



Pacific Business & Law Institute

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Indigenous Children and Youth 2023

Transformative Change and Creating Systems That Support Indigenous Children, Youth, and Families

Co-Chaired by

Crystal Reeves
Mandell Pinder LLP

Bonnie Leonard
Assembly of First Nations

June 22 & 23, 2023 • UBC Robson Square (800 Robson Street) • Vancouver, BC
Live Webinar also available!



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PORT DE RETOUR GARANTI

CO-CHAIRS



Bonnie Leonard, Legal Advisor, Assembly of First Nations, Ottawa, Ontario. Bonnie Leonard is Secwepemc and a member of the Tkemlups te Secwepemc, a lawyer and former Chief. Bonnie currently

works as a Legal Advisor for the Assembly of First Nations in Ottawa, Ontario. Bonnie also works with member communities of the Secwepemc Nation in the area of revitalization of Secwepemc law. For the past 15 years she has been focused on research, development and implementation planning for Stsmemelt (children) and Kw'seltkten (family) laws and the assertion of inherent rights in this area for the Nation. Bonnie's core values of integrity, respect and justice serve to create the framework and lens in her approach to her work in Secwepemc law revitalization. These core values also serve as a guide to her work with the Assembly of First Nations where she has had the opportunity to work with National Chiefs, Regional Chiefs and Chiefs from across Turtle Island on initiatives involving governance of the Assembly of First Nations.



Crystal Reeves, Associate, Mandell Pinder LLP, Vancouver, BC. Crystal Reeves has devoted her scholarship and legal practice to advancing the interests of Indigenous peoples in Canada and internationally. She

focuses on litigation and advocacy regarding Aboriginal title and rights, as well as assisting Indigenous clients on child protection, and family matters, including on the Bella Bella and Bella Coola circuit courts. Crystal was called to the bar in 2009 after articling at the Upper Skeena Counselling and Legal Assistance Society, a community legal aid clinic in Gitxsan Territory.

INDIGENOUS SPONSORSHIP PROGRAM

PBLI offers sponsored registrations to individuals of First Nation, Inuit, or Métis Descent. One sponsorship is available per program. This sponsorship program is designed to make the education and networking opportunities at our conferences more accessible to Indigenous communities. For application details, visit www.pbli.com/scholarship-programs.

Indigenous Children and Youth 2023

Indigenous advocates have been calling for changes to the Indigenous child and family care system for decades. We are now on the precipice of monumental systemic change. Indigenous communities are reclaiming jurisdiction to provide their own child and family services. Governments are working to advance reconciliation.

With these developments come challenges: How do we achieve what is in the best interest of Indigenous children? How do we resolve jurisdictional issues? Is it possible or desirable to remove the government's involvement completely? What are the different tools we can use to challenge the system? How can we be open to real change?

Join us as we explore these questions and more. This forum will bring together leading experts from Indigenous communities, legal practice, government organizations, and advocacy groups to discuss the latest developments and pressing issues in the area of Indigenous children and family well-being. Delegates will gain a solid understanding of the challenges and opportunities ahead, and ideas on what they can do to help change systems, and support and nurture healthy communities for decades to come.

Key Areas Addressed:

- Indigenous communities that are exercising their inherent rights to provide their own child and family services
- The latest developments from Indigenous, Provincial and Federal governments
- Ongoing work by advocacy groups to support Indigenous Children, youth and families
- Current challenges, including jurisdictional issues and the need for coordination
- Tools for transformative change, and the different ways to challenge the existing system

Who Should Attend?

- Indigenous leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Family law practitioners, lawyers, mediators and arbitrators
- Child services workers, police and court services workers
- Federal, provincial, territorial and municipal government officials and policy advisors
- Members of the judiciary presiding over cases involving Indigenous children or their rights
- Advocacy groups and not-for-profits working to support Indigenous children and families

FACULTY



Wenecwtsin (Big Voice that Speaks the Truth) /Wayne M. Christian, Former Chief of Splatins, Secwepemc'ecw. Wenecwtsin is of Secwépemc and Syilx Okanagan ancestry and remains rooted in the culture, principles, and laws of his Nation. His name Wenecwtsin comes from his great grandfather. His family and teachings continue to be the touchstone of his work and underpin more than 30 years of leadership. He is a proud father of seven children and twenty-seven grandchildren, who provide him with the strength and determination to continue working to ensure a better future for our next generations. Wenecwtsin served seven consecutive terms as Kúkpi7 (Chief) of the Splatins First Nation. In total 26 years as Kúkpi7 of Splatins, he also served 12 years as one of the Tribal Chiefs of the Secwepemc Nation. He was first elected Chief in 1979. One of his significant achievements as Chief of Splatins was leading the first community-controlled child welfare legislation in Canada. He also served for 20 years in addictions treatment and community health. He has a leadership philosophy built on inclusivity, respect, transparency and accountability. He understands that leadership requires listening to concerns, understanding the issues, gathering feedback and implementing practical solutions. Open and transparent communication is key. Wenecwtsin believes leadership begins by building strong communities and this starts with our young people. He has always played an active role in the growth and development of youth through activities and sports. His experience working with youth includes coaching minor hockey for 16 years as head coach and assistant.

Bev Churchill, BC Hear the Child Society, Victoria, BC.

Maria Coley, Legal Counsel, Justice, Health and Revenue Group, Legal Services Branch, Ministry of Attorney General, Victoria, BC.

Emily Horton, Executive Director, Child Welfare and Reconciliation Branch, Ministry of Children and Family Development, Victoria, BC.



Humera Jabir (she/her/hers), Staff Lawyer, West Coast LEAF, Vancouver, BC. Humera is a second-generation settler of South Asian origin. As a Staff Lawyer at West Coast LEAF, Humera advocates for gender justice through legal cases and law reform efforts. Humera holds a law degree from McGill University. After law school, she clerked for the Ontario Superior Court of Justice. Before joining West Coast LEAF, Humera practiced constitutional, administrative, and human rights law, and worked in civilian oversight of policing. She has also worked on human rights initiatives and published articles on criminal law reform, racial profiling, and systemic discrimination, and on the rights of women, religious minorities, and refugees. Humera is inspired by the resilience of survivors of colonialism. Love of the mountains, ocean, and rainforest stirred her to move from Ontario to BC, and for this she is grateful to the Indigenous peoples who have cared for these lands.



Dr. Sarah Morales, Associate Professor, University of Victoria, Faculty of Law, Victoria, BC. Sarah Morales (Su-taxwiye), JD (UVic), LLM (University of Arizona), PhD (UVic), PostDoc (Illinois) is Coast Salish and a member of Cowichan Tribes. She is an Associate Professor at the University of Victoria, Faculty of Law, where she teaches torts, transsystemic torts, Coast Salish law and languages, legal research and writing and field schools. Prior to joining the faculty at the University of Victoria, she taught at the University of Ottawa, Faculty of Law where she taught Aboriginal law, Indigenous legal traditions and international human rights with a focus on Indigenous peoples. In 2005-2006, she clerked for the Pasqua Yaqui Tribal Appellate Court and the Navajo Nation Supreme Court. Sarah's research centres on Indigenous

legal traditions, specifically the traditions of the Coast Salish people, Aboriginal law and human rights. Specifically, she is committed to the recognition and reconciliation of Indigenous legal traditions with the common law and civil law traditions in Canada. In addition to these academic interests, Sarah has been actively involved with Indigenous nations and NGOs across Canada through her work in nation building, inherent rights recognition and international human rights law. Her community based research has resulted in the creation of policies and procedures that are reflective of the traditional laws of the communities who utilize them.



Dr. Raven Sinclair, Professor, Faculty of Social Work, University of Saskatchewan, SK. Raven Sinclair (Ótiskewápiwskew) is Cree/Assiniboine/Saulteaux and a member of Gordon First Nation of the Treaty #4 area of southern Saskatchewan. She is a survivor and expert on the Sixties Scoop, the practice of taking Indigenous children from their families and placing them in foster care or adopting them out to white families. She is a critic of the current child welfare system in Canada, especially as it relates to Indigenous peoples. Raven is the Director and Executive Producer of the film "A Truth to be Told: The 60's Scoop in the Splatins Community", which uncovers the atrocious facts of this period in Canadian history. Her film examines the idea of "child saving" and the impacts on Indigenous peoples and the child welfare system in Canada with a focus on the story of the Splatins band's (Shuswap) experience of child welfare removals in the 1960s and 70s. As an author, of 'Wicahitowin-Aboriginal Social Work in Canada', Raven is creating effective and respectful methods of working with diverse populations specifically Indigenous peoples. As Associate Professor of Social Work and Researcher, Raven is transforming misconceptions regarding diversity and identity. Raven is passionate about Indigenous issues as well as intergenerational healing modalities.

Colleen Spier, Assistant Deputy Minister of Indigenous Justice Secretariat, Victoria, BC.



Bety Tesfay (she/her/hers), Staff Lawyer, West Coast LEAF, Vancouver, BC. Bety Tesfay is an Ethiopian-Canadian from Calgary, Alberta. She received her JD/MPP at the University of Calgary. Bety is passionate about racial justice, environmental justice, and gender equality. She would like to use her education and experience to advocate for these issues. If she is not reading or hanging out with friends, you can find Bety rewatching old shows on Netflix.



Kory Wilson, Executive Director, Indigenous Initiatives and Partnerships, British Columbia Institute of Technology, Vancouver, BC. Kory, BSc., LL.B, is Musgamagw Tsawataineuk and Laich-Kwil-Tach. Both nations are part of the Kwakwaka'wakw Nation. She is also a member of the We Wai Kai Nation. She is currently the Executive Director of Indigenous Initiatives and Partnerships at BCIT and the National Indigenous Education Chair for CICan. She is a member of the BC Law Society and she practised Criminal Defense and Family law. She has over 20 years experience in post-Secondary education and community development. She has taught a wide variety of courses at various post-secondary institutions and they range from law, racism, Aboriginal and Canadian studies, community development and good governance. Her passion and research is in ensuring success for Aboriginal learners and other multi-barriered learners. She has a deep commitment to education, both within the institutions and in the community, and she has dedicated her working life to ensuring that Aboriginal learners and other marginalized learners succeed. She is a strong believer that education and access to knowledge are key to move everyone forward, and that when people know better, they do better.

INDIGENOUS CHILDREN AND YOUTH 2023

— AGENDA —

JUNE 22, 2023 (DAY ONE)

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Crystal Reeves

Mandell Pinder LLP

Bonnie Leonard

Assembly of First Nations

9:10 Indigenous Jurisdiction: Strengthening Our Children and Families Our Own Way

Wenecwtsin/Wayne Christian

Former Chief of Splitsin Nation

Additional speakers to be announced

- Protecting Indigenous children and families and keeping them at the centre
- Drawing on existing strengths and building new capacity
- Processes and changes that need to happen within the Nation
- Incorporating traditional values into systems
- Sources of funding and other resources
- Overcoming practical issues and challenges
- Celebrating victories – successful outcomes

10:40 Questions and Discussion

11:10 Refreshment Adjournment

11:25 Exercising Existing Rights: The Legal Lens on Reclaiming Jurisdiction Over Child Welfare

Dr. Raven Sinclair

University of Saskatchewan

Dr. Sarah Morales

University of Victoria

- Overview of enabling legislation recognising Indigenous jurisdiction over child welfare
- Bill C-92 – benefits, hinderances, and the reference case before the Supreme Court of Canada

- Addressing fiscal discrimination
- Update on the Canadian Human Rights Tribunal settlement

12:15 Questions and Discussion

12:25 Catered Lunch

1:30 Changes at the Provincial Level – An Update on Legislative Landscape in British Columbia

Maria Coley

Ministry of Attorney General

Emily Horton

Ministry of Children and Family Development

- Provincial approaches to reconciliation and implementation of UNDRIP:
 - New mandates on children and families and jurisdiction
 - Strategy and service plan
 - Declaration Act Action Plan
 - Co-developing legislative and regulatory amendments with Indigenous Peoples
- Systemic transformation:
 - Changes to service delivery
 - Creation of the Indigenous Child Welfare Director role
- Legislative changes to the *Child, Family and Community Service Act* (CFCSA):
 - What the changes mean
 - What changes are intended to achieve
- Agreements respecting Indigenous children and families
 - Coordination Agreements
 - Agreements under s. 92.1 CFCSA
 - Child specific agreements
 - Declaration Act agreements

2:30 Questions and Discussion

2:45 Refreshment Adjournment

INDIGENOUS CHILDREN AND YOUTH 2023

— AGENDA —

3:00 Challenging the Family Policing System: Community-Guided Approaches

Humera Jabir

West Coast LEAF

Bety Tesfay

West Coast LEAF

- Screening of new documentary short “Kids Are Only Kids Once” (10 minutes)
- Focal points for systemic advocacy
- Community guidance on transformative systems change
- Advantages and limitations of legal challenges – what the law can, and cannot, do
- Moving outside the legal system

3:45 Questions and Discussion

4:00 Chairs’ Closing Remarks for Day One

4:05 Program Concludes for Day One

JUNE 23, 2023 (DAY TWO)

9:00 Chairs’ Welcome to Day Two

Crystal Reeves

Mandell Pinder LLP

Bonnie Leonard

Assembly of First Nations

9:05 Jurisdictional Issues and the Need for Coordination

Crystal Reeves

Mandell Pinder LLP

- Jurisdictional issues moving forward – what laws apply, and who gets to decide?
- Getting out of the Western Court Systems
- How do we minimize court time and arguments about jurisdiction?
- Coordination amongst different entities – police services, hospitals, courts, court counsel,

government and Indigenous agencies, and Indigenous nations

- Removing the federal and provincial government’s involvement in matters involving Indigenous Children and Youth:
 - Is this possible?
 - Is this desirable?
 - What would it take to get there?
- What is needed no matter who delivers the service

9:55 Questions and Discussion

10:10 Presentation by BC Hear The Child Society

Bev Churchill

BC Hear the Child Society

10:55 Questions and Discussion

11:05 Refreshment Adjournment

11:20 Justice Strategy - Revitalizing Indigenous Laws and Implementation

Kory Wilson

BC First Nations Justice Council

Colleen Spier

Assistant Deputy Minister of Indigenous Justice Secretariat

- Justice Strategy overview
- Ongoing work at the BC First Nations Justice Council to support change in child welfare:
 - Track one: Reform laws – creating space
 - Track two: Transform – revitalizing Indigenous laws and implementation

12:10 Questions and Discussion

12:20 Chairs’ Concluding Remarks for Day Two

12:25 Program Concludes

INFORMATION

Two Ways to Register:

1. Telephone us: 604-730-2500
2. Register at www.pbli.com/indyouth23

Registration: The registration fee is \$1,220.00 plus GST of \$61.00 totalling **\$1,281.00**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

Early Bird Discount: Register by May 23, 2023 and receive a \$150 discount on the registration fee (\$1,070.00 plus GST). Discounts cannot be combined.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts 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. (PDT)**. UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://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 electronic 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/Transfers: 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 15, 2023**). 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 and transfer in-person registration to webinar registration for this event.

Course Accreditation: Attendance at this course can be listed for up to **8.5 hours** of continuing professional development credits with the Law Societies of BC and Ontario. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

Registration Form

Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
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INDIGENOUS CHILDREN AND YOUTH 2023

June 22 & 23, 2023

UBC Robson Square, 800 Robson Street, Vancouver, BC

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- In person (Early Bird, \$1,070+GST)
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Register today at www.pbli.com/indyouth23

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