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INDIGENOUS CHILD WELFARE

Co-Chaired by

Hon. Mary Ellen Turpel-Lafond (Aki-Kwe)
Woodward & Company LLP
Peter A. Allard School of Law, UBC

Maegen Giltrow
Ratcliff & Company LLP

June 11th & 12th, 2019 • UBC Robson Square • Vancouver, BC

Live Webinar also available!



INDIGENOUS CHILD WELFARE

Indigenous children are disproportionately represented in Canada's child welfare system. Harmful policies and practices have impacted generations of Indigenous children and torn communities apart. Change is needed, but slow to come. All those who work in this difficult area must band together to prevent any more children from falling through the cracks, and to protect the best interests of Indigenous children.

This program assembles leading experts from Indigenous communities, legal practice, the judiciary and government to highlight pressing issues and upcoming changes in the field of Indigenous child welfare. Delegates will gain a solid understanding of this challenging area of practice and have the opportunity to expand their knowledge and exchange ideas.

KEY AREAS ADDRESSED:

- The historical landscape for Indigenous children and youth
- Indigenous child and family matters in practice and before the Courts
- First Nation, Provincial and Federal legislative developments and jurisdiction over child welfare
- Youth in the foster care system
- The impact of human rights matters, reconciliation and UNDRIP

WHO SHOULD ATTEND?

- Indigenous leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Family law practitioners, lawyers, mediators and arbitrators
- Child services workers
- Federal, provincial, territorial and municipal government officials and policy advisors
- Lawyers and members of the judiciary presiding over cases involving Indigenous children or their rights

YOUTH SPONSORSHIP PROGRAM

We are pleased to offer our successful sponsorship program for First Nation, Métis and Inuit youth to attend forums offered by Pacific Business & Law Institute. For further information about applying to attend this or other programs, please go to www.pbli.com/aboriginal-youth-sponsorship.

CO-CHAIRS



Hon. Mary Ellen Turpel-Lafond, *Aki-Kwe*, Senior Associate Counsel, Woodward & Company LLP; Professor, Peter A. Allard School of Law; and Academic Director of the Indian Residential School Centre for History and Dialogue, University of British Columbia, Victoria & Vancouver, BC. Dr. Turpel-Lafond is a member of the Indigenous bar as well as the Law Societies of British Columbia, Nova Scotia and Saskatchewan. She was a Saskatchewan Provincial Court judge for 20 years (1998-2018) and served as B.C.'s first Representative for Children and Youth from 2006-2016, an independent Officer of the Legislative Assembly. During her time on the bench, Professor Turpel-Lafond was actively involved in projects relating to improve supports for Indigenous peoples, especially in addressing the unique

circumstances and needs of children and youth involved in the justice system. Her work as Representative for Children and Youth included detailed and systemic examination of the child serving system and she advocated for the human rights of children, resulting in many needed improvements. Professor Turpel-Lafond holds a Doctorate in Law from Harvard Law School (SJD), a Masters in international law from Cambridge University (Gonville and Caius College), a JD from Osgoode Hall at York University and a Bachelor of Arts degree from Carleton University. She also holds a Certificate in the International and Comparative Law of Human Rights from the University of Strasbourg. She was awarded the distinction of Indigenous Peoples' Counsel from the Indigenous Bar Association in 2006, and has been awarded honorary degrees from nine Canadian universities and schools of Law.



Maegen Giltrow, Partner, Ratcliff & Company LLP, North Vancouver, BC. Maegen works in litigation, negotiation and law & policy development. For the past 16 years she has primarily represented First Nations, spending several years working exclusively in all areas of Aboriginal litigation. She has helped develop inaugural laws for self-governance under treaty, and her interest and experience in governance matters expanded as she has broadened her legal practice to advising and representing local governments, landowners and others in public law matters. Over the past few years she has become involved in seeking reforms to child welfare practice. She was one of four independent Panel members to inquire, report and make recommendations to improve outcomes for indigenous children and families

for the Huu-ay-aht First Nation, and has been a member of the Task Force overseeing implementation of those recommendations since 2017. She has also acted as counsel for the Nation and for Indigenous and non-Indigenous parents in CFCSA matters, including in *L.S. v British Columbia (Director of Child, Family and Community Services)*, securing an order under BC Supreme Court *parens patriae* jurisdiction to protect the maternal/infant bond and nursing for an Indigenous mother and infant.

FACULTY

Christy Black, Prevention Support Worker, Huu-ay-aht First Nations, Port Alberni, BC.

Ashley Carvill, Carcross Tagish First Nation, Carcross, YT.

Kukpi7 Wayne Christian, Tribal Chief, Splatshin Indian Band, Enderby, BC.

Louise Mandell, QC, Partner Emeritus, Mandell Pinder LLP, Vancouver, BC.

Grand Chief Stewart Phillip, President, Union of BC Indian Chiefs, Penticton, BC.

Judge Steven Point (Ret.), British Columbia Provincial Court, Chilliwack, BC.

Catherine Romanko, Public Guardian and Trustee of BC, Vancouver, BC.

Judge Barry Stuart (Ret.), Yukon Territorial Court, Vancouver, BC.

Dawn Thomas, Deputy Representative, BC Representative for Children and Youth, Victoria, BC.

Councillor Douglas White III, B.A., J.D., Chair, BC First Nations Justice Council, Snuneymuxw First Nation, Nanaimo, BC.

Assistant Deputy Minister Joanne Wilkinson, Indigenous Services Canada, Child & Family Services Reform Branch, Ottawa, ON.

Jeffery Wilson, Founding Partner, Wilson Christen LLP, Toronto, ON.

Associate Chief Judge Susan Wishart, British Columbia Provincial Court, Vancouver Island, BC.

William Yoachim, *Sqwulutsultun*, Executive Director, Kwumut Lelum Child & Family Services, Nanaimo, BC.

INDIGENOUS CHILD WELFARE

JUNE 11TH, 2019 (DAY ONE)

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Maegen Giltrow

Ratcliff & Company LLP

Hon. Mary Ellen Turpel-Lafond

Woodward & Company LLP

Peter A. Allard School of Law, UBC

9:15 Setting the Stage: Where We Are and How We Got Here

Hon. Mary Ellen Turpel-Lafond

Woodward & Company LLP

- The historical landscape for Indigenous children and youth
 - Calls to Action of TRC and addressing colonial issues at the federal and provincial level of child and family laws, services and reform
 - First Nations governments and asserting authority in a range of ways
 - Human Rights challenges, litigation and advocacy
 - Class actions, harms and future
- Protecting Indigenous children and keeping them at the centre
- Keeping children and youth with families, communities, Nations and cultural continuity

9:55 Questions and Discussion

10:05 Refreshment Adjournment

10:20 A Case Study of Systemic Issues — and Solutions: *LS and Huu-ay-aht First Nations v. Director of Child and Family Services*

Christy Black

Huu-ay-aht First Nations

Maegen Giltrow

Ratcliff & Company LLP

- Working with Indigenous clients on children and family matters
- Practical issues in the courts and recognition and support for family unification, bonding, addressing the legacy of residential school and removals

- Resolving issues with the Ministry of Children and Family Development
- Nation building processes and changes to court rules, laws and processes

11:10 Questions and Discussion

11:20 The New Federal Legislation

Assistant Deputy Minister Joanne Wilkinson
Indigenous Services Canada

- The path to change
- Changes to the federal legislation
- What are these changes intended to achieve?
- How can things look different moving forward?

12:20 Questions and Discussion

12:30 Networking Lunch

1:30 Carcross Tagish First Nation: Reclaiming Jurisdiction Over Child Welfare

Ashley Carvill

Carcross Tagish First Nation

Judge Barry Stuart (Ret.)

Yukon Territorial Court

- The CTFN *Family Act*
- Reclaiming jurisdiction over child welfare and coordinating child welfare systems
- Incorporating traditional values into legislation
- Funding implementation

3:00 Questions and Discussion

3:15 Refreshment Adjournment

3:30 A View From the Bench

Judge Steven Point (Ret.)

British Columbia Provincial Court

Associate Chief Judge Susan Wishart

British Columbia Provincial Court

- Indigenous family matters before the courts
- What do we need to do better?

4:20 Questions and Discussion

4:30 Chairs' Closing Remarks for Day One – Program Concludes for Day One

INDIGENOUS CHILD WELFARE

JUNE 12TH, 2019 (DAY TWO)

9:00 Welcome & Reflections on Day One

Maegen Giltrow

Ratcliff & Company LLP

Hon. Mary Ellen Turpel-Lafond

Woodward & Company LLP

Peter A. Allard School of Law, UBC

- Shared decision-making
- Changing outcomes

9:15 Voice of the Children: The Experience of Youth in Care

Facilitated by: Grand Chief Stewart Phillip

Union of BC Indian Chiefs

- The experience of Indigenous youth in the foster care system
- Have the TRC Calls to Action been responsive to the experience of youth?
- What do we need to know to be open to real change?
- What legal services and advocacy can help while systems are in transition?

10:05 Questions and Discussion

10:15 Refreshment Adjournment

10:30 Seeking Justice for Harm to Children and Youth in Care: Litigation and Civil Litigation and Settlements Update

Catherine Romanko

Public Guardian and Trustee for BC

Jeffery Wilson

Wilson Christen LLP

- Advancing civil claims for damages on behalf of children in care
- Limitations on compensation, role of litigation and systemic change
- What the law can, and cannot do
- Why youth and Indigenous persons need to operate outside of the law to effect human rights' respect

11:20 Questions and Discussion

11:30 The Provincial Landscape

Dawn Thomas

BC Representative for Children and Youth

- Provincial approaches to reconciliation and support for UNDRIP, new mandates on children and families and jurisdiction
- Legislative changes to *CFCSA* and interplay of federal and provincial transition for jurisdiction
- Policy changes and challenges in implementation

12:20 Questions and Discussion

12:30 Networking Lunch

1:30 Delegated Agencies in Transition to Jurisdiction Service Agencies

William Yoachim

Kwumut Lelum Child & Family Services

- Moving away from MCFD to cultural and community-based service
- Urban services and intertribal models
- What is needed no matter who delivers the service
- Building on existing strengths and transitions for jurisdiction

2:20 Questions and Discussion

2:30 Refreshment Adjournment

2:45 The Indigenous Road to Recognition and Reconciliation Over 40 Years

Kukpi7 Wayne Christian

Splatsin Indian Band

Louise Mandell, QC

Mandell Pinder LLP

- Developing strategies using all tools for implementing Indigenous laws
- Community driven – Nation based jurisdiction
- How can service organisations and legal professionals best support Indigenous governments to keep families united
- Ethics in practice or working together, including cultural practices and ceremonies

3:35 Questions and Discussion

3:45 Incorporating UNDRIP into Child Welfare

Councillor Douglas White III

Snuneymuxw First Nation

- Rights of children, youth and families
- UNDRIP as a framework for collaboration, self-determination and connecting human rights
- Changing systems and government-wide leadership

4:35 Questions and Discussion

4:40 Chairs' Closing Remarks

4:45 Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1516

Registration: The registration fee is \$1,195.00 plus GST of \$59.75 totalling **\$1254.75** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments on each day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional \$50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by May 13th, 2019 and receive a \$200 discount on registration fee (\$995.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of 800 Robson Street in Vancouver, BC. Please visit <http://www.robsonsquare.ubc.ca/find-us/> for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**June 4th, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **12 hours** of continuing professional development with the Law Societies of BC and Ontario. For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

Registration Form Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
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Telephone: 604-730-2500; Fax: 604-730-5085
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Indigenous Child Welfare

June 11th & 12th, 2019
UBC Robson Square • Vancouver, BC

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- In person [PDF ONLY]
- In person [PDF & HARDCOPY (+\$52.50)]
- Live webinar [PDF]

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