

Nigig Nibi Ki-win



The Algonquins of Pikwakanagan First Nation declare their inherent cultural rights and ownership of all oral histories and cultural information on the Algonquins of Pikwakanagan First Nation contained within, as well as further claiming first rights to any intellectual property arising from the cultural knowledge derived from Kitizìg of Algonquins of Pikwakanagan First Nation and other Algonquin cultural specialists.

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TO BEGIN

We, the Algonquins of Pikwakanagan First Nation (or "**AOPFN**"), are guided by the Seven Grandfather teachings, which are central to our culture and traditions, and guide our decision-making, our stewardship of the land in Kidakìnàng, and the care and respect we practice toward each other and all living beings. We strive to be an independent, healthy, strong, self-sustaining, and prosperous First Nation, within the Algonquin Nation, both today and in the future.

Along the way, we shall have faith in our Ninidjànisiinànig and Weshkinìgidjig, unity in our Wendjibàdj, and security in our Algonquin Anishinàbeg identity and our citizenship within our Tanakiwin.

We, the Algonquins of Pikwakanagan First Nation, seek to develop a healthy, self-sufficient, and economically resilient Tanakiwin through effective management of our lands and resources. Future growth and development will enable members to reside within Kidakìnàng and maintain a high-quality of life with access to programs, services, facilities, and economic opportunities, for the good of our Ninidjànisiinànig, Weshkinìgidjig, and their Wendjibàdj.

Through this Law, our Nation shall continue to strive for:

UNITY

Creating connection between all members and families on and off reserve, new members, and long-standing members, to nurture and strengthen understanding and to celebrate our Nation together.

PROSPERITY

Planning and working for a future where our Nation and members thrive in all areas of life.

HEALTH & WELLBEING

Creating the conditions for members to lead healthy and satisfying lives through supports that are both traditional and modern.

CULTURE

Preserving, revitalizing, and restoring our Algonquin Anishinàbeg culture and language as they are central to our identity and holistic wellbeing as a Nation.

SELF-DETERMINATION

Looking to a future where we have full autonomy to self-govern and determine our own path forward to prosperity.

OPENNESS

Governing and administering our Nation founded on the principles of transparency, fairness, and collaboration.

LAND

Seeking to expand our Nation's land base while managing and protecting the lands in Kidakìnàng, with seven generations always in view.

LEADERSHIP

As the original inhabitants, we strive to take our rightful place as leaders in all areas of Tanakìwin, and cultural and economic development within Kidakìnàng.

These eight pillars are essential to our identity and citizenship as Algonquin Anishinàbeg, and members of AOPFN. AOPFN's care for our Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj, through *Nigig Nibi Ki-win*, will have these pillars as the foundation for all decisions, services, and processes.

DECLARATION

Since time immemorial, our people have cared for our Ninìdjànisinànig and Weshkinìgidjig in accordance with our customs and traditions. Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj thrived because they were immersed in their language, connected to the land, and cared for by their people.

Inàkonigewin has governed these lands for millennia, well before any colonial laws were brought and imposed on our people and lands. By asserting this Law, we are not bringing into force a new law, but using our knowledge of Inàkonigewin to provide aid to our people in a modern context, in a way that cares for them, our ancestors, and our descendants.

The only way to undo the damage that has been inflicted on our people by colonial governments is to re-assert our inherent right to care for our Ninìdjànisinànig and Weshkinìgidjig. For this reason, Algonquins of Pikwakanagan First Nation has come together to create and assert *Nigig Nibi Ki-win*, which name came to the Tanakìwin by way of our naming ceremony conducted in accordance with Inàkonigewin.

For greater certainty, our inherent right to self-government, as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples and s. 35 of the Canadian *Constitution Act, 1982*, includes jurisdiction in relation to the wellbeing of Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj.

PART 1 – TITLE

1.01 This Act shall be cited as "*Nigig Nibi Ki-win*" or the "**Law**".

PART 2 – PURPOSE AND PRINCIPLES

General Purpose

2.01 *Nigig Nibi Ki-win* is an expression of Inàkonigewin that allows the Algonquins of Pikwakanagan First Nation to meet its obligations towards Ninìdjànisinànig and Weshkinìgidjig and to prepare them to become the Kitizìg of AOPFN's future generations.

General Principles

2.02 *Nigig Nibi Ki-win* is to be liberally construed and interpreted as expressing the inherent jurisdiction and ongoing authority of the Algonquins of Pikwakanagan First Nation and consistent with any treaties and other agreements that may be negotiated by AOPFN.

2.03 *Nigig Nibi Ki-win* is to be read and interpreted in a manner consistent with Inàkonigewin, in conjunction with the regulations made pursuant to the Law, the *Algonquins of Pikwàkanagàn Membership Code*, *Residency Law*, *Algonquins of Pikwakanagan Land Code*, *Algonquins of Pikwàkanagàn Matrimonial Real Property Law*, and any treaty entered into by AOPFN.

2.04 For greater certainty, nothing in *Nigig Nibi Ki-win* is to be construed as abrogating, derogating or limiting the ability of the Algonquins of Pikwakanagan First Nation to enact, amend, or enforce its own laws, including AOPFN's ability to negotiate a constitutionally protected self-government agreement.

2.05 This law must be interpreted and administered in accordance with the following principles:

- (a) The need to ensure that every Niinidjànis and Weshkinìgidj has:
 - (i) their name;
 - (ii) a connection to their parents, siblings, and family relations, by bringing power back to Wendjibàdj and Tanakiwin, through families working together in the best interest of the Niinidjànis or Weshkinìgidj, providing a safe place for Ninìdjànisinànig and Weshkinìgidjig in the Tanakiwin, and wherever possible, bringing them home;
 - (iii) access to our cultural practices;
 - (iv) a grasp of Anishinàbemowin Algonquin;

- (v) a connection to Kidakìnàng;
 - (vi) access to education;
 - (vii) the protection and safety of Tanakìwin;
 - (viii) a rootedness in Tanakìwin and a sense of belonging and kinship so that every Niinidjànis and Weshkinìgidj knows where they are from; and
 - (ix) an opportunity to make their voice heard wherever possible.
- (b) Wendjibàdj and all parents and Kanawàdàwasowin of Ninidjànisinànig and Weshkinìgidjig are entitled to rest, recovery, and support in the care of their Niinidjànis and Weshkinìgidj;
 - (c) grandparents are central to the life of a Niinidjànis or Weshkinìgidj and have rights and authority in connection with the wellbeing of their grandchildren;
 - (d) Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning have responsibilities and obligations with respect to the protection and fostering of the wellbeing of Ninidjànisinànig, Weshkinìgidjig, and their Wendjibàdj;
 - (e) Algonquins of Pikwakanagan First Nation has the knowledge required to make the best decisions for its Ninidjànisinànig, Weshkinìgidjig, and their Wendjibàdj; and
 - (f) respect underlies all relationships.

2.06 *Nigig Nibi Ki-win* shall be interpreted in accordance with the *Canadian Charter of Rights and Freedoms*.

Service Delivery Principles

2.07 Services provided under this Law shall be delivered and administered in accordance with the following principles:

- (a) Ninidjànisinànig, Weshkinìgidjig, and their Wendjibàdj shall be informed of the services available to them;
- (b) services shall be provided and available to Ninidjànisinànig, Weshkinìgidjig, and their Wendjibàdj as a matter of course, and not only as a response to a crisis; and
- (c) services shall be voluntary except in the case of Tesh Widòkàzowin, and/or where the Grandparents Tribunal has determined services are necessary to support and ensure the safety and wellbeing of a Niinidjànis or Weshkinìgidj.

Decision Making Principles

- 2.08 Decisions under this Law shall be made in accordance with the following principles:
- (a) wherever possible, decisions shall support unification or reunification of a family;
 - (b) those who are directly affected by a decision should be included in the decision-making process;
 - (c) grandparents have authority in decisions relating to family wellbeing;
 - (d) the voices of Ninìdjànisinànig and Weshkinìgidjig should be heard and considered;
 - (e) personal and family autonomy should be respected; and
 - (f) individuals should be presented with choices because they will usually choose what is best for them.

PART 3 – DEFINITIONS

- 3.01 In this Law:
- (a) the singular includes the plural;
 - (b) "including" means including but not limited to, and "includes" has a corresponding meaning;
 - (c) unless the context otherwise requires, a reference to one gender includes reference to other genders; and
 - (d) "shall", "will", and "must" are imperative.
- 3.02 In this Law, the following terms shall have the following meanings:
- (a) **Ashiwewin** means any arrangement, for any definite or indefinite time, for the care of a Niinidjànis or Weshkinìgidj by persons other than their parents, and for greater certainty, may include voluntary agreements, temporary care agreements, special needs agreements, customary adoption with or without subsidy, and private customary arrangements;
 - (b) **Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning**, or **Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning** (person or people belonging to AOPFN) means a member of the Algonquins of Pikwakanagan First Nation or an individual who has at least one grandparent who is or is entitled to be a member of AOPFN pursuant to the *Algonquins of Pikwàkanagàn Membership Code*, as amended or replaced;

- (c) **Inàkonigewin** means the law of AOPFN, which we have carried, exercised, and enforced since time immemorial;
- (d) **Kanawàdawasowin** means a person, other than a parent, who cares for a Niinidjànis or Weshkinìgidj, on a day-to-day basis;
- (e) **Kidakìnàng** means the traditional territory of the Algonquins of Pikwakanagan First Nation, as identified in **Schedule "A"** to this Law;
- (f) **Kijàwasowin** refers to the taking in of a Niinidjànis or Weshkinìgidj for the purpose of care and/or protection;
- (g) **Kitizi** means Elder and **Kitizìg** means Elders;
- (h) **Iji kìwe eji tibenindàgozidj** means the process of reintegrating a Niinidjànis or Weshkinìgidj back into Wendjibàdj or Tanakìwin if and when it becomes possible to do so;
- (i) **Màmawo wìdokàzowin** means the process of AOPFN ensuring the safety, protection, and wellbeing of a Niinidjànis or Weshkinìgidj after a determination that every avenue of keeping the Niinidjànis or Weshkinìgidj safe and well in their Wendjibàdj has been exhausted, and where possible, with the consultation and agreement of the Wendjibàdj;
- (j) **Nanìzànadong abiwin** refers to a Niinidjànis or Weshkinìgidj being at risk of imminent death, serious bodily injury, and/or serious psychological injury;
- (k) **Nigig Gamik** means Nigig Nibi Ki-win Gamik, the child wellbeing agency established pursuant to PART 5 of this Law;
- (l) **Niinidjànis** (our child) or **Ninìdjànisinànig** (our children) means Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning under thirteen (13) years of age;
- (m) **Tanakìwin** (community) means such group of persons recognized by Algonquins of Pikwakanagan First Nation as making up the carers for Ninìdjànisinànig and Weshkinìgidjig, which include parents, grandparents, Kitizìg, teachers, healers, and any other person who may participate in a Healing Circle in accordance with Section 12.05;
- (n) **Tanakìwini Kanawàbiwin** means the taking in of a Niinidjànis or Weshkinìgidj into community care, by or at the direction of Nigig Gamik, when the family of the Niinidjànis or Weshkinìgidj is unable to care for them or to direct their care;
- (o) **Tesh Wìdokàzowin** refers to the Kijàwasowin by Nigig Gamik of the Niinidjànis or Weshkinìgidj, where they face Nanìzànadong abiwin;

- (p) **Tibànòde** means family with whom the Niinidjànis or Weshkinìgidj may be placed within the Tanakìwin;
- (q) **Tibinawewìhidizowin** means the process of Weshkinìgidj reaching an age at which they are no longer considered a Weshkinìgidj, and are considered an adult, with respect to decision-making and financial and practical independence;
- (r) **Wàngomàwin** means, as a last resort, the welcoming of a Niinidjànis or Weshkinìgidj into a family other than that of their parents, on a permanent basis, and the assumption by that family of all the care, support, decision-making, and other obligations normally borne by the Wendjibàdj of the Niinidjànis or Weshkinìgidj;
- (s) **Wendjibàdj** means the family in whose care the Niinidjànis or Weshkinìgidj started their life; and
- (t) **Weshkinìgidj** (youth) or **Weshkinìgidjig** (youths) means Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning between thirteen (13) and twenty-five (25) years of age.

PART 4 – APPLICATION AND JURISDICTION

Application

4.01 *Nigig Nibi Ki-win* applies to all Ninidjànisinànig, Weshkinìgidjig, and Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning everywhere.

4.02 Subject to Sections 4.07 to 4.08, *Nigig Nibi Ki-win* applies to all non-Indigenous children within Kidakìnàng.

4.03 For greater certainty, this Law applies within and beyond Kidakìnàng, in every province and territory within Canada, and outside Canada to the greatest extent possible.

Jurisdiction

4.04 AOPFN exercises exclusive jurisdiction over Ninidjànisinànig, Weshkinìgidjig, and their families within Kidakìnàng, as that territory is determined both today and as it may be determined in the future.

4.05 Where a Niinidjànis, Weshkinìgidj, or their Wendjibàdj lives outside of Kidakìnàng and lives in:

- (a) the territory of another Indigenous governing body exercising jurisdiction over Ninidjànisinànig, Weshkinìgidjig, and their families, this Law applies in coordination with the Indigenous governing body or its agency;

- (b) a territory where no Indigenous governing body is exercising inherent jurisdiction over Ninìdjànisinànig, Weshkinìgidjig, and their families, this Law applies and is paramount over any federal or provincial law, but services may be delivered to the Niinidjànis, Weshkinìgidj, or their family in coordination with agencies or authorities operating under provincial or federal law.

Delegation of Jurisdiction

4.06 AOPFN may, from time to time, delegate its jurisdiction over Ninìdjànisinànig and Weshkinìgidjig to a designated agency, or request that services be provided on behalf of AOPFN for Ninìdjànisinànig and Weshkinìgidjig by a designated agency, as prescribed by regulation.

4.07 AOPFN may delegate its jurisdiction to, or request services be provided by, a provincial agency with a geographical mandate over the region in question for non-Indigenous children and youth who reside off reserve, but in Kidakinàng,

4.08 Where a non-Indigenous child or youth under the age of eighteen (18) lives on the Pikwakanagan Reserve (No. 06216), AOPFN shall determine whether it will exercise jurisdiction over that child or youth as set out in the Regulations, and:

- (a) in the event that AOPFN exercises jurisdiction and all parties who would otherwise be entitled to participate in decision-making, as set out in this Law, consent to AOPFN exercising jurisdiction, this Law applies and is paramount over any federal or provincial law;
- (b) in the event that AOPFN exercises jurisdiction and all parties who would otherwise be entitled to participate in decision-making, as set out in this Law, do not consent to AOPFN exercising jurisdiction, Nigig Gamik shall request that the Chief and Council of AOPFN determine whether and to what extent AOPFN will exercise jurisdiction over the non-Indigenous child or youth, and their family;
- (c) where AOPFN exercises jurisdiction over a non-Indigenous child or youth, that child or youth shall be deemed a Niinidjànis or Weshkinìgidj for the purposes of this Law; and
- (d) in the event that AOPFN declines to exercise jurisdiction, AOPFN shall delegate its jurisdiction to a provincial agency with a geographical mandate over the region in question.

Paramourcy of this Law

4.09 In the event of any inconsistency between this Law and any Canadian federal, provincial, or territorial law, this Law shall prevail and be paramount, to the extent of the inconsistency or conflict, regardless of where a Niinidjànis, Weshkinìgidj, and their family resides.

Blended Families

4.10 Where a Niinidjànis or Weshkinìgidj has ties to another Indigenous community, which governing body is asserting inherent jurisdiction over Ninidjànisinànig, Weshkinìgidjig, and their families, AOPFN may exercise its jurisdiction in coordination and cooperation with the other Indigenous governing body.

Coordination with IGBs

4.11 AOPFN may negotiate coordination agreements with other Indigenous governing bodies where coordination of jurisdiction and services is likely to be required on a regular basis.

Jurisdictional Disputes and Delivery of Services

4.12 Jurisdictional disputes shall not delay the delivery of necessary services to Ninidjànisinànig, Weshkinìgidjig, or their Wendjibàdj under this Law.

Transition of Services

4.13 If a Niinidjànis or Weshkinìgidj is receiving mandated services under the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1, the services and care provided to the Niinidjànis or Weshkinìgidj are deemed to be delivered under *Nigig Nibi Ki-win*, and *Nigig Nibi Ki-win* takes precedence over any order or decision in respect of the Niinidjànis or Weshkinìgidj not made pursuant to *Nigig Nibi Ki-win*.

4.14 Any proceedings commenced but not fully disposed of under the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1, after the coming into force of *Nigig Nibi Ki-win* shall be assessed by Nigig Gamik in accordance with PART 2 of *Nigig Nibi Ki-win*, and Nigig Gamik shall determine whether and how the processes required under *Nigig Nibi Ki-win* may replace proceedings commenced under the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1.

4.15 After the coming into force of *Nigig Nibi Ki-win*, no Canadian court has any jurisdiction to consider any application or make any order pursuant to *the Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1, or any other statute addressing the safety and protection of a Niinidjànis or Weshkinìgidj without the consent of Nigig Gamik.

PART 5 – AGENCY

Establishment of Nigig Nibi Ki-win Gamik

5.01 Algonquins of Pikwakanagan First Nation shall establish a not-for-profit corporation, to be named Nigig Nibi Ki-win Gamik, which will be responsible for the implementation, administration, and operation of this Law and its regulations.

Objectives

5.02 Nigig Gamik shall:

- (a) develop, provide, and coordinate the delivery of programs, supports, and services to Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj, in accordance with this Law and its regulations;
- (b) advocate for the best interests of Ninìdjànisinànig and Weshkinìgidjig;
- (c) develop policies and standards for the delivery of services for Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj;
- (d) approve Tibànòde in accordance with the regulations made pursuant to Sections 10.26 and 15.09 of this Law;
- (e) receive, administer, distribute, and report to AOPFN on, funding secured for the administration and operation of this Law;
- (f) establish and maintain agreements with other federal, provincial, territorial, and Indigenous jurisdictions, for the purposes of harmonizing the administration of *Nigig Nibi Ki-win* and other laws; and
- (g) do all things reasonably incidental to these objectives and the administration of this Law.

Executive Director

5.03 Nigig Gamik shall appoint a person to serve as its Executive Director to:

- (a) oversee the day-to-day operations of Nigig Gamik;
- (b) oversee Nigig Gamik's exercise of such powers and performance of such duties as are set out in this Law and the regulations; and
- (c) oversee Nigig Gamik as it carries out any other powers, duties, and functions as may be delegated by the Board of Nigig Gamik from time to time.

Kokomis Mishomis Wedokagonak Advisory Committee

5.04 Nigig Gamik shall maintain an advisory committee known as the Kokomis Mishomis Wedokagonak Advisory Committee, which shall be mandated to act as a liaison with Tanakiwin and to provide guidance with respect to decision-making, program and service development, and service delivery, in accordance with this Law and the regulations.

5.05 The Kokomis Mishomis Wedokagonak Advisory Committee shall be composed of at least five (5) individuals from the Tanakiwin, who may be Kitizig, knowledge keepers, or grandparents.

5.06 The Board of Nigig Gamik shall make by-laws governing the calling of meetings of the Kokomis Mishomis Wedokagonak Advisory Committee and the conduct of the business of the Kokomis Mishomis Wedokagonak Advisory Committee generally.

Reporting

5.07 The Board of Nigig Gamik shall report to the Chief and Council of AOPFN on a quarterly basis and otherwise on request, in a form and manner to be determined by the Chief and Council of AOPFN.

5.08 The Board of Nigig Gamik shall publish annual reports on the operations of Nigig Gamik, accessible to members of AOPFN.

PART 6 – WELLBEING OF NIINIDJÀNISINÀNIG, WESHKINÌGIDJIG, AND THEIR FAMILIES

Determination of Best Interests by the Wendjibàdj

6.01 Where a Wendjibàdj does not require Màmawo wìdokàzowin in order to ensure the safety or wellbeing of its members, the best interests of the Niinidjànis or Weshkinìgidj shall be determined by the Wendjibàdj.

6.02 Decisions made by the Wendjibàdj of a Niinidjànis or Weshkinìgidj shall be guided by the following principles:

- (a) the Wendjibàdj shall seek guidance from the grandparents of the Niinidjànis or Weshkinìgidj, with input from extended family, particularly when the grandparents are not able to provide guidance;
- (b) parents should have input in decision-making where the parents choose to participate, to the extent that it is safe for the Niinidjànis or Weshkinìgidj;
- (c) the Niinidjànis or Weshkinìgidj shall have a voice to the extent possible, having regard to the age and development of the Niinidjànis or Weshkinìgidj; and
- (d) grandparents have authority in decisions concerning the wellbeing of their families.

Tanakiwin Decisions

6.03 AOPFN will respect the importance of decisions by Wendjibàdj and support Wendjibàdj in addressing safety concerns when they are brought forward. Where a

Wendjibàdj does not take steps to address any safety concerns, as defined in PART 10, the Tanakiwin and Nigig Gamik shall intervene in accordance with that Part.

Paramount Consideration

6.04 The paramount consideration in any decision made pursuant to this Law and in relation to a Niinidjànis or Weshkinìgidj shall be the best interests of the Niinidjànis or Weshkinìgidj.

Best Interests

6.05 When considering the best interests of a Niinidjànis or Weshkinìgidj, primary consideration must be given to the Niinidjànis' or Weshkinìgidj's physical, emotional, psychological, and spiritual safety, security, and wellbeing, as well as to the importance, for that Niinidjànis or Weshkinìgidj, of having an ongoing relationship with their Wendjibàdj and with AOPFN, and of preserving the Niinidjànis' or Weshkinìgidj's connections to their history and culture.

6.06 A decision made in the best interests of a Niinidjànis or Weshkinìgidj must consider the following factors:

- (a) any plans for the Niinidjànis' or Weshkinìgidj's care, in a way that aligns with the Seven Grandfather teachings;
- (b) the Niinidjànis' or Weshkinìgidj's needs, given their age and stage of development, such as their need for stability;
- (c) the importance of belonging with their Wendjibàdj and Tanakiwin, with a particular focus on:
 - (i) the nature and strength of the Niinidjànis' or Weshkinìgidj's relationship with their parent, Kanawàdawasowin, and any member of their Wendjibàdj who plays an important role in their life;
 - (ii) the centrality of the Niinidjànis' or Weshkinìgidj's grandparents to their upbringing;
 - (iii) the Niinidjànis' or Weshkinìgidj's views and preferences, giving due weight to the Niinidjànis' or Weshkinìgidj's age and maturity, unless they cannot be ascertained; and
 - (iv) the Niinidjànis' or Weshkinìgidj's rights as set out under Section 2.05(a);
- (d) the importance of preserving and promoting healthy relationships for the Niinidjànis or Weshkinìgidj;

- (e) any family violence and its impact on the Niinidjànis or Weshkinìgidj, including whether the Niinidjànis or Weshkinìgidj is directly or indirectly exposed to the family violence as well as the physical, emotional, psychological, and spiritual harm or risk of harm to the Niinidjànis or Weshkinìgidj;
- (f) the importance of preserving respect for the people and environment involved; and
- (g) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security, and wellbeing of the Niinidjànis or Weshkinìgidj.

PART 7 – KIPIYAWAS-O – WRAPAROUND CARE

Prevention

7.01 Nigig Gamik shall make available, programs, supports, and services to:

- (a) all Ninìdjànisinànig, Weshkinìgidjig, Kanawàdàwasowin, Wendjibàdj, or Tibànòde, as required, where they are needed to support and assist the health and wellbeing of Ninìdjànisinànig, Weshkinìgidjig, and their families; and
- (b) other extended family members, as are needed to allow the extended family to provide for the care of Ninìdjànisinànig and Weshkinìgidjig.

7.02 Wherever possible, prevention programs, supports, and services shall be offered and encouraged for any Wendjibàdj where it appears possible or likely that concerns may develop about the safety and wellbeing of the Wendjibàdj.

Prevention – General Principles

7.03 In providing prevention programming, Nigig Gamik shall be guided by the following principles:

- (a) Kanawàdàwasowin and the Tanakìwin have an obligation to teach, and Ninìdjànisinànig and Weshkinìgidjig have a responsibility to listen and learn;
- (b) the care of a Niinidjànis or Weshkinìgidj extends beyond the immediate family— it is a responsibility of the Tanakìwin to keep the Niinidjànis or Weshkinìgidj safe and nurtured;
- (c) there is a responsibility to look after those who are vulnerable;
- (d) Tanakìwin has an obligation to immediately help a vulnerable Niinidjànis or Weshkinìgidj; and

- (e) members of the Wendjibàdj and Tanakiwin should always try to "put things right", and the opportunity to do so should always be afforded to a person and Wendjibàdj.

Cultural Supports

7.04 Cultural supports to teach, encourage, and support connection of Ninìdjànisinànig, Weshkinìgidjig, and their families to our Tanakiwin shall include access to:

- (a) ceremony for each developmental stage, as identified by the Tanakiwin;
- (b) language recovery; and
- (c) access to Kitizìg for support on any issues and challenges faced by Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj, including Kitizìg Circles.

Prenatal Care

7.05 Programming where a parent is expecting may include:

- (a) prenatal care and skills development;
- (b) supports for the health and nutrition of the expectant parent;
- (c) ceremony; and
- (d) bundles.

Wendjibàdj Supports

7.06 Programming to develop a safe and supportive environment for Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj may include:

- (a) programs for the development of parenting skills, including financial and food preparation and such other skills as may be required in providing for one's family;
- (b) Niinidjànis development programs;
- (c) financial or other material supports, including for diapers, formula, clothes, groceries, and furniture;
- (d) homemaking and in-home supports;
- (e) housing supports;
- (f) transportation supports;

- (g) daycare and child care;
- (h) educational supports;
- (i) medical and therapeutic supports, including in-home care; and
- (j) such other programs, services, supports, and resources as Nigig Gamik determines are necessary to promote the safety and wellbeing of Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj.

Kanawàdàwasowin Supports

7.07 Wendjibàdj or other Tanakiwin members may look after a Niinidjànis or Weshkinìgidj while parents rest, recover, and return to a place where they can care for the Niinidjànis or Weshkinìgidj. Recognizing that such Kanawàdàwasowin have a continuing obligation to look after the Niinidjànis or Weshkinìgidj and tend to their needs, programming may be made available to provide:

- (a) self-care and burnout prevention;
- (b) targeted supports to elder Kanawàdàwasowin or other extended family members; and
- (c) respite care.

Supports for Weshkinìgidj

7.08 Nigig Gamik shall arrange to provide Weshkinìgidjig with gathering spaces where Weshkinìgidjig can socialize with each other and access:

- (a) life skills training;
- (b) mental health and substance abuse supports;
- (c) career services;
- (d) athletic, land-based, spiritual, culinary, ceremony, and artistic programs; and
- (e) any other supports that a Weshkinìgidj may seek out or need in their transition to adulthood.

Counselling and Treatment

7.09 Recognizing the need to prevent harms for the safety and wellbeing of Ninìdjànisinànig and Weshkinìgidjig, Nigig Gamik shall arrange to provide early intervention programs, healing, counselling, and treatment where necessary, including:

- (a) mental health supports, including counselling to parents; and
- (b) mental health supports for Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj to give voice to what they are experiencing.

Substance Abuse and Addiction

7.10 Recognizing the specific and pervasive harms that substance abuse and addiction have had and continue to have on our community and the safety and wellbeing of Ninìdjànisinànig and Weshkinìgidjig, Nigig Gamik shall arrange to provide treatment for substance abuse and addiction, where such treatment has been identified as necessary for the promotion of the safety and wellbeing of Ninìdjànisinànig and Weshkinìgidjig.

Family Violence Prevention Programming and Education

7.11 Nigig Gamik shall provide programming for families to prevent and address family violence, including:

- (a) counselling and treatment for adults who are caring for Ninìdjànisinànig and Weshkinìgidjig;
- (b) counselling and treatment for Ninìdjànisinànig and Weshkinìgidjig exposed to family violence; and
- (c) emergency and transition homes for Ninìdjànisinànig and Weshkinìgidjig exposed to family violence.

7.12 The provision of family violence prevention programming and education to a family does not preclude the possibility of Tanakiwini Kanawàbiwin where necessary to protect the safety and wellbeing of a Niinidjànis or Weshkinìgidj.

Crisis Prevention Support

7.13 Where a Wendjibàdj seeks support in preventing a crisis or Nigig Gamik has reason to believe that the Wendjibàdj is struggling, Nigig Gamik shall provide all necessary supports to ensure that the Niinidjànis or Weshkinìgidj can remain with their Wendjibàdj.

Non-Exhaustive List of Supports, Services, and Programs

7.14 This Part does not provide an exhaustive list of prevention programming that may be offered, and AOPFN may make regulations prescribing any additional prevention programming, services, and supports that may be required to support and promote the safety, health, and wellbeing of Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj.

PART 8 – DECISION-MAKING BY A WENDJIBÀDJ

Family Circle

8.01 A Family Circle is available at any time to all Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning to address safety concerns and resolve issues and differences regarding the physical, emotional, psychological, spiritual, and cultural safety and wellbeing of a Niinidjànis or Weshkinìgidj.

8.02 All participants who would be directly affected by any decision made at the Family Circle must provide their consent to participate in order for the voluntary convening of the Family Circle.

8.03 The facilitator of the Family Circle may include any one (1) or more of the following:

- (a) a Kitizi;
- (b) an Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning who is an accredited Indigenous dispute resolution facilitator; or
- (c) such other Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning who has a reputation for honesty, integrity, humanity, and a demonstrated practice of resolving local problems by means that honour the AOPFN values of peace and healing.

8.04 Where the participants agree that a decision needs to be made but cannot agree on a facilitator, a Healing Circle may be convened in accordance with PART 12.

Purpose of Family Circle

8.05 A Family Circle may consider any issue relating to the health, safety, and general wellbeing of a Niinidjànis or Weshkinìgidj, including:

- (a) the development of safety and other plans concerning the care of a Niinidjànis or Weshkinìgidj where safety concerns have been identified by Nigig Gamik;
- (b) the steps toward keeping together, or the lji kiwe eji tibenindàgozidj to, the Wendjibàdj, where safety concerns have been identified by Nigig Gamik, and the Niinidjànis or Weshkinìgidj has been voluntarily placed with other extended family or another Kanawàdàwasowin, or where the Niinidjànis or Weshkinìgidj has been involuntarily removed from the parent or Kanawàdàwasowin who had care immediately prior to Kijàwasowin;
- (c) questions of decision-making for a Niinidjànis or Weshkinìgidj;
- (d) the residence or change of residence of a Niinidjànis or Weshkinìgidj; and

- (e) services, supports, and programs for the Wendjibàdj and/or Niinidjànis or Weshkinìgidj.

Participants

8.06 The participants in a Family Circle shall, where possible, include:

- (a) the parents of the Niinidjànis or Weshkinìgidj;
- (b) the grandparents of the Niinidjànis or Weshkinìgidj;
- (c) the Kanawàdawasowin of the Niinidjànis or Weshkinìgidj if other than the parents and grandparents;
- (d) other members of the Wendjibàdj involved in the care and wellbeing of the Niinidjànis or Weshkinìgidj;
- (e) the Niinidjànis or Weshkinìgidj, as appropriate;
- (f) where the Family Circle has been convened to discuss a possible Wàngomàwin, the prospective adoptive parents; and
- (g) anyone else that all participants agree should be present, including (where requested by participants) a Nigig Gamik representative.

Good Faith

8.07 Any person who participates in the Family Circle will act in good faith to resolve their differences in a respectful manner and in consideration of the best interests of the Niinidjànis or Weshkinìgidj.

Authority to make Decisions and Consent to a Final Decision

8.08 Notwithstanding those individuals who may be participating in the Family Circle, only those who:

- (a) would be directly affected by a decision; and
- (b) have authority to settle the matter in respect of that participant's interest;

shall be required to consent to a final decision.

Regulations

8.09 Notwithstanding PART 8 and PART 12, AOPFN may make regulations providing for decision-making and dispute resolution mechanisms other than those set out in this Law.

PART 9 – VOLUNTARY SERVICES AND AGREEMENTS

General

9.01 At any time, a Wendjibàdj or Tibànòde of a Niinidjànis or Weshkinìgidj may request voluntary services from Nigig Gamik to support the Wendjibàdj or Tibànòde in the upbringing and raising of the Niinidjànis or Weshkinìgidj.

9.02 Requesting or accessing voluntary support services shall be deemed as positive and in the best interests of a Niinidjànis or Weshkinìgidj for whom support is sought.

9.03 At any time whatsoever, where Nigig Gamik has a reasonable belief that:

- (a) the Wendjibàdj is experiencing challenges that could reasonably expect to lead to safety concerns; or
- (b) the Wendjibàdj cannot otherwise safely care for their Niinidjànis or Weshkinìgidj;

Nigig Gamik shall, prior to any other steps being taken, offer voluntary programs, supports, and services to the Wendjibàdj for their consideration.

9.04 Nigig Gamik may enter into a written agreement with a Wendjibàdj or Tibànòde of a Niinidjànis or Weshkinìgidj to provide programs and services or assist the Wendjibàdj or Tibànòde in obtaining programs and services, to support and assist them in the care of the Niinidjànis or Weshkinìgidj.

Voluntary Services

9.05 The voluntary services to support and assist the Wendjibàdj or Tibànòde may include:

- (a) cultural support and guidance of Kitizìg;
- (b) professional counseling;
- (c) in-home support;
- (d) respite care;
- (e) parenting programs, including AOPFN traditional parenting;
- (f) services for improving the family's housing;
- (g) substance abuse treatment and rehabilitation;
- (h) mediation of disputes;

- (i) services to assist the family to deal with the illness or death of an AOPFN family member; and
- (j) any other services agreed to by Nigig Gamik to support the raising of the Niinidjànis or Weshkinìgidj.

PART 10 – MÀMAWO WÌDOKÀZOWIN - INTERVENTION

Principles

10.01 A family shall not be subject to Màmawo wìdokàzowin solely on the basis of the family's socio-economic conditions, including but not limited to:

- (a) lack of adequate housing or infrastructure;
- (b) poverty; or
- (c) the health of the Wendjibàdj or Kanawàdàwasowin of the Niinidjànis or Weshkinìgidj.

Family Intervention

10.02 This Law recognizes and affirms the inherent right of the Wendjibàdj of a Niinidjànis or Weshkinìgidj, including grandparents, aunts, uncles, siblings, and cousins to provide care where, in the opinion of the Wendjibàdj, the parents or any other Kanawàdàwasowin of a Niinidjànis or Weshkinìgidj in whose care the Niinidjànis or Weshkinìgidj has been placed, is not physically, emotionally, mentally, or otherwise well enough to provide proper care for a Niinidjànis or Weshkinìgidj.

10.03 At all times it is the priority of *Nigig Nibi Ki-win* to ensure that the Wendjibàdj of a Niinidjànis or Weshkinìgidj can remain or become a safe place for its Niinidjànis or Weshkinìgidj, and as such, *Iji kìwe eji tibenindàgozidj* of the Niinidjànis or Weshkinìgidj to their Wendjibàdj must always be considered, at the earliest opportunity, where it is safe to do so.

Duty to Help a Vulnerable Niinidjànis or Weshkinìgidj

10.04 Every Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning has a duty to help any vulnerable Niinidjànis or Weshkinìgidj.

Duty to Report

10.05 Where any Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning anywhere is aware of safety concerns relating to a Niinidjànis or Weshkinìgidj and needed assistance cannot be provided directly, that Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning has a duty to notify the Executive Director of the safety concerns.

10.06 The duty to report set out in Section 10.05 is not extinguished by information that the safety concerns have already been reported. More specifically, each and every Eji tibendàgwazidj Anishinàbeg Pikwàkanagàning who has information regarding the safety and wellbeing of a Niinidjànis or Weshkinìgidj must notify the Executive Director of the safety concerns even where there is information that a report has already been made.

Liability

10.07 Any person, who in good faith, reports safety concerns to Nigig Gamik, is immune from any civil or criminal liability based on the report.

10.08 Any person who makes a report knowing the report to be false or unfounded may be subject to civil liability.

Safety Concerns

10.09 Safety concerns means any conditions, experiences, circumstances, or treatment of a Niinidjànis or Weshkinìgidj that are likely to significantly compromise a Niinidjànis' or Weshkinìgidj's physical, emotional, or psychological wellbeing, and which the family is not taking steps to address, which includes, but is not limited to:

- (a) abandonment by a family or Kanawàdàwasowin or the absence of Kanawàdàwasowin options within the Wendjibàdj;
- (b) suffering physical violence or the threat of physical violence;
- (c) suffering or risk of suffering sexual abuse or exploitation;
- (d) lack of adequate supervision and care;
- (e) untreated medical or psychiatric conditions;
- (f) emotional or psychological abuse;
- (g) exhibiting self-harming behaviours;
- (h) exposure to domestic or other violence, or high-risk conflict;
- (i) denying access to education appropriate to the age and stage of the Niinidjànis or Weshkinìgidj;
- (j) denying spiritual or religious choice;
- (k) denying expression of gender and gender-fluidity; or

- (l) any other information relating to the actual harm or risk of harm to the physical, emotional and psychological health and wellbeing of the Niinidjànis or Weshkinìgidj.

Responsibility to Investigate

10.10 Subject to information that the Niinidjànis or Weshkinìgidj may be in Nanizànadong abiwin, and upon receipt of a report pursuant to Section 10.05, Nigig Gamik shall immediately, and without delay, initiate a thorough investigation within twenty-four (24) hours after receiving the report to determine the nature, extent, and cause of any safety concern or condition which has caused harm or risk of harm to the Niinidjànis or Weshkinìgidj.

10.11 Where Nigig Gamik identifies safety concerns through its investigation, Nigig Gamik shall:

- (a) provide immediate voluntary supports and services, including in-home caregiving supports, in an effort to ensure that the family remains intact and that a Niinidjànis or Weshkinìgidj is not removed from their home;
- (b) place the Niinidjànis or Weshkinìgidj in Tanakiwini Kanawàbiwin where:
 - (i) the Wendjibàdj or Kanawàdàwasowin agrees that they are not in a position to safely care for their Niinidjànis or Weshkinìgidj and agrees to the Màmawo wìdokàzowin; or
 - (ii) where the Niinidjànis or Weshkinìgidj faces Nanizànadong abiwin if left in the care of Wendjibàdj or Kanawàdàwasowin; and
 - (iii) immediate support and services are not agreed to, unavailable, or cannot address imminent risk of harm to the safety and wellbeing of the Niinidjànis or Weshkinìgidj;
- (c) whether or not the Niinidjànis or Weshkinìgidj has been removed to Tanakiwini Kanawàbiwin, a referral shall be made to the Healing Circle.

Conclusion of Investigation

10.12 Where Nigig Gamik has completed an investigation into the safety concerns raised, and is of the opinion that there are no safety concerns, or that the safety concerns do not give rise to Màmawo wìdokàzowin:

- (a) no further steps will be taken by Nigig Gamik without the consent of the Wendjibàdj; and

- (b) in the event that a Niinidjànis or Weshkinìgidj was removed from the family home, the Niinidjànis or Weshkinìgidj will be immediately returned to their parent or Kanawàdàwasowin at the time of Màmawo wìdokàzowin.

Principles of Màmawo wìdokàzowin

10.13 Màmawo wìdokàzowin is provided to Ninìdjànisinànig and Weshkinìgidjig only when and if it is necessary for AOPFN to assume responsibility for the care of and decision-making regarding a Niinidjànis or Weshkinìgidj. Màmawo wìdokàzowin may include:

- (a) the care of a Niinidjànis or Weshkinìgidj by Kanawàdàwasowin or Tibànòde;
- (b) a shelter for family members caring for their Ninìdjànisinànig and Weshkinìgidjig;
- (c) conditions for families caring for their Ninìdjànisinànig and Weshkinìgidjig to ensure their safety and wellbeing; and
- (d) Tesh Wìdòkàzowin as set out in Sections 10.15 to 10.21.

10.14 Where Nigig Gamik contemplates Màmawo wìdokàzowin for a Niinidjànis or Weshkinìgidj, the parents of that Niinidjànis or Weshkinìgidj, shall be given notice of the contemplated Màmawo wìdokàzowin prior to provision of Màmawo wìdokàzowin.

Tesh Wìdòkàzowin

10.15 If, pursuant to Section 10.10, Nigig Gamik has reasonable grounds to believe that immediate Kijàwasowin of a Niinidjànis or Weshkinìgidj from their surroundings is necessary to prevent Nanìzànadong abiwin to the Niinidjànis or Weshkinìgidj, the Wendjibàdj or Kanawàdàwasowin is unable or unwilling to protect the Niinidjànis or Weshkinìgidj from such Nanìzànadong abiwin, and there are no reasonable alternative means of protecting the Niinidjànis or Weshkinìgidj other than Tesh Wìdòkàzowin, Nigig Gamik shall remove the Niinidjànis or Weshkinìgidj and may appoint a person to care for the Niinidjànis or Weshkinìgidj until such time as the Niinidjànis or Weshkinìgidj can be returned to the care of their Wendjibàdj or Kanawàdàwasowin.

10.16 If Nigig Gamik is satisfied that without the provision of Tesh Wìdòkàzowin a Niinidjànis or Weshkinìgidj may be in need of intervention because the parent or Kanawàdàwasowin cannot be located after a reasonable search or has died or become incapacitated, Nigig Gamik may appoint a person to care for the Niinidjànis or Weshkinìgidj until the parent can be located or other satisfactory arrangements can be made for the care of the Niinidjànis or Weshkinìgidj, and Nigig Gamik may convey the Niinidjànis or Weshkinìgidj for the purpose of placing the Niinidjànis or Weshkinìgidj in the care of that person.

10.17 A person appointed under Section 10.16 may care for the Niinidjànis or Weshkinìgidj in the residence in which the Niinidjànis or Weshkinìgidj was found and for that purpose may:

- (a) enter the residence;
- (b) live in the residence;
- (c) carry on normal housekeeping activities in the residence that are necessary for the care of the Niinidjànis or Weshkinìgidj; and
- (d) exercise reasonable control over all Niinidjànis and Weshkinìgidj residing in the residence.

10.18 The person appointed under Section 10.16 may care for the Niinidjànis or Weshkinìgidj in the person's own residence for the amount of time that Nigig Gamik directs.

10.19 When a person is appointed under Section 10.16, no liability attaches to that person in the course of carrying out that person's duties under Section 10.17 or to Nigig Gamik assisting that person in carrying out those duties by reason only of the entry into and occupation of the residence without the consent of the owner or occupier.

10.20 If any Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning has reasonable grounds to believe that Tesh Wìdòkàzowin of a Niinidjànis or Weshkinìgidj is necessary to prevent Nanizànadong abiwin to the Niinidjànis or Weshkinìgidj, and the parents or Kanawàdàwasowin are unable or unwilling to protect the Niinidjànis or Weshkinìgidj from such Nanizànadong abiwin, that Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning shall have the authority to take physical custody of the Niinidjànis or Weshkinìgidj notwithstanding the wishes of the parents or Kanawàdàwasowin and immediately deliver the Niinidjànis or Weshkinìgidj to Nigig Gamik. Any person acting in good faith in accordance with this Section shall be immune from all liability.

10.21 Where Nigig Gamik acts in accordance with Sections 10.15 and 10.16, a Healing Circle shall be convened within forty-eight (48) hours of the Niinidjànis or Weshkinìgidj being placed in Tesh Wìdòkàzowin.

Tanakiwini Kanawàbiwin

10.22 Tanakiwini Kanawàbiwin may be required and shall be determined by:

- (a) the Wendjibàdj, independently or through a Family Circle pursuant to PART 8;
- (b) Màmawo wìdòkàzowin pursuant to Section 10.01;
- (c) Nigig Gamik through a Healing Circle; or

(d) the Grandparents Tribunal as set out in PART 12.

10.23 Any Ashiwewin of a Niinidjànis or Weshkinìgidj in Tanakìwini Kanawàbiwin shall be pursuant to the principles and priorities set out in PART 11.

Connections while in Tanakìwini Kanawàbiwin

10.24 To the extent that such connection is safe for the Niinidjànis or Weshkinìgidj, Nigig Gamik shall work with the members of that Niinidjànis' or Weshkinìgidj's Wendjibàdj and Tibànòde to ensure that the Niinidjànis or Weshkinìgidj maintains their connection with their Wendjibàdj at all times while out of the care of their Wendjibàdj.

Review of Tanakìwini Kanawàbiwin

10.25 A review of a decision to place a Niinidjànis or Weshkinìgidj in Tanakìwini Kanawàbiwin shall take place at such times and in such a manner as set out in the regulations.

Regulations

10.26 AOPFN may enact regulations in relation to Tanakìwini Kanawàbiwin and Màmawo wìdokàzowin, including with respect to:

- (a) voluntary service agreements;
- (b) funding for services;
- (c) the licensing of residential facilities, including licensing of Tibànòde;
- (d) procedures for assessing the need for Màmawo wìdokàzowin;
- (e) procedures for conducting investigations;
- (f) notice and community consultation requirements;
- (g) participatory rights for parents and Kanawàdàwasowin;
- (h) the process for the Kijàwasowin of a Niinidjànis or Weshkinìgidj from their Wendjibàdj; and
- (i) any other matter the Chief and Council of AOPFN considers important for the administration or operation of PART 10 of this Law.

PART 11 – ASHIWEWIN

Priority of Ashiwewin

11.01 The Ashiwewin of a Niinidjànis or Weshkinìgidj outside their Wendjibàdj in the context of providing services in relation to the Niinidjànis or Weshkinìgidj, to the extent that it is consistent with their best interests, is to occur in the following order of priority:

- (a) with one of the Niinidjànis' or Weshkinìgidj's parents;
- (b) with another member of the Niinidjànis' or Weshkinìgidj's Wendjibàdj;
- (c) with Tibànòde;
- (d) with an Algonquin Anishinabeg family;
- (e) with a family who belongs to an Indigenous group, Tanakìwin, or people other than the one to which the Niinidjànis or Weshkinìgidj belongs; or
- (f) with any other family.

Ashiwewin with or near Other Niinidjànisinànig or Weshkinìgidjig

11.02 When the order of priority set out in Section 11.01 is being applied, the possibility of placing a Niinidjànis or Weshkinìgidj with or near Niinidjànisinànig or Weshkinìgidjig who have the same parent as the Niinidjànis or Weshkinìgidj, or who are otherwise members of the Niinidjànis' or Weshkinìgidj's Wendjibàdj, must be considered in the determination of whether the proposed Ashiwewin would be consistent with the best interests of the Niinidjànis or Weshkinìgidj.

Exceptions to Priority of Ashiwewin

11.03 This hierarchy of Ashiwewin is determinative, except to the extent that:

- (a) the resulting placement would put the safety of the Niinidjànis or Weshkinìgidj at risk; or
- (b) the Niinidjànis or Weshkinìgidj and Niinidjànis' or Weshkinìgidj's Wendjibàdj agree to maintain an exceptional Ashiwewin by not following the above Ashiwewin hierarchy.

PART 12 – HEALING CIRCLE AND GRANDPARENTS TRIBUNAL

Purpose

12.01 A Healing Circle shall be convened where members of the Wendjibàdj and other extended family members are unable to intervene in order to ensure the safety and

wellbeing of a Niinidjànis or Weshkinìgidj, or where their efforts to do so have been unsuccessful.

When a Healing Circle Shall be Convened

12.02 A Healing Circle shall be convened within forty-eight (48) hours of the earlier of:

- (a) a Niinidjànis or Weshkinìgidj being removed from their home and placed in Tanakìwini Kanawàbiwin; or
- (b) Nigig Gamik determining that safety concerns regarding a Niinidjànis or Weshkinìgidj exist.

12.03 Nigig Gamik, in consultation with the Wendjibàdj of the Niinidjànis or Weshkinìgidj, shall be responsible for convening the Healing Circle.

When a Healing Circle May be Convened

12.04 A Healing Circle may be convened voluntarily as a means of resolving differences as set out in Section 8.04.

Composition

12.05 A Healing Circle shall include:

- (a) the parents of the Niinidjànis or Weshkinìgidj;
- (b) the Niinidjànis or Weshkinìgidj, as appropriate;
- (c) a representative of Nigig Gamik;
- (d) where the Healing Circle has been convened to discuss a possible Wàngomàwin, the prospective adoptive parents;
- (e) wherever possible or appropriate:
 - (i) the grandparents of the Niinidjànis or Weshkinìgidj; and
 - (ii) other members of the Wendjibàdj involved in the caring and wellbeing of the Niinidjànis or Weshkinìgidj;
- (f) a minimum of two (2) AOPFN Kitizig who are not members of the family; and
- (g) anyone else that all participants agree to having present.

Decision Making

12.06 The Healing Circle may determine:

- (a) whether parents or the Kanawàdàwasowin from whom the Niinidjànis or Weshkinìgidj was removed can safely care for the Niinidjànis or Weshkinìgidj with or without Màmawo wìdokàzowin;
- (b) what Màmawo wìdokàzowin is necessary in order for the parents or Kanawàdàwasowin to safely care for the Niinidjànis or Weshkinìgidj; and
- (c) if the parents or previous Kanawàdàwasowin are not able to safely care for a Niinidjànis or Weshkinìgidj:
 - (i) who should care for them;
 - (ii) what contact between the Niinidjànis or Weshkinìgidj and their parents or previous Kanawàdàwasowin is in the best interests of the Niinidjànis or Weshkinìgidj;
 - (iii) in the case of siblings not residing together, what if any supports are necessary to ensure that the siblings have regular contact with each other;
 - (iv) what Màmawo wìdokàzowin is necessary for the Wendjibàdj to support and strengthen their continued relationship with and care for a Niinidjànis or Weshkinìgidj, regardless of whether the Niinidjànis or Weshkinìgidj is placed in the care of a family;
 - (v) what pathways are available for the reunification of the Niinidjànis or Weshkinìgidj with their parents or previous Kanawàdàwasowin;
 - (vi) whether the Wàngomàwin of a Niinidjànis and Weshkinìgidj should occur;
 - (vii) any other measures wanted or needed to ensure the wellbeing of a Niinidjànis, Weshkinìgidj, or their Wendjibàdj; and
 - (viii) questions of decision-making, residence, and time spent with parents.

Consensus

12.07 The Healing Circle shall make all decisions by consensus.

Regulations

12.08 The Chief and Council of AOPFN may make and amend regulations under this Law on the basis of recommendations by Nigig Gamik to provide for the operation and procedures of a Healing Circle.

Referral to Grandparents Tribunal

12.09 Where following the meeting(s) of the Healing Circle, there is no agreement:

- (a) either with respect to the existence or nature of the safety concerns;
- (b) how the Wendjibàdj shall address the safety concerns;
- (c) whether Màmawo wìdokàzowin is necessary; or
- (d) in respect of the approach or extent of Màmawo wìdokàzowin that is required,

the Healing Circle shall refer the Niinidjànis or Weshkinìgidj and their Wendjibàdj to the Grandparents Tribunal.

When the Grandparents Tribunal shall be Convened

12.10 The Grandparents Tribunal shall be convened:

- (a) upon a referral from the Healing Circle, where no consensus was arrived at on any or all of the issues before the Healing Circle, or there was a withdrawal by any of the participants of the Healing Circle prior to arriving at a consensus;
- (b) upon a referral by Nigig Gamik of a decision that a Niinidjànis or Weshkinìgidj needs Màmawo wìdokàzowin and the interested participants declined to participate in a Healing Circle;
- (c) to review a decision on temporary Tanakìwini Kanawàbiwin; or
- (d) in the event that Wàngomàwin is being sought.

Composition

12.11 The Grandparents Tribunal shall include a minimum of three (3) individuals who are not members of the Kokomis Mishomis Wedokagonak Advisory Committee.

Standing at the Grandparents Tribunal

12.12 The following individuals have standing to attend and participate in the Grandparents Tribunal:

- (a) any member of the Wendjibàdj who has material information that can assist the Grandparents Tribunal in arriving at a plan that is in the best interests of the Niinidjànis or Weshkinìgidj;
- (b) any authorized person from Nigig Gamik with direct knowledge and decision-making authority in the matter of the Niinidjànis or Weshkinìgidj;

- (c) a person representing the interests, views, and preferences of the Niinidjànis or Weshkinìgidj; and
- (d) a representative member of the Tibànòde.

Addressing Safety Concerns through the Grandparents Tribunal

12.13 Within thirty (30) days of receiving a referral from the Healing Circle, or within five (5) days of receiving a referral from Nigig Gamik, the Grandparents Tribunal shall be convened to:

- (a) determine whether and to what extent there are safety concerns, and the nature of the safety concerns;
- (b) what programs, services, and supports are available for the Niinidjànis or Weshkinìgidj and their Wendjibàdj;
- (c) whether the Wendjibàdj is able to address the safety concerns; and
- (d) whether Màmawo wìdokàzowin is necessary, and if so, what form Màmawo wìdokàzowin will take.

12.14 The Grandparents Tribunal may order that the Wendjibàdj enter into temporary arrangements in the best interests of the Niinidjànis or Weshkinìgidj pending a final decision by the Grandparents Tribunal.

Decisions by the Grandparents Tribunal are Final

12.15 A decision made at the Grandparents Tribunal is final and is to be respected and followed by all those who are affected by the decision.

12.16 In the event that one or more of the participants do not respect and follow the temporary or final decision of the Grandparents Tribunal, the matter may be referred back to the Grandparents Tribunal to determine whether any orders for sanctions ought to be made.

PART 13 – WÀNGOMÀWIN

Principles of Wàngomàwin

13.01 This law recognizes the traditional practice of Wàngomàwin as being the act of Kijàwasowin where a Niinidjànis or Weshkinìgidj is in need of parenting and care, as if the Niinidjànis or Weshkinìgidj was the Niinidjànis or Weshkinìgidj of birth, for those exceptional cases upon which a return to the Wendjibàdj is not possible and in limited circumstances.

13.02 The Wendjibàdj parents must provide their consent to Wàngomàwin by meeting with the Grandparents Tribunal for that purpose.

13.03 If the Wendjibàdj parents are unwilling or unable to provide such consent, the Grandparents Tribunal may make a binding decision to allow Wàngomàwin to proceed, taking into consideration the best interest of the Niinidjànis or Weshkinìgidj.

13.04 Wàngomàwin may also be by way of consent to the Niinidjànis' or Weshkinìgidj's wishes if the Grandparents Tribunal determines the Niinidjànis or Weshkinìgidj is mature enough and taking into consideration the principles in PART 2 and all factors in Sections 6.05 and 6.06.

13.05 At no time shall a Niinidjànis or Weshkinìgidj be adopted into a non-AOPFN family, unless otherwise decided by the Grandparents Tribunal, based on the principles of PART 2 and all factors in Sections 6.05 and 6.06.

13.06 If the Grandparents Tribunal decides on a non-AOPFN Ashiwewin, as set out in Section 13.05 above, the Niinidjànis or Weshkinìgidj will remain eligible to be registered either through the *Indian Act*, R.S.C., 1985, c. I-5, or the *Algonquins of Pikwàkanagàn Membership Code*.

Confirmation of Wàngomàwin

13.07 The Chief and Council of AOPFN, shall confirm the Wàngomàwin decision of the Grandparents Tribunal by facilitating the registration of the Niinidjànis or Weshkinìgidj under the *Indian Act*, R.S.C., 1985, c. I-5, by way of the *Algonquins of Pikwàkanagàn Membership Code*, or the Wàngomàwin parent's name as a member of the Tanakiwin.

13.08 Where an individual or couple accepts a Niinidjànis or Weshkinìgidj by Wàngomàwin, and the Chief and Council of AOPFN has confirmed the Wàngomàwin, those individuals shall be recognized in the community and to all other non-AOPFN government authorities as the Wendjibàdj of that Niinidjànis or Weshkinìgidj.

13.09 A Wàngomàwin decision by the Grandparents Tribunal shall include ceremony as guided by the traditional and/or spiritual advisor(s) in the Tanakiwin.

13.10 A Wàngomàwin completed in accordance with this Part shall terminate any other order, agreement, or proceeding with respect to the Niinidjànis or Weshkinìgidj.

PART 14 – TRANSITIONAL CIRCUMSTANCES

Iji kìwe eji tibenindàgozidj

14.01 The Iji kìwe eji tibenindàgozidj of Ninìdjànisinànig and Weshkinìgidjig to their Wendjibàdj is always and at all times a priority of this Law where it is safe for the Niinidjànis or Weshkinìgidj.

Return to Tanakìwin

14.02 Where Nigig Gamik determines that a Niinidjànis or Weshkinìgidj is in the care of a non-Indigenous family within Kidakìnàng subject to provincial child protection legislation, Nigig Gamik shall assume carriage of that matter upon making that determination pursuant to Sections 4.13 to 4.15.

14.03 Where Nigig Gamik determines that a Niinidjànis or Weshkinìgidj is in the care of a non-Indigenous family outside of Kidakìnàng, Nigig Gamik shall determine at the earliest opportunity, whether to assume jurisdiction or co-ordinate with the local Indigenous governing body or other agency pursuant to Section 4.05.

Tibinawewìhidizowin

14.04 If a Niinidjànis or Weshkinìgidj is or was receiving Tanakìwini Kanawàbiwin pursuant to this Law, Nigig Gamik shall make Weshkinìgidj services and supports for Tibinawewìhidizowin available to meet their reasonable needs up to and including the age of twenty-five (25).

14.05 AOPFN may make regulations on:

- (a) Weshkinìgidjig services; and
- (b) supports for Tibinawewìhidizowin, including to assist:
 - (i) Niinidjànisinànig or Weshkinìgidjig formerly in Tanakìwini Kanawàbiwin;
 - (ii) Wendjibàdj with lji kìwe eji tibenindàgozidj; or
 - (iii) with other transitions in connection with the provision of services.

14.06 To the extent that a Weshkinìgidj is or was receiving youth protection services provided by an Indigenous governing body or other agency, such Indigenous governing body or other agency shall continue to provide youth or transitional services to meet the Weshkinìgidj's reasonable needs up to and including the age of twenty-five (25), and shall coordinate with Nigig Gamik to address gaps between existing services and the requirements of this section. For greater certainty:

- (a) nothing in this Section requires Nigig Gamik to provide any services without its agreement to do so;
- (b) this Section supplements but does not replace existing services; and
- (c) a greater existing service, such as a service or benefit that applies at or above the age of twenty-six (26), continues and is not affected by this Section.

Cultural Competency Training

14.07 Nigig Gamik may, by policy directive, establish a cultural competency training program and related requirements.

Cultural Competency Training – Obligation of External Protection Authority

14.08 Every Indigenous governing body or other agency that provides Ninìdjànisinànig and Weshkinìgidjig with child protection services must ensure that its staff providing such services to Ninìdjànisinànig and Weshkinìgidjig, or making decisions with respect to Ninìdjànisinànig and Weshkinìgidjig, receive the cultural competency training set out by policy directive under Section 14.07.

Co-ordination – Obligations of External Protection Authorities

14.09 Every Indigenous governing body or other agency that provides child protection services to Ninìdjànisinànig and Weshkinìgidjig is obligated to do so in consultation with Nigig Gamik or pursuant to coordination or protocol agreements, as may be negotiated from time to time.

Regulations

14.10 AOPFN may make regulations further to this Part.

PART 15 – PRIVACY & INFORMATION-SHARING

Right to Information

15.01 Nigig Gamik has the right to receive any information, including personal information and personal health information, or record of information, relating to a Niinidjànis or Weshkinìgidj, or their Wendjibàdj, in the context of child and family services, that is held by an agency, government, Indigenous governing body, or other service provider.

15.02 Subject to any regulations made pursuant to Section 15.09 below, or agreements made pursuant to such regulations, any custodian of the information described in Section 15.01 shall provide such information on request from Nigig Gamik to Nigig Gamik.

15.03 Any Weshkinìgidj in receipt of, or having received services under this Law, upon reaching eighteen (18) years of age, shall have the right to request a review, in writing, of the contents of their file, as maintained by Nigig Gamik.

Confidentiality

15.04 Any information or record of information relating to a Niinidjànis or Weshkinìgidj, or their Wendjibàdj, is confidential where it is received, obtained, created, or retained by any person:

- (a) pursuant to this Law or the regulations;
- (b) in the exercise of their powers or in the performance of their duties under this Law or the regulations;
- (c) who acts as Tibànòde respecting a Niinidjànis or Weshkinìgidj; or
- (d) who is employed by or retained on contract to provide services to a Tibànòde.

Permitted Use of Information

15.05 Confidential information shall only be used for the purpose for which the confidential information was collected or created pursuant to this Law and for all the functions reasonably necessary for carrying out that purpose.

Prohibition on disclosure and communication of information

15.06 No person required to maintain confidentiality under *Nigig Nibi Ki-win* may disclose or communicate any confidential information to any person except:

- (a) where disclosure or communication is required for the purposes of *Nigig Nibi Ki-win* or to otherwise ensure the safety and wellbeing of a Niinidjànis or Weshkinìgidj;
- (b) where necessary or appropriate in the exercise of their powers or in the performance of their duties under this Law or the regulations;
- (c) where necessary for the provision of services or care to the Niinidjànis or Weshkinìgidj;
- (d) with the written consent of the person to whom the information or record relates;
- (e) for the purposes of participating in a Healing Circle;
- (f) where required by, or on the direction of, the Grandparents Tribunal;
- (g) to a person conducting an investigation under Section 10.10;
- (h) to Nigig Gamik or such person authorized by Nigig Gamik, at their request;
- (i) to a peace officer, if the person believes on reasonable grounds that:
 - (i) failure to disclose the confidential information is likely to cause physical or emotional harm to a person or serious damage to property; and
 - (ii) the need for disclosure is urgent; or

- (j) where, in the opinion of Nigig Gamik, the benefit of the release of the information would clearly outweigh any invasion of privacy that could result from the release.

15.07 For greater certainty, any confidential information disclosed pursuant to this Law shall not be disclosed further.

Information-sharing

15.08 Nigig Gamik may enter into agreements with the federal government, a provincial or territorial government, an Indigenous governing body, agency, or service provider regarding the collection, retention, use, and disclosure of information respecting child and family services that are provided in relation to Ninìdjànisinànig, Weshkinìgidjig, and their Wendjibàdj.

Regulations

15.09 AOPFN may make regulations further to this Part, including with respect to:

- (a) the provision of information to Nigig Gamik;
- (b) the management of confidential information, including use and access to such information;
- (c) the exchange of information with individuals and or entities performing substantially similar functions as the Executive Director and Nigig Gamik; and
- (d) access to information as between Nigig Gamik and other AOPFN organizations.

PART 16 – ACCOUNTABILITY

Compliance

16.01 Once a decision has been agreed on and made in accordance with this Law, everyone must do their best to do as they have promised.

Liability

16.02 Subject to Section 16.03 no action lies or may be commenced or maintained against:

- (a) any individual;
- (b) Nigig Gamik;
- (c) the Chief and Council of AOPFN;
- (d) the Healing Circle; or

- (e) the Grandparents Tribunal;

in respect of anything done or omitted to be done in the exercise or intended exercise of any power under this Law or in the performance or intended performance of any duty or function under this Law.

16.03 Section 16.02 does not apply in relation to anything done or omitted to be done in bad faith.

Offences

16.04 No person shall:

- (a) induce or attempt to induce a Niinidjànis or Weshkinìgidj to run away from a childcare facility, foster home, or a person entrusted with the care of the Niinidjànis or Weshkinìgidj under this Law;
- (b) remove or attempt to remove a Niinidjànis or Weshkinìgidj unlawfully from the care, custody, control, or charge of Nigig Gamik;
- (c) abandon a Niinidjànis or Weshkinìgidj in that person's care, custody, control, or charge, without having made adequate provision for the care and custody of the Niinidjànis or Weshkinìgidj;
- (d) abuse or harm a Niinidjànis or Weshkinìgidj in that person's care, custody, control, or charge;
- (e) procure the abandonment, abuse, or harm of the Niinidjànis or Weshkinìgidj in that person's care, custody, control, or charge; or
- (f) omit to perform a duty imposed on that person by or under this Law.

Punishment

16.05 Every person who breaks this Law may be subject to sanctions by AOPFN in a manner that is consistent with AOPFN's customs, culture, practices, and values, provided that such sanctions are proportionate to the seriousness of the offence.

Regulations

16.06 AOPFN may enact regulations in relation to liability, offences, or punishments under this Law, or for any matter the Chief and Council of AOPFN considers important for the administration, operation, or enforcement of this Law.

PART 17 – CODIFYING & AMENDING THE LAW

Resolutions

17.01 The Council may make any Resolutions required to facilitate the operation of this Law, but those Resolutions are void if they conflict with any provisions of this Law.

Regulations

17.02 The Chief and Council of AOPFN may make regulations for any purposes incidental to this law or related to the implementation of this Law.

17.03 The Chief and Council of AOPFN has full discretion as to whether and when to make regulations on any matter under this Law, and whether such regulations are to be separate or consolidated.

17.04 The Chief and Council of AOPFN may, by regulation, assign any function to Nigig Gamik.

17.05 Unless otherwise set out in the regulation, a regulation made under this Law comes into force on the day after it is published.

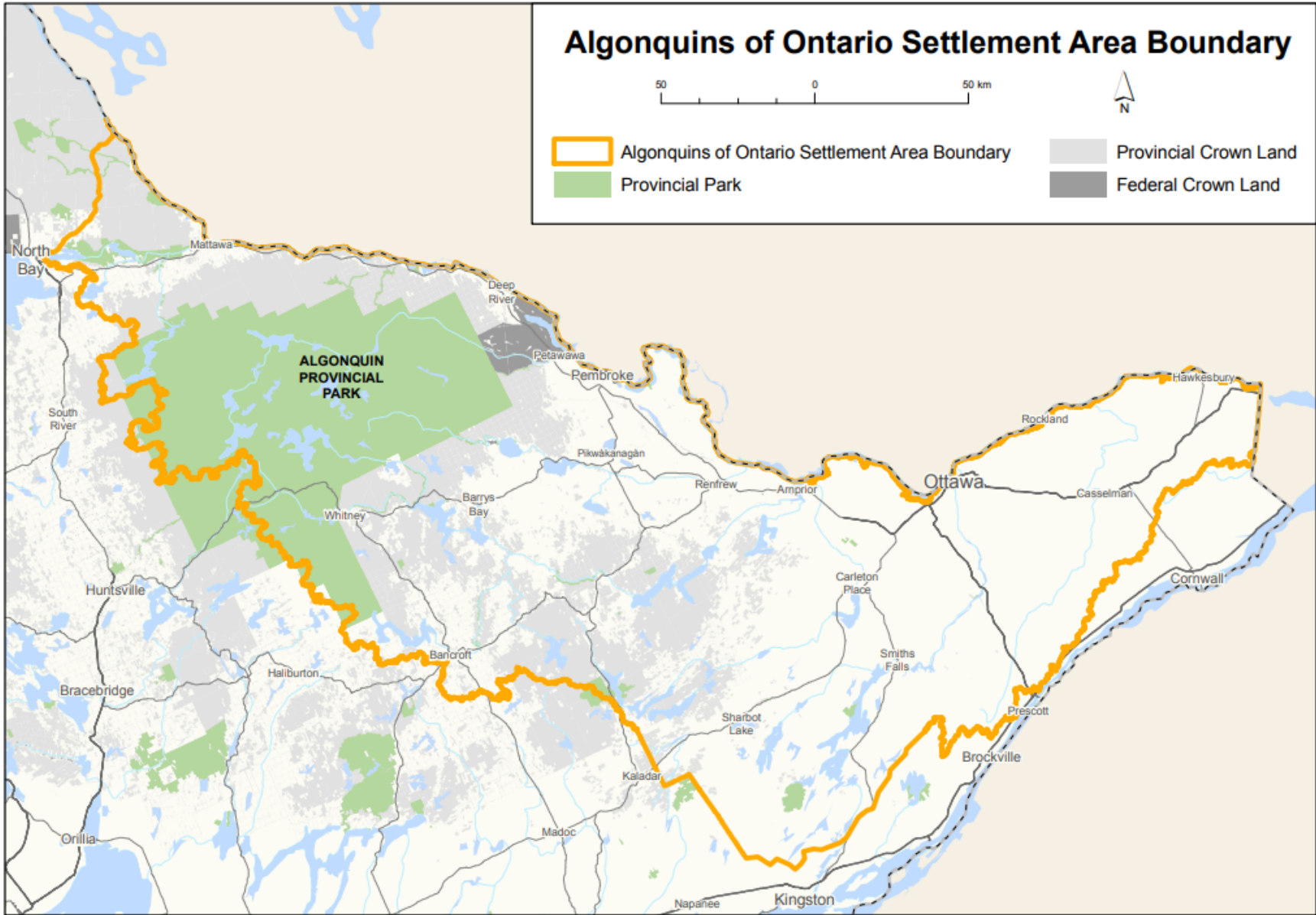
17.06 To the extent this Law has the power to prevail over a territorial, provincial, federal or other law, then a regulation made under this Law has that same power.

Review and Amendments

17.07 This Law will be reviewed by AOPFN, in consultation with Nigig Gamik, with a view to identifying necessary amendments to this Law one (1) year after the day on which *Nigig Nibi Ki-win* comes into force, and thereafter every four (4) years.

17.08 This Law may be amended in accordance with the ratification policies and procedures as may be adopted by AOPFN from time to time.

SCHEDULE "A" – MAP OF KIDAKÌNÀNG



LANGUAGE GUIDE

Nigig Nibi Ki-Win Anishinàbemowin Algonquin Terms/Phrases

Term	Meaning
Anishinàbemowin Algonquin	The AOPFN dialect
Ashiwewin	Placement or being put in a place
Eji tibenindàgwazidj Anishinàbeg Pikwàkanagàning	Person belonging to AOPFN
Eji tibenindàgwazidjig Anishinàbeg Pikwàkanagàning	People belonging to AOPFN
Iji kiwe eji tibenindàgozidj	Reintegration with family/community of origin
Inàkonigewin	The law of AOPFN
Kanawàdàwasowin	Person caring for a child/youth on a day-to-day basis
Kidakìnàng	Our territory
Kijàwasowin	Taking in a child for the purpose of caring, protection
Kipiyàwas-o	Blocks the shining light/blocks many/protects
Kitizì	Elder
Kitizìg	Elders
Kokomis Mishomis Wedokagonak Advisory Committee	The Grandmother (Kokomis) and Grandfather (Mishomis) Helpers (Wedokagonak) Advisory Committee
Màmawo wìdòkàzowin	Community intervention
Nanizànadong abiwìn	When one is in a place of imminent danger
Niinidjànis	Our child
Ninidjànisinànig	Our children (covers all ages)
Tanakiwin	Community
Tanakiwini Kanawàbiwin	Community care
Tesh Wìdòkàzowin	Emergency care
Tibànòde	Another family or placement
Tibinawewìhidizowin	Youth to adulthood, aging out
Wàngomàwin	Adoption
Wendjibàdj	Family of origin
Weshkinìgidj	Youth (singular)
Weshkinìgidjig	Youth (plural)