

Statutes of Government of Carcross/Tagish First Nation

Book Two: Government of Carcross/Tagish Traditional Family Beliefs and Practices

"Our families are the beginning and future of our community ...they are our First Nation.... when they are strong we are all strong"

First Reading Approved January 29, 2006

Virtues/Values of the Government of Carcross/Tagish First Nation

Selflessness	Honour	Respect	Courage	Integrity	Knowledge	Compassion	Honesty
Sharing	Loyalty	Acceptance	Perseverance	Modesty	Creativity	Forgiveness	Truthfulness
Generous	Devotion	Diligence	Volition	Humility	Life Skills	Caring	Trust
Cooperation	Responsibility	Obedience	Sacrifice	Self-discipline	Curiosity	Empathy	Accountability
Service	Humour	Patience		Moderation	Gratitude	Kindness	

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Part One: The Foundations of our Approach to Children and Family

Introduction

The Importance of Book One

Government of Carcross/Tagish First Nation laws and policies are based on the cultural values of the Tlingit and Tagish people. Our traditional beliefs and practices and laws are set out in "Book One: Government of Carcross/Tagish First Nation traditional Beliefs and Practices". Book One and our Constitution are primary resources to interpret the intent and meaning of any part of this Act.

The Importance of Book Two

Book Two focuses on our Family Law. It builds on and refers frequently to Book One containing the fundamental facts, beliefs, values, practices and principles that constitute our Kustéeyi (culture), our kustí (way of life), and our vision for our future.

OUR BELIEF: *Our Laws, responsibilities, traditions, and practices all stem from the family. In developing the Family Act as our first new Law, we are recognizing and emphasizing the central place of family in our Kustéeyi (culture).*

Traditional Stories

Traditional stories are used throughout all of our laws to help us to understand the intent of and lay the foundation for our laws and processes. Each Clan may choose a different story that they believe is better suited to help their Clan understand our laws. The version of any story set out in each law may be told by different Clans in different ways.

As we use our language throughout our laws to preserve and protect our Kustéeyi (culture), we include our stories to preserve another important part of our Kustéeyi (culture). Traditionally, stories were a way of teaching and sharing knowledge. The use of stories in our laws is much the same as the old ways. Our stories are a way of giving life to our traditional values. Throughout Book Two, traditional stories are used to illustrate the practices and values that are a primary source of our rights and responsibilities. These traditional stories foster a richer understanding of our laws, and cause us to think about and seek out the wisdom and lessons for our families in our stories.

Contemporary Stories

These stories illustrate how traditional values and practices are currently used in a good way. These stories honour how our people apply our traditional values and practices in responding to contemporary challenges. While the circumstances we face change, our values do not. We learn from our current stories as well as our traditional stories the path to follow in honouring our responsibilities and in exercising our rights.

Our laws are very ancient trees. Planted in a distant time by háa shagóon (our ancestors), they grew as we have from the same seeds; our core values.

Contemporary stories and wise words of our people and of Elders are found throughout our laws. These elements provide insight and meaning to our laws; they are the new sprouts on the living tree of our laws.

Section 1.0: Traditional Family Story

We begin with a traditional story; The Boy Who Shot The Star. There are many stories that illustrate how our values guide our actions in carrying out our responsibilities to support and sustaining the central place of family in our life.

THE BOY WHO SHOT THE STAR

The story, The Boy Who Shot The Star shared by an Elder in the book Tlingit Myths and Texts by Swanton and retold in Images of a People –Tlingit Myths and Legends by Pelton/DiGennaro.

Back in the time of magic and mystery, when bears could talk and the moon danced in the sky, two boys were the best of friends. The two would work for many hours making many arrows so they could play the Great Hunter game. The boys would imitate the great hunts of the men of their village. Bushes became bears, logs were killer whales, and exposed tree roots became blackmail deer. Each day they would hunt until their arrows were exhausted.

One day the boys had a contest to see who could make the most arrows. The moon had started to rise when the younger boy conceded, "I yield to you, my friend. My fingers are so sore; I can do no more. You are the great chief of the arrow makers."

"I am indeed," said the older one good-naturedly. "I'll race you to the top of the hill. Let's stand on top and see who can shoot an arrow the farthest."

The boys sprinted up the hill until at last they reached the smooth, grassy hilltop that often served as their playground. The older boy reached the top first and lay gasping for breath in the moonlight.

As he looked at the dark shadows of the moon's surface he said, "Look at the face of the moon. How unbelievably ugly she is. She looks like my grandmother's labret."

"Don't," whispered the younger boy. "You must not speak of the moon that way. She'll be angry." A shiver passed through the older boy as he heard his friend speak, for he knew that the young boy spoke the truth.

The night air, which earlier had felt soft and inviting, now felt threatening. As the boys made ready to return to the safety of their houses, darkness, black and sinister, enveloped them. It was as if a giant hand had snatched the moon and stars from the sky, leaving behind inky blackness. The howling sound that followed would have made even their great chief himself shiver with fear. A rainbow shot out of the black void and curled round and round the boys.

The younger boy huddled on the ground until the spectre vanished. When he dared to look up he saw that the moon and stars were back in the sky, but where was his friend? Had the moon's messenger carried him off?

At first the young boy covered his head and cried piteously for his lost friend. Then he began to get angry. He shouted at the moon, "How dare you take the

great chief of the arrow maker from the earth! I'll teach you and your friends a lesson. I'll pierce the hearts of your friends, the stars, until you are alone in the sky as I am on earth."

With that, the boy took aim at the star next to the moon. His arrow flew toward the glowing heart of the moon's brightest companion. As he watched, the star darkened. He shot arrow after arrow into the sky and none returned to the earth.

After a time the boy noticed that something was hanging down very near to him. He shot an arrow at it, and the arrow stuck to the bottom of the object. Arrow after arrow he let fly until the arrows formed a chain that seemed to reach to him.

His anger and his arrows spent, the young boy laid upon the grassy hill and cried once more for his lost friend. Soon he was asleep.

When he awoke he looked heavenward. Much to his surprise, his chain of arrows had disappeared, and in its place was a ladder. The ladder beckoned, "Little boy, climb me and I shall show you worlds unimagined. Come, little boy come. You must bring something of your world to the sky world. Come, little boy, quickly! Soon it will be light."

What could the young boy bring from this world? He didn't have time to get dried fish and berries. Instead, he gathered small branches from various nearby bushes. He stuck the twigs into his hair so that his hands would be free to climb.

As dawn crept from her drowsy sleep, the boy began his ascent. He climbed the ladder all day and camped upon it at nightfall. As he resumed his journey the next morning, his head felt very heavy. He seized the salmonberry bush that he had stuck in his hair and found it loaded with berries. He ate the berries and felt much strengthened. After that he resumed his climb. About noon he again felt hungry, and his head felt heavy. The boy pulled a bush out of the other side of his head and found it loaded, too – with blue huckleberries this time.

The young boy made camp upon the ladder. When he awoke in the morning, he continued climbing. At noon, his head began to feel heavy again. He reached to the back of his head and found red huckleberries growing there. "Ahh, food for another day," he thought.

Late in the day the boy reached the top of the ladder. He staggered with exhaustion and was asleep before he could gather soft moss for his bed.

While he slept, he dreamed that a young woman called to him, "Get up. I come for you." So real was the image that he awoke with a start. He looked around but no one was there. He rolled over and pretended to sleep, but looked out through his eyelashes. By and by a very small but handsome girl reached out to him. Her clothes were made of soft deerskin, and her leggings were adorned with porcupine quills.

The girl whispered, "I have come for you. My grandmother has sent me to bring you to her house." The boy rose up and followed her to a little house near a great lake. An old woman was waiting at the door.

The old woman said, "Why do you enter the land above, my grandson?" "Good grandmother," answered the young boy, "my companion was taken from our world and I wish to find him. I fear for his life."

"Oh!" answered the old woman. "He is only a short distance away. I hear him crying every day. He is being held captive by the moon. But you must be strong if you are to rescue him. I will give you food." Then the old woman put her hand to her mouth and a salmon appeared. When she reached to her mouth again, meat and berries poured forth.

After the young boy had eaten his fill she gave him four objects: a spruce cone, a rose bush, a piece of devil's club, and a small piece of whetstone. "You may find these helpful," said the old woman. "The moon is difficult to defeat."

The boy thanked the old woman and left to find his friend. As he got closer to the moon's house he heard his companion's cries. The older boy had been placed on a high platform near the smoke hole. The younger boy climbed on the roof and pulled his friend out through the smoke hole. Putting the spruce cone down where his friend had been, the boy told it to imitate the older boy's cries.

The boys climbed down from the roof and ran toward the ladder. The spruce cone cried so hard that it became dislodged from the platform and fell right in the middle of the moon's house.

"My captive has escaped," cried the moon. The moon started in pursuit of the two boys.

The boys turned to see the moon closing the gap between them. In desperation, the younger boy threw the devil's club behind him. Instantly, a thick forest of devil's club grew up. It slowed the moon for a moment, but she used her magic to cut through it.

When the moon again approached, the boy threw down the rose bush, and such a thicket of roses grew that the moon was again delayed. But the moon was powerful and she broke through the thicket.

Now the two boys were nearly in her reach. The younger boy threw down the whetstone, their last talisman. The stone became a high cliff. Again and again the moon climbed the cliff, only to be rolled back each time.

At last the boys reached the place where the ladder had been, but they were disappointed to find it destroyed. "It's been dashed to bits," cried the younger boy. "Must we live in the sky forever?"

Then the old woman appeared and said, "I will help you return to your world. First, you must lie down and think only of your favourite place on top the hill. Don't think of anything else except that playground."

The boys concentrated hard, but after a time the older one thought of the old woman's house, and immediately the two boys found themselves back there. The old woman said, "Try again. This time, think only of your beloved playground."

Again the boys focused their thoughts on the grassy hilltop, and when they awoke they were lying on their playground at the foot of the broken ladder. They heard the drum calling the villagers to a death feast. They watched the people walking sombrely, their faces blackened and their eyes reddened with tears.

"I wonder who died," thought the older boy.

"Look there, at our mothers. They mourn for us," exclaimed his friend.

The older boy saw his younger brother walk by, and he called to him, "Brother, come here. It is I."

The little boy was afraid that the apparition would take him to the spirit world so he ran to the safety of his house.

"Mother", said the little brother, "my brother calls to me outside our house."

"You foolish at child," answered the mother, "your brother is dead."

The boy continued to call to his little brother. "Please, little brother, take this shirt to my mother so that she'll know that I am indeed alive."

Finally the little boy bravely approached his brother and saw that he was not from the land of the dead.

"They are alive! They are alive!" he called. The villager rejoiced at the safe return of the two young companions.

The older boy learned his lesson. He never again said unkind things about the moon. "You never know when she might find a way over that cliff," he thought.

Section 2.0: Teachings from this Story

Stories say different things to different people. At different times new things will be found in the same story. All traditional stories are rich, magically full of lessons, insights and meaning. Each will take what they need from a story. Here are some insights about our values that can be taken from this story.

This story speaks of loyalty, of connection to family and home, and of how harmony in our lives can be broken by speaking disrespectfully of others.

The story demonstrates the harm in resorting to anger and revenge when we are hurt or suffer loss. Shooting arrows at the moon did not save a friend, but taking risks, persevering through great difficulties and seeking the helping hands of others did save a friend.

Focussing on what is most important to our hearts brings us back to our family, to those we love, and to the life that is most important to us. We come home safely when we concentrate on what is most important to us, and act on our values.

Opening ourselves in a good way to the lessons life provides about acting on our values lies at the core of all stories.

Section 3.0: Our Kustéeyi (culture) Based on Family

We begin our appreciation of and respect for each Act by examining how the fundamental concepts, values and beliefs set out in Book One apply to Family Laws.

Many of our stories highlight the central importance of our families. Family is the source of all well-being. Family creates the foundations for our roles, obligations, responsibilities, and codes of conduct. Membership in a Clan is determined by birth or adoption. We belong to the same moiety as our mother. Our kinships are readily traced through our mothers. Connections among our people are reinforced by Clans, and by the reciprocal responsibilities between moieties and among Clans. Our traditions, based on our concepts of Moiety and Clan, define the behaviour expected of us at all seven stages of life as well in the time before birth and after death. These traditional beliefs provide the social structures that create

and sustain balanced connections. These social structures, built on families, are the foundation for our Kustéeyi (culture) and of all our responsibilities and rights.

A healthy family strives to act on traditional values and supports each family member to achieve a balance of healthy mind, body, spirit and heart. Each family member in turn contributes to the family well-being by sustaining their balance.

A healthy family is the primary nurturing place for individuals. Further a healthy family is the primary nurturing source for a healthy kwáan (community). The peace, the wellbeing, the unity we aspire to achieve begins in the family and moves into the kwáan (community) and beyond. All good things begin in and are nurtured by our families. Our families are central to every aspect of our lives, of our relationships, of our governance, and of our individual and collective capacity to promote peace throughout the world. A world at peace is a healthy family of nations. We begin building world peace by building healthy families.

Section 4.0: Fundamental Virtues/Values

In setting out our core beliefs and values in Book One, the prominent place of family was clear. Through all nine stages each life passes through, the responsibilities of families and of each individual to their family are critical.

These responsibilities based on our beliefs and values are the building blocks of kwáan (community), and of our relationships to all others in our kwáan (community). Values do not change from one generation to the next. Each generation calls on the same values to understand how to carry out their family responsibilities.

4.1: SELFLESSNESS

Just as we are caretakers of our land, and make sacrifices to protect and preserve our land, so it is with our families. We are all caretakers of each child, of each family and selflessness calls upon us to make sacrifices to protect and nurture our families, all families within our kwáan (community).

Our primary purpose in life is to serve others, to serve our kwáan (community) in a good way.

"We're not here to serve ourselves - Dikée Aankáawu (creator) made everything for a purpose and that purpose is to serve others, - like the moose serves us, the wolves, bears, even the plants in both its life and death - all things, all of nature same thing - it is about serving others - we do so in life and in death".

Pete Sidney, Elder – Carcross/Tagish First Nation

We are valued not for what we possess, but for how we share with our family, how we selflessly reach out to help other families. Our potlatch ceremonies are one means of being generous, of celebrating giving to others, of being selfless.

Working in true co-operation with others within and outside of our families to find shared interests, to enrich common ground, and to work towards a consensus in resolving difficult conflicts, calls upon us to be selfless and to see our interests are best served by building deeper connections to our family our kwáan (community).

4.2: HONOUR

We bring honour to ourselves, our family, our Clan and kwáan (community) when we act on traditional values in carrying out our responsibilities. By our devotion to our families and by acting in keeping with our traditional values, we honour háa shagóon (our ancestors).

We will be called upon in many ways within our families to act with honour. As parents, children, siblings, aunts, uncles, cousins and as grandparents we honour all these relationships by being selfless and by having the courage and wisdom to do the right thing simply because it is the right thing to do.

Everyone in our kwáan (community) has something to offer to their families and kwáan (community). Our actions determine whether we bring dishonour or honour to ourselves, our families, our Clans, and our kwáan (community).

4.3: RESPECT

All things, all people come to this world through the hand of the Dikée Aankáawu (Creator). In respecting all things all people we respect the Dikée Aankáawu (Creator). Showing respect is a basic law. Treating everyone respectfully has always been deeply ingrained in our Kustéeyi (culture), in our traditional practices. We do not speak hurtful words about others. We listen with respect and with an open mind and good heart. Respect is doing what we said we were going to do, and doing it in a good way, with honesty, integrity, and accountability. In respecting the integrity of others, and in seeing in our differences our collective strength, we find ways to live together in peace. Respect calls us to be the best we can be, and to keep to our values in the way we learn, teach, work and interact with others.

Respect asks us to be patient with others; not to judge others, but give others the space to grow. Respect asks us to be patient with ourselves in trying new things, in learning new things.

"This lake here, this mountain there, that river round that point, and all the wild things that live here; it is all one; and without all these parts we could not live here. Nothing could live here. We forget that eh? Not ours for just taking; but ours to look after; to look after real good eh. We need to respect all these things. It is same as looking after our children. Same thing eh, respect all things, or we have nothing, nothing to leave for next generations. We got big responsibility to respect what we have here".

Dora Wedge, Elder - Carcross/Tagish First Nation

Respect begins within ourselves for who we are, and stretches out to our family and kwáan (community). To love others, we must love ourselves; to respect others, we must respect ourselves. In respecting our family responsibilities and doing so in a respectful way, we can love and respect who we are.

4.4: COURAGE

Living up to our responsibilities to our families takes courage. It takes courage to acknowledge our mistakes, to ask for help, to seek forgiveness and to forgive. It takes courage to set aside our interests to serve our family. Getting up everyday to persevere in facing the challenges families impose takes

courage. It takes courage to make the sacrifices needed to honour our commitments to our family. It especially takes courage when our actions, our sacrifices are not appreciated.

"Not a question if I can, as I must be a mother every day – no matter how hard it may be".

Colleen James, Citizen – Carcross/Tagish First Nation

Changing our lives to correct what is wrong takes courage. Change requires recognizing and facing fears and persistently working past difficult barriers that open us up to new and frightening challenges. Courage is working in partnership, even if those partnerships are in a bad place. Courage is resolving our personal issues for the benefit of the whole kwáan (community).

In a time when the kwáan (community) functioned according to our customs and traditions there was no need for fear, for each would be protected by the other. We must return to that place of mutual protection where we will need to be courageous enough to be vulnerable, to admit we are the wrong, to seek forgiveness from those we have wronged and, to forgive those who have hurt us.

Courage provides the will to act in accord with our values even when to do so may cause us to appear foolish to others and may render us vulnerable. Courage is needed to be who we are, not who others want us to be.

4.5: INTEGRITY

Integrity calls us to honour our responsibilities, to live our lives in accord with our values. Knowing our values is much easier than consistently walking the path called for by our values. We may be overcome by temptation, by some of life's challenges and thereby compromise our values, let our families, Clan and kwáan (community) down. We can never always respond to life's challenges in the way our values instruct or as we wish to do. We will be weak and make mistakes.

Weakness is an unavoidable human condition. Integrity calls upon us to return to our values, to accept responsibility for our mistakes, to fight false pride, fear, and dishonesty, to overcome all the barriers blocking our way back to the path set by our values. Humility helps us move past our failures, past the barriers. With the support of family and kwáan (community) we gain the will and self-discipline needed to resist the temptations that can compromise our integrity.

"You see each is a teacher even small children...wisdom is always found in everyone... we are all from the, Dikée Aankáawu (creator), so each you see has a gift of knowledge to give us".

Dora Wedge, Elder – Carcross/Tagish First Nation

The close emotional connections within families can create fertile conditions for conflicts. Integrity calls upon us to work out our differences with others in a good way, to admit our mistakes, to sincerely ask for and grant forgiveness. Family well being places the greatest demand on our integrity; finding the humility to accept we are wrong, to forego our needs for the well being of our family.

"Fights all the time – that's okay if love remains strong – whatever the fight is – family more important".

Johnny Johns, Elder – Carcross/Tagish First Nation

4.6: KNOWLEDGE

We are always learning, always teaching. Each of us has something to teach others. Each of us has something to learn from all others. Our every action sets examples, teaches others. Our children are watching, learning from us. We must walk carefully. Everything we do speaks to who we are, speaks about and to our families, our clans, our communities and háa shagóon (our ancestors). All we do contributes in ways we are often unaware to the teachings in our kwáan (community).

Raising children, keeping our families balanced and connected in good ways requires great knowledge and wisdom. We have a duty to learn. We need humility to ask for the wisdom and knowledge our Elders, our family, and those with experience. In our Kustéeyi (culture), curiosity is encouraged. Curiosity generates an appetite for knowledge.

"You see each is a teacher even small children ...wisdom is always found in everyone... we are all from the, Dikée Aankáawu (creator), so each you see has a gift of knowledge to give us".

Dora Wedge, Elder – Carcross/Tagish First Nation

In healthy communities everyone is willing to share knowledge. Through sharing knowledge we become better prepared to care and nurture our children and families. The greater our knowledge, the greater our capacity to be creative in finding ways to deal with the challenges our families encounter. Knowing what our responsibilities are and knowing how to properly carry out our responsibilities serves our family and kwáan (community) and provides an essential meaning and purpose to our life.

We share our knowledge generously and with humility. We are grateful for and respect the knowledge and wisdom received from others. Knowledge grants us the essential life skills to be a full contributor to our families and kwáan (community).

4.7: COMPASSION

We can hold too much of the pain others cause us and hold too little of the joy opportunities for joy. By forgiving ourselves, and others we create space to live more fully in our families and communities. Compassion for ourselves is as important as compassion for all life.

Friends and family give us great joy – then a misunderstanding, a betrayal, hits hard the trust, love, affection – it is not a lethal blow – but becomes so when it is carried and not released through forgiveness. It can eat through everything, leaving nothing but pain as hurt turns to hate and to mistrust and finally all this negative energy destroys good connections to others. Soon there is no friendship only blaming, only anger. Compassion is essential for others both for the challenges we know they face and for those we do not and may never know they face. We all face challenges no one can ever know. Compassion and

forgiveness are important to restore connections. Being compassionate recognizes fully the human struggle we all share.

"Easy to hate, hard to love. Easier on us to love, harder on us to hate. When we leave out good feelings for others ...eh ... like being compassionate... we block the way to a healthy life for us and others. This is not a good thing for any of us – we know that eh... but have troubles doing the good things we need to do to make it better".

Victoria Johnson, Elder – Carcross/Tagish First Nation

Kindness, caring and empathy for others lie at the core of genuine compassion for others. When we care, are kind, and empathetic, we in turn find from others kindness, empathy and a genuine interest in caring for our needs. It is within this environment of reciprocity that initiates and sustains our connection with our families and communities. Compassion is a vital building material in family and kwáan (community) relationships.

4.8: HONESTY

Without honesty nothing else works. If we fail to build on honesty what we build will not remain standing. The courage to be and the experience of being truthful begins in our families, extends to all the places our life takes us. Our traditional practices help us create the spaces to be honest and provide the support needed for living honestly. If we are not honest we are not fully following our values, not living to our full potential, not enabling our families to live to their full potential.

"It is the hardest thing I have ever done and will be the hardest thing we will all be called on to be...honesty is not an easy path but it is the only true path...and the start is no easier than any part of the journey".

Shirley Lindstrom, Elder – Carcross/Tagish First Nation

It is only with truth that we can begin working through our difficult challenges and move beyond our troubles, our failures to be what our values call upon us to be. Truth enables us to begin to move forwarding a good way. If we are not truthful to ourselves then we cannot be truthful in any family or kwáan (community) process.

Honesty is often a first and always an essential part of being accountable to ourselves, to others within our family and kwáan (community). Truth serves us better than lies and dishonesty.

Section 5.0: Our Fundamental Concepts

Balance, self-esteem, love, and wisdom enter our lives, the lives of our clans and kwáan (community) by following the path set by our values and traditions. These are the elements that give birth to and nurture a healthy family and kwáan (community).

5.1: BALANCE

The need for balance flows through all parts of our lives. An important aspect of balance in our families arises from the balance between our roles as dependents and providers.

As we go through the nine stages of our lives we are in different ways at the same time both dependents and providers in our lives. We begin as children dependent upon the adults, then as an adult we become providers and finally as Elders we become dependents. However in each stage we are both. As children while dependent upon adults for our necessities in life, children provide adults with a source of connection, and a central purpose for their lives. As adult providers, we are dependent upon others to help in all the work needed to provide for our families and Clans. Elders need families, Clans and communities for many things, often for their very survival. In turn families', Clans and communities depend of Elders for their wisdom, for their critical guidance through times that test us to our core. Elders guide our lives along the good trail.

Acting as both providers and dependents is part of the essential balance that keeps families and communities vibrant, connected. Another part of balance lies in the balance among all parts of our life. We cannot be centered on our values, cannot act in keeping with our values, if we are not in good mental, physical, spiritual and emotional health. Attaining and keeping a sound mind, body, soul and heart creates a personal balance that enables us to be invaluable, dependable resources to our family and kwáan (community).

5.2: SELF-ESTEEM

Self esteem flows from honouring our values, from doing good things for others without thinking about what we might get back and from letting go of false pride. When we have lived up to the teachings of our Elders we will have served our families and communities to the best of our abilities. These are the sources of a lasting self-esteem. Serving others, wanting the best for others, doing something for no other reason than it is the right thing to do, and never placing winning over acting on our values, these are the actions that truly measure the health of our self-esteem.

5.3: LOVE

From Dikée Aankáawu's (creator's) love all things come: all of us, the winged ones, the finned ones, the two legged, the four legged, the land, the water, and all things we see and those we do not see. All things nurtured and cared for with love grow strong and capable of loving. Our strongest bonds to others, to our family, to our kwáan (community) are built on and kept by love. When our actions and thoughts are grounded in love, they are pure and in keeping with the Dikée Aankáawu's (creator's) way...Love calls us to act on our values and our values lead us to love.

Love can overcome all that blocks our way. Love takes us past hate. Love replaces the pain that calls for revenge and opens us to mercy. Love enables us to be forgiven, to forgive others and find our way to forgive ourselves.

We share in our traditions with many ancient religions the fundamental belief that we are to love our neighbour as we love our self. To love each other as the Dikée Aankáawu (Creator) loves us we must first learn to love our self. If we cannot love ourselves we cannot love others. Love only comes from love. We

learn to love ourselves for what we do, for what we give to our families, to our kwáan (community) and to others, for how we struggle to live within our values. We are not valued for what we have, but for how we love.

"Love is the number one thing ...we all need it, cannot survive without love...we all have love to give ...seems like the more you give love the more love you have to give".

Johnny Johns, Elder – Carcross/Tagish First Nation

When our actions disrespect our values, we wander off the good path, are lost and lose sight of our purpose, of our reason for being. Love brings us back, back to the Dikée Aankáawu's (creator's) way, back to being all that we can be. Love from others, and learning again to love ourselves brings us back to the good path.

The lasting value of our lives within our families and communities flows from the love we invest in our families and kwáan (community). Love enriches all we do.

When our lives are in balance, when we are all the Dikée Aankáawu (Creator) made us to be, we reach a place where we love serving others, even those who have harmed us. We are able to love without reciprocity.

Háa Shagóon (Our ancestors) had very few possessions. They had no money. In to-days terms they were very poor. Yet they believed they had everything.

"We had love ...nothing makes you richer than love...We all have love, love is always with us, we can use it whenever we want".

Dora Wedge, Elder – Carcross/Tagish First Nation

When we love purely we are doing the Dikée Aankáawu's (creator's) work. It is this work that serves the wellbeing of our family, of our kwáan (community), of our land and thereby the world the Dikée Aankáawu (creator) gave us.

Pure love is the love of a parent for a child, love without conditions.

5.4: WISDOM

Wisdom comes in many forms and can be used in many ways. It is much more than knowledge. One might say as wisdom grows knowledge fades in importance... It is not what we know but how we use our knowledge; that is the measure of wisdom. Knowing what is just does not create justice, nor does knowing what is good produce goodness. The world has known too many horrors carried out in the name of 'good', or for the sake of justice. Knowledge applied through actions that engage all of our values become wisdom. Compassion, love, respect these and all other of our core values turn knowledge into wisdom.

Love alone does not make a good parent. Love cannot justify ignorance: Nor is knowledge enough. Together love and knowledge begin to make a good parent. A wise parent engages all the values in the care and nurturing of a child.

Wisdom leads us to forgiveness. The wise know the self-destructive power of hatred, of vengeance. They know when forgiveness generates mercy, the road

is reopened to love oneself, to love others, and thereby to love and fully embrace life and all its many blessings.

Wisdom is understanding that for every action there is a reaction. What we give out to the world we get back directly or indirectly. Wisdom is appreciating all negative expressions, jealousy, hate, insensitivity, harsh judgements, controlling others, speaking and acting disrespectfully these and many other negative actions all generate reactions that are destructive to us and to others. These negative actions can transform into other negative forms and travel through a family or kwáan (community) in ways that are often not seen to be clearly connected to the initial negative action. And so it is with positive actions, they come back to us indirectly and directly in good ways. They too travel in other good ways through our families and communities. Sensitivity to our impact on others and a life of being aware of our impact on others gives us the wisdom to appreciate that our actions release an energy that is never lost ...it simply changes forms. What we do affects our physical, mental, emotional and spiritual well-being and others in ways we may never know.

"You know I see it every where, in ways maybe only much later I see the connectionit is true what they say what we sow we reap.....when we are real angry, you know really mad ...like you want to do something bad to get even or get back at someone eh.....it all comes back at you ...maybe not right away but it does ...like some one may not hit you but you may get hit by cancer or some sickness thing because you pack around this anger.you know I've seen people do bad things like waste meat ...take too many moose or too many fish ...later they damn near starve eh...comes back all things do ...so it's why I see love is number one thing ...When you give out love goes out throughout the world... like it just doesn't go to one person keeps on going that's for sure..."

Johnny Johns, Elder – Carcross/Tagish First Nation

Wisdom is knowing how little is known to the world, and especially how little we know about what we do not know... From this knowledge comes the humility needed to welcome everyone into our life as a teacher. We are also a key source of our knowledge. Self-examination provides invaluable insights that help generate self-awareness, an invaluable source of wisdom.

Wisdom asks not just what is, but what could be, and turns to all of our core values to appreciate what should be. Wisdom sees a larger picture, sees beyond what is happening now and considers the future. In our kwáan (community), unity of family and of kwáan (community) marks for us what should be, defines our ultimate goal. No one value no matter how diligently pursued can achieve the unity we seek. For us to reach a unity that tolerates our differences, respects the contribution each of us can make, and creates a kwáan (community) of compassion for all things we need to call on the wisdom of háa shagóon (our ancestors) that spoke of how all things are connected.

Section 6.0: Essential Practices

Flowing from actions based on our values our lives give rise to love, balance, self-esteem and wisdom. Within the environment generated by these elements we can achieve our essential practices, connection, and consensus and develop laws that

strengthen our families and kwáan (community). These practices in turn foster unity within families, clans and our kwáan (community).

6.1: CONNECTION

All things are connected. Everything is a part of something else, a part of the whole. Our values teach us how to stay connected, how to be a part of the whole in ways that contribute to the health of the whole, how each of us can connect to others, to our families, to our kwáan (community), in a good way. Values are about connecting to others. Values are about governance. How we govern ourselves, how families, communities – indeed, how the world will be governed – how we all will be, depends on how we honour our values.

6.2: LAWS

Our laws give practical expression to our values and beliefs. Our laws are based on the values taken from our traditions and our stories. Our laws guide us in being the best we can be, to the best way we can look after children, after each other. When we honour our laws, our families, our kwáan (community) prospers, become places that nourish us. Fail to follow them, our families, our kwáan (community), little by little, fall apart. Without laws built on our values, where we live becomes a place, not a kwáan (community), a place without honesty, without compassion, without forgiveness and, without connection. In these places, families and communities fall into fighting over nothing, over everything and we soon fail to respect anything, including ourselves. Acting contrary to our laws, we honour neither háa shagóon (our ancestors) nor our Dikée Aankáawu (creator).

"There is only one way – it is the way of love, of respect for all things. All these laws government have – don't see our values in much of it. Laws without values – what is that? Power that's all. Tells you what to do – not how to be. Love, respect, honouring shagóon (ancestors), serving others – you don't serve others; there is no value in your life. So it's what I know – hard to be, but only way to be. Don't get there every day – not all the time. Weak, eh? But I know what I need to do when I get lost – back to these values – most important thing to know. Don't know the laws; don't need to know all these government laws – not really. I want to be doing the best I can – only need to know these simple values – respect them, respect them all."

Johnny Johns, Elder – Carcross/Tagish First Nation

Laws built on values are alive, like a living tree. They grow and change as we grow. Our values do not change, but in living and working together, we discover how to apply our values in ways that change our laws to keep us on the path to unity within our families and kwáan (community).

Our family law built on the values taken from our stories and traditions will change. All things change. These changes will flow from all of us. As we live in ways that respect our values, we will adapt our laws to changes in ways that respect and honour our values, ourselves, háa shagóon (our ancestors), our traditions and the Dikée Aankáawu (creator).

Our laws change, our values do not. For example, long ago when háa shagóon (our ancestors) lived on the land in small family groups moving from place to place with the seasons, survival depended upon everyone doing their part every day. Losing anyone was a very serious matter. If a woman lost her husband, the oldest surviving brother of her husband took her into his family and treated her as his wife and her children as his children. It did not matter if he was already married or if she was many years older or younger. The purpose of this law was to ensure no one was left behind, that everyone remained connected, remained included and cared for. The values underlying this law were based on being inclusive, selflessness, respect, and compassion. Today the law has changed. Brothers are not asked to marry the wife of a brother who has passed away. However the values have not changed. These same values call upon a brother to look after the widow and family of a deceased brother. Today, the responsibility is shared throughout the Clan, but the oldest surviving brother remains primarily responsible to ensure his brother's widow and family are included in all family matters and have the means to live in a good way. The law has changed in ways that continue to respect all traditional values. As in times long ago, no Tagish or Tlingit person is left behind.

Our family law rather than demand we act in certain ways or face punishment, aspires to help us understand the underlying values that call upon us to serve our family and kwáan (community).

6.3: CONSENSUS

When we lived off the land every one had an important job to do. The family depended on the contribution each person from the youngest child to the oldest Elder made to the daily struggle to survive. When survival depended upon our ability to work together we respected the contribution each person made. We worked through our differences in ways that respected the importance of each person. Decisions were made in the best interests of the family and in the best interests of the larger kwáan (community).

"You know then we knew how to harvest so that there was always enough game for everyone ...like if the moose in one area were getting low, we move our hunting to another area and the family in that area would be okay with that because they had done the same thing before and knew a time would come when they too would need to ask another family to use their area to hunt...the families worked together to ensure the game was never hunted out in any area so that we all always have enough game for every one..."

Art Johns, Elder – Carcross/Tagish First Nation

In the time when every one was important to the survival of the family and kwáan (community) no one was left out, no one left behind. There were no disposable people. We worked hard at making decisions that kept us connected to each other.

"not saying it was easy like ..but that's how it was looked after everyone in these days that's just the way it was ..my grandmother told me stories lots of stories about that ...didn't matter if was your kid or not in that time they looked after

anyone you know that needed help ...no one got left out ...no one not cared about ..people never had much but always had enough to share if any one was in troublenow seems like we don't do that any more ..not good ...not our way ...you now we won't live like that for long won't keep our families not our people together long if we don't be like old times when we looked after each other ... we need to care for each other ...me I can't do much sick eh but me I'm here to day here for these boys they need help ...we don't want to lose them to the jail... not good they don't come back good ...they belong here and we need to show them that ...need to keep each one of us like the way my grandmother say in old time ..leave no one behind eh..."

**Daisy Smith, Elder – Carcross/Tagish First Nation circle
1983**

In this circle the Elders worked through their differences about what to do about the four young boys charged with criminal offences. They listened to the boys and to each other. Guided by the 'old time ways' they reached an outcome that left no one out. They reached a consensus based on the need to respect and care for each other. The outcome was not a sentence but a mutual agreement focussed on connecting the Elders and the youth in a

"good way so that we can see how to love and care better for each other ..that's how it needs to be eh ..that is our way".

Victoria Johnson, Elder – Carcross/Tagish First Nation

Our family laws depend on making every effort to make decisions based on consensus. Our laws recognize that how we work together to make a decision shapes the decisions we make and the relationships among all participants. Our consensus process helps us build sustainable outcomes and sustainable relationships. This way of making decisions builds the connections to and the strength of families and communities.

To work, a consensus process requires many different things than processes which grant to one or a few people all the power and responsibility to make decisions for every one. Consensus process work best when based on inclusivity.

As in families so it is in communities, the source of their wonder and powerful bonding lies in inclusivity, the source of their undoing lies in exclusivity. The experience of being genuinely included, of seeing others being included reaffirms trust, connection and commitment. Conversely the experience of being excluded, and of seeing others excluded raises distrust, undermines connection and questions commitment.

A consensus process built on inclusivity enables all participants to be open and vulnerable and thereby to reach past potentially very divisive conflicts to hold onto connections to all others. In holding onto others one is held.

"It's a life time thing you know ...these people are my people ..known them since I was born ...will know them when I die ...they've known me since I was born... Dikée Aankáawu

*(creator) gave each of us the others we live along side ...
Dikée Aankáawu (creator) expects us to look after each other
...to look after Dikée Aankáawu's (creator's) giftgotta
remember that eh seems like we forget that most times...we
need to be like one big family ..like a big family we got
troubles... lots of troubles all the time ...it's how we get
through these troubles that makes us a family....each one of
us is important.. lose one and family suffers ..don't matter
who it is eh.. lose one we are not the same what we really got
that is most important is each other lose that feeling of
belonging and we are really done for..."*

Johnny Johns, Elder – Carcross/Tagish First Nation

The strength of a family or kwáan (community) connection is revealed by the efforts made to find a consensus outcome to resolve all differences. Consensus outcome requires understanding the need to overcome our differences in ways that respect and include all voices. It requires struggling to include all interests. It requires appreciating our best interest is served by the unity of our family and kwáan (community). We can support a consensus that does not include our interests if family or kwáan (community) unity is advanced, if our voice has been heard and respected and if every effort is made by others to constantly explore ways to include our interests.

A true consensus process never ends. There is no final outcome. The process remains alive, remains searching for ways to include all interests.

Deep painful conflicts can destroy or strengthen families and communities. The difference in their impact lies in how these conflicts are handled. A consensus process built on our values can create a safe respectful space to do the hard work necessary to deal with our most painful differences. In these spaces are found the greatest opportunities for families and communities to grow stronger connections and commitments to each other and to both families and kwáan (community). It is not in avoiding but in facing our differences that lasting relationships are made and kept healthy. Dealing with the most difficult conflicts in a good way are moments to be remembered and celebrated, for these are the moments of genuine kwáan (community) building.

A consensus process invites and supports us to take risks, to be vulnerable and to work through our brokenness. In doing so we gain a deeper self awareness that gives us the humility needed to reach past our differences and fully embrace the humanity and spirituality in ourselves and in others.

Doing the hard moral of kwáan (community) through a consensus processes is the only way to build and sustain a genuine family and kwáan (community). Consensus is the life blood of inclusivity and thereby the life blood of family and kwáan (community).

Consensus takes us past the dangerous exclusivity that the competitiveness of democracy can generate to an inclusivity that reinforces our commitment to family and kwáan (community) unity.

Section 7.0: Unity

Our values, all our traditional practices, and all that we do in a good way create and nurtures unity. We begin in our families to build and nurture the connections

that make us a kwáan (community). When we have grounded family unity in a good way we have the foundation for unity throughout our kwáan (community).

Unity creates the means to reach out to others with love and caring and to construct the capacity for us to act in ways that serve our future generations. When we respect the special contribution each one makes to the well being of the whole, we become a caring kwáan (community). In caring for others we build an unshakable unity that passes from one generation to the next.

Unity enables us individually and collectively to be the very best we can be. Becoming the best we can be begins in the family, begins in the unity a family achieves.

Unity asks us to keep commitments to each other, to our family and kwáan (community). Acting in keeping with our values keeps our commitments.

Unity is the basis for making all good things happen, especially for bringing what often seems impossible to achieve within our reach. Our family laws are designed to foster family unity and through family unity create the foundation for unity within our kwáan (community). The world has tasted the bitter tragic poison that disunity brews. Our differences can readily break out into destructive conflicts. From these conflicts, violence and wars are easy steps. War takes less effort than peace. Maintaining peace requires maintaining unity. Not easy to do in families, in communities or between different groups or countries. It is the essential work we are all called upon to do. It is the work our family asks us to do. We begin to create the conditions for world peace by working on what is needed for unity with our families.

Section 8.0: Definitions

In this part the following terms shall mean;

In this Act the following terms shall mean;

'Adoption Agency' – means an agency licensed in accordance with CTFN regulations;

'ADR' – refers to an Appropriate Dispute Resolution Process that may include any informal process the Family Council, Peacemaking Tribunal or Courts may deem appropriate to include, mediation, conferencing, and peacemaking circles and such other processes that may be agreed by all processes governed by this Act

'Birth Father' – means a child's biological father;

'Birth Mother' – means a child's biological mother;

'Birth Parent' – means a birth father or a birth mother;

'CTFN' – means the Carcross/Tagish First Nation Government.

'CTFN Member' – means a person who is entitled to be enrolled pursuant to the Carcross/Tagish First Nation citizenship code and who is of Carcross/Tagish ancestry and is eligible to enjoy the rights set out in the Carcross/Tagish First Nation constitution or prescribed from time to time by the Carcmeans a person with whom a child is placed by a director or an administrator of an

adoption agency or the Family Council and who, by agreement with the director, Family Council, or administrator, has assumed responsibility for the care of the child and means a person whom the Family Council recognizes as a caregiver for a child. For the purposes of this Act unless otherwise determined by the Family Council or court a caregiver has the same rights to be involved in any process under this Act as a parent.

'Child' – means a person who is under 19 years of age;

'Child Advocate' – Child Advocate appointed pursuant to Part Five of this Act or their nominee.

'Clan' – means one of the six CTFN Clans, Deisheetaan, Ishkahittaaan, Ganaxtedi, Yan Yedi, Kookhittaaan, and Daklaweidi. Any person who does not belong to a Clan belongs to the "Children of the Community". If the Children of the Community have an organization to represent their collective interests, for the purposes of this Act, that organization will be regarded as a clan. Any person who is not a member of a clan can ask a clan to act on their behalf.

'Community Process' – means the process set out in Part 5.

'Court'- means the Territorial and the Carcross community Justice of the Peace Court.

OUR BELIEF: *In our tradition, children were often given into the care of others for many reasons. Being given the responsibility for a child was a great honour: An honour always given the highest priority. In contemporary times we refer to these people who are given the care of a child as concerned caregivers. They may be given all or may share responsibility for a child for a short or longer period or even permanently. The family Council can deem a person to be a concerned caregiver for any purpose they consider necessary. In doing so the Family Council shall consider the persons:*

- a) *Past history of connection to the child.*
- b) *Current relationship to child*
- c) *Child's bonding or respect for the caregiver*
- d) *Ability of person now and in future to provide for the well being of the child.*

'Custody' – when used in respect of a child includes

- a) the right to the care and nurturing of the child, the right to consent to medical treatment for the child, the right to consent to the adoption or the marriage of the child, and the responsibilities associated with those rights, including the duty of supporting the child and of ensuring that the child is appropriately clothed, fed, educated and disciplined, and supplied with the other necessities of life, and

- b) the responsibility for the care and management of the property of the child;

'Direct placement' – means the action of a birth parent, or other person who has custody of a child, placing the child for adoption with one or two adults, none of whom is a relative of the child;

'Director' – means the director of Wellness Programs and Services and anyone designated in writing by that director to carry out any one or more of the directors powers and responsibilities set out in this Act.

'Final Agreement' – means a land claim final agreement entered into by CTFN, the Government of Canada and the Government of Yukon that is approved and has the force of law under An Act Approving

Yukon Land Claim Final Agreements;

'First Nation' – means one of the following

- (a) Carcross/Tagish First Nation,
- (b) Champagne and Aishihik First Nations,
- (c) Kluane First Nation,
- (d) Kwanlin Dun First Nation,
- (e) Liard First Nation,
- (f) Little Salmon/Carmacks First Nation,
- (g) First Nation of Nacho Nyak Dun,
- (h) Ross River Dena Council,
- (i) Selkirk First Nation,
- (j) Ta'an Kwach'an Council,
- (k) Teslin Tlingit Council,
- (l) Tr'ondëk Hwëch'in,
- (m) Vuntut Gwitchin First Nation, or
- (n) White River First Nation;

'Health Care Provider' – means a medical practitioner, dentist or registered nurse and includes any other person designated under the Yukon Territorial Government Care Consent Act as a health care provider for the purposes of that Act and such other persons as the Family Council may designate for the purposes of this Act.

'Investigation' – means an investigation by a director or other person designated in writing by the Family Council to determine whether a child is in need of protective intervention;

'Judge' – means, except where this Act provides otherwise, a judge of the Territorial Court or any justice of the peace who has, under the Territorial Court Act or under this Act, the authority to deal with the class of case involved;

“member of a First Nation” means

when used in respect of a First Nation that has a final agreement, a person enrolled or eligible to be enrolled under the final agreement, and

when used in respect of a First Nation that is a band under the provisions of the Indian Act (Canada), a person who is a member of the band under that Act;

‘Out-Of-Home Care’ – means care for a child in a residence other than in the home of the child’s parents or person with custody of the child.

‘Parent’ – means

- a) a birth parent;
- b) a person to whom custody, care of or access to a child has been granted by a court of competent jurisdiction, the Family Council or by an agreement, or
- c) a person with whom a child resides and who stands in place of the child’s mother or father, but does not include a caregiver or a director;

‘Peace Officer’ – means a police officer or a person designated pursuant to the Yukon Child and Family Services Act or by this Act as a peace officer for the purposes of this Act;

‘Record’ – has the same meaning as in the Yukon Access to Information and Protection of Privacy Act;

‘Relative’ – means a person related to another by birth or adoption;

‘Self-Government Agreement’ – means a self-government agreement entered into by a First Nation, the Government of Canada and the Government of Yukon that is approved and has the force of law under the First Nations (Yukon) Self-Government Act;

Part Two: Raising and Nurturing Children

Introduction

*"We do not own our children, our land or even our body
....these are the blessings given to us for a short time. It is our
responsibility to look after these blessings ...to be caring and
respectful."*

Each child each parent has physical, spiritual, mental, and emotional needs. Raising and nurturing a child is more than providing food, a roof overhead, and an education. It calls for providing unconditional love for the child and an environment for the child to realize their full potential and grow and develop into someone the shagóon (ancestors) can be proud of; one that is in balance physically, spiritually, mentally, and emotionally. Currently our families, Clans and kwáan (community) face several unique problems that need us more than ever before to rely on our values and practices to help our children and their families lead healthy balanced lives.

SINGLE PARENTS: Without a live-in parenting partner to rely on, decision making, and carrying out daily survival duties can become overwhelming and scary regardless of a single parent's circumstances. This is not within our traditions. Families and Clans leave no one behind; leave no one alone without help. In the past Families and Clans have always established support systems within their extended family and kwáan (community) appreciated what needs exist and become involved in raising and nurturing children of single parents. We need to fully revive the way families and clans supported after single parents.

YOUNG PARENTS: Our teenagers live in a world full of complex, stressful demands. Teenage parents, while still in many respects a child, struggle to raise a child they need help: The help that families and Clans can provide; love, support and the teachings that enable a teenager to parent with the skills and wisdom of an adult.

STEP PARENTS: Establishing new relationships pose complicated, challenging, demands on both parents and children. While adults are working out their new relationship with each other, they are also trying to establish how they are going to deal with the other's child (ren) or helping their own child (ren) adjust to a new stepparent. The child (ren) may resent the new parent and the insecurities of new relationships and environment can create a greater need for nurturing by a birth parent. New stepparents may find that their partners do not parent the way they would. The child (ren) may be less patient with the partner of their birth parent or feel their birth parent has made them less of a priority than they were before the new parent entered the family. Some differences between members of a "step-family" will never go away, some will change, and some will become less important. Throughout each phase of relationship building, new issues and challenges will arise adding to the pile of relationship issues already there. Birth parents often find themselves running interference for their child or struggling with divided loyalties. The parenting partnership will need to focus on teamwork and realistic expectations. They cannot manage all of these complex relationships without help. Family and Clan members have an obligation to explore how to help, how to provide the support system needed by both parents and children.

SPECIAL NEEDS CHILDREN: Whether the child has been harmed in the womb by alcohol or drugs, or born with mental and/or physical handicaps, special needs children all require a level of support and commitment beyond immediate family

resources. Dealing with fear, guilt, or the tremendous demands on time and resources a special needs child requires can be overwhelming. Learning how to use resources, how to be an advocate for their child (ren), and how to handle each special need calls for unique skills and enormous personal sacrifices. The challenges these parents face must be understood, respected and answered with the support from family, Clan and kwáan (community) for the family unit to survive.

PARENTS SURVIVING FROM CHILD ABUSE: Parents coping with surviving from the harm caused from being the child of an alcoholic or a survivor of residential school or the trauma of child abuse and neglect struggle to learn what healthy parenting can be. Growing up in dysfunctional situations leaves a legacy of experiences that need to be addressed to foster healthy habits as parents. These experiences often teach us “not to trust”, “to look out for number one,” “not to ask, but rather assume you have all the necessary information,” “never to need so you will never have to ask for help,” and “not to interact with figures who represent authority”. These actions and perspectives are often seen as normal to many survivors of dysfunctional childhoods. The traumas of our childhood haunt us as adults and prevent us from becoming the parent we need and want to be. Surviving a traumatic childhood takes enormous energy merely to keep the pain under control, numbed out, or denied. Often no matter how hard they try not to, they may act out their history with their own child (ren). They have learned destructive patterns, which cause them to be deprived of trust and to deny their own needs and the needs of others. Their challenge is to overcome the hurt, anger, and unfulfilled childhood hopes and dreams and to define a vision of what kind of parent they want to be, and to put action into that vision. Their journey from childhood abuses to a healthy parent cannot be made alone. The challenge facing both the clan and kwáan (community) is to find the right proactive measure to help.

MIXED MARRIAGES: Mixed tribal/racial marriages encounter fundamental differences in what is expected of a parent. Working out a set of shared objectives and roles will call upon the families and Clans of both parents to create safe places for the difficult dialogues necessary to draw the very best from all differences without disrespecting any unique gifts each brings to the family.

SUMMARY: CONTEMPORARY CHALLENGES

These are only some of the challenges some parents encounter in our times. These challenges and others cry out for the essential support that extended families, Clans and communities can best provide. While these challenges are new, our traditional and long standing values can be called upon and adapted to guide our responses. The best means of building strong families and of preventing family breakdown, and thereby the best means of caring for and nurturing our children is to follow our values and practices. Our values and traditional practices impose responsibilities on each of us – we did not in the past and cannot now depend on professionals and government agencies to do everything necessary to build and keep strong families. Each of us acting on our traditional values and practices must participate to make the differences needed for children to realize their full potential.

Section 1.0: Responsibilities of Children

Children inherit through their mother the right to use a Clan crest, to use ceremonial regalia, to access places of hunting, fishing and gathering and all things that the mother, by tradition, passes to her children. All these things children need to learn and respect. Children must be encouraged to develop a curiosity and interest to learn about their heritage, about their role in and

contribution to their family, Clan, and kwáan (community). They must learn to seek out and respect many different teachers.

1.1: RESPONSIBILITY OF YOUNG CHILDREN

Young children learn when they are very young not to mistreat anyone or anything. As in the story of Kaax'achgóok, children learn not to say insulting or bad about people, animals or anything. Respect, honesty, compassion and selflessness are integral parts of the lessons young children begin to learn.

Before the age of 10, children can identify useful plants and know what they are used for and how to prepare them. They take on, with care and gratitude, numerous chores to help their families.

1.2: AS YOUNG TEENAGERS

By age 10, the education of a child changes as they begin to take on significant responsibilities. While parents remain primary caregivers, others begin to become more actively involved. All children learn to listen attentively and with respect to Elders and others talk about oral history, legends and myths. Teenagers are expected to know family history, ceremonial rites, and the ways and symbols of their Clan. They begin as storytellers as early as the age of 10.

1.2.1: AS YOUNG BOYS

For boys, particularly the maternal uncle, but other uncles as well, and older brothers begin to play more active roles as teachers in all parts of a boy's life. Elders continue their role as storyteller, advisor and important sources of direction and encouragement.

- i. Living off the land – The lessons needed to learn to live off the land, to be self-reliant and to serve others through their skills begin early. By 14, they learn to be successful hunters, trappers, fishermen, to locate good hunting sites, good fishing sites, to look after their equipment, and to be knowledgeable about the land, the weather and many practical skills needed to survive and to contribute to their family.

"Boys learn quick, real quick. If they don't – bad sign. Called in mother's uncle and Elders to teach him good, teach him special things need to learn, like hexwa – special way to catch game good."

William Atlin, Elder – Carcross/Tagish First Nation

Soon after puberty, by about age 14, a boy is ready to kill an important big game animal. The Clan celebrates a first harvest of a big game animal with a potlatch. The boy himself can eat some of the meat, but it is important that he give choice portions to Elders and high-ranking members of his Clan. If a feast was to be given, the maternal uncle or the father of the boy put on the feast. After this, he is ready to begin hunting and trapping on his own. The first big game animal harvested also marks a young boy's readiness to take on greater responsibilities and to work much harder for his family.

"When he got first big animal, was time for big celebration. People gathered because another boy was becoming a man in

his family – good thing for him, good thing for everyone. Also marked time when boy expected to play less, work more. Elder saw it – boy continued to cut wood, pack water, but now move up to work men do. Time to begin being more responsible to all others too.”

Dan Johnson, Elder – Carcross/Tagish First Nation

To survive off the land young boys are subjected to rigorous training to build their strength and ability to endure hardships and withstand pain.

- ii. Contributions to family – By 14, hunting and trapping on their own and taking on more significant chores young boys begin to step up and make similar contributions that any adult male makes to their family, Clan, and kwáan (community). Work is an important sign of their selflessness, generosity, and service. By taking on these responsibilities they show respect to their teachings and teachers and exhibit their knowledge and accountability to their family and to themselves.

Older brothers have much the same responsibility to their brothers as maternal uncles have to all nephews. Younger brothers are responsible to listen and respect older brothers. All boys look after their sisters all their lives. When they receive their first gift of clothing from a sister, they repay the gift by giving their sister food they have harvested. This exchange continues throughout life.

1.2.2: AS YOUNG GIRLS

A mother and maternal aunts are important teachers and protectors of young girls. They guide them through puberty; teach them what they need to know to take on their responsibilities.

“My mom, my mom’s sisters, some woman Elders too, are our teachers. Long time ago, young girls – we went through very important steps. We were secluded in special houses, like a hut really, a bit away from everyone. Only special people’s aunts from other side looked after us. If you are wolf, only a crow aunt can visit, bring you what you need, food, water, things you need – sometimes not to eat – just fast. It was hard, but marked our change from young girl to young woman.”

Dora Wedge, Elder – Carcross/Tagish First Nation

By 14, young girls are trained and ready to take on responsibilities of a woman. The family holds a party to mark the change to womanhood.

- i. Practical Skills – Young girls learn by watching, listening, and imitating what the women do. A mother and all aunts are teachers and guides. They teach what they know and find other women in the kwáan (community) with special skills to help where needed. Young girls make their first moccasins, first clothing for their brothers.

A lot of attention is given to learning about plants, those used for medicines, those used to eat. Girls learn how to look after and prepare food; learn how to prepare a balanced diet.

"Not just a pretty face, eh – more important we know how to keep our families in good way. No store bought stuff when out on the land. The land was our store. We need to know what was good to eat – you know, how to get rabbits, fish, gophers – men out to get big game. But we needed every day to get food near camp to survive. How to keep food, cook, was lot to learn. If you didn't learn – well, that was it – wouldn't survive long. Made me feel good, real good about myself – to be good at these things. But my sister Dora was better – as good as my mom, I think."

Angela Sidney, Elder – Carcross/Tagish First Nation

- ii. Special Knowledge – During moon time, many special things a young woman needed to know. During this time, she could not stay in hunting camps or hunting would be unlucky for all hunters in the camp. During period of seclusion when crossing a stream needed to throw pine needles on the water to avoid killing all the fish.
- iii. Contribution to Family – Young girls looked after younger children, helped prepare food, checked the rabbit snares near camp, repaired and sewed clothes and footwear, helped gather berries and other plants for food and medicines. Young girls learn from their mother, aunts, Elders, and others how to be selfless, to persevere, and how to care for others. By being skilful, by behaving in ways that reflect on the values they have learned, young girls express in a real way their gratitude to their teachers and show respect for the teachings.

1.3: RESPONSIBILITY TO ELDERS

Early in life children begin to learn to care for and respect Elders. Beginning when very young, by ensuring Elders eat first, have a place to sit and be alert to the needs of the Elders. Listening with respect and remembering the advice and stories of Elders, a child learns how to behave. As they grow older, children take on increasingly more important responsibilities in looking after Elders. They provide a wide range of services for Elders. They apologize whenever their conduct may have been disrespectful to an Elder.

"The youth and us Elders, with the Judge only listening to it all didn't say a thing. He left it up to us to settle this thing – was respecting our ways, eh. The young boys listened good to us Elders. After a long talk – difficult talk in the circle –but after a good talk we got to understand each other better. Then right there, right from the heart – in a real genuine way, the boys said we had not loved them in a good way – they said that – you know that took courage to say that... they spoke for the heart –we talked about that eh – when we were all done – all of us apologized...them too they apologized to us in a good way...was all of us...you know – speaking from the heart... We

all decided to start a better relationship with each other in a different way with respect for each other – to be better and be better with each other every day.”

Pete Sidney, Elder – Carcross/Tagish First Nation

CONTEMPORARY STORY

Four young boys were involved in different crimes within the kwáan (community), including vandalizing an Elder’s cabin. Another crime involved stealing gas from an Elder. As part of a larger kwáan (community) initiative led by Darla Lindstrom and Lee Wilkie, the Elders had worked with the Judge to assume responsibilities over offences by young people in the kwáan (community). All the charges against the four youth were set down for a Circle with the Elders.

After the boys left – one Elder suddenly realized they had forgotten to impose a sentence as they were trained to do. “Geez – all that talking – we forgot to put a sentence on them – should we get the police to round them up?” The Judge who had listened all night to the exchange disagreed. He said they did much better than rely on the criminal code, they relied on love. The Elders, rather than punish had reconnected the youth with the Elders, and to their Kwáan (community). The Judge suggested waiting and seeing what happens with the shared promise “to be better, and be better with each other each day”. This was the sentence.

The four boys came up with their own plan to accept responsibility for the disrespect shown to the Elders. For a long time, no one knew, not even the Elders who had been clearing the Elders’ entrance ways of snow, leaving piles of firewood in their backyards, placing traditional foods in their porches. Some of the young boys had decided to demonstrate their acceptance of responsibility for disrespecting the Elders by secretly coming up with ways to help and honour the Elders. No one knew for many years who were responsible for these gifts to the Elders. This story, from Pete Sidney, an Elder, reveals how young people, without seeking recognition serve and honour Elders. Youth whose actions reflect selflessness demonstrate their potential for leadership. (One of these young boys was Andy Carvill.)

1.4: RESPONSIBILITY TO SIBLINGS

Siblings take care of each other. They seek ways to be supportive. Brothers, throughout their lives, protect and look after their sisters. Until their sisters are married, and at any time when their sisters are without a husband, brothers are always ready to help with raising children, providing choice traditional foods, and helping to provide the necessities to live.

Sisters make moccasins and clothes for their brothers. They play a special role in helping to raise a brother’s children. Sisters are very close. They work hard to keep close relationships throughout their lives.

1.5: RESPONSIBILITY TO COMMUNITY

Making contributions to kwáan (community) begins early in life. Clans find tasks for young boys at potlatches. They are taught to respect all Elders. To listen to their stories with respect, to ensure they eat first, to do little things, whatever they can to help Elders. By 10, young boys and girls are expected to be the first one to make fire, pack water, to help everyone in camp start a new day in a good way. They are expected to find ways to make themselves useful, not just in their family, but in their kwáan (community).

Being useful to their kwáan (community) fosters a sense of contribution and connection that in turn builds self-esteem and self-confidence and an opportunity for meaningful work.

"Really enjoyed doing it – not just the work – but feeling I got from being a part of it – like what I did helped - it did make a difference – made me feel I had something to offer."

James Kawchuck – Carcross/Tagish First Nation Youth working on potlatch

Elders, by creating opportunities for young people to contribute, by encouraging youth to assume responsibility and especially by trusting in and depending upon youth to deliver on their commitments, they nurture the desire and ability of youth to participate, to give to and support their kwáan (community). Membership in kwáan (community) is an activity not just a birth right; is a complex set of reciprocal exchanges. Youth learn very early that membership in its most complete sense is an emotional, spiritual, physical and mental connection that reinforces and enriches the life of both the kwáan (community) and its members.

Section 2.0: Parents Responsibilities

BEGINNING AS A PARENT: Parenting begins in the heart, not the head, and nurturing begins prior to conception, not just after birth. Each parent has a primary responsibility to their child to become and remain physically, spiritually, emotionally and mentally healthy. They cannot offer a child the adequate chance to realize their potential if they fail to achieve personal health and balance. This takes persistent hard work and sacrifice. It is the sacrifice and work all our traditional values and practices demands of us as parents. It is as well a demand on a family and Clan to be in balance in order to support each parent to realize a balance in their lives. The raising and nurturing of a child is a life long responsibility of individuals, families, Clans, and communities. It is a responsibility that calls for unconditional love for the child, support for the parents and an environment created by family and Clan for the child to grow and develop into someone that brings honour to háa shagóon (our ancestors).

Parents create a safe nurturing home for children, a place of unconditional love for children.

"Nothing grows in a healthy way without love. Children need love and care from their families. Families need love and care from their kwáan (community). Communities need love and care from each kwáan (community) member. This is the way a healthy stream is kept flowing through the kwáan (community) filled by love and caring that all children need to grow strong."

Johnny Johns, Elder – Carcross/Tagish First Nation

A woman begins to prepare for motherhood even as a little girl. Her games and family chores mimic those of a woman, including home-care chores, and the caring for and nurturing of, siblings, cousins, and other village children. Boyhood games are filled with the kinds of skills needed later in life to live off the land, to provide meat, craft tools and weaponry. In many ways the early play of children

prepares youth for parenthood, and leadership. They learn from what they do and from watching others how to be a family provider.

By modeling the fundamental values in all of their actions, parents teach children selflessness, honour, respect, courage, integrity, knowledge, compassion, and honesty. Parents are invaluable teachers. They teach children about the nine stages of life, about how to cope with change to their bodies and their desires. They teach children their responsibilities to family, Clans and kwáan (community). When they need help in providing a full and balanced learning environment for children, they reach out to the Clan and kwáan (community) to ask for help.

"Reaching for help is an expected thing not a shameful thing. It is the way we give others the honour of helping. It is the way we serve each other – the way we live the values of family, the way we stay a kwáan (community). Nowadays seems like people think asking for help is like admitting failure – you know, being asked to help is an honour. It is saying to another you are important."

Pete Sidney, Elder – Carcross/Tagish First Nation

Parents call upon all the fundamental values in becoming the best parents they can be. They are grateful and humble for the blessing of the Dikée Aankáawu (creator) of new life, they show respect for their blessing from the Dikée Aankáawu (creator) of new life, they show respect for their blessing by loving and caring for the beautiful gift from Dikée Aankáawu (creator). By being fully accountable for all their responsibilities as caregivers, protectors, providers and teachers for their children, they honour the Dikée Aankáawu (creator), their family and their kwáan (community).

Being a parent calls for sacrifice, selflessness, loyalty, perseverance, selfdiscipline, knowledge and of course, humour. Being a parent is a lifetime commitment. The responsibility is highest in raising a child and diminishes but never disappears until death. Being a good parent is life's highest calling. It is the measure of who we are, the measure of how one walks on the path with respect to all háa shagóon (our ancestors), to Dikée Aankáawu (creator), and to the future of our family and kwáan (community).

"Nothing more important to do, no better way to serve creator – it is how you raise children that speaks about who you really are."

Dora Wedge, Elder – Carcross/Tagish First Nation

Your well-being, that of your family and kwáan (community) depends on how you raise, care for and love your child. It has always been this way, will always be this way. To turn away from responsibility for a child turns us, and our kwáan (community) into sickness. Lives become filled with anger and despair. A poison is released among us that slowly destroys families and communities.

2.1: TO SELF

We begin our journey and stay on our path as a parent by taking good care of our selves. Caring for our well-being is our first responsibility in being a parent. Our responsibility to children starts by building spiritual, mental, emotional and physical balance in our life. Walking the good path by being in balance is the

responsibility of a caregiver, teacher and protector, all the things a parent is called on to be. Our stories and traditions tell us to prepare to be a parent long before the birth of a child. We prepare our lives and our homes by learning the knowledge and skills to be the best parent we can be. Our Elders, our family and our Clan have the wisdom we need to respect the Dikée Aankáawu's (creator's) gift of a child. We look to these teachers for wisdom, for practical things we come to them with a hunger for knowledge. We ask questions, we listen with respect.

"That same thing all the time...we need to be same always in good way in our kwáan (community) ...everything eh everything we do affects others need to be careful what we do ...we all need to learn all time the same ...nothing we do eh nothing is not about teaching others...we too need to learn from what we do maybe teaches us too."

Dan Johnson, Elder – Carcross/Tagish First Nation

2.2: TO EACH OTHER

We are patient with each other. We learn to learn together, in ways that show compassion, caring, selflessness and respect for each other. Our compassion for each other guides us past our difficulties by giving us the ability to forgive and the wisdom to resolve our differences in a good way. We find ways to work through our differences that bring us closer, that generate better understanding about and respect for each other. To do this we create safe places for us to have difficult talks about our differences, our challenges. If we cannot talk with respect to each other about our differences, we will bring a sickness, a negative energy between us and into our family.

How we work through our differences defines who we are and teaches our children how to be. We call upon our values, upon our Elders and upon processes built on our values. In doing so, we build better connections to each other, to our family, Clan and kwáan (community). How we take care of each other, how we respect each other, teach our children how to be. They watch us, even as babies, they learn from all we do. Any negative energy in our lives, and especially between us, generates negative energy in a child and rebounds back to us. We learn to work together, to work as one; each to recognize and respect the important roles of the other. We work hard at doing our part, and are humble to reach out for help when needed. Honouring our commitment to each other is not always easy. We must be able to both ask for and give forgiveness.

"For some, hardest work they'll ever do – but most important work they'll ever do – failure happens....Nothing to be ashamed of when you fail as a spouse – as long as you have tried your best – sometimes just doesn't work – but can't ever fail as apparent – at least can't ever stop trying."

Victoria Johnson, Elder – Carcross/Tagish First Nation

We define who we are by the loyalty we demonstrate to our spouses, to our families, to all of our obligations and responsibilities. Loyalty to our spouse, to our family is a vital lesson for children. Infidelity generates enormous negative energy within a family that can harm everyone in the family. We must remain

loyal, seek help when tempted to violate our loyalty. Ultimately if our relationship to our spouse cannot be healthy we need to be patient, to be compassionate and move out of our relationship with respect, with caring for each other and for our children.

2.3: RESPONSIBILITY TO CHILDREN

2.3.1: DURING PREGNANCY

As soon as she knows she is going to have a baby, a mother takes special care that her actions do not bring harm to her baby. Both parents begin to observe certain rituals and behave in a good way, a way that will benefit themselves, the baby and all of their future children. They get up early and keep themselves clean and busy caring for the needs of their coming baby and for the needs of others in the village. The mother first sits up and then changes position in case just rolling over could cause the baby's cord to wrap around its neck. The father will not wear his gun with the string around his neck for the same reason. The mother keeps busy; she sews needed clothing or mends those in need of repair. The father packs wood, carries water, and hunts for the benefit of everyone. Both parents keep happy thoughts. All of this is done so that the delivery will not be hard; their baby will not be lazy, stingy, unkind, or mean-spirited.

When the parents act in this way everyone believes the baby will be a blessing for the kwáan (community). Both mother and father change their diet during pregnancy so that the baby will be stronger and healthier. A mother keeps her diet low in fat, and during her first pregnancy. It is forbidden to eat the embryos of any type of animal. If she did the delivery will be difficult. Other forbidden foods included the tripe of fish, gophers, rabbit, and porcupine because the baby would cry if she did. Looking at wolves, mink, lynx, otter, fox, wolverine and black and grizzly bears was also not allowed. They composed a class of beings whose spirits were potentially harmful to the child she carried.

It was taboo for a pregnant woman to go where there was a corpse, and would only go to the graveyard if it had first been sprinkled with ashes. There was an exception to that. Because of the belief in reincarnation, parents could decide whether to increase their chances of having a deceased loved one come back in the form of the new baby by going around a corpse. If a woman wanted to rename a dead person she could lay treetops from the graveyard to the house so the deceased would soon be reborn to her. Another method was to walk in a circle, going in the direction of the sun, around the cremation spot or the grave.

After 6 months, a mother does not do any hard work; splitting wood, carrying heavy loads or anything strenuous is left to others. During this last time of pregnancy a mother needs a place to be at peace; a special place to be quiet and prepare for birth. Eating good food, and looking after her health is the important work of a mother during this time. A mother begins to teach the child in the womb by talking to the child. A mother talks to her unborn child about family, Clan and kwáan (community) and talks about how a child should act with respect and how to behave in a good way. Respect for the Dikée Aankáawu's (creator's) gift is shown by a mother through how she cares for herself during this very important time when she carries her child to the time of entering the world.

During this time a father does everything needed to support his wife. He provides food, keeps her company and as the birth nears, he takes special care to make sure the home is a peaceful place.

All helpers at birth are supposed to be one's moiety opposites, although in times of need, the mid-wife can be of either moiety, and sometimes included the grandmother or husband. The helpers in the birthing tent were paid usually by the maternal grandmother or even the father.

2.3.2: NURTURING BABIES

The first year calls on the mother to honour the gift of a child by being fully engaged in attending to her child's needs. This is the time a child's spirit and health begin to form. How a mother cares for the baby in this time will have lasting effects on the life of the child. Both parents talk to the child to tell them what is happening, to tell them where they are and where they are going if they are leaving home. Parents sing to their child to help them be at peace and to sleep as much as possible.

2.3.3: CARING FOR YOUNG CHILDREN

Parents build toys out of local materials for children. These toys help introduce children to the things they will use and do throughout their life. Parents begin sharing traditional stories with children when they are very young. By ten children are telling these stories. Parents introduce children to the crests, names, dances and songs of their Clan and kwáan (community). By 6 or 7 parents find chores that a child can do, and make them feel important, feel they can make a contribution to their family. Children are taught to guide people to camp, to special places, and to attend to the needs of the Elders. All of these things help promote in a child not just a sense of belonging to a family, but of being a contributing member of a family.

It is especially important during this early development period that a child lives in a loving home and receives unconditional love. Parents take care to build a balance in their physical, mental, emotional and spiritual growth. It may often be necessary for parents to reach out to others to resolve imbalances in their child's growth.

2.4: RESPONSIBILITY TO CLAN

Parents reach out to all members of their Clan for help with raising their children. Developing close connections between children and the extended family provides a support system for children for life. Within the extended family are many important teachers. A child's connection to the extended family is a life long series of reciprocal obligations. These obligations are essential to the well being of children as well as of families and communities. Within these obligations children learn what to do, how to make important contributions that give them a sense of purpose, self worth and self-respect. Parents constantly look for ways to bring and keep extended families close and respectful. Close families are essential to bringing up children in a good way. Parents look after the Elderly in their Clans; the Elders in turn look after their grandchildren. A father helps provide the necessities of life to his wife's family and shows particular respect to his father-in-law.

Section 3.0: Nurturing by Grandparents

Moving from parent to grandparent does not reduce responsibility to children; it just changes and expands. Grandparents remain responsible for children; they remain important teachers and supporters. Their life-long experience, wisdom, and knowledge – it is all valuable for children and grandchildren to know. It is especially important for children and grandchildren to learn from your example to see how you put all the values you speak of and the wisdom you have gained in life into action.

3.1: GRANDPARENTS RESPONSIBILITY TO SELF

Whether as a parent or grandparent, the responsibility to maintain a balanced life continues (mental, physical, emotional, and spiritual wellbeing). Without looking after your well-being, you cannot look after the well-being of others. Looking after others is a fundamental responsibility to family and kwáan (community).

"Not look after ourselves, who will, eh ... want to be a blessing, not a burden to our family. In looking after ourselves, we show way to others."

Dora Wedge, Elder – Carcross/Tagish First Nation

Whether as parents or grandparents, the responsibility to set an example for children never ends.

3.2: RESPONSIBILITY TO EACH OTHER

Marriage is a life-long commitment to care for and support our partner. How we work together as grandparents becomes important, not just for our family, but for all the Clan. Need to take time, spend time in good ways together.

Grandparents' responsibility of showing long term commitment to each other models the commitments younger families will had to make to each other. Their respect and caring for each other, their selflessness with each other, the way they honour each other, their courage to work through their problems, their integrity in acting responsibly, to their kustéeyi (culture), the knowledge they share, and the compassion they show each other spreads throughout their families, Clans, and kwáan (community), in a way that sets examples, teaches and inspires.

Grandparents need each other. They nurture and bring comfort to each other. Growing older induces feelings of inadequacy, of not contributing, not being useful to their family and kwáan (community). The support and guidance they give each other as young parents continues to be needed as they become grandparents; and face the new challenges aging brings into their lives.

3.3: RESPONSIBILITY TO GRANDCHILDREN

Grandchildren need close affectionate ties with grandparents. Grandparents work hard to retain close relationships with grandchildren. Grandparents are the primary support system children look to when trouble occurs in the home. The grandparents play an important teaching and support role throughout all stages of a grandchild's life. Grandparents have a special place in the lives of children. They rarely deny children anything. Grandparents anticipate a grandchild's needs and look for ways to help them. Providing clothes, telling

stories, and often helping look after children when a parent is sick, away for work, or for whatever reason when a parent is unable to provide the care and attention a child needs, the grandparents are there.

"Like right now– you gotta see it coming – what these grandchildren need – you act before you are asked – eh – like hunting, you know where and what to look for – that is the way it is with how grandparents look to what children and grandchildren need."

Victoria Johnson, Elder – Carcross/Tagish First Nation

Sometimes Elders will wait for young people to act. One grandparent waited without saying a word when a door was left open by a new guest. They did not want to disrespect the role of the young boy or embarrass him about doing his job. When the room became quite cold, the youth shut the door.

Section 4.0: Nurturing by Aunts and Uncles

Aunts and uncles play a significant role in the raising and nurturing of children within the kwáan (community). They are role models, educators, and a crucial secondary support system for the children of their family. This responsibility begins when a child is born and increases during the early stages of adulthood. Their role in educating young children in the past was often more involved, in some aspects, even more so than parents. Parents may be too lenient towards their own children. Aunts and uncles can step in to ensure that the sufficient discipline is imposed for children to apply themselves to learning the knowledge and skills needed to be productive members of their family and kwáan (community).

4.1: NURTURING BY MATERNAL AUNTS AND UNCLES

Traditionally responsible for teaching young boys all survival and subsistence skills, maternal uncles continue through life to play an important role in preventing their nephew from getting into trouble and to help them when they do get into trouble.

A nephew can freely use all of their uncle's material possessions without payment of money, but pays his uncle back with services. Nephews return their uncle's possessions in better repair than they were in when borrowed.

4.2: NURTURING BY PATERNAL AUNTS AND UNCLES

The role of the paternal aunts and uncles is not much different than that of the maternal aunts and uncles. The primary difference is in the reciprocal obligations that the opposite moiety will hold. Paternal aunts and uncles are also educators, protectors, mentors, and crucial supporters for their families and extended families children.

Through many areas of a child's life there will be times when the opposite moiety must step in to ensure that the ceremonies celebrating various aspects of person's life are properly conducted...

Section 5.0: Nurturing by Elders

All Elders are examples to all children. They are teachers and caretakers of all children and of the wellbeing of the kwáan (community). They play a vital role in

teaching the customs and traditions to parents, children, aunts, uncles, and Clan members. The lessons that they pass down are key to developing a healthy and sustainable kwáan (community).

5.1: RESPONSIBILITY TO CHILDREN

All kwáan (community) Elders also are valued for their wealth of knowledge. Their experience is a vital resource for the entire kwáan (community). They are responsible for teaching and assisting others in the ceremonies that are important in a child's life, such as coming of age, naming ceremonies, or marriages. Grandparents are much closer to their family, but other Elders can be called upon to help when needed. All Elders participate in sharing stories, and guiding children.

Children thank the Elders for their guidance by helping Elders with various duties such as packing water, making fire, providing food and making them as comfortable as possible.

5.2: RESPONSIBILITY TO CLAN

Elders are central to establish and maintain good connections within the Clan and for maintaining good connections with other Clans. Their wisdom, knowledge of traditions, understanding of reciprocal obligations, and peacemaking skills are essential to help move all members of a Clan through difficult times in a good way. In family matters, Elders are very important. Their advice helps new parents learn to be good parents. When parents are angry with each other, or are in trouble Elders sing advice songs, talk about the shagóon (ancestors), about the values and the future of their children.

5.3: RESPONSIBILITY TO COMMUNITY

Ceremonies play a vital role in keeping Clan and kwáan (community) connected. Ceremonies help move everyone through difficult times, properly celebrate good things, and keep alive our connections to háa shagóon (our ancestors), to our values and to the Dikée Aankáawu (creator). Ceremonies are an integral part of keeping families together. Elders ensure ceremonies are conducted in a good way, and ensure everyone knows what to do and how to act with respect.

Section 6.0: Nurturing by Clan

Each Clan member bears a special responsibility to all other members of the Clan. Looking out for each other means anticipating when help is required. We are there in times of need to support Clan members through difficult times; we are there in times of joy to celebrate.

"Like the ground beneath a tree, we nourish and support all Clan members as they grow through life."

Johnny Johns, Elder – Carcross/Tagish First Nation

6.1: RESPONSIBILITY TO CHILDREN

Children need to find love, unconditional love not just from parents, but from all family members, from all Clan members, from everywhere they go in their kwáan (community). Clans stretch the reach of unconditional love for children beyond their parents.

Within Clans are the many different teachers to provide the diverse knowledge children need and to be a productive part of their family, Clan, and kwáan (community).

It takes many different people with very different skills to assist with balanced growth. Imbalances can be very destructive in the growth of a child. Balance creates the basis for a child to grow with the ability to love others, to serve others, and to be trusting. Imbalance teaches mistrust and hate.

The early learning period in a child's life stays with them for the rest of their lives. A lack of love or abuse of any kind in this period can shatter their trust in adults, in others, and in the world. The Clan and kwáan (community) in this early learning period are especially careful with and protective of children. Since children learn from observation and imitation, all teachers are careful to model good behaviour. Generous praise and approval encourage young children to learn.

Only Clan adults can discipline children in their Clan and in doing so always use positive ways to teach or discipline children.

All members of the extended family, especially grandparents, siblings, uncles and aunts are responsible to be actively engaged in preventing family breakdowns and in building a family support system for children in need.

The Clan is responsible for choosing their spokesperson to participate in any process involving families in trouble. For such situations, the oldest son of the oldest sister was usually the chosen one if he had the skills.

6.2: RESPONSIBILITY TO PARENTS

The land and water are great providers. They nourishes us, carries us through life. We are stewards of the land and water, and carry this responsibility throughout our life. We hold great respect for these providers. We are stewards of the parents, and all members of the Clan carry this responsibility throughout their life.

We anticipate; we look for and act on the needs that parents face in raising a child. We know the struggles all parents face in nurturing children through the different stages of their lives. We know the special needs of some parents, of some children. We are accountable to know and to respond in the best way we can. The future of the Clan depends on knowing what needs to be done to help raise healthy strong children. The future of the Clan depends on the selfless service of all Clan members to support families raise children.

6.3: RESPONSIBILITY TO FAMILY

The family is the primary unit within the Clan. The Clan's obligations to the family include assisting in preparing for and conducting potlatches, naming, ceremonies, first kill feasts, funerals, burials and headstone potlatches and celebrations of marriages and births. Large support networks such as the Clan help to ensure all families within the nation are supported, protected and guided. Clan networks help families in all aspects of raising and nurturing children.

6.4: RESPONSIBILITY TO OTHER CLANS

Reciprocal obligations that Clans have with one another are vital in sustaining a healthy productive kwáan (community). All stages of a person's life and all

ceremonies require the opposite Clans to assist. Clan relations play an important role within the kwáan (community). Clans, by keeping internal relations in balance, can be available to help other Clans through difficult internal challenges. Keeping the Clans harmonized is the essence of kwáan (community) health.

6.5: RESPONSIBILITY TO COMMUNITY

The kwáan (community) cannot exist without Clans. Clans step in to help and guide all kwáan (community) processes to correctly follow traditional customs, and to work through kwáan (community) conflicts in a good way. Clans are both the basis of making and keeping harmony and peace with the kwáan (community).

Section 7.0: Nurturing by Community

Our recent history is full of tragic stories. We have been tested. We are digging into our past, to a time before our tragic stories, to retrieve our fundamental values to rebuild our kwáan (community) in a good way. When a kwáan (community) respects and honours each person's struggle through caring, compassion, and empathy, current and historical harms that imposed internal damage that challenge our kustéyi (culture), our kustí (way of life) can be handled. Alone we will not prevail. Together we have and always will. It is within our collective strength that we can be together today for our children tomorrow.

Our time is now. If not us then who? Each new day is our time to move as best we can beyond the harm we have suffered. As a kwáan (community) we can combine our skills, resources and strengths to create a new vision for what we can be, a vision based on our ageless fundamental values.

As a kwáan (community) we come together with respect for all things, for all people. As a kwáan (community) we are accountable to work through our differences in a good way, in a way that strengthens our unity.

7.1: RESPONSIBILITY TO CHILDREN

How we work together as a kwáan (community) is an important example to our children. How we treat and respect each other teaches our children.

"children watch us... everything we do teaches children".

Norman James, Elder – Carcross/Tagish First Nation

7.2: RESPONSIBILITY TO FAMILIES

All of our stories, all of our teaching emphasize the importance of family. Families are the foundation of a good kwáan (community). We know that we must do all we can as a kwáan (community) to support families. Our kwáan (community) is a family, each member caring for others. We as a kwáan (community) will not leave anyone behind. When families cannot provide and protect children, we must. Only as a united kwáan (community) can we keep our children with us, keep them out of state care, out of jails, and free of substance abuse. We as a kwáan (community) create an environment where our children want to stay, want to be an integral part of building its future, and see their future in building and belonging to our kwáan (community).

We begin as a kwáan (community) being accountable to our children, and to their parents. We begin by supporting families. We begin by grounding how we work together within our kwáan (community) on our fundamental values.

7.3: RESPONSIBILITY TO ELDERS

Elders are our teachers. Our children, parents, all members of our families, all First Nation officials and leaders look to our Elders for wisdom and for traditional teachings. We respect and honour our teachers by anticipating their needs, by listening with respect and by creating time to listen with respect. In all our decisions governing the well being of our families we have a responsibility to seek out their wisdom and knowledge.

"We have come a long way...a way we can be proud of...we got here because we have sought out the wisdom of our Elders... that is our way and if we are to succeed it will need to always be our way".

Andy Carvill, Former Carcross/Tagish First Nation Chief

All of our kwáan (community) must respect and honour what the Elders of our kwáan (community) have to offer to assist us in learning the things we need to survive. We honour this sharing of knowledge by listening, demonstrating our knowledge, and seeking guidance. We thank the Elders for sharing their knowledge by providing all their necessities of life. It is everyone's responsibility in the kwáan (community) to provide these basic necessities by hunting, trapping, and fishing, providing clothing, shelter and warmth. Just as it takes a whole kwáan (community) to raise a child it takes a whole kwáan (community) to nurture our Elders.

Part Three: Ceremonies and Rituals

Introduction

Ceremonies and rituals are an integral part of the Tlingit/Tagish kustéeyi (culture). It is through ceremonies that we share celebrating our lives and honouring our responsibilities to each other. It is also through ceremony that we create connection to our roles and responsibilities, our kustéeyi (culture) and traditions, and to our Dikée Aankáawu (creator). Give thanks, celebrate a birth, name our children, celebrate our gifts and honour our kwáan (community) through ceremonial practices. All of these ceremonies are important links to each other, to our kustéeyi (culture), to háa shagóon (our ancestors), to our history and forge the connections needed to build our future. Participation in our ceremonies not only honours our kustí (way of life), but helps to generate peace and harmony among us by bringing us together to celebrate our blessings and to share the pain of our losses.

Section 1.0: Celebration of Birth

The baby was born in a special birth hut (brush) or tent near the camp or big house. At the time of birth, the woman usually wants to be alone. Special birth tents were passed down to a first-born. It was considered an honour to both give and receive a birth tent for a first-born.

Tagish and Tlingit women had different ways of dealing with the delivery of a baby. Tlingit women were said to dig out the place to have a baby within the hut. They used grass to carpet it. They had their babies over the dug out place; they did not lie down; they just sat up and held a pole while kneeling. Tagish women were said to lie down all the time. They had a stick about the size of a broomstick. If a difficult birth was anticipated a shaman may be called to put charcoal on the stick, her feet, abdomen, and hands.

All helpers at birth are from one's moiety opposites, although in times of need, the mid-wife can be of either moiety, and sometimes included the grandmother or husband. The helpers in the birthing tent are paid by the maternal grandmother or even the father. Pregnant women are not allowed to go into a shelter where another woman was in labour because it will add to the suffering and pain.

As soon as labour started, the helpers begin rubbing the woman's stomach. Some helpers are gifted and can feel sickness and whether the baby is in a good position.

As soon as a baby is born, the midwife wipes out its mouth, nose and eyes of amniotic fluid. She puts her finger under its tongue to clean out the 'gook' so that the child will not be dumb. She also gives the nose a little tweak and flattened the ears so the baby will have admirable physical features in those areas. The severed umbilical cord was tied with sinew, and the naval powdered with charcoal powder. This also acts like an all-purpose baby powder. After looking at and feeling each of his limbs, the baby is cleaned, and wrapped in a soft skin, such as rabbit or gopher. Finally, the baby is put into its hard backed moss bag and/or carrier pack. After three months, the child is place in a carrier with a hood until they are about two years old.

For pain, the mother drinks a brew of spruce tips and outer bark. She is fed nourishing soup in order to help produce healthy milk. If she is unable to produce milk, another mother in the kwáan (community) suckles the baby. Clan or moiety

does not play any role in choosing which mother helps the mother who is unable to produce her own milk.

After the cord is cut and left to dry, it is packed with swans down and held in a beaded pouch attached to the baby's carrier pack. After two or three years, the cord is taken to a special place. If it is a boy, the father places it in a tree in the mountains where moose rub their horns. If a girl, the mother places it in a gopher's nest, buried in all the nesting material. By doing this, the parents ensure their children will be skilled in moose or gopher hunting.

The afterbirth is respectfully gathered up and kept until the day after the birth. If the child is a boy, the mother holds him and makes his arms work like they really were pulling an arrow through a bow which the father made prior to the birth) and aims at the afterbirth. The mother then says, "May he be a good hunter". This hexwa provides a good future for the boy child. His afterbirth is then hung in a tree for the camp robbers to eat.

When all these measures were completed, the family prepares a Birth Celebration to share the joy of a new birth and to give thanks to the Dikée Aankáawu (creator). All who have worked with the family through the pre-birth, birthing and post-birthing care are invited and honoured at the celebration. It is especially important that the opposite moiety is invited.

Birth celebrations are important in reaffirming family, Clan and kwáan (community) connections.

Section 2.0: Naming Ceremonies and Practices

Names, within our kustéeyi (culture), are generally associated with our Clan crests, legends, songs, dances, and totem. Every Clan has a number of Clan names that belong to them. To use a name that belongs to another Clan is considered not only taboo but can provoke disunity. Names are important, valuable and tell much about the person who has received the name, such as kinship lines, and connections to shagóon (ancestors) and contemporaries. Receiving a name belonging to another Clan would give a false impression of who you and your people were and are. There are birth names (or everyday names), big names (or ceremonial names) and nicknames used in a loving, teasing way.

The birth names are given at birth and often taken from a deceased relative whose spirit is believed to be reincarnated in the individual receiving their name. Carrying these names is a great honour, and given the highest respect. A child is usually given more than one birth name, so not all of them are named after shagóon (ancestors). The naming after shagóon (ancestors) is done as a wish for the shagóon (ancestor) to come back by being called. The birth name is usually given by the mother or the mother's mother in the birthing tent. Our coastal relatives had the mother's brother name the child if the child was a boy, but this is not a widely used practice of the inland families.

Big names are only given in a potlatch ceremony in which members of the opposite moiety are invited to witness. They receive gifts in payment for witnessing this important event. Part of the ceremony of name giving calls for a high ranking woman of the opposite moiety to say the name three times in succession, each time pausing for the Clan members and witnesses to say the name. This not only proclaims to all what big name is being given, but also that this person is a member of the Clan hosting the potlatch. Receiving an ancestral name does not mean the person is reincarnated; rather, that the responsibilities

of owning the name are taken on by the person who is given the name. Big names also speak of ranking within the family, Clan, and kwáan (community), and are used in potlatch seating arrangements and gift giving. Ceremonial events and formal events determine when big names are used.

While everyone had names, family and Clan members prefer to address each other by their kinship tie, as is "hello little brother" or "how are you my older sister?" The names are reserved for more formal times. Names and the ceremonies used to give out names reinforce the importance of family connections, of the heritage of each family and serve to honour and preserve memories of our shagóon (ancestors).

Section 3.0: First Kill Potlatch

Everyone in the family, Clan, and kwáan (community) recognizes a boy's first kill. It is a signal that the boy is ready to become a man. His first big game kill is shared with the rest of the kwáan (community) at a full feast. If his first kill is a rabbit, the boy is still expected to share the meat; however, a full feast is not expected.

The boy himself could eat some of the meat, but it was important that he give choice portions to high-ranking members of his Clan, such as the matriarch. If a feast was to be given, the maternal uncle or the father of the boy put on the feast.

Section 4.0: Funeral

Death rituals and ceremonies are a major link between the past and the present. Beliefs in reincarnation, communication with the shagóon (ancestors) through dreams, and the responsibility of the living to honour the dead of their matrilineal lineage are still practiced today. The four main ceremonies of death include preparing the body for the funeral and the funeral itself, the graveyard ceremony, and the memorial potlatch.

When a person is nearing death, the door is to be left open for the soul to leave, and a feather is placed above the mouth of the person dying. When the person's life breath has ceased, death is acknowledged. A couple of members of the opposite Clan are formally asked to wash the body, comb the hair, and in historical times, paint the face with the person's Clan symbols. When this is done, the body is wrapped in several animal skins or blankets. In ancient times, his/her personal possessions (tools, weapons, furs, blankets, ornamentation, copper shields, fishing gear) were gathered around him/her in a respectful fashion. Clan members display Clan owned artefacts to honour their relative.

Historically, the kwáan (community) learned the sad news of a person's passing from the sound of a box drum beaten by a close male friend or relative. Regular activities in the village ceased temporarily, as everyone was expected to visit the house of mourning. Modern notice of death includes verbal notices in person and on the phone depending on the closeness to the person who died, or notices on the radio and in the newspapers.

The number of days a wake is held depends on the social rank and status of the person who has passed over to the spirit world. Four is the usual number of days reserved for a wake, however, a person of high rank can lie 'in state' for eight days. The dead person's Clan/lineage is expected to refrain from carrying out their

usual tasks for the duration of the wake and to strictly follow taboos related to death.

The wake begins by mourners painting their faces black and cutting or singing their hair. Ancient practices included wearing old clothing around their waists. Those mourning are also expected to be solemn, fast, then to eat only a very little, not have sex; nor speak worthless or "bad" talk, and to avoid unnecessary activities. Children are expected to not laugh and play around, nor to fight with each other. Lineage members of the deceased stay near the body for the entire time of the wake, while more distant Clan members visit occasionally to wail and sing special "crying songs". Collective mourning differs from individual mourning by individuals speaking to the deceased's spirit, singing songs of grief, keen, crying, and sobbing. The females keen and wail while sitting in front of the body. Men stand near the front of the house and beat the floor with Clan staffs or special mourning staffs. Several young men of the opposite moiety are entrusted with the task of protecting the body that lies "in state" from evil spirits.

Every night of the wake, the mourners hold a small feast for their loved ones, and the smoking of tobacco is an important part of the ritual. Food and tobacco are shared with the spirits of the deceased and the shagóon (ancestors) who greet the deceased into the spirit world by burning their favourite foods and tobacco in a ceremonial fire as an offering. Guests are expected to help sing mourning songs, give an oratory about the person's life and how they benefited the kwáan (community) or individuals within the kwáan (community) and generally comfort those mourning with words of condolence.

Historically, on the morning of the fourth day, the body is removed from the house through a way other than the doorway, and taken out behind the house to a funeral pyre in the cemetery belonging to the individual's Clan. The funeral pyre is in the shape of a box and is made of logs piled up in a criss-cross fashion with kindling and buck brush, which has been covered in grease. The corpse is placed in the pyre and a fire lit. More songs of mourning are sung.

Part Four: Processes for Honouring Responsibilities

Introduction

Based on our values and practices this part sets out processes that enable individuals, families and Clans to initiate any of these Clan processes for remedial or celebratory purposes.

These processes do not depend upon the state, but upon each person who seeks to advance family or kwáan (community) unity by taking steps to resolve any matter generating disharmony, disrespect, mistrust or misunderstanding. Rather than let a conflict, misunderstanding or difference fester and spawn greater difficulties, these processes enable individuals, families and Clans to initiate peacemaking measures. By establishing processes that invite self initiated actions to rebuild relationships, those causing harm can take responsibility for their actions in ways that build their self-esteem. In ways that will be generously appreciated by other and thereby are more likely to generate reconciliation and forgiveness.

Our fundamental values call upon us to take responsibility for resolving differences for rebuilding relationships and for keeping or making peace. When we do so in a good way, it helps others recognize our genuine remorse, and true intentions, as well it helps us regain our self-esteem, self-respect, and as important, it helps our families, Clans and kwáan (community) regain balance. When each of us acts in a good way, all of us benefit.

NOTE: *This section is not completed as the Clans are called upon to establish processes for their Clan and Clan members to take actions to rebuild relations that harmed by conflict and to celebrate relationships blessed by good actions.*

Section 1.0 Processes for Peacemaking or Celebration

Section 2.0 Engage a Family

Section 3.0 Engage Elders

Section 4.0 Engage a Clan

Section 5.0 Engage the Community

The processes established by the Clans for peace building and celebrations are set out in the following Appendices to this Act:

Appendix A: - Daklaweidi Clan

Appendix B: - Deisheetaan Clan

Appendix C: - Ganaxtedi Clan

Appendix D: - Ishkahittaaan Clan

Appendix E: - Kookhittaaan Clan

Appendix F: - Yan Yedi Clan

Appendix G: - Children of the Kwáan (Community)

Part Five: Community Process — Caring and Nurturing Children

Introduction

"What can be more important to us than our children Yes we have some heavy pain we carry from what us happened to our people in the past ...we need to go forward in a good way or we will never get past our pain ... we all know we can not get to a good place in a bad way.....I see it ...the pain ..the hurt ...in our young people and it makes me sad...man I feel very sad and sometimes I want to quit too ...but that is not a choice we haveit needs to end and we need to end it ..we need to do the work that makes it end ...our children are our future and if do not act now then when...and if not us then who ...if needs to begin in a new way to- day... now is the time ...our traditional values show us how".

Colleen James, Citizen – Carcross/Tagish First Nation

Our values, traditions and experience urgently call upon us to preserve a child's connection to family, Clan, community and culture. All our values, traditions, the very core of our culture arises from and centers on family; nothing is more important to us, to our survival, to our future wellbeing than keeping our children connected to their families and culture. In our recent history we began to lose our identity, our culture and the central importance of family when we lost our children to residential schools. For us, today, losing our children to government child protection agencies has chilling similarities to the losses we suffered in the past when our children, (when we) were taken away from our families and communities to residential schools. There are differences, but the similarities are real, painful, and the source of both anger and despair; anger that it is happening again; despair that once again we were not able to stop our children from leaving our families and communities. With our new laws, we are building a way to stop removing our children from our families and community. We have now the will and power to do so.

We are a strong unique people who have and will continue to be important stewards of the creator's gifts. Our recent history has left our families, our community with deep scars and wounds from cultural clashes with western culture. Understanding our history is a vital step towards understanding and respecting our focus on preserving a child's connection to family, community and our traditional culture.

Our values call upon us to forgive, to share with, and respect others. To move forward we need to be accountable to our values. This is the path we are on. This is why we are developing our laws based on our values and traditions. Our future depends on our ability to rebuild our capacity to work together as our ancestors did to serve the best interest of our children.

Overview of Community Process

Section 1.0: Purpose

This Part looks to all of us, each member, family and clan to build processes based on our values to work together through the challenges we face in building healthy families and in helping children and families to find a good way to a good place.

Section 2.0: Application of this Part

2.1: CONFLICTS WITH OTHER LAWS

As a general law of application, this Act applies throughout the jurisdiction of Carcross/Tagish First Nation. Within that jurisdiction where any conflict arises with any other law, if the matter falls within the authority of CTFN then to the extent the matter has been passed and proclaimed in this Act, then this Act prevails.

2.2: MEMBERS OF CARCROSS/TAGISH FIRST NATION

This Part applies to all Carcross /Tagish First Nation members and to a natural or adopted child of our members .

2.3: CHILDREN OUTSIDE OUR COMMUNITY

CTFN shall make every reasonable effort to secure jurisdiction over a CARCROSS/TAGISH FIRST NATION child when a child resides, or is taken outside our community.

OUR BELIEF: *While our First Nation claims full jurisdiction over all matters in respect of CARCROSS/TAGISH FIRST NATION children, our values call upon us to develop arrangements to work co-operatively with all other governments in pursuing the well being of our children. It is particularly important for our community that all of us make every effort to reconnect and stay connected to the children who are outside our community. Accordingly, we will do what is necessary to develop agreements with other governments to recognize our interests in our children in their jurisdiction.*

2.4: CHILD NOT A MEMBER OF CARCROSS/TAGISH FIRST NATION

The Council may accept any child into the community process even if the child is not a citizen or beneficiary of CTFN provided the child, or child's representative ,or child's caregiver, or a parent agree to be subjected to the CTFN Family Act

Section 3.0: Fundamental Guiding Principles and Objectives

The following fundamental principles and objectives, based on our values and traditional practices, shall govern all decisions and actions under this Act:

3.1: WELL BEING OF OUR CHILDREN

Nurturing and caring for our children in ways that ensure their spiritual, emotional, physical and mental growth is based on our traditional practices working to achieve the full development of all areas of a child's life enables each child to realize their full potential as productive, healthy members of our community. This work is the responsibility of each parent and Clan and of all our community. This responsibility surpasses all others. We are all called upon to make the sacrifices necessary to honour his responsibility. We do so in respect of our ancestors. We do so because our children are our future. We shall not tolerate any risk to a child's mental, spiritual, emotional, or physical well-being. The well being of a child is our foremost concern and priority.

OUR BELIEF: *Our families, clans, community and government have a responsibility to be proactive to protect the best interests of children and to create the nurturing environment necessary to enable our children to realize their full potential*

3.2: CENTRAL PLACE OF FAMILY

As the future of our children and of our nation depends on the well-being of our families, every reasonable measure shall be made to support and sustain a family as the nurturing home for a child.

Our families and Clans are the primary caregivers and protectors of children. The family and Clan shall care for a child, and support the connection of a child to their family, Clan and culture. Only to the extent necessary to serve the well being of a child shall the responsibility of the family and Clan for the nurturing and care of a child be interrupted. Once a child's relationship with a family has been interrupted all family members, the Clan, and community shall make every reasonable effort to return the child as soon as possible to the family and to retain the child's connections to family and community as much as possible.

OUR BELIEF: *The interests of parents, families and First Nations must be respected and considered in evaluating what measures serve the immediate and long-term well-being of children. Our families and Clans are the primary caregivers and protectors of children.*

The central place of family underlies the emphasis in our Act of supporting and retaining the family unit. Our Laws, drawn from long standing traditions call upon parents, relatives, Clans and the community to honour their responsibilities to keep families strong and to provide safe places for children to flourish. Our guiding principles and all of our laws press us to keep the family unit together before accepting that a child's well being can only be served by removing a child from their family. It is in the best interests of a child that everything is done to heal their families and to maintain connections to their families. We look to immediate relatives and Clan members to assume responsibilities temporarily or permanently when parents cannot provide requisite levels of care.

Our processes focus on supporting and rebuilding families, and on holding everyone accountable to carry out their responsibilities to their family. We view taking a child away from his/her family as a last resort. If a child is taken away, our efforts are focused on rebuilding the family or in finding a safe nurturing home for a child within the child's extended family.

Our emphasis on preserving families, and especially on preserving child's connection to family, Clan, culture and community shall not place a child at risk or accord secondary importance to a child's interests in any conflict with any of the other guiding principles and objectives of this Act.

3.3: PARTICIPATION IN DECISIONS AFFECTING CHILDREN:

At all times a child's right to be heard and to be protected shall be fully respected. All members of a family and Clan have a responsibility to care for children and the right to participate in decisions affecting their responsibilities unless the well being of a child is placed at risk by their direct participation.

Anyone with an established capacity to care for a child and a significant connection to a child and any concerned First Nation representative can participate in all community processes affecting the child unless the well being of a child is placed at risk by their participation.

OUR BELIEF: *The Family Act encourages and supports community based decision-making. For a whole community to raise a child there must be opportunities for the whole village to be meaningfully involved and be accorded specific, as well as general responsibilities. Our new Family Act is built on our traditions that involved all the community in raising a child...*

Our processes strive to understand and resolve the causes that contribute to family breakdown. Within our culture we believe all life, all things, are connected. Nothing exists by itself; all things are interdependent. The CARCROSS/TAGISH FIRST NATION Family Act is built upon this belief.

Everyone in the community has a role, a responsibility in nurturing, caring for and supporting the well being of our children. Our processes strive to understand the connections that need to be healed to strengthen families.

Our fundamental challenge is to find good ways to work together to protect the interests of current and future generations; ways that honour our values and our ancestors.

3.4: RESPECT FOR CULTURE AND TRADITIONAL PRACTICES

In all actions taken under this Act, respect shall be shown for our language, traditional practices, beliefs and values.

OUR BELIEF: *Our Act derives from the values and traditional practices that constitute our culture. Without a vibrant culture we lose the practices and beliefs that build our connections to each other. We lose the underlying complex systems of support that have enabled us to survive for centuries. In ways we can see and not see our culture is the reason and basis for our existence as a people as a community and as a nation. The wellbeing of our children and families is directly and profoundly connected to the well being of our culture. We can and do adapt our culture to changing time, but in adapting to change we preserve the essential features of our culture; language, values, ceremonies, traditional stories and practices, and our social structures based on family and clans.*

3.5: CONSENSUS

In all community processes every reasonable measure shall be taken to resolve all decisions by consensus.

OUR BELIEF: *We believe the processes engaged to work through difficult challenges must promote trust, understanding and respect among all parties. Our first response to any challenge depends on processes that are voluntary, inclusive, generate high levels of collaborative problem solving, create safe spaces for difficult conversations, afford the flexibility to embrace holistic approaches to redress underlying causes of family breakdown.*

Process is product. How we work through our challenges and conflicts profoundly influences outcomes and relationships. As we aspire to leave no one behind and to use our differences as a means of building better understanding and mutual respect, all our community processes are charged with pursuing every reasonable means to reach outcomes based on consensus. Only when all reasonable efforts have failed to realize a consensus shall the matter be resolved without a consensus. In the aftermath of a decision that is not based on consensus, it is the responsibility of everyone to persistently look for ways to include in whatever way possible any interests excluded in the initial decision.

Most important, the processes we use to deal with our children must support and encourage participation based on these values.

We recognize there will be times when the adversarial, formal Court processes may be necessary, for emergency interventions, for exceptional cases when our Family Council declines to become involved, and as a last resort when our non-adversarial, voluntary community-based processes fail to reach agreements.

3.6: ALL PRINCIPLES AND OBJECTIVES APPLY

Each guiding principle, and each objective in this section, is important and reinforces all others. All must be considered within all CARCROSS/TAGISH FIRST NATION processes affecting children and families.

3.7: INTERPRETATION AND ADMINISTRATION

This Act shall be interpreted and administered in accordance with the Fundamental Guiding Principles and Objectives.

Section 4.0: Community Process for Nurturing and Caring for Children and Families

4.1: FOUR STAGES OF COMMUNITY PROCESS

There are four stages in our community process for advancing a child's well being and for sustaining healthy, capable families:

Stage 1. Family care

Stage 2. Clan care

Stage 3. Family Council

Stage 4. Protective intervention

OUR BELIEF: *The first three stages of the Community Process are informal and voluntary. These stages call upon all participants to rely upon the traditional practices and values set out in Book One and in this Act to voluntarily achieve consensus outcomes based on the Fundamental Guiding Principles and Objectives. These first three stages rely upon forms of community intervention. The final stage, protective intervention, calls upon government and court resources to act in keeping with our values and virtues. In this stage, all participants shall persistently seek ways to engage informal traditional practices and to create opportunities for families, Clans and the community to act on their responsibilities.*

4.2: FIRST RESORT TO COMMUNITY PROCESS

Protective interventions shall only be engaged if community voluntary processes have failed, or if there is an emergency requiring immediate intervention, or if the Family Council deems the voluntary processes to be inappropriate for all or part of a case.

OUR BELIEF: *The fourth stage, Protective Intervention, is a last resort. We believe the work and responsibilities for ensuring the well being of our families and children begins with and always remains with each of us, with our families, Clans and the community acting voluntarily to honour their individual and collective responsibilities and respects the teachings of our ancestors.*

When Court or Government processes are used, whenever possible we will work to establish a dual track process that enables both our community voluntary process and the Court or Government process to work collaboratively.

"The healthier we become as a people, the less we will need government – when we learn to be responsible for all people, we will be as we once were – a caring community – when everyone belonged knew it – they could feel they belonged, feel safe – protected – you didn't need any money in the bank – you needed friends – better to count on family, friends, community than money in the bank to make you feel safe, cared for and feel you belong – money never does the job that people can to genuinely make you feel good about yourself – about your place in the community– always has been that way, always will – a pile of money cannot change any of that – love cannot be bought – only earned in a good way - we need each other not money, not government – that is the way it was in my parents time."

Johnny Johns, Elder – Carcross/Tagish First Nation, 1982

4.3: EXPECTATION OF PARTICIPANTS

For the community process to work, everyone involved is called upon to:

1. Trust and support the community process;
2. Be patient;
3. Respect all participants involved;
4. Honour and act on our traditional values;
5. Help families and Clans provide the care a child needs;
6. Share responsibility for making what are often very difficult decisions in serving and protecting children;
7. Keep children connected to their family, community and culture;

4.4: COMMUNITY PROCESS: INCLUSIVE

At every stage of the community process, all reasonable efforts shall be made by the Family Council to seek out and engage people that are connected to a child's family and all others who can contribute to the well being of a child.

OUR BELIEF: *Community-based decision-making is enhanced by the involvement and collaboration of all sectors of the community in nurturing and protecting children.*

4.5: ENGAGEMENT OF COMMUNITY INTERVENTION

Any one can initiate a Community intervention.

4.6 SUPERVISION OF COMMUNITY INTERVENTION PROCESSES

The Family Council shall supervise and support the use of community intervention processes called for under this Act and shall participate as much as possible in any protective intervention.

4.7: FAMILY COUNCIL OPTIONS

The Family Council may take such measures within their responsibilities under this Act to ensure the best use is made of the community process these measures shall include;

1. offer additional help or advice to any community process
2. provide for appropriate dispute resolution process when needed
3. take whatever measures are necessary to clarify and ensure agreements reached in a community process reflect the Fundamental Guiding Principles and Objectives;
4. When necessary engage the use of the Peacemaking Tribunal or Court

4.8 PEACEMAKING TRIBUNAL AND COURT OPTIONS

When a matter is referred by the Family Council to the Peacemaking Tribunal or Court the Tribunal or Court may

- 1. if the matter has not been resolved take such steps as deemed appropriate to resolve the matter in keeping with the provisions of this Act, or**
- 2. if the matter has been resolved give effect to the agreement as if it was an order of the court or tribunal when the parties to the agreement have agreed to make their agreement binding.**

Section 5.0: Primary Questions

Throughout all stages of the community process, these primary questions shall be addressed:

1. What is needed to serve the child's best interests?
2. What are the best means of supporting the family to regain capacity to parent their child?
3. What are the best means of retaining a child's connections to their extended family, culture and community?
4. What needs to be done to include and respect traditional values within the process?
5. What does the child believe will best serve their well-being?
6. What are the views of the parents and clan?
7. These questions shall be addressed at each stage of the community process by all persons involved.

Section 6.0: STAGE ONE — Family Care

6.1: FAMILY INITIATIVES

Responsibility begins with the family based on the traditional duties and practices set out in Part Two. The family is responsible to take all reasonable measures to ensure;

- a) Each parent is supported to achieve the physical, mental, emotional and spiritual well being necessary to provide a safe, nurturing environment for their child.
- b) Each parent receives support and help from their extended family and Clan.
- c) All family members share the work in keeping a vigil to determine what assistance a parent may need in providing a safe nurturing home for her\his children , and what is needed to serve a child's best interest.

6.2: PARENTS RESPONSIBILITIES TO SEEK HELP

To fully meet their responsibilities to their family, a parent shall reach out to others in their family, to Elders, or to anyone that can provide help as soon as they recognize a child is in need of assistance. Parents serve a child's well being by seeking help at the earliest sign of circumstances that may lead to placing a child at risk.

6.3: FAMILY MEETINGS

The responsibility lies with a family to meet as soon as possible as a family and with others who can help to prevent or address any matter that threatens or undermines the well being of a child or of a family.

6.4: REACHING OUT FOR HELP

At any time during Stage One any family member may, and when family efforts to work through their challenges are not successful each family member is responsible to seek help from their Clan or from the Family Council.

OUR BELIEF: *Traditional practices expect parents to call upon an aunt, uncle or grandparent to become involved with a child. It is not a shameful thing for a parent to admit the need for help, but rather a way of honouring connections to family and to the Clan.*

While it may be necessary to reach beyond immediate family resources to engage the Clan or a Family Council process; or resort to government intervention, the responsibilities of all immediate family members never end. As in the time of our ancestors, we carry our family responsibilities to our graves. How we honour our family responsibilities significantly defines who we are. All members of a family honour their teachings by constantly working at healing themselves, at helping to support others struggling to heal so that they can regain their ability to honour their commitments to a child, to their family and to their community.

Section 7.0: STAGE TWO — Clan Care

7.1: THE CLAN INITIATIVES

The Clan is essential in preventing family breakdown, and in supporting a family's struggle to establish their capacity to provide a safe and good environment for children. All Clan members are encouraged by the Clan to make every reasonable effort to support a family in raising children. These responsibilities call upon the Clan to:

- i) Anticipate the need for help and offer help to families in need.
- ii) Bring all Clan members together in helping to nurture and raise children.
- iii) Care for children when families need help to regain their capacity to function as a healthy family.
- iv) Call for help from other Clans and the community when a clan is by itself unable to provide for the well being of a child.
- v) Work cooperatively with other Clans in providing resources needed by children and families.
- vi) Establish a Clan process for resolving matters referred to the Clan.

7.2: CLAN MEETING

The Clan is expected to hold a clan gathering based on Clan processes to develop the supportive measures necessary to carry out their responsibilities for Clan children and families in need of help.

OUR BELIEF: *A Clan honours other Clans and the community by asking for help from others with special gifts or resources to help a child and family. Reaching out to others marks how Clans work together to nurture a child and support a family. In asking for help, one honours tradition, honours the Clan asked, and strengthens the reciprocal connections and obligations within the Clan and between Clans.*

Those asked for help model traditional practices and values by promptly and selflessly providing the help needed. Uncles, aunts, cousins, siblings, grandparents and other Clans anticipate the need for their help and act in a good and timely way for all children.

7.3: CLAN SUPPORT FOR FAMILY COUNCIL

The Clan is expected at all times to fully support the Family Council process in any way they can. They are expected to call for Family Council involvement when required and actively engage in any Family Council process that involves a Clan member.

Section 8.0: STAGE THREE — Family Council

8.1: OBJECTIVES OF FAMILY COUNCIL

The primary objectives of the Family Council in stage three are to

1. provide and support voluntary informal community based processes to enable individuals, families ,and clans to assume and share responsibility for resolving challenges facing children and families at risk.
2. build partnerships among public servants, other professionals, and community members to engage in collaborative processes to serve the needs of children and families.
3. Encourage and ensure that all CTFN processes, programs, decisions and actions serve the best interests of children and families.
4. Enhance the awareness and knowledge of all CTFN members of their responsibilities to children and families, and of our traditional values, and the Fundamental Guiding Principles and Objectives that show us the good way to get to the good place.

8.2: USE OF FAMILY COUNCIL

When a child remains in need, despite the efforts of the family and Clan, all parties will make every reasonable effort to use the Family Council process and to rely as much as possible on community resources.

8.3: COMPOSTION OF FAMLY COUNCIL

The Family Council shall be established, consisting of:

- a) One citizen nominated by each Clan.
- b) An Elder, nominated by the Elders Council.
- c) The Family Council may nominate three additional community members (at least one shall be a youth).

OUR BELIEF: *Our Family Council provides an opportunity to put our values into practice. The Council enables us to share responsibility, to work collaboratively with everyone in our First Nation community, with other governments and with all sectors of our community. The Council enables a holistic approach to be used in helping our children and families.*

8.4: QUALIFICATIONS FOR APPOINTMENT

To be appointed to the Family Council an appointee

1. must not be an employee of the CTFN department responsible for children in need of protection
2. must not have been convicted in the previous 10 years of a criminal offence involving violence or any offence involving children.
3. Must have successfully completed a training course established by the Family Council [or for the purposes of the initial Family Council by the Executive Council] or an equivalent course recognized by the Family Council, and:
4. Meet any additional conditions for membership in the Council established by the Family Council and approved by the Executive Council.

8.5: APPOINTMENT BY EXECUTIVE COUNCIL

The Executive Council shall appoint the nominees of the Elders Council, each Clan and of the Family Council that meet all qualifications set out in section 8.4

8.6: APPOINTMENTS

All members of the Family Council shall be appointed for five years.

8.6.1: TRANSITIONAL PROVISIONS

The Executive Council may retain the existing Family Council as an interim Family Council or appoint a new interim Family Council. The Interim Council shall be replaced and a Family Council as required by this Act shall be appointed on or before January 30, 2010.

8.7 ADVISORS TO FAMILY COUNCIL

A representative of the Yukon Government appointed by the Minister responsible for Children Services and a representative of CTFN appointed by Executive Council shall be advisors to the Council and can participate at the invitation of the Council.

8.8: RESPONSIBILITIES OF COUNCIL MEMBERS

All Council members shall:

- a) Work collaboratively in ways that honour Carcross/Tagish First Nation's fundamental values, beliefs, and practices;
- b) Make every reasonable effort to achieve the Fundamental Guiding Principles and Objectives .
- c) Promote measures to prevent family breakdown, and foster the well being of children.
- d) Take such training courses as the Family Council may require .
- e) Strive to find consensus in all decisions.
- f) Place the interests of children above all other interests.
- g) Abide by the Code of Ethics established by the Council.

8.9: TERMINATION

Membership on the Council may be terminated by the Council if the member misses more than 50 percent of the meetings in any calendar year; or for just cause, or for violating the Council Code of Ethics.

8.10: ALTERNATES

Each member may have an alternate who is nominated and appointed in the same way and who can attend meetings when the member is unable to do so. An alternate is subject to the same provisions in this Act as a member. However unless the member for whom the alternate serves is not present an alternate cannot vote. An alternate in the presence of the member cannot participate in the meeting unless called upon by the Chair. An alternate is only entitled to any remuneration provided for members if acting in the absence of the member for whom he serves as an alternate.

8.11: POWERS OF ALTERNATES

An alternate can serve in the full capacity of a member only in the absence of the member.

8.12: ATTENDANCE BY ALTERNATES

Attendance by an alternate does not affect the power of the Council to terminate a member for failing to attend meetings pursuant to Section 8.9.

8.13: AUTHORITY OF COUNCIL MEMBERS

Each member shall be authorized by their nominees to act in the best interests of a child or family.

8.14: QUORUM OF COUNCIL

A quorum of the Council shall consist of four members [including alternates if the member for whom he serves is absent]] and either the chair or a deputy chair.

Section 9.0: Powers of Council

The Council shall have the power to:

- a) Establish their own procedures in accord with the values set out in BOOK ONE.
- b) Hire, terminate and supervise their staff.
- c) Hire and supervise independent family workers.
- d) Determine which cases shall be referred to the community processes; to the Peacemaking Tribunal; to the Court, or such other processes as the Council deems appropriate.
- e) Conduct such inquiries as the Executive Council, Justice Council, or Elders Council may request.
- f) Oversee and supervise the Community Process.
- g) Take such actions as deemed necessary by the Council within their powers to advance the well being of children and families.
- h) Make recommendations to the Executive, Justice and Elders Council to improve conditions for children and families within the community.
- i) Establish, train and maintain a panel of facilitators, peacemaking circle keepers and mediators to assist in any of the processes under this Act.
- j) Recruit and train volunteers to work with and support the activities of the Council.

OUR BELIEF: *All successful local processes run on the backs of volunteers. Traditionally all of our resources for helping families and children were based on volunteers; that was our way of life. Regaining these ways and reengaging our responsibilities to each other and to our families, and community lies at the heart of our new laws. Training and funding for volunteers is critical. Volunteers need assistance to be effective. They may*

need funding for transportation, for training and for baby-sitting. Continuity is a crucial factor in building the experience, skills, knowledge, and self-confidence for volunteers to be respected as equal partners with professionals in child protection matters. The Council shall explore ways to celebrate and reward volunteers for their contributions to the community.

- k) Establish guidelines for the selection and training of Keepers and facilitators.
- l) Delegate Council responsibilities to an agent or to sub committees of Council.
- m) Determine who can act as a concerned caregiver.
- n) When a family fails to agree on the distribution of child support and social assistance payments, or any other family benefits provided by government, the Council if called upon by the Keeper, Family Support Group or a family member may decide the distribution of these funds or benefits
- o) Impose costs for services provided by the Council.
- p) Seek and receive financial support from any individual or agency, and
- q) Refer all or part of any matter to the Director.
- r) Refer all or any part of any matter to the Peacemaking Tribunal or Court..
- s) Terminate any member or alternate for any of the reasons set out in section 8.9
- t) establish a process for terminating members or alternates
- u) Carry out such other responsibilities that may be set out in regulations
- v) Establish a process for determining the distribution of benefits pursuant to Section 9.0.(n).
- w) Promote and develop capacity of Clans to participate in the objectives of this Act..

OUR BELIEF: *Realizing the objectives of this Act to protect our children and build healthy families depends on our Clans being actively engaged. Our future depends upon strong effective Clans.*

9.1: INDEPENDENCE OF COUNCIL

The Council is empowered to make important decisions affecting children, families and the community. To do so the Council shall not be subject to Executive Council or any form of political interference, other than through legislative directives passed by the General Assembly.

OUR BELIEF: *The work of the Family Council involves making many difficult, emotionally charged and sensitive decisions. All decisions of the Council must be and be seen to be fair and independent. The*

independence of the Council from all political pressures is crucial to the success and credibility of the Council.

9.2: FUNDING FOR COUNCIL

Annual funding for the Council shall be determined by the General Assembly in a manner that ensures the independence and effective operation of the Family Council. The Family Council shall not exceed their budget without the prior written permission of the Executive Council.

OUR BELIEF: *While much of the Council work will depend on volunteers, the Council requires financial resources to effectively carry out their responsibilities.. In addition to the necessary financial support the Council must receive from CTFN, the Council may raise through its own initiatives additional financial support to be used exclusively to carry out their statutory mandate. The Council should share resources whenever possible with other CARCROSS/TAGISH FIRST NATION agencies, actively recruit volunteers, and raise funds to extend their capacity to carryout their responsibilities.*

9.3: EXPENDITURES BY FAMILY COUNCIL

All expenditures by the Council shall follow the same procedures that apply to all CARCROSS/TAGISH FIRST NATION departments.

9.4: DELEGATIONS BY COUNCIL

The Council may on delegating any responsibility impose any condition the Council deems appropriate, and at any time terminate any delegation of Council powers or responsibilities.

Section 10.0: Responsibilities of Council

The Council shall:

- a. in all their actions advance the best interests of children and families
- b. Follow all Carcross/Tagish First Nation provisions governing the handling of finances and employees;
- c. Appoint a chair and one or two deputy-chairs;
- d. Make every reasonable effort to reach a consensus on all decisions;
- e. Promote a balance among the physical, emotional, spiritual and mental elements within their own and all community processes;

OUR BELIEF: *Working through conflict is not solely a mental activity. Conflict touches all our being. Each process must fully embrace the spiritual, emotional, physical and mental elements of a conflict in order to appreciate the underlying causes and to produce sustainable outcomes and relationships. Only when we have realized a balance of all elements can we fully honour all of our traditions and values; only then can we engage our differences as a source of building better understanding, and relationships. Our rituals and*

ceremonies, as well as our values and consensus-based processes are vital to achieve the balance essential to getting to a good place in a good way.

- f. Develop simple, easily accessible procedures for all processes;
- g. Establish a Code of Ethics to govern actions of Council members;
- h. Establish processes for termination of any Council members;
- i. Ensure reasonable notice of any Family Council process is provided to parents, the Child Advocate, anyone who has been involved as a caregiver and anyone the Facilitators deem should be notified;
- j. Ensure effective use of all relevant CARCROSS/TAGISH FIRST NATION services and agencies in each case;
- k. Work with all CARCROSS/TAGISH FIRST NATION Clans and agencies as much as reasonably possible to avoid duplication of services and resources, and;
- l. Promote all early childhood education initiatives.

OUR BELIEF: *In our traditional practices families and clans began preparing long before the birth of a child to ensure the home and expecting parents were fully ready to assume the critical responsibility of caring for a child. Intensive involvement of the extended family continued through the early childhood years. We have always known these are very important times and have never left new parents or children without help. To day there is a wide spread recognition of the vital importance of early childhood education.*

- m. Explore and develop means of co-operating with and coordinating services with other CTFN agencies and with other First Nations, Yukon and Federal government agencies.
- n. Establish procedures for protecting the confidentiality of information required during any Family Council process.
- o. Establish an annual plan and budget to carry out their responsibilities for approval by the Executive Council.

10.1: COUNCIL RESPONSIBILITIES FOR PREVENTIVE MEASURES

The Family Council shall promote measures to prevent conditions that place children in need. The Council , in their annual report shall recommend what is needed to protect children and strengthen families.

OUR BELIEF: *Prevention is crucial. In our traditional practices preventive measures began in our families before birth. All of our extended families helped develop parenting skills in new parents and provided continued support, guidance and respite care without any new parent asking for help.*

Our laws continue this tradition. We look to all families and Clans as well as to all our agencies to be proactive in addressing conditions that cause family breakdown

and that place a child at risk. Our values and traditions call upon all of us to read the signs of pending problems and act to prevent harm, and for our First Nation to develop prevention strategies with the full participation of communities and related agencies. Prevention strategies, if designed through the participation of all sectors of the community and adequately funded will substantially reduce risks to children.

Our ancestors began practices to protect children before they were born. We need to continue this practice by helping to prepare parents and the extended family for the responsibilities of a child, especially for a first child.

10.2: ENSURING ACCOUNTABILITY

The Family Council shall issue an annual report to the General Assembly .The annual report shall include

1. a thorough assessment of how the requirements under this Act were carried out in accord with the Fundamental Guiding Principles.
2. make specific recommendations to support what is working and to rectify what is not working.
3. Set out all sources of funds, all expenditures, all activities of the Council
4. address any questions raised by the Elders Council, Justice Council or Executive Council.

OUR BELIEF: *Accountability requires a public means of assessing performance against the standard set by our Family Act. An annual report that covers the key activities of the Council and of CTFN agencies and answers any questions the Elders, Justice or Executive Council may raise provides the community with one means of holding the Council and other CTFN government agencies accountable for the objectives and mandates of this Act.*

Section 11.0: Deputy and Chair of Council

11.1: APPOINTMENT OF DEPUTY AND CHAIR OF FAMILY COUNCIL

A chair and one or two deputy-chairs shall be appointed by the Family Council from among the members.

11.2: RESPONSIBILITIES OF CHAIR AND DEPUTY CHAIR

The Chair shall be responsible for the overall supervision and operation of the Family Council. The Chair may delegate any of the responsibilities of the Chair to a Deputy Chair. A Deputy Chair shall assist the Chair, act as the Chair in the absence of the Chair, and carry out such other tasks as assigned by the Chair and Council.

11.3: TERM OF OFFICE

A Deputy Chair and Chair shall serve for the shorter period of five years or the remainder of their appointed term as a member.

11.4: TENURE

Both a Deputy Chair and Chair serve on good behaviour.

Section 12.0: Family Council Panels

The Chair of the Family Council shall establish a Council Panel of one to three members of the Council to handle and decide matters on behalf of the Council in any case assigned by the Chair to the Panel. The Panel shall have all powers of the Council unless otherwise specifically restricted by the Chair.

Section 13.0:

13.1: CHAIR AND DEPUTY CHAIR PARTICIPATION

Unless the Chair or a Deputy Chair has a conflict of interest ,or is not readily available ,or believe it is not necessary to participate ,each panel should include the Chair or a Deputy Chair.

13.2: DELEGATION OF RESPONSIBILITIES

The Chair or a deputy Chair can delegate their responsibilities under this Act to any other member of the Family Council.

Section 14.0: Alternates on Panels

Alternates may be appointed to a Panel regardless of whether the primary member is also involved in a Panel.

Section 15.0: First Priority

In every case the first priority in responding to any family or child in need is the safety of the child .

Section 16.0: STEP ONE — Family Council Process

The Family Council process involves four steps:

1. Referral to Council
2. Preparation for Circle
3. Circle
4. Follow-up

16.1: REFERRAL TO COUNCIL

Anyone who has reasonable and probable grounds to believe and does believe that a child might be in need of protection, instead of taking the child into care or to a place of safety, may by notice in writing served on a concerned parent, or other person entitled to the care or custody of the child, require that parent or person to appear, or bring the child named in the notice, before the Family Council. The notice shall set out a place and a time not earlier than five days

after nor later than one month after the date of the service of the notice for the child to be brought to the Family Council to determine what measures are required to respond to a child's needs.

16.2: NOTICE OF A REFERRAL TO COUNCIL

Council shall be personally served a copy of the notice as soon as possible.

16.3: ASSIGNING A PANEL

The chair shall immediately assign a panel to handle the referral.

Section 17.0: Panel Options.

The assigned Panel shall review any matter referred to the Council and either:

- a. Decline the referral,
- b. Refer all or any part of the matter to a social worker to investigate and report;
- c. Accept all or part of the matter and develop a process with all parties to resolve the matter or,
- d. Take any action the Council or Panel deems within their powers will serve the well-being of a child or family.

Section 18.0: Council Declines Matter

The Panel may decline to be involved if the case can be resolved in an informal manner by the family or Clan or if the matter is not appropriate in the opinion of the Council or Panel to be handled by the Family Council.

18.1: COUNCIL REFERS TO OTHERS

The Council or Panel may refer all or part of a case to a Clan or Director if they conclude doing so best serves the well being of a child. In a case referred to a Director, the Council or Panel shall continue to work with the Clan or Director in any way they deem appropriate to ensure the case is dealt with in a manner that serves the well being of the child and their family.

17.2: NOTICE OF REFERRAL

When the Council or Panel makes a referral pursuant to 17.1, the extended family, clan, parents, any concerned caregiver, and Child Advocate shall be notified by the Council or Panel.

Section 19.0: Matter Accepted by Council

STEP ONE: ASSESSMENT

If the matter is accepted, the Panel shall, as soon as possible:

- a. Meet with the parties to develop what immediate steps are required to address the well being of the child.

OUR BELIEF: *By involving all primary caregivers and key resources from the outset, the basis for a back-up plan are readily at hand if a parent fails to make the*

changes necessary to continue as the principal caregiver of the child.

- b. Place a child with anyone the Panel believes has established the capacity to serve a child's immediate well being.
- c. Notify the parent entitled to custody of the child of the child's status.
- d. Impose conditions, including conditions on care and custody and access to the child that in the interim period serve a child's best interests.
- e. Make every reasonable effort to assist parents and to involve extended family members and others whose involvement will serve the interests of the child and family .

19.1: INTERIM CONDITIONS

The Panel shall ensure that arrangements made by the Panel governing the interim care of a child become as soon as possible the subject of an agreement among all parties.

19.2: AGREEMENT ON INTERIM CONDITIONS

If an agreement governing interim Conditions cannot be achieved in a timely manner the Panel may decline to be involved, refer the matter to the Director, or if the Child is at risk in the opinion of the Panel, refer the matter to the Peacemaking Tribunal or Court.

19.3: INFORMAL PROCESS

If the Panel determines there is a need for a further informal process beyond the interim arrangements ,the Panel shall work with the parties to develop an appropriate process by

1. determining and designing with the parties an appropriate process;
2. selecting an appropriate facilitator
3. helping to identify and provide relevant resources and funding
4. providing such other assistance as the Panel deems appropriate.

OUR BELIEF: *As each case unfolds, many changes may be required to ensure the process fits. New parties, new problems, new resources, and many other adjustments to the process may be needed. The process must be flexible to accommodate changes. Facilitators must always work with the parties to ensure the process is appropriate. A case may begin in mediation and as changes occur, some or all of the case may require a Circle. Similarly, a case may begin in a Circle and a mediation may be needed to deal with part of the case. Thus questioning the suitability of the process continues throughout any informal process.*

19.4: USE OF CIRCLES

If the Panel decides a circle is appropriate then the Panel shall:

- a) Appoint one or two Keepers to manage the circle process
- b) Make arrangements for funding the process
- c) Set out timelines for the circle process
- d) Appoint a member of the Council to participate in the Circle.

CONTEMPORARY STORY

A young girl was before the Court for a minor offence. The offender called for a small fine. The Judge was about to order a \$25 fine and move onto the next case. Harold Gatensby on behalf of the Community Justice Council asked for the case to be sent to a community Circle. The Judge hesitated, "Is a full circle taking several hours needed for such a minor matter?". Harold simply stated "the community knows this girl, knows her family, we believe there are many good ways we can help." The case was taken over by the community. The community knew the young girl was in trouble in her family, at school and in the community. They wanted to use the crime as an opportunity to help her and her family move through many difficult issues. The family, the young girl needed help. After three sittings of the Circle, the Circle had addressed her drug addiction, dealt with domestic violence and resolved some of the underlying causes of a pending family breakdown. The Circle process was sufficiently flexible to tackle each new issue that arose in the Circle dialogue. With each new issue more people and resources became involved.

Working together the Circle participants made an enormous difference, much more than a \$25 fine could have achieved. As in this case, the flexibility to respond effectively to all the underlying causes of conflict, to the full mess that conflict always produces was balanced by clear measures of accountability. A flexible process works only if the fundamental values are respected and all participants honour their responsibilities to the Circle.

In the lives of our ancestors, flexibility was essential to survival. Their plans had to adjust every day to their changing needs, the weather, the cycle and movement of fish and game. The wisdom of their experiences and the clear lines of accountability for all family members enabled them to be as flexible as survival required them to be.

In this contemporary story, many of our values and practices are illustrated. This story demonstrates when a family asks for help, and other members of the family and community join in a Circle they can work together to build sustainable solutions for the underlying causes of a conflict.

Section 20.0: Qualification of Keepers

Qualifications of Keepers shall include:

- i. Knowledge of Family Act
- ii. Knowledge of Community
- iii. Knowledge of traditions, practices and culture
- iv. Experience in family matters
- v. Experience and training as keepers of circles
- vi. Capacity to commit to start and finish the case .
- vii. Such other qualifications as the Family Council may impose

20.1: ROLE OF KEEPERS

A Keeper shall;

- a. Respect and work cooperatively with the other Keeper in ways that incorporate and model CARCROSS/TAGISH FIRST NATION values and virtues.
- b. Facilitate the process based on the principles, practices and values set out in the Family Act and Book One.
- c. Establish guidelines with participants for the process.
- d. Work on improving relationships among all participants.
- e. Endeavour to secure attendance of all key participants at each step in the process.
- f. Keep the Panel updated on the work of the Support Group and the measures taken to resolve matters in keeping with the Fundamental Guiding Principles and Objectives.
- g. Manage the Peacemaking Circle process through all 4 Stages:
 - a. Assessment
 - b. Preparation
 - c. Circle Gathering
 - d. Follow-up
- h. Establish necessary support groups for a child, and/or a parent or caregiver.
- i. Monitor the work of the Support Groups and take such actions deemed necessary to ensure all commitments are honoured; and j. Respect and address in the best means possible the concerns of all participants

Section 21.0: Realistic Deadlines

At the outset of the Family Council process, the Panel in consultation with the facilitators shall establish realistic deadlines as part of the guidelines for each case.

21.1: CONSIDERATIONS IN SETTING OR EXTENDING DEADLINES

In setting deadlines, the Panel shall consider that

- a) Time is of the essence. Children must be placed in safe permanent settings as soon as possible.
- b) Parents cannot expect to be given numerous chances to establish a safe home. If their actions do not reasonably demonstrate the priority of the child's best interests in their lives, time limits should not be extended to accommodate their delays in establishing their ability to parent.

OUR BELIEF: *Leaving a child in limbo, where they are temporarily placed in a foster or group home rarely serves a child's well being for even a short time period. Bouncing children in and out of care and from one foster home to another leaves long-lasting emotional scars.*

Everyone needs to be acutely aware that there is a pressing need for effective remedial measures that create a stable nurturing environment whenever a child's well-being is threatened.

Our Act does not set specific time limits, but requires the Panel at the outset to set realistic time limits for each step in the plan to rebuild a family. Time limits must be realistic and must carry significant consequences for failure to meet deadlines. The ultimate consequence will be to resort to a back-up plan that may call for any option from taking a child temporarily into care to removing a child from the parent's care and custody for long term care.

21.2: CHANGING TIME LIMITS

Deadlines may be changed by the Panel upon request by the process facilitator, but only when reasonable prospects for change exist and when extending deadlines will not significantly interfere with the immediate and long-term best interests of a child.

STEP TWO: PREPARATION FOR AN INFORMAL PROCESS

Section 22.0: Facilitator Responsibilities during Preparation

With the assistance of the Panel, a facilitator shall:

- a. Meet with the family and such others, as they deem necessary as soon as possible to develop and initiate a plan to handle the referral.
- b. Prepare for and ensure all parties can participate fully in the process.
- c. Conduct preparation Circles or meetings
- d. Identify and encourage people who should be included .
- e. Identify the information and resources needed to resolve all issues.
- f. Determine when all parties are ready for Step Three.

22.1: ENSURING PARTICIPATION

Facilitators shall make every reasonable measure to ensure participation of:

- a. the child, if able to understand the process;
- b. the child's parents;
- c. key members of the extended family;
- d. Child Advocate or representative;
- e. representative of the child's clan;
- f. relevant service providers;
- g. any person whose involvement will assist in meeting the Fundamental Principles and Objectives.
- h. A representative of the Director

22.2: CLARITY OF PROCESS AND OUTCOMES

Facilitators shall in all stages of the process ensure that there are clear, easily understood;

- a. Steps in the process.
- b. Responsibilities written out for all parties.
- c. Consequences for failing to carry out all responsibilities.
- d. Reasonable objectives to achieve
- e. Reasonable timelines for all objectives.
- f. Reasonable measures to determine progress and success

OUR BELIEF: *Our Act identifies the specific responsibilities of all family members, of our Clans and of our government for children. Our processes contain numerous ways for each to be held accountable.*

Whether the responsibility relates to prevention, intervention or rehabilitation of a family in trouble, all responsibility is marked by clear lines of accountability. Whether the responsibilities emanate from Court, or from our community process, all responsibilities undertaken must be tracked by measures that ensure accountability. The responsibilities for children cannot be left to good intentions; there must be measures in place to ensure people are held accountable for their responsibilities. The need to raise levels of accountability applies to everyone dealing with children, from social workers to politicians, from parents to community leaders, and from volunteers to all professionals.

Conflicts are usually messy affairs. Our processes seek to involve all of the mess. To do so our processes must be flexible enough to pursue all parts of the conflict. For flexibility within the process to work, clear lines of accountability are essential.

22.3: FULL PARTY STATUS

Full Party Status in the third stage, may be accorded to any person or First Nation that meets the criteria determined by the Family Council to have an interest in or be a key resource for the process. Any question over the participation of a person in any matter, shall be determined by the Panel after consultation with the facilitator in the case.

22.4: EXCLUSION OF PARTICIPANTS

If the Panel deems it necessary to serve the best interests of the child, the Panel may exclude any person except a , child, child representative, or Child Advocate from a community process. Any limitations imposed shall constitute the minimum limitation necessary to protect a child's best interests.

Section 23.0: Panel Responsibilities During Preparation

During preparation the Panel responsibilities include ensuring

- a) All interested parties are given reasonable opportunities to participate.
- b) The process reflects the values set out in Book One and in this Act
- c) All outcomes are based on the Fundamental Guiding Principles and Objectives.
- d) Facilitators have sufficient resources to effectively address issues raised in each case.

23.1: CONFIDENTIALITY OF PROCESS

The Panel after consultation with the facilitators may require any part or all of a process or of a facilitator's Report to be confidential but only to the extent necessary to protect the best interests of a child.

23.2: CONFIDENTIALITY OF NAMES

The Family Council shall not publish, broadcast or in any other way make public the name of a child or the child's parent involved in a community process, unless it serves the best interests of a child to do so.

23.3: RELEASE OF INFORMATION

Subject to Section 22.2, the Family Council shall not reveal any information acquired through the community process about any case without the written permission of the Chair in accord with the procedures established by the Council.

STEP THREE: MAKING FINAL DECISIONS

Section 24.0: Timelines

When the facilitators believe the parties are prepared for making final decisions the facilitators shall set the time and place for a gathering .

24.1: PARTICIPATION IN GATHERING

Participation in all ADR processes offered by the Council is voluntary and participation can be withdrawn at anytime until an agreement reached becomes an order of the Tribunal or Court

24.2: MANDATORY CONSIDERATIONS IN FAMILY COUNCIL PROCESSES

In addition to the Fundamental Guiding Principles and Objectives and the primary questions set out in section 5, facilitators shall ensure the following factors are considered.

- 1) The bonding and relationship a child has established with a parent or other caregiver;
- 2) The effect on the child of any delays
- 3) What is needed to ensure a child's mental, emotional, spiritual, and physical stages of development;

OUR BELIEF: *Balance in all parts of our existence, mental, physical, emotional and spiritual is essential to the health of a child, adult, family, Clan and community.*

All of these elements must be considered in building a nurturing environment for a child, and in developing a healing plan for a family

- 4) The impact on a child of being removed from or remaining in the care of their parent or other person entitled to the child's care;
- 5) The views and preferences of the child, if those views and preferences can reasonably be determined;
- 7) The cultural heritage of the child;
- 8) The connection of the child to their extended family and community;
- 9) The willingness and capacity of a child's extended family and Clan to care for the child or to support a parent or other caregiver in caring for the child.

24.3: OPTIONS

A Family Council process may agree to do one or more of the following:

1. Decide no further action is required;
2. Place the Child in the care of any person subject to a supervisory order that enables the Director to supervise the care of a child subject to any conditions the process deems appropriate;
3. Give custody and care of a child temporarily or for a long term to the person or persons best suited to serve the child's best interests and impose such conditions as the process deems appropriate;
4. Refer the matter back to the family or Clan with or without conditions; or
5. Refer the matter back to the Family Council, to a relevant government agency, or to the Peacemaking Tribunal or Courts for disposition.

Section 25.0: Last Resort Options

This section applies to all Family Council processes as well as matters before the Peacemaking Tribunal or Court,

25.1: PLACING A CHILD INTO CARE AND CUSTODY OF THE DIRECTOR

Before any decision, other than a decision to provide immediate protection for no longer than 30 days, involving placing a child under the supervision or into the care of the Director all other reasonable alternatives shall be considered, and reasons for placing a child in the care and custody of the Director and what alternatives were considered and the basis for not engaging alternatives shall be included in the agreement.

OUR BELIEF: *We hope that the responsibility our laws place on parents, extended family members, Clans, our First Nation officials and upon all of our processes to care for and nurture children will avoid the need for any decision that permanently or for extended periods removes the care, custody and rights of a parent. Such decisions must only be taken as a last resort. However, based on our traditions and values it is clear that a child*

must have a stable environment to realize their full potential. When long-term care is necessary, the responsibility rests upon every one involved to take all reasonable measures to avoid long-term care outside the home and to remove the need for long-term care.

25.2: TERMINATION OF PARENTAL RIGHTS

Any permanent or extended termination of parental rights shall be engaged as a last resort and only where;

1. All reasonable alternatives have been tried;
2. No reasonable prospect exists for a parent to remain involved in providing all or part of the requisite level of care and nurturing the child needs, and
3. To preserve any parental right will harm the best interests of the child.

OUR BELIEF: *When parents either temporarily or permanently cannot properly parent, all processes must earnestly search within the extended family or Clan for people who can. Responsibility to parent by a member of the extended family, or an innovative shared responsibility arrangement among different family and Clan members or with the government must be explored before resorting to removing parental rights or to permanent care outside the family.*

25.3: CONNECTION TO COMMUNITY AND CULTURE

In making a long-term placement, unless doing so undermines the well being of a child , every reasonable effort shall be made to ensure the placement maintains a child’s connection to her parents ,culture, community and extended family.

25.4: CO-PARENTING

Co-parenting involves a CARCROSS/TAGISH FIRST NATION agency and a caregiver sharing responsibility for a child on such conditions as the community process, Peacemaking Tribunal or Court deems appropriate.

OUR BELIEF: *A co parenting arrangement enables a parent or other concerned caregiver whose physical, mental, financial, or other personal circumstances preclude their ability to care and nurture a child without government involvement. We believe special needs children should not be taken into care solely to receive assistance for their special needs. Nor should special needs parents lose all their rights to parent because of their special needs. As long as special needs parents can demonstrate a genuine and sustained desire to remain connected to their children, their participation as a parent must be supported. Shared custody orders ideally suit the circumstances of mentally or physically challenged parents who love their children but cannot manage alone to provide the requisite levels of care for*

their children. Long Term Care arrangements can be structured to share responsibility among caring parents, extended family members and CARCROSS/TAGISH FIRST NATION agencies. No more authority than necessary to advance the best interests of a child shall be taken away from a parent in a co-parenting arrangement. These co-parenting arrangements recognize and protect the constitution right of Handicapped citizens to parent while advancing the best interest of the child.

25.5: LONG TERM CARE

A long-term placement may be made that grants care and custody to anyone or any agency with the established capacity to provide the long term care and nurturing needed to serve the child's best interests. The community process, Tribunal or Court may impose such conditions on any Long Term Care placement that they deem appropriate.

25.6: SHARED GOVERNMENT RESPONSIBILITY

CTFN shall work with other governments to combine resources, information and powers to serve the well being of a child in any long-term placement. The Executive Council may enter into any arrangement with any other government, agency, or group to provide an appropriate long-term placement for a child.

OUR BELIEF: *Co-operative working relationships can be achieved through shared initiative among different governments to establish agencies charged with the responsibility of resolving differences and in developing ways to share information and resources. These agencies can help all governments avoid duplication of services and expand the capacities of each government to meet the challenges of families and children at risk.*

25.7: REQUIRED PROVISIONS IN DECISIONS AND AGREEMENTS.

All Family Council agreements and decisions in the Peacemaking Tribunal or Court shall include:

- 1) A safety net that identifies a person or group to monitor the commitment of all parties to the agreement or order and a process for resolving any differences that arise;
- 2) Clear deadlines to achieve responsibilities;
- 3) simple clear terms setting out the specific and overall objectives, the details of the plan; the dates for reviews, the specific responsibilities or commitments accepted by any party;
- 4) the arrangements for monitoring implementation of the agreement or order, and;
- 5) Set out clear consequences for failing to abide by the obligations of the agreement.

Section 26.0: Review of Agreement within Family Council Process

The facilitator shall:

1. set out in draft the commitments and responsibilities each participant has accepted;
2. review with each participant her commitments and responsibilities;
3. ensure all commitments and responsibilities are clearly understood and are reasonably achievable.
4. Review the draft agreement with participants in the process to ensure the draft agreement accurately captures the consensus.

26.1: FACILITATOR'S REPORT

The facilitator shall when requested by the Panel file a report in a manner required by the Panel setting out the progress of the ADR process.

26.2: CONFIDENTIALITY OF FACILITATOR'S REPORT

Subject to Section 22 the Panel, after consulting with the Facilitator may, keep all or any parts of a report confidential, but can only do so when it is necessary in the best interests of a child.

Section 26.0: Support from Council

A facilitator shall seek support from the Family Council to successfully implement agreements reached within the Family ADR process. .

Section 27.0: Final Agreements

All final agreements shall be set out fully in writing and signed by;

- a) Parent or caregiver involved.
- b) Child or representative
- c) Representative of the Council
- d) Facilitator
- e) Director or his representative
- f) Any person assuming responsibility under the agreement

Section 28.0: Consensus Decisions

A reasonable time and several meetings may be required to reach a consensus. If, in the opinion of the Panel, the failure to reach a consensus undermines the best interests of a child, the case may be taken over by the Panel and a different process established with participants.

28.1 EXPECTATIONS OF PARTICIPANTS

All parties shall make every effort to reach a consensus and shall consult with the Panel before participants quit the process due to a failure to agree.

28.2: FAILURE TO REACH CONSENSUS

If full consensus is not reached within a reasonable time the facilitator may:

1. Adjourn and set a date within two months for another meeting , seek an extension of time from the Panel or,
2. Refer the matter to the Panel for action.
3. Take such actions as parties may agree to reach agreement.

28.3: REFERENCE FROM FACILITATORS TO PANEL

When a matter is referred back to the Panel, or the Panel intervenes under section 27.0 , the Panel shall meet as soon as possible and make any decision that best meets the Fundamental Guiding Principles and Objectives including:

- a) Negotiate a voluntary agreement among all parties.
- b) Send matter back to the clan.
- c) Take such other action the parties agree may assist their ability to reach an agreement
- d) Terminate Family Council involvement and if the Panel believes the child is in need of protection, the Panel shall either:
 - i. Refer matter to Director for any action the Director deems appropriate.
 - ii. take such temporary emergency actions they deem necessary for up to 30 days, or
 - iii. Refer matter to Peacemaking Tribunal or Court and require Director to prepare and present matter to the Tribunal or Court..

28.4: RENDERING FAMILY COUNCIL AGREEMENTS BINDING

Any written agreement reached in an ADR process and approved by the Family Council can by agreement of the parties be filed by the Panel with the Peacemaking Tribunal or Court. The Court or Peacemaking Tribunal shall make an order encompassing all parts of the agreement This order shall have the same effect as any order of the Court or Tribunal.

28.5: CONSENSUS AGREEMENTS

Unless there are significant breaches of Fundamental Guiding Principles and Objectives, the Panel shall accept agreements reached through an ADR process by the parties.

28.6: REJECTION OF AGREEMENT

The Panel shall provide reasons in writing to the facilitator and participants for rejecting any or all parts of an agreement and refer the matter back to the facilitator and participants for reconsideration. If the ADR process cannot reach agreement in a timely manner based on the Panel's concerns, the Panel may take any of the actions set out in section 27.3

STEP FOUR: FOLLOW- UP

Section 29.0: Follow-up Commitments

All agreements reached through a Family Council process and to all final decisions of the Peacemaking Tribunal or Court involving the imposition of any order calling for the care or custody of a child, shall include provisions for follow-up activities that ensure commitments are honoured and necessary changes to agreements are made in a timely manner.

OUR BELIEF: *Follow-up is crucial to the success of every plan... The credibility and accountability of the community process depends on follow -up. Success depends on how successfully plans are implemented and fine-tuned. Often the important work begins in the follow-up stage. It is the day-to-day carrying out the plan that the best interests of the child is realized.*

29.1: SAFETY NETS

The agreement or decision shall include clear processes to revise, rectify and adjust the agreement and to resolve any differences that arise in the implementation of the agreement or decision. A facilitator or ADR process shall be identified in the agreement or decision to oversee implementation of the plan and to resolve differences.

OUR BELIEF: *Safety nests are essential to catch any breaches, breakdowns or misunderstandings before they cause harm to the plan. Safety nets keep the long-term commitments that contribute to the ultimate well-being of a child. There can never be too much follow-up.*

There are no miracle cures, no quick fixes. Raising children in a good way is a life long responsibility of all members of our community. In some cases continued support and involvement will be necessary for an extended period after a community process to ensure a family can maintain their capacity to care for children.

When a final decision is reached, either through our community based consensus process or through the Court, or Tribunal follow-up is essential.

What serves the well being of a child constantly changes. Regular follow up meetings can refine any decision to ensure the best interests of a child continue to be served in light of changed circumstances. Families once in trouble can take a long time to emerge from the pressures of their current environment, life style and social circles that led them into and kept them in trouble. Families in trouble can mount an enormous effort to change their lives when the real threat of losing a child into care looms over them. Old problems, old bad habits are often tenacious. Repeated family breakdowns cause many children to bounce in and out of care many times. The tragic consequences of these experiences for

children are manifested in criminal records and in the statistics of substance abuse and suicides.

The answer is not to deny struggling families their children. We know this can be the fatal blow that destroys any hope for the family to regain their well-being and can eventually lead to taking all of their children into care. Ultimately, doing so can drag many other families down the same trail. As parents who lose their children turn deeper into substance abuse, they pull other adults into the same vicious downward spiral of self-destruction. More must be done to follow up the initial success of rebuilding family capacity to care for children. In some cases follow up measures through the community process may be needed for several years. Consensus agreements constitute a living agreement that will require fine tuning when changes occur.

The extended family and Clan are the best source of the essential continuing help and support needed to retain a family's capacity to care for their children. Our Act places the primary responsibility on parents to reach out for help to their extended family and Clan and imposes a reciprocal responsibility upon them to assume responsibility when requested by the parents or community to help. These responsibilities are an integral part of our values and our traditional practices. How these responsibilities are carried out more than anything else determines the well being of our community.

29.2: USE OF INFORMAL PROCESS BY COURT OR PEACEMAKING TRIBUNAL.

The Court or Peacemaking Tribunal shall use an informal process as part of the follow up of their decisions unless the Court or Peacemaking Tribunal determines such processes are inappropriate.

SECTION 30.0: REVIEWS OF LONG TERM CARE

Section 29 applies to all agreements reached through a Family Council process and all orders made by the Peacemaking Tribunal or Court

30.1:

All long-term care placements shall be reviewed within 4 months and at such other times as the body (Family Council, Tribunal or Court) that granted the order or accepted the agreement for a long term care placement deems it is in the best interests of the child to review this placement.

OUR BELIEF: *Reviews of any long-term placement are held to ensure the permanent placement continues to serve the child's well being and to assess if changes have occurred that warrant a child being placed with any member of a child's family or with any other person or agency. Reviews track and evaluate the continuing suitability of any decision. In all cases, reviews can be*

instrumental in preventing further harm to a child and in improving the means of advancing a child's well being in light of new circumstances.

30.2: CALL FOR REVIEWS

Any party involved as a caregiver, a parent, a child, a Child Advocate, or any member of the extended family or the Director may apply at any time after 4 months to the body that granted the order or approved the agreement for a long term care placement to review long-term placement.

OUR BELIEF: *Regular reviews are required for incarcerated young offenders. These reviews can be triggered by the young offender, the State or Court. The consequences to a child of being placed in long term care can be significantly more devastating for the child and a child's family than a period of incarceration. There is a dire need for regular reviews of any child in any form of long term care.*

All of our families carry tragic personal stories of our children in institutional care over the past 100 years. These stories demand we invest much more care and scrutiny over the care our children receive in the hands of government institutions. Much has changed and we are thankful for that, but children are still abused and neglected when out of the care of their families. This phenomenon cannot be viewed as an historical anomaly; it is a constant concern when children are removed from their families. . No matter what safeguards are imposed, children are at risk to be abused when not in the care of their natural parents - it still happens – certainly less often than in the past, but it happens.

Regular periodic reviews before the Tribunal, Court and Family Council are important. As well, reviews triggered by the child, family or Child Advocate are necessary. The State, no less than the parents or any other caregiver, must be accountable for the level of care provided to children.

All of these measures collectively raise the bar on accountability. If we are serious about doing the very best we can to protect and nurture our children, we must be serious about being accountable to our obligations to our children and families. This Act calls upon us to honour our duties as members of families, Clans and as citizens. It is not any harder today than it was for our ancestors, it is different.

"Each generation has its challenges ...yeah... in my dad and mom's time it was very hard...they lost a whole family, four kids in one year gone to the sickness in Skagway ...they had to start all over again ...they didn't 't complain just got on with it ..did what they had to do yeah ...we did the same ...now the

young to day have different challengesif they respect each other ...you know love each other then they can make it ..do good ...even better than we did."

**Johnny Johns, Elder – Carcross/Tagish First Nation
1985**

30.3: CHANGES TO LONG TERM CARE

Any change to a long term care can be made through a community process when the Panel, the Director, a parent, the child's clan, the child advocate and the current caregiver all agree. Otherwise, any changes must be made by the body that made the long term care order.

30.4: CHANGES AT REVIEWS

At any review the following changes can be made

- i. Add to, change or remove any conditions including conditions relating to access, , supervision , rights of parents, and care and custody.
- ii. Revoke the placement and make any other disposition that serves the child's best interests.

30.5: REVIEW PROCEDURES

The Family Council ,Peacemaking Tribunal and Court shall develop procedures governing the conduct of their reviews that ensure reasonable notice to all affected interests and reasonable opportunities for all affected interests to participate.

Section 31.0: Consensus on Changes

If the parties in the community process cannot agree on changes, the matters not resolved may be referred to the Panel for resolution. The Panel shall have the same options as set out in section 27.3.

Section 32.0: Review of a Child in Long Term Care

The Court, Tribunal or Council at any time may review any long term care order or agreement, and the Director shall apply to the Court or Tribunal that issued the long term care order or the Council that approved long term care agreement before changing any long term care order or agreement into an adoption.

Section 33.0: Termination of Plans to Care

Section 32 applies to agreements made through a Family Council ADR process and to Court or Tribunal orders.

33.1:

The Family Council for all agreements and the Court or tribunal for their orders shall ensure the termination of an agreement or order for the care of a child includes an effective and timely transition plan that promotes a successful reintegration of a child into her community .

OUR BELIEF: *The most critical times for a child taken into care are the first few months of being in care and*

the first several months of leaving care. Both times require careful planning and the inclusion of a broad range of people in developing and implementing the plan.

Transitional plans are needed to terminate care. The content and length of time of a transitional plan will vary and principally depend on the nature of past and current connections of a child in care to their family and community. The specific ability of the child to live independently will always be a critical factor. While building independence is critical, so is ensuring there is a strong personal support system in place. In many cases the government may need to continue to provide both financial and personal support to a child for an extended period until they are capable of being completely independent. In all cases there can never be an arbitrary date, or age for all government support to cease. Each case must be evaluated on its merits.

In our families, no child is suddenly removed from their home. While our ancestors began to fend for themselves, or start their own families as early as 16, and usually before 20, they continued to seek and rely on help, support and guidance from their extended family. For children in care, foster parents and the government may be their only dependable extended family. In such circumstances foster parents may require continuing financial support to be capable of serving as the extended family of a child during a transitional plan. Continuing support for education, financial, and emotional needs may be required.

Using reintegration ceremonies for children moving out of long-term care is a crucial element in reconnecting them to their family and community. All our traditions and values call upon us to ensure a child feels accepted within her family, Clan and community.

33.3: COUNCIL OPTIONS FOR TRANSITION PLANS

If the Council determines that any transition plan established by agreement or order of the court or tribunal is inadequate the Council may either:

- a) recommend the Director establish an appropriate transition plan, or
- b) Appoint a panel to establish an ADR process for developing a transition plan. The ADR process shall include the Director, child, child advocate, parents, extended family members and such other persons as the Panel and ADR process may deem appropriate to participate.

33.4: FAILURE TO AGREE ON A TRANSITIONAL PLAN

The Executive Council may resolve any dispute between the Council and the Department over a transition plan.

Section 34.0: Termination of the Process by Council

At any time the Panel may take any action set out in section 27.3 when the Panel believes the child's best interests are at risk.

Section 35.0: Community Child Advocate

The Executive Council shall hire a child advocate who shall be responsible to:

1. Provide each child with independent, confidential advice in all matters under this Act.
2. Recommend to the Executive Council and General Assembly appropriate measures to prevent and redress breaches of the responsibilities and duties to protect children as imposed by the Act.
3. when needed, participate or select and supervise legal or lay advocates for a child involved in any Council, Court or Peacemaker Tribunal process.
4. Advocate for improvements in all aspects of Government policies, programs and practices related to a child's best interests.
5. Develop programs for children that help them understand their rights and overcome their challenges.
6. Develop public education initiatives to raise awareness about the needs of children.
7. Become familiar with all CARCROSS/TAGISH FIRST NATION services for children and families and work with CARCROSS/TAGISH FIRST NATION agencies to serve the well being of children.
8. Work cooperatively with the Family Council.

OUR BELIEF: *A Child Advocate is crucial to ensure that the interests of a child are properly represented in all processes under the Act and to oversee on a day-by-day, case by case basis that a child's well being is appropriately considered in all community, government and Court action and decisions. The Child Advocate shall be independent, and adequately resourced by the General Assembly and/or Executive Council to be effective.*

Our future directly depends on how we care and nurture each child. Someone must be uniquely focused on the interests and rights of a child. The Court cannot. It cannot be proactive. Government cannot. It has too many other competing interests, and cannot adequately scrutinize its own actions. First Nations, Clans, and parents cannot. They too have other interests and perspectives on a child's well being that at times may not align with what a child needs. An independent Child Advocate enhances the capacity of all participants and all processes to advance a child's well being. A Child Advocate is essential to protect the well being of a child from being pre-empted directly or indirectly by other objectives and interests.

In all stages of the community process, a child must have an independent competent representative whose solitary focus is on the interests of the child. In Court processes, the representative need not be a lawyer but a lawyer should be available at any time to provide legal advice if required.

People trained as Court Workers, paralegals, and as lay Child Advocates can represent a child in all community processes. They can either work with legal counsel or in some instances represent the child without legal counsel. A Child Advocate with sufficient independence and security of tenure can play an instrumental role in raising the levels of performance and accountability throughout the Family Council community process, and in all community matters.

35.1: CHILD ADVOCATE: QUALIFICATIONS

The Child Advocate need not be a lawyer but should have experience in working with children and a good working knowledge of the CARCROSS/TAGISH FIRST NATION community, of its Laws, values, beliefs and culture established by General Council.

OUR BELIEF: *Working with families and children in need can be extremely difficult, emotionally demanding work. This Act has bestowed upon the Child Advocate significant powers to carry out her responsibilities. It is expected that these powers will be used only as a last resort.*

By acting in accord with our values, we expect the Child Advocate to encourage others to find a way to work co-operatively for the well-being of our children and families.

35.2: CHILD ADVOCATE: RIGHT TO PARTICIPATE

The Child Advocate shall be entitled to attend and fully participate in all community processes, and in all Tribunal and Court hearings dealing with a CARCROSS/TAGISH FIRST NATION child in a matter pursuant to this Act. At all times the child advocate shall represent and advance the best interests of the child.

35.3: CHILD ADVOCATE: TENURE

The Child Advocate shall be appointed for 4 years on good behaviour. The appointment may be part or full time but shall not be reduced from the term and time of the original appointment unless and until a decision by the Executive Council to reduce the time from the initial appointment is either accepted by the Child Advocate or approved by the General Assembly.

35.4: POWERS OF CHILD ADVOCATE

The child advocate has the power to:

1. Appoint a person to act in their capacity in any matter.

2. Hire the staff necessary to carry out their responsibilities within a budget approved by the General Assembly.
3. Appear as the representative of a child in all matters unless a child over the age of 12 selects another representative.
4. Take all such measures they deem appropriate to protect and promote the interests of children who are members of CARCROSS/TAGISH FIRST NATION.
5. call for a review pursuant to this Act of any agreement reached in the community process or order of the Court or Tribunal dealing with the care and custody of a child.

OUR BELIEF: *The child and Child Advocate must be able to apply to the Council, court or tribunal to change the conditions of any placement when the circumstances warrant a change to serve the best interests of a child. Especially in the case of children who are mentally or physically handicapped the level and kind of care may need to be changed frequently.*

35.5: ANNUAL PLAN

The Child Advocate shall develop and present to the General Assembly for approval an annual plan and budget to carry out the responsibilities of the Child Advocate as required by the Act .

35.6: SUSPENSION OR REMOVAL OF CHILD ADVOCATE

The Executive Council may suspend the child advocate with pay until the allegations of a breach are heard and a decision made by either the Court or Tribunal . The Court or Tribunal after a full hearing may

1. dismiss the matter and fully reinstate the child advocate
2. impose such conditions upon the child advocate as a part of a suspension or reinstatement of the child advocate,
3. suspend the child advocate for a period of 60 days with or without pay, or
4. revoke the appointment of the child advocate

35.7: RULING OF THE COURT OR TRIBUNAL

The decision of the tribunal or court is only appealable to the Yukon Court of Appeal on an error of law.

Section 36.0: Independent Family Support Worker

The Family Council shall hire an independent Family Support worker for a four-year (4) term on good behaviour.

36.1: FAMILY SUPPORT WORK RESPONSIBILITIES

The independent Family Support Worker shall work for and advance the interests of the natural parents or such persons as the Family Council may designate as a concerned caregiver for a child.

OUR BELIEF: *An independent family support worker is essential to help a family realize their rehabilitative plan. This family worker does not replace all the functions of a social worker. Unlike a social worker, the family support worker does not report to any government agency. They work for the family. They report to the Family Council. They do not supervise or monitor the family. They assist parents or concerned caregivers in successfully achieving the objectives of a rehabilitative plan. They can be a spokesperson in many instances for parents or caregivers.*

In many cases, in order for parents to regain their ability to parent, they need to work almost daily with someone dedicated to their struggle. Despite their genuine desire to keep or regain responsibility for their children, many parents find the climb back up the mountain to being a responsible parent is far too difficult to climb without a guide, a person they can trust to be completely supportive. When Colleen James worked in our community as a local family support worker she made a tremendous difference in helping parents regain their capacity to care for their children.

36.2: DISCIPLINE OF FAMILY SUPPORT WORKER

Section 34.6 and 34.7 apply to any disciplinary action taken against the family support worker in the same manner as they apply to a child advocate.

Section 37.0: Not Compellable Witnesses

The Child Advocate and the independent family support worker are not compellable as a witness in any proceeding dealing with a case in which they have been involved in their official capacity.

Section 38.0: Assessment Professionals

The selection of any person called upon within the community process, the Tribunal or Court to provide a professional assessment of a child, of a parent or caregiver, or to determine the suitability of a home to place a child shall be selected by a consensus of all parties to a community process, or if in a Tribunal or Court by a consensus of the parties involved in the Tribunal or Court.

38.1: SELECTION OF PROFESSIONAL

When a consensus cannot be reached to appoint an assessment professional in a Community Process the selection shall be made by the Panel based on submissions from the parties. If the case is before the Court or Tribunal, the Court or Tribunal handling the case may select an assessment professional based on submissions from the parties.

OUR BELIEF: *In an adversarial process each party may choose their own professional to testify before the court. In our community process all matters require consensus. Professional assessments are expensive. In a community with a focus on healing; the primary*

investment of all funds is directed at rehabilitative plans for the family and child. One professional selected by consensus or if necessary by the Family Council, Tribunal or Court is much less expensive than several different professionals representing each party. A consensus selected assessment professional does not represent, any one party. Accordingly, they are better positioned to provide independent inputs to any process.

38.2: COST OF ASSESSMENT PROFESSIONALS

If the Family Council, Tribunal or Court determines that a professional assessment is required, the costs of the assessment shall be paid by the Director, unless the Family Council, Tribunal or Court involved in the case determines part or all of the costs should be paid by any one or more of the parties to the process.

38.3: OWNERSHIP AND USE OF REPORT

Any professional assessment created within this section shall be made available to all parties.

Section 39.0: Director of Health and Wellness

The Executive Council shall designate a member of the CTFN public service as the Director of Wellness Programs and Services.

39.1 DESIGNATION OF ASSISTANT DIRECTORS

The Executive Council may designate members of the CTFN public service as Assistant Directors of Wellness Programs and Services.

39.2 TERMS AND CONDITIONS OF DIRECTORS

The Executive Council in making designations pursuant to this section may impose any terms, conditions and responsibilities as the Executive Council deems necessary

39.3 POWERS OF THE DIRECTOR

A Director shall

1. ensure the Fundamental Principles and Objectives are respected in all actions taken and decisions made in the implementation of this Act,
2. be responsible for all matters pertaining to the care or custody of children who come into the Director's care or custody
3. develop preventative support services for families in need pursuant to this Act.
4. Establish programs and services to assist the community in building their capacity to care for and protect our children.
5. make agreements to carry out the responsibilities and objectives of this Act with
 - a. any person or group
 - b. any First Nation of agency or official of a First Nation

- c. the federal government ,any Provincial or Territorial Government or any agency or official of these governments.
6. Apply for any orders from a Court or Tribunal in accordance with this Act.
7. Conduct inquiries and carry out investigations in accord with the responsibilities and objectives of the Act.

Section 40.0: Advisory Committee

A Director may establish one or more advisory committees to promote and encourage the participation of the community in the planning , development and delivery of services by the Director. An Advisory Committee shall not duplicate work of the Family Council.

Section 41.0: Family Council and Director

A Director shall cooperate with the Family Council in all aspects of the Family Council responsibilities.

41.1: INVOLVING THE FAMILY COUNCIL

The Director shall immediately act on any referral made to the Director from the Panel or Council. The Director, after consulting with the Council or Panel shall take such actions as the Director deems appropriate.

Section 42.0: Delegation

A Director may, in writing, delegate any power, responsibility or other function of the Director to any person, group or other organization, and

1. the delegation may be general or related to a particular case or class of cases and may be for an unlimited time or a specific period of time;
2. the delegation may be subject to such terms or conditions as the Director considers necessary;
3. a delegation to a person may be made to the person in the person's name of office or personal name;
4. the person, group or organization may exercise the power, responsibility or function in addition to the Director;
5. the person, group or organization may not sub-delegate the power, responsibility or function; and
6. the Director may, at any time, by notice of writing withdraw the delegation.

42.1: DEVELOP PARTNERSHIPS

The Director shall pursue ways to develop partnerships with other CTFN agencies and, with the agencies of other governments to share responsibilities, to avoid duplication of services and to enhance the CTFN capacity to provide services to children and families.

Section 43.0: Disclosure of Information

If ordered by the Court or Tribunal and subject to the conditions imposed by the Court or Tribunal, the director shall disclose information in the records of the Director without the consent of another person for the purposes of:

1. an assessment and investigation as to whether a child is in need of protective intervention;
2. assessments and reports regarding the adoption of a child;
3. an application to the court or tribunal under this Act;
4. the planning for the care or adoption of a child;
5. ensuring the safety or health of a child;
6. court proceedings
7. carrying out of, or the reporting back on the results of an assessment required under this Act; or
8. any Family Council proceeding, if requested by the Family Council.

43.1: GOVERNMENT RECORDS

No information or document that is kept by a Director that deals with the personal history of a child or an adult and has come into existence through any proceedings under this Act, or as a result of any activity by previous Directors or agencies shall be disclosed to any person other than a person to whom the Tribunal or Court has ordered the release of such information.

43.2: ORDER TO DISCLOSE INFORMATION

Without an order of the Court or Tribunal, no person, agency or organization shall be compelled to disclose any information or document obtained in the course of their performance of duties under this Act.

43.3: REASON FOR RELEASE OF INFORMATION

A Court or Tribunal shall only order the release of any information held by any person, public or private body if the information is required to serve the best interest of the child. The Court or tribunal may impose such conditions upon the use of such information that the Court or Tribunal decrees is appropriate to protect the interests of others affected by an order to release any information.

44.4: NOTICE OF REQUEST FOR INFORMATION

The Court or Tribunal may order reasonable notice to be given by the applicant for the release of any information to any person the court deems appropriate.

Part Six: Protective Intervention

Overview

This is an important part of the Act. It is very different from most other parts of the Act. It is full of legal terms, full of detailed often complex provisions. It has to be. This part of the Act sets out what happens when the community informal processes are not suitable for, or not able to deal with cases and the power of a tribunal or Court is needed to intervene to protect a child at risk. When families cannot or will not invest the effort and time necessary to properly care for a child, protective intervention backed by an order of a Tribunal or Court is necessary. This Part continues to place responsibility at every turn on the parents, family, clan and community to do the work to raise a child. When that fails to work the Act as a last resort turns to the Court and Tribunal.

In this part, the power of a Tribunal or Court is used to apprehend children at risk, to gather information, to protect children at risk, and to reduce or remove the rights of a parent to the custody and care of a child when their actions place a child at risk of serious harm.

This part empowers caregivers and extended family members to step up and help or replace parents when they fail to care for a child. This Part incorporates the fundamental CTFN values and objectives of keeping children connected to their families, culture and community.

Amidst all the legal terminology the values and objectives of CTFN will be respected and guide both the process and outcomes of protective intervention.

OUR BELIEF: *In the final stage of our community process, our values, traditional practices, and the Fundamental Guiding Principles and Objectives, as well as our individual and collective responsibilities, continue to apply. This stage is intended as a last resort, and is reserved for matters where all parties cannot work effectively together or where the matter requires immediate and continued mandatory measures. During this stage, all participants are called upon to continue to look for ways to engage all aspects of the other stages of our community process.*

Section 1.0: Last Resort

Every reasonable effort shall be made to engage the Peacemaking Tribunal or Court as a last resort, and the voluntary, informal parts of the community process as the first and primary resort. Protective intervention is a last resort and shall occur only if a child's best interests are at risk and:

- a) A Parent or child declines to participate in the voluntary parts of the community process, or
- b) The need to take action to protect a child requires a protective intervention, or
- c) The Council decides the community process is not appropriate to handle the matter.

In all such cases the Family Council shall immediately notify the social worker, parents, the Clan and the community Child Advocate, and take all actions necessary to ensure the best interests of the child is served when a child is apprehended.

1.1: PROTECTIVE INTERVENTION

A protective Intervention process involving the Court or Tribunal can be used in conjunction with various parts of the first three stages of the community process, collectively known as community intervention, wherever required.

OUR BELIEF: *Adversarial processes rarely produce plans that maximize the capacity to advance a child's well being, and are even less likely to leave behind a constructive working relationship between government agencies and families of children in need. Adversarial processes can undermine the trust, respect and understanding essential between public officials and families to achieve the cooperative working relationships essential to help and work constructively to build healthy nurturing environments for children and families.*

Accordingly we expect all agencies and the Court or Peacemaking Tribunal will always look first to the Community Intervention process to handle child protection matters. When that is not possible, we expect all agencies and the Court or Tribunal to constantly seek ways to engage community intervention processes in whatever way possible. If the matter is taken through the Court and Peacemaking Tribunal, we expect the Court or Tribunal to engage and work collaboratively with Community Intervention processes as much as possible in dealing with all cases.

Section 2.0: Need for Protective Intervention

A child is in need of protective intervention if the child:

- (a) is, or is likely to be, physically harmed;
- (b) is, or is likely to be, sexually abused or exploited;
- (c) is, or is likely to be, emotionally harmed;
- (d) is being deprived of health care that, in the opinion of a health care provider, is necessary to preserve the child's life, prevent imminent serious physical or mental harm, or alleviate severe pain;
- (e) is abandoned;
- (f) has no living parent or a parent is unavailable to care for the child and adequate provision for the child's care has not been made; or
- (g) is under the age of criminal responsibility and has allegedly killed or seriously injured another person, or has committed an offence or a sexual offence that reveals the child is or is likely to be engaged in continuous criminal activities.

2.1: SEXUAL ABUSE OR EXPLOITATION

For the purpose of section 2, but without limiting the meaning of "sexually abused or exploited", a child has been or is likely to be sexually abused or exploited if the child has been or is likely to be:

1. encouraged, counselled or assisted to engage in prostitution; or
2. coerced or enticed into engaging in prostitution.
3. Involved in continuous activities related to prostitution.

2.2: EMOTIONAL HARM

For the purpose of section 2, but without limiting the meaning of "emotionally harmed", a child has been, or is likely to be, emotionally harmed by the conduct of a parent or other person if the parent or other person demonstrates a pattern of behaviour that is detrimental to the child's emotional or psychological wellbeing.

Section 3.0: Child Taken into Care

When a child for any reason is taken into care as soon as possible the person taking the child to a safe place shall notify:

- i. The parents;
- ii. The Council;
- iii. The Director or her representative;
- iv. The Clan leader;
- v. The Child Advocate.
- vi. Director of the Yukon Government Child Agency
- vii. If the child is not a member of CTFN, the child's First Nation

3.1: COUNCIL INVOLVEMENT WHEN A CHILD IS TAKEN INTO CARE

Upon a child being taken into care the Director shall seek input from the Family Council as soon as possible in determining what steps are required to serve the child's well being.

Section 4.0: Peacemaking Tribunal

A Peacemaking Tribunal shall be established by the General Assembly to resolve any matter referred to the Tribunal by;

- a) The Director
- b) The Family Council
- c) The Court

4.1: COMPOSITION

The Tribunal shall consist of three (3) Peacemaking Judges appointed by the General Assembly.

4.2: QUALIFICATIONS FOR PEACEMAKING TRIBUNAL

To qualify as a Peacemaking Tribunal Judge, individuals must;

- 1) Be of good character and reputation
- 2) Have significant experience with the issues surrounding children and families at risk
- 3) Have taken training in ADR
- 4) Have taken a 3 day course established by the Family Council based on Book One and other legislation, practices and customs of CTFN and,

4.3: RESTRICTIONS FOR PEACEMAKING TRIBUNAL

A Peacemaker Judge cannot:

- 1) Be a member of the Executive or Family Council
- 2) Be an employee of the Department of Health and Wellness
- 3) Be a Police Officer
- 4) Have a record of convictions within the past 10 years for any sexual or physical assault or any offence related to or involving children
- 5) Be under the age of 30
- 6) Have no significant connection to the Yukon

4.4: APPOINTMENT PROCESS – NOMINEES

The General Assembly, in appointing any Peacemaker Judge, shall appoint the judge from a list of at least three nominees for each appointment. The nominees shall be nominated by the Elder's Council.

4.5: PROCEDURES FOR NOMINATIONS

The Elder's Council shall establish their own processes for selecting nominations and the General Assembly may establish their process for making appointments.

4.6: TIME PERIOD FOR NOMINATIONS

Nominations shall be made within 60 days of vacancies and appointments made within 60 days thereafter.

4.7: TERM

Peacemaker Judges shall serve for five years upon good behaviour. The Peacemaker Judges may be appointed on a part-time basis. The same conditions set out in Part 5 Section 34.3 that apply to a Child Advocate, apply to a Tribunal Judge with any changes made to the terms of conditions of a Tribunal Judge's appointment.

4.8: PROCEDURES

The Tribunal shall establish their own procedures consistent with this Act.

4.9: JURISDICTION OF TRIBUNAL

The matters handled by the Tribunal shall consist of any matter pursuant to this and any other CTFN Act.

4.9: POWERS OF TRIBUNAL

The Tribunal may;

- 1) Refer all or part of any matter to the Family Council, or
- 2) Refer all or part of any matter to the Court, and
- 3) Use any ADR process as part of their process
- 4) Hear and decide any matter pursuant to this Act.

4.10: REFER MATTER TO FAMILY COUNCIL

The Tribunal may refer all or part of any matter to the Family Council if the Tribunal reasonably believes a voluntary agreement is possible through the Family Council process.

4.11: CONDUCT A HEARING

The Tribunal, in conducting a hearing on matters within CTFN jurisdiction, shall have the same powers as a territorial Court provided by territorial legislation.

4.12: REFER MATTER TO COURT

The Tribunal may refer all or any part of a matter to the Court when the Tribunal believes the Court is better suited to handle the matter.

4.13: TRIBUNAL AND COURT USE OF PROCESS

When any matter is referred to the Tribunal or Court, the court shall determine whether it serves the well being of a child to engage in an informal ADR process before proceeding in the Tribunal or Court. At any stage in a Tribunal or Court process the Tribunal or Court shall assess whether a child's well being is better served by using or referring all or part of the matter to any other part of the community process.

OUR BELIEF: *In some cases it may be necessary to invoke the powers of the Court or Tribunal to establish a dual track process, when a child is at risk and the family refuses to participate or abide by the decisions of Council or it is necessary to resort to a warrant to find and take children into care.*

The Court and Tribunal should always try to use an informal process within their process that respects our values and tradition of involving all members of an extended family and the Clan. Even if the ultimate decision rests with the Court or Tribunal there are many ways to respect and involve our processes. A dual track process may be used that involves both the community process and the Court or Tribunal. Within this dual track process as much as possible should be resolved through community intervention processes, with the Court or Tribunal maintaining a supervising role, and the ability

to ultimately sanction a consensus agreement. The refutable presumption should be that community intervention processes are the best means of dealing with every case.

Section 5.0: Powers of the Court

For the purposes of matters pursuant to this Act the Court shall have,

1. All powers provided by any Yukon legislation except where such powers are inconsistent with the provisions of this Act, and other CTFN legislation, and
2. All powers provided by this and other CTFN legislation.

5.1: WRITTEN REASONS

The Court or Tribunal shall provide written reasons for any of their decisions if asked by the parties to do so within 10 days of issuing a decision.

5.2: CLEAR OBJECTIVES

A Court, Peacemaking Tribunal, or Family Council, if imposing requirements in any contract or order upon parents, caregivers or extended family members shall set out in clear terms the requirements to regain full or partial custody of a child. The requirements shall as much as possible establish measurable objectives to achieve a level of caring and nurturing that provides the stable loving environment a child needs.

OUR BELIEF: *Parents must clearly understand what standards they must meet to regain their full role as a parent. These standards set must not be higher than a standard of care that does not warrant an initial protective intervention. The necessary resources for them to achieve this standard must be reasonably made available to them.*

Section 6.0: Plans for Children in Care

Whenever a child is taken into care, the Director if seeking from the Peacemaking Tribunal or Court any order for intervention, shall provide,

- 1) A description of what alternatives to any lesser intervention has been considered and the reasons why a lesser level of intervention has been requested, and
- 2) A detailed plan for a child, the parent or caregivers.

6.1: DIRECTOR PROVIDES SUPPORT SERVICES

At anytime, the CTFN Director may on her own initiative, and or if required to do so by the Family Council, Peacemaking Tribunal or Court shall offer support services to any party involved in the community Tribunal or Court to avoid the need for a protective intervention, or to keep the child safe in the home of a parent, extended family member or caregiver.

6.2: ADR PROCESS

At any time when a matter is being addressed by the Family Council, or is before the Tribunal or Court, the Director may on her own initiative and shall if required by the Family Council, Tribunal or Court shall offer the parties an opportunity to enter into an ADR process to reach a voluntary agreement on all or any part of the matter.

6.3: COSTS OF ADR PROCESS OR SERVICES

The Director shall cover all reasonable costs of any services required by the Council, Tribunal or Court and any costs of the ADR process except for any legal fees incurred by the parties to the ADR process. Any dispute over what constitutes reasonable costs or about the selection of a process facilitator (keeper, mediator, etc) or about any other aspect of the ADR process shall be resolved by the Family Council, tribunal or Court handling the matter.

6.4: CAREFUL CONSIDERATION OF COSTS

The Council, Court or Tribunal when requiring services provided by the Director for establishing an ADR process involving expenditures by the Director shall consult over the costs first with the Director, ensure all costs are reasonable and be mindful of any budgetary limitations.

6.5 CHALLENGES BY DIRECTOR TO COSTS

If any cost of ADR process for services required by the Council, Court or Tribunal are considered by the Director to be unreasonable or beyond the Directors budget the Director shall first raise the matter with the Council, Tribunal or Court involved and if any differences are not satisfactorily resolved the Director may apply to the Executive Council to resolve the matter. If the ADR process is required by the Family Council, Tribunal or Court, the body requiring the ADR process shall,

1. First ensure an ADR process is suitable and has the potential to resolve some or all outstanding issues.
2. Get reasonable timeframes for starting and completing the ADR process.
3. Remain involved to the extent deemed necessary.

6.5: APPROVAL OF AGREEMENT

At any time a voluntary agreement is reached, the agreement must be approved by the body seized with the matter (Family Council, Tribunal or Court).

6.6: CHANGES TO AGREEMENT

The body seized with the matter shall approve the agreement unless any part of the agreement fails to respect the Fundamental Guidelines and Objectives. By working with the parties to the agreement, the body seized with the matter shall try to amend the part of the agreement that fails to respect the Fundamental Guidelines and Objectives.

6.7: EFFECT OF AGREEMENT

The body seized with the agreement may either;

- 1) Leave the agreement as a contract among the parties, or
- 2) File the agreement in the Peacemaking Tribunal or Court to give effect to the agreement as if it was an order of the Tribunal or Court.

6.8: COUNCIL REPRESENTATIVES IN COURT

If for any reason the case is before the Court or Tribunal, the Council shall appoint a representative of the Council to appear with full party status. The Family Council representative is a separate and distinct party from CTFN government representative who as well shall have full party status in any court or Tribunal proceeding.

Section 7.0: Location Of Community Process

All CTFN processes and all meetings of the Family Council shall take place in Carcross or Tagish unless:

- 1) The matter involves an emergency;
- 2) The Family Council, Tribunal or Court seized with the matter deems the best interests of the child is not served by a hearing in Carcross or Tagish.

Section 8.0: Territorial Court and Community Justice of the Peace

All references in the Act to a court shall include a reference to a Judge of Territorial Court or a Justice of the Peace. All matters within the powers of a Justice of the Peace that are referred to Court shall be heard by a community Justice of the Peace for Carcross or Tagish unless the community Justice of the Peace is not reasonably available or decides the case should be heard by another Justice of the Peace or a Territorial Court Judge.

Section 9.0: Informal Process

Any matter before the Family Council, Tribunal or Court may be as informal as the Family Council, Tribunal or Court deem will serve the best interests of a child provided that none of the rights of a child or parent are infringed without their consent.

Section 10.0: Duty to Report Child at Risk

A person who has reasonable grounds to believe that a child is in need of protective intervention shall immediately report the information on which they base their belief to a director, social worker or peace officer

10.1: APPLICATION OF DUTY TO REPORT

Section 9.0 applies even if the information on which the belief is

1. confidential and disclosure of the information is prohibited under another Act; or
2. privileged, except as a result of a solicitor client relationship

10.2: FALSE INFORMATION

No person shall knowingly report to a Director, social worker or a member of the Family Council or peace officer false information that a child is in need of protective intervention.

10.3: INDEMNITY IN REPORTING

No action for damages may be brought against a person for reporting the information unless the person knowingly reports false information.

10.4: CONFIDENTIALITY IN REPORTING

No person shall disclose, except as required by an order of the court or a judge, the identity of or information that would identify a person who made the report without the consent of the person.

10.5: REPORTING TO THE FAMILY COUNCIL

A social worker, members of the Family Council or peace officer receiving a report pursuant to Section 9 shall immediately provide this information to the Family Council and to the Director.

10.6: REPORTING CONTACT

The Family Council and Director shall provide all social workers and peace officers working in CTFN Traditional Territory with the contact information of persons designated by the Director to conduct a protective intervention.

Section 11.0: Assessment and Investigation

On receiving a report under section 9, a director shall assess the information and investigate the circumstances of the report to determine whether the child is in need of protective intervention and whether the matter should include any community intervention process.

11.1 TIMING OF INVESTIGATION

The director shall commence an investigation as soon as possible and in no case later than 24 hours of receipt of the report.

11.2: TERMINATION OF INVESTIGATION

The Family Council or Director shall refuse to investigate or continue investigating a report if satisfied that the report is false, frivolous, vexatious or malicious; or that there is insufficient evidence to warrant further investigation.

Section 12.0: Interview of the Child

A parent or person who has been entrusted with the care of a child shall permit the child to be visited and interviewed in private by a Director conducting an investigation

12.1: LOCATION OF THE INTERVIEW

The interview of the child may take place where the child is located if the Director believes it is appropriate to do so.

12.2: CHANGE OF LOCATION FOR AN INTERVIEW

If the Director believes it is not appropriate to interview the child at the place where the child is located, the Director may, for the purpose of the interview, transport the child to another location.

12.3: NOTIFICATION OF INTERVIEW

The Director shall make all reasonable efforts to notify a parent, or person entrusted with the care of a child of the interview, and place of the interview before it takes place or as soon as possible during or after the interview.

12.4: CHILD'S BEST INTEREST

If the Director believes there are reasonable grounds that serve the child's best interests not to notify a parent or other person of the interview or place of the interview, the Director may wait until immediately after the interview to notify the parent or other person of the interview.

Section 13.0: If Access is Denied

If the person authorized to conduct an investigation is denied access to a child and the Director has reasonable grounds to believe that the child may be in need of protective intervention, the Director may apply to a judge for an order under this section.

13.1: APPLICATION OF COURT ORDER

The application for the order may be made without notice to any person.

13.2: TYPES OF ORDERS

If the judge is satisfied that the Director has reasonable grounds to believe that the child may be in need of protective intervention and the director has been denied access to the child by a person, the judge may grant one or more of the following orders;

- (a) the person disclose the location of the child;
- (b) the person allow the director or another person to interview or visually examine the child;
- (c) the Director be authorized to enter and remove the child from the place where the child is located and transport them to a place for an interview or medical examination; and
- (d) a health care provider be authorized to examine the child.

13.3: RETURN OF CHILD

If the child is removed from the place where the child is located for an interview or medical examination by the Director, the Director shall, following the interview or examination, return the child to the parent or other person from whom the child was removed unless the director brings the child into the Director's care under this Act, and either has the approval of the Court to do so, or within 48 hours applies to the Court for an order to retain a child in the Director's care.

Section 14.0: Seizure Of Documents

If a person refuses to comply with a request of the Director under this section , and the Director has reasonable grounds to believe that production of the document or thing would further the investigation, the Director may apply to a judge for an order authorizing the seizure of the document or thing.

14.1: NOTICE

The application for the warrant or order may be made without notice to any person.

14.2: TERMS AND CONDITIONS OF ORDERS

If the judge is satisfied that the Director has reasonable grounds to believe that entry to the place would further the investigation, the judge may issue a warrant authorizing entry to the place by the Director and seize any documents described in the order, subject to such conditions as a judge deems appropriate.

14.3: ENFORCEMENT OF ORDERS

If the judge is satisfied that the Director has reasonable grounds to believe that production of a document or thing would further the investigation, the judge may make an order required anyone to surrender the document or thing to the Director or authorize the seizure of the document or thing by the Director.

14.4: SEPARATE WARRANT

The order may be included in the warrant or may be made separately from the warrant.

14.5: EXECUTION OF WARRANT OR ORDER

The warrant or order shall

- (a) be executed within that part of a day, if any, specified in the warrant or order; and
- (b) expire at the end of the day specified in the warrant or order, or at the end of the 14th day after the warrant or order is issued or made, whichever is earlier.

Section 15.0: Police Assistance

In carrying out any of the Director's responsibilities or court order pursuant to this Act a peace officer may assist a Director and shall do so if ordered by the court.

15.1: ENFORCEMENT OF ORDERS

For the purpose of enforcing any order made pursuant to section 12 and 13 the Director or a peace officer may use any reasonable force that is necessary.

15.2: REPORT TO COURT

The person executing any warrant or order pursuant to section 12 or 13 containing such information as the Court may require within 72 hours of executing the warrant or order.

Section 16.0: Initial Contact

A Director shall, as soon as practicable after commencing an investigation, make all reasonable efforts to contact the child's parents, the Child Advocate, the Family Council and, if the child is a member of another First Nation, the child's First Nation, to advise them of the investigation.

16.1: REQUIREMENTS TO CONTACT

Unless the Court or Tribunal directs otherwise, the director is not required to contact anyone named in subsection 15.0 if;

- (a) the Director believes that contact would be detrimental to the investigation;
- (b) the Director believes that the contact would cause physical or emotional harm to any person or endanger the child's safety; or
- (c) criminal investigation into the matter is underway or contemplated.

16.2: PROCEED WITHOUT CONTACT

No response by anyone named in 15.0 to the initial contact by the Director is required and in the absence of a response, the director may still proceed with the investigation.

16.3: REPORTING BACK

A Director shall make all reasonable efforts to report the results of an investigation as soon as practicable to;

- (a) the child's parents, a person entrusted with the care of the child
- (b) if the child is a member of another First Nation, the child's First Nation;
- (c) the child, if the child is capable of understanding the information;
- (d) the Family Council; and
- (e) the Child Advocate.

16.4: EXCEPTIONS TO REPORTING BACK

Unless the Tribunal or Court otherwise orders, the Director is not required to report the results of the investigation if

- (a) the Director believes that reporting the results would cause physical or emotional harm to any person or endanger the child's safety; or
- (b) a criminal investigation into the matter is underway or contemplated.

Section 17.0: Unattended Child

If a Director or peace officer finds a child without adequate supervision in any premises entered under this Act, the Director or peace officer may do one of the following

- (a) take the child to a safe place and arrange for a responsible adult assist with or take care of the child for up to 72 hours;
- (b) remain on the premises for up to 72 hours;

- (c) arrange for a responsible adult to look after the child on the premises for up to 72 hours.

17.1: ADULT ON PREMISES

For the purposes of 16.0 the responsible adult may enter and stay on the premises and look after the child.

17.2: NOTIFICATION

The Director or peace officer shall make all reasonable efforts to notify the child's parents, the Child Advocate, and the Family Council of any steps taken under this section.

17.3: LOST OR RUNAWAY

If it appears to a Director or peace officer that a child is lost or has run away, the Director or peace officer may take charge of the child for a period of up to 72 hours.

17.4: OPTIONS

On taking charge of the child, the Director or peace officer

- (a) may take the child to a safe place or arrange for a responsible adult to look after the child; and
- (b) shall make all reasonable efforts to locate the child's parents or person entrusted with the care of a child.

17.5: ALTERNATIVE

If a parent or other person entitled to custody or care of the child is located, the Director or peace officer may return the child to that parent or place the child with another person at the request of the parent or other caregiver and with the consent of the person with whom the child is to be placed.

Section 18.0: No Contact Orders

If a Director has reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, the Director may apply to the Court for an order under this section.

18.1: NOTICE

At least two days before the date set for hearing the application, the director shall serve notice of the time, date and place of the hearing on

- (a) the person against whom the order is sought;
- (b) the child, if 12 years of age or over;
- (c) the child's parents; and
- (d) if the child is a member of another First Nation, the child's First Nation.

18.2: NO CONTACT ORDERS

If the Court is satisfied that there are reasonable grounds to believe that contact between the child and the person named in the application would cause

the child to be in need of protective intervention, the Court may make one or more of the following orders

- (a) that the person be prohibited for a period of up to one year from directly or indirectly contacting or interfering with or trying to contact or interfere with the child or from entering any place where the child is located;
- (b) if the judge believes that the person may not comply with an order under Section 17.0 that the person
 - (i) enter into a recognizance, with or without sureties, in an amount the judge considers appropriate, or
 - (ii) report to the judge, or to a person named by the judge, for the period of time and at the times and places the judge directs.

18.3: EXTENDING ORDER

Before the order expires, the Director or the person named in the order may apply to a Court and the Court may

- (a) vary the order;
- (b) rescind the order; or
- (c) extend the term of the order for a period of up to one year.

18.4: ADJOURNMENTS

If the Director has applied to a Court for an order under 17.3? and the Court has ordered an adjournment of the hearing, the Court may make an interim order

- (a) for the purposes described in Section 17.0 ; and
- (b) for the period from the adjournment until the conclusion of the hearing or such other time as the Court may order.

Section 19.0: Health Care

Despite any other legislation, a Director may apply to a Court for an order under this section if

- (a) in the opinion of two health care providers, it is necessary to provide health care to a child to preserve the child's life, prevent serious physical or mental harm, or alleviate severe pain; and
- (b) no one is able or available to consent to the health care, or consent to the health care has been refused by either the person responsible for the child's health care decisions or the child if the child is capable of giving or refusing consent to health care under the Yukon Care Consent Act.

19.1: NOTICE

At least two days before the date set for hearing the application, the Director shall serve notice of the time, date and place of the hearing on (a) each person responsible for providing consent to health care for the child;

- (b) the child, if the child is capable of giving or refusing consent to healthcare;
- (c) if the child is a member of another First Nation, the child's First Nation;
- (d) the Child Advocate;
- (e) the Family Council; and,
- (f) any other person the Court directs.

19.2: ORDERS

If the Court is satisfied that it is necessary to provide the health care to preserve the child's life, to prevent serious physical or mental harm, or to alleviate severe pain, the Court may make one or more of the following orders

- (a) that the health care be provided;
- (b) that a person be prohibited from obstructing the provision of the health care; and
- (c) that a parent or another person deliver the child to the place where the health care will be provided.

19.3: ADDITIONAL MEASURES

Unless the Court orders otherwise, this section does not limit the Director's power to take any other steps authorized by this Act to protect the child.

19.4: EMERGENCY ORDERS

If the Court is satisfied that it is necessary that the health care be provided without delay to preserve the child's life, to prevent serious physical or mental harm, or to alleviate severe pain, the judge may

- (a) shorten or eliminate the notice period;
- (b) allow the hearing to proceed without notice to or participation by anyone other than the Director; and
- (c) admit evidence by telephone or other means of telecommunication.

19.5: NOTICE OF EMERGENCY ORDER

As soon as practicable after a hearing under subsection 18.4, the director shall inform all parties who would have been entitled to notice of the hearing and the order made and any such party may apply to the court to vary the order.

19.6: NO LIABILITY

If the child receives health care as a result of an order under this section, no liability attaches to the facility where the health care is provided or to the persons providing the health care, by reason only that a parent or other person responsible for the child's health care decisions, or the child, did not consent to the health care.

19.7: CHILD IN CARE

For greater certainty, in this section "child" includes a child in the care of the Director.

Section 20.0: Removing Child from Home

In determining whether a child, who a Director believes is in need of protective intervention, requires out-of-home care, the Director shall balance the potential harm to the child from staying in the parent's home against the potential harm from being removed from the home.

20.1: SUPERVISION ORDER

If a Director has reasonable grounds to believe that a child is in need of protective intervention but believes that out-of-home care is not required to protect the child, the Director may make an application to a Court or Tribunal for a supervision order.

20.2: VOLUNTARY PLACEMENT

If a Director believes that a child is in need of protective intervention and requires out-of-home care, the Director shall explore with the child's parents, caregiver and extended family the possibility of voluntary placement of the child with an extended family member or other person.

20.3: VOLUNTARY CARE

If a Director believes that a child is in need of protective intervention and requires out-of-home care and voluntary placement with an extended family member or other person significant to the child is not possible, the Director shall take reasonable steps to explore with the parent the possibility of entering into a voluntary care agreement before taking action to remove a child from the home.

Section 21.0: Emergency Intervention with Warrant

Notwithstanding any other provision of this Act, if a Director, Social Worker, or person authorized by the Director has reasonable grounds to believe that a child is in need of protective intervention, the Director, Social Worker, or person authorized by the Director may apply to a Court to obtain a warrant to authorize bringing the child into the care of the Director.

21.1: NOTICE

The application for the warrant may be made without notice to any person.

21.2: EMERGENCY WARRANT

If the Court is satisfied that the Director or peace officer has reasonable grounds to believe that the child is in need of protective intervention, the judge may issue a warrant authorizing the Director or peace officer to bring the child into the Director's care and, for that purpose, to enter any place referred to in the warrant.

21.3: EXECUTION OF WARRANT

The warrant shall;

- (a) be executed within that part of a day, if any, specified in the warrant;
- and

- (b) expire at the end of the day specified in the warrant, or at the end of the 14th day after the warrant is issued, whichever is earlier.

21.4: APPLICATION TO COURT FOR ORDER

If the child is brought into care under the warrant, the Director shall make an application, in accordance with this Act, for an order of a Court that the child is in need of protective intervention.

Section 22.0: Emergency Intervention without Warrant

Notwithstanding any other provision of this Act, if a Director or peace officer has reasonable grounds to believe that a child is in immediate danger to their life, safety or health, the Director or peace officer may, without a warrant, bring the child into the Director's care.

22.1: ACTION TAKEN

For the purpose of this section, the director or peace officer may, without a warrant

- (a) enter at any time, any place where they believe on reasonable grounds that the child is located; and
- (b) use any reasonable force that is necessary.

22.2:

A peace officer may assist the Director in bringing a child into care without a warrant, and shall do so if asked by the Director.

22.3: APPLICATION FOR ORDER

If the child is brought into care without a warrant, the Director shall make an application in accordance with this Act for an order of a Court that the child is in need of protective intervention.

22.4: PROVISIONS FOR EMERGENCY INTERVENTION

Any emergency protective intervention prevails, to the extent necessary to protect the best interests of the child, over any provisions of Part Five of this Act.

Section 23.0: Action by Peace Officer

Anytime pursuant to this Act a peace officer takes action regarding a child, the peace officer shall immediately notify a director.

Section 24.0: Action by Director

If a child has been brought into the care of a Director under this Act, the Director shall make all reasonable efforts to notify as soon as practicable;

- (a) the child's parents;
- (b) the child's clan;
- (c) Family Council; and
- (d) if the child is a member of another First Nation, the child's First Nation.

24.1: NOTIFICATION SHALL INCLUDE

As part of the notification, the person to be notified shall be advised as to where the child is residing unless, in the opinion of the Director, that would present a danger to the child or the caregiver.

Section 25.0: Provisions in Warrant

The Court shall specify in any warrant when relevant the care and placement of a child apprehended pursuant to the warrant and where any seized materials shall be taken.

Part Seven: Miscellaneous Provisions

Section 1.0: Interpretation

Any dispute over the intent or interpretation of any section or part of this Act shall be resolved by:

- 1) First, referring to the overall intent and meaning drawn from the words used in the section in question, including the related OUR BELIEF statements.
- 2) Secondly, referring to the overall purpose of the part of the Act containing the section.
- 3) Thirdly, referring to Part One and the Fundamental Guiding Principles and Objectives
- 4) Finally to Book One

Section 2.0: Acting In Good Faith

Any volunteer or official participating in any part of the community process shall be immune from any civil action if their actions are conducted in good faith and do not constitute gross negligence.

Section 3.0: New Non-Carcross/Tagish First Nation Government Officials

Any government, agency, peace officer or judicial body that assigns or sends a person to act or work in Carcross/Tagish First Nation Territory on matters within the jurisdiction of this Act shall involve the Family Council in the selection of that representative or agent.

OUR BELIEF: *Working to help our families and our children in need requires teamwork. This requires bringing people together who can work together. We expect other governments who seek to work with us to respect our needs, interests and culture. We expect our views to be respected about who can work with us. Working together in a good way requires mutual respect, understanding and trust. All governments must search for ways to retain good people in Carcross/Tagish First Nation Territory. A good working relationship once established is not easily replaced.*

"New people coming in all the time making decisions about our people when they know nothing about us...about our community....Seems like every time we get someone trained to work with and understand our community – they get moved out – new one comes in and we need to start all over again – one of the most difficult challenges we face – takes a huge amount of energy – very discouraging makes us feel we have to start all over every time – cannot get ahead with our priorities...If they are coming to serve our community – need to begin by respecting our views and needs – sure would be

nice if they took the time to ask us who should come – and then take time to know us before starting to work here.”

Geraldine James —Citizen, Carcross/Tagish First Nation

3.1: TRAINING FOR CARCROSS/TAGISH FIRST NATION AND OTHER GOVERNMENT OFFICIALS

All public servants working for Carcross/Tagish First Nation or working in Carcross/Tagish First Nation Territory for another government or agency shall be required to and given an opportunity to take a course on the culture values and practices of Carcross/Tagish First Nation.

OUR BELIEF: *We have a distinct culture, and have invested great efforts to incorporate the values, beliefs and traditional practices of our culture into our Laws and governing processes. To be respectful of our First Nation and our people, and to work effectively with us, knowledge of our Laws and processes is essential.*

Section 4.0: Protection a Foetus

If the Council has reasonable grounds to believe and does believe that a foetus is being subjected to a risk of suffering from FASD, the Council shall take such reasonable steps as they deem necessary to protect the foetus or may apply to a court to initiate such protective measures as a court may be empowered to take.

OUR BELIEF: *The tragedy of a child’s life when born to parents who drink or use drugs during pregnancy or while breast-feeding a child is sadly well known in many communities. If a parent cannot suspend their substance abuse during these critical times, action must be taken to protect a child from the tragic consequences they will confront throughout their life. Our community cannot helplessly stand by while a parent abuses the creator’s blessing and severely harms the community’s most important resource for the future: its children.*

Section 5.0: Collaboration with other Governments

Carcross/Tagish First Nation recognizes and supports the need for collaborative planning with other Governments, (other First Nations, YTG, and the Federal Government) to maximize the use of resources, to avoid duplicating services, to prevent conflicts and to ensure the well being of children and families are best served. Every reasonable measure shall be made to work collaboratively with other First Nation Governments and with the Territorial and Federal governments.

OUR BELIEF: *Our Act advances processes, policies and Laws that promote shared responsibility. Our aspiration is to engage all parts of our community in sharing the responsibility for nurturing and protecting children. Our responsibility to work with others in a collaborative manner derives from our traditional practices and values. This responsibility calls upon all our agencies to find ways among other First Nations, Territorial and Federal governments to work together in addressing all*

aspects of childcare. New partnerships must be created to maximize the use of resources and minimize the duplication of services.

Towards this objective, Carcross/Tagish First Nation will seek to develop shared responsibilities to the extent possible for the care and nurturing of children with all other governments. In each case the Family Council process and Support Groups will seek to work with other government agencies and officials to secure the best means of responding to the needs of a child and family. We will work towards building a dual track process with the Territorial Government for cases that require their involvement. With a dual track process that melds their resources and powers with ours in a mutually respectful manner we can collectively offer the best range of responses to children and families in need.

Section 6.0: Use of Community Process for Offences

The Carcross/Tagish First Nation process for family and children may be used in any case involving criminal charges under the Young Offenders Act or any of the offences under Carcross/Tagish First Nation Laws. Additional provisions for dealing with criminal offences committed by children under the age of 12 and by children over the age of 12 are set out in Book Three, Youth at Risk.

Section 7.0: Local Foster Homes

The Council shall develop both a process and criteria for approval by the Executive Council for selecting and operating foster homes. Every effort shall be made to recruit CTFN citizens as foster parents.

7.1: PREFERRED FOSTER HOMES

Every reasonable effort shall be made to use a foster home that is within reasonable access of a child's family and that is either:

- a) Operated by member of same Clan; or
- b) Operated by First Nation caregiver, or
- c) Ensures exposure to and sensitivity to First Nation Khustéeyi (culture)

OUR BELIEF: *In almost every case, when a child is apprehended the most difficult and most important task is to find a foster home where a child can stay in the community and remain connected to family, Clan, culture and, most important, be with foster parents who know how to care for a child during a very emotionally stressful time for the child. Trained, experienced and properly remunerated foster parents are critical to a child's well being. In many cases, nothing is more important for the child, and for the parents, than highly trained, culturally appropriate and motivated foster parents living in the community.*

Section 8.0: Power to Make Regulations

The Family Council and the Executive Council may propose to the General Assembly such regulations as they deem necessary to carry out the purposes of this Act.

Section 9.0: Review of Act

Within 2 years of the date this Act is finally approved by the General Assembly, the Executive Council shall establish a process for a review of this Act. The review process will conclude and make recommendations for any changes no later than three years from final approval of the Act by the General Assembly.

Section 10.0: Public Service Branch Responsibility to Children and Families

The Executive Council, in consultation with the Family Council, shall set out in regulations pursuant to this Act

- a. The legal responsibilities, powers and structures of the CTFN agents and agencies required to carry out the responsibilities and services pursuant to this Act.
- b. The standards and processes for the accountability of directors and staff of all CTFN agencies dealing with children at risk.

Part Eight: Adoptions

Section 1.0: Reviews before Adoption

Unless waived by the Child Advocate and natural parents, before any adoption proceedings that permanently change the rights of natural parents, a review shall be held by the Family Council. At this review the Family Council may

- a. Approve the adoption
- b. Impose conditions for adoption, or
- c. Deem an adoption inappropriate

OUR BELIEF: *Adoptions of any CTFN child must be based on our traditional values and include our First Nation. Adoptions that have not directly involved us in the past have been a major source of conflict between the Territorial Government and our First Nation. In the new era of intergovernmental relationships in any sensitive matter such as adoptions we expect the jurisdiction of our First Nation will be recognized.*

NOTE: The remaining provisions for adoptions are still being considered by the community. Each Clan will be encouraged to set out any particular ceremonies or consequences of adoptions that apply to their Clan in the Clan Adoption Schedule to be appended to this Act.