

**DE-COLONIZING CHILD WELL-BEING THROUGH BILLS C-92 & C-15,
TIPI TEACHINGS AND CALLS TO ACTION: A STUDY OF THE
COWESSESS FIRST NATION MIYO PIMATISOWIN ACT**

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Kwaku Dabiete Ayisi, candidate for the degree of **Master of Public Policy**, has presented a thesis titled, ***De-Colonizing child well-being through Bills C-92 & C15, tipi teachings and calls to action: A study of the Cowessess First Nation Miyo Pimatisowin Act***, in an oral examination held on November 25, 2022. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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Abstract

Recent reports show that First Nations children account for approximately 7.7% of all children in Canada but 52% of children in government care (Government of Canada 2021). For several years, Indigenous peoples and organizations have expressed deep concerns over the disturbing proportion of Indigenous children in care (Blackstock, 2011; Stevenson, 2013).

In 2020, the Cowessess First Nation Miyo Pimatisowin (Cree translation for “Striving for a better life”) Act was established within the parameters of An Act respecting First Nations, Inuit, and Métis children, youth, and families (Bill C-92) to ensure that the next generation of First Nations children are protected from government apprehensions, negative post-care outcomes, and other child well-being challenges (Delorme 2020). The following research question is explored to highlight the self-determination rights, governing strengths, and well-being principles of Cowessess First Nation: How did Cowessess First Nation develop and implement their own child well-being policies and programs in a de-colonized, culturally centered way that would yield the best quality of life for their children and families?

The Visiting Way (Keeoukaywin) was used as the method for data collection. Keeoukaywin is an informal and semi-structured method of information gathering where participants answer the researcher’s questions using their own style of narration, teaching, or other styles they are more comfortable with. The researcher followed Cowessess research protocols, OCAP principles, and the University of Regina ethics requirements, to visit with five participants who were integral to the development and/or implementation of the Miyo Pimatisowin Act. This research focused exclusively on

Cowessess First Nation. The empirical analysis in this study used Marchildon, Lavoie and Harold's (2021) decision space framework, Gaventa's (2006) power framework, and British Columbia's First Nations Health Authority's (BC FNHA) governance system to assert that whenever an Indigenous group made more decisions and exerted more power over the health of their people, there were improved overall outcomes for that group. While the three frameworks apply to health, they can be extended to child welfare since both health and child welfare fall within the broader scope of wellness.

Highlighting how a decolonized form of child well-being governance leads to desired well-being outcomes could motivate more experts in fields such as policy development, policy analysis and governance to work with Cowessess towards achieving their child well-being goals. Policy implications from this study include the potential for Cowessess to develop other jurisdictional policies. (E.g. Educational policies, membership policies, business development policies). Highlighting the strengths and opportunities within the Miyo Pimatisowin Act can inspire governments, schools, businesses, organizations, and individuals to partner with Cowessess on various initiatives related to the Act and ultimately improve the well-being of Cowessess children. Policy implications also extend to other First Nations in Canada. First Nations could use knowledge from the development and implementation of the Cowessess Miyo Pimatisowin Act to develop and implement their own child wellbeing Acts.

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Dedication

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Chapter 1: Introduction – Background Significance: History of Indian Act and child welfare policies in Canada that pursued cultural assimilation

1.1. A legal pathway to colonize and subdue Indigenous peoples: the case of the Indian Act

The 1876 Indian Act policy is a tragic representation of colonialism in Canada. Although amendments have been made to the Indian Act since its inception in 1876, Canadian governments continued to strip away inherent rights and jurisdictions from Indigenous peoples (First Nations & Indigenous Studies 2009). Stripping away rights from Indigenous peoples led to political, economic, socio-cultural, and health inadequacies for First Nations, Métis, and Inuit people (Truth and Reconciliation Commission of Canada 2015). An analysis of the Indian Act reveals the policy vision, residential schools as an integral path to achieving the vision, governmental and non-governmental facilitators in advancing residential school objectives, and the negative outcomes of residential schools on Indigenous children and families.

The Indian Act was used to exercise power, control and domination over Indigenous peoples and Indigenous lands (Native Women's Association of Canada 2018). The Canadian government also used the Indian Act as a tool to create a Canada where Indigenous peoples were fully assimilated into white Eurocentric Canadian values (Truth and Reconciliation Commission of Canada 2015). After 1876, Canadian governments made different forms of revisions to the Indian Act but kept their commitment to the forced assimilation of Indigenous peoples (Truth and Reconciliation Commission of Canada 2015, 14; Native Women's Association of Canada 2018). Assimilating Indigenous peoples into white Eurocentric Canadian values and systems meant that Canadian governments forced Indigenous peoples to lose their identity which

included language, cultural practices, and governance structures (First Nations & Indigenous Studies 2009). In other words, the vision of the Indian Act did not include Indigenous self-governance and Indigenous values. For more than a century, the Indian Act weakened the health and well-being of Indigenous children and families (Truth and Reconciliation Commission of Canada 2015; Fontaine 2017). Residential school policy was the main tool used by Canadian governments to assimilate Indigenous children and families (Fontaine 2017; Truth and Reconciliation Commission of Canada 2015).

1.2. Degrading, damaging, and destroying the well-being of Indigenous children and families using policy; the case of residential schools

In 2008, Prime Minister Stephen Harper made a formal apology to Canada's Indigenous peoples for the residential school policy that sought to "kill the Indian in the child" (Montpetit 2011). What exactly did the Prime Minister apologize for? The answers can be found by reviewing the intent of the residential school system, the processes used to facilitate assimilation in the schools, and the negative outcomes for indigenous peoples who were affected by the policy (Hansen, Games and Manuel 2020; Fontaine 2017; Truth and Reconciliation Commission of Canada 2015).

Under the umbrella of the Indian Act, the Canadian government enacted the residential school policy in 1884, with the intent of eradicating Indigenous cultures which included languages, traditions, and practices (Truth and Reconciliation Commission of Canada 2015). White settler governments from England and France considered Indigenous ways of life to be inferior to the white Eurocentric cultures of Canada (Hansen, Games and Manuel 2020). Hence, a complete assimilation into the "acceptable" way of life in Canada had no room for Indigenous cultures and worldviews

(Hansen, Games and Manuel 2020). With the establishment of residential schools, Canadian governments envisioned an educational system for Indigenous children where the children fully adopted English and/or French, practiced Christian values, and fully rejected Indigenous ways of life (Hansen, Games and Manuel 2020; Truth and Reconciliation Commission of Canada 2015). In other words, residential schools were developed to weaken the ties between Indigenous children and their cultures. According to the federal government, at least 150,000 First Nation, Inuit, and Métis children were forced into residential schools from 1879 to 1996 (Truth and Reconciliation Commission of Canada 2015).

The processes used to facilitate assimilation in residential schools included physical and psychological punishments (Fontaine 2017). Administered by Roman Catholic, Anglican, Methodist, United, and Presbyterian churches, residential school staff regularly beat Indigenous children who spoke their language or broke other rules (Chan 2015; Truth and Reconciliation Commission of Canada 2015). Other physical abuses included shoving pins into various body parts of children and sexual abuse (Chan 2015; Hansen, Games and Manuel 2020). As a form of psychological abuse, staff at residential schools shamed Indigenous languages, and they made assertions that Indigenous identity correlated with immorality and sin (Fontaine 2017, 195).

The effects of residential schools on Indigenous peoples encapsulates loss in different ways (Carr, Chartier and Dadgostari 2017). The abuse suffered by Indigenous children made them feel inferior to white Eurocentric people and feel depressed about their Indigenous cultures being supposedly meaningless (Carr, Chartier and Dadgostari 2017). Losing their language and other cultural elements led to feelings of disconnection

between Indigenous children and their parents (Carr, Chartier and Dadgostari 2017, 46). For Indigenous parents, the disconnect with their children led to severe trauma (Carr, Chartier and Dadgostari 2017, 45). Kerry Benjoe, a residential school survivor, narrated that she struggled to build an emotional connection with her mother after she became an alumni (Benjoe and Benjoe 2020). Kerry's mother, Yvonne Benjoe, struggled to utter the words 'I love you' to her children (Benjoe and Benjoe 2020). Generational effects of residential schools made it difficult for Indigenous parents to express affection to their children, and many Indigenous children did not get the chance to experience the externalization of affection from their parents due to their apprehensions at a tender age (Benjoe and Benjoe 2020). Hence without an example to draw from, the lack of externalizing love with words, etc., passed on from one generation to another (Benjoe and Benjoe 2020). Since residential school administrators forced Indigenous children to be shameful of their native languages, many children feared to speak their language or live on a reserve where their language was spoken (Feir 2016). Indigenous languages faded away because English and French were the dominant languages in Canada and the numbers of Indigenous language speakers diminished as a result of residential schools (Fontaine 2017; Sterzuk and Fayant 2016).

According to the Truth and Reconciliation Commission's Register of Confirmed Deaths, there were over three thousand confirmed deaths of residential school children (Truth and Reconciliation Commission of Canada 2015, 1). The percentage of Indigenous children who died in residential schools exceeded that of other Canadian school-aged children, but the government did not record the cause of death of half of those deaths (Truth and Reconciliation Commission of Canada 2015, 1). In addition,

neither the schools nor the government recorded the names of almost a third of students who died (Truth and Reconciliation Commission of Canada 2015, 1). The negligent manner in which the Canadian government and the church administrators of residential schools treated Indigenous children reflects the assertion that in government policy, Indigenous lives did not matter as much as the rest of Canada.

Two main causes of the high death rates in residential schools included: a lack of satisfactory health and well-being policy standards and a deficiency in funding to the schools (Truth and Reconciliation Commission of Canada 2015, 2). A policy gap in well-being standards allowed the school administrators to bury Indigenous children in unmarked graves. Unmarked graves of children meant that the families were not only deprived of the chance to bury their children in their own comforting way, but also that families did not know where their beloved children were buried to pay their last respects (Truth and Reconciliation Commission of Canada 2015).

In May and June of 2021, ground penetrating radar technology was used to discover hundreds of buried remains of residential school children on unmarked graves in British Columbia and Saskatchewan (Cecco 2021; Eneas 2021). In Saskatchewan, Cowessess First Nation reported the discovery of 751 unmarked graves near the former Marieval Indian residential school (Eneas 2021). According to Chief Cadmus Delorme of Cowessess First Nation, the unmarked gravesite would be treated “like a crime scene”, and efforts would be made to associate names with individual graves (Eneas 2021).

The children who went missing from residential schools, who died during their school enrolment, and who were buried in unmarked graves, signify the callous manner

in which the Canadian government and the churches treated Indigenous people. The lack of accountability and reporting on health outcomes of the children meant that no one was held responsible for Indigenous children who died, and who were not allowed to have a dignified burial. Residential school policy was a direct cause of hundreds of pre-mature Indigenous child deaths, family trauma from losing a child, and community trauma from losing loved ones (Truth and Reconciliation Commission of Canada 2015).

In conclusion, colonialism served as a framework through which the Indian Act and residential school policies were developed to degrade, damage, and destroy Indigenous identities. As the churches and the federal government attempted to use residential schools to model Indigenous children into white Eurocentric individuals, many children suffered abuse, lost family ties, lost their culture, and lost their lives.

1.3. A misguided adoption policy, funding gaps, and negative work environments for frontline staff; More legacies from Canadian child welfare

Between 1960 and 1990, Indigenous children were apprehended from their families and placed in non-Aboriginal homes through an adoption policy, popularly known as the “sixties scoop” (Truth and Reconciliation Commission of Canada 2015; Blackstock 2011). The goal of the sixties scoop was to save Indigenous children from their supposed uncivilized and harmful communities (Truth and Reconciliation Commission of Canada 2015). Indigenous children were placed in mainly white Eurocentric families within Canada and internationally (Truth and Reconciliation Commission of Canada 2015). During the sixties scoop, provincial social workers who led apprehensions had little training in Indigenous cultures and residential school trauma (Truth and Reconciliation Commission of Canada 2015, 14). Too often, social workers’

judgement of Indigenous parents as bad and neglectful was a pretext to forcibly assimilating Indigenous children into white culture (Blackstock 2011; Truth and Reconciliation Commission of Canada 2015).

Negative outcomes from the sixties scoop included: loss of Indigenous languages, identity confusion, lack of education advancement, addiction, physical and sexual abuses (Truth and Reconciliation Commission of Canada 2015). White families who adopted Indigenous children told them that their families were ‘drunken Indians’ and ‘horrible people’, among other disparaging terms (Truth and Reconciliation Commission of Canada 2015). A child who was often persuaded to be shameful of their identity and heritage would find it difficult to see a world where they could fit in and add value. “In a 1985 Manitoba public inquiry report, Associate Chief Judge Edwin Kimelman decried the systematic placement of thousands of Aboriginal children in white homes outside Manitoba and described the practice as “cultural genocide”, which had taken place in a systematic, routine manner” (Truth and Reconciliation Commission of Canada 2015, 16).

Gaps were exposed in federal funding for Indigenous child welfare from 1988 to 2018 (Government of Canada 2021; Truth and Reconciliation Commission of Canada 2015). Starting in 1988, Directive 20-1 – the funding formula for First Nations Child and Family Services (FNCFS), did not cover preventive services to support families but rather focused on only operational and maintenance costs (Truth and Reconciliation Commission of Canada 2015, 21). The Department of Indian and Northern Affairs Canada reported that the Directive 20-1 policy was one of the likely causes for the

increased numbers of Indigenous children in care (Truth and Reconciliation Commission of Canada 2015, 21).

Due to critiques of the Directive 20-1 policy, Aboriginal and Northern Affairs Canada introduced the Enhanced Prevention Focused Approach (EPFA) in 2007 (Currie and Sinha 2015). The EPFA policy included funding for family support and prevention of factors which led to child apprehensions (Currie and Sinha 2015). However, due to flaws in the EPFA, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (FNCFCFS) filed a complaint to the Canadian Human Rights Tribunal (Government of Canada 2021). The issues in the EPFA included: an assumption that a fixed percentage of Indigenous children required services, less funding compared to children off reserve, and ambiguity in the use of the terms “reasonable comparability” and “culturally appropriate services” (Currie and Sinha 2015).

In 2016, the Canadian Human Rights Tribunal responded to the 2007 complaint by the AFN and FNCFCFS and found the FNCFS program to be “inequitable and discriminatory under the Canadian Human Rights Act” (Government of Canada 2021). In 2018, the Government of Canada started to cover several welfare costs that were not previously funded (Government of Canada 2021). The federal government is now mandated to fund: legal fees, building repairs, child service purchase, small agency costs (in all areas), actual costs of prevention, intake and assessment costs, actual costs of band representatives, and mental health for First Nations youth in Ontario, retroactively to January 2016 (Government of Canada 2021).

In 2011, Cindy Blackstock (Executive director of the First Nations Child and Family Caring Society of Canada) recounted her experience as a frontline social worker

and described how the approach to decision making within child welfare organizations was top-down, excluding inputs from frontline workers (Blackstock 2011). This meant the voices of frontline child welfare workers, which would have been beneficial in creating better policy and programs for youth in care, were diminished (Blackstock 2011). The lack of frontline workers' feedback correlated with expressions of hubris by leadership within child welfare organizations who acted as if all their programs and policies were 'fundamentally benevolent' (Blackstock 2011, 40). The high turnover rates among frontline workers in youth care agencies denotes poor working conditions for staff (Casey 2011).

1.4. Saskatchewan's legacy of child welfare

The residential school policy was a Canada-wide mandate which affected each province, including Saskatchewan. In Saskatchewan, the legacy of child welfare policies is important for three main reasons. First, Saskatchewan's representation of Indigenous children in care is approximately 86% (McMillan 2020), compared to the national average of approximately 52% (Government of Canada 2021). Second, Saskatchewan has one of the highest proportions of Indigenous residents in Canada – approximately 16% (Statistics Canada 2019). Finally, the knowledge of past child welfare outcomes could better inform researchers on the kinds of change that could improve the well-being of Indigenous children and families.

In 1908, the first Saskatchewan child welfare legislation was introduced (Saskatchewan Child Welfare Review Panel 2010). Indigenous children in Saskatchewan were among the target group of the residential school policy during this time.

Throughout the twentieth century, Roman Catholic, Presbyterian, and Anglican churches in Saskatchewan facilitated residential schools at Beauval, Delmas, and Kamsack, among others (Truth and Reconciliation Commission of Canada 2015). In these schools, Indigenous children suffered from physical abuses, poor diet, and cultural genocide (Truth and Reconciliation Commission of Canada 2015). From 1967 to 1974, a federal program known as ‘Adopt Indian Métis’ led to over a thousand Aboriginal children being placed for adoption, mostly in Saskatchewan but also other parts of Canada and the United States (Saskatchewan Child Welfare Review Panel 2010).

During the 1980s, Saskatchewan rose to the position of having the highest proportion of Indigenous children in government care among all provinces (Stevenson 2013). In that decade, Indigenous peoples sought more control over their children (Stevenson 2013). Claudia Agecautay, a member of Cowessess First Nation, stressed the importance of keeping Indigenous foster children within their own communities, the importance of notifying band leaders about adoptions, and the need for more Native control over the welfare of their children (Stevenson 2013).

1.5. Background Significance: Structure of current child welfare system in Canada

1.5.1. Definitions of child welfare terms used in scholarly research

In scholarly research, the term Child Welfare is defined broadly and includes several parts of a system that relate to advancing the well-being of children and mitigating some of the harms children face (Lwin, et al. 2018; Navia, Henderson and First Charger 2018; Sinha and Kozlowski 2013; Woodgate, Morakinyo and Martin 2017). Although some overlap exists among the parts of the Child welfare system, the

term can be loosely broken down into child welfare institutions (including child welfare workers) and child welfare services. Children under the age of 18, who are considered at-risk by the government, are placed in the child welfare system (Lwin, et al. 2018).

Institutions that facilitate child welfare in Canada include governments, foster care organizations, group home organizations and other residential treatment care organizations (Fluke, et al. 2009; Trocme, Knoke and Blackstock 2004). In Ontario, there are about 47 Children Aid Societies (CAS) that operate independently from the government but follow provincial legislations (Lwin, et al. 2018). Non-governmental Institutions that facilitate child welfare are also known as out-of-home placement agencies (Fluke, et al. 2009). The federal government oversees child welfare services on First Nations reserves while the provincial government oversees services to all other jurisdictions (Sinha and Kozlowski 2013; Trocme, Knoke and Blackstock 2004). On First Nations reserves, the federal government is the primary source of funding for child welfare services (Trocme, Knoke and Blackstock 2004).

Child welfare services include several processes and well-being delivery options for at-risk children. According to Lwin et al (2018), child welfare services include investigations to determine abuse or neglect, and interventions for children who are at risk from their caregivers. Sinha and Kozlowski (2013) echo the process of at-risk child investigations in their description of child welfare services. The government's response to children whose physical or emotional development are being hindered by their caregivers constitutes child welfare services (Sinha and Kozlowski 2013). According to Woodgate, Morakinyo and Martin (2017), child welfare interventions include housing, health services, mentorship, and employment. McKenzie et al (2016) describe child

welfare services as the process of apprehending children from their homes and placing them with adoptive and/or foster parents. Fluke et al (2009) include services for developmentally delayed children, violent children, self harming children, children who experienced abuse, and children whose caregivers struggled with substance abuse. According to Long and Sephton (2011), the child welfare system provides safety, stability, care, nurture and love as main indicators of the best interest of the child. “The Canadian system is rooted in an Anglo-American approach that emphasizes individual caregiver responsibility for children, restricts child welfare intervention to relatively serious cases, focuses on investigation in order to determine whether children are exposed to harm or at serious risk of harm, and uses out-of-home placement as a key measure to protect children” (Gerlach, et al. 2017). Missing from published descriptions of child welfare are preventive services, preventative strategies, and pro-active funding to support the challenges that lead to child apprehensions and placements.

In Canadian child welfare literature, the terms “Aboriginal” and “Indigenous” are often used interchangeably. The definition of “Aboriginal” is people who are First Nations, Inuit, and Métis (Fluke, et al. 2009; Trocme, Knoke and Blackstock 2004). According to Trocme et al (2004), the term “First Nations” became more common in the 1970s and was used more frequently to describe Aboriginal people who were neither Métis nor Inuit. In an international context, the term Indigenous “describes communities and individuals who consider themselves to be related to civilizations that predate colonization in the Americas, Pacific Islands, Australia, Asia and Africa” (Navia, Henderson and First Charger 2018, 148-149). Although “Aboriginal” is still used in some literature, “Indigenous” is used more often to refer to the collective of First

Nations, Inuit, and Métis people in Canada (Navia, Henderson and First Charger 2018). As a result, “Indigenous” and “Aboriginal” are being used interchangeably in this research study.

1.5.2. Saskatchewan context

Two high profile cases indicating shortcomings in Saskatchewan’s child welfare system in the late 1990s and early 2000s were reported in the Saskatchewan Child Welfare Review Panel Report (2010). In 1997, Karen Rose Quill, who was 20 months old, died in foster care in St. Louis, Saskatchewan (Saskatchewan Child Welfare Review Panel 2010). Prior to Karen’s placement, an annual review identified overcrowding as a problem in Karen’s foster home and advised that no other children be placed there (Saskatchewan Child Welfare Review Panel 2010). In February 2009, the Saskatchewan children’s advocate identified overcrowding as a major issue in the foster care system, a preceding report to the Minister of Social Services’ announcement of a child welfare review in November that year (Saskatchewan Child Welfare Review Panel 2010). In 2002, a 20-month-old boy known as Baby Andy was seriously abused after he returned home from foster care (Saskatchewan Child Welfare Review Panel 2010). In Baby Andy’s case, a lack of communication between on-reserve agencies and the Ministry, staffing issues, lack of funding, and non-compliance with policy and procedures were identified as contributing factors to the abuse (Saskatchewan Child Welfare Review Panel 2010).

From the Saskatchewan Child Welfare review panel report (2010), three main findings were:

- i. Aboriginal children made up 15% of Saskatchewan’s population but 80% of children in care.
- ii. Neglect was documented as the main reason for child apprehensions.
- iii. The Saskatchewan child welfare system did not have all the tools needed to deal with the underlying issues of neglect – poverty, substance abuse, mental health problems, and inadequate housing.

According to the Government of Saskatchewan (2019), Neglect is defined as “failing to provide a child with enough food, proper clothing, shelter, health care, or supervision”.

In 2016, the Saskatchewan First Nations Family and Community Institute Inc. (2017) formed a research team which developed key child welfare functions and identified gaps in service on reserves. The functions emphasized parental rights, children’s rights, collective responsibilities, and the advocacy of effective systems/organizations to support children in care (Saskatchewan First Nations Family and Community Institute Inc. 2017). Some of the main gaps identified by the research team were in the areas of child assessment, transition out of care, housing, policy, and social supports (Saskatchewan First Nations Family and Community Institute Inc. 2017). In 2020, Cowessess First Nation developed the Cowessess Miyo Pimatisowan Act. “Miyo Pimatisowin” is the Cree translation for “striving for a better life”. One main goal of the Act was to give Cowessess First Nation more autonomy over decisions related to the well-being of their children (Bell 2020).

1.5.3. Theories used to study child welfare policies in Canada

Well-being theories, frameworks and principles serve as barometers to measure the strength of arguments academic authors make. Some of the main theories and frameworks that are referenced in Canadian child welfare studies include: neighbourhood resource theory (Blackstock and Trocme 2005, 29), structural social work theory (Blackstock and Trocme 2005, 13), and cultural attachment theory (Simrad and Blight 2011). Well-being and development theories and frameworks help inform debates on outcomes of the child welfare system, recommendations to enhance the system, and why the system works the way it does.

Neighbourhood resource theory suggests that children who have increased access to quality community services will gain more opportunities for development, enrichment of experience and reduced chance of problems (Connor and Brink 1999). Quality community services include parks, recreation facilities, health resources, police services, and social relationships developed among community members/social capital (Connor and Brink 1999). Coleman (1988) mentions shared norms, reciprocal obligations, and opportunities for sharing information as important elements of social capital for the development of children.

Structural social work theory indicates that the ideal way to mitigate the harms people face involves making connections between one's personal issues and the external political, economic, and social systems which directly affects them (Moreau 1979). In other words, people's problems do not exist in isolation of their external environment. Intervention workers need help to change harmful behaviors of a person, as well as the external structures that facilitate those behaviors. Also, changing harmful political,

economic, and social systems without changing harmful behaviors of individuals is futile (Moreau 1979). This theory also suggests that personal and political power allows the rich and powerful in society to define and restrict those who are poor and lack power (Moreau 1979). In other words, power creates a system where “whites define native peoples and blacks, men define women, heterosexuals define homosexuals, adults define children, the young define the aged, and so-called normal people define the world of the deviant” (Moreau 1979). To alleviate the harm caused by misguided power, there needs to be both short term relief, as well as long term structural and institutional change (Carrillo and O'Grady 2018; Moreau 1979). For example, as an intervention worker helps an abusive father understand children's rights better, the worker also needs to focus on how the abused children can gain better access to daycare, after school resources, counselling services, etc. (Moreau 1979).

Cultural attachment theory is a set of principles that describe the bonding process between an individual and their culture (Simrad and Blight 2011). “Culture comprises the shared beliefs, values, and norms of a group of interconnected individuals, such as those from the same nation or racial/ethnic background” (Hong, et al. 2013, 1027). Benefits from cultural attachment include: a sense of comfort, alleviation of negative emotions, and psychological security (Hong, et al. 2013). A person who has a secure attachment to their culture shows better psychological functioning than a person who has a weak cultural attachment (Hong, et al. 2013, 1029). Emotional connections can be built with one other member of a cultural group or the collective group (Hong, et al. 2013). Another benefit of cultural attachment is the symbolic validation of one's values and worldviews by the collective group (Hong, et al. 2013, 1028).

According to Simrad and Blight (2011), cultural attachment theory is a significant component of Aboriginal worldview. “Cultural attachment has remained in Aboriginal worldview because as Aboriginal people there exists the genetic memory of the ancestors” (Simrad and Blight 2011, 39). This worldview includes an important spiritual force that enhances bond development among members of similar Aboriginal cultures (Simrad and Blight 2011, 39). Aboriginal children are beneficiaries of cultural attachment when an affectionate bond is built between a child and their family and lasts through each phase of their lives (Simrad and Blight 2011, 39-40). Through the process of cultural attachment, Aboriginal children experience healthy development and have a strong foundation to explore the world (Simrad and Blight 2011). Also, the knowledge of how family, extended family, community, and Nation relate to each other is kept and passed on through the process of cultural attachment (Simrad and Blight 2011).

1.5.4. Academic findings on Canadian child welfare

In academic literature on the Canadian child welfare system, there are many research questions that are yet to be answered, particularly as they relate to the effectiveness of the system for Indigenous children. Trocme (2016) explains that the under-developed research capacity within childcare agencies is a main reason why data on welfare processes and outcomes are under-studied. With a limited access to academic journals, and a lack of infrastructure to conduct systematic data analysis, childcare agencies do not engage in extensive assessments of the services they provide (Trocme 2016). Another reason for the under-study of the Canadian welfare system is the weak research culture within the ministries of Social Services in the various provinces

(Trocme 2016). “Currently, there is a tendency for provincial governments to impose performance-management agendas that meet their accountability needs without necessarily capturing the outcomes that are viewed as most relevant by agency managers and workers” (Trocme 2016, 3). In Canadian academic studies, important themes that emerge include: post-care outcomes, investigations and placements, and colonial/assimilationist strategies. Studies from the United States, Finland, and Australia echo most of the priorities from Canadian studies. Also included in scholarly debates are recommendations on how to improve/change the child welfare system to enhance the well-being of Indigenous children in Canada.

In most child welfare studies, Indigenous children were found to experience largely negative outcomes compared to non-Indigenous children (Navia, Henderson and First Charger 2018; Woodgate, Morakinyo and Martin 2017). In a study by Woodgate, Morakinyo and Martin (2017, 281), they concluded that youth who had been through care were more likely to have negative interactions with the criminal justice system than their peers. Navia et al. (2018) found that death of Indigenous children in government care is more common than their peers. Indigenous children with government care experiences have higher tendencies to experience early pregnancy, substance abuse, mental health issues, low educational achievement, lack of employment and behavioural issues (Navia et al. 2018, 149). Several children who age out of government care are not well prepared for independent living (Harder, et al. 2020).

Government investigations on child neglect and abuse are often targeted at Indigenous children and families (McKenzie, et al. 2016). Child welfare workers unfairly flag Indigenous mothers as high risk and apprehend their children more often than they

do to non-Indigenous mothers (Navia et al, 2018). In flagging Indigenous mothers, workers often investigate neglect and maltreatment concerns based on a mother's residential school experience or a family member's experience with the criminal justice system (McKenzie et al. 2016 ; Navia et al, 2018). According to Blackstock (2007), poor housing and poverty typically constitute the government's definition of neglect, causing social workers to apprehend Indigenous children. In child placements, Navia et al (2018) argue that Indigenous children are displaced from their families and their communities, causing a disruption of their cultural identity and cultural connections.

Some scholars argue that colonialism and assimilation are the strategic forces behind Canada's current child welfare system leading to negative outcomes for Indigenous peoples (Gerlach, et al. 2017; Navia et al. 2018). Navia et al (2018) argue that although many Canadians presume that colonialism was facilitated only during residential schools, colonialism is a part of the current welfare system in Canada. This assertion is supported by Blackstock and Trocme (2005) who describe welfare colonialism to include Euro-western-based social work that influences social policies, funding systems, and regulations that dictate how Aboriginal peoples should care for their children. In other words, 'proper parenting' is determined from Eurocentric theories and principles. These principles are considered the norm in Canada. Aboriginal peoples are expected to assimilate and accept those principles without proper credence given to Aboriginal worldviews. Also, although child welfare workers are hired based on a social work degree, work experiences and training, there is no empirical evidence that these qualities lead to ideal outcomes for Indigenous children in care (Lwin, et al. 2018, 176). According to Gerlach et al (2017), "The Canadian system is rooted in an Anglo-

American approach that emphasizes individual caregiver responsibility for children, restricts child welfare intervention to relatively serious cases, focuses on investigation in order to determine whether children are exposed to harm or at serious risk of harm, and uses out-of-home placement as a key measure to protect children”. The principles within Eurocentric-based child welfare leads to broken family connections, loss of sovereignty, and dispossession of Indigenous peoples of resources (Navia et al. 2018, 149)

In the United States, studies show that children who go through the foster care system experience deficits in literacy, developmental skills, interpersonal and work preparedness skills (Olson et al 2017). Among foster care youth, there is lower probability of graduating from high school and pursuing higher education, compared to their peers (Olsen et al 2017, 82). Low levels of education means foster care youth are more prone to have low-wage jobs, and to lack financial stability (Olsen et al 2017, 82).

Although there is a lack of empirical evidence showing positive outcomes in the United States child welfare system, Chapman et al’s (2004) study of foster care children in the United States reveals that most foster care children preferred their foster homes to their original homes (Chapman, Wall and Barth 2004, 297). Children preferred their new neighborhood, their new schools, and their new families better than their original ones (Chapman, Wall and Barth 2004, 297). Chapman et al (2004) argue further that children who are placed with family members or blood relatives are more content than children who are placed with caregivers they have have no family ties to.

Findings from Finnish and Australian studies support many of the findings from Canadian studies. In Finland, youth with child welfare backgrounds have lower education outcomes than their peers (Talaslampi, Jahnukainen and Manninen 2019, 212).

In Australia, child welfare workers' concerns over "overcrowding" and "parentification" of older siblings are misguided and unfair (Long and Sephton 2011, 105-6). Aboriginal participants in the Australian study by Long and Sephton (2011) explained that having extended households with several family members under one roof enhanced their bonding process. Also, what workers term as "parentification" is seen in Aboriginal worldview as an opportunity to teach older siblings how to socialize younger children with their families and communities (Long and Sephton 2011, 105-6).

To mitigate the harms caused by the child welfare system and to enhance the well-being of Aboriginal children, recommendations are made for policy changes, jurisdictional shifts, and more inclusion of Aboriginal worldviews. Although the listed categories of recommendations are not exhaustive, many suggested solutions from authors include examples from one or more of those broad themes. These recommendations may be useful to government policy makers, childcare agencies, academic researchers, and other stakeholders.

According to Woodgate et al. (2017), policy changes should include the extension of the maximum age for children in care. Children would likely advance their life skills, enhance their psychological development, and gain better preparation for adulthood if they are allowed to stay in care a bit longer. Woodgate et al. (2017) are not specific with their definition of an ideal transition eligibility age. Gerlach et al. (2017) suggest that poverty reduction policies for Indigenous families are essential to change the social representation of Indigenous mothers as negligent. Poverty reduction policies would decrease the number of Indigenous child apprehensions and government placements (Gerlach et al. 2017). In their United States study, (Chapman et al. 2004) suggest that

policy makers should advocate for continued relationships between children and their biological parents when developing and/or amending child welfare guidelines.

According to Blackstock and Trocme (2005), a jurisdictional shift to community self-governance is integral to the well-being of Indigenous children who need care. An autonomous Indigenous community is better positioned to address issues related to poverty, poor housing, and substance misuse (Blackstock and Trocme 2005). In addressing most of the issues that give reason for government officials to intervene in childcare, Indigenous communities could save their children from out-of-home placements on their own terms (Blackstock and Trocme 2005). As Indigenous peoples endeavor to resolve issues related to poverty, poor housing, and substance misuse, good child welfare policy is also needed to progressively carve out well-being outcomes for Indigenous children.

Child welfare authors also recommend for the inclusion of Aboriginal worldviews, practices, and principles in care delivery (Blackstock and Trocme, 2005; Long and Sephton, 2011; Simrad and Blight, 2011). Simrad and Blight (2011) suggest that Aboriginal peoples should design interventions in their own ways using Indigenous principles (Simrad and Blight 2011, 52). Aboriginal holistic approaches and culturally based interventions are essential to disrupt the socio-economic determinants of neglect among Indigenous families (Blackstock and Trocme, 2005). Cultural attachment should be considered in designing service delivery because this principle provides Aboriginal children with a firm foundation for their transition into adulthood (Simrad and Blight 2011, 39-40). “In Aboriginal society, it is the entire community’s responsibility to raise the child by providing direction, supervision, guidance, and discipline” (Simrad and

Blight 2011, 45). In their Australian study, Long and Sephton (2011) also recommend for a holistic approach to care delivery for Aboriginal children (P 104). A holistic approach includes activities and interactions that meet the spiritual, cultural, and physical needs of children (Long and Sephton 2011, 104). “The development of knowledge in Aboriginal child-rearing, Aboriginal attachment patterns, and related areas can assist mainstream services to gain a greater understanding of the realities of Aboriginal children and the diversity of those realities” (Long and Sephton 2011, 109).

1.5.5. Canadian Child Welfare System Today

With Canada’s framework for child welfare, funding for on-reserve children is restricted to the federal government while the provinces/territories fund child welfare for Indigenous children who live off their reserves. Off the reserves, each province/territory makes their own decisions for service provision, governance rules and funding for Indigenous children. Although agencies that deliver child welfare services to urban Indigenous children provide some culturally relevant services, service decisions ultimately lie with the province a child resides in.

Within each province, child welfare agencies are delegated to carry out provincial mandates of child welfare. The province retains overall authority. Indigenous child and family service agencies in urban areas are also under the authority of the province. In other words, a First Nation run agency in an urban city does not have the ultimate authority to determine services, funding formulas and accountability structures. The province does.

In Canada, “there are both mainstream child welfare services and specific agencies dedicated solely to Indigenous peoples” (National Collaborating Centre for Indigenous Health 2017) Funding for urban Indigenous children is contingent on what province the child lives in. Yukon, Newfoundland and Labrador, New Brunswick and British Columbia operate under Directive 20-1 which provides funding for children in care and for the operations of agencies that deliver protection care services. Agencies in Alberta, Saskatchewan, Quebec, Manitoba, and Prince Edward Island operate under the Enhanced Prevention Focused Approach (EPFA) which includes provincial funding for some prevention services.

1.6. Problem statement, research question and objectives

In Saskatchewan, approximately 86% of children in out-of-home care identify as Indigenous (McMillan 2020). This proportion is the highest representation of Indigenous children within the past eleven years (McMillan 2020). Saskatchewan’s representation of Indigenous children in care is significantly higher than the national average which is approximately 52% (Government of Canada 2020). From the 2016 Canadian census data, Indigenous children account for 7.7% of all children under 14 (Government of Canada 2020).

Decades after the last Saskatchewan residential school closed in 1996, the cycle of apprehending Indigenous children and placing them under government care has continued to occur at alarming rates (McMillan 2020). Government social workers often identify neglect as one of their main reasons for apprehending Indigenous children and placing them into care (McKenzie et al., 2016; Trocme et al., 2004). With poverty as a

fundamental antecedent to what Canadian governments describe as neglect, many Indigenous families continue to lose their children to the government since nearly 40% of Canadian Indigenous children reside in low-income households (Government of Canada 2019). Residential school generational trauma which can be associated with substance abuse and a gap in parenting skills can also be linked to Indigenous child apprehensions in some cases (Harder, et al. 2020).

According to Olsen et al. (2017), Indigenous youth acquire valuable life skills, trauma mitigation supports, and social nourishment while in government care. However, Indigenous children who go through Government care also experience low levels of education (Olsen et al., 2017), trauma from apprehensions (Harder et al., 2020), and intergenerational trauma effects (Benjoe and Benjoe 2020). The cycle of post-care well-being deficits and Indigenous child apprehensions highlights a need to consider how different policy pathways might mitigate the harms of child apprehensions, advance Indigenous self-governance, and mitigate inter-generational trauma.

In 2019, Bill C-92 was created through close consultations between the Canadian government and Indigenous communities. The Bill highlighted several child welfare objectives found within the TRC Calls to Action, the MMIWG Calls for Justice, and the United Nations Declaration on the Rights of Indigenous Peoples Act (Bill C15). The TRC was created to lead a process of informing Canadians about the story of residential schools (National Centre for Truth and Reconciliation 2022). The National inquiry into MMIWG aims at “looking into and reporting on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence” (National Inquiry into Missing and Murdered Indigenous Women and Girls n.d.). Bill C15 aims to

“affirm the Declaration as an international human rights instrument that can help interpret and apply Canadian law” and “provides a framework to advance implementation of the Declaration at the federal level” (Government of Canada 2021). To bridge the child well-being gap between Indigenous peoples and their peers, Cowessess First Nation can use their Miyo Pimatisowin Act to reflect positive child outcomes, effective self-governance, and the value of Indigenous worldviews. Cowessess First Nation developed the Cowessess Miyo Pimatisowin Act, a set of child well-being principles within the parameters of Bill C-92. As the first First Nation in Canada to pass its own child well-being laws (Bell 2020), leaders at Cowessess seek to adopt a decolonized, Indigenous centered approach to providing care to their children and families (Delorme 2020). This means that principles related to quality of care, governance, and the prevention of family breakdowns would be decided by Cowessess, not the provincial government.

For this study, Keeoukaywin (The Visiting Way) is used as an Indigenous Community-based participatory research methodology (which includes the method of data collection). Marchildon’s (2021) decision space framework and Gaventa’s (2006) power framework are used as a well-being framework for analysis. The following research objectives/questions were tested in the empirical analysis section of this study:

1. What were the processes involved in developing the Cowessess First Nation Miyo Pimatisowin Act?
 - 1.1. How does the implementation of the Act connect with Bills C-92 & C15, Truth and Reconciliation Commission (TRC) Calls to Action and Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice?

- 1.2. In what ways do Cowessess cultural teachings serve as a reference model for the implementation of the Act?
2. How has the Cowessess First Nation Miyo Pimatisowin Act been implemented and what are early lessons and challenges?

Knowledge about how Cowessess developed, ratified, and implemented the Miyo Pimatisowin Act can help settler governments and organizations to appreciate the value of Indigenous self-government, and to do more in the reconciliation process. Findings will also suggest where there might be opportunities for Cowessess to carve out more policies that would ensure that Cowessess children thrive, family units are strengthened, and cultural values are sustained.

Chapter 2: Indigenizing Child Welfare in Canada

2.1. Indigenous Teachings/Frameworks that could inform Ideal Indigenous child well-being policy

Indigenous teachings predate the introduction of western well-being theories and frameworks used in Canada. Some of the Indigenous teachings that are still used today include: medicine wheel teachings (Verniest 2019; Cherubini et al. 2010), the seven sacred teachings (Empowering the Spirit 2021), and tipi teachings (McAdam et al. 2009). Although there are some similarities among the teachings, each set of teachings includes principles and emphasis that are not explicitly defined in the others. Each teaching serves the purpose of enhancing the well-being of Indigenous communities, families, and individuals.

2.1.1. Medicine wheel teachings

Among the various dimensions of the medicine wheel, one that directly relates to human well-being is “aspects of life” (U.S. National Library of Medicine n.d.) or “states of being” (Verniest 2019). The “aspects of life” can be broken down into four main teachings – spiritual, emotional, physical and mental (Verniest 2019). According to Cherubini et al. (2010), “the teachings explain the fundamental understanding of people and four aspects of self must be addressed to maintain a balanced life” (p. 554).

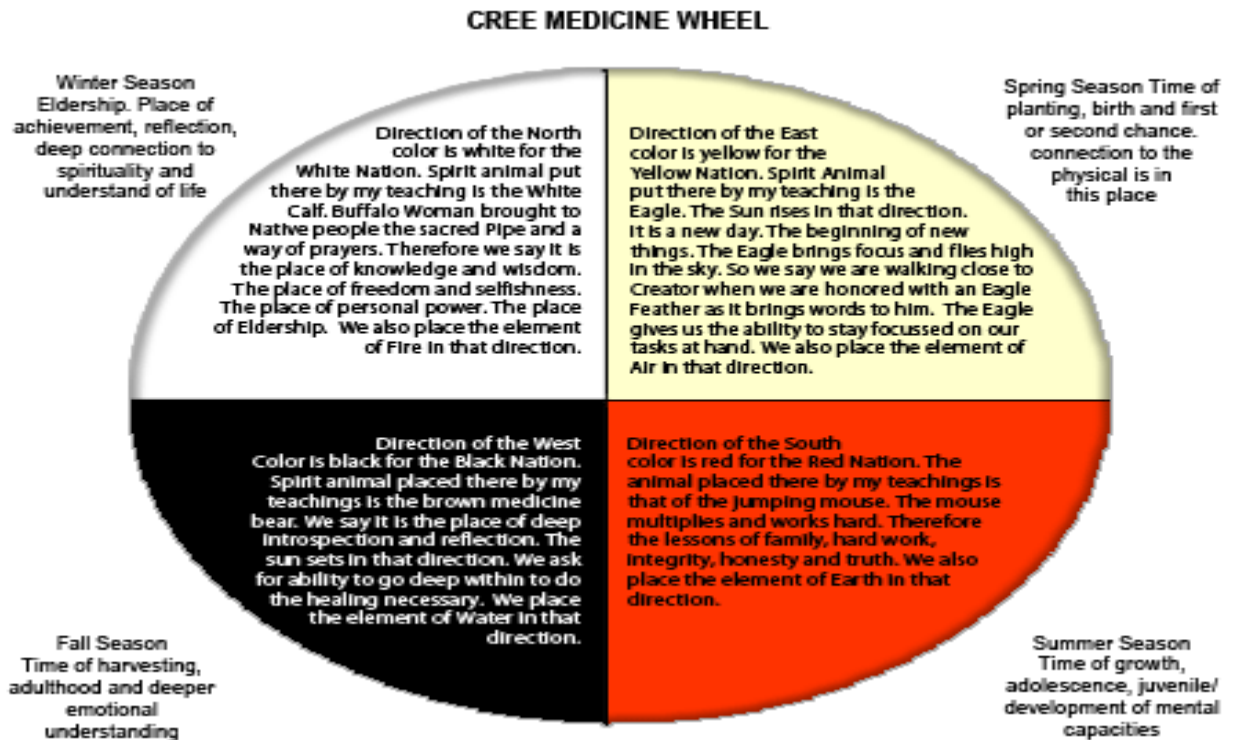
The four aspects of self must be addressed in tandem and with equal emphasis “through sheer will power or methodical introspection and action” (Laframboise and Sherbina 2008). According to Elder Mary Lee (2006), many people are out of balance because they focus more on physical and mental advancement, and less on their emotional and spiritual well-being. Emotional advancement involves a journey where

one learns how to express their true feelings about their environment (Elder Mary Lee 2006). Spiritual advancement involves remembering that we have a spirit which was gifted to us as human beings (Elder Mary Lee 2006). “An Aboriginal healing journey can involve spiritual healing like: sweat lodges, ceremonies (naming of colors), fasting and feasting, giveaways, traditional medicines and teachings, talking circles, and counseling” (Verniest 2019).

Some of the hopeful outcomes from practicing medicine wheel teachings are: healthy minds, strong inner spirits, inner peace and strong healthy bodies (Laframboise and Sherbina 2008). “It is a tool to be used for the upliftment and betterment of humankind, healing and connection to the infinite” (Laframboise and Sherbina 2008).

Indigenous peoples who adopt these teachings as part of their community traditions could include the principles when drafting their own child well-being laws. For example, policy could be created to mandate the delivery of medicine wheel teachings to applicable children in public schools, group homes, foster care and other institutions that have prolonged consequential impacts on the lives of Indigenous children. The diagram below illustrates all the dimensions of the medicine wheel.

Figure 1 Cree Medicine Wheel



[Diagram Source: (Laframboise and Sherbina 2008)].

2.1.2. The seven sacred teachings

Also known as the Teachings of the Seven Grandfathers, the seven sacred teachings is an outline of principles that directs individuals on how to relate to others for the sake of community continuance (Empowering the Spirit 2021). The Seven Sacred Teachings include: love, respect, courage, honesty, wisdom, humility, and truth (Empowering the Spirit 2021). Indigenous peoples who adopt these teachings as part of their community traditions could include the principles when drafting their own child

well-being laws. For example, policy could be created to mandate the delivery of the seven sacred Teachings to applicable children in public schools, group homes, foster care and other institutions that have prolonged consequential impacts on the lives of Indigenous children. The table below includes a detailed definition/explanation for each of the seven sacred teachings.

Table 1 Seven sacred teachings

Sacred teaching	Explanation
<p>1. Love must be unconditional (The Eagle teaches us love)</p>	<p>To feel true love is to know the Creator. Therefore, it is expected that one’s first love is to be the Great Spirit. He is considered the father of all children, and the giver of human life. Love given to the Great Spirit is expressed through love of oneself, and it is understood that if one cannot love oneself, it is impossible to love anyone else.</p> <p>The Eagle was chosen by the Great Spirit to represent this law, as the Eagle can reach the highest out of all the creatures in bringing pure vision to the seeker. Although the supplier of the greatest and most powerful medicine, love can also be the most elusive of the teachings, as it depends upon a world that acknowledges the importance of spirituality.</p>
<p>2. Respect is the condition of being honoured (The Buffalo teaches us respect)</p>	<p>The Buffalo, through giving its life and sharing every part of its being, showed the deep respect it had for the people. No animal was more important to the existence of Indigenous families than this animal, and its gift provided shelter, clothing and utensils for daily living. Native people believed themselves to be true caretakers of great herds, and developed a sustainable relationship with the Buffalo resulting in a relationship that was a true expression of respect.</p>
<p>3. Courage is the ability to face danger, fear, or changes with confidence and bravery (The Bear teaches us courage)</p>	<p>To have the mental and moral strength to overcome fears that prevent us from living our true spirit as human beings is a great challenge that must be met with the same vigour and intensity as a mother Bear protecting her cub. Living of the heart and living of the spirit is difficult, but the Bear’s example shows us how to face any danger to achieve these goals.</p>
<p>4. Honesty is speaking and acting truthfully, and thereby remaining morally upright. (The Sabe teaches us Honesty)</p>	<p>Long ago, there was a giant called Kitch-Sabe. Kitch Sabe walked among the people to remind them to be honest to the laws of the creator and honest to each other. The highest honor that could be bestowed upon an individual was</p>

	saying “There walks an honest man. He can be trusted.” To be truly honest was to keep the promises one made to the Creator, to others and to oneself. The Elders would say, “Never try to be someone else; live true to your spirit, be honest to yourself and accept who you are the way the Creator made you”.
5. Wisdom is the ability to make decisions based on personal knowledge and experience. (The Beaver teaches us wisdom)	The building of a community is entirely dependent on gifts given to each member by the creator and how these gifts are used. The Beaver’s example of using his sharp teeth for cutting trees and branches to build his dams and lodges expresses this teaching. If he did not use his teeth, the teeth would continue to grow until they became useless, ultimately making it impossible for him to sustain himself. The same can be said for human beings. One’s spirit will grow weak if it is not fulfilling its use. When used properly however, these gifts contribute to the development of a peaceful and healthy community.
6. Humility is being humble and not arrogant. (The wolf teaches us humility)	Recognizing and acknowledging that there is a higher power than man and it is known as the Creator is to be deemed truly humble. To express deference or submission to the Creator through the acceptance that all beings are equal is to capture the spirit of humility. The expression of this humility is manifested through the consideration of others before ourselves. In this way, the Wolf became the teacher of this lesson. He bows his head in the presence of others out of deference, and once hunted, will not take of the food until it can be shared with the pack. His lack of arrogance and respect for his community is a hard lesson, but integral in the Aboriginal way.
7. Truth is to know and understand all the seven teachings have given to us by the creator and to remain faithful to them. (The Turtle teaches us truth)	To know the truth is to know and understand all of the original laws as given by the Creator – and to remain faithful to them. It is said that in the beginning, when the Creator made man and gave him the seven sacred laws, the Grandmother Turtle was present to ensure that the laws would never be lost or forgotten. On the back of a Turtle are the 13 moons, each representing the truth of one cycle of the Earth’s rotations around the sun. The 28 markings on her back represent the cycle of the moon and of a woman’s body. The shell of the Turtle represents the body real events as created by the Higher Power, and serves as a reminder of the Creator’s will and teachings.

Table source: (Empowering the Spirit 2021).

2.1.3. Tipi teachings

The principles within the tipi teachings framework include fifteen broad teachings that align with each tipi pole (McAdam, et al. 2009). The categories that make up tipi teachings include: obedience, respect, humility, happiness, love, faith, kinship,

cleanliness, thankfulness, sharing, strength, good child rearing, hope, ultimate protection, and control flaps (Elder Mary Lee 2006; McAdam, et al. 2009). In addition to the fifteen categories of tipi teachings, tipi represents the strength of the connection between a mother and a child (McAdam, et al. 2009, 35). According to McAdam et al. (2009), women have the authority to govern the tipi while the men are tasked to provide food and safety for the community. “The home is always the responsibility and authority of the women to maintain, nurture and cherish by following First Nations’ laws, values and traditions as much as possible” (McAdam, et al. 2009, 35). In the construction of a tipi, a rope goes around each pole to ensure that all poles are firmly in place (Elder Mary Lee, 2006). The rope represents a sacred bond that binds all the teachings together (Elder Mary Lee, 2006).

Indigenous peoples who adopt tipi teachings as part of their community traditions could include the principles when drafting their own child well-being laws. For example, policy could be created to mandate the delivery of tipi teachings to applicable children in public schools, group homes, foster care and other institutions that have prolonged consequential impacts on the lives of Indigenous children. The table below outlines each tipi teaching and the meaning attached.

Table 2 Tipi teachings

Tipi teaching	Meaning
1. Obedience	We learn by listening to traditional stories; by listening to our parents or guardians, our fellow students and our teachers. We learn by their behaviours and reminders so that we know what is right and what is wrong.
2. Respect	We must give honour to our Elders and fellow students and the strangers that

	come to visit our community. We must honour other people's basic rights.
3. Humility	We are not above or below others in the circle of life. We feel humbled when we understand our relationship with Creation. We are so small compared to the majestic expanse of Creation, "we are just a strand in the web of life," and we respect and value life.
4. Happiness	We must show some enthusiasm to encourage others at social functions. Our actions will make our ancestors happy in the next world.
5. Love	If we are to live in harmony we must accept one another as we are and to accept others who are not in our circle. Love means to be kind and good to one another.
6. Faith	We must learn to believe and trust others, to believe in a power greater than ourselves whom we worship and who gives us strength to be worthy member of the human race
7. Kinship	Our family is important to us. This includes our parents, our brothers and sisters who love us and give us roots; the roots that tie us to life blood of the earth. It also includes extended family – grandparents, aunts, uncles, and cousins and their-in-laws and children. These are also our brothers and sisters and they give us a sense of belonging to the community.
8. Cleanliness	We must learn not to inflict ills on others, for we do it to ourselves. Clean thoughts come from a clean mind, and this comes from Indian Spirituality. Good health habits also reflect a clean mind.
9. Thankfulness	We learn to give thanks for all the kind things others do for us and for the Creator's bounty, that we are privileged to share with others in the spirit of love.
10. Sharing	We learn to be part of the family by helping in providing food or other basic needs. This is sharing responsibilities in order to enjoy them.
11. Strength	We must learn to be patient in times of trouble and not to complain but to endure

	and show understanding. We must accept difficulties and tragedies so that we may give others strength to accept their own difficulties and tragedies.
12. Good Child Rearing	Children are unique and blessed with the gift of life. We are responsible for them spiritually, emotionally, and physically, and for their well-being and intellectual development. They present the continuity of our circle of life which we perceive to be the Creators will.
13. Hope	We must hope for better things to make life easier for us, our families and the community, materially and spiritually.
14. Ultimate Protection	The ultimate responsibility to achieve is, “health for a balanced caring for the body, mind, emotions and the spirit of the individual, the family, the community and the nation.”
15. Control Flaps	We are all connected by relationships and we depend on each other. This controls and creates harmony in the circle of life.

Table Source: (McAdam et al. 2009, 38-39)

Among different Indigenous teachings and frameworks, Cowessess First Nation indicated that tipi teachings was their preferred model for well-being principles. The use of tipi teachings as a model to enhance well-being for Cowessess children signifies a step towards the decolonization of Canada’s child welfare system.

2.2. Truth and Reconciliation Calls to Action

In 2007, the Truth and Reconciliation Commission (TRC) was established as part of the Indian Residential Schools Settlement Agreement (Government of Canada 2021). Known as the largest class-action settlement in Canadian history, the Agreement created the platform for over 6,500 witnesses to tell their stories, and for the Government of

Canada to hand over more than 5 million records to the TRC (Government of Canada 2021). The purpose of the Truth and Reconciliation Commission is to foster restitution for residential schools and to forward the reconciliation process among all Canadians. The final report from the TRC explains how education was used as a policy backbone to separate Indigenous children from their families, destroy Indigenous cultures, and assimilate Indigenous peoples into Eurocentric Canadian value systems. The Calls to Action serve as a set of plans for governments, institutions, and individuals to bridge the wealth, opportunity and identity recognition gaps between Indigenous peoples and non-Indigenous Canadians. TRC Calls 1, 3 and 5 focus on child well-being principles that include First Nations governments.

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.

- iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about their potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
- 3. We call upon all levels of government to fully implement Jordan’s principle.
 - 5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.
(Truth and Reconciliation Commission of Canada 2015)

2.3. Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice

The purpose of the National inquiry into missing and murdered Indigenous women and girls is to highlight violence, murder, and other vulnerabilities experienced by Indigenous women and girls. The final report of the inquiry assesses how institutional, historical, cultural, social, and economic factors contribute to the suffering of Indigenous women and girls in Canada. The Calls for Justice serve as a set of guiding principles for government bodies, institutions, and individuals in Canada to mitigate violence, abuse, and other forms of harm, and in advancing the well-being of Indigenous women and girls. The target groups within Calls 12.1 to 12.6 include First Nations governments that are implicated in Child welfare.

- 12.1 We call upon all federal, provincial, and territorial governments to recognize Indigenous self-determination and inherent jurisdiction over child welfare. Indigenous governments and leaders have a positive obligation to assert jurisdiction in this area. We further assert that it is the responsibility of Indigenous governments to take a role in intervening, advocating, and supporting their members impacted by the child welfare system, even when not exercising jurisdiction to provide services through Indigenous agencies.
- 12.2 We call upon all governments, including Indigenous governments, to transform current child welfare systems fundamentally so that Indigenous communities have control over the design and delivery of services for their families and children. These services must be adequately funded and resourced to ensure better support for families and communities to keep children in their family homes.
- 12.3 We call upon all governments and Indigenous organizations to develop and apply a definition of “best interests of the child” based on distinct Indigenous perspectives, world views, needs, and priorities, including the perspective of Indigenous children and youth. The primary focus and objective of all child and family services agencies must be upholding and protecting the rights of the child through ensuring the health and well-being of children, their families, and communities, and family unification and reunification.
- 12.4 We call upon all governments to prohibit the apprehension of children on the basis of poverty and cultural bias. All governments must resolve issues of poverty, inadequate and substandard housing, and lack of financial support for

families, and increase food security to ensure that Indigenous families can succeed.

12.5 We call upon all levels of government for financial supports and resources to be provided so that family or community members of children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are capable of caring for the children left behind. Further, all governments must ensure the availability and accessibility of specialized care, such as grief, loss, trauma, and other required services, for children left behind who are in care due to the murder or disappearance of their caregiver.

12.6 We call upon all governments and child welfare services to ensure that, in cases where apprehension is not avoidable, child welfare services prioritize and ensure that a family member or members, or a close community member, assumes care of Indigenous children. The caregivers should be eligible for financial supports equal to an amount that might otherwise be paid to a foster family, and will not have other government financial support or benefits removed or reduced by virtue of receiving additional financial supports for the purpose of caring for the child. This is particularly the case for children who lose their mothers to violence or to institutionalization and are left behind, needing family and belonging to heal.
(National Inquiry into Missing and Murdered Indigenous Women and Girls n.d.)

2.4. Bill C-15: United Nations Declaration on the Rights of Indigenous Peoples Act

Bill C-15 was introduced on December 3, 2020, to advance the United Nations Declaration on the Rights of Indigenous Peoples (Government of Canada 2021). On June 21st, 2021, the Act received royal assent and became law (House of Commons 2021). One of the main purposes of the Bill was “to address injustices, combat prejudice and eliminate all forms of violence and discrimination against Indigenous peoples, including elders, youth, children, persons with disabilities, women, men and gender-diverse and two-spirit persons” (Government of Canada 2021). Within the declaration, six Articles that address the rights of children specifically include: 7(2), 14(2), 14(3), 17(2), 22(1) and 22(2).

i. Article 7(2)

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

ii. Article 14(2)

“Indigenous individuals, particularly children, have the right to all levels and forms of education of the state without discrimination”

iii. Article 14(3)

“States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language”

iv. Article 17(2)

“States shall in consultation and cooperation with Indigenous peoples take specific measures to protect Indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral, or social development, taking into account their special vulnerability and the importance of education for their empowerment

v. Article 22(1)

“Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this declaration”.

vi. Article 22(2)

“States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination”

(Government of Canada 2021)

2.5. Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth, and families

On June 21, 2019, Bill C-92 – an Act respecting First Nations, Inuit and Métis children, youth, and families, received Royal Assent. This Bill became effective on January 1, 2020. Indigenous community representatives, Provincial/Territorial governments, and the Federal government agreed to a shared goal of reducing the number of Indigenous children and youth in care and improving child and family

services. The three main principles of Bill C-92 are: Best interest of the child, Cultural continuity, and Substantive equality (Government of Canada 2019). Values that constitute the principle of ‘Best interest of the child’ include, physical needs, emotional needs, psychological safety, security, stability, strength of child’s relationship with care giver, and preventive care promotion (Government of Canada 2019). The principle of ‘Cultural continuity’ includes values such as Indigenous practices, customs, traditions, ceremonies, knowledge of Indigenous peoples, residing with members of a child’s family, and services that do not contribute to the assimilation of the Indigenous group (Government of Canada 2019). Substantive equality is achieved when disability needs are considered, the rights of children/youth to express their views/preferences in decisions that affect them are respected, and the rights of Indigenous communities to have a say in decisions that affect their children in care are respected (Government of Canada 2019).

This Act has the provision for Indigenous communities and groups to develop policies within frameworks of their unique cultures, circumstances, and histories (Government of Canada 2019). This Act is meant to serve as a conduit through which Indigenous communities can have significant influence over the policies that are created for the well-being of their children. The Act is also meant to serve as a pathway towards resolving the issues of over-representation, and the inadequacies within services provided to Indigenous children in care (Government of Canada 2019).

Bill C-92 holds promise for mitigating the harms caused by apprehending Indigenous children and placing them into institutional care. However, there are some potential challenges with this Act. First, Quebec’s argument of the Bill’s infringement on

provincial jurisdiction (Forester 2020) could lead to disagreements between First Nations in Quebec and the provincial government of Quebec regarding Indigenous child wellbeing legislation. Second, issues on financial responsibility, oversight, and vagueness of language within the Act could be challenging in developing paths towards reaching the goals of the Act (Forester 2020). The lack of details in defining the three principles of the Act could lead to disagreements among Indigenous communities, the courts, and various levels of government. For example, “Best interest of the child” may leave a lot of room for interpretation (Forester 2020).

Sections 8(b), 8(c), 22(1) and 22(3) of Bill C-92 are described below:

Purpose

8 The purpose of this Act is to

...

(b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and

(c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Conflict – federal laws

22(1) If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services – other than any of the sections 10 to 15 of this Act and the provisions of the Canadian Human Rights Act – that is in a federal Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

...

Conflict – provincial laws

(3) For greater certainty, if there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in the provincial Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

Bill C-92 (An Act respecting First Nations, Inuit and Métis children, youth, and families) is federal law. This means that all ten provinces and three territories in Canada fall under the umbrella of Bill C-92. With Bill C-92 as a guiding framework, a First Nation in any part of Canada has the right to draft their own set of child welfare principles. Cowessess First Nation in Saskatchewan was the first to draft and ratify their own set of child welfare laws. These set of laws are known as the Cowessess First Nation Miyo Pimatisowin Act.

2.6. The Cowessess First Nation Miyo Pimatisowin Act: A leading effort to Indigenize child welfare

Cowessess First Nation is made up of approximately 3,266 band members, 597 of whom live on the reserve. Cowessess First Nation reserve is made up of 21,488 hectares of land which is 13km northwest of Broadview, SK. Cowessess First Nation also has an additional 257.1 hectares of land which is situated 31km west of Esterhazy, SK. Cowessess First Nation is governed by a Chief and Council system. “Chief and Council

of Cowessess FN strives to enhance the quality of life of all members of the Cowessess First Nation through the protection and enhancement of Treaty Rights and the provision of effective services through the development and implementation of existing and new programs” (Cowessess First Nation n.d.). Cowessess First Nation has a health and social development team (Cowessess First Nation n.d.). In 1986, the Cowessess health centre was initiated and had a full-time community health nurse. Services offered at the time included: addictions counselling, home care support, and immunization services. The Cowessess First Nation health and social development team aims to provide safe, effective, quality services to meet current community needs and be responsive to needs that arise (Cowessess First Nation n.d.).

In developing the Cowessess Miyo Pimatisowin Act, the leadership of Cowessess considered the well-being of Cowessess children, families, and the community as necessary factors to the expansion of jurisdiction. The Act is applicable to all Cowessess children, on and off the reserve (Delorme 2020). Some of the original rules that were developed in the Miyo Pimatisowin Act include: a guideline that the government could not apprehend children based solely on socio-economic conditions, pre-natal guidelines which would allow Cowessess to do everything in their power to ensure the delivery of a healthy baby, the inclusion of the Cowessess Band on an apprehension phone contact list, and the inclusion of a cultural plan for each child that is placed into the child welfare system (Delorme 2020).

In this Act, Cowessess has the ability to guide their pregnant mothers towards healthy deliveries (Delorme 2020). Cowessess would work hand in hand with government officials, through the work of Cowessess grandmothers, to mitigate the

negative effects of family separations on Cowessess children (Delorme 2020).

Cowessess recognized that they did not have the foster placement resources to take care of all their children who would need apprehension due to domestic violence and alcohol abuse among other negative behaviours. (Delorme 2020). Considering Cowessess First Nation's 'well-being first' focus, the mutual understanding and cooperation the Band would have with government officials would eventually mitigate the need for child apprehensions and help Cowessess families achieve progressively better lives.

Although the Cowessess Miyo Pimatisowin Act includes principles that mirror those in Bill C-92, each Act has several individually unique principles. The Cowessess Miyo Pimatisowin Act excludes principles from the following sections in Bill C-92: 8(b), 8(c), 22(1) and 22(3). The differences between the Acts are largely based on the scope of coverage of each Act. While Bill C-92 covers all First Nations, Métis and Inuit people of Canada, the Cowessess Miyo Pimatisowin Act covers people of Cowessess First Nation

Some of the main principles in the Cowessess Act that do not map perfectly on to those in Bill C-92 are found in the following sections: 2.2(f) 2.2(z), 3.1(b), 3.1(e), 4.1, 5.1(a), 5.1(C), 5.1(d), 5.2(a), 5.2(c), 5.2(e)(ii)(iii)(iv), 5.2(f), 5.2(g), 5.2(h), 5.2(i), 5.2(j), 5.3(a), 5.3(b), 5.3(c), 5.7(a), 6.9, 8.18 (a, b, c, d), 8.22(a)(ii), 9.0(a), 14.1(a, b), 18.0(a) and 18.0(b). Principles in these sections could serve as a roadmap for other First Nations to develop their own self-governing laws. Some of these principles could open discussions and help stakeholders ask more clarifying questions.

In sections 2.2(f), 2.2(z), 5.1(d), 5.2(a), 5.2(b), 5.2(f), 5.2(h), 5.2(i), 5.2(j), 5.3(b), 5.7(a), 8.18, 8.22 (a)(ii), 9.0(a), 14.1(b), 18.0(a), and 18.0(b) of the Cowessess Miyo

Pimatisowin Act, researchers could raise questions related to decision making processes, the breakdown of hierarchy and examples of processes among others. Hence, researchers may seek to know more about the intended interpretations of specific sections in the Cowessess Miyo Pimatisowin Act. Some of these clarifying questions are asked and/or answered in the data analysis section of this thesis.

2.0 INTERPRETATION AND DEFINITIONS

2.2 In this Act, the following terms shall have their meanings hereinafter ascribed to them, namely:

(f) “Child” means a person under the age of 21 years

(z) “Oversight Tribunal” means the Eagle Women Tribunal established by Cowessess First Nation Resolution;

3.0 PURPOSES OF THE ACT

3.1 The purposes of this Act are to:

(b) establish the Agency to provide the Child and Family Services Program on behalf of the First Nation

(e) provide for the execution of any Coordination Agreements

4.0 RIGHTS AND JURISDICTION OF THE COWESSESS FIRST NATION

4.1 Affirmation

The inherent right to self-government as exercised and affirmed by the Cowessess First Nation Constitution, United Nations Declaration on the Rights of

Indigenous Peoples, and section 35 of the Canadian Constitution Act, 1982 includes jurisdiction in relation to Child and Family Services, including legislative authority in relation to those services and authority to administer and enforce laws made under the Cowessess First Nation legislative authority.

5.0 CHIEF RED BEAR CHILDREN'S LODGE

5.1 Agency Established

- (a) An agency to be known as Chief Red Bear Children's Lodge is established consisting of the Board of Governors appointed pursuant to section 5.7.
- (c) The Agency shall maintain its head office on the Home Reserve
- (d) The fiscal year of the Agency shall run from April 1st of each year to March 31st of the following year.

5.2 Agency Objectives

The objectives of the Agency are to:

- (a) advocate for, develop and deliver a Child and Family Services Program, including Child and Family Services and licensing of Residential Facilities for Children and Families both on and off the Home Reserve, in accordance with this Act, and in such a manner that is First Nation specific, First Nation determined and community-based;
- (c) negotiate, enter into, administer and generally deal with Child and Family Services agreements affecting Children and families, with the various levels of government and the private sector;

- (e) act as the representative of the Cowessess First Nation before the Oversight Tribunal, in the Courts, and with all levels of government for the review, advocacy, development and implementation of:
 - (ii) the calls to action of the Truth and Reconciliation Commission and Missing and Murdered Indigenous Women and Girls Commission;
 - (iii) the Articles of the United Nations Declaration of the Rights of Indigenous Peoples;
 - (iv) the existing and ongoing findings and orders of the Canadian Human Rights Tribunal in Decision 2016 CHRT-2
- (f) liaise with non-Indigenous, Métis, and non-status Indigenous people as individuals or groups to improve Child and family programs and services;
- (g) acquire lands, by purchase or otherwise, and to erect or otherwise provide a building or buildings for office, social and community purposes both on and off the Home Reserve;
- (h) provide all necessary equipment and furniture for carrying on its various objectives;
- (i) accept gifts and raise funds by any lawful means, to achieve the objectives of the Agency;
- (j) conduct these activities and achieve these objectives on a not-for-profit basis

5.3 Agency Funding

- (a) Council may, by Resolution, transfer money to the Agency for the purposes of the Agency objectives;
- (b) The Agency may also receive funding directly from the federal government or provincial governments; and
- (c) The Agency may also receive funding directly from any other agencies, entities or First Nations

5.7 Board of Governors

- (a) There shall be a Board of Governors consisting of up to 9 members appointed by Resolution of the Council, of whom one must be a Council member

6.9 Priority to Preventive Services

In the context of providing Child and Family Services in relation to a Child, to the extent that providing Preventive Services to support the Child's Family is consistent with the best interests of the Child, the provision of those services are to be given priority over other services. The Agency shall coordinate with other First Nation service providers to ensure there is no duplication of existing Prevention Services.

8.18 Death of Child

When a child who is in the custody of the Director dies, the Director shall;

- (a) notify the Family;
- (b) notify the local Police Service and Provincial Coroner;
- (c) consent to an autopsy of the body of the Child; and
- (d) in consultation with the Family, arrange for the burial or other disposition of the body of the child.

8.22 **Application for License**

- (a) An application for a residential facility license or a renewal of a residential facility license must:
 - (ii) state the maximum number of persons intended to be accommodated or cared for in the residential facility

9.0 **NOTICE OF LEGISLATIVE AUTHORITY AND COORDINATION AGREEMENT**

- (a) When Cowessess First Nation intends to exercise its legislative authority in relation to Child and Family Services, the First Nation shall give notice of that intention to Canada and each Province in which Citizens and Children are located.

14.0 **REVIEW AND AMENDMENT OF ACT**

14.1 **Process to Review**

- (a) This Act shall be amended only by using the Cowessess First Nation Constitution process.

- (b) Every 5 years after the day on which this Act comes into force, the Cowessess First Nation must undertake a review of the provisions and operations of this Act.

18.0 CORPORATION LEGISLATION NOT TO APPLY

- (a) The Canada Not-for-Profit Corporations Act SC 2009, c. 23 does not apply to the Agency.
- (b) No provincial legislation dealing with not-for-profit organizations applies to the Agency.

2.6.1. Differences [principles that are unique to each Act] between the Cowessess Miyo Pimatisowin Act and Bill C-92 are outlined in the table below:

Table 3 Differences between Cowessess Miyo Pimatisowin Act and Bill C-92

Cowessess Miyo Pimatisowin Act (2021)	Bill C-92 (2019)
<p>2.2(f) “Child” means a person under the age of 21 years</p> <p>2.2(z) “Oversight Tribunal” means the Eagle Women Tribunal established by Cowessess First Nation Resolution;</p> <p>3.1 The purposes of this Act are to: (b) establish the Agency to provide the Child and Family Services Program on behalf of the First Nation</p> <p>(e) provide for the execution of any Coordination Agreements</p> <p>4.1 Affirmation The inherent right to self-government as</p>	<p>8 The purpose of this Act is to (b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and (c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>22(1) If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services – other than any of the sections 10 to 15 of this Act and the provisions of the Canadian Human Rights</p>

<p>exercised and affirmed by the Cowessess First Nation Constitution, United Nations Declaration on the Rights of Indigenous Peoples, and section 35 of the Canadian Constitution Act, 1982 includes jurisdiction in relation to Child and Family Services, including legislative authority in relation to those services and authority to administer and enforce laws made under the Cowessess First Nation legislative authority.</p> <p>5.1(a) An agency to be known as Chief Red Bear Children’s Lodge is established consisting of the Board of Governors appointed pursuant to section 5.7.</p> <p>5.1(c) The Agency shall maintain its head office on the Home Reserve</p> <p>5.1(d) The fiscal year of the Agency shall run from April 1st of each year to March 31st of the following year.</p> <p>5.2 The objectives of the agency are to:</p> <p>(a) advocate for, develop and deliver a Child and Family Services Program, including Child and Family Services and licensing of Residential Facilities for Children and Families both on and off the Home Reserve, in accordance with this Act, and in such a manner that is First Nation specific, First Nation determined and community-based;</p> <p>(c) negotiate, enter into, administer and generally deal with Child and Family Services agreements affecting Children and families, with the various levels of government and the private sector;</p> <p>(e) act as the representative of the Cowessess First Nation before the Oversight Tribunal, in the Courts, and with all levels of government for the review, advocacy, development and implementation</p>	<p>Act – that is in a federal Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.</p> <p>22(3) For greater certainty, if there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in the provincial Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.</p>
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of:

(ii) the calls to action of the Truth and Reconciliation Commission and Missing and Murdered Indigenous Women and Girls Commission;

(iii) the Articles of the United Nations Declaration of the Rights of Indigenous Peoples;

(iv) the existing and ongoing findings and orders of the Canadian Human Rights Tribunal in Decision 2016 CHRT-2

(f) liaise with non-Indigenous, Métis, and non-status Indigenous people as individuals or groups to improve Child and family programs and services;

(g) acquire lands, by purchase or otherwise, and to erect or otherwise provide a building or buildings for office, social and community purposes both on and off the Home Reserve;

(h) provide all necessary equipment and furniture for carrying on its various objectives;

(I) accept gifts and raise funds by any lawful means, to achieve the objectives of the Agency;

(j) conduct these activities and achieve these objectives on a not-for-profit basis;

5.3 (a) Council may, by Resolution, transfer money to the Agency for the purposes of the Agency objectives;

5.3(b) The Agency may also receive funding directly from the federal

government or provincial governments; and

5.3(c) The Agency may also receive funding directly from any other agencies, entities or First Nations

5.7(a) There shall be a Board of Governors consisting of up to 9 members appointed by Resolution of the Council, of whom one must be a Council member.

6.9 In the context of providing Child and Family Services in relation to a Child, to the extent that providing Preventive Services to support the Child's Family is consistent with the best interests of the Child, the provision of those services are to be given priority over other services. The Agency shall coordinate with other First Nation service providers to ensure there is no duplication of existing Prevention Services.

8.18 When a child who is in the custody of the Director dies, the Director shall;

- a. notify the Family;
- b. notify the local Police Service and Provincial Coroner;
- c. consent to an autopsy of the body of the Child; and
- d. in consultation with the Family, arrange for the burial or other disposition of the body of the child.

8.22(a) An application for a residential facility license or a renewal of a residential facility license must:

(ii)state the maximum number of persons intended to be accommodated or cared for in the residential facility.

<p>9.0(b) When Cowessess First Nation intends to exercise its legislative authority in relation to Child and Family Services, the First Nation shall give notice of that intention to Canada and each Province in which Citizens and Children are located.</p> <p>14.1(a) This Act shall be amended only by using the Cowessess First Nation Constitution process.</p> <p>14.1(b) Every 5 years after the day on which this Act comes into force, the Cowessess First Nation must undertake a review of the provisions and operations of this Act.</p> <p>18.0(a) The Canada Not-for-Profit Corporations Act SC 2009, c. 23 does not apply to the Agency.</p> <p>18.0(b) No provincial legislation dealing with not-for-profit organizations applies to the Agency.</p>	
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2.6.2. Similarities between the Cowessess Miyo Pimatisowin Act and Bill C-92

Some main principles in the Cowessess Act are similar to those in Bill C-92. The similarities are outlined in the following table:

Table 4 Similarities between Cowessess Miyo Pimatisowin Act and Bill C-92

	Cowessess Miyo Pimatisowin Act (2021)	Bill C-92 (2019)
Best Interest of the Child – Cowessess Act 6.1 (a) & (b)	6.1(a) The best interests of the Child must be a primary consideration in the making of decisions or the taking of actions in the context of the	10(1) The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the
Best Interest of the		

<p>Indigenous Child – Bill C-92 10(1) & 10(2)</p>	<p>provision of Child and Family Services in relation to a Child and, in the case of decisions or actions related to Child apprehension, the best interests of the Child must be the paramount consideration; and:</p> <p>6.1(b) Primary consideration must be given to the Child’s physical, emotional and psychological safety, security and well-being, as well as to the importance, for that Child, of having an ongoing relationship with his or her family and with the Cowessess First Nation or people to which he or she belongs and of preserving the Child’s connections to his or her culture.</p>	<p>provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.</p> <p>10(2) When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child’s physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child’s connections to his or her culture.</p>
<p>Factors to be considered in determining the best interests of a Child</p> <p>Cowessess Act – 6.2 (a to h) Bill C-92 – 10(3) a to h</p>	<p>(a)the Child’s cultural, linguistic, religious and spiritual upbringing and heritage;</p> <p>(b)the Child’s needs, given the Child’s age and stage of development, such as the Child’s need for stability;</p> <p>(c)the nature and strength of the Child’s relationship with the Child’s Parent, the Care Provider and any Family member who plays</p>	<p>(a)the child’s cultural, linguistic, religious and spiritual upbringing and heritage;</p> <p>(b)the child’s needs, given the child’s age and stage of development, such as the child’s need for stability;</p> <p>(c)the nature and strength of the child’s relationship with his or her parent, the care provider and any member of his or her family who</p>

	<p>an important role in the Child's life;</p> <p>(d)the importance to the Child of preserving the Child's cultural identity and connections to the language and territory of the First Nation or people to which the Child belongs;</p> <p>(e)the Child's views and preferences, giving due weight to the Child's age and maturity, unless they cannot be ascertained;</p> <p>(f)any plans for the Child's care, including care in accordance with the customs or traditions of the First Nation or people to which the Child belongs;</p> <p>(g) any family violence and its impact on the Child, including whether the Child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the Child;</p> <p>(h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the Child.</p>	<p>plays an important role in his or her life;</p> <p>(d)the importance to the child of preserving the child's cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs;</p> <p>(e)the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;</p> <p>(f)any plans for the child's care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs;</p> <p>(g)any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and</p> <p>(h)any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child.</p>

<p>Cultural Continuity</p> <p>Cowessess Act – 6.3 (a to e) Bill C-92 – 9(2) a to e</p>	<p>This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:</p> <p>(a)cultural continuity is essential to the well-being of a Child, a Family and the Cowessess First Nation;</p> <p>(b)the transmission of the languages, cultures, practices, customs, healing practices, traditions, ceremonies and knowledge of the First Nation is integral to cultural continuity;</p> <p>(c) a Child’s best interests are often promoted when the Child resides with members of the Child’s Family and the culture of the First Nation is respected;</p> <p>(d)Child and Family Services provided in relation to a Child are to be provided in a manner that does not contribute to the assimilation of the First Nation or to the destruction of the culture of the First Nation; and</p>	<p>(2) This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:</p> <p>(a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people;</p> <p>(b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity;</p> <p>(c) a child’s best interests are often promoted when the child resides with members of his or her family and the culture of the Indigenous group, community or people to which he or she belongs is respected;</p> <p>(d) child and family services provided in relation to an Indigenous child are to be provided in a manner that does not contribute to the assimilation of the Indigenous group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people; and</p>
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	(e) the characteristics and challenges of the region in which a Child and a Family is located are to be considered.	(e) the characteristics and challenges of the region in which a child, a family or an Indigenous group, community or people is located are to be considered.
Substantive equality Cowessess Act – 6.4 (a) to (e) Bill C-92 – 9(3) a to e	<p>This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:</p> <p>(a) the rights and distinct needs of a Child with a disability are to be considered in order to promote the Child’s participation, to the same extent as other children, in the activities of the Child’s Family or the First Nation;</p> <p>(b) a Child must be able to exercise her rights under this Act, including the right to have her views and preferences considered in decisions that affect her, and the Child must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(c) a Child’s Family</p>	<p>(3) This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:</p> <p>(a) the rights and distinct needs of a child with a disability are to be considered in order to promote the child’s participation, to the same extent as other children, in the activities of his or her family or the Indigenous group, community or people to which he or she belongs;</p> <p>(b) a child must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(c) a child’s family member</p>

	<p>member must be able to exercise her rights under this Act, including the right to have her views and preferences considered in decisions that affect the Family member, and she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(d) the Agency must be able to exercise without discrimination the rights of the First Nation under this Act, including the right to have the views and preferences of the Citizens considered in decisions that affect the Citizens; and</p> <p>(e) in order to promote substantive equality between First Nation Children and other Children, a jurisdictional dispute must not result in a gap in the Child and Family Services that are provided in relation to First Nation Children.</p>	<p>must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(d) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which a child belongs must be able to exercise without discrimination the rights of the Indigenous group, community or people under this Act, including the right to have the views and preferences of the Indigenous group, community or people considered in decisions that affect that Indigenous group, community or people; and</p> <p>(e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.</p>
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2.6.3. Connections between the Cowessess Miyo Pimatisowin Act and the Truth and Reconciliation Calls to Action

The table below outlines TRC Calls 1, 3 and 5, and how the Cowessess Miyo Pimatisowin Act addresses those calls. The second column includes the sub-section breakdown of the Calls in the first column. The third column outlines how Cowessess First Nation is implementing the three TRC calls through the Miyo Pimatisowin Act. In the third column, the questions for further inquiry show that more research can be done to gain more insight into how Cowessess First Nation is implementing/plans to implement TRC Calls 1(iii) and 1(iv). Some of these questions are answered in the data collection section of this thesis paper.

Table 5 Connections between Cowessess Miyo Pimatisowin Act and TRC Calls to Action

TRC Calls to Action	TRC Calls to Action (sub-sections)	Cowessess Miyo Pimatisowin Act
1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:	1.(i) Monitoring and assessing neglect investigations.	Addresses TRC Call in: 8.4 – Reporting and Investigation/Reporting Child in Need 8.5 – Investigation and Response
	1.(ii) Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.	Addresses TRC Call in: 5.0 – CHIEF RED BEAR CHILDREN’S LODGE

	1.(iii) Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.	<p>Opportunity for further inquiry through the following questions:</p> <ol style="list-style-type: none"> 1. Could dissemination of this thesis help facilitate training of child-welfare workers? 2. Could Cowessess help in facilitating training for child-welfare workers?
	1.(iv) Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about their potential for Aboriginal communities and families to provide more appropriate solutions to family healing.	<p>Opportunity for further inquiry through the following questions:</p> <ol style="list-style-type: none"> 1. Could dissemination of this thesis help facilitate training of child-welfare workers? 2. Could Cowessess help in facilitating training for child-welfare workers?
	1.(v) Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.	Addresses TRC Call through the development and implementation of the Cowessess Miyo Pimatisowin Act
3. We call upon all levels of government to fully implement Jordan's principle.		Addresses TRC call in section 5.2 (e)(v)
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.		Addresses TRC call in section 6.3 – Cultural Continuity

2.6.4. Connections between the Cowessess Miyo Pimatisowin Act and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice

The table below outlines MMIWG Calls 12.1 to 12.6, and how the Cowessess Miyo Pimatisowin Act addresses those calls. The second column outlines how Cowessess First Nation is implementing the six MMIWG Calls through the Miyo Pimatisowin Act.

Table 6 Connections between Cowessess Miyo Pimatisowin Act and MMIWG Calls for Justice

MMIWG Calls for Justice	Cowessess Miyo Pimatisowin Act
12.1. We call upon all federal, provincial, and territorial governments to recognize Indigenous self-determination and inherent jurisdiction over child welfare. Indigenous governments and leaders have a positive obligation to assert jurisdiction in this area. We further assert that it is the responsibility of Indigenous governments to take a role in intervening, advocating, and supporting their members impacted by the child welfare system, even when not exercising jurisdiction to provide services through Indigenous agencies.	This Call is addressed through the development, ratification, and implementation of the Cowessess Act
12.2 We call upon all governments, including Indigenous governments, to transform current child welfare systems fundamentally so that Indigenous communities have control over the design and delivery of services for their families and children. These services must be adequately funded and resourced to ensure better support for families and communities to keep children in their family homes.	Cowessess First Nation addresses this Call through the development, ratification, and implementation of the Cowessess Miyo Pimatisowin Act.
12.3 We call upon all governments and Indigenous organizations to develop and apply a definition of “best interests of the	Cowessess FN addresses this Call through the development, ratification, and implementation of the Cowessess Miyo

<p>child” based on distinct Indigenous perspectives, world views, needs, and priorities, including the perspective of Indigenous children and youth. The primary focus and objective of all child and family services agencies must be upholding and protecting the rights of the child through ensuring the health and well-being of children, their families, and communities, and family unification and reunification.</p>	<p>Pimatisowin Act.</p>
<p>12.4 We call upon all governments to prohibit the apprehension of children on the basis of poverty and cultural bias. All governments must resolve issues of poverty, inadequate and substandard housing, and lack of financial support for families, and increase food security to ensure that Indigenous families can succeed.</p>	<p>Cowessess FN addresses this Call in Section 6.11 of the Cowessess Miyo Pimatisowin Act</p>
<p>12.5 We call upon all levels of government for financial supports and resources to be provided so that family or community members of children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are capable of caring for the children left behind. Further, all governments must ensure the availability and accessibility of specialized care, such as grief, loss, trauma, and other required services, for children left behind who are in care due to the murder or disappearance of their caregiver.</p>	
<p>12.6 We call upon all governments and child welfare services to ensure that, in cases where apprehension is not avoidable, child welfare services prioritize and ensure that a family member or members, or a close community member, assumes care of Indigenous children. The caregivers should be eligible for financial supports equal to an amount that might otherwise be paid to a foster family, and will not have other government financial support or benefits removed or reduced by virtue of receiving additional financial supports for the</p>	<p>Cowessess FN addresses this Call through Sections 7.1, 7.2 and 7.3 of the Cowessess Miyo Pimatisowin Act.</p>

purpose of caring for the child. This is particularly the case for children who lose their mothers to violence or to institutionalization and are left behind, needing family and belonging to heal.	
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2.6.5. Connections between the Cowessess Miyo Pimatisowin Act and Bill C-15

The table below outlines Bill C-15 Articles 7(2), 14(2), 14(3), 17(2), 22(1), and 22(2), and how the Cowessess Miyo Pimatisowin Act addresses those Articles. The second column outlines how Cowessess First Nation is implementing the six articles through the Miyo Pimatisowin Act. In the second column, the questions for further inquiry show that more research can be done to provide broader insight into how Cowessess First Nation is/plans to implement UNDRIP articles found in Bill C-15. Some of these questions are answered in the data collection section of this thesis paper.

Table 7 Connections between Cowessess Miyo Pimatisowin Act and Bill C-15

Bill C-15	Cowessess Miyo Pimatisowin Act
Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.	The Cowessess Act legally protects Cowessess children from all forms of violence
Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the state without discrimination	
Article 14(3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly	

children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language	
Article 17(2): States shall in consultation and cooperation with Indigenous peoples take specific measures to protect Indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development, taking into account their special vulnerability and the importance of education for their empowerment	
Article 22(1): Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this declaration.	The Cowessess Act addresses this Article in Section 6.4 – Substantive Equality
Article 22(2) States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination	The entire Cowessess Act addresses this Article

The Cowessess Miyo Pimatisown Act allows Cowessess First Nation to create better standardization with the services provided to their children and families. Funding formulas for preventive services, operational costs and protection services are also determined by CRBCL according to their unique needs. CRBCL does not provide cultural teachings/practices as a way to tick a check box for quality assurance evaluations. Rather, culture is deeply embedded in every aspect of how CRBCL provides

care to Cowessess children and families. Cowessess FN and CRBCL are implementing governance rules in a de-colonized way, providing well-being services with a cultural mindset, and creating funding formulas based on their unique needs. Since CRBCL is the ultimate decision maker for the well-being of their Cowessess children, Cowessess FN exerts power over their children in ways they did not prior to the implementation of the Miyo Pimatisowin Act. To answer the main question for this research, Cowessess FN and CRBCL developed and implemented the Miyo Pimatisowin Act through reclaiming a broader decision space and exerting greater power to control the well-being of their children.

Chapter 3: Research Methodology

An Indigenous method known as Keeoukaywin (the Visiting Way) was used in the collection of primary data. Data collected is analyzed through the Marchildon, Lavoie and Harrold (2021) Decision Space framework, the Gaventa (2006) Power framework, and the British Columbia First Nations Health Authority (BC FNHA) governance framework. Data collected highlight the self-determination rights, governing strengths, and well-being principles of Cowessess First Nation. Data collected also answer the following question: How did Cowessess First Nation develop and implement the Miyo Pimatisowin Act in a decolonized way to reclaim jurisdiction over their children? This question is broken down into the following four sub-questions:

1. What were the processes involved in developing the Cowessess First Nation Miyo Pimatisowin Act?
 - 1.1. How does the implementation of the Act connect with Bills C-92 & C15, Truth and Reconciliation Commission (TRC) Calls to Action and Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice?
 - 1.2. In what ways do Cowessess cultural teachings serve as a reference model for the implementation of the Act?
2. How has the Cowessess Miyo Pimatisowin Act been implemented and what are early lessons and challenges?

3.1. Research Method: Data Collection: Indigenous Community-Based Participatory Research – Keeoukaywin (The Visiting Way)

The Visiting Way, also known as Keeoukaywin, was the method of data (knowledge) collection for this study. This method can be considered as an Indigenous view of community-based participatory research but can also stand as its own credible methodology (Gaudet 2019, 55). Visiting develops and strengthens relationships that builds community and provides a platform for ideas, concerns, emotions, and knowledge to be expressed by community members (Gaudet (Gaudet 2019, 53). During Keeoukaywin, Indigenous people and communities are reminded of their valued identity, and of their responsibility of their collective well-being (Gaudet 2019, 55). “Keeoukaywin is a way of celebrating life, creating alternative knowledge, learning, and sharing, a living expression of wahkotowin that resists colonial dominance” (Gaudet 2019, 55). Wahkotowin means kinship, relationship, and family (Gaudet 2019).

Each step of the research project was a collaboration between the primary researcher and Cowessess First Nation. The four R’s of Indigenous research: respect, reciprocity, relevance, and responsibility (Pidgeon 2019) guided all aspects of this research. The researcher had initial discussions with Chief Cadmus Delorme through email, and Eva Coles (CEO, Chief Red Bear Children’s Lodge) through email and Zoom. In identifying participants for data collection, I communicated with Chief Delorme who recommended himself, and a couple of Chief Red Bear Children’s Lodge board members. I also communicated with Eva Coles. Eva recommended herself and others who have a wealth of knowledge about the implementation of the Miyo Pimatisowin Act.

After reaching out to all recommended participants, five people gave consent to the researcher for data collection. A combination of in-person and Online (zoom) visits were used for knowledge gathering from participants. Due to the Covid-19 pandemic and people's varied comfort levels of face-to-face interactions, participants had the option to choose between zoom visiting sessions and in-person visiting sessions. Four out of the five participants chose the zoom option, and one participant chose to meet in person with the researcher. The in-person visiting session was held at Cowessess First Nation. Participants were described with a pseudonym for confidentiality. Individual visits were used as platforms for participants to tell their stories related to different aspects of the development, ratification, and implementation of the Miyo Pimatisowin Act.

The goal of data collection was to gather as much information as possible about the implementation of the Miyo Pimatisowin Act. Although the researcher reached out to as many people as were recommended, using data from the five participants who gave consent was predicated on the assumption that the data received was at the level of a saturation point.

Gaudet (2019) describes reciprocity as a core part of visiting sessions that include sharing knowledge, ideas, and emotions between people. During discussions with different participants, I shared parts of my background and explained how my upbringing, work and life experiences motivated me to do this research. I shared information about my upbringing as a black man in Ghana, a country which was forced to adapt English colonial institutions and structures, similar to treaty land in Canada. I also shared parts of my work experience as a frontline child and youth care worker in Saskatchewan child welfare agencies. I described how this work experience helped me

gain insights into the overrepresentation of Indigenous children in Canada's child welfare system, and the different types of mental, physical, and psychological trauma those children had due to generational trauma and a flawed child welfare system. I also shared parts of my world travel experience which helped me become adaptable to different worldviews and cultures.

Another element of Keeoukaywin is self-inquiry/self-reflexivity which is described as the acquisition of self-knowledge (Gaudet 2019). "As a reflexivity method of research, situating the self authorizes expression of the relevant narrative from personal experiences, those reminiscences of life rooted in our earliest experience that shape our understanding of the world" (Kovach 2009, 112). My experience of Keeoukaywin with leaders representing Cowessess led me to situate myself as a visitor. I situated myself as a visitor in three different ways. First, I am a Canadian-born black man of Ghanaian descent who grew up in Ghana with lived experiences different from Cowessess cultures, worldviews, and historical contexts. Second, I am an academic researcher who is a representative of the University of Regina working on a community-based study with the people of Cowessess. Finally, I am a non-Indigenous Canadian resident with unique opportunities and challenges that are different from many First Nations, Métis, and Inuit communities. As a visitor, I approached Keeoukaywin with utmost humility and openness. I adjusted my engagement style to fit with each participant's comfort level.

With each visit, I learned more about how the people of Cowessess express themselves, share information, and connect their culture when discussing current issues. In my visits, participants expressed themselves in different ways. Some participants initiated casual banter, shared personal stories, and expressed deep emotions towards the

information they shared. These participants either broadened the scope of a question to reveal knowledge or narrowed the scope of a question to focus on parts they were more passionate about. Some participants connected culture to questions that were not designed to focus specifically on culture. The purpose of this study was to obtain as much information as possible since the principles and implementation of the Miyo Pimatisowin Act include new processes, programs, and systems. Participants taught me how the process of Keeoukaywin could be flexible and answer the main research questions at the same time.

3.2. Research Design

Visiting questions were developed following a literature-guided approach. Questions served as a starting point for different forms of narration as each participant chose. The data collected was used to answer each of the four research sub-questions. The researcher analyzed how the data connected with Bills C-92 & C-15 principles, TRC Calls 1,3, & 5, MMIWG Calls 12.1 to 12.6, the decision space and power frameworks, the BC FNHA governance framework, and findings from existing literature. The researcher already outlined similarities and differences between Bill C-92 and the Cowessess Miyo Pimatisowin Act. The researcher also highlighted how the Act answered the TRC and MMIWG Calls. In the analysis section, the primary data is filtered through the Decision Space, Power, and BC FNHA frameworks to highlight the scope, nature, and types of control Cowessess asserts on the well-being of their children. Initial lessons and challenges from the implementation of the Act are highlighted in the

analysis. The seventeen questions that the researcher asked the study participants are as follows:

1. What is your assessment of the level of involvement of Cowessess children in the government child welfare system?
2. What factors were considered in deciding that 21-24 years should be the maximum age of a child?
3. What are the guidelines and principles within which the Eagle Women Tribunal operate?
4. Are there plans to set up Cowessess-led residential facilities off reserve? What would these residences look like? (Number of rooms, client profiles, leadership)
5. What is the governance structure in place for implementing the Miyo Pimatisowin Act?
6. According to Principle 5.2 c) of the Miyo Pimatisowin Act, one of the goals of the Chief Red Bear Children's Lodge is to "Negotiate, enter into, administer agreements with government and private sector". What could be an example of a private sector agreement?
7. Is there a demographic requirement for the board of governors who oversee the Chief Red Bear Children's Lodge?
8. Principle 6.3 d) says "Absence of assimilation facilitators". What are examples of these facilitators?

9. What were the initial capacity building targets? Have those targets changed?
10. What were the initial financial targets and sources? Have those targets and sources changed?
11. Are there communication methods in place for the timely and effective transfer of information?
12. Is there a data/research strategy for the accurate reporting and analysis of various aspects of the implementation process of Miyo Pimatisowin?
13. What are the success indicators for the Miyo Pimatisowin Act?
14. How did tipi teachings influence the development and implementation of the Miyo Pimatisowin Act?
15. What are some of the challenges you have had so far in implementing the Miyo Pimatisowin Act? What are some perceived future challenges?
16. How would you describe the role of a coordination agreement in the Miyo Pimatisowin Act?
17. How would you describe the links between the Cowessess Miyo Pimatisowin Act and the child well-being principles within the TRC Calls to Action, The MMIWG Calls to Justice, and Bill C-15(UNDRIP)?

3.3. Sampling Procedures

Cowessess First Nation was chosen as a research partner because Cowessess premiered all First Nations in Canada in developing and implementing their own child well-being laws. Through the drafting process of this research proposal, initial connections were made with influential Indigenous peoples to gain further insights into how First Nations would be best served from this study. For a respectful, reciprocal, relevant and responsible relationship between the researcher and Indigenous peoples, the researcher sought guidance from his supervisor Dr. Cheryl A. Camillo (Assistant Professor, Johnson Shoyama Graduate School of Public Policy, University of Regina), who had a pre-existing relationship with Chief Cadmus Delorme. Dr. Camillo suggested the study of the Cowessess Miyo Pimatisowin Act as a focus of this thesis. The researcher also sought guidance from Dr. Merelda Fiddler-Potter (Executive-in-Residence, Johnson Shoyama Graduate School of Public Policy (JSGS), Indigenous Policy Instructor, JSGS, Indigenous Studies sessional lecturer at First Nations University of Canada, former journalist for CBC news, and a member of the Métis community). Dr. Merelda Fiddler-Potter facilitated contacts between the researcher and Chief Cadmus Delorme. Chief Delorme expressed interest in helping with this research. Chief Delorme connected the researcher with Eva Coles (CEO of Chief Red Bear Children's lodge, Cowessess FN). The researcher had an initial one hour zoom conversation with Eva Coles. The researcher explained his proposed research objectives and sought guidance from Eva and Chief Delorme on a mutually beneficial set of study objectives. Eva explained the Miyo Pimatisowin Act and sent a copy of the Act to the researcher via

email. The researcher sent a draft of the research proposal to Chief Delorme and Eva Coles as soon as it was written.

For knowledge gathering (data collection), the researcher visited with five participants who were integral in developing and/or implementing the Miyo Pimatisowin Act. My objective for this study was to reveal as much detail as possible on the principles, processes, governance, well-being frameworks, and opportunities related to the Miyo Pimatisowin Act.

3.4. Indigenous Protocol

All Cowessess First Nation research protocols were observed. The researcher offered tobacco before visiting with Cowessess First Nation members. According to Eva Coles, the honorarium for receiving the time and knowledge of a Cowessess knowledge keeper was \$150 per day. The researcher confirmed these protocols with Chief Delorme and honored all practices required for a respectful, reciprocal, responsible, and relevant research partnership.

3.5. Ethical Considerations

The researcher applied for and received University of Regina Research Ethics Board (REB) approval before primary data collection. The researcher's REB application included research strategies for meeting the Tri-Council's guidance for research with Indigenous communities. The researcher completed training in the First Nations Principles of OCAP (Ownership, Control, Access, Possession) and the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans Course on Research

Ethics (TCPS: CORE). As suggested in the Principles of OCAP, the researcher collaborated with Cowessess First Nation to develop and sign a research agreement for the thesis research.

3.6. Preparing Data for Analysis

During visiting sessions, the researcher obtained consent from each participant and used a voice recorder to capture the audio of the information they shared. The researcher transcribed each audio recording fully. Next, the researcher reviewed each transcript and sent each participant their corresponding version to identify any factual errors. No factual errors were identified. Using NVivo software, the researcher identified themes and categories from the data, and analyzed those against the research questions in this thesis. To answer the research questions, data was analyzed through three frameworks: Decision space, Power, and the BC FNHA governance framework.

3.6.1. Frameworks for Analysis: Decision Space, Power, and the British Columbia First Nations Health Authority (BC FNHA) Governance Framework.

According to Marchildon, Lavoie and Harrold (2021, 562), “health systems can be defined as the organization of institutions and resources, fiscal and human, to meet the health and care needs of a population within a defined space”. Health systems include a variety of services ranging from acute (hospital) care to population-based or community-based illness prevention and health promotion programs and services (Marchildon, Lavoie and Harrold 2021, 562). The services provided through the Cowessess Miyo Pimatisowin Act fit within the definition of community-based illness prevention and health promotion programs and services.

Decision Space: This framework comprises of Governance rules, Finance and Accountability (Marchildon, Lavoie and Harrold 2021). Governance rules lay out the following: who is part of the rule-making group, service provision guidelines, eligibility criteria, and adjudication process rules (Marchildon, Lavoie and Harrold 2021). The scope of Finance includes the following: funding processes and stakeholders, revenue amounts, and expenditures on operations and programs (Marchildon, Lavoie and Harrold 2021). The scope of Accountability includes the processes that determine how external stakeholders responsible for child welfare are accountable to an Indigenous group (Marchildon, Lavoie and Harrold 2021).

According to Marchildon Lavoie and Harrold (2021), the broader the decision space of an Indigenous group in controlling the health of their people, the better the outcomes are for that group. The more involved a First Nation is in deciding principles for governance, financing, and how stakeholders are made accountable, the better the outcomes are for that First Nation.

Power: The Power framework can be broken down into the following: geographical scope of power, form of power and type of power space (Gaventa 2006). A group's geographical scope of power could be one of the following: local, regional, Federal/Provincial/Territorial, and International (Gaventa 2006). Form of power is one of the following: visible, hidden, and invisible (Gaventa 2006). According to Gaventa (2006), "Hidden forms occur when those in power open a transfer/decentralization process, yet control who is at the table for discussion on health system reform". Invisible power on Canadian reserves refers to an embodiment of "federally prescribed mandatory health programs, funding agreements and aspects of the transfer process" (Gaventa

2006). A group's type of power space is closed, invited, or claimed (Marchildon, Lavoie and Harrold 2021). "A closed space refers to a power relationship where there is no opportunity for real governance input into health system development. The funder retains all or most of the power" (Marchildon, Lavoie and Harrold 2021). "Invited spaces are seen as being more open to collaboration and advocacy. For example, several joint, often tripartite, planning process involving the transformation of the federal Indian hospitals would be considered to involve invited spaces" (Marchildon, Lavoie and Harrold 2021). "Claimed or created spaces are those where the reforms come about primarily by Indigenous expressions of sovereignty over health" (Marchildon, Lavoie and Harrold 2021).

According to Gaventa (2006), the more power an Indigenous group exerts over the health of their people, the better the outcomes are for that group. Whereas visible power depicts the participation of Indigenous people within a broad spectrum of health provision, hidden and invisible power limits the participation of Indigenous people in providing healthcare to their own people. The nature of power refers to "political and participatory opportunities to shape the health system reform" (Marchildon, Lavoie and Harrold 2021).

BC FNHA governance framework: Within the governance framework of BC FNHA is their seven directives, their shared values, and their internal organizational structure (First Nations Health Authority 2022). The vision of BC FNHA is "Healthy, self-determining and vibrant BC First Nations children, families and communities" (First Nations Health Authority n.d.). To achieve this vision, BC FNHA developed seven directives which serve as governing principles throughout the organization. These

directives include the following: 1. Community-driven, Nation-Based 2. Increase First Nations Decision-Making and Control, 3. Improve services 4. Foster meaningful collaboration and partnership 5. Develop human and economic capacity 6. Be without prejudice to First Nations interests 7. Function at a high operational standard. (First Nations Health Authority n.d.). Also included in the governance structure of BC FNHA is their shared values. These include the following: Respect, Discipline, Relationships, Culture, Excellence and Fairness (First Nations Health Authority n.d.).

Seven Directives: The table below highlights the seven directives which BC FNHA developed as a pathway to achieve their vision. In the “Description” column, the researcher picked the principles that were most relevant to the community-based illness prevention and health promotion programs and services related to the Cowessess Miyo Pimatisowin Act and CRBCL.

Table 8 BC First Nation Health Authority 7 directives

Directive	Description
1. Community-Driven, Nation-Based	<ul style="list-style-type: none"> a. Program, service, and policy development must be informed and driven by the grassroots level b. First Nations community health agreements and programs must be protected and enhanced c. Autonomy and authority of First Nations will not be compromised
2. Increase First Nations Decision-Making and Control	<ul style="list-style-type: none"> a. Implement greater local control over community-level health services b. Implement the OCAP (Ownership, Control, Access, and Possession) principle regarding First Nations health data, including leading First

	<p>Nation health reporting</p> <ul style="list-style-type: none"> c. Increase First Nations influence in health program and service philosophy, design, and delivery at the local, regional, provincial, national, and international levels d. Develop a wellness approach to health including prioritizing health promotion and disease and injury prevention
3. Improve Services	<ul style="list-style-type: none"> a. Protect, incorporate, and promote First Nations knowledge, beliefs, values, practices, medicines and models of health and healing into all health programs and services that serve BC First Nations
4. Foster Meaningful Collaboration and Partnership	<ul style="list-style-type: none"> a. Collaborate with other First Nations and non-First Nations organizations and governments to address social and environmental determinants of First Nations health b. First Nations will create opportunities through working collaboratively with federal, provincial, and regional partners c. Foster collaboration in research and reporting at all levels d. Support community engagement hubs e. Enable relationship-building between First Nations and the regional health authorities and the First Nations Health Authority with the goal of aligning health care with First Nations priorities and community health plans where applicable.
5. Develop Human and Economic Capacity	<ul style="list-style-type: none"> a. Develop current and future health professionals at all levels through a variety of education and training methods and opportunities b. Result in economic opportunities to generate additional resources for First Nations health programs
6. Be without prejudice to First Nations interests	<ul style="list-style-type: none"> a. Not impact on Aboriginal Title and Rights or the treaty rights of First

	<p>Nations, and be without prejudice to any self-government agreements or court proceedings</p> <p>b. Not impact on the fiduciary duty of the Crown</p>
7. Function at a high operational standard	<p>a. Be accountable, including through clear, regular, and transparent reporting</p> <p>b. Make best and prudent use of available resources</p> <p>c. Implement appropriate competencies for key roles and responsibilities at all levels</p> <p>d. Operate with clear governance documents, policies, and procedures, including for conflict of interest and dispute resolution</p>

Table Source: First Nations Health Authority. 2022.
https://www.fnha.ca/Documents/FNHA_Our_Story.pdf

Shared Values: The table below highlights the six shared values within the BC FNHA governance structure.

Table 9 BC First Nation Health Authority Shared Values

Value	Description
1. Respect	Respectful relationships are built upon the recognition that we all have something to contribute as individuals, and participants in the First Nations health governance structure. Therefore, we commit to treating each other with dignity and generosity, being responsive to one another, and acknowledging that each entity has their own respective process and practices.
2. Discipline	Discipline among us includes: loyalty to one another and our shared vision; upholding and supporting our roles, responsibilities, decisions, and processes; maintaining and nurturing unity and a

	united front; integrity and reliability in fulfilling our commitments, and accountability to one another for these commitments and contributions; and solutions-oriented and active participation.
3. Relationships	We commit to fostering effective working relationships and camaraderie underpinned by: trust, honesty, understanding, teamwork and mutual support. We also acknowledge that humour and laughter are both good medicine, and a good way to build relationships.
4. Culture	We draw upon the diverse and unique cultures, ceremonies, customs and teachings of First Nations for strength, wisdom, and guidance. We uphold traditional and holistic approaches to health and self-care and strive to achieve a balance in our mental, spiritual, emotional, and physical wellness.
5. Excellence	Excellence means that our outcomes are sustainable, that our processes are professional and transparent, and that we commit to learn continuously – through capacity development opportunities, from each other and from new, different and innovative models world-wide.
6. Fairness	We are committed to make room for everyone, and are inclusive in our communications, information-sharing, and discussions.

Table Source: First Nations Health Authority. 2022.
https://www.fnha.ca/Documents/HG_Placemat.pdf

Internal Organizational Structure: A Board of Directors governs the BC FNHA, and an executive team leads the organization among the following areas: Chief Executive Office, Chief Financial Office and VP of Corporate Services, Community Health & Wellness Programs & Services, Chief Information Office, Policy, Planning and Quality Office, Human Resources and Regional Executive Team (First Nations Health Authority 2022).

Table 10 BC First Nation Health Authority Internal Organization Structure

Business Area	Services
Chief Executive Office	<ul style="list-style-type: none"> a. Oversees the functions of the other areas b. Administers legal and privacy issues
Chief Financial Office and VP Corporate Services	<ul style="list-style-type: none"> a. Accounting and Payroll b. Financial planning and analysis c. Procurement, contracting and funding arrangements d. Travel and event support e. Office accommodations and security f. Fleet services g. Business continuity planning support
Community Health & Wellness Programs & Services	<ul style="list-style-type: none"> a. Children and Youth b. Mental Health & Wellness Services c. Health Surveillance d. Research & Knowledge exchange e. Communications/Media Relations Data Governance
Chief Information Office	<ul style="list-style-type: none"> a. Project Management Business Analysis (PMBA) b. Support & Information Management Services (SIMS) c. Core Technology Architecture & Security (CTAS) d. Enterprise Applications (EA)
Policy, Planning and Quality Office	<ul style="list-style-type: none"> a. Strategic Policy b. Planning & Performance Measurement c. Evaluation d. Community Development e. Intergovernmental
Human Resources	<ul style="list-style-type: none"> a. Labour Relations b. Recruitment & Selection c. Total Compensations d. Learning and Development e. Workplace Health, Safety & Wellness
Regional Executive Team	<ul style="list-style-type: none"> a. Regional Programs and Services b. Partnership Implementation c. Service Improvements Integration d. Engagement & Governance

Table Source: First Nations Health Authority Functional Organizational Chart. 2021. https://www.fnha.ca/Documents/FNHA_Functional_Org_Chart.pdf

A copy of CRBCL's hierarchy organizational chart was given to the researcher during data collection. CRBCL's organizational chart has many similarities to that of BC FNHA. CRBCL has eight main divisions which report to the Chief Executive Officer (CEO). The CEO reports to the Board of Directors who also report to Chief and Council of Cowessess FN. The eight main divisions include the following: Associate CEO, Director of Human Resources, Director of Operations, Growing up Well in Care Program, Family Intervention, Director of Prevention and Healing, Director of Finance and Eagle Women's Tribunal. With minor variations regarding which division they come under, most of the services described in BC FNHA's business areas are provided at CRBCL also. Given BC FNHA's success in providing health and wellness services to First Nations peoples in BC, it appears CRBCL has a strong organizational framework to carry out the goals of the Cowessess Miyo Pimatisowin Act. The emphasis on culture is also clear from CRBCL's organizational chart. Under the Family Intervention division are Circle Coordinators and Circle of Care Teams. Talking Circles are an important part of Cowessess FN culture.

Using NVivo software, Data (Knowledge) acquired from visiting sessions, were analyzed within Marchildon et al's (2021) decision space framework, Gaventa's (2006) power framework, and BC FNHA governance framework. These frameworks help determine where policy gaps could be filled, how future implementation could be structured, and how benchmarks could be established from the study of the Cowessess Miyo Pimatisowin Act.

Chapter 4: Empirical Findings and Analysis

Secondary findings that are highlighted in preceding chapters answer research questions 1, 1.1. and 1.2. Research question 1 is as follows: What were the processes involved in developing the Cowessess First Nation Miyo Pimatisowin Act? To answer question 1, some of the main processes involved included: a needs assessment of Cowessess children in government care, a focus on policies/structures that could prevent Cowessess children from being apprehended and placed in out-of-home care, and determining coordinated roles for CRBCL, the board of governors, Cowessess Chief and Council, and the Eagle Women's Tribunal. Research question 1.1. is as follows: How does the implementation of the Act connect with Bills C-92 & C-15, TRC Calls to Action and MMIWG Calls for Justice? Question 1.1. is answered in the following ways: Bill C-92 is the federal law which gave Cowessess First Nation the pathway to develop the Miyo Pimatisowin Act. Some of the principles in the Miyo Pimatisowin Act are similar to those in Bill C-92. For example, both Acts highlight a principle that a child's cultural, linguistic, religious, and spiritual upbringing and heritage are integral to the child's best interests. Both Acts also highlight a principle that a child's best interests are often promoted when the child resides with members of their family. Another answer to Question 1.1. is the following: Bill C-15, TRC Calls to Action and MMIWG Calls for Justice are embedded within the Cowessess Miyo Pimatisowin Act. Cowessess First Nation is committed to answering the calls and abiding by the principles within the three documents mentioned. Research question 1.2. is as follows: In what ways do Cowessess cultural teachings serve as a reference model for the implementation of the Act?

Question 1.2. is answered in the following way: Section 6.3 of the Cowessess First Nation Miyo Pimatisowin Act highlights cultural continuity, and the transmission of language, cultures, practices, etc. as integral to the wellbeing of Cowessess children. Research question 2 is as follows: How has the Cowessess First Nation Miyo Pimatisowin Act been implemented and what are early lessons and challenges? Question 2 is answered through the analysis of primary data below.

4.1. Decision Space – Governance Rules

Regarding rules for governing the well-being of Cowessess children and families, Cowessess First Nation drafted out the principles and guidelines they wanted in the Miyo Pimatisowin Act. Cowessess Chief Cadmus Delorme led the Act development process with the help of Cowessess Elders, policy experts, a legal team and Cowessess members. As the Chief Executive Officer (CEO) of CRBCL, Eva Coles and her team make decisions on the implementation of Miyo Pimatisowin Act. CRBCL has a board of governors who keeps the team accountable to their mission and vision. Cowessess Chief and Council has a representative on the CRBCL board as the chair. In a visiting session for this study, participant 5 said the following:

“Chief and council play one role in the Miyo Pimatisowin Act and that’s to appoint board members...the board members then collaborate at a strategic level and appoint a CEO. The CEO is their only employee. The CEO will then create the team for CRBCL. There are mechanisms to make sure no Chief or councillor could come in and ask for confidential information”.

The board Chair serves as a link between CRBCL and Cowessess Chief and council. CRBCL has been structured as an independent governing body, separate from Cowessess’s main governance body. According to participant 4, “...they [board

members] were chosen on resumes, interviews, etc. Chief and council has one council member on our board, not to have any say but to chair the board and then he returns the information to Chief and Council on what is happening and what the board decides for the organization”.

Included in the decision space occupied by CRBCL are the rules for service provision. Participant information revealed current and planned/anticipated services for Cowessess children and families on and off the reserve. Current services can be described as preventive in nature. In other words, these services were designed to prevent the displacement of children, ensure that family units stayed together, and that children were not separated from their parents and/or families. Participant 4 stated that “...we have our parenting class where we teach our families what it means to be a parent. We make sure that our children between 0 and 7 are not caught up in the generational trauma of their family”. Participant 1 also added the following:

“On the reserve, we have a program called sacred wolf lodge. It’s got two units and we just acquired a third unit where we bring whole families into care. With 24hr supervision and programming and the care and love and attention from six lovely Kokums (grandmothers in Cree) that come and work with the families and give them a more traditional teaching opportunity”.

CRBCL anticipates that the on-reserve Sacred Wolf Lodge program will be extended off the reserve as well. Other planned services include services for children with special needs such as autism. Participants revealed endeavors to contract physicians and specialists who will prioritize care for Cowessess children with special needs.

Participant 1 revealed the following:

“...Our latest endeavor is that we are starting to contract with doctors. We have created a physicians group where the doctors see a different way of serving First Nations patients that they would like to try. We are working together to offer

health clinics together so that people can get all kinds of services together. This is to ensure that Cowessess citizens get the best services possible”

In describing anticipated services, participant 3 added that *“they are talking about building a house in Regina where pregnant women can go and they can be taught how to be parents. I hear they are planning to construct a building with an office space in it. They are going to have a daycare in there”*. As a part of the decision-making process for providing services, participants said Cowessess and CRBCL considered vertical lineage in cultural continuity as an integral aspect of Cowessess families. Vertical lineage is the bloodline connection among family members. According to Participant 5, *“We want to make sure that grandma is involved with mom, and mom involved with daughter, and daughter is involved grandmother”*.

The breadth of Cowessess’s decision space was also revealed through determining what should be considered the maximum age of a Cowessess child. Cowessess considered the time it takes for a child to reach adolescence and the time needed to go to university or take up a trade to decide that 24 years should be the maximum age of a child. Participant 5 stated the following:

“From age 8 to 17, you must teach a child right from wrong. It is the community, it’s the family, it’s the home, it’s the nation’s responsibility to teach a child right from wrong. It takes 1 year for a female to attain adolescence at 18 and that is why women are our true leaders. And it takes men 6 years to attain adolescence. And so that will make them 24. And that is why we put our age that we will help our children up to the age of 24”.

How complaints are adjudicated is another decision space where Cowessess and CRBCL created their own governance rules of procedure. According to participants, a Cowessess adjudication team known as Eagle Women’s Tribunal will be the contact point for all on-reserve complaints made and disputes regarding child well-being.

Participants revealed that disputes are to be taken to the office of the CEO first and then sent to the Eagle Women's Tribunal if a resolution is not achieved or if the complaint is about the CEO. In addressing a complaint, the Eagle Women's Tribunal encourages the parties to attempt to find their own resolution and if that fails, the Tribunal will make a decision. Regarding the adjudication process, Participant 5 stated the following:

"If a complaint arises, Eagle women's tribunal will take the steps necessary to come to a review or resolution. Emphasis are put on the parties to find their own resolution rather than having a tribunal make a decision. And very often disputes happen because of miscommunication. So, through the use of talking circles, sharing circles, healing circles, mediators and other facilitators, parties to a dispute will come together to talk, understand and arrive at a mutual agreement".

The process of addressing complaints and disputes was reiterated by Participant 3 who stated the following:

"If there was a case where there was a problem with Chief Red Bear (e.g. a family that was treated unfairly), they could come to the tribunal and the tribunal will hear their side as well as Eva's side as well. And then they will have to make sure they have all their facts in place before they make a decision on who's right. Or if somebody is dismissed unjustly, they will have to hear all sides. Instead of going to the province of Saskatchewan Justice department or court, we could settle it right here".

In conclusion, participants in this study revealed a broad scope of decision space in which Cowessess First Nation and CRBCL made governance rules over the well-being of their children. Participants revealed that Cowessess and CRBCL made decisions in the following areas; to provide preventive services such as parenting classes, to set the maximum age of a child at 24, and the decision to institute the Eagle Women's Tribunal to adjudicate complaints and disputes regarding child well-being on the reserve.

4.2. Decision space – Finance

The second aspect of decision space is finance. In this study, participants revealed that Cowessess-led negotiations to secure funding for various aspects of Cowessess child service provision occurred between Cowessess First Nation and Canadian governments. Cowessess and CRBCL made decisions regarding which funding formula they will rely on for negotiations, how finances will be allocated, and how to leverage partnerships with the Saskatchewan government to ensure Cowessess children benefit from the government's \$10 a day childcare facility. In describing Cowessess's attitude towards funding formulas, Participant 5 stated the following:

“I rely predominantly on Eva and our technical team to come up with the methodologies of our budget. So, my role is to not welcome in Canada's or provinces' formulas. I focus predominantly on empowering our technical team to come up with the funding. So, when we got our \$37.8 million for two years, I was more of the role to just make sure we didn't allow the colonial formulas to drive us. That money was as a result of our funding formulas.”

Participant 1 also revealed that *“In order to figure out a funding formula and complete the agreement, we had to figure out what it is that we would be building at least for 5 years...”*

Participants revealed that Cowessess First Nation and CRBCL relied on their own firsthand assessments to determine how much money was required for operational and capital projects related to the Miyo Pimatisowin Act. Findings revealed an ongoing process of negotiations. Participant 2 stated that *“They're starting to gear up for more negotiations. We did get a certain amount for the first and second year. Some per child, some for governance, some for our Eagle Women's Tribunal”*. The scope of the Miyo

Pimatisowin Act extends to Cowessess Children all over Canada. Financing negotiations are being considered within the context of each province a Cowessess child is found.

Participant 4 stated the following:

Because we've only negotiated on-reserve right now because we're still working with the province of Saskatchewan to see what that looks like, and all provinces really. If I start asserting jurisdiction for somebody in Alberta, what does that funding look like? Does it come from federal or does it come from Alberta? So there's lots of things that still need to be figured out but as a starting point, that was that 2-year contract that we got.

In allocating funds towards operational and capital expenditures, participants revealed a broad scope of decision making by CRBCL and Cowessess First Nation. In other words, the province of Saskatchewan or the federal government did not dictate the use of the funds received for child and family programs, worker compensations, and other expenses. CRBCL and Cowessess FN made decisions on how they wanted to disburse funds to meet their child well-being goals. Participant 4 stated: *"We are looking at purchasing a building here in Regina that's a housing facility that will start off as our office space and then we'll slowly transition into the big office space that Cowessess is currently building. And then that home will be utilized for family supports"*.

Participants indicated that funding for the Eagle Women's Tribunal was decided by Cowessess First Nation. Participant 2 stated that *"I know they wanted 100% fully funded but the board felt that it wouldn't fund it 100% because they are not only looking after Chief Red Bear Children's Lodge but also anything that has to do with Cowessess First Nation. They got one-third of what they requested. But I wasn't a part of the negotiations for the amounts"*.

Regarding partnerships with the Saskatchewan government, Participant 4 revealed that CRBCL has plans to acquire childcare facilities that are fully funded by the government.

Participant 4 stated the following:

“So when we start partnering, in my world, for instance the \$10 a day child care facilities that are coming out for federal and provincial governments right now, that would be an example of us partnering with the province of Saskatchewan and requesting a couple of facilities alongside them that they fully fund so that our families can access that \$10 a day childcare facility for Cowessess citizens....that we can implement cultural activities, etc. So, I’ve been in discussions with ministry of education on what that partnership would look like because we asserted jurisdiction and that means that we also need to come up with an agreement on what that licensing looks like and what does Cowessess mean in general for the ministry of education. So that would be our government agency partner”

For the future management of finances, participant 1 indicated the following: *“The chief and council is just about to sign a resolution to transfer all the funds and responsibility to CRBCL...All of those systems have been set up to transfer everything to ensure that CRBCL is at arm’s length and independent from any political interference”*.

In conclusion, information from study participants revealed a broad scope of decision space regarding financing. Cowessess First Nation and CRBCL developed their own funding formulas for financing negotiations with the federal government. Cowessess FN and CRBCL also decided what programs to fund, which capital projects to undertake and how much money should be allocated to the Eagle Women’s Tribunal. Cowessess FN plans to transfer the management of finances to CRBCL in the near future to ensure there is no political interference in childcare matters.

4.3. Decision Space – Accountability

The third and final aspect of the decision space typology is accountability.

Information from study participants revealed that Cowessess FN and CRBCL made several decisions regarding how information on their children is controlled and which stakeholders should report to CRBCL. The Miyo Pimatisowin Act allowed Cowessess FN and CRBCL to own, control, access and possess information related to all Cowessess children in Canada and beyond. The timely reporting and management of information related to Cowessess children allows CRBCL to make important decisions for the well-being of Cowessess children on and off the reserve. In each province, government ministries and departments responsible for child welfare are obliged to report to CRBCL any negative welfare incidents involving a Cowessess child. During visiting sessions, Participant 4 stated the following;

“we have asserted jurisdiction so we are getting emails from all over the country informing us about what’s happening with the children that are Cowessess citizens and if we want to partake in any of their yearly evaluations, etc. which allows us to be able to jump in, provide cultural training, or even just to be able to speak on behalf of the family and children and what we feel as a nation will be best for the child”

Participants indicated that communications between CRBCL and the province of Saskatchewan have been good so far. Participants explained that Saskatchewan continues to adhere to the accountability processes established through the Miyo Pimatisowin Act. In relation to CRBCL’s communication with Saskatchewan, Participant 5 stated the following:

“Right now there is a good relationship between Cowessess and the province of Saskatchewan. It is a growing relationship with other provinces where our kids and families reside. So, the communication mechanism is ultimately our CEO or whoever she delegates talking with provincial when situations arrive. As of this hour, majority of our cases are still with the province. So, there is a lot of

communication happening when it comes to transitioning these files to Cowessess. So, I speak only about the relationship but as far as I know the relationship is very good”.

Participants described how the province of Saskatchewan is working with CRBCL to create pathways for transferring welfare data on Cowessess children. Participant 1 explained Saskatchewan’s accountability to CRBCL with the following statement:

“As far as Social Services goes, we do have a protocol (a first protocol of its kind). [A lot of First Nations don’t know they can write their protocols in advance of a jurisdictional agreement]. That protocol advises social workers across the province of Saskatchewan about what we expect if they come in contact with a Cowessess citizen. We have copies of that. It’s a public document we can show you. It’s called information sharing but basically what we have agreed to is that there’s nothing off-limits about what they’re doing that we can’t have access to, that we can’t see, that we can’t request. All Cowessess citizens have a right to have us there if they wish to have us as part of their interviewing”.

The statement immediately above depicts a reclaiming of child welfare data by CRBCL. Although the Ministry of Social Services still plays a role in the welfare of urban Cowessess children, the Ministry is accountable to CRBCL in regard to information sharing. This accountability allows CRBCL to not only monitor the unfolding of negative child-welfare situations, but also intervene and manage how child apprehensions and placements are carried out. Interventions by Cowessess is summed up in the following statement by participant 1; *“The fact that one of our staff can be in attendance, we can ask additional questions, we can interpret questions for citizens to let them know what they are actually being asked and we can interpret the law and their rights under both the Saskatchewan law and the Miyo Pimatisowin Act. And recently the federal Act”.* Participant 4 supported the description of Cowessess’s involvement in information sharing with the following;

“We have already put out a protocol to all social services staff members on instructions on what to do when they are dealing with a child that is from Cowessess. So they have to report to us...They have to let us know and they also have to give us 48hrs notice before they come on to the reserve. Otherwise they are not allowed to come on unless it is an emergency and then they need to phone us and we will meet them at whatever location they are going to. So that would be our province of Saskatchewan communications strategy”.

Participants revealed that internal accountability was also an integral part of the decision space taken by Cowessess First Nation and CRBCL. While the Provinces are accountable to CRBCL, CRBCL is accountable to the people of Cowessess FN. According to Participant 1, *“...the internal surveillance of our organization and against the Miyo Pimatisowin Act is called the Vision Keepers. And a division of us will be the quality assurance group. The dream keepers will be youth, people receiving services, internal staff, elders, etc. reporting back to us what they are hearing out there and what they are seeing”.* Basically, the decisions of CRBCL are monitored by Cowessess members and employees to ensure that the well-being of Cowessess children continues to be achieved. According to Participant 4, internal accountability is also revealed within the reporting relationship between CRBCL and Cowessess Chief and Council.

Participant 4 stated the following:

“As far as Chief Red Bear and chief of council, we do presentations for Chief and council regarding where we’re at, what we need from them, etc. There’s a lot of communication right now. However, when that’s completed and we are our own entity and we have everything in our own bank accounts, then it will be just reporting quarterly to the chief and council on where we’re at. And we will also take part in their annual general meetings just to let them know what we’re doing”.

In conclusion, study results revealed that CRBCL has positioned itself to own, control, access, and possess all data related to the welfare of Cowessess children both on

and off the reserve. Ministries and departments responsible for child welfare across Canada are accountable to CRBCL and are responsible for sharing data related to Cowessess children in respective provinces. CRBCL is also accountable to the Chief and Council of Cowessess, the clients they are meant to serve and all members of Cowessess First Nation.

4.4. Power

Information from study participants reveal that Cowessess FN and CRBCL control the well-being of Cowessess children throughout Canada and beyond through the use of power. This type of power can be broken down under the following categories: geographic level, form of power visibility and type of power space. Findings revealed that, through the Miyo Pimatisowin Act, Cowessess First Nation and CRBCL exerted power on an international level, were visible in their use of power, and exerted power in a claimed space.

4.4.1. Power – International

In visiting sessions, participants revealed that the reach of power exerted by Cowessess and CRBCL spanned across all the provinces and territories of Canada, the United States, and other jurisdictions where a Cowessess child is located. Although agreements with each province/country where a Cowessess child is found are still in their formative phase, the Miyo Pimatisowin Act allows Cowessess First Nation and CRBCL to design, monitor and manage how welfare services are administered to

Cowessess children in multiple jurisdictions. Participant 1 describes the geographic level of Cowessess's power with the following statement:

“We have about 37 to 45 children in care in Alberta. Alberta has been very forthcoming with their statistics. Provincial governments have been on top of making sure that we have the lists of all Cowessess children. We are in the midst of formally asking BC for the list of Cowessess children there. It seems very difficult to get numbers from Manitoba. Usually, it is when the citizens call themselves that we are aware of Cowessess members in Manitoba”

The international reach of the Miyo Pimatisowin Act was described by Participant 4 with the following statement:

“So, we've asserted jurisdiction in the United States, we've gotten calls from Australia. So, its global basically. So, if I have a Cowessess citizen that's living in the US that wants to be part of the board that has the credentials and something that we need as a board member and they put their application in, they would go through the same interview process as anyone else”.

4.4.2. Power – Visible

Findings also revealed that Cowessess FN and CRBCL exerted a visible form of power to control the well-being of their children. Participants expressed this visible form of power by describing partnerships between CRBCL and government institutions. Participants also described how CRBCL's exerted visible power through the inclusion of Cowessess cultural teachings (e.g. tipi Teachings) in the day to day operations of CRBCL. In relation to partnerships, Participant 4 stated the following:

“We also developed some partnerships with the health department and the education department. I applied for the early learning facilities but one of those facilities is geared to go on the reserve so they can get capital dollars for its start-up costs and monthly operational dollars to help with the \$10 a day childcare facility. So, I partner with the education system there that we might be able to develop a bigger learning facility for children on the reserve and surrounding areas. We've also partnered with the health department on some of the groupings that we've encountered like a women's group, a men's group,

cultural groups, etc. We also have youth programs that are going on and off reserve”.

The statement immediately above depicts how CRBCL exerted their power to create partnerships and develop various support groups for different demographics in Cowessess First Nation.

Participants described how CRBCL showcased culture through their human resource development and through the programs they facilitated for children and families. For example, Participant 4 stated the following:

“We have threaded culture throughout every department – In finance, we have a cultural advisor, in the HR systems, we have a cultural advisor. So, we bring smudging, we bring everything into practice in the organization which leads out to the children and families. So, we are very focused on culture to make sure that’s not taken away from our children and our families”.

Participant 1 explained that mandatory Cree lessons for all staff was a part of CRBCL’s professional development goals. Participant 1 also echoed the visibility of cultural teachings with the following statement:

“Our organizational chart is in the form of a tipi. On our logo is the tipi with home fires. Our statements and our strategic plan talk about the home fire and the culture. We position ourselves according to the directions (The 4 directions). In all of the programs for example, a team will have 4 people. Its balanced – male and female, young and old”.

Participants indicated that Cowessess cultural programs, such as beading classes were included in the prevention services provided by CRBCL. Tipi teachings were also taught to Cowessess children. Participants explained that children who were taught their cultural traditions and practices had a stronger sense of identity.

4.4.3. Power – Claimed

Claimed or created spaces are those where the reforms come about primarily by Indigenous expressions of sovereignty over health. Study findings revealed that reforms of child well-being came about through Cowessess's firm control over their children. The legal tool for this firm control is the Cowessess Miyo Pimatisowin Act. Participant 5 describes the claimed space of Cowessess First Nation with the following statement:

“Cowessess First Nation has our own constitution. In our constitution, there are steps to create major legislation. This is what you call major legislation. And so the requirements are 3 readings to the citizens and a vote. So Cowessess First Nation fulfilled that in March of 2020, which ratified the Miyo Pimatisowin Act. So, the people who empower it are the citizens of Cowessess First Nation. The Miyo Pimatisowin Act is our law. And so, the guidelines within it and what the people ratified will be exercised”

Within the claimed space, participants highlighted reform processes such as new data sharing protocols, new policies, and more emphasis on cultural training among other processes. According to Participant 1, *“We're building external capacity. We have to teach other people how to work with us. We have to teach the ministry how so we've written protocols, we're working out relationships, new policy”* Participant 4 also describes reform processes used in Cowessess's claimed space with the following:

“We have asserted jurisdiction so we are getting emails from all over the country informing us about what's happening with the children that are Cowessess citizens and if we want to partake in any of their yearly evaluations, etc. which allows us to be able to jump in, provide cultural training, or even just to be able to speak on behalf of the family and children and what we feel as a nation will be best for the child”.

Participants also highlighted reform outcomes within the claimed space of Cowessess FN and CRBCL. In other words, participants identified positive child and

family well-being outcomes as a result of implementing the Cowessess First Nation Miyo Pimatisowin Act. Participants revealed that CRBCL did not record any apprehensions for on-reserve Cowessess children since the implementation of the Act. Also, CRBCL has succeeded in providing required supports to grandmothers, grandfathers, aunts, and cousins who are working hard to keep families united.

In conclusion, information from study participants revealed that Cowessess FN and CRBCL exerted strong power over the well-being of their children. Strong power was seen in the international reach of CRBCL’s power, the visible nature of CRBCL’s partnerships and cultural teachings, and the claimed power space where CRBCL initiates reform on their own terms. Stronger family ties and zero on-reserve children in care were outcomes of the power CRBCL exerted through the implementation of the Miyo Pimatisowin Act.

4.5. BC FNHA Governance Structure – 7 Directives

The table below illustrates how the implementation of the Cowessess First Nation Miyo Pimatisowin Act and the paths CRBCL is taking towards the wellness of their children and families align with the directives of the BC FNHA. Challenges and perceived gaps between CRBCL and the BC FNHA directives are also highlighted in this section

Table 11 Connections between primary data and BC FNHA 7 directives

Directive	Description	Primary Data Analysis – Miyo Pimatisowin Act
1. Community-Driven, Nation-Based	a. Program, service, and policy development must be informed and driven by the	Participants indicated that the Cowessess Miyo Pimatisowin Act was developed and implemented

	<p>grassroots level</p> <p>b. First Nations community health agreements and programs must be protected and enhanced</p> <p>c. Autonomy and authority of First Nations will not be compromised</p>	<p>by the people of Cowessess First Nation as the main authority over the wellbeing of their children.</p> <p>Participant 5 stated the following <i>“Cowessess First Nation has our own constitution. In our constitution, there are steps to create major legislation. This is what you call major legislation. And so the requirements are 3 readings to the citizens and a vote. So Cowessess First Nation fulfilled that in March of 2020, which ratified the Miyo Pimatisowin Act. So, the people who empower it are the citizens of Cowessess First Nation. The Miyo Pimatisowin Act is our law. And so the guidelines within it and what the people ratified will be exercised.</i></p>
<p>2. Increase First Nations Decision-Making and Control</p>	<p>a. Implement greater local control over community-level health services</p> <p>b. Implement the OCAP (Ownership, Control, Access, and Possession) principle regarding First Nations health data, including leading First Nation health reporting</p> <p>c. Increase First Nations influence in health program and service philosophy, design, and delivery at the local, regional, provincial, national, and international</p>	<p>Participants in the study described how Cowessess FN is taking control of their own data by having the files of Cowessess children transferred over to it. Participants also described how CRBCL is planning towards acquiring its own infrastructure (housing) and how it is implementing culturally informed programs for child and family wellness. According to Participant 1, <i>“On the reserve, we have a program called sacred wolf lodge. It’s got two units and we just acquired a third unit where we bring whole</i></p>

	<p>levels</p> <p>d. Develop a wellness approach to health including prioritizing health promotion and disease and injury prevention</p>	<p><i>families into care. With 24hr supervision and programming and the care and love and attention from six lovely Kokums (grandmothers in Cree) that come and work with the families and give them a more traditional teaching opportunity. I do envision that we will have more of those off reserve where whole families are being looked at and worked with. But anticipating the future, if we know that we have 90 children in care right now, we know that approximately 5 – 10 of those age out from that system every year. If we are not bringing children into the system, then we are using all our prevention methods (and all our programming)”</i></p> <p>According to Participant 3, <i>“They are talking about building a house in Regina where pregnant women can go and they can be taught how to be parents”.</i></p> <p>Participant 2 stated the following <i>“I think they are currently still transferring files to us. So anything that has to do with a Cowessess First Nation citizen, Chief Red Bear is notified immediately”.</i></p> <p>According to Participant 1, <i>“As far as data collection, an exciting opportunity has arisen for us in that we are</i></p>
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		<p><i>joining another First Nation who is just completing their coordination agreement and they do have a software company as part of their portfolio of businesses and we are working with them to jointly create a child welfare system together”.</i></p>
<p>3. Improve Services</p>	<p>a. Protect, incorporate, and promote First Nations knowledge, beliefs, values, practices, medicines and models of health and healing into all health programs and services that serve BC First Nations</p>	<p>Participants revealed that CRBCL emphasizes Cowessess culture throughout the services they provide to their children and families. Tipi teachings and talking circles are examples of Cowessess First Nations culture.</p> <p>Participant 5 stated the following: <i>“Within our Miyo Pimatisowin Act, we took it from a very macro level and made sure that whatever policy or by-law or service provided to the individual or to the family always respected the laws that creator has always provided us and that’s laws to people-to-people, person-to-creator and person-to-animals and land”.</i></p> <p>According to Participant 4, <i>“I know that each pole represents one specific thing. Whether that’s love, respect, having faith, sharing, having strength. It puts it together as a wholistic approach for our children and our families. So those teachings really relate to the cultural teachings that’s in the Act that we</i></p>

		<i>refer to”</i>
<p>4. Foster Meaningful Collaboration and Partnership</p>	<p>f. Collaborate with other First Nations and non-First Nations organizations and governments to address social and environmental determinants of First Nations health</p> <p>g. First Nations will create opportunities through working collaboratively with federal, provincial, and regional partners</p> <p>h. Foster collaboration in research and reporting at all levels</p> <p>i. Support community engagement hubs</p> <p>j. Enable relationship-building between First Nations and the regional health authorities and the First Nations Health Authority with the goal of aligning health care with First Nations priorities and community health plans where applicable.</p>	<p>Participants indicated that partnerships are being formed with provincial healthcare providers, other First Nations, and private childcare agencies.</p> <p>According to Participant 1, <i>“As far as data collection, an exciting opportunity has arisen for us in that we are joining another First Nation who is just completing their coordination agreement and they do have a software company as part of their portfolio of businesses and we are working with them to jointly create a child welfare system together”</i>.</p> <p>According to Participant 1, <i>“... We have created a physicians’ group where the doctors see a different way of serving First Nations patients that they would like to try. We are working together to offer health clinics together so that people can get all kinds of services together. This is to ensure that Cowessess citizens get the best services possible”</i>.</p> <p>Participant 4 stated the following: <i>“We might find a private organization...could be a non-profit private organization such as COR (Creative Options Regina) if we have a child with complex needs that needs housing or something like</i></p>

		<p><i>that”.</i></p> <p>According to Participant 4, <i>“So when we start partnering, in my world, for instance the \$10 a day childcare facilities that are coming out for federal and provincial governments right now, that would be an example of us partnering with the province of Saskatchewan and requesting a couple of facilities alongside them that they fully fund so that our families can access that \$10 a day childcare facility for Cowessess citizens”.</i></p>
<p>5. Develop Human and Economic Capacity</p>	<p>c. Develop current and future health professionals at all levels through a variety of education and training methods and opportunities</p> <p>d. Result in economic opportunities to generate additional resources for First Nations health programs</p>	<p>According to Participant 4, <i>“we have threaded culture throughout every department – In finance, we have a cultural advisor, in the HR systems, we have a cultural advisor”.</i></p>
<p>6. Be without prejudice to First Nations interests</p>	<p>c. Not impact on Aboriginal Title and Rights or the treaty rights of First Nations, and be without prejudice to any self-government agreements or court proceedings</p> <p>d. Not impact on the fiduciary duty of the Crown</p>	<p>Data from participants indicate that the fiduciary duty of the federal government is not affected by the Cowessess Miyo Pimatisowin Act.</p> <p>Participant 5 stated the following: <i>“we got our \$37.8 million for two years.</i></p> <p>Participant 1 also described the fiduciary relationship with Canadian governments</p>

		with the following: <i>“I don’t think they’ve changed. It’s been federal government and provincial government”</i> .
<p>7. Function at a high operational standard</p>	<ul style="list-style-type: none"> e. Be accountable, including through clear, regular, and transparent reporting f. Make best and prudent use of available resources g. Implement appropriate competencies for key roles and responsibilities at all levels h. Operate with clear governance documents, policies, and procedures, including for conflict of interest and dispute resolution 	<p>Participants highlighted the work of the Eagle Women’s Tribunal as the main adjudication group for complaints and conflicts. Participants also described the role of the board and Chief and Council.</p> <p>According to Participant 5, <i>“If a complaint arises, Eagle women’s tribunal will take the steps necessary to come to a review or resolution. Emphasis are put on the parties to find their own resolution rather than having a tribunal make a decision”</i>.</p> <p>Participant 5 also stated the following: <i>“Eagle Women Tribunal will be a part of the investigation, not an adversarial approach where its more of a referee”</i>.</p> <p>Participant 4 stated the following: <i>“I believe on our page, there’s a link to the Eagle Women Tribunal website. They have a list of their board members. They might also have their vision and mission there. There’s lots of information there. There’s a link to a brochure that they have. Their role is in there”</i></p> <p>According to Participant 1,</p>

		<p><i>“There are times when the chief and council will have to speak politically on certain matters but not on the day-to-day things”.</i></p>
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4.6. Implementation Challenges

The data revealed six main categories of challenges within the implementation of the Cowessess Miyo Pimatisowin Act. These challenges include the following: The need for clearer communication and greater transparency of all policies, procedures, and finances; the need for an effective national and international strategy; need for the separation of authority between Chief and Council and CRBCL; decolonizing the minds of CRBCL workers and Cowessess members; difficulty acquiring First Nations leadership and skilled staff in child welfare; and gaps in facilitating and evaluating cultural teachings.

First, participants indicated that they did not have access to information on revenues and expenses within the operations of CRBCL. Some participants also explained at the time that they had not seen CRBCL policies and procedure manuals.

Participant 3 stated the following:

“To date, I’ve seen no expenses. Usually, you get monthly financials where everything is broken down – prevention dollars, protection dollars, cultural dollars, etc. I’ve been on the board for about a year, but I’ve never seen anything to date. I’ve been asking for a structure. Before I got on the board, the chief had shown me a little bit of something”.

“When they did the coordination agreement, they presented a budget. But I had no clue what the budget was or what it consisted of. And I don’t think the board had for a long time until I came on and asked where the budget was. So, they sent us some form of a budget they presented when they were discussing the coordination agreement – this is what we need funding for, and this is what it’s going to cost. But that’s all.

How many of the things we applied for did we actually get? And how much money did we actually spend to date doing what? We don't get that which is unfortunate".

Second, participants indicated that there were no clear guidelines on how CRBCL's initiatives will be implemented in different Canadian provinces and internationally. Participants explained that due to the start-up nature of CRBCL, they were developing policies from scratch and conducting extensive studies on how the Cowessess Miyo Pimatisowin Act connects with Acts in different jurisdictions.

Participant 1 stated the following:

"This is a very unusual situation that we will be starting a child welfare agency basically a non-profit society that offers services, a jurisdictional operation that goes across Canada (Its national). We are in start-up which means every single element of this has to be figured out – every policy, every decision, all the design of the model that we are using, the job descriptions, the locations, how will we work with the clients, how the budget will be arranged"

Participant 5 also indicated that Quebec is challenging the jurisdiction of Bill C-92 and the Cowessess Miyo Pimatisowin Act in their province. Quebec asserts that section 91 and 92 of the Canadian constitution prevents Cowessess First Nation from claiming authority over the welfare of their children in the province.

A third challenge that was identified is the need for separation of authority between Chief and Council and CRBCL. Some participants expressed concern over the role of Chief and Council in the operations of CRBCL. Participant 2 indicated that there were not strong enough rules to prevent Chief and Council from undermining the CRBCL board when making decisions. Participant 2 also wondered how new Cowessess First Nation policies could intersect with CRBCL policies and if new Cowessess policies

could diminish the authority of the board. Participant 2 expressed concerns over the transparency of finances with the following:

“It’s the Chief and Council that is negotiating with the federal government. The Chief and Council transfers any funding agreements to Chief Red Bear. I think it should be Chief Red Bear that does the negotiating and have those money transfers directly to them”.

Another challenge participants discussed was decolonizing the minds of CRBCL team and Cowessess members. Participants indicated how workers and Cowessess citizens continue to revert to colonial ways of perceiving child welfare. Participant 5 stated the following:

“The capacity that we are focusing on is how to decolonize minds when they join the team...because majority come from social work programs where they are taught that provincial laws are prominent”.

“We’ve been colonized and told what to do for so long that our own laws are being questioned because we are not used to creating our own laws. We’re used to government telling us what to do and following their laws. So, it’s a mindset transition to truly exercising our inherent right to governance”.

Participant 4 also stated the following: *“One of the biggest challenges is de-colonizing our own people. Rather than that Kokum being like “Take those kids away”, it’s our responsibility now. Stop giving them away. We have to train our own people to understand that these are our children, and we are responsible and we’re taking care of them”.* Participant 4 continued with the following: *“Another challenge is inside the system of social services. They have specific Indigenous people that are working for them that aren’t de-colonized. They fight saying “well, I’m Indigenous too”. So those are things we face when we’re dealing with Social Services”.*

The fifth challenge that was identified was difficulty in acquiring First Nations leadership and skilled staff in child welfare. Participants indicated that there was a limited pool of qualified leadership and staff who could fill all the perceived positions needed to carry out the vision of CRBCL. According to Participant 1, “We’ll hear from Saskatchewan social workers saying ‘well why don’t you just transfer this file to us?’, ‘why are you in these meeting telling us what you want for these children?’, ‘Just take them. If you want something just take the file’. We don’t have the staff”.

The last challenge that participants identified was a gap in facilitating and evaluating Cowessess cultural teachings. Some of the participants said they were not fully trained in Cowessess Cultural teachings such as tipi teachings. Although there is a strong representation of tipi teachings in symbolic artifacts, activities and events, some participants felt that there was a lot more they could learn about the relevance and implementation of Cowessess tipi teachings. Participants also explained that there was an opportunity to create more teaching and evaluation tools for different stakeholders at CRBCL.

4.7. A comparison of values – BC FNHA, Cowessess Health & Social Development & CRBCL

Table 12 A comparison of values - BC FNHA and Cowessess Health & Social Development

Value	BC FNHA	Cowessess FN Health & Social Development
Respect/Compassion	√	√
Discipline	√	

Healthy Relationships	√	√
Excellence/The need to provide safe, quality & credible services	√	√
Culture/Our People, culture, tradition, language, and land	√	√
Fairness	√	
Accountability & Transparency		√
The diversity and resiliency of our community		√
The need to empower our community through diversity		√

Table 13 Chief Red Bear Children's Lodge Values

Value	Description	Data Analysis
Traditional Indigenous Values and Cultural Practices	We are committed to traditional teachings, cultural practices, and diverse spirituality that will guide all aspects of Chief Red Bear Children's Lodge in order to sustain the culture of Cowessess First Nation.	Data revealed a strong commitment to making Cowessess values and practices an integral part of CRBCL's mission. There are opportunities to develop training manuals and evaluation tools for CRBCL employees but could also be made available to other stakeholders of the Miyo Pimatisowin Act.
Mutual Respect, Honour, Integrity, and Truthfulness	We will act with integrity, honour, truthfulness, and mutual respect. Respect for oneself, mutual respect for co-workers and community members, honesty, and integrity for one another. We honour our people, where they come from, where they	Data revealed a level of respect, honour and integrity. The Eagle Women's Tribunal has been set up to serve Cowessess children and families with dignity, love, and respect.

	are at, and where they are going.	
Community Connectedness and Engagement	We encourage involvement, engagement and empowerment to all community Members. Community is what holds us together, gives us strength, and connects us to our home fire. We are committed to never giving up and always believing in our people and our community.	Data reveals that implementing the Miyo Pimatisowin Act is an ambitious goal since many decisions are being made for the first time. However, with a single vision among Chief and Council, CRBCL, Eagle Women’s tribunal and the people of Cowessess, it appears that their commitment to improved wellbeing for Cowessess children and families remains strong.
Nurturing, Welcoming, loving and accepting community	We believe family is important to us. Providing a nurturing, welcoming and loving community will create a sense of belonging and a feeling of family and home. We are non-judgemental and are accepting of all cultures and spiritual practices.	Data reveals that CRBCL considers the destinies of children, their families and their community are intricately woven together. The prevention approach enables children to remain in their community and grow up having a strong sense of belonging.
Courage, Wisdom, Hope and Humility	We must always consider ourselves equal to one another and always look forward towards good things. We are guided by wisdom from our Elders, Knowledge keepers, and leaders who provide us with a strong course of action. We have the courage to take on the mental and moral strength to protect our children and families.	Data from participants and the organizational chart reveals that the insights from Elders and knowledge keepers are very important to not just CRBCL, but to Cowessess First Nation as a whole.

From a review of the tables above, the Cowessess First Nation Health and Social Development division had strong foundational values before the development of CRBCL. Most of the values mirror those of BC FNHA's values. Since the visions, missions, and structures of CRBCL and BC FNHA are not perfectly similar, the goal of comparison is not to have a perfect mirror. The goal of this analysis is to describe if most of the values are similar and how those values are reflected in the day-to-day operations of CRBCL.

Chapter 5: Conclusions

5.1. Research and Findings

This chapter concludes the thesis by reiterating the main problem, research questions, and answers to the research questions. Also included in the chapter are policy implications, how this research contributes to public policy and some limitations to the study.

This thesis highlights the over-representation of Indigenous children in the Canadian child welfare system. It also highlights how Cowessess First Nation positioned itself to ensure that the next generation of Cowessess children, and in extent Indigenous children, are not subject to the Canadian child welfare system. In Saskatchewan, approximately 86% of children in out-of-home care identify as Indigenous (McMillan 2020). Nationwide, while Indigenous children account for 7.7% of all children under 14, they make up approximately 52% of children in the child welfare system (Government of Canada 2021). Indigenous children who go through the child welfare system experience low levels of education (Olson, David and Cohen 2017), trauma from apprehensions (Harder, et al. 2020), and intergenerational trauma effects (Benjoe and Benjoe 2020).

The main question that was asked and answered in this thesis was as follows: How can First Nations peoples develop and implement their own child well-being policies and programs in a de-colonized, culturally centered way that would yield the best quality of life for their children and families? This question was broken down further into the following 4 sub-questions:

1. What were the processes involved in developing the Cowessess First Nation Miyo Pimatisowin Act?
 - 1.1. How does the implementation of the Act connect with Bills C-92 & C-15, Truth and Reconciliation Commission (TRC) Calls to Action and Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice?
 - 1.2. In what ways do Cowessess cultural teachings serve as a reference model for the implementation of the Act?
2. How has the Cowessess First Nation Miyo Pimatisowin Act been implemented and what are early lessons and challenges?

The answer to question 1 included a needs assessment of Cowessess children in government care, a focus on policies/structures that could prevent Cowessess children from being apprehended and placed in out-of-home care, and a determination of coordinated roles for CRBCL, the board of governors, Cowessess Chief and Council, and the Eagle Women's Tribunal. Question 1.1. was answered in the following ways: Bill C-92 is the federal law which gave Cowessess First Nation the pathway to develop the Miyo Pimatisowin Act. Some of the principles in the Miyo Pimatisowin Act are similar to those in Bill C-92. For example, both Acts highlight a principle that a child's cultural, linguistic, religious, and spiritual upbringing and heritage are integral to the child's best interests. Both Acts also highlight a principle that a Child's best interests are often promoted when the child resides with members of their family. Another answer to Question 1.1. is the following: Bill C-15, TRC Calls to Action and MMIWG Calls for

Justice are embedded within the Cowessess First Nation Miyo Pimatisowin Act.

Cowessess First Nation is committed to answering the calls and abiding by the principles within the three documents mentioned. Question 1.2. was answered in the following way: Section 6.3 of the Cowessess First Nation Miyo Pimatisowin Act highlights cultural continuity, and the transmission of language, cultures, practices, etc. as integral to the wellbeing of Cowessess children.

Question 2 was answered in the following ways: First, initial implementation of the Act included the reclaiming of more decision spaces in setting governance rules (section 4.1), finance rules (section 4.2) and accountability rules (section 4.3). Second, implementation included asserting power locally and internationally (section 4.4.1), visible (section 4.4.2) and claimed (section 4.4.3) forms of power. Third, a lesson was that the implementation paths mirrored most of the seven BC FNHA directives (section 4.5). Finally, implementation challenges included the following: need for clearer communication/greater transparency of policies, procedures, and finances; need for effective national and international strategies, need for the separation of authority between Chief and Council and CRBCL; decolonizing the minds of CRBCL workers and Cowessess First Nation members; difficulty acquiring First Nations leadership and skilled staff in child welfare, and gaps in facilitating and evaluating cultural teachings (section 4.6).

5.3. Policy Implications

Policy implications from this study include the potential for Cowessess to develop other jurisdictional policies. In an effort to re-claim self-governance over their people,

Cowessess can use some of the lessons learned from the life cycle of the Miyo Pimatisowin Act to inform other jurisdictional policies (e.g. educational policies, membership policies, business development policies). Highlighting the strengths, opportunities and challenges within the Miyo Pimatisowin Act can inspire governments, schools, businesses, organizations, and individuals to partner with Cowessess on various initiatives related to the Act which would ultimately improve the well-being of Cowessess children. Policy implications also extend to other First Nations in Canada. First Nations could use knowledge from the development and implementation of the Cowessess Miyo Pimatisowin Act to develop and implement their own child well-being Acts. First Nations across the ten provinces and three territories in Canada could use information in this study to better inform how they perform their own needs assessment, what principles to include in their policies, and how to communicate their policies to both internal and external stakeholders.

5.4. Contribution to the field of Public Policy

This research advanced public policy in three ways. First, the development and implementation of the Cowessess Miyo Pimatisowin Act highlighted the goals, processes and implementation policies/structures developed. To achieve the goal of reducing harms caused by Canadian child welfare systems, this research shows how important the following principles served as general guidelines for First Nations to draft Acts and policies related to the well-being of their children: Best Interest of the Child (section 6.1 of the Miyo Pimatisowin Act), Cultural Continuity (section 6.3 of the Miyo Pimatisowin Act) and Substantive Equality (section 6.4 of the Miyo Pimatisowin Act). This research

highlighted how the roles of CRBCL, the Eagle Womens Tribunal and the Cowessess Chief and Council are articulated in the Cowessess Miyo Pimatisowin Act, and what those roles look like on a day-to-day basis.

Second, this research advances public policy by showing how a First Nations-owned Act (Cowessess First Nation Miyo Pimatisowin Act) could be developed within the parameters of a federal Act (Bill C-92). Cowessess kept some of the language from Bill C-92 when they developed the Miyo Pimatisowin Act. Cowessess also tailored the language, principles, and implementation of the Act to align with their unique culture, worldview, and self-governing styles. Primary data revealed that Cowessess First Nation is forging ahead with implementation in a decolonized way. For example, the role of Cowessess grandmothers in keeping children within their community and the role of Eagle Womens Tribunal in serving as an adjudication ally to Cowessess children and families.

Finally, this research advances public policy by highlighting how First Nations can integrate the TRC Calls to Action, the MMIWG Calls for Justice, Bill C-15, and other Indigenous well-being principles/recommendations right into their own child well-being Acts. In the Cowessess First Nation Miyo Pimatisowin Act, section 5.2 highlights CRBCL's role in engaging with all levels of government for the review, advocacy, development, and implementation of various Indigenous well-being principles (Cowessess First Nation 2022). Other First Nations in Canada could apply similar language from section 5.2. in their own Acts and also continuously assess some of the outcomes Cowessess has as a result of having the Indigenous well-being principles and recommendations embedded in the Miyo Pimatisowin Act.

5.5. Study Limitations

Two limitations can be identified in this research. These include the length of time available to discuss research questions and the number of participants available to share knowledge and insights. First, the researcher and participants agreed on a maximum of two hours for data collection. Although the researcher went through each of the seventeen questions with each participant, some of the responses appeared rushed to meet the constraints of time. Participants were very generous in sharing what they did and did not know about the visiting questions. Participants also expressed candid sentiments about what they considered worked well and did not work well regarding the implementation of the Act. However, given more time to discuss the Act with each participant, more insights could be shared, especially on the topic of Cowessess cultural traditions, practices, and beliefs.

Second, data was collected from five participants. Given the scope of the Miyo Pimatisowin Act and the number of other people who were involved in developing and implementing the Act, visiting sessions with more participants would have enhanced the data richness. The researcher reached out to most of the people who were suggested as participants by Cowessess First Nation representatives. The intent of data collection was to visit with as many participants until the point of data saturation was reached. Data saturation is defined below:

“Saturation means that no additional data are being found whereby the sociologist can develop properties of the category. As he sees similar instances over and over again, the researcher becomes empirically confident that a category is saturated. He goes out of his way to look for groups that stretch diversity of data as far as possible, just to make certain that saturation is based on the widest possible range of data on the category” (Glaser and Strauss 1967).

Since the coordination agreement for the Cowessess First Nation Miyo Pimatisowin Act was signed in 2021 (Dangerfield 2021), Cowessess First Nation has been implementing the Act for just about one year. The early stages of implementing the Act, as well as the unique way Cowessess has been moving forward in taking back control, may have made data saturation a bit difficult. However, the limitation of interviewing five participants means there could have been more room to inch closer to data saturation had there been more participants.

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