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Briefing Note- Navigating Success: Peguis Nation's Path to Jurisdiction Over Children and Family Services

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Executive Summary

In March, a delegation from Carrier Sekani Family Services (CSFS) visited Peguis First Nation in Manitoba, the province's most populous First Nation with an estimated 12,000 members—approximately 4,000 residing on the reserve and 8,000 living off-reserve. The visit aimed to build lasting relationships and gather insights to support CSFS in advancing jurisdiction for the 11 nations it serves.

Peguis Child and Family Services (PCFS) has spearheaded transformative changes in child welfare by implementing the "Honoring Our Children, Families, and Nation Act" on January 21, 2022. Since the enactment of the act, the number of new child apprehensions decreased from 36 in 2020 to 9 in 2023, representing a 75% reduction. This demonstrates significant improvements in child welfare outcomes.

The visit provided CSFS with an effective blueprint for integrating cultural values into legal and service delivery frameworks. PCFS has successfully melded traditional knowledge with community engagement, creating laws that boost child welfare and support informed decision-making, while emphasizing the importance of robust family and community networks.

Peguis's holistic strategy encompasses physical, spiritual, and mental health aspects, ensuring all-encompassing services for the community. Moreover, PCFS's strategic financial management, characterized by thorough preparation and precise data utilization, has fortified their financial stability and enhanced their negotiation capabilities. Initiatives such as Elders Sharing Circles, land-based programs, youth engagement, spiritual guidance, and cultural preservation strengthen the community's cultural foundations.

These strategies have not only revamped PCFS's service approach but also provided CSFS with critical insights on blending cultural heritage into community well-being. As CSFS advances its own Coordination Agreement on behalf of the 11 nations it serves, it draws inspiration from Peguis's successful integration of traditional practices with modern service delivery requirements.

Background

In March, representatives from Carrier Sekani Family Services (CSFS) journeyed to Manitoba for a fact-finding mission hosted by Peguis First Nation. This visit focused on understanding how Peguis First Nation successfully obtained jurisdiction over their children and family services from the provincial government.

The mission aimed to gather essential insights from Peguis's approach, particularly their development of new legislation, integration of cultural practices within these laws, engagement of other Nations in their efforts, and their effective negotiation strategies with governmental bodies.

Peguis First Nation

Peguis First Nation is the largest in Manitoba, with approximately 12,000 members, and is part of Treaty 1, which was signed on August 3, 1871. The Nation has designated Peguis Child and Family Services (PCFS) as its Proxy Indigenous Governing Body to manage children and family services and advance their jurisdictional aims. PCFS, a non-profit organization, has been operational since 1999.

Peguis CFS: Path to Jurisdiction

Peguis' approach to gaining jurisdiction is deeply rooted in constitutional law, recognizing customary codes within common law and asserting jurisdiction based on inherent rights to govern that predate the sovereignty of Canada and the provinces. Following the conclusion of the Coordination Agreement, these traditional laws and practices are set to become paramount, firmly established in Section 35 of the Constitution of Canada as an existing Aboriginal right to self-government.

Timeline of Law Drafting to Coordination Agreement

Peguis First Nation's new legislation, the "Honouring Our Children, Families, and Nation Act" (*Anishinaabe Inaakonigewin*), officially came into effect on January 21, 2022. To support the implementation of this Act and its accompanying regulations, over 50 policies and several directives have been established.

The Journey:

- ❖ **June 2020:** Drafting of "Honoring our Children, Families, and Nation Act" (*Anishinaabe Inaakonigewin*).
- ❖ **January 2021:** Chiefs and Council met over two days, ultimately approving the draft Act.
- ❖ **January 19, 2021:** A pipe ceremony spiritualized and blessed the draft Act.
- ❖ **January 20, 2021:** Notice of Intent and the draft Act were sent to both Crowns to request a coordination agreement discussion.
- ❖ **January 21, 2022:** The Coming into Force Ceremony marked the official enactment of the Act as federal law.
- ❖ **January 31, 2023:** Achievement of the Coordination Agreement with PCFS, Canada, and Manitoba.

Lessons Learned:

1 - Integrating Legal Frameworks with Cultural Practices

PCFS has made considerable progress in integrating legal frameworks with cultural practices, particularly in the realm of child and family laws. This integration has been accomplished through several key strategies:

Incorporation of Traditional Knowledge

Peguis First Nation incorporates Indigenous cultural teachings and traditional knowledge into its legal frameworks. These policies and practices mirror the community's values, beliefs, and customs, ensuring that the community's worldview is both respected and upheld.

CSFS Implications:

When presenting our framework at the Coordination Agreement discussions, we expect minimal governmental resistance. Our governance laws are supported by Section 35 of the Constitution. Our framework development process adheres to the "An Act Respecting First Nations, Inuit, and Métis Children and Families," which acknowledges our inherent right to govern children and families. Once ratified, our laws will be protected under Section 35 of the Constitution.

Development of Customary Laws

The community has developed customary laws specifically tailored to child welfare, deeply rooted in their cultural practices. These laws focus on familial roles, kinship structures, and communal responsibilities, guiding decision-making processes and emphasizing the importance of family and community connections.

CSFS Implications:

Carrier and Sekani customary laws, anchored in our inherent governance rights, predate the establishment of Canada and its provinces. These laws have traditionally guided the Carrier people in effectively caring for children and families. The Bah'lats and clan system have historically served as a social contract, ensuring clan members support each other's children, especially in cases of orphanhood. Clan Houses within each member nation function under Indigenous legal principles that honor land teachings, ancestral wisdom, and children's rights. This framework adheres to customary practices, ensuring that decisions align with community values and cultural protocols.

Community Engagement and Participation

Actively involving community members, including elders and cultural leaders, in the development of legal frameworks ensures that the laws reflect the community's needs and values. This participatory approach cultivates a sense of ownership and commitment to the legal processes.

Cultural Training for Staff

Staff working in child and family services undergo training in cultural practices, traditional governance, and community history, ensuring the culturally competent implementation of laws and delivery of services.

Holistic Approaches

Peguis adopts a holistic approach to child welfare that is consistent with Indigenous perspectives on well-being. This method encompasses physical, spiritual, and mental health aspects, ensuring that services support the entire family within their community context.

CSFS Implications:

The Clan Houses under Carrier Sekani laws are more than physical structures; they embody cultural identity, governance, and a nurturing environment that fosters the holistic well-being of children and families. These establishments represent the collective aspirations of the Carrier Sekani people for cultural revitalization and self-determination.

Ensuring Legal Agreements Reflect Cultural Values

Peguis incorporates ceremonial practices in their jurisdictional processes. Daily pipe ceremonies establish a sacred space for deliberations, highlighting the significance of cultural teachings in guiding and grounding these discussions. Suggestions have been made to include "Chus" (the blowing of eagle feathers) when laws become paramount and to conduct additional ceremonies during the Coordination Agreement phase.

Additional Reflection: Legal and Governance

While CSFS has focused on securing self-governance rights for children and families, there is potential to expand into other governance areas, such as health or legal services, at the Coordination table. Such an expansion would necessitate securing additional mandates from the Chiefs.

2 - Integrating Financial Negotiation Strategies: Insights from Peguis Child & Family Services

Peguis Child & Family Services (PCFS) has effectively implemented financial negotiation strategies that are instrumental in preparation, data utilization, and strategic planning. These strategies have been crucial in securing favorable funding agreements, offering valuable insights for Carrier Sekani Family Services (CSFS) to improve our financial sustainability and effectiveness in negotiating agreements that meet our community's needs.

Preparation and Data Utilization

PCFS emphasized meticulous preparation and comprehensive data collection in their financial strategy. They gathered detailed data on federal and provincial children in care, conducted a 10-year analysis of child maintenance costs, and performed a "cost of doing nothing" analysis for children in care until they reach 26 years of age. This thorough approach to data collection was guided by the Institute of Fiscal Studies and Democracy (IFSD) report on Funding First Nations Child and Family Services. Additionally, PCFS strategically utilized language from C92 to highlight the necessity for equitable funding.

Application of Financial Models

By adopting PCFS's approach of thorough preparation and robust data support, CSFS can position itself advantageously in negotiations, enhancing our ability to secure fiscal agreements that strengthen our long-term financial health.

Budgeting and Financial Planning

Although PCFS did not provide detailed budget and planning information, they shared a spreadsheet detailing the formula used by Indigenous Services Canada (ISC) to calculate base funding for Protection, Prevention, and Operations. Additionally, PCFS's needs assessment for Capital funding played a role in their negotiations. It is crucial for CSFS to ensure that our funding formulas and capital funding allocations align well with our projected needs.

Implications for Funding Negotiations

The financial data from PCFS's negotiations reveal that the ISC funding formula, in line with IFSD guidelines, has set a benchmark for future negotiations with other Nations and Child and Family Services (CFS) organizations. This precedent is now employed by Canada in its negotiations with various Nations.

Additional Reflection: Funding and Negotiations

Peguis successfully negotiated a 5-year Coordination Agreement, while the financial aspects were outlined in a separate 3-year Fiscal Agreement amounting to \$319 million. These calculations used an ISC formula that accounted for Protection (including children in care on reserve), Prevention (based on the Nation's population), and Operations (linked to the ratio of Social Workers to children in care on reserve). Additional allocations included 15% for Administration, 6% for IT, and a 40% adjustment for remoteness. Capital requirements were negotiated separately. Peguis also advised maximizing Canadian Human Rights Tribunal (CHRT) requests before finalizing the fiscal agreement, as CHRT funding eligibility concludes once the agreement is signed. Moreover, funding for off-reserve children in care must be negotiated with the Province, since it falls outside federal coverage.

3 - Integrating Cultural Practices into Service Delivery: Insights from Peguis Child and Family Services.

PCFS effectively integrates cultural practices into their service delivery by anchoring their methods in spirituality. This spiritual foundation shapes decision-making, healing, and support through various ceremonies, family/youth camps, and a traditional land-based program focused on family restoration and cultural preservation. This section explores how PCFS has managed this integration, the community engagement strategies they have employed, the challenges they have encountered, and the key strategies that have proven effective in enhancing child protection and family services.

Peguis CFS Service Delivery Five Key Pillars

PCFS has established spirituality as the foundation of their decision-making, healing, and guidance processes. This spiritual base is reflected in their ceremonies, family/youth camps, and traditional land-based programs focused on family restoration and cultural preservation.

Peguis CFS's service delivery is structured around five key pillars:

1. **Elders Sharing Circles:** Elders play a vital role in mediation, providing alternatives to court proceedings. Their wisdom and guidance are essential for resolving conflicts and promoting community harmony.
2. **Land-Based Programs:** Youth are encouraged to engage with the land through regular ceremonies. PCFS hosts four seasonal ceremonies—Spring, Summer Sun Dance, Fall, and Winter—each crafted to connect youth with their cultural heritage and the natural environment.
3. **Youth Engagement:** Youth are encouraged to become helpers in the lodge, aspiring to eventually become pipe carriers. This role fosters a sense of responsibility and cultural pride.
4. **Spiritual Guidance:** Spirituality is central to PCFS's activities. Earl Stevens highlights the significance of spirit in their work, stating, "If you leave with one thing, it's to remember the spirit in your work. This is spiritual work, and these children need to be raised with spirit to know who they are as Peguis members."
5. **Cultural Preservation:** Through family restoration programs and cultural activities, PCFS ensures the preservation and transmission of cultural practices to future generations, strengthening the community's identity and values.

By incorporating these pillars into their service delivery, PCFS not only meets the immediate needs of children and families but also enhances long-term cultural preservation and community well-being.

Effective Community Engagement Strategies

Community engagement in Peguis is driven by actively involving the demographics most affected by the laws and coordination agreements. Louise McCorrister, President of the Board of Directors, suggests initiating community engagement with spiritual ceremonies to establish a safe space for all participants. The Elders Sharing Circle serves as a foundational element of engagement, offering guidance and wisdom. For organizations like CSFS, employing Community Wellness Teams to facilitate discussions during engagement sessions can be highly effective.

Challenges in Expanding Services

Expanding services while maintaining a strong cultural focus presents several challenges. Clemene Hornbrook, Executive Director, emphasized the importance of a robust quality assurance complaint review process. Hornbrook also stressed the significance of hiring workers from the community. Previously, the reliance on external mediators for the complaints process led to discord and a breakdown of relationships¹. However, since the implementation of their laws, the rate of complaints has significantly decreased, and the need for external mediators has been eliminated.

Recruitment remains challenging, yet the majority of staff hired are Indigenous, with many hailing from the Nation itself. Elders serve as mediators/arbitrators and are trained with a Western legal perspective while incorporating the community's conflict resolution methods, ensuring culturally appropriate mediation and arbitration.

¹ Report to Chief and Council, Pg. 57.

Key Strategies for Enhancing Child Protection and Family Services

Several key strategies observed in PCFS's practices have been effective in enhancing child protection and family services:

1. **Rainbow Lodge:** A sanctuary for women's support, offering one-on-one services with Elders who are traditional healers, along with monthly traditional ceremonies. In a six-month period, over 767 participants attended these ceremonies.
2. **Sundance Lodge:** Offers collaborative spiritual support through four seasonal ceremonies for families, children, and youths. In 2025, this lodge saw over 2,745 participants.
3. **Grandparent Mentorship Program:** Elders guide conflict resolution and impart traditional parenting practices. The program includes 37 mentors who have assisted over 100 families.

Additional Reflection: Service Delivery

PCFS has established comprehensive frameworks to manage child protection and family services, which include the Alternatives to Court Process and specialized units for abuse investigation. This section delves into these frameworks, detailing their structure, key components, and responsibilities.

Alternatives to Court Process

The Alternatives to Court Process at PCFS features an "Acceptance Commission" that reviews applications for children to be customarily accepted into alternative families. This commission ensures that children are placed in environments that align with their cultural and familial needs, fostering a supportive and nurturing setting.

Ogagwaadiagi'ann Investigative Unit

PCFS has created the Ogagwaadiagi'ann Investigative Unit, a specialized team distinct from the Intake and Assessment Team. This unit conducts investigations following disclosures of abuse, ensuring a consistent approach to investigating allegations of physical, sexual, and emotional abuse against children. The unit's objective is to deliver protective services related to abuse, as stipulated in the Honouring our Children, Families and Nation Act.

Child Abuse Committee

PCFS has established a Child Abuse Committee, which includes representatives from Child & Family Services, Public Health, Probation, Education, and the RCMP. This multidisciplinary team reviews child abuse cases, offering consultations for the investigation and management of these cases. The committee plays a crucial role in making recommendations for the protection of children, significantly impacting the review and management of abuse cases.

The Child Abuse Committee includes the following mandatory members:

- The agency's child abuse coordinator.
- A duly qualified healthcare practitioner employed, retained, or consulted by the agency to review cases of suspected child abuse.
- A police officer representing a law enforcement service operating within the agency's jurisdiction.
- A representative from a school division located within the agency's jurisdiction.
- Another staff member of the agency, separate from the child abuse coordinator.

The responsibilities of the Child Abuse Committee include:

- Reviewing every case of suspected abuse referred to the committee.

- Reviewing, as needed, the involvement of police, medical and hospital professionals, and others involved in the investigation and management of the case.
- Providing consultation in the investigation and management of the case.
- Making recommendations where deemed appropriate or necessary to protect the child or any other child.

Conclusion

The recent engagement at Peguis First Nation has significantly enriched Carrier Sekani Family Services' (CSFS) strategies for attaining jurisdiction over children and family services. Witnessing firsthand how Peguis has seamlessly incorporated traditional knowledge into its statutory framework, particularly with the "Honoring Our Children, Families, and Nation Act" enacted on January 21, 2022, provided CSFS with exemplary insights into the fusion of cultural values with legislative action. This enactment has played a pivotal role in reducing new child apprehensions, which dropped from 36 in 2020 to just 9 in 2023—a 75% reduction that marks a significant improvement in child welfare outcomes.

Peguis Child and Family Services (PCFS) has skillfully crafted specific customary laws that effectively bolster child welfare. These regulations, shaped through deep community engagement and rooted in traditional insights, streamline decision-making and strengthen community and family ties. PCFS's holistic approach integrates care for the physical, mental, and spiritual well-being of individuals, ensuring that services are all-encompassing and community-centered.

PCFS's strategic financial management, characterized by rigorous preparation and precise data analysis, has greatly enhanced its financial robustness and negotiation leverage for funding agreements. Integral to their service delivery, spiritual practices such as Elders Sharing Circles, land-based programs, youth involvement, and initiatives for cultural preservation are pivotal in reinforcing the community's cultural base.

These methodologies have not only transformed community services at Peguis but have also provided CSFS with actionable insights and robust frameworks as it prepares for its own Coordination Agreement. The remarkable reduction in the number of children in care underlines the effectiveness of Peguis's approach, offering CSFS a clear model for harmoniously blending traditional practices with modern service requirements. This strategic integration fosters community well-being and preserves cultural heritage, positioning CSFS to advance Indigenous jurisdiction on behalf of the 11 nations it serves.