

VOTE ON OUR LAW NOV. 24, 2023! ONLINE VOTING STARTS NOVEMBER 10.



Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem



The Laws of the Cowichan people for families and children

A GUIDE EXPLORING OUR PROPOSED CHILD AND FAMILY SERVICES LAW

1

Grounded
in our
Snuw'uy'ulh
(Teachings)

2

For
Cowichan
Families

3

Focused on
Prevention

4

Holistic
Approach
to Preserve
Family Unity

5

Decisions made
in Best Interest
of *Smun'eem*
(Children)
and Community

6

Governed
by our
Nation

Raising our Children our Quw'utsun Way



**Cowichan
Tribes**



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com
Questions? Contact:
ourchildlaw@cowichantribes.com



1 Grounded in our *Snuw'uy'ulh* (teachings)

LEARN MORE

Sections of our Law that speak about our *snuw'uy'ulh* include:

- Preamble
- Part Two (Guiding Principles)
- Part Three (Minimum Standards)

Grounded in our *Snuw'uy'ulh*

- Every aspect of our Law is grounded in our *snuw'uy'ulh*, customs and traditions about how to respect and care for our children and families.
- Our Law is a living law, given to the Cowichan people from our First Ancestors.
- Our Law acknowledges the harm done by colonization and residential schools and states that we – as a Nation & Cowichan people – are best positioned to remedy this harm.

Sacredness of *Smun'eem* (children)

- Our *Smun'eem* are sacred, and their wellness and safety are of the utmost importance to our families, communities and citizens.
- It is the inherent right of our *Smun'eem* to be in relation with, and have knowledge of our traditional lands and territories, and have the opportunity to learn and practice their culture and traditions.

The Principles that will Guide our Child and Family Services Include:

- *Tl'l'tul tst* – love *Si'emstuhw* – respect *Ts'i'ts'uwatul'* – helping one another
- *Thu'it stuhw tu shqwaluwun* – trust/focused in your thoughts and mind
- *Shtun'ni'iw's* – importance of knowing where you come from
- *'Uqwitul* – ensuring our family relationships are strong and resilient
- *Hwi-ulasmutul'* – looking out for people in vulnerable circumstances
- *Nuts'a'maat Shqwaluwun* – Working together with One Mind, One Heart, One Spirit
- *Mukw' tu shhw'a'luqw'a' 'o' tth'ele's tu shhwuli* – family is the heart of life

Our snuw'uy'ulh (teachings) and culture are woven into every aspect of our Law, which was developed with input from our Sul-hween (Elders) and citizens.



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com

2 For Cowichan Families



A Law for our Cowichan Families

The purpose of our Law is to:

- Assert our Nation's inherent right to self-governance over child and family services.
- Return our Cowichan *Smun'eem* to our jurisdiction and our Cowichan family and community.
- Strengthen families, maintain family unity and support those in need.

Our Law Applies to all Cowichan Tribes *Smun'eem* and Families Across Canada.

- A "*Smun'eem*" (Cowichan Child) means a person who is 18 years of age or younger and is registered, or entitled to be registered, under Cowichan Tribes *Shtunni's tu Hwulmuhw* (Citizenship Code).
- "Family" means *Smun'eem* (Children) siblings, mother, father, stepparents and extended family members, whether by blood, cultural adoption, custom or marriage, or a person considered to be a close relative to the family.

The Law will be Implemented in Phases beginning in 2024,
provided the community votes in favour of the law in November 2023.

- Services will initially cover all of Vancouver Island and the Gulf Islands.
- Outside this area, provincial child and family services law will apply until Cowichan Tribes expands the service area. Cowichan Tribes will enter into an agreement with the Ministry of Children and Family Development (MCFD) to ensure the involvement of the Cowichan Tribes Child and Family Services Authority in child and family matters delivered by other agencies.

LEARN MORE

Sections of our Law that speak about where our Law applies include:

- Part 1
(Definitions)
- Part 9
(Application of Law)

"Our tradition, our culture has always been oral, and it's been passed on from generation to generation. This (law) is the biggest opportunity to share not only with our people and families, but to let everybody know, we have our own unwritten laws. It's the unwritten law that keeps the family together."
Stumat'ulwut – Molly Paige



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com



3 Focused on Prevention

LEARN MORE

Sections of our Law that speak about prevention include:

- Part Three (Minimum Standards; Socio-economic Conditions)
- Part Five (Support Services)

Healthy *Smun'eem* and Families

The first priority is to provide support services that promote the well-being of *Smun'eem*, families, and communities. Support services, early intervention, and prenatal services are prioritized.

- Basic support services will be available to **all** Cowichan Tribes families and focus on strengthening family relationships, parenting and life skills, healthcare, language and culture.
- Additional support services will be offered to families facing challenges such as poverty, inadequate housing, substance misuse, or mental health issues.
- Other support services may include family support, domestic violence programs, services for *Smun'eem* with special needs, counselling, mediation, poverty assistance, housing support, in-home support, respite care, and more.

Support services for **youth** will include:

- **More cultural programs** such as youth camps, educational support, outreach services, safe houses and supported living arrangements. Capital expenditures will also support building a permanent youth centre.
- **Post-majority care** to support young adults formerly in care, aiming to assist their transition to adulthood until the age of 27. Services will be culturally appropriate, based on individual needs, and provided with the goal of promoting positive outcomes in areas such as housing, education, employment, mental health, addiction, and healthy relationships.



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com

4 Holistic Approach to Preserve Family Unity



Services that enable our *Smun'eem* to flourish, thrive and take into consideration the holistic wellbeing of our *Smun'eem* will be the first priority in the provision of child and family services.

Early Intervention Services

- Social workers must make active efforts to find the least disruptive means of assisting parents.
- The starting point is to find culturally-based customary care arrangements that the family consents to. This could include care arrangements in-home and out-of-home.
- The focus is on working with the family to heal.

Protection Services

- Removing a *Smun'eem* from their parent is a last resort after all active efforts have failed and there is clear and convincing evidence of abuse or neglect.
- Under our Law there will be no continuing custody orders. We propose ongoing custody orders that mandate our agency to continue to involve family in working for reunification.
- Citizens may request the review of decisions involving *Smun'eem* through a review process.

Placement of a *Smun'eem*

- Cultural practices and traditions will be considered when placing a *Smun'eem*.
- The placement of a *Smun'eem* is prioritized in the following order:
1) With one of the *Smun'eem*'s parents. 2) With a member of the *Smun'eem*'s extended family or kinship group. 3) With a Cowichan Tribes family residing in the vicinity of the *Smun'eem*'s usual place of residence. 4) With a suitable Indigenous person approved by the agency's social worker, after consultation with the *Smun'eem*'s extended family or appropriate organizations.
5) With a suitable non-Indigenous person approved by the agency's social worker, after consultation with the *Smun'eem*'s extended family or appropriate organizations.
- Placement with Siblings: Our Law will prioritize placing a *Smun'eem* with or near siblings or family.

Regular assessments will be conducted to determine if it is appropriate to place the *Smun'eem* with their parent or a member of their extended family or kinship group, considering the *Smun'eem*'s best interests.

LEARN MORE

Sections of our Law that speak about Intervention and Protection include:

- Part Three (Minimum Standards)
- Part Six (Early Intervention Services)
- Part Seven (Intervention Options)



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com



5 Decisions made in best interest of *Smun'eem* (Children) and Community

LEARN MORE

Sections of our Law that speak about decision-making decisions in the best interests of the *Smun'eem*:

- Part Three (Minimum Standards)
- Part Two (Guiding Principles – Rights of *Smun'eem*)
- Part Four (Collaborative Decision-Making)

Rights of a Child

Our Law focuses on the best interests of Cowichan *Smun'eem* and promotes their well-being, safety, and cultural continuity. Factors like identity, language, family connections, and cultural practices are all considered when determining the *Smun'eem*'s best interests.

Our Law emphasizes collaboration, accountability, and ongoing assessments for the well-being of our *Smun'eem*. Socio-economic conditions will not be the sole basis for removing a *Smun'eem* from their parents.

Nuts'a'maat (Collaboration):

The Cowichan Tribes community collectively holds the responsibility for the well-being of our *Smun'eem*. Collaboration with the family is essential, and assessments and judgments will be made based on the best interests of the *Smun'eem*.

- **Grandparent Collaboration:** Our Law recognizes that a *Smun'eem*'s grandparent plays an important role in the life of a *Smun'eem*. Their involvement will be prioritized in decision-making processes. .
- **Family Spokesperson Collaboration:** A Family Spokesperson may be consulted to ensure decision-makers are aware of the specific circumstances of the *Smun'eem* and their family.
- **Sul-hween Committee:** Will be formed to guide decision-making processes based on our *snuw'uy'ulh* and provide advice and assistance to agency social workers.
- **A Child Blanketing Committee:** consisting of representatives from various Cowichan Tribes organizations and individuals will be formed to address complex family issues which require the involvement of multiple departments to restore honour to our *Smun'eem* and their family and protect them from further harm.
- **Input of *Smun'eem*:** Our Law will provide our *Smun'eem* with opportunities to voice their needs and concerns.



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com



Cowichan Tribes Jurisdiction

In 2020, our Nation gave notice to the federal and provincial governments of our intent to reclaim jurisdiction over Child and Family Services, following the passage of C92 – An Act respecting First Nations, Inuit and Métis children, youth and families.

- Cowichan Tribes will have full authority (jurisdiction) for child and family services, not the province of BC.
- In case of disagreement with federal or provincial law, our Law prevails.
- The Canadian Charter of Rights and Freedoms applies.

Governance Bodies

- **Cowichan Tribes' Indigenous Governing Body (IGB) will be Chief & Council**, which is responsible for such things as adopting our Law, government-to-government negotiations, establishing a Board of Directors and reporting annually to citizens. Chief and Council may not interfere in individual case decisions.
- **A Cowichan Child and Family Services Authority with a Board of Directors**, consisting of five to nine Directors made up of Sul-hween (Elders), citizens and youth, will be established to oversee the implementation of our Law. The Authority will be responsible for risk management, standards and policy development, data collection, and community engagement. A CEO will be responsible for the overall management of the Authority.
- **Lalum'utul' Smun'eem will cease to operate as a delegated agency** and become a Cowichan Tribes agency delivering child and family services on behalf of the Authority. Funding will come from federal and provincial governments. Strict confidentiality measures will be in place to protect sensitive information. Enforcement of the law will be carried out by appointed Cowichan Tribes officials and, if necessary, the police.

LEARN MORE!

Sections of our Law that speak about governance include:

- Part Nine (Governance and Jurisdiction)
- Parts Eleven & Twelve (Cowichan Tribes Child and Family Services Authority & Agency)

"Quw'utsun as a people have never given up our right and responsibility for our children. It's bringing back those inherent rights and ways of being for our peoples when it comes to the well-being of our children and our families."
X'tli'li'ye – Chief Lydia Hwitsum





7 Other Provisions from our Law

LEARN MORE

Sections of our Law that speak about general matters:

- Part Eight (Adjudication and Dispute Resolution)
- Part Ten (Independent Representative for Children and Youth)
- Part Fourteen (Information and Confidentiality)
- Part Fifteen (General Provisions)

- **Access to Programs like Jordan's Principle:** Cowichan Smun'eem and families will continue to be able to access existing provincial and federal programs and services including Jordan's Principle.
- **Annual Report:** Our Child and Family Authority and Agency will provide an annual report on the success of its child and family programs and services. Cowichan Tribes must also prepare a report after five years reviewing our Law.
- **Families Where Two Or More Indigenous Nations' Laws Apply:** Where a Smun'eem and family belong to one or more Indigenous Nations who have a child and family services law, Cowichan Tribes will engage in discussions with the other Indigenous Nation to reach agreement on which law, or parts thereof, will apply to the Smun'eem.
- **Dispute Resolution:** Cowichan Tribes is developing an alternative mechanism for adjudication and dispute resolution over the next two years. Citizens will still be able to utilize provincial courts.
- **Public Guardian and Trustee:** The Public Guardian and Trustee will continue to manage a Smun'eem's property and legal interests.
- **Independent Representative:** Council may appoint a person as the Independent Representative to provide monitoring, oversight, support, and advocacy for Smun'eem and their families.
- **Confidentiality:** All persons who are allowed access to confidential information about a Smun'eem or the Smun'eem's family pursuant to this Law will maintain the confidentiality of that information.
- **Amendments:** Sets out how our Law will be reviewed and amended.



**PLEASE
VOTE!**



COWICHAN TRIBES
Child and Family Wellness
Legislation Project



Read our law and learn more:
ourchildlaw.cowichantribes.com