

***Report of
Aboriginal
Child Welfare
Collaborative
Decision-Making
Models***

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Written for the Law Foundation of BC
By Leanne Harder
Olive Branch Consulting

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For more information, please contact:

The Law Foundation of British Columbia

1340 – 605 Robson Street

Vancouver, BC V6B 5J3

Tel: (604) 688-2337

Fax: (604) 688-4586

E-mail: lfbc@tlfbc.org

Website: www.lawfoundationbc.org

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1.0 Introduction

In 2004, 2006 and 2008 the Ministry of Children and Family Development (MCFD) made grants to the Law Foundation of BC (“the Law Foundation”) totaling \$3,124,000 for the purpose of funding projects which would expand the use of alternative dispute resolution processes in the area of child protection law, particularly for Aboriginal children. The Law Foundation has funded 19 projects under the Child Welfare Initiative, 11 of which are service delivery projects and the balance of which are to train child protection mediators.

As part of its evaluation of the projects, the Law Foundation asked each service-delivery project to describe its model for a family decision-making process. The purpose of this report is to document the collaborative decision-making models that Aboriginal agencies have used in the Law Foundation-funded service delivery projects.

Definition of terms

Collaborative Decision-Making (CDM) refers to family group conferencing (FGC), traditional decision-making (TDM), and hybrid models.

Director refers to the director under the *Child, Family and Community Service Act (1996)*, who is the legislative authority for child protective services in the province of British Columbia.

Elder is defined in multiple ways. “Traditionally in First Nations, Inuit..., Elders are those people, usually older, who are recognized by the community as possessing great wisdom and who are called upon as an authority to advise or act on important family and community matters. (Retrieved on August 19, 2009 from www.niichro.com/Elders/Elders7.html) In this report, Elders are represented as advisors, witnesses and facilitators in the processes described.

Family Group Conferencing (FGC) “...is a collaborative planning process...[that] brings together families, service providers and other professionals with the goal of collaborative decision-making. A primary underlying assumption of the FGC process is that the family itself is best able to understand and articulate its strengths, challenges, resources and supports, therefore plans created by the family have a higher probability of success. As such, a key component of the FGC process is private family time, in which the family, apart from the professionals involved, is given the opportunity to create a plan that addresses the issues or crisis confronting them. The professionals then have an opportunity to comment on the plan and to assist the family in identifying the resources and supports necessary to implement it. In the child welfare context the social worker approves the plan to ensure child safety.”¹

“A family group conference coordinator helps families to identify and invite people who will support them in developing a plan for their child. Family group conferences are designed to promote cooperative planning and decision-making and to enhance a family's support network.”²

¹ Child and Youth Officer for British Columbia (2006, November) *Family Group Conferencing Evaluation Project: Summary of Project and Recommendations*

² Retrieved on April 29, 2009 from www.mcf.gov.bc.ca/child_protection/mediation.htm

“TDM processes are ways of planning and/or resolving disagreements by following community or cultural models and practices. For example, in some Aboriginal communities, Elders may have a key role to play in guiding families and a child welfare worker through a decision-making process.”³ TDM is typically practiced by Aboriginal communities within their traditional territory.

Hybrid processes, for the purpose of this report, are those which meld traditions/processes from multiple nations with FGC elements. These processes are typically offered in an urban Aboriginal context where Aboriginal people are not living on their traditional territory.

In consideration of the respect deserved by Aboriginal Elders, Aboriginal communities and the traditional processes, discussed in this report, the editors have decided to capitalize Elder, Hereditary Chief, Clan and Circle. Professional titles have not been capitalized, in most cases, in order to respect the desired equality between family members, parents, and professionals in these processes.

Participating agencies

The agencies who participated are:

- 1) Carrier Sekani Family Services Society
- 2) Haida Child and Family Services Society
- 3) Island Métis Community Services Society
- 4) Interior Métis Child and Family Services Society
- 5) Kla-how-eya Aboriginal Centre
- 6) Northwest Inter-Nation Family and Community Services Society
- 7) Nuu-Chah-Nulth Tribal Council
- 8) Okanagan Nation Alliance
- 9) Squamish Nation
- 10) Stó:lō Nation
- 11) Vancouver Aboriginal Child and Family Services Society

To assist the participating agencies to describe in detail the models, the Law Foundation developed the Model Description Form (attached at Appendix A). The Law Foundation provided the questions on the Model Description Form as a checklist of the kind of information it wanted agencies to include in the model description. This report contains overview descriptions of each of these 11 models.

The depth of cultural values that influence each model cannot be accurately represented by the written summaries. Readers are encouraged to speak with agency representatives, Elders and other members of the identified communities to build understanding of the significance of certain practices. Upon review of the descriptions as written, it is important to note that there are additional organic, emotional and spiritual aspects which are difficult to define in words. These portions of the model must be experienced to gain understanding.

Multiple authors have resulted in varying writing styles throughout the report. These different styles have been respected by the editors, with only minor changes, to honor the intent of each contributor and the spirit of each project.

³ Retrieved on April 29, 2009 from www.mcf.gov.bc.ca/child_protection/mediation.htm

2.0 Summary of Model Description Themes

The following is a brief summary of the themes from the Model Description Reports that each of the above 11 projects submitted to the Law Foundation.

2.1 Process Development and Community Consultation

For several communities, the process being used is one that communities have re-instituted from historical ways of resolving disputes. These did not require process development as they were using an existing, although not recently practiced, process. The land-based and northern agencies interviewed Elders to learn how to facilitate the traditional process.

The urban agencies represented in the group of projects incorporate traditions from the Nations of the families participating. The agencies meld those traditions with meaning to create unique processes. Circles are common as well as the use of smudging. When available, the urban projects consulted with Elders of particular Nations to inform their decisions regarding process.

One of the questions on the Model Description Form, under the headings Elements of the Dispute Resolution Model - Process Development and Community Consultation, there is the following question: "If you are developing capacity in the community to resolve disputes internally, please describe how you are doing this." The responses to this question are of limited benefit. This is likely because "internal capacity" may be construed as either services from an Aboriginal agency or the ability of families to resolve disputes without using external services. Further clarification is needed on this point.

Table 2.1.1 Model Types

| Sponsoring Agency of CDM Models | Model Type |
|--|-----------------------------|
| Carrier Sekani Family Services Society | Traditional Decision-Making |
| Haida Child and Family Services Society | Hybrid |
| Interior Métis Child and Family Services Society | Hybrid |
| Island Métis Community Services Society | Hybrid |
| Kla-how-eya Aboriginal Centre | Hybrid |
| Northwest Inter-Nation Family and Community Services Society | Hybrid |
| Nuu-chah-nulth Tribal Council | Traditional Decision-Making |
| Okanagan Nation Alliance | Hybrid |
| Squamish Nation | Traditional Decision-Making |
| Stó:lō Nation | Traditional Decision-Making |
| Vancouver Aboriginal Child and Family Services Society | Hybrid |

2.2 Cultural Context

Key values and beliefs which are common to most, if not all of the 11 models include: respect; being thankful for our existence as humans; connection to spirit; cycles within nature; interconnectedness between all living forms; collective responsibility; and the importance of consensus decision-making. Elders hold knowledge which they are responsible to share with others. All teachings, shared by Elders and others in Circle settings, have a value and belief involved relating to the importance of family and future of the extended family. Agreements are witnessed by multiple people to confirm their existence and to ensure that the agreement will be followed.

2.3 Referral Process

Most projects accept referrals from community members, family members, parents, service providers and MCFD. In projects where there is also an MCFD Family Group Conference (FGC) program already in place, the Law Foundation position is used for referrals that are outside the scope of the MCFD FGC referral criteria. This includes cases that are referred by the community and do not have an open child protection file, although there are planning issues which affect the safety and well-being of the children involved. Law Foundation funded positions serve both MCFD and non-MCFD eligible referrals that meet the following criteria: Aboriginal children or families; planning for a child's safety and well-being; and, planning is to prevent or respond to child protection concerns. Although projects may accept referrals that are outside the scope of MCFD FGC services, the majority of cases served are eligible for MCFD FGC.

2.4 Role of Children and Their Views

In Aboriginal culture, children are highly valued and respected for their contribution to the community. According to the Okanagan Nation Alliance submission, "Responsibility for a child comes from an inherent collective perspective and holistic worldview; and the requirement to consider and acknowledge all aspects of the child's well-being. Child rearing and teachings are a shared responsibility between the family and community with the Nation having an overarching interest in their health and wellbeing." All projects described in this report focus on the best interests of the children served. In the Haida Child and Family Services project, one FGC included cultural education for the children as well as the adults. The children were taught how to make rattles and how to drum.

Children's views are incorporated in a variety of ways:

- Children are present for part or all of the meeting;
- Children speak their own views;
- Children share their talents or skills (e.g. playing an instrument for the group);
- Letters from the child are read in the meeting by a support person;
- Photographs of the child are displayed;
- Children's artwork is displayed;
- Coordinator meets with child and communicates the child's views;
- Support person for child is present to ensure child's views are represented.

2.5 Qualifications and Experience of Process Leader(s)

All projects have coordinators with a degree in Social Sciences, typically a Bachelor of Social Work. Some projects have coordinators with a Masters or PhD in Social Work or a related discipline. Most often the coordinators are the primary facilitators. In addition to academic qualifications, most process leaders are members of the Aboriginal communities they serve (for example, same band, live in the same community, etc.) and have earned respect in these communities. Personal history and positive relationships with the community appear to be significant indicators of successful service delivery.

2.6 Management of Power Imbalances and the Risk of Violence

Power imbalances are typically managed through the Circle discussion format, sometimes with a feather or talking stick. This creates equality and respect for the process. In the first interview between the coordinator and a participant, the coordinator determines whether the participant is able to participate in a respectful and safe way. The Circle allows everyone an equal opportunity to speak. To accommodate individual situations, a number of strategies are used:

- overlapping two separate Circles by 20 minutes;
- presence of Elders;
- pre-assessment to determine readiness for respectful communication;
- seating arrangements (e.g. parties with high conflict are seated a distance from each other and have support people beside them);
- assessment of safety of participants;
- if a person with a history of violence was to attend, the coordinator will develop a safety plan and speak with other participants to ensure that key participants will feel safe enough to participate;
- attendance by phone, if it is not safe for a person to be present.

2.7 Summary of Process Descriptions

2.7.1 Participants and Roles

The role of facilitator is typically held by the project coordinator, however some projects do have co-facilitators, including community or family members. The Island Métis Community Services project uses co-facilitators and has one male and one female person for balance. This model also assigns the social worker the role of watching for “signs of safety and dignity in the room”.

Roles of individuals in the process include Elders, facilitators, community witness, professionals, and family members. Often family members who are also Clan leaders or Hereditary Chiefs are present. The Okanagan Nation Alliance project asks participants to “leave their roles at the door” and to speak as participants who are equal in influence.

All projects invite as many family members as possible to attend the FGC/Circle. In situations where someone may be violent or it is unsafe for someone to be present, the coordinators will find another way for their views to be shared, or ensure that the unsafe person has enough support present to keep the meeting safe and/or peaceful.

The Kla-how-eya Aboriginal Centre process ensures that one or more participants are assigned the role of community witness regarding what happens at the meeting.

Table 2.7.1 Summary of participants who attend and their roles by project

Legend

| | | | |
|----------------------------|------|--------------------------------|---------|
| Parents | -P | Hereditary Chiefs/Clan Members | - HC/CM |
| Delegated Social Worker | - SW | Cultural Support Person(s) | - CSP |
| Children being planned for | - Ch | Facilitator(s) | - F |
| Family Members | - FM | Support Service Providers | - SSP |
| Elders | - E | Community Witness | - CW |

| Project | P | SW | Ch* | FM | E | HC/CM | CSP | F | SSP | CW |
|--|---|------------|------------------|----|--------------|--------------|-----|--|-----|----|
| Carrier Sekani Family Services Society | Y | Y | Y | Y | Y | Y | Y | 1 or more facilitators | Y | N |
| Haida Child and Family Services Society | Y | Y | Y | Y | Y | Y | Y | 1 facilitator | Y | N |
| Island Métis Child and Family Services Society | Y | Y | Y | Y | | If requested | N | 2 co-facilitators (1 male, 1 female) | Y | N |
| Interior Métis Community Services Society | Y | Y | Y | Y | If requested | If requested | N | 1 facilitator | Y | N |
| Kla-how-eya Aboriginal Centre | Y | Y | Y | Y | Y | If available | Y | 2 co-facilitators | Y | Y |
| Northwest Inter-Nation Family and Community Services Society | Y | Y | Y | Y | Y | Y | N | 1-3 facilitators depending on Nations involved and other FGC's available | Y | N |
| Nuu-chah-nulth Tribal Council | Y | Y | Y | Y | Y | Y | Y | Y | Y | N |
| Squamish Nation | Y | Y | Y | Y | Y | Y | Y | 1 or more facilitators | Y | N |
| Stó:lō Nation | Y | Some-times | Not at this time | Y | Y | Y | Y | Y | Y | |
| Vancouver Aboriginal Child and Family Services Society | Y | Y | Y | Y | Y | Some-times | Y | Y | Y | |

* Children attend as appropriate based on their age, developmental level and feelings about the meeting.

2.7.2 Preparation/Pre-meeting

In most situations, the coordinator will meet with participants individually ahead of time to prepare them for the meeting as well as assess safety. Some coordinators meet with the children alone to determine their views about the meeting.

2.7.3 Meeting/Circle

When traditional practices are involved, the meeting is typically opened and closed with a prayer. If a Circle is used, then there are usually four rounds: introduction/role identification;

issue articulation; family planning; finalization of the plans and/or check-in. Teachings are shared by those with influence and authority in the meeting—often Elders.

In the Stó:lō Nation process, the Circle begins with whoever wants to start and there are several rounds to give people multiple opportunities to share. “The Circle is a gathering place:

- Individuals that participate must be clean for four days from any substance use.
- Individuals that are there to support family conflict and are not there to side with one family member but support family through the Qwí:qwelstóm Process.
- Qwí:qwelstóm Elders are present to support the family and process and offer guidance from oral teaching that have been a part of their life. Elders come to the Circle without prior information about the conflict. The reasoning for this is that Elders come in with no pre-judgment or pre-solutions to conflict.
- The Smóyelhtel guides the Circle through four processes.
- At times the social worker may be included in the Circle, but this is not typical as the Circle focuses on family conflict not exclusively on child protection issues. When a social worker makes a referral, they are part of an initial meeting between the Family Justice Worker and the family.”

Resolutions in the Circle come from individuals within the Circle. The individuals are the Circle and are encouraged to take responsibility of the resolution. More than one Circle meeting may be required to reach a resolution.

Meetings may last from 90 minutes to several days (with breaks). Most commonly they last about 7-8 hours.

Meetings are typically held at a location where the family is comfortable. This may be the office of the delegated agency, the band office, or a community venue. For one meeting hosted by Haida Child and Family Services, the meeting was held on the beach for part of the time.

2.7.4 Plan Development

Many projects used the element of private family time for families to develop a plan. In most cases there are no professionals present, however in some, the coordinator will facilitate this portion as well. The plan is developed by the family, however in child protection situations, the social worker must approve the plan. The family members will present the plan to the social worker after private family time, and typically at the end of the day-long meeting. The social worker and social worker’s supervisor will then approve the plan, or get back to the family shortly with an approval decision.

The coordinator ensures the plan is written and, in most projects, sends a copy of the plan to everyone present. Community witnesses and family members witness any verbal agreement made by people who are present.

2.7.5 Follow-up

The coordinator will make personal contact with key participants to follow up with how the plan worked and if additional support(s) are required. The coordinator does not typically monitor implementation of the plan. The social worker or designated family member monitors the plan.

3.0 Sponsoring Agencies of Collaborative Practice Decision-Making Models

3.1 Carrier Sekani Family Services Society

The information below was written by Travis Holyk, at Carrier Sekani Family Services Society (CSFS). Leanne Harder, Law Foundation consultant, made some minor formatting edits.

3.1.1 Process Development and Community Consultation

CSFS has consulted community in a number of formats including:

- 1) Research conducted in 2001/2002 with members of eight CSFS communities. Methods included individual interviews and focus groups. The questionnaire provided to individuals comprised 34 closed and open-ended questions. Focus group interviews lasting several hours were used to gain additional information. They were tape recorded and transcribed. Specific topics included organization of community leadership, family and forms of dispute resolution. Members were also asked to discuss current disputes which are common and areas on which they would like a program to focus.
- 2) University Training 2005 – 22 students, including CSFS staff and community members, participated in courses designed around Carrier Dispute Resolution. This enabled debate among members regarding dispute resolution in traditional and contemporary times. Students were also encouraged to be the ambassadors of the program by sharing information with their communities.
- 3) Consultation in 2008 – Elders and hereditary/elected leaders from the community were invited to a forum to discuss their role in dispute resolution. There were participants from every CSFS community in attendance at the meeting--30 people total. Some of the topics discussed included an overview of the rationale for the program and its place within legislation, the process used, the purpose of a family justice meeting, confidentiality, conflict of interest and ways to incorporate Carrier culture into the process in a respectful manner

CSFS examined a number of models including Maori FGC and Navajo Peacemaking as well as mediation models such as the Facilitated Planning model derived from the Surrey Court Project.

We build rapport through community consultation, pamphlets and other information, meeting with community members, etc.

Pre-meetings are used with individuals who participate directly with the program. In addition, those involved with the program are community members or individuals who have worked with the community for numerous years and have been chosen by the communities to be part of the program.

The communities are very accepting of alternative methods due to the experiences with the court system and are open to a process that provides them with voice.

CSFS is developing community capacity in the following ways:

At a family level, the goal of the program is that people will take responsibility and ownership of the disputes. We allow for the resolution of disputes at any stage with a goal that by providing the tools and early intervention families will be able to work together when future disputes occur.

At a governance level, Carrier and Sekani people maintain that they have an inherent Aboriginal right to be self determining which includes the ability to use Carrier and Sekani institutions in maintaining social order in their communities. Assuming responsibility for the care and protection of children, as well as the maintenance of family structures is one expression of self determination. Premised on this rationale, CSFS has worked hard to reassert control in areas that have been sources of attack on community values and teachings. As Carrier and Sekani people move toward reassuming legal responsibility for social order in their communities they also seek to reinstate the legitimacy of their legal systems and in particular processes directed to resolving disputes. This process includes involving hereditary leaders and recognizing the legitimacy of the bah'lats or Carrier governing systems and how these systems impact the lives of citizens.

3.1.2 Cultural Context

The model allows for families to voluntarily take part in a plan for their children and to feel safe to openly and honestly take the lead in planning. Families may incorporate their family traditions and values within the plan. Family and community members participate in planning for the well being of children which compliments the traditional Carrier way of caring for children.

Our model looks to the family for all the decisions including who shall be at the meeting, and when the meeting will take place. This is particularly important because it takes into consideration the seasonal traditions of the Nations and works around them.

The model respects the diversity of Carrier communities and allows the flexibility of families to decide what aspects of Carrier culture will be included. The family decides what family traditions and practices should be incorporated. Consideration is given to drumming, who will be there, and who may be able to take part in the traditions and rituals. The family will decide on the use of prayer and if it will be of western or traditional form. If Elders are involved they will talk about the way the issues should be dealt with in 'a good way.'

Carrier Society is matrilineal so individuals receive their Clan affiliation through the mother's side. In Carrier society the father's Clan also has responsibility for keeping family members safe and preserving their well being.

The model is based on the guiding principles of Carrier philosophy including respect, caring, sharing, honesty, balance and wisdom.

3.1.3 Referral Process

The intention of the meeting is discussed by the referring service provider with the parent or legal guardian in general before the referral is made.

Once a referral is received and accepted, the facilitator meets with the service provider (social worker) to confirm the intention of the meeting before sharing information with the participants. The facilitator discusses the intention of the meeting at the orientation meetings. The facilitator asks parents if they understand why the social worker has referred them and discusses the parent's view and shares the social worker's concerns.

3.1.4 Role of Children and Their Views

Views of the children are incorporated in several ways, as appropriate. They may be present for all or part of the meeting, or have an advocate who speaks their views.

Child(ren) tell everyone at the meeting what they want to have happen in their lives. Children are encouraged to participate either in person, write a letter, draw a picture, or talk to the facilitator or someone they know and trust to bring their voice to the table.

3.1.5 Qualifications and Experience of Process Leader(s)

Carrier Sekani has trained a number of process leaders. The process leaders have a variety of qualifications and experience. They are primarily of Carrier Sekani heritage. Many have degrees in social work or other related disciplines.

3.1.6 Managing Power Imbalances and Risk of Violence

Strategies to handle power imbalances are worked on, with participants, to ensure that each person feels respected and safe to fully engage in the planning for children.

Power imbalances are addressed in the context of the conversation. For example, if a person is monopolizing the conversation, or if others seem intimidated by a party, the facilitator will acknowledge the person by summarizing their point. The facilitator will also acknowledge that others may see the situation differently.

In difficult situations, a caucus (individual meetings) can be called to discuss options of respectful communication, closing the meeting, or other alternatives that the parties may come up with. If power imbalances become too apparent, the facilitator will stop the meeting.

3.1.7 Process Steps

Preparation/Pre-Meeting Decisions

In the "pre-meeting" the facilitator will get a fairly complete idea of the interests and views of each participant and will make every effort to assist each participant to express their views during the meeting. During "pre-meeting" interviews a sense of the relationship dynamics between participants is gauged.

Many are invited to participate including children, siblings, parents, grandparents, Elders, respected Hereditary Chiefs or Clan members, extended family members and others who are important to the child and/or family. Potential support networks, including Clan leaders, will be agreed upon (with mixed families, including those from other nations or non-First Nations, the process is flexible enough to respect the wishes of parents). The process is child centered and ensures that the child's voice is included. Those people with whom the children are closely connected, i.e. teachers, peers, social worker, foster family (including extended and nuclear

members) and Clan leaders are encouraged to participate. The participants decide on how open the process will be in the community. For example, some may want extended families or Clans involved or the incorporation of processes for announcing decisions made such as a bah'lats while others may not.

Elders, Hereditary Chiefs, Chiefs and band representatives are invited depending on the family's preference. If a family does not want band involvement their wishes are respected.

The parents are typically contacted after a worker has met with the social worker for orientation and details of a file – unless the child(ren) are legally in Continuing Custody. If a child is in care under a Continuing Custody Order, the parents have less influence about who should attend. Their wishes are still considered and respected as much as possible, however, because the Director is legal guardian they will more likely have more input into who should be invited. Any person who may pose a threat to any participant is not invited. If there is an individual invited that one party does not want to attend we discuss the reasons. Sometimes other arrangements can be made to include that person's voice in other ways (e.g. phone, letter, etc.).

The facilitator conducts an orientation—preferably face-to-face-- with each person to discuss the following:

- confirm their desire to participate in the voluntary process to address the protection concerns as determined by the social worker;
- purpose of the group meeting;
- confidentiality;
- general agenda of the day, each person's role, and what to expect;
- interests of the person; and
- address any questions.

Participants in the meeting represent a number of roles. The referring service provider (social worker) or concerned community member (family) is there to clarify the child protection needs of the child that the family needs to address within their plan. The social worker provides information to the family about what the safety and placement issues are and outlines what the family needs to consider when making their plan.

The parent or legal guardian is there to plan for their child in an open and honest way in order to ensure a realistic plan is made. Family members share what they hope can be accomplished during the meeting, they ask questions of the social worker and service providers to ensure they have all the information they need to create a plan that will succeed.

Foster parents provide information about the child's daily routine, their struggles etc, so the family knows what to expect and to plan for how to meet the child's needs.

The facilitator plans and organizes the meeting as determined by the needs of the child and driven by the family. The facilitator ensures that all participants feel safe and are fully aware of the process and the intention of the meeting. The facilitator assists participants in remaining child-focused during the meeting. The facilitator assists in ensuring that those people whose participation would benefit the well being of the child and family are included in the meeting.

Service providers and advocates provide information to the family about what they and their organization can offer to the family to assist with a plan for the child or children.

Hereditary Chiefs/Clan members may: assist in an opening and/or closing ceremony; provide advice as to how similar circumstances were handled in the past; or assist in facilitating the process.

The meeting is organized and facilitated by a Family Justice Facilitator.

In some circumstances a family member, Clan leader, family appointed service provider or community member may facilitate specific parts of the meeting at the discretion of the family and the Family Justice Facilitator who must maintain the safety of all participants. Generally, if the family chooses to conduct their own meeting one family member is selected to take notes and facilitate discussion.

Meeting

Participants are encouraged from the first “pre-meeting” that the process is meant to be a safe place for everyone to voice opinions in a respectful manner.

Generally, the meeting is opened with greetings and introductions. Other items are discussed such as: confidentiality; roles of the professionals present; roles of others in relationship to the child(ren); and what they hope can be accomplished at the meeting. The facilitator will include ground rules about respectful communication in the opening remarks.

The family is allowed a chance to determine how they would like the meeting to be opened (prayers, ceremony etc.).

Teachings are shared from both Western and Indigenous systems. Informally, stories are told about how one participant handled a situation that may be similar to the one the child or family finds themselves in. This may also include Elders sharing how this would take place in the past. Elders are encouraged to talk to the family about traditional roles and responsibilities and values. The family may request that Clan leaders/hereditary leaders are involved and they may share knowledge of traditional systems and supports.

Participants teach each other informally by relating their own similar personal experiences. Other participants with expertise in certain areas may share teachings with a family. For example, an alcohol and drug counselor may share knowledge regarding chances of violence in the home where alcohol abuse is an issue and a child welfare authority, mental health therapist or family/community member may share facts about children who witness violence in the home.

Participants are encouraged to bring advocates especially in cases where they require support in expressing their views. At times there may be a participant who does not want to speak. A support person can sit with them and be their voice. The facilitator may need to encourage some participants to share their thoughts and ensures everyone is heard.

Beginning upon referral the family has the decision-making responsibility to determine whether the process is one they would like to utilize.

Once the family hears the protection concerns regarding their children they decide what the plan should look like in order to address the concerns. Depending on the state of the case, the social worker has decision-making responsibility as it pertains to the *Child, Family and Community Services Act*.

The facilitator decides who should attend taking direction from the family and social worker or referring service provider. The facilitator assists in determining who must attend in order to address the needs of the child.

The family creates the plan and is jointly responsible for it, once everyone at the table is in agreement and the issues outlined by the director, under the *Child, Family and Community Services Act*, have been covered.

Influence is often dependent on the families and the type of case. Any of the above parties could have significant influence. Each family is unique in who it looks to as having the authority. In some cases it may be an uncle, grandfather, grandmother or other persons involved.

The social worker in child protection issues has significant influence over the plan details.

Participants look to the facilitator to ensure they have a clear understanding of the protection issues as presented by the social worker.

Participants look to grandparents and trusted community members for guidance in decision-making.

The family and, in certain circumstances the child, contributes to and develops the plan.

When the participants reach an agreement, the facilitator ensures that all personal and care plan details are complete and correct. The facilitator drafts and then verbally reviews terms and conditions of the agreement with the participants.

The family and social worker or referring service provider review the final agreement.

When the team leader, social worker and the family all agree with the plan it is signed off by all parties into a formalized agreement.

The meeting ends with remarks from the facilitator or a prayer/ceremony determined by the family.

Follow-up

The settlement agreement arranged by the parties will determine how the agreement will be monitored and evaluated. Follow-up may include adding a date into the plan for the social worker and family to review the status of the plan.

Part of the plan is to set a date for a review meeting. The usual time is three months. At that time the facilitator will contact all the participants, including the social worker, to see if the plan is unfolding as expected. If all is going well there may not be a review meeting. If the plan is not working or parts of it are not working the facilitator will bring everyone together again and go over the plan point by point, revising what needs to be revised.

3.2 Haida Child and Family Services Society

The information below was gathered from interviews with Bill McKenzie, Lyndale George and Monica Brown at Haida Child and Family Services Society (HCFS). Efforts have been made to ensure that the information accurately represents the project.

3.2.1 Process Development and Community Consultation

The coordinator seeks out matriarchs from specific Clans to learn about traditional dispute resolution. She also utilizes the expertise of people at the Haida Language Program. Through consultation with different organizations and members of the Haida community she is able to learn about traditional dispute resolution practices.

The coordinator knows most of the community members so she does not have to build initial rapport. However, there is substantial resistance to a new program, because people think it is a MCFD program. The coordinator approaches people informally to encourage communication about the program and what families need. She is developing relationships with the Council and schools in Haida Gwaii.

3.2.2 Cultural Context

In Haida culture, disputes are typically resolved by consulting Elders, matriarchs, or “aunties”. In the event of a concern about children, a community member will approach one of the people previously mentioned and ask for their assistance to intervene.

For the FGC to be culturally relevant, it must include traditions that hold meaning for the family, and involve respected Elders from the family or community.

3.2.3 Referral Process

The project receives referrals from MCFD staff, community agencies, community members, and family members. Referrals are received and screened by the FGC coordinator.

3.2.4 Role of Children and Their Views

The views of the children are represented in a number of ways. If the children are under two years old, they may be present. If they are older and do not want to speak their views at the meeting, they will be assisted to write a letter of their views which can be read. They may be present for part of the meeting if it is not appropriate for them to be present for the whole meeting. Pictures of the children are brought to the meeting if the children are not present.

3.2.5 Qualifications and Experience of Process Leader

The coordinator is Haida, has a Bachelor of Social Work degree, and has worked for MCFD in the past. She has many connections to the Haida Gwaii people and has rapport in the community.

3.2.6 Management of Power Imbalances and Risk of Violence

Power imbalances are assessed and a plan is developed. In a situation where there was a high risk of verbal violence, the coordinator held two separate meetings, one for each parent. Each meeting had support people for the identified parent. The two meetings overlapped by 20 minutes.

The FGC assists people to gain mutual understanding by interpreting what people say. The coordinator notes that the style of a social worker and MCFD Team leader can positively or negatively impact the power imbalance. For example, the current Team leader is soft-spoken which minimizes the power imbalance between MCFD and the family.

The coordinator has used the following strategies:

- calls for a break to coach people in how to talk about their views;
- have parents, with violent history, sit across the table from each other with family members beside each person to support them.

3.2.7 Process Steps

Preparation/Pre-Meeting Decisions

The coordinator speaks with the parent(s) and asks them who they want to be present. She assists them to identify significant people and will also poll family members for names of others who could attend. She will talk to all the identified family members, and then go to the social worker and the rest of the professionals who are involved. Sometimes some professionals are prevented from coming because the family does not want them there.

If a person is significant to one of the parents, that is enough for them to be invited. The focus of the meeting is on the child and importance of people to the child.

In situations where a person cannot be physically present due to safety concerns, she may have the person participate by phone. This has not been necessary to date.

The coordinator meets with all of the parties ahead of time in their homes or another meeting place. As the community is small, she will often look for people if they do not attend a scheduled meeting.

Participants may require extensive rapport-building which translates to longer meetings (up to two hours) and multiple pre-meetings. This is necessary for some participants to feel comfortable and willing to participate in the process. The coordinator also explains the differences between a FGC held by HCFS compared to a FGC held by MCFD.

The intention of the meeting is discussed during pre-meetings with family members and as part of the meeting introduction. The intention is explained with the focus on planning for the child. Participants are asked to state what they want for the child.

Family members, Elders, cultural support persons, support workers and MCFD staff participate in the process. In one conference that lasted for three days, a Haida cultural support person taught the children to drum and make rattles. This person also provided cultural teaching to the children and adults present.

The FGC coordinator facilitates the meeting. Sometimes other agency staff will assist to co-facilitate if involved with the family.

Meeting/Circle

The meeting is typically opened with a prayer and always with a song (which may also be a prayer).

A cultural support person co-facilitates by opening. The coordinator notes that people are careful how they act when he is present. He shares honestly about his life.

Elders or cultural support people who are invited to be part of the conference may share teachings. In one conference that lasted three days, a cultural support person taught family members and the children to drum and make rattles. Teaching is often around parenting, adoption examples and how to be respectful of each other. Teaching occurs through songs and music during the conference as well.

The Circle allows everyone an equal opportunity to speak. The Circle begins with whoever wants to start and there are several rounds to give people multiple opportunities to share.

The family makes decisions about the plan; however, the social worker approves the decision. The social worker stays at the meeting (waiting for the private family time to end) to answer any questions the family has, make a decision about the family plan and to give input.

Typically, the Elders or grandmothers have significant influence into the plan.

In one situation, a family member had concerns about what might happen in a family meeting. This person was quiet during the meeting, however he informed the social worker ahead of time about his concerns, so the social worker could monitor these.

The family develops the plan. The family then presents the agreement to the social worker. Usually it is written on flip chart paper. The FGC coordinator writes up the plan afterwards and sends it out to everyone who attended.

The meeting ends with a final round of the Circle where participants are asked to say one thing each found significant. Then there are closing prayers and music.

Follow-up

The FGC coordinator does an average of three follow-up meetings for each conference. The social worker and family outreach worker monitor plan. The FGC coordinator receives updates.

3.3 Interior Métis Child and Family Services Society

Interior Métis Child and Family Services Society carried out this work through the Maamuu Program. The following information was written by Leanne Harder based on an interview with Ana Trottier, Maamuu program facilitator.

3.3.1 Process Consultation and Development

In developing the Maamuu program, the facilitator consulted with the Aboriginal MCFD team, the Métis community, Elders, clients, board members and staff. She also consulted with the Surrey Court Project.

As the program has become more widely known, MCFD has asked the Maamuu program to conduct some shorter, more urgent Partnership Planning Meetings.

3.3.2 Cultural Context

Maamuu means “families together”. The Maamuu program is based on varied Aboriginal traditions. Due to the diversity of heritage of the Métis community, the facilitator will incorporate cultural traditions as requested by the clients. This may include the use of a talking stick or having a smudge ceremony.

3.3.3 Referral Process

Referrals come primarily from MCFD although the program also receives referrals from other Interior Métis Child and Family Services programs and from parents or family members.

3.3.4 Role of Children and Their Views

Children, if they are younger (ages 3-4) or teens, may be present for the whole conference. The facilitator may meet with children beforehand to write down their wishes, and what they would like. The facilitator then presents the children’s views in the meeting.

The facilitator often meets with the child alone and/or with the parent and the child.

3.3.5 Qualifications of Process Leader

The facilitator is Métis and a member of the local Métis community. She has a Bachelor of Social Work degree.

3.3.6 Management of Power Imbalances and Risk of Violence

The facilitator manages power imbalances and the risk of violence by:

- focusing on planning for the child;
- if there is a no contact order in place, then the person (whom the order is against) is not invited to attend;
- if there is animosity between certain individuals, they will be asked not to sit beside each other and to have support people beside them.

3.3.7 Process Steps

Maamuu is a hybrid process that offers two types of family meetings.

The Partnership Planning Meeting is a 90 minute meeting with the social worker and the family to address immediate planning needs (for example, a baby about to be born). The facilitator holds one Partnership Planning Meeting spot in the schedule each week. As there is little time between referral and meeting, there are less participants in Partnership Planning Meetings than in the longer meetings. This process has been particularly helpful for addressing urgent planning issues where the social worker and the family have a conflictual relationship.

The FGC meetings are typically longer (up to 7 hours) and include many family members and other support people. FGC's are used for longer-term planning issues such as residential planning for children.

Pre-meeting

The facilitator meets with participants ahead of time to review the process, what to expect, what their hopes are, review the agenda, talk about the concerns, and give them time to "get their story out". The pre-meeting is particularly helpful in allowing the 90 minute meetings to be productive.

The facilitator reviews the meeting guidelines and encourages participants to focus on solutions and not to challenge the MCFD child protection decision.

Roles of Participants

The meeting is facilitated by the Maamuu coordinator.

Parents, children, grandparents, support persons, advocates, foster parents, social worker, kinship worker, representatives from other Nations, and Elders are invited to participate. The family determines which people they would like to have present.

Meeting

Meetings typically occur in the board room at the agency office or another location the family is comfortable with. The facilitator provides snacks, pads, and pens in the centre of the table.

The longer Maamuu meetings include private family time, however the shorter Partnership Planning Meetings do not.

Follow-up

Follow-up conferences occur for some families, depending on what they need and request.

3.4 Island Métis Community Services Society

The Island Métis Community Services Society carried out this work through the Islands of Safety project. The information below was provided by the Islands of Safety project, however some minor edits have been made by Leanne Harder, Law Foundation consultant. Efforts have been made to ensure that the information accurately represents the project.

3.4.1 Process Development and Community Consultation

In the early phase of the project, the facilitators consulted with others by inviting them to share their experiences in a conversation. The facilitator listens and then asks questions about aspects to explore further. Often, when people talk about “dispute resolution” they are really referring to experiences where they have been dishonoured, violated or harmed by others. Sometimes, exploring how they responded to the violence or injustice is more helpful in seeing how people worked things out in a social context. Much of what is cast as a “dispute” is really unilateral violence with various strategies by the perpetrator to blame others, particularly in cases of violence in families. People are asked to explain the dynamics of power that were at play.

The facilitators developed the model from Métis and First Nations teachings, cultural practices, and the facilitators’ professional experience in family therapy, FGC and other forms of peacemaking.

The Islands of Safety team builds rapport by first sharing some information about ourselves, our credibility to do this work, our interest in learning from people, and our interest in social justice. Rather than just sharing professional credentials, we offer information about ourselves from a social justice point of view (why should people trust us?). When we put some of our interests and concerns “on the table”, people often begin to share their interests, concerns and experiences. We build rapport by introducing ourselves, by phoning, by sending printed information, and by, at times, requesting introductory meetings before engaging in serious content. We try to attend to the principles of relationship building that form the basis of therapy as well as sociable, respectful human interaction and dignity.

The facilitators of the Islands of Safety project have direct interaction with MCFD social workers. While the facilitators deliver a service to clients, they are directly involved with social workers in discussing and debriefing dignity-based practice, which develops a ground for respectful ways of working with people. For example, when clients who are involved with the MCFD are asked particular questions that elicit their values, their responses to injustice and paternalism, things they already do to create safety for their child (e.g. elicit pre-existing skills and resistance knowledge), clients tend to relax or disarm themselves, thus shifting the animosity with the social worker to the work of planning for children. Of course, this happens only in degrees related to the client’s sense of psychological safety, but it happens. Clients then want to collaborate with workers in order to “get the job done and be free”.

3.4.2 Cultural Context

This model demonstrates traditional Métis values of respect and dignity. As well, there are elements of accountability and responsibility required. Witnessing an agreement, surrounded by extended family and community members was a binding legal contract in the terms of the day. A person’s word was very sacred. When people violated their agreements, they were

sometimes humiliated publicly, by having their saddle cut up (in the case of the buffalo hunt) or by being made to wear a public sign that said “Liar”. Unfortunately, in later cases involving violence, often whole families were judged and “written off” by others as being deficit and broken. Once violence against women became a more common social reality, more could have been done to increase the safety of women. That being said, women were strong, often had their own guns, kept matriarchal lines strong and intact and engaged in various forms of resistance against violence. While respect was important, Métis people never really suffered from an exaggerated sense of manners or social decorum related to “having to behave oneself”. In many cases, the community would intervene harshly when they witnessed violence against children or women in public ways, when their sense of injustice was touched. Colonialism and the imposition of British justice was not helpful in creating more safety for Métis people in general.

3.4.3 Referral process

Referrals come primarily from one Aboriginal team in the MCFD region.

3.4.4 Role of Children and Their Views

Children typically attend an Islands of Safety meeting after a few initial meetings with parents. However, when children are infants or toddlers, they often attend meetings with their mother/parents in cases where they are not in foster care.

In cases where infants/toddlers have been removed from parents and placed in a foster home, they are less likely to attend initial meetings. In these cases, a family meeting is often arranged so that facilitators can meet with the parents/adults together with the children to document safety interaction and responses. In these cases, the facilitators may ask the children how they have been doing/responding to the violence and the child protection intervention.

The children will often attend the Islands of Safety conference meeting. Safety criteria are established before the meeting is held and potentially violent people do not attend this meeting in person. Children’s voices and concerns are heard and documented in the process. Children may have a support person sitting with them to help them express themselves and understand information. Children’s needs are attended to throughout the meeting including with food, drink, breaks or scheduling details. Babies, infants and toddlers may have someone designated to care for them while the parent(s) direct their attention to the meeting content and process.

An Islands of Safety facilitator/counsellor is sometimes assigned to work with the children throughout the process by offering child-focused counselling. This supportive counselling work may take place throughout the process, or after the conference in order to support the family as they activate their safety plan.

The participation of children is based on the following principles:

- children’s rights and the Rights of Indigenous Peoples/Children;
- developmental theories and Indigenous age/stage appropriate interaction;
- children’s preference to know the truth about what is happening, including preventing psychological damage caused by adult lying, withholding key information, distorting the truth and whitewashing dangerous situations;

- anti-colonial/anti-oppressive social work practice such as maximizing health through culturally appropriate process/contesting inappropriate application of western psychiatry, mental health diagnoses, testing, over-medicating of Aboriginal children;
- contesting “failure to protect” laws and blaming mothers for paternal violence;
- children’s preference to remain in their family and out of stranger care.

Involvement with children takes the form of:

- demonstrating care, concern and connection in the therapeutic relationship;
- eliciting children’s resistance and responses to violence;
- taking steps to support and avoid undermining the parent’s (usually the mother’s) role in parenting the children;
- systemic, dignity-based family therapy;
- listening to the child’s concerns and bringing them into the planning process;
- supporting initiatives to keep the children connected to their culture;
- documenting child safety initiatives in the safety plan;
- advocating for children in the process.

One activity for engaging the children includes the use of the “Three Houses” exercise. Three houses are drawn on a paper. The child is told they are 1) The House of Happiness, 2) the House of Worries and 3) The House of Magic/Dreams (solutions). The child will then draw or write words/pictures in these houses that document their sacred concerns, hopes, what is currently working and what they are afraid of. This art work can then be shared with each parent, and used to elicit safety conversation. This engagement can be particularly poignant and influential with the offending parent.

Through this process, the child’s experience is acknowledged and can process his or her experience with loving support. These types of activities, together with art, craft and play therapy, are used to support children. As well, children are engaged in conversation about cultural matters, such as ceremony, drumming, singing and sacred concerns related to their Aboriginal ancestry and identity.

3.4.5 Qualifications and Experience of Facilitator(s)

The facilitators have PhD’s in Social Work. One facilitator is Métis. The other is very involved in the Métis community although he is not of Métis heritage.

3.4.6 Management of Power Imbalances and Risk of Violence

All participants, including facilitators and professionals, will commit to a non-victim blaming approach to working with families. This means refraining from using common victim-blaming concepts and language (for example, learned helplessness, dependent personality, lacking insight, submissiveness, failure to protect) and from affronting the dignity of the victim in more subtle ways (for example, by offering unsolicited advice or by expressing praise). It means, instead, to focus on the victim’s pre-existing abilities, awareness and desire for safety.

Perpetrators of violence are invited to attend the meeting only when the following conditions are met:

- a) the person has demonstrated that they present no immediate or imminent threat (as assessed by the victim), that they are willing to discuss the specific aspects of their

violent or abusive behavior, and that there will be no repercussions following the meeting;

- b) the person has admitted and taken responsibility for their violence (that is, described their violent actions and their role as the agent of those actions; acknowledged that those actions were wrong and harmful to others; apologized to those they have harmed; taken steps to restore safety and promote the recovery of the victim);
- c) the person agrees to become accountable to a person or group (for example, to an Elders' council, a women's council, a counsellor, a group of men, a group representing the well-being of victims);
- d) the person has expressed a desire to participate in the child and parent safety planning process and an agreement to adhere to the guidelines for participating in that process.

Power imbalances are assessed with great detail before the final meeting. During the main Islands of Safety meeting, it is the role of one of the facilitators to attend to the dynamics and well-being of people in the room, adjusting the facilitation appropriately. Also, the social worker is asked to pay attention to signs of safety and dignity in the room. This would include offering feedback or suggestions for adjustments when power imbalances are interfering with the process or creating compromised safety.

3.4.7 Roles and Responsibilities of Participants

Facilitators

There are a male and a female facilitator who work together to attend to the issues of gender and power dynamics. This is important because one facilitator will guide the process regarding content while the other remains mindful of the dynamics of the meeting, the well-being of the participants, the sense of safety and the interpersonal interaction.

Social Worker

The social worker typically attends the main planning meeting, unless there are serious objections by the family. The social worker communicates with both the family and the facilitators throughout the development of the process. The role of the social worker in the meeting is to document signs of safety and signs of dignity (for example, how well the facilitators attend to family dignity throughout the meeting).

The Mother or Non-Offending Parent

If the mother is the victim of violence, she will have primary "say" in who attends the meeting, reporting on how safe she feels in different circumstances (for example, in relation to intimidation, coercion, the risk of punishment for speaking openly, legal support such as restraining orders). The mother attends the meeting and works with family members to develop a safety plan for the child, with her safety also taken into consideration. The safety of the mother may ensure the safety of the child.

Offending Parent

This parent may or may not attend the meeting based on the levels of safety and concern for the dynamics of the meeting itself. Where safety is not an issue, the offending parent is encouraged to attend to discuss his/her concerns for child safety and how this quality can be supported. In spite of being the perpetrator of the violence, there are still things this person can do to attend to child safety (for example, choosing to distance oneself, becoming accountable to a third party for safe behavior).

A trained Islands of Safety facilitator facilitates the meeting, preferably a man and a woman together. It is important that the facilitator have some training in response-based ideas and “the four operations of language” in relation to talking about violence. This is important to avoid blaming victims, minimizing violent behavior and to assist perpetrators to take responsibility.

3.4.8 Process Steps

This is a hybrid process which combines aspects of Métis culture with therapeutic strength-based methodologies.

Preparation/Pre-Meeting Decisions

Pre-meetings are conducted by the co-facilitators together. They also invite the referring social worker to be present in the pre-meetings with the parent to explain the child protection concerns and learn about the process. They explore any differences in approach, and explain the roles of everyone involved in the Islands of Safety process.

The mother or the person most harmed by current violence is contacted first. This person is given the most “say” about who is invited, who should attend and why, who is safe or not safe. Similarly, this person will be asked about the benefits and detriments to children attending the planning meeting. The facilitators develop safety criteria which are used to assess whether certain individuals may be too unsafe to attend, possibly sabotaging the process or undermining the safety needed to do the work openly. A key goal of our model is to prevent the possibility of intimidation, coercion or punishment of participants. This fine tuning is often absent in mediation and women are sometimes pressured to agree to a plan, even if they know it is not viable or if the other party is acting dishonourably. Without appropriate attention to the dynamics of power abuse, women are at risk of having violence supported and replicated by the system, in various ways.

Participants attend a number of planning meetings before attending the half day, Islands of Safety planning meeting. This meeting offers an opportunity for participants to discuss and review important information and processes that will be crucial in the planning for safety process. The project plans to create a video, at some point, that explains to families how the meetings will go and address some of their questions in advance.

These items are presented to the family first by the social worker when s/he invites clients to participate in an Islands of Safety process. Then, the family is made aware of the intention and process of the meeting during the first preparation meeting. The social worker also provides written information to the family.

Meeting

The opening of the meeting is developed based on the cultural preferences of the mother/family. For example, a traditional Métis or First Nations family might elect to have the meeting with a prayer or a smudge. This is the family’s decision. Otherwise, the meeting begins with a welcome, introduction, honouring the land, the relatives, and family members who are not present.

Teachings of various kinds are shared. In the current form, Indigenous teachings may be shared by the facilitator or by an Elder or family member who is present. In addition to Indigenous teachings, western teachings related to safety, dignity, and assessing violence and resistance are also offered either implicitly or explicitly, by the facilitators.

The facilitators create a “container of safety”, first by talking about safety, respect and what is important for the meeting. Parents are invited to talk about what it is like for them to become MCFD involved (for example, in relation to humiliation, dignity, distress). This conversation tends to address the hidden “elephant in the room” and establish an atmosphere of increased transparency and openness.

The purpose of the meeting is to co-construct a safety plan. The facilitators guide the conversation, according to a template of safety items that will be filled in. The social worker will offer feedback about “bottom line” child protection concerns (as defined under Section 13 of the *Child, Family and Community Service Act*) that must be addressed in the plan for MCFD involvement to decrease. The facilitators will offer feedback about “signs of safety” and how various acts may or may not translate into safety for the child, trying to make the plan as “air tight” as possible. Ultimately, the decisions are made by parents before the meeting, as well as during the meeting. Parents are asked to document what they are already doing, and what they will commit to do in the future, together with extended members of family and community, to increase safety for the child to acceptable levels.

The family has significant influence in plan details, because they are not asked to “sign up” for anything they will not back with action. Much of the safety plan is based on pre-existing ability and knowledge, making explicit how this links to future child safety. The facilitator has influence in helping the family identify how certain acts of living may or may not increase the safety of their child, and to make adjustments to actions or plans as necessary. The social worker has influence because s/he holds the decision-making power in relation to the future of “the case.” Elders, service providers and community people are asked to step in more fully to supportive roles in order to help increase child safety. This often occurs through increased involvement and support, thus reducing isolation and social vulnerability in situations of risk. There is no private family time in this model.

The family develops the plan with the assistance of the facilitators, with feedback from the social worker regarding the future of the “case”. The family members sign the agreement and present it to the social worker, as well as to other individuals as appropriate.

The meeting ends with a review by facilitators of what has been accomplished, a plan for future action and plan review, and an outline for next steps in relation to the engagement with the social worker. Some families may choose to end the meeting with words of closure or a prayer.

Follow-up

A plan for follow up is constructed during the main Islands of Safety meeting. Follow-up is one of the aspects of safety that is “built in”.

3.5 Kla-how-eya Aboriginal Centre

The information below was provided by Kellie Tennant, Alternate Dispute Resolution Coordinator, at Kla-how-eya Aboriginal Centre. Some edits have been made by Leanne Harder, Law Foundation consultant.

3.5.1 Process Development and Community Consultation

The project asks families for their desires regarding cultural practices, Elder involvement and ceremonies to include in the hybrid process. The project respects the territory they are on, and acknowledges the diversity among urban Aboriginal people.

The alternate dispute resolution coordinator for the Kla-how-eya project developed a theoretical hybrid model using TDM and FGC concepts. The model can be used for Aboriginal families and communities experiencing any sort of conflict. The coordinator applied information from studies in the Master of Social Work program at the University of BC to her knowledge of TDM to develop the hybrid model.

The coordinator has built rapport with community members through her professional experience in social services and by involving Aboriginal people in decisions that affect Aboriginal children. According to this approach, relationship building is the most important aspect of dispute resolution as the clients' trust is crucial to the success of the process. The project provides information to families about available dispute resolution options, including this project. The coordinator notes that it is important to explain the benefits of TDM while at the same time not "setting up" the participants for a particular outcome to the meeting.

The Kla-how-eya project provides services to families as well as training facilitators. Potential facilitators are trained through participating as a cultural worker, co-facilitator, Elder or community member. Participants gain capacity to support Aboriginal families and increase their skills. In preparing for the process, the coordinator offers each family an opportunity to have someone present for each of these four roles.

In this hybrid process there are the following roles:

- 1) **Co-facilitation** – There are two co-facilitators with different strengths. For example the pair for the ADR program will be Aboriginal/non-Aboriginal, male/female, strong culturally/strong facilitator, strong empathy/strong process oriented, formal education/ life experiences. Co-facilitation allows the participants to build their skills and confidence in managing the process. Facilitators manage the process by keeping the meeting "on track" and running smoothly. Their primary focus is to ensure ground rules are adhered to, the process is smooth and to redirect the process by caucusing when necessary. The facilitators do not make recommendations or give advice. Their role is to remain open and neutral so that all participants feel safe in process.
- 2) **Cultural Workers** – The cultural workers are offered to open the Circle, do the prayer and smudge and offer traditional teachings and resources such as other healing ceremonies or opportunities. The cultural workers assist with the family's healing plan through their cultural direction. As this is also a training project, the project hopes to support cultural workers to gain skills and confidence in the process and move into facilitator positions when ready.

- 3) **Elders** – Elders are the keepers of the knowledge and families are encouraged to have them present for support, information and feedback. Elders play a key role in the Circle, including their natural peace-keeping abilities and story-telling. People are more respectful when in the presence of Elders and Elders’ knowledge is invaluable. Families are provided with access to an Elder upon request.
- 4) **Community Members** – Neutral or impartial community members provide support, resources and non-biased recommendations to the families and/or social workers. This role supports the belief that child rearing is a communal responsibility. The community member may be a less experienced facilitator, a cultural worker, a volunteer, a practicum student, an Elder or anyone who wants to be involved in a meaningful opportunity in their community.
- 5) **Community Witness** – this is a representative from the Coast Salish peoples whose territory the Circle is being hosted on. It is part of Coast Salish tradition for someone to witness ceremonies on their land.

3.5.2 Cultural Context

Due to the urban setting, the project serves people from diverse Aboriginal communities across North America. Elder involvement, talking Circles, ceremonies and the importance of extended family involvement are some of the cultural factors reflected through traditions. The process seeks to represent the tradition of community child-rearing and re-create a sense of community in the urban context.

The process is based on a premise that Aboriginal people have the right to be involved in decisions that affect Aboriginal people, whether blood related or not. The intent is to encourage Aboriginal people to be concerned about the future of our children and youth.

3.5.3 Referral Process

Referrals are received from individuals, families, MCFD and other community members. Referrals are screened by the ADR coordinator and, if appropriate, the coordinator assigns either a cultural support facilitator or a Circle to resolve a child welfare-related dispute.

3.5.4 Role of Children and Their Views

Children are involved in the process as follows:

- children may be present for all or part of the meeting based on their age, the issues and concerns being discussed;
- small children may play in the room as a reminder of the focus on the child;
- letters from children or youth expressing their desires; and
- youth may speak their own views.

In the event that a child or youth does not feel comfortable with a certain adult present, the child’s need for safety will take precedence.

3.5.5 Qualifications and Experience of Facilitator(s)

The coordinator, who co-facilitates many of the Circles, has a Masters of Social Work degree and is from the Cree Nation, in Peguis, Manitoba. The coordinator specializes in working with urban Aboriginal people, both on and off reserve. Another lead facilitator is from the St'át'imc Nation in BC, who specializes in traditional community Circles or family meetings, as well as traditional parenting. Both facilitators have extensive connections in the Aboriginal community in Vancouver, BC and the surrounding area. This project has a number of Aboriginal trainee facilitators who have traditional experience and formal education and degrees in social services.

3.5.6 Management of Power Imbalances or Risk of Violence

Safety risks for all participants are addressed prior to any meeting. If there is intimate partner violence, then this is noted and influences safety planning. All participants must be free to speak without threat or intimidation. Group safety takes precedence over individual safety. If important family members are unable to attend they will be allowed to make a statement where their wishes are expressed.

Power imbalances are minimized through the process. Everyone is allowed equal opportunity to share and express themselves uninterrupted. Creating ground rules assists in achieving this goal. Seating arrangements are important to ensure participants' safety. If there are issues that come up during the process caucusing can be used to de-escalate any potential conflicts. The facilitators address these issues when they arise.

3.5.7 Process Steps

Preparation/Pre-Meeting Decisions

During the pre-meetings, the family decides who will be at the Circle. The facilitator suggests that all people who have a significant role in the child's life be present, to maximize support for the family and child. Some children may already be in care so this allows for identification of possible alternative care givers.

The facilitators meet with the family to explain the process to the family and their options for resolution. While it is important to inform the participants of the process it is also important to explain the benefits of TDM to prepare the family for the meeting. This is a careful balancing act of wanting the family to participate, but being careful not to 'sell' the process too much, as you want to be careful not to set the family up for something they are not fully prepared for. The process can have high levels of emotionality so it is important for family members to know what to expect and to adequately prepare the family to have the necessary supports.

The process, including the four rounds of the talking Circle (see *Meeting* section), is explained to the family and social worker.

The facilitators meet with the social worker involved and explain the wishes of the family. The child protection social worker is involved to ensure the child is protected before, during and after any meeting. The social worker must also be involved to consent to any plans made at the meeting by the family.

The intention of the meeting is offered once the participants sign consent forms to participate and share information with their social worker. The meeting takes place when the family and social worker are available. Typically meetings are scheduled as soon as possible for the sake of the child's health, well being and permanency. If the child has recently been removed from the care of a parent, the referral is a priority. The project hopes to receive referrals prior to removal or soon after to assist the family in planning for the child.

Participants include: Elders, cultural workers, community members or witnesses, co-facilitators, child or youth when appropriate, foster parents or alternate care givers, social workers, team leaders and any other important people as identified by family. Other people to be included may be family preservation workers, counselors or therapists, one-to-one workers, extended family or close friends of family, teachers and anyone who is involved in the care of the child.

Meeting

There are four rounds around the talking Circle:

- 1) role identification (who the participants are in relation to the child or family and why they are present) and strengths of the parents/family;
- 2) issue articulation by all parties (as they see the primary reasons for meeting);
- 3) family planning (who can do what);
- 4) finalization of plans (upon approval of social worker and team leader).

Typically the meeting is opened with a smudge and prayer. This is optional for families as they may have their own comfort levels around smudging and traditional prayers. The facilitator explains what the ground rules are of the process (for example, respectful communication, no interrupting, use of caucusing, breaks).

Traditional teachings are shared and offered to the family immediately in the Circle. Teachers are involved from many nations as urban Aboriginal people come from many diverse cultures within the Aboriginal community. Specific teachings from the family's nation will be honored as this is their process.

During the Circle, there is a cultural worker involved to provide ceremonial support and teachings for the family pre-meeting, during the meeting and post-meeting if requested. Research indicates that when a family is connected to their culture there is likely to be less involvement with child protection authorities.

Elders are available for the meeting and as requested. The role of the Elder is to provide support and recommendations from a neutral, community point of view. Elders have an important role in the process as their participation can keep the meeting safe, neutral and respectful as outlined in roles.

The project aims to provide a safe environment for all participants to express their views. Strategies for safety include having support people present, and ensuring everyone has an opportunity to speak.

The parents and family are involved in all decisions that affect their children, regardless of capacity and whether the child is in care or not. The child's safety is the first priority. If plans cannot be achieved (for whatever reason), the social worker and community provide additional resources to assist in the care of the child.

The plan details are influenced by Elders, cultural workers, community members and facilitators, who may provide direction, resources, healing plans and support.

The family develops the plan based on what is required from protection authorities' guidelines and what the needs of the family and child are. The issues will be identified and questions will be formulated in Round 2 of the process. Once the questions have been finalized, the family will make the decisions amongst themselves and answer the questions in Round 3. The family may have a private discussion, without professionals present at this point.

A family plan agreement is completed in Round 3 and will need to be approved by the child protection social worker. It may be tentatively approved in Round 4 based on approval of the social worker's supervisor.

The meeting ends with a final round to debrief the process and acknowledge the relationships built. Food is served to celebrate the commitment of all parties and to honour the hard work achieved in the process. As the participants eat together, they often relax more and further relationship building and sharing is encouraged.

Follow-up

The coordinator follows up with a general satisfaction survey as well as outcomes for family and children involved. When necessary the meeting is followed up by another Circle or smaller family meeting with social worker and family to assess progress and address any new issues or concerns.

3.6 Northwest Inter-Nation Family and Community Services Society

Northwest Inter-Nation Family and Community Services Society carried out this work through the Kin First project. The information below was gathered from an interview with the FGC coordinator, Don Wells, and written information submitted by FGC Coordinator Don Wells and Acting Executive Director Kathleen Bennett. Efforts have been made to ensure that the information accurately represents the project.

3.6.1 Process Development and Community Consultation

The FGC coordinator has used his past experience from his reserve (Lax Kw'alaams), while residing there in the early 1990's, where he was introduced to the process of FGC. He consults with Elders in the families. He belongs to the Ts'msyen Nation, and he does not use traditions from other Nations.

Making contact with the grassroots of the community is a vital component to the FGC development, while being respectful to the Tribal/Clan/Nation mores (Ayaax – Ts'msyen word for 'Our Law'). The FGC coordinator will speak with the person the parent(s) are closest to, as they often have much to say about the family history, ties and bonds. At the FGC, Elders in the family and the closest person to the parent(s) are the last to speak. The coordinator does not use traditions from other nations, because he could not perform them accurately, but he is open to the families using their traditions and leading that process.

The band social worker is a key person to gain information about the family, as s/he is likely in regular contact with the family. For example, the band social worker can provide information about who is the strongest link and what supports are within the family. The Lax Kw'alaams reserve has a Grandmother's Group and/or generic Child and Family Teams which are used in the process development and community consultation, as well as being a part of the decision-making process.

The FGC coordinator visits many communities regularly and participates in social events. He is a drummer as part of a dance group and performs in many communities. His other roles in the community allow him to have rapport that an outsider may not be able to develop.

3.6.2 Cultural Context

The NIFCS membership includes six nations of the Ts'msyen, Haisla and two Tahltan Nations. Each community has a protocol agreement that spells out the relationship between the Nations and NIFCS. These are the traditional boundaries that we try to follow as each Clan/Tribe has their own ways of decision-making.

In each respective tribe there is one main Chief and several House Leaders. These individuals have influence over what happens in the community and can assist in resolving family conflicts. The FGC coordinator is a House Leader in his tribe, under the Killer Whale crest. There are typically four crests within a tribe of the Ts'msyen Nation.

Comparatively, in Nisga'a and Gitksan territories, the Chiefs hear the story of the family, including the safety and cultural plan for the children. The Chiefs will let the family know if they support the plan or not and make suggestions for improvement of the plan. They do not get involved in controlling the plan or deciding what is or is not acceptable.

Cultural plans are also developed during the FGC private family time. An example of a cultural plan would be who in the family will take the child/children to cultural events, either to witness or participate, like a feast, stone moving and/or dance group.

3.6.3 Qualifications of Process Leader

The coordinator has a Bachelor of Social Work degree and has been working within the NIFCS agency for the past ten years. He has been coordinating FGC's for four years. He was previously seconded to MCFD to deliver the FGC pilot program. He also has knowledge of the federal and provincial government systems as well as knowledge of the First Nations tribal systems on the North Coast and the Northwest regions.

3.6.4 Role of Children and Their Views

The child/children's view is very important in the process of a FGC, from who they would like to have present at the FGC, to what type of food they would like. Children are involved from the beginning of the process (prep meetings) and are often present for the whole FGC meeting. Some children need more prep time than others. For example, the coordinator may meet with them several times so they are comfortable with him and the FGC process. He may also take them to visit the meeting place to become familiar with it.

When children do not want to represent their own views, the coordinator will meet with them and then represent their views in the meeting. Children may also be assisted to have their views written down and read in the meeting, even if they are not present.

When getting the child's view, the coordinator considers the child's age, capacity and consent, according to the *Child, Family and Community Service Act*, as well as their ability to effectively communicate their views. The agency also follows the *Child, Family and Community Service Act*, which states that the need to take into account the wishes, needs and role of the family and also the children's culture and community.

3.6.5 Referral Process

The project receives referrals from MCFD staff, Delegated Aboriginal agencies, community agencies, community members and family members. Referrals are received and screened by the coordinator and a NIFCS team leader.

The coordinator asks the referring social worker to contact the family to notify them of the referral for an FGC, before he contacts the family. It is preferable that the social worker is the first one to notify the family of the referral. The coordinator identifies the FGC process as the "family's process" not MCFD's or the agency's. The "family's process" refers to who is responsible for making the decisions for the family plan.

In some circumstances, social workers do not have to be involved in this process. Referrals may come from other sources like family, community and community agencies. The FGC coordinator will speak with the person referring to determine if there is a social worker who needs to be involved.

3.6.6 Management of Power Imbalances and Risk of Violence

The coordinator assesses power imbalances and safety issues during the pre-meetings. Power imbalances may occur due to an offender (for example, physical or sexual abuse) being present or other influential family relationships (for example, authoritative parent, or family member/s). The coordinator asks those who attend the meeting to be respectful to others and ensure the safety of all. Safety planning includes seating arrangements and opportunities for breaks. In one situation a grandparent talked frequently about being blamed. The coordinator acknowledged what the person had said, but asked them to focus on the planning issue for the children. The referred family and children can ask that certain members of their family not be involved if there is a past history of safety issues or power imbalances. In another example a family member, who has sexually offended other family members and had not been legally charged, was asked not to attend. The risk of violence is minimized through the pre-meeting interviews with the family members and the referring social worker. Furthermore, family members are asked to keep the focus on the children and to leave any personal agendas at the door.

To assist and support the family, the coordinator explains MCFD terms and definitions throughout the whole FGC process, which demystifies the legislative process and language.

3.6.7 Process Steps

Preparation/Pre-Meeting Decisions

The coordinator determines who should be invited based on discussions with the parents, children (12 years and older) and other family members. He asks who the parent(s) are comfortable with being present. He will “dig” and probe for other family member names. He pays particular attention to the reasons for certain family members not to participate. In discussions with the parent, he will say that the people who make the parents angry, may be the people who are holding up a “mirror” or trying to slow things down. By using this reference point, he is often able to convince the parent(s) to allow family members with different opinions to attend. If a person is not physically or mentally abusive toward the parent, he will encourage the parent to allow them to attend the FGC meeting.

Family members (parents or Elders) need an opportunity to speak about anger towards MCFD, because their mind will be so “noisy” they will not be able to focus on the planning in the meeting.

In the pre-meeting, the coordinator prepares MCFD social workers to hear this anger. The coordinator will respond to a family member’s anger towards MCFD by playing the “devil’s advocate” regarding the benefits of having social workers to protect children.

Children are encouraged to be a part of the opening if they would like to share any of their talents or skills. For example, a young lady shared her musical talents by playing several songs on her violin and guitar.

The coordinator figures out who the key family member is, because this person can encourage other family members to attend. He asks who the parent’s strongest relationship is within their family. Usually the parent’s favorite auntie or uncle is the most influential person in the family.

Meeting

The coordinator facilitates the meeting. When more than one Nation is represented, he will co-facilitate with a representative or FGC coordinator from another nation.

In the pre-meeting family members are asked who within the family would they like to have open and close the FGC with a prayer. The meeting is opened with a prayer by an Elder, elected family member or, if asked by the family, the FGC coordinator. Sometimes the family request that no prayer is used.

Teachings about the role and support of family are discussed. The coordinator encourages the family to talk about how “family knows family best”. Aunties and uncles will often share how big the family is and how much support there is within the family.

The coordinator discusses the family’s historical involvement with MCFD in the individual prep meetings. He will check out different perspectives on the family’s history, reports and situations. Taking into account everyone’s different perspective, he facilitates some mutual understanding by assisting some parties to understand each other in individual meetings and within the FGC meeting.

During the introductions, everyone is encouraged to add their input to the flip charts with the headings “Hopes”, “Strengths” and “Issues/Concerns”. When the plans for the family are being discussed and made, the family can use the flip charts to help guide their discussion and plan.

Everyone is allowed an opportunity to speak. Sometimes family members believe that the parents are not ready to hear what they have to say about the family issues and concerns, so these family members will not speak at this time. The FGC coordinator gives these members the opportunity to write out and/or to give a written statement that can be read out by a family member or the FGC coordinator.

The family is informed that they are responsible to make their own plan(s), but that MCFD or the Delegated Agency has to agree to the plan. Decisions about the plan details are made by the family. The decision to accept the plan is made by the social worker and team leader. Aunties, uncles, Elders and House Leaders have significant influence regarding the plan details. The family develops the plan, including multiple back-up plans. The family signs the agreement version that they write up in the meeting. The FGC coordinator then retypes the agreement and sends out another version to the family, referring social worker and team leader.

At the meeting, the family is informed of who will monitor the plan, starting with the social worker, community workers and family members. They are also informed at this point that the FGC coordinator’s role ends and that the FGC evaluator will follow up in three to six months.

The meeting is ended with a prayer by an Elder or other traditional ceremony, as requested by the family.

Follow-up

The follow-up of the plan occurs through follow-up FGC’s or by the social worker and/or identified family member. Also, some follow up occurs when the FGC evaluator contacts the family to complete the Law Foundation’s Three to Six month Follow-up questionnaire.

3.7 Nuu-Chah-Nulth Tribal Council

Nuu-Chah-Nulth Tribal Council carried out this work through the USMA Family and Child Services Family Group Conferencing project. The following information was written primarily by Julie Fontaine, FGC Coordinator, at USMA Family and Child Services. Some edits in formatting were made by Leanne Harder, Law Foundation consultant.

3.7.1 Process Development and Community Consultation

USMA has consulted Elders and learned from oral history as well as reviewed publications written by Nuu-Chah-Nulth members.

Here is an example of oral history passed down from generation to generation through Haahuupa – the traditional form of teaching by Elders to pass on teachings, information, guidance, council or advice to an individual or group through oral history and stories called himwitsa (legends that relate philosophy of life and ways to be or lessons or history of places and ancestors). Our Elders shared their own experiences in Sayings of our First People about how things used to be:

“One of my Grandmothers said, ‘as you haahuupa them when they are eating, they swallow what you are teaching them when they’re young....They believed in starting early because as soon as a baby is able to sit down you never let them watch you do anything wrong because that’s the time they really start taking it in.’”(Rose Cootes)

“Whatever you do, the family is the undergirding of our Nuu-Chah-Nulth society and our ancestors knew that. Our laws, our customs were based on that undergirding formed by the family. The support for anyone with a problem was right within the family, and if our families recognized that today, there would be less alcoholism. There would be less suicides. There would be less family separations. There would be less child neglect and so on—all these things that we deal with. They’re serious problems, but the family is the key that holds all that together, holds our Nuu-Chah-Nulth society together.” (Roy Haiyupis)

The most prevalent way of collecting information is through individual, family and community gatherings where Elders and others share information and stories. As part of Nuu-Chah-Nulth, I have my own family stories, history and teachings about how and why we did certain things, spiritual practices and cultural traditions.

3.7.2 Cultural Context

A traditional word to describe Nuu-Chah-Nulth ideology that is used is Hisuuk?is-caa-waak, which, loosely translated means: we are all connected and we are one. This encompasses all that is, living or not. All is in balance, when you change one thing, you change all things. In traditional justice and resolution processes, being that we are all connected, what we do to others, we bring on ourselves. Traditionally, children were taught how to be good people, how to share, respect and honour all things. Role modeling of this was in how they were taken care of and treated.

In addition, as part of the community, the FGC coordinator is included in the process of potlatch, ceremony and assisting with this as one of the roles of helper within Nuu-Chah-Nulth.

Justice, according to Back to Basics, speaks of “correcting” the wrong done rather than punishing. This entailed the public gathering where the offender stood with his family to take responsibility and to attempt to restore balance. The victim and family attended, when the victim was ready, and feast would occur where the families would acknowledge and start the process of healing. The community was involved so as to witness the amends and all would know what happened and how it was taken care of.

This practice extended into Natural Laws. It was taught and practiced in order for survival of the group. There was understanding that the breaking of laws would mean some form of life would be threatened. For example, taking only what you need in order to guarantee the resource would continue. Other natural laws included the weather, cloud formations, tides and the seasons. There were teachings about how and when to gather food stuffs and what kind of waves to watch to ensure safety. Basically, the law is respect for all that is. All actions have consequences.

The Nuu-Chah-Nulth model for FGC is based on the principle that we are all one; that, due to the consequences of our actions, we need to seek solutions to restore balance. With a base understanding that we are all in a state of unbalance due to the history, then we begin the restoration process by looking further back and introducing the spiritual and cultural traditions into our work.

Identity and relationship are crucial to the rapport building process. Appropriate self-disclosure about the family history and shared experiences builds a level of trust and empowers people through sharing in their healing journey. It gives hope and belief in the ability to change.

Relationships are built through community functions, ceremonies, potlatches, gatherings and family. In addition, education and information sharing are ways to develop a different relationship with families in crisis.

The late Nuu-Chah-Nulth Elder Roy Haiyupis voices this in his 1996 paper by saying:

“The recognition of the place of our values and traditions for its healing components for those in distress, and the power of the place of Nuu-Chah-Nulth UDH spirituality within the context of our whole culture has to be recognized as the very keys to living....No component of the person and life can be separated one from the other. Spirituality is the qualifying component that glues body, mind and emotion into life that is meaningful and purposeful for we believe that each one of us has an assigned purpose in life. Only within that purpose do we find meaning in life. Is it because of that purpose for First Nations people that we have not taken any firm hold in the larger society?”

The model incorporates Nuu-Chah-Nulth traditions and values by encouragement of the use of spiritual practice in all aspects of life. While there are many who are living according to Elders teachings and have remembered their teachings, it is those who are hurting and disconnected that need to embrace the culture to begin the healing process. There are strong values, teachings and principles that are practiced and engaged in today, yet they seem to be restricted to certain activities and events. The road to restoring our communities and families is in extending these practices in all of life. As explained in his paper, Impacts of the Residential School and the Breakdown of the Continuum Concept of Social Organization, Elder Roy Haiyupis states:

“When a family is given an honorable intention for recovery through a culturally holistic Nuu-Chah-Nulth family orientation program, that is a program that we must introduce to the provincial authorities to help our people bring the distressed generations back to our values. We have enough of our cultural values intact to implement a family recovery program...This traditional approach includes all those involved with the problem of the individual and particularly at this stage in our history, when we recognize that many of our people are still dealing with suffering and grieving, our traditions recognize the place of the family to share the grieving, and in this process, to contribute to the emotional support that is necessary for the one in distress. The essence is that the whole family needs healing. The whole family needs to deal with this major historical loss, and our traditions allow for this exercise for the family to experience the emotional disturbance of loss, letting go, and emerging within a family setting that recognizes its own strengths through bonding, accepting and belonging measures practiced throughout their own lifetimes.”

3.7.3 Referral Process

The coordinator receives referrals from people in the communities the agency serves, as well as from USMA, which is fully delegated under the *Child, Family, and Community Services Act*.

3.7.4 Qualifications and Experience of Process Leader

The coordinator has a history of counseling and helping in other ways, which contributes to the process. She is known to many of the people throughout the territories. As a helper, she is asked to participate or help in various ceremonies and cleansing practices which were taught by Elders over her lifetime.

3.7.5 Role of Children and Their Views

The child is brought to the center of the discussion and voice of the child is paramount. This has been brought through sharing, pictures, and letters if the child is not able to attend or feels unsafe sharing.

3.7.6 Management of Power Imbalances and Risk of Violence

The key is in communication and creating safety through making it ceremonial, with honor and respect for all that are there. When this process is offered in a ceremonial way, the incidence of violence is lessened by virtue of the respect for ceremony. Risk management involves individual preparation and ensuring that boundaries are set and expected to be adhered to. To date, there have been no threats of violence and although conversations can get emotional, there is unspoken respect given to the Circle and what that means. The inclusion of an Elder in the family or other respected Elder to that family also assists in alleviating any threat of violence. If there are legal restrictions as to why someone could not physically be included, then all avenues are explored to include them. This has been done by speaker phone and could be handled by written expression of the views of that family member.

In the event that this happens, the coordinator stops and immediately addresses the issue. Any potential issues are addressed prior to the meeting and guidelines are there for safety. To maintain the safety of the family and participants, an intervention would be necessary in order

for the family to continue with their work. Focus is always directed back to best interests of the child.

3.7.7 Process Steps

Pre-meeting

Ideally, as many family members as possible are included in the process. The situation has come up where an immediate family member was incarcerated prior to the meeting. There was a one-to-one meeting afterwards to report and to connect family by delivery of cards with messages from his family. The respect given brought him to the next meeting which was beneficial to the children in communicating their feelings to their parents. The late Roy Haiyupis believes that our healing will come from within family contexts. He shares his beliefs that the opportunities for change and growth start with the basic precepts of traditional family as the support system and strength to begin the healing of the self.

As stated above, the preparation for the meeting involves cultural preparation and cleansing ceremonies in whatever form the family prefers or has been taught. The role of the coordinator is to bring forward questions that encourage participants to use those teachings or to seek out Elders who will counsel them as to their family practices. While there are practices common to Nuu-Chah-Nulth, individual communities and families differ slightly and the respect is given for those ways. As experienced over the years in working with addictions and residential school survivors, traditional methods complement mainstream ideologies of therapy and recovery.

The process of preparation for FGC includes cleansing ceremonies, invitation to the ancestors for support and empowering each individual by stressing their importance in the process of healing and the importance of sharing how they feel and what they need to make things better.

In addition, one-to-one sessions are held so each individual is empowered to speak and to participate. This creates family ownership of the meeting and fosters a desire to address the identified issues. Having all participants feel equally part of the process, creating safety, and being clear about the purpose of the meeting takes some of the fear out of coming together. When family is given the responsibility, they can get beyond the fear of authority, take ownership of their issues. This breaks the cycle of mistrust and they begin working with the social worker in a constructive way.

In the cases with babies and permanency planning, the coordinator visits the baby first, getting pictures and learning about the baby prior to meeting with all the family members. This brings the importance of meeting to a real level as there is a visual for family to see and connect with.

The process is explained right from the start, openly and honestly about the needs identified. When addressed openly and in a factual way, the difficult issues can be discussed right away. To date, whether it has been permanency planning or application for another temporary order, families appear more receptive when they are given respect and asked for their input into the process. At the heart of every conversation the focus of the whole process is on the children.

Meeting

Each family member is encouraged to share, speak and to express their views about the meeting and expected to assist in the development of the plan. With support persons, possible resources and other important connections, they all share their role and information that can be helpful to the process or to the plan. All people in the meeting have the voice to share their common reason for being there--they care for the family.

The FGC coordinator organizes the main meeting, sets out the guidelines, the agenda and the purpose of the meeting. If there is an Elder present, they may want to address the group and share more than the others might. This is an opportunity for them to teach and to share with the family the important issues and opinions. In the last FGC, the grandfather took the role of validating what each person said, shared teachings and offered words to the parents.

All meetings start with a prayer, calling the participants' ancestors to help them with the work. Preferred practice is that a family member say the prayer for their family, but the FGC coordinator will start if the family requests. Individual preferences for opening the meeting are discussed.

Teachings are shared in the meetings as well as in one to one sessions. Grandparents are encouraged to speak and anyone who is part of the family or is trusted to be in the meeting can say the prayer. It is an individual process in that working collaboratively means respecting the wishes of the family to create a working relationship. Participants are encouraged to seek out the counsel of Elders in their family to share with them.

Guidelines are set out at the start regarding allowing each person in the Circle to share. We respectfully ask that there be no interruptions during each turn and in the preparation phase, each person is encouraged as part of the whole process, to express their views and feelings. In the Circle, everyone has a turn.

In most occasions, and according to the structure of the FGC, the family together makes decisions based on the *Child, Family and Community Service Act* section 13 concerns and addresses how they are going to alleviate risk and work towards better solutions for their family. All views are heard in the Circle. The social worker states what the problem is and what needs to be addressed in the plan they come up with. The Elder in the family or the leader chosen by the family will be the speaker on the family's behalf. This entire process requires belief in the family and their ability to take care of themselves and to address the issues. The process gives responsibility and ownership to them to care for themselves. As people are empowered, change happens. When people have an opportunity to choose and to share what works for them, they are more likely to follow through with those plans. When they are held accountable by each other rather than an outside authority, the outcome for children will be better.

Within the conference, the family, including all members who were invited to the meeting, are equally responsible for creating their plan. The Elders are encouraged to teach, share, participate and be part of this and each family has someone that they identify. In the event that there are no Elders available or the family does not have someone that they identify, there are Elders who are cultural support workers and helpers who are invited to assist through sharing of teachings and saying prayers. In the actual meeting the power is given to family to develop their own plans with the input and collaboration of the social worker. If there were to be outside influences within the community, it usually includes the family care worker or counselling and resource workers to be involved. This process is family driven. The only perceived outside influence would be the acceptance of the plan by the Agency. To date, this has not occurred. If there are some issues that must be addressed directly, the social worker will share again the concerns, that need more attention, to lower the risk and to help the children. In preparing for the meeting, all concerns are brought up, with the coordinator encouraging the participants to problem solve and consider solutions prior to the actual meeting. For example, in dealing with anger-management concerns, a person may choose one or more ways to make changes. Some individuals may use cultural ways to address the concern. The goal is to address the concern. There is also encouragement to expand on thinking and to come up with two or three plans. If

one thing works but something else does not then the family has other choices and options. This gives room for success and teaches that there is flexibility and more available to the family than a “black and white”, “all or nothing” attitude. This process builds on strengths and resiliency and offers room for growth.

The family comes up with the plan, given all the information and the concern to be addressed. The facilitator may type out the plan for the family. There may be some literacy barriers, however the family’s development of the plan is a key piece. The facilitator will assist the family to write out the plan, if necessary, and ensure that it is correct in the way they set it out. The plans are stated in simple language that is easy for the family to follow. With the history of residential school there are many people who see schooling in a negative light, who were traumatized and may be intimidated by writing. There may be higher anxiety about writing things down, or how they do that. In creating their plan the focus is on their strengths and abilities and the spirit in which they have agreed to work.

When there is consensus, the family and social worker work out the needs for the plan and, if necessary, the social worker files the appropriate paperwork with the courts following the agency standards and applicable laws.

The meeting ends with acknowledgement of the work done, and the positive strengths of the family to work with the social worker and to improve the lives of all involved for the sake of the child/children. A review meeting is set up to follow up.

Follow-Up

Follow up is arranged the day of the meeting and is to review progress, make changes as necessary and to keep continuity of working together.

One example of how this process is working, is in working with Elders to bring out the teachings and to ask questions about how things were done before. Through conversations with grandfathers and grandmothers who are residential school survivors, and in spite of being raised by and near their own grandparents, there are residues of residential school that affect them in their feelings and thoughts about speaking. With our children being punished harshly for speaking the language or even speaking out, these Elders, rich with the teachings of their Elders, suffer the trauma of that experience and often have fear of speaking. With encouragement and support, they begin to understand and feel valued in what they have learned and been taught and their self-esteem goes up. It is in this process that ceremonies, cleansing and cultural practices are being brought to the forefront in dealing with today’s problems. With positive encouragement, validation and support, these Elders are beginning to challenge that fear of speaking and sharing what they have to help their children and grandchildren. In my own experiences as a first generation who did not attend residential school, my own family members experienced the barrier of not speaking the language although they were fluent. It was not until the year before he died in 2004 that I ever heard my father speak his native tongue. We have the language, the teachings and the spiritual practices to take care of ourselves. It is evident by the statistics and the current state of our communities that the road we need to take is not one of mainstream therapies, but one of restoring something that sustained our people throughout time.

3.8 Okanagan Nation Alliance

The information below was gathered from a report written by Jennifer Houde, FGC Coordinator, and Assunta Rosal, Wellness Policy Advisor, and an interview with both by Leanne Harder, Law Foundation Consultant.

3.8.1 Process Development and Community Consultation

The FGC model originates in New Zealand. It was developed in response to the need for a culturally sensitive, family-based approach to the care of Maori children, who, like Aboriginal children in BC, were disproportionately over-represented in the country's foster care system. The FGC involves bringing the child, the immediate and extended family members and (non-blood related) significant others together to develop a plan of care that ensures the safety and well-being of the child. The FGC model is based on the premise of collective responsibility. It also builds on a strength perspective as the wider family network of kin and community become more involved in decision-making.

The coordinator regularly talks with people in the community about the process. She has built relationships with other referring agencies to encourage participation as well.

This hybrid project has incorporated information and practices from the New Zealand FGC model, local Aboriginal traditions and other conference projects in BC.

The project is developing internal capacity in the community by encouraging referrals to the ONA project rather than the MCFD FGC.

3.8.2 Cultural Context

Through the world's indigenous cultures, there are three characteristics of problem solving:

- get as many people around the problem as possible;
- take the time that is needed to come to a decision; and
- come to decisions by consensus.

Within the Okanagan Nation there is a process for decision-making/conflict resolution called En'owkinwixw which has the same characteristics included.

The ONA Aboriginal Family Group Conference (AFGC) model is described as different from mainstream FGC in worldview; values and principles; and the role and understanding of the Circle.

This model is based on an Aboriginal worldview which includes:

- Respecting and understanding Indigenous ways of being and knowing.
- Working with families and recognizing/acknowledging the family and communities' right and capacity to care for and plan for their children.
- From a community perspective, parents do not lose their rights to their children (in contrast to the current *Child, Family and Community Service Act*), although their ability to parent may be limited.

The ONA AFGC model is described as different from mainstream FGC in: worldview; values and principles; and the role and understanding of the Circle.

Certain values and principles are reflected in the ONA model.

- Respect
- Understanding of the historical and current impacts of colonization and intergenerational trauma
- Inclusion of children and children's views
 - Children are included in plans made by their families. The ways they are included depend on their age, maturity, feelings of safety, level of comprehension and ability to communicate. Various ways of communication are used, for example, pictures drawn, letters written, using a speaker, in person, however they feel comfortable.
- Responsibility for family, community, language, land, nation and culture.

Responsibility for a child comes from an inherent collective perspective and holistic worldview; and the requirement to consider and acknowledge all aspects of the child's well-being. Child rearing and teachings are a shared responsibility between the family and community with the Nation having an overarching interest in the health and wellbeing of children.

An Indigenous world view holds the bio-parents and the extended family (grandparents, aunts, uncles, cousins and close family friends) as responsible for the well being of the child. Further, the responsibility for the child includes ensuring that the child is connected to their ancestral lands, culture and language. People from outside the Nation cannot fulfill these responsibilities therefore such placements would be inappropriate. The community too has a role to plan, in supporting family and if there is no family then the community would step in. If for some reason the community could not fulfill this role it would then fall to the Nation.

Aboriginal world views reflect interconnectedness between all living forms and consider each of these forms as sacred. Cycles within nature, such as the seasons of spring, summer, fall, and winter, are a main teacher of Indigenous peoples and form the basis of belief systems. Circles, being inherently non-hierarchical and inclusive, represent respect, equality, continuity and interconnectedness. The image of a Circle is recognized by many Nations and territories; however, each person family, community, Nation and culture may have their own unique meanings associated with the Circle.⁴

The project conducts family Circles as a non-adversarial approach to decision-making. The Circle belongs to the people not to any individual. The intent is for people who participate to hold each other accountable, to avoid blaming and shaming, and to promote personal, family and community responsibility. Circles are based on the premise that each person has an experience that can benefit or enlighten another.

Information exchanged in the presence of many different people who support the family leads to an exchange of a wide range of possible approaches. The result is less authoritarian; a non-punitive approach that results in improved outcomes for children and their families.

⁴ Anderson, Scott. (2000). The Healing Circle. Retrieved August 10, 2008.
Website: http://www.iisd.org/7thgen/healing_circle.htm

Formal support workers listen attentively, and participate only when information from their field of knowledge is appropriate to contribute or if requested.

Most Circles transform from information exchange to connection. The group merges into a single body that has the intent of coming together and focusing on the children.

Participants feel deeply listened to and supported by the group. A powerful sense of community emerges.

3.8.3 Qualifications of Process Leader/Coordinator

The coordinator has a Bachelor of Social Work degree and is a member of the Okanagan Nation. The coordinator is also knowledgeable and practices Okanagan culture. Further, the coordinator is familiar with other Indigenous cultural practices.

3.8.4 Role of Children and Their Views

Children are typically present at the meeting in the morning. Depending on the child's age and ability, their views are always sought. The project recently began using a tool from the Signs of Safety approach. The tool is a diagram that children draw or write on, about their dreams and hopes, what is going well and should not be changed and what could use improvement. The AFGC coordinator usually meets with older children to discuss the planning that is about to happen and discuss their involvement. Older children are also asked about their hopes and dreams, what is going well and should not be changed and what could use improvement.

3.8.5 Referral Process

Referrals are accepted from individuals and organizations. The coordinator meets with the referring person/organization to assess the appropriateness of the referral. Referrals are placed in a priority sequence according to the following criteria.

- 1st Priority:** Families and children who are at high risk MCFD involvement/removal/children ages 0-1 year
- 2nd Priority:** Children who are in care by Voluntary Care Agreement/referred at intake
- 3rd Priority:** Children with Temporary Custody Order (TCO) status (early)
- 4th Priority:** Children with TCO status (Late)
- 5th Priority:** Children who are Continuing Custody Order status/are in need of community/cultural connection plans

3.8.6 Management of Power Imbalances and Risk of Violence

The coordinator has not needed to deny anyone from attending due to safety or power imbalances. The guidelines of the process ensure everyone has a chance to speak and be heard. The coordinator will interpret or translate the family's words/plan for the social worker. The use of a Circle also addresses power imbalances. The coordinator is also an advocate for the process, therefore addressing some issues of power.

3.8.7 Roles and Responsibilities of Participants

The project manager notes that MCFD's involvement with a family is "inherently adversarial" and usually perceived by the family as outside interference. The social worker often prescribes solutions, as the very nature of their service requires regulatory or legal action. The context changes when Aboriginal families come together including Elders and people who the parents perceive care about them. Family members can influence the parents to act. The parents feel supported when family members state they will do particular actions, (that is, provide respite, or take responsibility to teach the children some aspect of culture) or when an Elder explains how children are the heart of the community and the responsibility of the entire community. The AFGC process "capitalizes" or makes the most of the community's and family's authority (power) to positively affect the outcome for children and ultimately becomes the catalyst for transformative change for the parents, the family and the community.

The AFGC coordinator is independent of the Band, Friendship Centre and MCFD. The coordinator works with participants to ensure balancing of the Circle and so that people can come together in a good way. The coordinator will also describe the process, legal process and options available.

The role of the family at the AFGC is to actively participate in planning for the child's safety, wellness, permanency, culture and any other area decided by the family to be appropriate and important. It also may include supporting the parents in developing a wellness plan.

The role of professionals at an AFGC is to provide information and offer consultation and resources to family members. These individuals are defined as "formal supports".

In situations where there is MCFD involvement, the MCFD social worker's role is to support, agree to and resource family plans wherever possible.

In instances where the family has cultural/spiritual support people, healing persons or a specific way to conduct healing/family Circles, the coordinator works with these individuals to ensure the purpose of the AFGC can be met. The coordinator then co-facilitates.

Teachings in the Circle are shared by Elders. They often share traditional parenting practices.

3.8.8 Process Steps

Since this is a family driven process the format is dependent on the family and community culture. This is the typical process.

1st Round - Opening

- Prayer / smudge / song
- Introductions
- Confidentiality
- Ground rules/Circle protocol

2nd Round - Information Sharing

- Family strengths
- Risks/concerns
- Questions
- Sharing

3rd Round - Private Family Time

- Discuss the concerns
- Decide on a plan

4th Round - The Plan

- Present the plan
- Discuss the plan
- Questions/get clarification
- Agreement to the plan

Pre-meeting

The coordinator prepares all the parties by meeting with them individually and discussing the purpose of the meeting. She explains that there will be Circle protocols or rules for participating in the Circle, which include no “shaming or blaming” and the importance of focusing on the children. Preparation gives participants an opportunity to share their fears and anger with the coordinator to assist them to work through their feeling processes. This usually helps to diffuse fear and anger before the Circle.

The family decides who will be invited based on identifying people who are significant to them and to the children. It also depends on the dynamics and safety. For example, if the coordinator decides it is not safe to have a person attend, then other ways of input are offered, such as letters or discussion with the coordinator.

The family is asked to decide where the meeting will be held, what food will be served, any culture or ceremony to be incorporated, the use of any co-facilitators, support people and Elder involvement.

The coordinator discusses the intention of the meeting in her initial contact with the family and in the pre-meetings.

Meeting

The Circle is a perfect symbol of creation and all things in it. It has an endless centre, and in itself, it is a part of something endless. What a Circle tries to do is allow people to have a place to share and grow from the sharing.

By being allowed to share without interruption, people are allowed the sense of dignity and respect for their input. They are able to feel a sense of safety and distinction and are able to claim their voice. For many Indigenous families who experience intergenerational trauma related to residential school, colonization and oppression, this process is often a first important step to reconnecting with the family and community and leads to healing for individuals, their families and communities.

The family develops the plan with the involvement of the “formal supports”. The family decides on the plan by consensus. The social worker agrees to follow the plan.

The family writes up the agreement at the time they draft it. The coordinator will type it up in the family’s language and add the phrase, if correct, “the Ministry and family have agreed to the plan.”

The coordinator conducts regular follow-up by teleconference. She encourages everyone to follow the plan but does not implement the plan herself.

Follow-Up

The AFGC coordinator offers a follow up Circle if the participants feel that the plan needs to be altered to be implemented and if they feel a facilitated meeting would be helpful. As well, the AFGC coordinator follows up with the family as a support for plan implementation and to measure outcomes.

3.9 Squamish Nation

Squamish Nation carried out this work through Ayas Men Men Child and Family Services (Nexwniwnitway). The information below was written by Stephen Kozey, FGC Coordinator, with some editing by Leanne Harder, Law Foundation consultant.

3.9.1 Process Development and Community Consultation

The signing of the tripartite agreement in 1993 recognizing the Ayas Men Men Child and Family Services agency (AMMCFS) as an Aboriginal delegated agency began an ongoing annual reporting of child and family service delivery between the elected Council, the Nation membership and the Nation's team leaders of the AMMCFS.

Since the Nexwniwnitway project approval, the consultation between Nexwniwnitway and the membership has been formalized and is carried out in a variety of formats as follows:

- Focus groups are held quarterly with Elders and community members on the nine reserve resident communities of the Squamish Nation in North Vancouver and the Upper Squamish valley.
- Annual agency public strategic planning sessions at which program information is provided and community needs are reviewed.
- Through individual interviews and focus groups, 60 members have volunteered to be community advisors to the project.
- Information is distributed periodically in the Nation's weekly newsletter.
- The quarterly agency newsletter is a helpful addition for communication about Nexwniwnitway with Nation members.

In all of the above communications, the general theme of community responses has been for service delivery reform to consist of re-introducing local Squamish ways and practices of responding to child protection and youth justice issues.

Two other factors that were influential in development of the model were: the direction and desire of the Elders and cultural teachers; and a positive response by the youth who want to learn about Squamish ways (knowledge and culture).

The information of the Elders challenged the project team to re-introduce some of the "old ways" into our work (practice) with Nation families. Their assessment of current services was that many of our families do not understand and consequently do not relate well to existing mainstream child welfare services and practices. This assessment is based on and supported by experience with residential schools and the subsequent mistrust of "outsiders" who become involved in local family affairs. In the past, outsiders disrespectfully devalued Squamish culture and ceremony and thus forced the acceptance of the larger society norms and values.

While conducting a needs assessment of services for youth, the youth expressed a desire to know their history, culture and identity ("who we are"). This resulted in the re-structuring of how youth services are delivered by AMMCFS. There is now an increased focus on group work, ceremony and a full cultural agenda that includes teaching the protocols, traditions, and values of the Squamish people. The youth show a keen interest in participation in Squamish culture as this represents "who they are". The Nexwniwnitway project encourages the inclusion of traditional and current cultural practices in each Family Circle after consultation and approval by the family. If there are limitations, they are only at the request of the members of each Family Circle as all decisions relating to the inclusion of content and list of participants is voluntary.

AMMCFS builds rapport with community members to encourage participation in dispute resolution by:

- establishing a list of community advisors with whom they dialogue regularly;
- identifying and using local members knowledgeable in Squamish history, culture and tradition in our family Circles as community representatives and carriers of Squamish knowledge;
- conducting local research by interviewing Elders about “old ways of knowing” and asking the membership in general to tell us what type of services they think should be available and how they envision them to be delivered;
- providing opportunities at community meetings for all members to be informed about the alternatives in dispute resolution as they relate to child and family matters.

A preventative approach where families began to address their own concerns using their own family resources is the ultimate objective of Nexwniwitway. In addition to providing a direct FGC service, the project has spawned the development of educational, research, and advocacy activities to identify needs of Squamish Nation children and families. These three areas of work are addressed as task sub-groups of the Nexwniwitway Program and collectively form an integrated and holistic alternative way of delivering child and family services to Squamish children and families.

In the course of conducting family Circles using members of the various families as resource people, the resource people are becoming recognized, called upon and empowered to become involved in resolution of family matters, both internally and outside the formal Nexwniwitway Circles.

The project is increasing the ability of families to respond to family challenges and make safe care plans for children.

3.9.2 Cultural Context

As Coast Salish people (linguistic group), the Squamish people do not have a hierarchical Clan system which defines authority among members of the community. Any Nation member can advance to a leadership role through demonstration of good works; however Elders who are knowledgeable about local culture and protocol are looked upon as authority figures. The names of such people are not written and circulated, but rather they are orally recognized at public ceremony and feasts. It is important for the facilitator to become familiar with who these persons are. This process can take time and is developed after long periods of association and a development of mutual trust.

Nexwniwitway is a Squamish word meaning “to counsel - as in the sense of mutual intent to discuss, resolve, act and follow-up”. The Nexwniwitway model is based on Squamish laws of conduct as they apply to family matters. Squamish values are demonstrated in a holistic way in the Circle where decisions are made by consensus. The Circle process is all encompassing and holistic in that all of the family’s strengths, history and the connection of their membership to the community are recognized within the Circle. This process of recognition gives support and adds strength to the family to address the issues that challenge them in regards to safe child care. Local resource people are recognized as service providers and advocates for the family. The Circle is always held in one of the Nation’s community buildings within the Nation’s territory.

3.9.3 Referral Process

Referrals of Squamish child protection files are made by the MCFD social workers. A written letter or email from the MCFD social worker to the Nexwniwitway coordinator with basic information initiates the referral. The Nexwniwitway coordinator conducts Circle preparation by contacting family members and service providers who may be called upon by the family or the coordinator to participate in the family Circle.

3.9.4 Role of Children and Their Views

Children are often present during all or a portion of a Circle. Their views may also be represented in other ways, such as by other family members speaking on their behalf. Children 12 years and older have a right to attend and participate and they are informed as per the MCFD regulations. Children of all ages are encouraged to attend unless the coordinator in consultation with the referring social worker deems participation to be detrimental to proceedings.

3.9.5 Qualifications of Process Leader

The coordinator is a former social work employee of the Squamish Nation with 20 years experience in work with Squamish children and families. He has been a member of a Squamish family for over 30 years with a spouse and two step daughters. The coordinator has a bachelor's degree in philosophy from the University of Saskatchewan (Saskatoon) and he holds Master's level degrees in Social Work, Adult Education and Community and Regional Planning from the University of British Columbia. He is currently completing his doctoral studies in the Faculty of Education at the University of British Columbia in the Educational Leadership and Policy Program. His area of study is: Indigenous knowledge as Praxis; Indigenous research methodology and Aboriginal social work practice.

3.9.6 Management of Power Imbalances and Risk of Violence

Power imbalances are addressed through the format of the Circle, which recognizes all participants as equals. Violence is not tolerated in the Circle. The guidelines for the handling of unforeseen events that may occur during a Circle are thoroughly reviewed by the coordinator with all participants during the Circle "preparation" period.

3.9.7 Process Steps

Preparation and Pre-Circle Decisions

The coordinator begins preparation by meeting the referring social worker to obtain the reasons for referral and the agency objectives for the family. The coordinator asks the worker for all known family members and service providers that he or she feels can contribute to the Circle by being present as participants. A similar question is then asked of the parent or parents who are interviewed and members identified by the family are then invited. In exceptional circumstances, the facilitator may influence denial of a participant and suggest denial of an invitation to a family member whose presence is deemed to be detrimental to the Circle. Examples here would include: someone with a record of abuse, criminal activity, or violence and anger to such a degree that their participation would be counter productive to the Circle.

All participants are interviewed by the coordinator in advance of attending the Circle at which time he explains the purpose and process of conducting a Family Circle. This information includes explanation of the guidelines to participants stating that they are grounded in the general local rules of conduct as defined by Squamish law and protocol.

In regards to the initiation of a Circle, the process is initiated by the MCFD social worker who will determine whether a Squamish family file shall be considered for a family group conference. If either parent or child is of Squamish descent, the referral is made to the Nexwniwitway Family Circle Program.

The roles of people who participate in the Nexwniwitway process are described in the following table.

Table 3.9.1 Roles and Responsibilities of Nexwniwitway Participants

| Roles | Functions and Responsibilities |
|---|---|
| MCFD Social Worker | <ul style="list-style-type: none"> • Initiates referral • Explains current legal status of file to facilitator • Provides non-negotiable criteria • Articulates “core needs” of child(ren) and family to the facilitator |
| MCFD Supervisor | <ul style="list-style-type: none"> • Defines MCFD legal position • Interprets policy • Responds formally to plan developed by family |
| AMMCFS Social Worker | <ul style="list-style-type: none"> • Advocates on behalf of family |
| AMMCFS Supervisor | <ul style="list-style-type: none"> • Approves local support services that are identified at the family Circle |
| Coordinator/Facilitator | <ul style="list-style-type: none"> • Conducts pre-planning and preparation with participants • Facilitates family Circles • Conducts follow-ups at one and at three month intervals after the Circle |
| Service Providers | <ul style="list-style-type: none"> • Explain support services |
| Community Representatives and Cultural Teachers | <ul style="list-style-type: none"> • Communicate family history, local custom, and positive feedback by focusing on strengths and contributions of the family • Formal acknowledgement of the family • Intervene with support when participants become emotional by offering comfort, and referencing emotional, physical, spiritual, and mental aspects of each person. |
| Family Members | <ul style="list-style-type: none"> • Provide support |
| Circle Manager or Coach (often a respected Elder) | <ul style="list-style-type: none"> • Provides advice and guidance to the meeting by explaining certain Squamish protocols and meanings • Offers conciliatory communication and support as needed • Gently and assertively brings discipline and harmony to the Circle |

The Family Circle

Each Circle is opened with a prayer by an Elder, community member or family member.

Teachings are shared about local history, Squamish laws, protocols, customs and the significance of these are explained. There is a respectful acknowledgment of the family's strengths and their value to the community.

During the introductory phase of each Circle, the facilitator, community representative and cultural teachers always support participants by encouraging them to express their views. They explain to all that the Circle, by definition, ensures confidentiality and values all Circle participants as equals. This safe environment for human interaction is emphasized to ensure that everyone speaks openly. Power imbalances are addressed in this way.

Decision-making concerning rules occurs by consensus. The facilitator will explain why certain rules of conduct for the Circle are important and he asks participants in the Circle for feedback until there is unanimous agreement on the guidelines. Traditionally, Squamish decision-making is by consensus.

In regards to the plan details, the family, during their private time, has a major influence, for it is their commitments made during private time (without the presence of social work professionals) that become a core piece of the plan. If necessary, participants will look to the coordinator, the coach or to an Elder for guidance. Any one of these people can be called upon by the family to help during their private time depending on the question or issue that arises for them.

The family members present in "private family time" develop the plan for the family and children based on the information presented in the opening Circle where family strengths and needs are identified and listed.

The final agreement is formalized in the full participant Circle after the family's plan is vetted and accepted by the MCFD social worker and supervisor and AMMCFS social worker and supervisor. The coordinator sends a typed version of proceedings of the final MCFD approved plan to all participants.

The Circle ends with a blessing and closing comments by an Elder, community member or family member.

In recent months there have been requests by families and Nation service providers to conduct informal Circles for a variety of reasons such as to prepare a family before being referred to a Nexwniwnitway FGC. These smaller Circles may include a spiritual healing or related ceremony that is conducted either before or after a formal FGC. Similarly, the Circle can either be a direct component of a care plan for a child or family or it can be a stand-alone Circle not directly related to a child or family care plan. This flexibility to accommodate direct informal requests from families and community service providers is considered as a strength of Nexwniwnitway as an integrated and community-centered service.

Follow Up

One month after a Circle and three months thereafter for a period of up to 18 months, the coordinator interviews a minimum of three persons from each Circle. All deviations and gaps in service compared to the original plan are reported to the responsible social worker. The facilitator will organize a follow-up Circle if deemed necessary and useful by the social worker and accepted by the parents and family.

3.10 Stó:lō Nation

This description of the model Qwí:qwelstóm Justice is intended to provide an overview. Qwi:qwelstóm Justice is not a program but a process. The information below was written by Francis Charlie, Family Justice Worker, with some edits by the Law Foundation consultant, Leanne Harder.

3.10.1 Process Development and Community Consultation

Elders of Stó:lō communities were interviewed, through research process, as to how our ancestors related to conflict and how we resolved conflict. Information - oral, traditional, spiritual, cultural teachings, and Elder's role with family - gathered through Stó:lō Elders was used as a model to relate to conflict. In Stó:lō Nation language there is no word that defines justice.

The program consults with the following agencies:

- Xyolhemeylh Child and Family Service (delegated under the *Child, Family and Community Services Act*);
- Respectful Relationships Program – program for men (Probation / Qwi:welstom Justice Program).

The program takes consideration of the over representation of Aboriginals within the court system and family matters involving child and family agencies where child(ren) were removed or separated from immediate family.

Contact is made with social worker(s), Chief or Council of bands, alcohol and drug counselors to request permission to do presentations regarding the Family Justice Project. Once contact is confirmed, an information session is held either in the community gym, band office or other available space.

- Other info sessions are done for Stó:lō Tribal Council, Stó:lō Nation Society quarterly meetings.
- Care Committee meetings (Xyolhemeylh trained band members – child protection conflicts within communities).

3.10.2 Cultural Context

Elders are holders of knowledge which they are responsible to share with others. All oral teachings, shared by Elders and others in Circle setting, have a value and belief relating to the importance of family and future of the extended family. The most important value or belief is respect and being thankful for our existence as a human and connection to spirit.

3.10.3 Qualifications of Process Leader

The Family Justice Worker and Smóyelhtel are members of the Stó:lō Nation and have extensive professional experience in the field of social services.

3.10.4 Referral Process

Qwí:qwelstóm Justice has an array of avenues that permit them to assist with Stó:lō communities. Conflicts that occur within the communities come from self referrals (individuals, extended families, band offices, Tribal Council) social workers, legal disputes (family, criminal, civil) and, most recently, fisheries matters.

3.10.5 Management of Power Imbalances and Risk of Violence

Power imbalances are addressed by everyone having uninterrupted time when they hold the feather. This creates equality and respect for the process. In the first interview between the Family Justice Worker and a participant, the Family Justice Workers determines whether the participant is a good candidate for the Qwí:qwelstóm Justice process, At times, individuals may not be ready to address conflict due to personal issues.

3.10.6 Process Steps

Preparation/Pre-Meeting Decisions

The Family Justice Worker recommends that each parent have others there for support. There have not yet been situations where a person needed to be asked not to attend. The Family Justice Worker focuses on the need for those who attend to support the process. If necessary, he will arrange for separate Circles for parent(s), if both parents are unable to address their conflicts due to personal or historical issues. At times, separate meetings are arranged between certain people, prior to the Circle, in order to resolve some relationship issues ahead of time.

The process (Qwí:qwelstóm Family Justice) is explained to individuals as a voluntary process. At times individuals (that is, couples, family members) require a separate Circle(s) before they participate in the main Circle to resolve their conflict. More than one Circle may be required to reach resolution.

Individuals are contacted after the request for service is received. Contact or appointment is pre - scheduled within one two days. To establish a relationship with the person, the Coordinator prefers a home visit or office visit for the first meeting.

The intention of the meeting is discussed in the initial phone call and any pre-meetings. The purpose of the meeting is to address the conflict between individuals and plan for the children.

Currently, children are not invited to attend the meeting at the request of the Elders. The project is developing a protocol with Xyolhemeylh Child and Family Services and once this is complete, they may consider involving children more in the process.

The Circle is a gathering place:

- Individuals that participate must be clean for four days from any substance use.
- Qwí:qwelstóm Elders are present to support the family, support the process and offer guidance from oral teaching they have received. Elders come to the Circle without prior information about the conflict. The reasoning for this is that Elders come in with no pre-judgment or pre-solutions to conflict.
- The Smóyelhtel guides the Circle process through four rounds.

- At times the social worker may be included in the Circle, but this is not typical as the Circle focuses on family conflict not exclusively on child protection issues. When a social worker makes a referral, they are part of an initial meeting between the Family Justice Worker and the family.
- Smóyelhtel guides the Circle through the following processes:
 - Opening Prayer;
 - Rules of the Circle/ Circle cannot be broken (must stay);
 - One that has the feather has the Circle and cannot be interrupted by other participants;
 - Introduction: who we are, traditional name, family information;
 - What brought us here? / Why am I here? (explain conflict)
 - Where do we go from here? (resolutions - how can we bring conflict to a better place, require another Circle to further discuss conflict);
 - Check-in before we close the Circle;
 - Closing Prayer.

Meeting

The usual seating in a Circle goes to the right:

- a. Smóyelhtel (one that guides the Circle);
- b. parents;
- c. supports;
- d. family members such as grandparents, aunts, uncles, etc.;
- e. Qwi:qwelstom Elder(s).

The Circle is opened with a “prayer” (English translation) to Chee’ chilh Siyam (ancestors).

Understanding the way of First Nations life involves much understanding as to how our teachings fit into our human life and our connection to spiritualism. Many of the teachings come from an array of understandings: Elders, family values, beliefs, culture, traditions, oral teachings, and Indian name (includes history of family, land, etc.).

Participants are encouraged and empowered to express a range of emotions about the conflict(s). As each individual shares their emotions in relation to conflict (what brought me here) feelings normally surface (for example, anger, sadness, grief) and take the course of release and healing.

Resolutions in the Circle come from individuals within the Circle. The individuals are the Circle and we encourage and empower them to take responsibility of the resolution. It may require more than one Circle to reach a resolution. Usually after venting (individuals) takes place, resolution becomes clearer regarding the conflict.

As stated, a Circle has a “life of its own”. When the Circle is opened to Chee’ chilh siyam, then the path is cleared when emotions are shared and understood. Support persons who attend the Circle have involvement in what path is needed to reach a resolution. The third round in the Circle asks “where do we go from here and what can we do to correct the conflict?”

The Family Justice Worker will assist individuals relating to resolution to establish a written plan that maps out in understandable detail what the plans are.

The Family Justice Worker proofreads and revisits the plan. The lawyer that supervises the Family Justice Worker is consulted with regarding plan(s).

The Circle is closed with prayer out of respect to Stó:lō ancestors.

Follow-up

Personal contact is made to follow up with how the plan worked and if additional support(s) are required.

Once the Circle(s) is completed and plans/resolutions are established, the file remains open for up to two months. The plan may relate to family involvement, self-care, conflict with social worker or other topics. Depending on what the plan is, the coordinator will follow up with the family about a month later to see how the plan is progressing. If required, the file will remain open for another two to four weeks before it is closed. The length of time required to implement the plan varies between circles. Additional support is always offered to families.

3.11 Vancouver Aboriginal Child and Family Services Society

This report was written by Leanne Harder, Law Foundation consultant, based on information provided in an interview with Lucy Rosman, Collaborative Practice Team Leader.

3.11.1 Process Development and Community Consultation

The project collects feedback forms and incorporates this feedback into their work. The chief executive officer promotes Family Group Decision-making in the community. The model was adapted from the MCFD FGC model, however the Vancouver Aboriginal Child and Family Services Society (VACFSS) offers more traditional practices than the MCFD process does.

Rapport is built with community members by explaining the role in the community and soliciting referrals through informal conversations.

VACFSS collaborates with other Aboriginal agencies who are conducting FGC's as well. They have made presentations at Douglas College classes. They will be distributing information to local Aboriginal agencies.

3.11.2 Cultural Context

VACFSS is an urban Aboriginal agency, therefore they serve people from many Nations across North America. As a result, they work to incorporate traditions from a family's nation into the Family Group Decision-Making process.

3.11.3 Referral process

Referrals come from social workers at VACFSS Child Protection or MCFD.

3.11.4 Qualifications of Process Leader

The FGC coordinators at VACFSS have degrees in Social Work or other equivalent qualifications. Some are members of nations across Canada, as well as having many connections in the local Aboriginal Community.

3.11.5 Role of Children and Their Views

Children are included in multiple ways. If it is age appropriate, they will be present. They may attend part or all of the conference or have their views represented in a letter or by a support person.

3.11.6 Management of Power Imbalances and Risk of Violence

Power imbalances are acknowledged in joint and individual meetings. The coordinator will sometimes meet with individuals separately at a break in the conference to address this. In one example, the coordinator acknowledged that the current social worker was different from the removal social worker to support the social worker to not feel disempowered.

Individuals who are likely to be emotionally or verbally abusive towards other participants are not invited. If there is a safety concern or no contact order regarding a certain participant, this is managed by allowing them to participate by telephone, through a letter or from another room. In situations where a participant is potentially violent, the coordinator arranges for an Elder or support person to sit beside the person, which encourages them to remain in control.

3.11.7 Process Steps

Preparation/Pre-Meeting

The family decides which family members to invite, not the social worker. The coordinator encourages involvement of both parents and family lines. The coordinator will get a list of names of family members and conduct a cross-reference list of other possible people. The coordinator asks for family input and consent regarding the invitation list. The coordinator will assess if a person is a key person in the family and will negotiate with family members if there is a difference of opinion about who should be present.

In situations where there is high conflict between certain family members, the coordinator will set limits around the topics of conversation.

The participants are prepared through pre-meetings, where the coordinator discusses the importance of focusing on the future and “No blaming, No shaming”. They are given a brochure about the process, and provided examples of other meetings.

The coordinator asks the parent(s), “What are you prepared to do to parent?” The coordinator also discusses what kind of plan the parent wants to make if someone else is going to raise their child. In one situation, the coordinator explained to the parent’s lawyer about the FGC, and the lawyer provided this information to the parent.

The coordinator explains the process and family views to the social worker. Typically, less preparation is needed for professionals than for the family.

The intention of the meeting is discussed by going over what will happen in each round of the Circle. The first round of the Circle is introductions and hopes for the meeting. The second round is where the issues, concerns and family strengths are discussed. The third round is private family time. The fourth round is the discussion of the plan.

If the family asks for an Elder they know to be present, this person is paid an honorarium. In the future, the project is planning to have an Elder be present to witness an agreement.

Professionals such as clergy, Infant Development Program workers, lawyers or counselors may attend to offer information and support, however they will often leave after they have provided information.

The coordinator facilitates the meeting.

Meeting

The meeting may be opened by a prayer, from a family member or the coordinator.

Teachings are shared by family members, typically grandparents. They are often regarding parenting or spiritual topics. Teachings are often presented for the benefit of non-Aboriginal professionals.

Participants are supported through the Circle format. Also, sometimes during breaks from the Circle, the coordinator will offer participants an opportunity to smudge. There are additional staff available to assist participants individually as required.

The family makes the decision about the plan. The social worker decides whether the family's plan is suitable. Usually, the social worker agrees with the plan but may request an additional piece, or ask that one piece be removed.

The family develops the plan.

The coordinator takes the notes, summarizes, and types them. The plan is sent to the social worker to confirm accuracy. The plan is then mailed out to everyone but not signed. The agreement is formal due to being witnessed by everyone present.

The final round of the Circle includes discussion of the plan. The meeting is ended as it begins, typically with a prayer.

Follow-up

A follow-up conference is offered for about three months from the initial conference, with the key players present.

Model Description Form

Every project funded by the Law Foundation under the Child Welfare Initiative is asked to provide a detailed description of the dispute resolution/decision-making model you are using to promote family and community involvement in decisions about Aboriginal children. We respectfully request your participation in this; it will increase understanding about how your particular dispute resolution model positively impacts Aboriginal children and families. Thank you for your assistance in helping us to understand the work you are doing.

We are providing these questions as a checklist of the kind of information we would like you to include in your model description. You can answer in point form if you wish, or develop a more story-like description which incorporates your answers to the questions. If you have any questions regarding this form, please contact Daphne Morrison at the Law Foundation at 604-688-2337 or by email at dmorrison@tlfbc.org.

Elements of the Dispute Resolution Model

Process Development and Community Consultation

1. How do you consult with and/or learn from the community about dispute resolution?
2. What other information about dispute resolution was influential in developing your model?
3. How do you build rapport with community members to encourage participation in dispute resolution?
4. If you are developing capacity in the community to resolve disputes internally, please describe how you are doing this.

Process Steps

Please provide a detailed description of your process. The following is a list of suggested questions to assist you. Please choose those that are relevant for your project.

Preparation/Pre-Meeting Decisions

1. Who is invited? Who is not invited? Why?
2. How are participants prepared in advance for attending the meeting?
3. How and when is the intention of the meeting discussed?
4. What are the roles of people who participate in the dispute resolution process?
5. Who facilitates the meeting?

Meeting

1. How is the meeting opened?
2. Are teachings shared? If so, what are they and who shares them?
3. How are participants supported to express their views?
4. If there are power imbalances, how are they addressed?
5. How are decisions made (and who holds decision-making responsibility) within the session?
6. Who has significant influence regarding the plan details? Who do participants look to for guidance? Which family or community roles demonstrate authority or influence (e.g. matriarch, Clan leaders, grandparent, Elder)?
7. Who develops the plan for the family and children?
8. How is any final agreement formalized?
9. How is the meeting ended?

Follow-up

10. How is the follow-up of the plan conducted?

Summary

11. How does your model demonstrate or use values from your Nation(s)?
12. Please provide a non-identifying example case study description of the typical process. You may include an amalgamation of details from several cases.