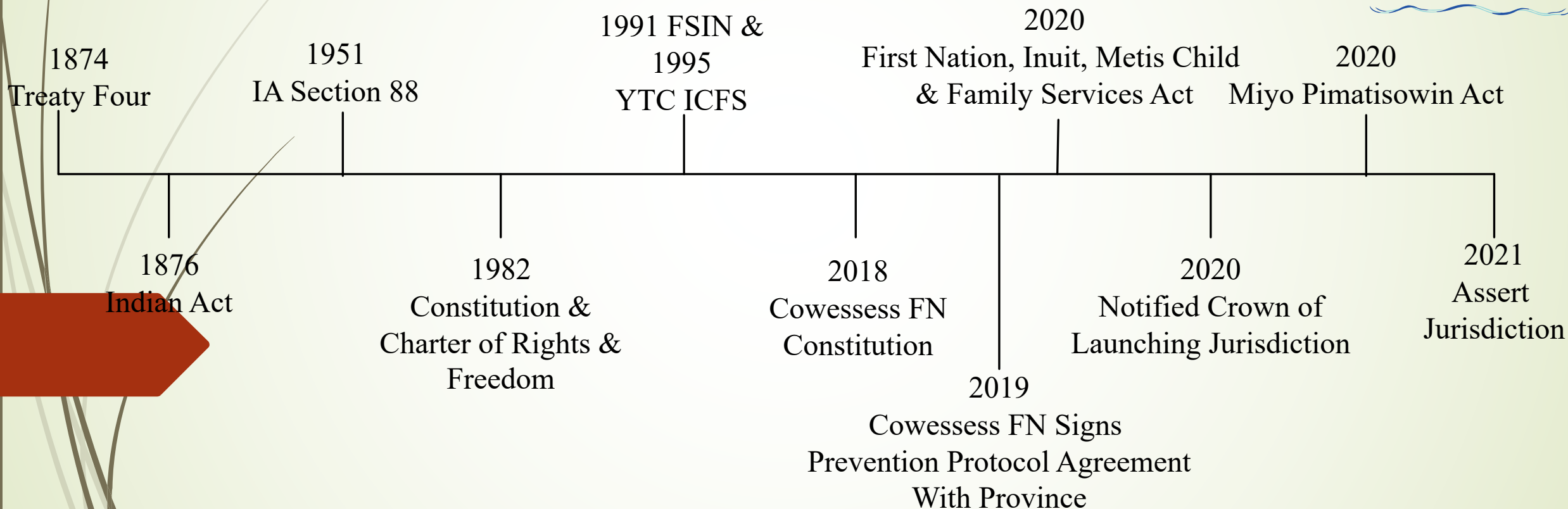
Cowessess First Nation Constitution asserts our past, present, and future will not accept what we did not agree too

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Canada Constitution S. 35 is where Crown (Canada) will respect Cowessess First Nation laws



# Rights Holder Timeline



## Cowessess First Nation said it is time to assert jurisdiction.

- The Act Respecting First Nation, Inuit, and Metis Children, Youth and Families (Bill C-92) is an opportunity which opened Section 35
- Cowessess First Nation needed direction from citizens through legislative jurisdiction within the Cowessess Constitution
- This started the beginning of the creation of the Miyo Pimatisowin Act
  - We wanted to approach this from an Inherent Right perspective and not just responding to Bill C-92
  - We build our Inherent law based on Cowessess ideology and assessed which areas Bill-C 92 can fit our law







What is the end goal



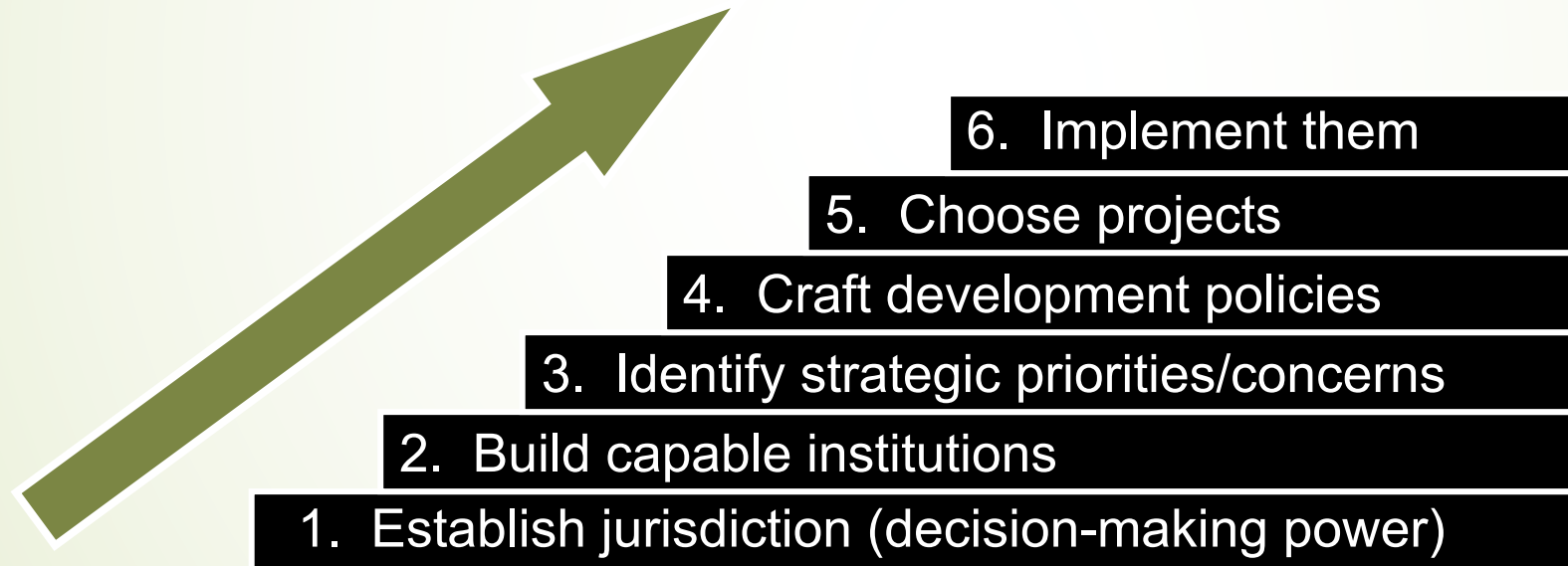
## What is C92 - An Act Respecting First Nations, Inuit and Metis Children, Youth and Families

- Federal government passes legislation offering rights holders s.35 to pass their legislation in the area of child welfare
- Opportunity to work government to government with rights holders driving their legislation and federal/provincial governments investing



EVERY CHILD MATTERS

# Governance Action Through Steps



# Drivers of Creating the Miyo Pimatisowin Act

- Measures
  - clarify care provider (foster care/custom & tradition)
  - Reasonable efforts
  - Ongoing assessment
  - Substantive equality
    - Similar outcomes
    - Ensure intergenerational transfer
    - continuum
- What is intergenerational transfer
  - 0-7 Pure    8-17 right/wrong    18-24m 18-19f adolescent
- We identified our loss of control and outcomes of that
  - Political, language, cultural, economic, health, spiritual, social

'We must respect the harm that has occurred in our society and work towards restoring to places where they can be dreamers'

'we can only help others as much as we helped ourself'

Three Pillars Taken From Federal Act

- Best interest of the child
- Cultural continuum
- Substantive Equality



# Miyo Pimatisowin Act

## Cowessess First Nation Miyo Pimatisowin Act



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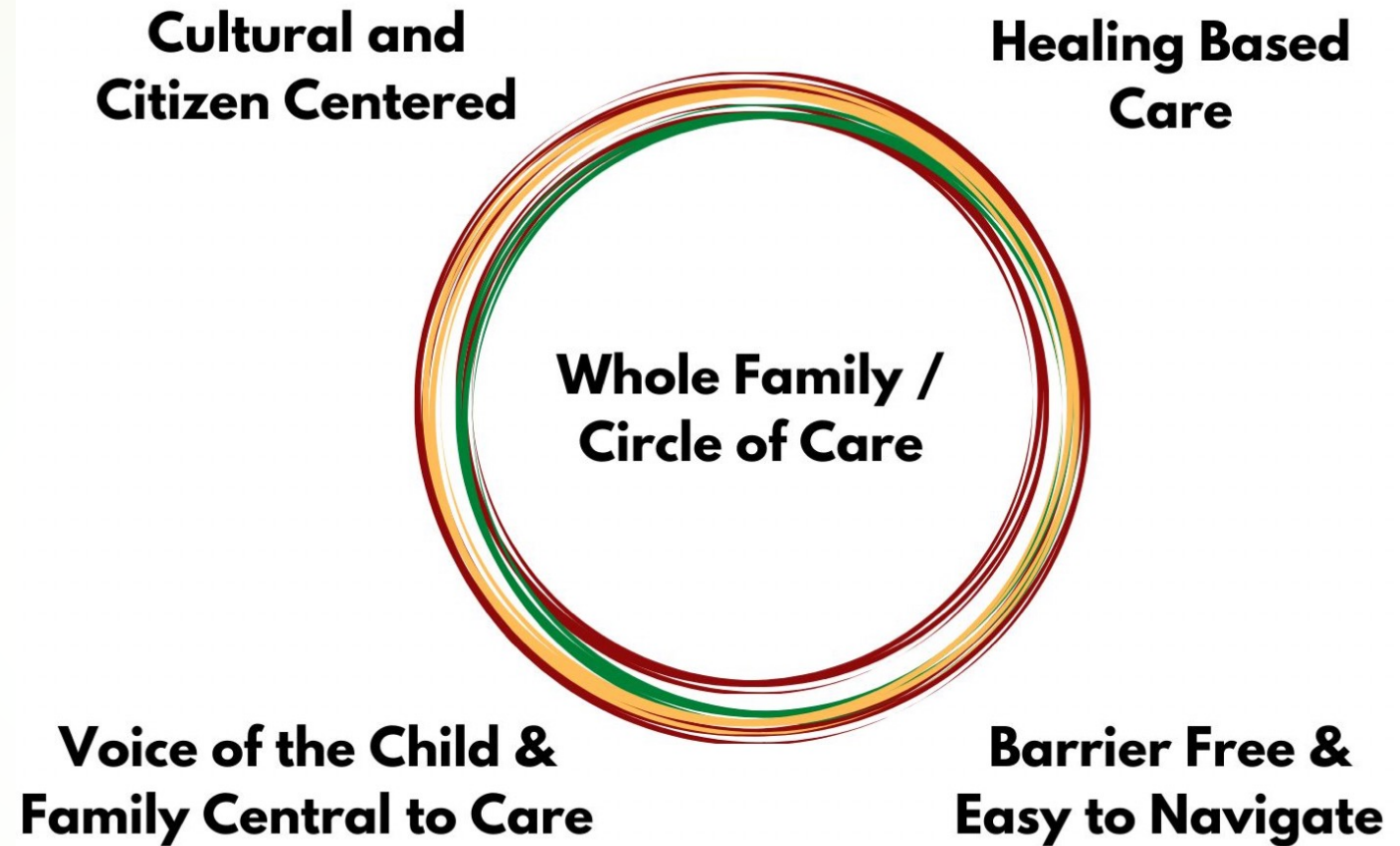
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# Miyo Pimatisowin ACT “Living Your Best Life”

The citizen's speak





## Coordination Agreement

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Bill C-92 Section 20 (1) Notification to Canada

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Bill C-92 Section 20 (2) Coordination Agreement

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Coordination Agreement is not negotiation; rights holders already hold jurisdiction

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Think of the Coordination Agreement as a contract, transition of files, assuring no child or family feels negative the transition

# Coordination Agreement

Cowessess sent Section 20 notification to Canada January 8th, 2020

**8 Jan. 2020**

Canada, Saskatchewan, Cowessess began 'exploratory' Coordination Agreement discussion

**July 2020**

100% online, we committed to created three sub committees (legal, data/transition, and financial) who meet weekly and main table met every Thursday

**Thursday's**

**June 2020**

Cowessess called Canada and Saskatchewan to the table

**Aug. 2020**

the official Coordination Agreement discussion began

**Mar. 2021**

We completed in March 2021 with draft 30 Coordination Agreement and draft 11 Fiscal Agreement



# Cowessess FN Coordination Agreement

Opens with offering  
by Chief Cadmus  
Delorme (tone set)

Nature and Purpose

Scope of Agreement

Cowessess First Nation  
rights

Representations and  
Warranties

Continuing  
application of  
provincial and  
federal programs and  
services

Reciprocal  
Information Sharing  
Between Cowessess  
and Ministry (protocol  
agreement)

Sharing of data,  
research and best  
practices between  
Canada and  
Cowessess

Fiscal Agreements

Roles and  
Responsibilities of  
Parties

# Coordination Agreement Signing





# Chief Red Bear Children's Lodge

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Cowessess, SK S0G5L0  
Office: 306-696-5010  
Fax: 306-696-5012

1-855-712-BEAR(2327) Toll free  
number

[Contactus@redbearlodge.ca](mailto:Contactus@redbearlodge.ca)

Email and website:  
[redbearlodge.ca](http://redbearlodge.ca)

Lochlyn Keaskey Ishana - 4 yrs old

Picture:  
- Mother Earth  
- Friends  
- Love

Chief Red Bear Children's Lodge  
"Logo Design"





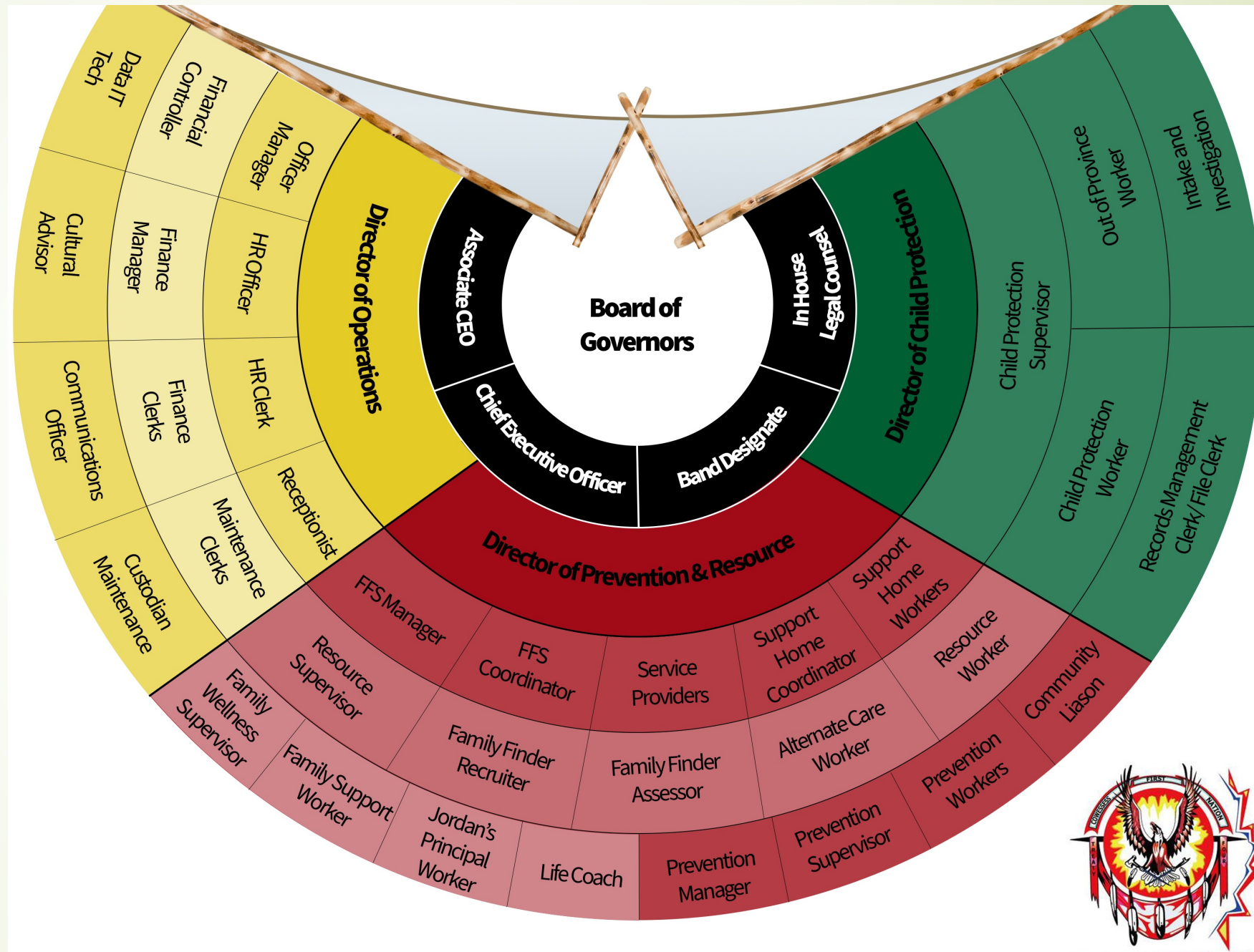
## Chief Red Bear Lodge Children's Lodge Mission and Vision



In honouring our nation, we are committed to a wholistic, traditional, culturally based healing model that serves our children and families.

A healthy, proud ,and vibrant nation where all children, families and future generations achieve wellness from their connection to the homefires.

# Chief Red Bear Children's Lodge Organizational Structure





# Chief Red Bear Children's Lodge



April 1<sup>st</sup> and 2021

Our first activities involve securing space, hiring staff, design model of care, training and getting to know our new clients.

### **Prevention and Healing**

- All citizens will be eligible for Prevention and Healing Services regardless of where they live. Programs, counselling, wellness activities, cultural supports.

### **Advocacy**

- All citizens can call and receive advice, supports and legal advocacy if they are anywhere in Canada and involved with Child Protection Services. Cowessess/Chief Red Bear Children's Lodge can by law compel children to sent home if that is the best plan for them. 1-888-Red –Bear.



# April 1<sup>st</sup> and 2021

## **Growing Up Well – Children in care (90)**

- Pre-transfer quarterly reviews start May 2021 – Saskatchewan
- Transfers of off reserve case files start in 2022 in Saskatchewan.
- On reserve transfers – Fall 2021 Saskatchewan
- Quarterly Reviews of case files – started March 2021 – Alberta

## **Intervention and Supports – Protection**

- April 1. MSS must have a CRBCL rep with them to come onto reserve.
- On reserve protection services start November 1, 2021.
- Create Safe spaces - Sacred Wolf Lodge, Youth and emergency places of safety.



## Year by Year

Chief Red Bear  
- Homefires  
2021

Chief Red Bear  
Regina  
2022

Chief Red Bear  
Saskatchewan  
2022/23

Chief Red Bear  
Canada  
2023/24



# Success Stories Since April 1<sup>st</sup>, 2021

- There are **zero** Cowessess children in the care on Cowessess First Nation reserve lands. All investigations have resulted in good family plans where children stay home with supports.
- We have asserted jurisdiction in Saskatchewan to ensure that a Mom of 5 children **remained in her care**. She is much more open to our supports as she related how scared she was of MSS.
- One mom and her daughter and granddaughter. Mom and daughter both sober, granddaughter is home with daughter. Mom is back at her full time job and **attributes her success** to sweats and other cultural supports
- Supported Mom with Schizophrenic youth. Mom is now sober and her son is being re-assessed by one of **our** collaborative physicians.
- 19 children have been returned to Cowessess who were in the care of Social Services from Saskatchewan and other provinces. All are **in the care of their families** with supports.
- 9 children in care in Saskatchewan have been **introduced to family and community** for the very first time.



# Success Stories Since April 1<sup>st</sup>, 2021

- Chief Red Bear Children's Lodge has been able to collaborate with Ministry on several occasions **to give clients elemental things** that they need for their children. We used a preventative response rather than intervention.
- At least a dozen families are using the 3 contracted therapists on staff to **support healing and growth**.
- Two mothers have their children back (one after years away from her children as she was on the streets of Regina). **These mothers, are at school**, getting addictions counselling and family therapies.
- We have been able to **alleviate at least 7 short term housing issues** so that children did not go into care.
- Our cultural staff are bringing **culture back into community** and offering teachings everyday.
- Recently, three children in care had their genealogy chart done by one of our staff. For the first time they could **hear about their relatives** and met an auntie at a gathering we had in Regina. Everyone was so pleased to be connected we held a birthday party to invite more family. These children will visit Cowessess soon.





# Success Stories Since April 1<sup>st</sup>, 2021

- **Citizens are learning we stand with them.** We attend every investigation on reserve and attend court by phone where necessary. We explain their rights and responsibilities.
- We are offering **respite to two kokums** who need a rest due to their age and health. They would not ever have said anything in the past as they did not want to lose their grandchildren.
- We are offering **mindfulness training for children** at the school to settle their anxiety and worries from home.
- Financially **support youth to end couch surfing.**
- **We feed youth and a number of men** on Cowessess through our sandwich and snack program.

# Eagle Women's Tribunal Cowessess Dispute Resolution Mechanism





# Eagle Women's Tribunal – Cowessess Dispute Resolution Mechanism

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Will reflect Cowessess laws, values, what is important to Cowessess

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Will be accessible and respectful to our people, not intimidating

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If a complaint arises, EWT staff will help with steps they need to have a review

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Emphases put on parties to find their own resolution, rather than having a decision by the Tribunal imposed

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Very often disputes arise through simple miscommunication; through the use of talking circles, healing circles, mediators, and other facilitators, the parties to a dispute will have a chance to talk, understand, and arrive at a mutual agreement

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This is important for a First Nation, we all need to get along with each other as much as possible

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EWT will play a historic and important role in helping Cowessess to achieve self-government





# Eagle Women's Tribunal – Cowessess Dispute Resolution Mechanism

If matters cannot be resolved informally, and a hearing is required before the tribunal, the process will be different from the courts

Specifically where it involves the best interests of the child, it will be an inquisitorial (apart of investigating) process, not a adversarial (referee)

Adversarial process, each party has the burden of bringing forward its own evidence and making its own judgement; the judge takes a passive role and just listens, mostly; who ever does the best job of presenting evidence and argument, usually wins

That is fine when parties are equally matched, but in child welfare matters, the Director has much more experience and resources than the families and children the director serves

The Tribunal itself will be responsible for gathering the evidence, and making sure it has all the information it needs to ask to get the whole story

This will eliminate this power imbalance and should result in better decisions in the best interests of our children





## Areas that have informed us:

Canada  
Act/C92

Human Rights  
Tribunal

MMIWG  
Canada report

International  
Rights of the  
Child

Caring for First  
Nations Society  
of Canada

Indigenous  
Perspectives  
Society, AFN –  
training on C92

ACES – Adverse  
Childhood  
Experience  
Research

Positive  
Psychology

Connectedness  
Research

Institute of Fiscal  
Studies Studies  
and  
Democracy





# Questions & Comments?

