

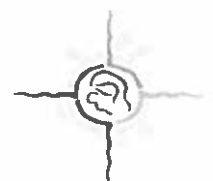


# **Wabashki Maakinaakoons**

## **Abiinoojii Niwiidabimaa**

### **CUSTOMARY CARE and CUSTOM ADOPTION HOME DIRECTIVES**

Customary Care and Adoption Home Directives of the Wabaseemoong Independent First Nations adopted under the Inherent authority of the First Nations for the purposes of establishing policy and procedures for the safety and security of our children in accordance to our Customary Care Code and as an additional enactment of policy ascending from the Wabaseemoong Customary Care Code and the Anishinabe Law: Abinoojii Inakonigewin.



# **WABASHKI MAAKINAAKOONS**

**Abiinoojii Nidwiidabimaa**

## **CUSTOMARY CARE and CUSTOM ADOPTION HOME**

# **DIRECTIVES**

### **TABLE OF CONTENTS**

<b>Contents</b>	<b>Page</b>
Part I:	1-3
Purpose	
Definitions	
Interpretation	
Jurisdiction	
Authority	
Part II:	3-15
Family Qualifications	
Safety and Background Checks	
Personal Qualifications and Suitability	
Health and social Qualifications	
Duty to Cooperate	
Confidentiality	
Records	
Supervision and Development	
Other Activities	
Education	
Home Environment. Health and Safety	
Transportation Safety	
Termination, Suspension and Revocation	
Training	
Part II:	15-16
Variances and Waivers	
Conformity	
Sovereign Immunity	
Amendments	

# **WABASEEMOONG FIRST NATIONS**

## **Customary Care and Adoption Home Directives**

### **PART I**

#### **Purpose, Definitions, Interpretation, Jurisdiction and Authority**

##### **1. Purpose**

The Customary Care and Adoption Home Directives shall be liberally interpreted and construed as an exercise of the Inherent sovereign authority of the Wabaseemoong Independent First Nations to fulfill the express purposes under our Customary Care Code:

1. To embody and promote the basic traditional values of the Wabaseemoong Independent First Nations regarding the safety and security of our children. The Wabaseemoong Independent First Nations believes that it is the responsibility of the First Nations, the communities and extended families to protect and nurture our children.
2. To promote the belief of the Wabaseemoong Independent First Nations that our children deserve a sense of permanency and belonging throughout their lives and at the same time they deserve to have knowledge about their culture including their Anishinabe customs, history, language, beliefs and values.
3. To provide for the best interests of the First Nations, the communities and for the families and their children.
4. To afford facilitative processes which allow for formal dispensations that address the issues of the Rights, responsibilities, care, supervision and control of our children when the biological parents are unable or unwilling to provide a safe, stable, nurturing and permanent social environment for their children by conferring jurisdiction upon the Wabaseemoong Independent First Nations Family Services Committee to hear and dispense with such matters.

##### **2. Definitions**

As used in this Customary Care and Adoption Home Directives:

1. **“Adoptee”** is defined as the individual, child or adult who is adopted or is to be adopted.
2. **“Adoptive Parent”** is defined as the person establishing or seeking to establish a permanent parent-child relationship with a child who is not their biological child.
3. **“Band”** means the Wabaseemoong First Independent First Nations.
4. **“Best Interests of the Child”** is defined as a variety of factors including: the ability of the First Nation to provide for the care of the child; the wishes of the Band, parents, party or parties; the preference of the child if the child is of sufficient age to express a preference; the intimacy of the relationship between the parties and the child; the child's adjustment to the home, school and community; the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; the permanence, as a family unit, of the existing or proposed placement or adoptive home; the mental and physical health of all individuals involved; the capacity and disposition of the parties to give the child, love, affection, guidance and to continue educating the child in the child's culture and heritage.
5. **“Best Interests of the First Nation”** is defined as a variety of factors including but not limited to: the ability of the Band and its members to provide for the child; the ability of

the Band and its members to provide for the continuation of the Band's culture, language, history, beliefs, traditions and values through its children if those children are taken away and not taught these things throughout their daily lives. The ability of the Band to continue as a viable cultural entity will be hindered by the loss of its children. Every child is a gift from the Creator and is viewed by the Band as crucial to the future of the Band as a whole.

6. **"Birth Parent"** is defined as the biological parent.
7. **"Chairperson"** means the office of the Chair for the Family Services Committee
8. **"Child"** is defined as a person under the age of eighteen (18) years of age.
9. **"Court"** means a court having jurisdiction over the child or children who are the subject of a Suspension of Parental Rights or Customary Care or Custom Adoption Petition under this Code.
10. **"Custom Adoption"** means a traditional practice recognized by the community and Band which gives a child a permanent parent-child relationship with someone other than the child's birth parent(s).
11. **"Customary Care"** means a traditional practice recognized by the community and Band which gives a child a parent-child relationship with someone other than the child's birth parent(s).
12. **"Customary Care Home"** is defined as a substitute home for the child or children and it includes custom adoptive homes.
13. **"Family member"** is defined as a person related by blood or marriage who maintains some form of significant contact with the child. The term includes spouses, parents, children, siblings, aunts, uncles, grandparents, grandchildren, cousins, Clan and significant others, and any other persons who might be considered a family member or a relative under Anishinabe Law or custom.
14. **"Family Services Committee"** means a committee or community board established by the Wabaseemong Independent First Nations. Such a committee or community board shall possess and will exercise the Inherent authority of the First Nations to protect our children through Customary Care or Custom Adoption.
15. **"First Nation"** is defined as the same as Band.
16. **"Final Decree of Custom Adoption"** is defined as the Final Order which establishes the permanent legal relationship between the child and the adoptive parent(s) and establishes any access or contact which may be allowed with the biological parent.
17. **"Final Order Suspending Parental Rights"** means a Final Order of the Family Services Committee which permanently suspends the Rights of a biological parent to provide for the care, custody and control of their child. Said Order may establish the parameters of contact between the birth parent and the child if said contact is in the child's best interests.
18. **"Suspension of Parental Rights"** is defined as the permanent suspension of the Rights of biological parents to provide for the care, custody and control of their child.

### 3. Interpretation

1. This Customary Care and Adoption Home Directives is intended to be and it should be interpreted as being consistent with Anishinabe Law respecting the protection and care of children including, but not limited to, the provisions of the Abinoojii Inakonigewin.

#### **4. Jurisdiction**

1. It is recognized and hereby endorsed that the Wabaseemoong Independent First Nations have and possess the sacred responsibility for our children as endowed to us by the Creator.
2. The Customary Care and Adoption Home Directives applies to all Band Members, Residents and Community Members who are residing in the communities of One Man Lake, Swan Lake, Wabaseemoong or any other Lands acquired hereafter.
3. The Wabaseemoong Independent First Nations have and possess the authority and jurisdiction for all Band Members regardless of their residency and retain the Right of Notification and participation in all other jurisdictions, territories, provinces and states.

#### **5. Authority**

1. The Family Services Committee shall have the authority to hear and dispense binding decisions for persons seeking an Order for a Customary Care Home denial, the suspension and revocation of a Customary Care Home Certificate or; to exercise any other authority as to carry out the intent and purposes of this Customary Care Home Standards and Policy, including use of the inherent Anishinabe powers as set out in the Abinoojii Inakonigewin and the Wabaseemoong customary Care Code.

## **PART II**

### **Customary Care Home Standards and Guidelines**

#### **I. Family Qualifications:**

1. Applicants shall comply with all reasonable requests by the Wabashki Makinaakoons (hereinafter referred to as the "Agency") in the customary care home certification process, and with any ongoing monitoring of their homes after certification.
2. During and after certification, customary care home families shall keep the Agency informed of any changes in their status, including employment, names and number of children and adults living in the home, and how long they're going to stay if the adults are living there temporarily, and any change of address or telephone number.
3. Applicants shall provide the Agency with the following information:
  - a. Name, sex, address, birth date, status number, social insurance number (optional), and driver's license number (where possible) of applicants and all persons residing in the home, including the children of the customary care parents old enough to drive a motor vehicle.
  - b. Proposed number, sex and age of customary care children to be served.
  - c. Names and addresses of at least four persons, three of whom are unrelated, who have known the applicant(s) for two years or more and who can attest to their character and ability to care for customary care children. The Agency may contact schools, employers, adult children, and other sources for references as part of the certification process.

- d. A statement as to whether the applicant(s) have ever operated or currently are operating a certified customary care home or facility to provide customary care to children or adults, and reasons for any termination or revocation of such certification or licensure from any other jurisdiction, Province or Territory.
  - e. Criminal Reference Checks and Reports or where not available a statement of the applicants of all criminal charges for all persons living in the home, including all employees, volunteers and minor children.
  - f. Child Abuse Reports or where not available a statement of the applicants of all allegations of child abuse and neglect, with dates and locations and resolution of those allegations for all persons living in the home, including all employees and volunteers.
  - g. A statement demonstrating that the applicants generate an income sufficient to meet the needs and ensure the stability and financial security of the family, independent of any customary care maintenance payment(s).
  - h. Documentation of all child support obligations in any jurisdiction, Province or Territory, whether the obligor is current with payments or in arrears, and whether any applicant's wages are being attached or garnished for any reason.
2. Verification that at least one customary care parent in the home is 18 years of age or older.
  3. Within 10 days of a request for customary care home certification, the Agency shall advise the applicant of the information and supporting material required to support the application.
  4. Within 45 days of receiving all requested material, the Agency shall approve or deny the request for certification or request additional material in support of the application.
  5. If the Agency requests additional information, then it shall approve or deny the certification within 30 days of receiving the requested information.
  6. Any denial shall be accompanied by a concise statement of the grounds for denial and provided to the applicant(s) within five days of the decision to deny.
  7. The Agency will not issue a Certificate if the prospective customary care parents falsify (including by acts of omission) the application or supporting documents. The Agency may act to revoke a Certificate if falsification is discovered after issuance, or if the customary care parents fail to inform the Agency of any disqualifying condition that arises after issuance.
  8. The Agency will not issue or renew a Certificate if any safety rule or other Customary Care Home standard required by the Agency is not met.
  9. The Agency will issue a provisional Certificate for one year to a new applicant when all required documentation has been received and all applicable standards have been assessed as being met. A Certificate will not be issued to an applicant before all standards have been reviewed with the applicant and the applicant agrees to comply with all standards when the Customary Care Home Certificate is issued.

10. A Certificate will not be issued until the required background checks for the applicant(s) and household members have been completed and show no evidence of criminal or other history that would prohibit the home from being certified to provide customary care.
11. Before the end of the first year of being certified the Agency will assess compliance with these customary care home standards. If the customary care home meets all requirements, the Agency will issue a Biennial Customary Home Certificate that will be in effect for two years.
12. Before the expiration of a Biennial Certificate the Agency will reassess compliance with all customary care home standards. If the customary care home is in compliance with the standards, the Agency will renew the Biennial Certificate for another two years.

## **II. Safety and Background Checks**

### **Criminal Reference and Background Checks:**

1. Prospective customary care parents and members of the household age 16 years and older shall consent to a Criminal Reference Check and a police Vulnerable Sector Check and will abide by any conditions as set in the checks. The Applicant(s) and any other person over the age of 16 years old will obtain such reports from the GCT3 Police Services, upon request from the Agency.
2. No Certificate will be issued until the results of these checks have been received and the Agency has determined none of the individuals has a criminal history that would prohibit him/her from being a customary care parent or household member in a Certified Customary Care Home.
3. The Agency will require that any employee or volunteer in a Customary Care Home or any individual living in a part of the home where the individual would have direct access to children in customary care, meet the background requirements for customary care parents described in these standards.
4. Employees, volunteers and individuals residing in a facility where they would have direct access to children in care, will give the Agency permission to check Child Protection Services (hereinafter CPS) history and criminal background checks by providing the Agency with a "Release of Information" and any other requirements to assure safety of children.
5. The minimum standards of character that are to be prescribed under this section shall ensure that none of the customary care parents or other adults, age 16 and older, shall have been found guilty of, or entered a plea of not guilty to, any offense under Federal, Provincial, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, arson, involving an imitation controlled substance or a controlled substance, prostitution or child pornography; or crimes against vulnerable persons.
6. The Agency shall consider all information obtained through the criminal reference checks including charges by summary conviction or indictable offences, arrests, and investigations of a serious criminal offense when issuing, renewing, denying or revoking a Customary Care Home Certificate.

7. In accordance with the Abinoojii Inakonigewin and the Wabaseemoong Customary Care Code, the Agency shall not issue or renew a Certificate if a member of the household has been:
  - a. Convicted of committing, or attempting to commit, solicitation, or conspiracy to commit any of the following crimes or crimes of similar nature in any jurisdiction.
  - b. For child abuse or neglect,
  - c. Domestic violence,
  - d. Arson,
  - e. Stalking,
  - f. A crime against the person which is a summary conviction or indictable offence, except for a infractions committed in the exercise of Treaty and Aboriginal Rights,
  - g. A crime that is a summary conviction or indictable offence and involves a victim who was a child under age 18 years of age at the time of the conduct, including a crime where the perpetrator was a person responsible for the child's welfare;
  - h. Crimes against children (including child pornography),
  - i. A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery which might include two males fighting due to any dispute or argument.
8. After a five-year period since the conviction of the crime of either a summary conviction or indictable offence for physical assault, battery, or a drug related offenses the Agency may review and consider the circumstances surrounding the crime and conviction; the probability of committing future offenses; of rehabilitation (including counseling, therapy, and education); and the relationship between the offense and the ability to be a customary care parent in making a certification decision.

**Child Protection Services (CPS) Background Checks:**

1. The Agency will obtain a "Release of Information" from the applicant(s) and all household members age 16 and older, giving the Agency permission to submit the individual's information for a CPS check. If the individual is found to have been the alleged perpetrator in a substantiated report of harm or there is an open case or report of harm in which the individual is involved, the Agency will not issue a Certificate to the individual or allow the individual to reside in a certified customary care home.

**III. Personal Qualifications and Suitability**

1. Customary care parents shall be responsible, stable, emotionally mature adults, who exercise sound judgment and have the capacity to meet the mental, physical, emotional and spiritual needs of children placed in customary care.
2. Customary care parents shall understand the behavior of children in customary care, and shall use effective child-rearing practices that will enable children to grow and develop.



3. Customary care parents shall understand and use non-punitive ways of discipline and ways of helping a child build positive personal relationships and self-esteem.
4. Customary care parents must be able to provide temporary care, respect for the child's relationships with his/her birth family, and the ability to work in partnership with the Agency toward the return of each child to his/her birth parents, or to achieve a permanent placement plan if this is deemed necessary by the Agency.
5. Customary care parents shall demonstrate a capacity to give and receive affection, kindness, a sense of humor, and the ability to deal with frustration and conflict.
6. Customary care parents shall have supportive ties with family, friends, clan and the community of Wabaseemoong.
7. Customary care parents shall respect the Anishinabe culture and practices of the Wabaseemoong First Nations and adhere to the culture and practice of customary care children, in all aspects, while they are in their of care or home.

#### **IV. Health and Social Qualifications and Suitability**

1. Prospective customary care parents shall provide the Agency, upon request, with the health history of each member of the household, including physical and mental health services and treatment that they may have or are in receipt.
2. Customary care parents shall immediately inform the Agency if any member of the household has or develops a serious communicable disease or other health condition.
3. Customary care parents and employees, volunteers, and other adults in the household caring for customary care children shall be physically and mentally able to perform the duties of customary care parents as prescribed in these standards. The Agency may require a medical statement from a physician verifying that no person suffers from a communicable disease, specific illness or disability which would interfere with the family's capability to care for children in customary care.
4. Applicant(s) must notify the Agency of any prior or on-going counseling or treatment of any parents, employees, volunteers and other adults in the household caring for the children. Once certified, the duty to notify the Agency of any counseling or treatment is on-going.
5. Applicant(s) and customary care parents shall supply psychological, medical or physical, sex-offender, drug and alcohol, and psychiatric reports and evaluations to the Agency upon request. The Agency may require that a Release of Information be signed for the purpose of obtaining the above or other reports.

#### **V. Duty to Cooperate with the Agency, the Wabaseemoong First Nations, and the Birth Parents of Children in Customary Care:**

1. Customary care parent shall cooperate with the Agency in any investigation involving their Certificate and/or any customary care child in their home.
2. The customary care parents shall cooperate with the Agency and the birth parents in developing and implementing a child's case and service plans and executing all Orders regarding the customary care child.

3. Customary care parents shall notify the Agency immediately of injury, illness, accidents, or any unusual circumstances which threaten the health, safety, physical or emotional well-being of the customary care child.
4. Customary care parents shall allow the Agency reasonable access to their home and to the children placed in their care.
5. The Agency will determine the appropriate number and ages of children for which the Customary Care Home will be certified. The customary care parents shall not exceed the certified capacity or accept a child outside of the certifiable age range for placement.
6. The health and safety of all customary care children in the Customary Care Home are paramount and as a result the Agency will consider the ratio of adults to children, the level of supervision available, the skill levels of the customary care parents, the health, safety and special needs of children in the home when determining the certifiable capacity and age range for the Customary Care Home. The number of children in the home will not exceed the limit that would assure that the needs of each child in the home can be met.
7. The Agency may modify the certifiable age range or capacity based on a request from the customary care parent and an assessment by the Agency that the home can meet the health, safety and developmental needs of the children who would be placed as a result of the requested change(s). If the Agency determines that a Certificate will be modified for a change in capacity or age range, a new Certificate reflecting the change(s) will be issued.
8. In accordance with the case plan, customary care parents shall:
  - a. respect and support the customary care child's relationship with his/her extended family members, siblings and clans members;
  - b. assist the Agency in planning visits with the child and his/her parents and family members; and
  - c. Allow the customary care children reasonable opportunities to communicate with their immediate, extended, birth and clan family, Guardian Ad Litem, and the Agency.
9. The Agency may develop a mentor program to assist customary care families in resolving problems that arise in connection with the placement of children. Customary care parents will participate in this program if so required by the Agency.

## **VI. Confidentiality**

1. The customary care family shall treat personal information about a customary care child and the child's family in a confidential manner during and after the provision of customary care. The customary care parents are required to execute an Oath of Confidentiality as part of the certification process.
2. Confidential information may be disclosed only when necessary to provide for the safety and well-being of a child or other children in the home or as required by the Agency. The information shared must be limited to only what is necessary to comply with this rule under these standards. This duty not to disclose confidential information applies during the period in which the customary care family cares for the children and forever thereafter.

## **VII. Records**

In maintaining children's records:

1. Customary care parents will provide all records on the physical and mental health care received during placement, immunizations, and educational and placement progress for the duration of the child's placement. Within ten days of the termination of a customary care placement, the customary parents shall relinquish all records to the Agency.
2. Customary care parents shall keep such written records for each customary care child in a manner that ensures their confidentiality.

## **VIII. Supervision and Development of the Customary Care Child or Children**

Daily Living:

1. Customary care parents shall treat natural children and customary care children placed in their home equitably.
2. Customary care parents shall provide structure and daily activities designed to promote the physical, social, intellectual, spiritual, and emotional development of the children in home.
3. Playthings shall be available in the Customary Care Home, including games, recreational and educational materials, and books appropriate to the age and development level of the child.
4. Customary care parents shall help the customary care children placed in their home develop skills and perform tasks that promote independence and self-sufficiency.
5. Customary care parents shall participate with the Agency to help children in customary care maintain an awareness of their past, a record of the present, and a plan for the future.
6. In accordance with the case plan, the customary care parent shall ask children placed in their home to assume work responsibilities appropriate to the child's age and ability and commensurate with those expected of their own children.
7. Customary care parents shall not use mechanical restraints on children in their care other than car seat belts and normally acceptable infant safety products.
8. Each customary care child in placement shall be treated with respect and dignity.

The customary care family shall:

- a. Allow reasonable access and private time with birth parents, siblings, family and clan members;
- b. Respect the child's Anishinabe culture and practices of the customary care children;
- c. Permit and allow access to cultural ceremonies and cultural activities and partake as necessary;
- d. Assure that the customary children have Anishinabe Names and clan;
- e. Ensure that the customary care children understand the Rights of an Anishinabe child;
- f. provide meaningful opportunities for the customary care child to develop relationships with members of the Wabaseemoong First Nations;
- g. Ensure regular contact with the child's Agency;

- h. provide the child access to telephone and writing materials and other household resources,
- i. Allow the child to receive and open her/his own mail and to have private phone calls unless the customary care parent has been asked to monitor the communication by the Agency.

**Substitute Caregivers:**

- 1. The customary care parents shall arrange for safe and responsible childcare at all times.
- 2. When the customary care parents are absent overnight, or longer, a person of at least 18 years of age, capable of assuming customary care responsibilities, shall be present in the home to supervise the children. The customary care parents shall provide contact information where they can be reached during their absence. Customary care parents shall not leave children for more than 48 hours without first giving notice to the Agency.

**Food and Nutrition:**

- 1. Customary care parents shall provide well-balanced daily meals.
- 2. Customary care parents shall provide for any special dietary needs of the customary care children placed in their homes.

**Clothing and Personal Belongings:**

- 1. Customary care parents shall provide each child with his or her own clean, well-fitting, attractive, seasonal clothing appropriate to age, sex, individual needs, and comparable to any other children's apparel in the community of Wabaseemoong.
- 2. Customary care parents shall allow customary care children to bring and acquire personal belongings.
- 3. Customary care parents shall send all personal clothing and belongings with the children when they leave the Customary Care Home.

**Discipline and Guidance:**

- 1. Many children come into customary care because they have suffered physical abuse and severe punishment. It is vital that customary care parents use positive discipline and guidance to help the child develop acceptable behavior.
- 2. Customary care parents shall teach and discipline customary care children with kindness and understanding.
- 3. Customary care parents shall set clear expectations, limits, and consequences of behavior.
- 4. Customary care parents shall teach each customary care child with techniques that stress praise and encouragement.
- 5. No customary care child or any child in a Customary Care Home shall be subjected to corporal punishment, physical abuse, sexual abuse, sexual exploitation, neglect, emotional abuse, mental injury, or threats of harm.
- 6. Customary care parents shall not deny a customary care child food, clothing, shelter, rest or contact with family members and the Agency.

#### **Health Care:**

1. Customary care parents shall work with the Agency to ensure that health care needs of customary care children placed in their care are met, including making and arranging transportation to medical, dental and counseling appointments as needed, and as is possible based on the resources available in the community of Wabaseemoong and the region.
2. Customary care parents shall obtain necessary emergency medical care for customary care children placed in their home as is possible based on the resources available in the community of Wabaseemoong and the region. Customary care parents shall obtain permission, where possible, from the birth parents and the Agency for major medical decisions that are not of an emergency nature.
3. Customary care parents shall be responsible for keeping immunizations current for customary care children placed in their home.
4. Customary care parents shall give customary care children prescription medication only in accordance with a physician's prescription or authorization from the Agency.
5. Customary care parents shall give customary care children prescription psychotropic (mental health) medication only with the parent's permission or if the Agency gets an Order approving the customary care children's use of the medication.
6. Customary care parents shall not provide tobacco products in any form to customary care children under the age of 18 placed in their home unless it is for a cultural purpose or activity.

#### **IX. Other Activities**

1. In accordance with the case plan, customary care parents shall participate with the Agency to arrange transportation to community and other events.
2. Customary care parents shall not require customary care children to participate in activities that may demean their Anishinabe culture or violate cultural values or beliefs.
3. Customary care parents shall encourage the customary care children to participate in community and cultural activities and events.
4. Customary care parents shall provide opportunities for recreational activities appropriate to the age and abilities of the customary care child.
5. Customary care parents shall encourage the children to participate in religious activities and promote the religious preference of the birth parents or the child if age appropriate, if so requested by the birth parents. The customary care parents shall not impose their religious beliefs or practices on the children placed in their care.

#### **X. Education**

1. Customary care parents shall enroll each customary care child that is of school age in a school within five days of placement of the customary care child or in accordance with any case plan.

2. Customary care parents shall be actively involved in educational programs appropriate for the customary care child's age, abilities, and in accordance with the case plan.
3. Customary care parents shall plan with school personnel when there are issues with the customary care child in school, and report to the Agency any situations that may require the Agency's involvement.

## **XI. Home Environment, Health and Safety**

### **Home Environment:**

1. The customary care parent's home shall, to the extent possible, be accessible to schools, recreation, churches, medical care and facilities in the community of Wabaseemoong.
2. The premises shall, to the extent possible, be free from pests, objects, materials, and conditions that might constitute a danger to the occupants.
3. Customary care parents shall take measures to keep the house and premises free from rodents and insects.
4. The home shall be well heated and well ventilated, in accordance with the standards set by the community of Wabaseemoong.
5. Stairways shall be equipped with safety features in accordance with the standards set by the community of Wabaseemoong.
6. Customary care parents shall install and maintain working smoke alarms in every room in which a customary care child sleeps and at least one on each floor of the Customary Care Home.
7. A Customary Care Home shall post a diagramed fire escape plan. This escape plan is to be in an accessible location within the home and reviewed periodically with the customary care children. In addition, the customary care parents are to provide the Agency with a copy of the escape plan.
8. A Customary Care Home shall have one class rated fire extinguisher in the house, or demonstrate that there is a system in place to extinguish fires that is satisfactory to the Agency and as approved by the Wabaseemoong First Nations.
9. The Customary Care Home shall have a continuous supply of safe, clean drinking water. Private water sources and septic tank systems shall be safe and operable and potable as approved by the Wabaseemoong First Nations.
10. The Customary Care Home shall have an adequate system for disposing of human waste that is sanitary as approved by the Wabaseemoong First Nations.
11. Customary care parents shall keep the home clean and free of hazards to the health and physical well-being of the family.
12. The Customary Care Home shall have an adequate supply of hot water for bathing and dish washing.
13. Customary care parents shall provide each customary care child with adequate storage space for personal belongings.
14. Customary care parents may allow a customary care child over the age of five to sleep in the same bedroom of another customary care child of the opposite sex, only after consulting with the Agency and determining that factors such as the age, health, developmental level and history of the customary care children would not affect the health, safety or well-being of the customary care children.

15. Bedrooms used by customary care children must have easily accessible and safe emergency access and egress to and from the room, and to and from the home.
16. Bedrooms used by the customary care children shall:
  - a. be safe and have adequate space for each customary care child;
  - b. provide sufficient natural light and ventilation;
  - c. normally have no more than four customary care children to a bedroom. More than four customary care children may share a bedroom in situations where this practice is consistent with the community of Wabaseemoong and after consideration of the age, health, development and history of the customary care children, it has been determined that sharing a bedroom adequately ensures that the health, safety and privacy needs of the children in care are met and does not increase the risk of harm to the customary care children;
  - d. have a bed for each customary care child and a crib for each infant. Children may share a bed, if, after an evaluation of factors such as the age, health, developmental level, special needs and history of the customary care children, it has been determined that such an arrangement would not pose a risk to the health, safety or well-being of the children in care or increase the risk of harm to the customary care children;
  - e. Customary care parents must ensure that the bedding used by customary care children is kept in a sanitary condition at all times and adequately provides warmth and comfort to the customary care children.

**Health:**

1. Each child will have access to resources to enable personal hygiene and grooming.
2. Customary care parents shall provide each customary care child individual items necessary for personal hygiene and grooming.
3. Customary care parents shall prepare and serve meals in a safe and sanitary manner that minimizes the possibility of food poisoning or food infection.

**Safety:**

1. The customary care parents shall protect the customary care children from all safety hazards.
2. Customary care parents shall ensure that the customary care children are supervised and appropriate safety precaution is taken when engaging in activities that are otherwise appropriate but that pose a risk of harm to the customary care children (such as water-related activities or inherently dangerous subsistence activities).
3. Customary care parents are accountable for the safety of the customary care children, at all times, whether or not they are supervising the activities of the customary care children. Customary care parents shall store all medications, poisonous chemicals, and cleaning materials in a way that prevents access by the customary care children.

4. Customary care parents shall have the ability to communicate with emergency medical services and to obtain the same emergency services available generally to the members and residents of the community Wabaseemoong.
5. Customary care parents shall restrict the customary care children's access to potentially dangerous animals.
6. Customary care parents shall store any ammunition and unloaded and operable firearms in separate locked places.
7. When traveling with a loaded firearm in a vehicle, the customary care parents will ensure child safety.
8. Customary care parents shall have first aid supplies in a place easily accessible to adults.

## **XII. Transportation Safety**

1. Customary care parents shall provide or arrange for safe transportation for customary care children to attend school, recreational, cultural and medical activities.
2. Customary care parents shall maintain all personal vehicles owned by them and used to transport customary care children in a safe operating condition.

## **XIII. Termination, Suspension and Revocation of Certificate**

### **Termination:**

1. Customary care parents may terminate their customary care responsibilities to customary care children in their homes only on 30 days written notice to the Agency and after consultation with the Agency. The Agency may waive this notice requirement if such waiver would be in a child's best interests.

### **Suspension:**

1. The Agency may suspend a Customary Care Home Certificate because of violations of one or more of these standards or rules or because of conditions in the home have render the home as being uncertifiable.
2. A notice of suspension must be in writing and must list the violations, along with the actions necessary for compliance, and any services available to assist the customary parents with compliance.
3. A Certificate may be suspended for up to 180 days.
4. Customary care children will be removed from homes with suspended Certificates.
5. No additional placements will be made during the period of suspension.
6. Within 30 days of the effective date of the suspension, the customary care parents shall submit a written Corrective Action Plan to the Agency. This plan must list the steps that will be taken to correct the deficiency
7. This action plan must be approved by the Agency and signed by both the customary care parents and the Agency. Failure to submit a plan will constitute a withdrawal from certification.
8. At the end of the suspension period or when the customary care parent complies with the plan to remedy the conditions that led to the suspension, the Agency may:



- a. reinstate the Certificate for the term of the original Certificate;
- b. issue a new Certificate;
- c. deny an application for Re-certification; or
- d. notify the customary care parents of the intent by the Agency to revoke the Certificate.

**Revocation:**

1. The Agency will revoke a Customary Care Home Certificate only after one or more of the above steps have been attempted or when child safety concerns warrant an immediate revocation.
2. A notice of revocation shall be in writing and shall state the reasons for revocation.
3. The Agency may take any action necessary to protect the health, safety and welfare of customary care children, including emergency removal of the children from a Customary Care Home or referral to GCT3 Police Services or another child protective agency or organization to effect such removal.
4. Customary care parents may appeal the suspension or revocation of their Certificate by making a written request to the Agency for a Hearing by the Family Services Committee (hereinafter the Committee). The Agency will notify the Committee and the Committee will establish the date, the time, the place any other rules for the hearing.
5. The Chairperson of the Committee shall notify the customary care parents(s) in writing, no later than and within ten days after the hearing indicating the Committee's decision. The decision of the Committee is binding and no other appeal process is recognized or authoritative upon the Committee and the Agency.
6. If the Agency has not received a request for a hearing within 21 days upon revocation of a Certificate then the customary care parent shall have waived the Right to a Hearing.

**XIV. Training**

1. The Agency will require all certified customary care parents to complete customary care home and parent training each year. A customary care parent in a one-parent customary care home shall complete a minimum of 10 hours of training annually. Customary care parents in a two-parent customary care home shall complete a minimum of 15 hours of training annually that may be shared between the two customary care parents. However, each parent in a two-parent home shall complete a minimum of five hours of training annually. Training may be accomplished through on site trainings, self-study packets or electronically received training materials. Training is required in order to continue being certified.
2. Within 90 days of certification the Agency shall require at least one parent in the Customary Care Home to possess a current Certificate for Infant/Child Cardio Pulmonary Resuscitation (CPR).

**PART III**  
**Variances, Waivers, Conformity, Sovereign Immunity and Amendments**

**I. Variances and Waivers**

Variances may be requested by the customary care parent. The Agency will consider requests on a case by case basis to ensure that the variance allows the Customary Care Home to meet the standard in another way and will approve or deny the request based on their findings so as to protect the health, safety and well-being of the children.

1. Non-safety standards may be waived for relative customary care parents. Criminal background clearances and other safety standards may not be waived. A non-safety standard may only be waived for relative customary care parents and only when the health, safety and well-being of the child are otherwise supported in the Customary Care Home.

**II. Conformity**

1. All actions taken by the Wabaseemoong First Nations or its agents or employee's shall conform to the requirements of the Abinoojii Inakonigewin and the Wabaseemoong Customary Care Code and any amendments thereafter.

**III. Sovereign Immunity**

1. The sovereign immunity of the Wabaseemoong First Nations, the members of the council, law enforcement officers, the Agency and its workers, Family Services Committee members, and any other personnel necessary for implementation and enforcement of these Standards is in no way waived by using these Wabaseemoong First Nations Customary Care and Adoption Home Directives.

**IV. Amendments**

1. The Wabaseemoong Customary Care and Adoption Home Directives may be amended by the Agency, from time to time, and any changes shall not contravene the Abinoojii Inakoonigewin and the Wabaseemoong Customary Care Code. Any amendments will be made available to the Customary Care Homes forthwith upon approval and in writing that acknowledges the changes.