



# **Wabashki Maakinaakoons**

## **Family Services**

### **CUSTOMARY CARE AND CUSTOM ADOPTION HOME**

# **PROGRAM MANUAL**

A Customary Care and Custom Adoption Home Manual of the Wabaseemoong Independent First Nations adopted under the Inherent authority and powers of the First Nations for the purposes of establishing policy and procedures for the safety and security of our children and as an additional enactment of Policy ascending from the Wabaseemoong Customary Care Code and the Abinojii Inakonigewin.



## **Wabashki Makinaakoons Family Services**

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### **PROGRAM MANUAL**

# **INTRODUCTION**

**This Customary Care and Custom Adoption Home Program Manual is a comprehensive Manual that describes customary care. Customary care is a traditional child caring and child rearing system practiced by Aboriginal people which includes custom adoption. It is a comprehensive and complex customary system of child care that predates any other form of child welfare in this country. The establishment of Aboriginal Agencies and the insistence from leadership for customary approaches to child welfare have led to the reemergence of traditional family systems and customary care. The research and development of customary care is a culturally specialized process where the persons involved with the establishment and implementation of customary care programs must possess an awareness traditional knowledge and understanding. This requirement is so fundamental to customary care that crucial cultural information may be dismissed or worse ignored as idle chatter by Elders. Another important dimension is that the Customary Care Programs must respect the cultural diversity that exists in Aboriginal communities. Bi-cultural proficiency must be promoted so that the bi-cultural needs of an Aboriginal client population will be best met by both conventional and Aboriginal approaches to services. The Agency has the primarily responsible for the management and supervision of Customary Care Programs supported by program staff that would have the primary responsibility for intervention and case management.**

**The best way to understand and appreciate Customary Care and Custom Adoption is to have an open mind and respect for other child welfare practices and refrain from ethnocentrism. Customary Care is a diverse practice that is as variant as the culture where the practice is grounded. The practice and style of Customary Care will change as one moves across the tribal groups and cultural diffusion and syncretism may be present that makes the study of Customary Care multifarious. However, it is safe to say that the understanding of Customary C and Custom Adoption is best understood by engaging in disciplined cultural relativism. This means that the best way to understand customary is from the culture of the people who are practicing it. The culture of Wabaseemoong, where Wabashki Makinakoons has primary service responsibility is predominantly Anishinabe thus, the Customary Care practice in this community will have strong Anishinabe cultural foundations.**

**Some final notes, the role of Agency is to make customary services available, provide a facility, manage and supervise customary care services and provide case management services. To this end, the Customary Care and Custom Adoption Home Program Manual has been developed- enjoy your adventure into cultural competent and congruent family services practice.**

**Wabashki Makinakoons** has the primary responsibility for the management and supervision of customary care services for all our client populations. This responsibility includes the planning and the implementation of the Customary Care Program as part of our compliment of family services. Developing an understanding and appreciation for Customary Care is paramount to the success of cultural competent and congruent family services. The interviews and consultations with elders have identified that the community members want customary care services to be made available to them. This Customary Care and Custom Adoption Program Manual examines historical trauma, traditional family structures and systems, role of an Aboriginal CAS, Customary Care and Custom Adoption. These are examined to heighten the Provider's understanding and appreciation for Customary Care- the core foundation of Aboriginal family services. It is imperative that the Providers grasp these concepts and provide culturally competent and congruent family services to our clients.

## **Objectives**

**This Customary Care and Custom Adoption Manual serves as Orientation and Training to the Provider who will come to understand and appreciate:**

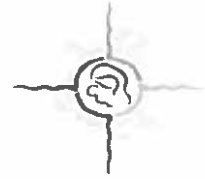
1. The history of child welfare and Aboriginal people;
2. The historical impacts caused by colonialism and its manifestations;
3. The concept of Anishinabe life perspectives and worldviews;
4. The role of traditional family structures and systems
5. The underpinnings of Customary Care and Custom Adoption; and,
6. The contribution of Anishinabe knowledge and culture to the development and establishment of Wabashki Makinakoons Family Services.

### **INSTRUCTIONS:**

The proceeding material is intended to provide information that leads to a thorough and complete understanding about the complexity of Customary Care. The information does not prepare the Reader to become an expert but it certainly provides sufficient information to be able to work with Aboriginal families and appreciate their desire to access customary practice. It is critical that the information is comprehended on an incremental basis because it builds from one concept to the next and it leads to a complete understanding of Customary Care. The information should be used as training material during professional development sessions with the idea of having full dialogue as to dispel any misgivings about customary Care. The information will assist any social work practitioner as they engage in culturally competent and congruent social work practice.

### **CAUTIONARY NOTE**

Customary Law and cultural rules do not permit any discussion or detail about the intercellular practice or intimate aspect of Aboriginal culture. Therefore, the proceeding information about Aboriginal life models as outlined herein is by the permission of the elders who were interviewed and for the sole purpose of providing cultural education to the Providers. Under no circumstances is this information to be reproduced without the consent of the elders who gave their permission to write this Manual under the strict understanding that cultural education will be extended to the management and staff. Any clarification should be directed to the Author: Lawrence W. Jourdain.



**WABASHKI MAAKINAAKOONS**

**Family Services**

**CUSTOMARY CARE AND CUSTOM ADOPTION**

# **PROGRAM MANUAL**

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# **Aboriginal Child Welfare**

## **Chapter 1: History and its impacts**

### **INTRODUCTION**

The practice of Aboriginal child welfare predates the establishment of formal child welfare systems and the enactment of governing legislation and regulations in this country. Aboriginal child welfare is a component of a traditional form of social caring that existed before the arrival of the newcomers and it continues to exist in Aboriginal communities. This tribal social network is a comprehensive and complex socio-cultural system that provides for the needs of an individual throughout the traditional life span, which includes, as a component, the care for children and their families (L.W. Jourdain, 1997). The care of children and management of such care is a traditional activity that serves to provide for the security and safety of child members. The Aboriginal people have practiced child welfare prior to the arrival of the euro-Canadians and maintained a traditional child caring network that included the tribal family systems and structures, extended family and Clans. The establishment of institutions, such as the residential schools and child welfare system, contributed to the near destruction of these traditional child caring systems. Recent changes to the governing legislation have led to the development of Aboriginal child welfare Agencies and the re-emergence of the traditional child caring system through the recognition of Customary Care and the practice of Custom Adoption.

In the practice of child welfare within the Aboriginal communities, it is important to understand and appreciate the impact and influence of history on the Aboriginal people and systems. The history of Wabaseemoong Independent Nations includes their removal from their homelands and an assertion for the right to protect their own children.

Historical distrust that tars the interaction between Aboriginal people and Children's Aid Societies (CAS) is an example of the impact and influence. The social apathy that persists and prevents any meaningful relationship building between Aboriginal people and the CAS is an indication of the influence of history. This Practice Manual is intended to provide information and where applicable to outline program directives and guidelines in child welfare practice with Wabaseemoong Independent Nations,

In this section you will learn and come to understand:

1. History of Aboriginal people and the child welfare system.
2. History of Wabaseemoong Independent Nations and child welfare.
3. Historical impacts and influences on families.
4. Understanding the internalization of historical distrust.

## **HISTORY**

Aboriginal history is a story of adversity and admiration for the survival of Aboriginal people. The arrival of euro-Canadians, the imposition of alien cultures and institutions and the relationship between the dominant society and Aboriginal people all have impacted on Aboriginal family systems. The prevalence of an ethnocentric attitude that asserts that euro-Canadian ways are best and that Aboriginal people simply need to learn the new ways of thinking, feeling and behaving has contributed to the disenfranchisement of Aboriginal people. The persistence of this attitude has been the foundation of interaction, relationship and, indeed, the underpinning of euro-Canadian law. The attitude has contributed to the destruction of the traditional family system, customary parenting and the protection of Aboriginal children. There are several components of the history that are attributable to the desolation of the Aboriginal families. It is critical that you understand the main components, as you provide child caring services to Aboriginal families. The proceeding subjects are components of historical importance and significance.

### **Aboriginal-Canada Relationship**

Euro Canadian governments have established relationships of power and control over the Aboriginal people. These actions have inhibited any opportunities for steady social and cultural development. Several of these actions are relevant to child welfare and the Aboriginal people:

1. Colonization and colonialism: Colonization can be defined as a form of invasion, dispossession and subjugation of peoples. The invasion need not be military; it can begin or continue as geographical intrusion in the form of agricultural, urban or industrial encroachments. The result of such incursion is the dispossession of vast amounts of lands from the original inhabitants. The long-term result of such massive dispossession is institutionalized inequality and social marginalization. The colonizer and colonized relationship is by nature an unequal one that benefits the colonizer at the expense of the colonized. The colonization of North America has separated Aboriginal people from their homelands and traditional ways of living. Changes to the lifestyle and traditional activity led to modifications in the customary roles of men and women. Rapid social changes caused by colonialism ushered a host of social manifestations: social deviance, social problems and social destructiveness. It is good practice to research the intergenerational impact of colonialism on Aboriginal families.
2. Treaty-making: The treaty-making process respecting the Anishinabe Nation is riddled with controversy. First the terms of the Treaty are not the same terms as understood by the Nation. The PayPom Treaty is a document that was developed by a friend of Chief PayPom would asked that he record the terms as greed on October 3<sup>rd</sup>, 1873. Second, the Anishinabe Nation insists that they never gave up nationhood, law-making and the authority to protect the children. Third, the Anishinabe Nation contends that the Treaty was not intended to sign-away any rights but to give safe passage for the Dominion forces enroute to battle the Metis in the Red River Rebellion. Finally, the act of signing the Treaty was an act of the Anishinabe Nation not the reserves or communities acting independently.
3. Indian reserve systems: The Indian reserve system has separated Aboriginal people from their homelands and customary ways of living. Changes to the lifestyle and customary activity led to adaptations in the customary authority of the family, Clan and community. Cultural and social change has led to socio-cultural manifestations: social apathy, social isolation and a psychological state called cultural impasse. It is good practice to research the intergenerational impact that the reservation systems have had on Aboriginal families.
4. Laws and the legal apparatus: The enactment of laws like the Criminal Code of Canada which prohibit the practice and expression of traditional spiritual ways and healing practices has undermined social and community cohesion. The customary principles of tribal existence that maintained social harmony were diminished and severely impacted the structure of the traditional family and cultural systems. Structural changes have led to family dislocation and dispossessed Aboriginal people from their culture. The Indian Act is a prime example of a law that governs every aspect of Aboriginal life and a law specifically designed for one group of people. Conflicts with the law has resulted in the over representation of Aboriginal peoples in euro-Canadian prisons. It is good practice to research the intergenerational impact of the incarceration in Aboriginal families.
5. Residential Schools: Commencing in the 1600s, Jesuit missionaries targeted Aboriginal children for conversion to Christianity. First, they

removed them to France and later established boarding schools. The early efforts became the foundation for a systemic approach to assimilate Aboriginal people by the federal government, in partnership with religious orders. Canadian churches and the federal government both have apologized to the Aboriginal people, publicly acknowledging the legacy of residential schools and reached a settlement in 2009. The Aboriginal children that attended the residential schools were forcibly removed from their families, communities, and were denied the opportunity to learn traditional parenting, values and customary roles. It is good practice to research the intergenerational impact of the residential schools on Aboriginal families.

6. Indian Day Schools: Coinciding with the Residential Schools were the Indian Day Schools that targeted Aboriginal children for conversion to Christianity. A day school is located near or on an Indian reserve for the purposes of educating Aboriginal children. These efforts continued the systemic approach to assimilate Aboriginal people by the federal government, in partnership with religious orders. The Aboriginal children who attended the Indian Day Schools were forcibly removed from their families, communities, and were denied the opportunity to learn traditional parenting, values and customary roles. It is good practice to research the intergenerational impact of the Indian Day Schools on Aboriginal families.
7. Public Schools: Commencing in the 1960s, aggressive assimilation targeted Aboriginal children. The public school systems became another systemic approach to assimilate Aboriginal people by the federal government, in partnership with public and separate school boards. The Aboriginal children who attend the public schools are removed from their families, communities, and some are denied the opportunity to learn traditional parenting, values and customary roles. The pupils are exposed to a course of study that does not acknowledge any Aboriginal history or provide instruction in Aboriginal culture. There are some encouraging attempts for change in the Ontario Curriculum and Native language is being made available. It is good practice to research the intergenerational impact of the public schools on Aboriginal families.
8. Child Welfare: The extension of child welfare services to the Aboriginal communities followed the closure of residential schools and immersion into public schools. The provision of provincial family services, child placement and adoption services to the Aboriginal communities proved to be difficult. It is generally believed that by the mid-1960s, there was a substantial increase in the number of Aboriginal children apprehended from their families and communities and taken into care (Johnston, 1981). In Ontario, from 1977-81, approximately eighty percent of children in care were status Indians, Non-status Indians and Metis. In parts of Northern Ontario, this figure rises to an estimated eighty-five percent in 1981 (Ibid). Many Aboriginal children were taken away from their families, communities and culture- in what became known as the 60's scope (Ibid). This trend continues as there are now more children in the care of child welfare authorities than there were in Residential Schools (Blackstock: 2012). It is judicious to explore the impact of the child welfare system has had on Aboriginal parents and their community.



These developments are of historical importance because they have contributed to the disintegration of the Aboriginal family, community and culture. Any child welfare efforts must pay specific attention to these components of history and how they influence the dynamics and interactions with Aboriginal people. All of these have been recognized as being the main contributing factors to the persistence of the historical distrust. This Practice Manual is about child welfare and the Anishinabe people and because of this the manual must focus on child welfare in the province of Ontario. More practically this manual is about the Wabaseemoong Independent Nations (WIN) and their assertion to protect their children.

### **Wabaseemoong Independent Nations and the child welfare system**

The elders and people of Wabaseemoong remember when the extended family, Customary Care and traditional adoptions were a normal course in family life. They recall a nomadic lifestyle living off the land and its natural resources. The families lived in a traditional economic society that depended on the seasons and riches of the land. This lifestyle started to change after the arrival of the newcomers. A Treaty was signed; Reservations were established and later Day Schools drastically restricted the nomadic life. The social organization and systems began to alter; the cultural structure and practices started to disintegrate and the incursions into the lives of the people steadily increased. Individuals that come to work or provide child caring services for the WIN and Agency must know this history and understand the social impacts that their case decisions may render. Most importantly, they must refrain from actively participating in the proliferation and persistence of the dismemberment of families and their children.

Prior to the 1950s, WIN was composed of three separate communities which included: One Man Lake, Swan Lake and Whitedog. The three communities were amalgamated into a unified Band called the Islington Band of Saulteaux when the hydroelectric developments displaced the people. The flooding debased all the people and significant portions of the traditional lands were made inaccessible including the desecration of sacred burial grounds. In the 1960s and 1970s, WIN was severely affected by mercury poisoning due to mercury contamination affecting the English River. During this time period, many children ended up in the Indian Residential School System and another large number were apprehended and removed from the communities as the Child

Welfare System took hold. The Northern Adoption Project has been recently uncovered as a deliberate attempt to adopt Wabaseemoong children into the Northern Oji-Cree communities. It is estimated that five generations of children have been forcefully removed from the WIN communities in the guise of protection.

In 1983, the Islington Agreement was signed between the Province of Ontario and the Islington Band. The agreement established opportunities for the Islington Band to partake in forestry and resource development in the Traditional Land Use Area. The Agreement came as a result of the flooding and damages caused by Manitoba Hydro. A Memorandum of Understanding (MOU) was signed in 1991, introducing the concept of co-management of the Islington Traditional Land Use Area between the Province and the Band, but Ontario has not implemented their responsibilities under the MOU. Islington Band changed their name to the Wabaseemoong Band of Saulteaux on November 13, 1991. The Band again changed their name to Wabaseemoong Independent Nations on March 20, 1992, to better describe their social composition. Wabaseemoong, which means "Whitedog" in the Anishinabe Language which oftentimes leads to the WIN be commonly called the Whitedog First Nation. Along this time period, WIN started to assert their authority and insisted that the CAS not be allowed in their territories and opted for other child welfare service arrangements. The dynamism of this social experience has led to the proliferation of social dystopia where there are high rates of suicide; amplified use of solvents, drugs and alcohol; upsurge in violence and criminality; escalation in family displacement and dislocation; intensified cultural loss patterns; escalated generational and pathological grief situations; compounded emotional and psychological trauma continue to consume the people. Individuals that come to work or provide child caring services for WIN and Agency must comprehend the dynamics and not hold this history as evidence for the persistent removal of children.

WIN plans to assume and deliver child welfare services to its band membership. WIN insists that they have the Inherent Right to provide for the safety and security of the children and their families. WIN asserts that the Anishinabe law and the Customary law of the First Nations was never terminated; they have always taken care of the children and their families; they practice traditional adoption and the Aboriginal laws accords

them the justification to continue. WIN has taken part in the development of the Abinojii Inakonigewin; has received assent from the Anishinabe Nation to develop its own Community Code for Customary Care and Practice Manuals. WIN has completed its Customary Care Code; Practice Manuals and Policies and is now implementing its child caring system.

### **Traditional and Customary Law**

The foundation of traditional and customary authority for Aboriginal child welfare is grounded on traditional and customary laws. The source of these laws derive from a traditional conference of authority bestowed upon the Anishinabe by the Creator called Miinigosiwin. Miinigosiwin is an all encompassing granting of authority that includes, amongst other things, the power to enforce traditional law and enact customary law. Traditional law is not codified and is sustained by customs, values, beliefs and norms. Traditional law remains consistent and does not change over time. Through a time honored social and cultural process, traditional law has been tested, tried and found to be true by the members of the Aboriginal society. The evolution of traditional law is not by a conventional or formal western court process but by particular social and cultural instances and events where traditional law was proclaimed. Members of Aboriginal society are strongly advised to adhere and abide by the principals of traditional law and model themselves accordingly. Traditional law has "must" rules, referring to must behaviors or must not behaviors that are strictly enforced by traditional systems. Traditional law touches on things held dear and sacred by the Aboriginal people (L.W. Jourdain, 2001). Traditional law is given the effect of law and recited during ceremonial events and affirmed by the presence of the Sacred Endowments.

Customary Law is based on the customs and cultural precedents that reflect past cultural practices. Customary law is equally sustained by customs, values, beliefs and norms. Unlike traditional law, customary law can be presented visually through traditional and customary processions. Customary law is generally found in customary practices, where rules of conduct and the consequences of deviance are recited by cultural practitioners. Customary laws are the rules that govern customary ways of acting and rules about behaving. The source of customary law is tradition. Customary law appears to be subject to value analysis, a process that involves the identification and explanation of the cultural trade-offs that the Aboriginal culture can tolerate or require. Therefore, customary law

changes over time as Aboriginal society changes (L.W. Jourdain, 2001). Customary law is now being exercised by the communities as they assent to the Abinojii Inakonigewin and enact their own Codes.

There are numerous examples from Aboriginal communities that can be used to indicate the application of traditional and customary law with respect to family and children. Such examples include the Clan system, the intervention of extended family members, practicing Custom Adoption, engaging in marriage customs, and child rearing practices, rites of passage ceremonies and various life-path milestones and ceremonies that accompany such achievements (L.W. Jourdain, 1998). All of these cultural systems comprise elements of traditional and customary family laws, which go unnoticed by conventional child welfare practitioners, courts and agencies. Custom Adoption is one Aboriginal custom that has been recognized by Canadian laws since the 1960s. The child welfare worker needs to understand and appreciate that other laws and rules maybe governing the interaction of family members within Aboriginal systems and communities.

In October 2008, the Anishinabe Nation of Treaty No. 3 enacted the Anishinabe Abinojii Inakonigewin as the National Anishinabe Law that will govern child welfare within the Treaty territory of 55,000 square miles. The Child Care Law set the standards of care for all Anishinabe children; endorses a structure for the administration of the law; approves a system of child welfare delivery and sanctions a process for communities to develop their own Codes by providing their assent to the law. The Child Care Law will replace the CFSA in the Treaty territory and it is one of two Laws that the Grand Council has enacted. The Wabaseemoong Independent Nations adopted the Child Care Law provided their assent to the Law in 2015 and enacted the Customary Care Code as the Law that governs child welfare in the First Nation territory and its people. The enactment of these Laws is an exercise of customary law-making and an assertion of inherent custom authority for the safety and security of children. It is essential as a Provider that you understand the Anishinabe Inakonigewin and Customary Care Code.

### **Aboriginal Nations in Ontario**

There are three main Aboriginal Nations in the province of Ontario. The Cree Nation in the James Bay coastal and northern regions, the Ojibway Nation in the northwestern, northeastern, south western and southern regions and the tribes of the Iroquoian Nation in the near northern, northeastern and southern regions of Ontario. Each of the three

Original Nations have their own distinct languages and cultural systems and laws. The diversity of languages and cultures amongst the Nations is an indication of the unique challenges to child welfare services and practice.

There are 134 Aboriginal communities in the province of Ontario and the populations live in different locations: reserves or settlements. Reserves are lands reserved for Indians and settlements are places identified by the federal government, as places where Aboriginal people live usually on Crown Lands. Settlements are not lands reserved for Indians. Aboriginal people have also migrated to urban centers and over half of the population resides off the reserve. The propensity for child welfare services to be involved with Aboriginal children and their families is heightened by the urbanization of Aboriginal people and the increase of social mobility. The Agency needs to be mindful of these social trends in the performance of their child welfare activities. The Provider needs to be receptive to the fact that each social setting has its own unique challenges.

### **Aboriginal Nations and the Child Welfare System**

The inadequacy of the child welfare system and how it affects many Aboriginal people is a relatively recent vintage. It is a social problem that has developed since the Second World War and it did not become apparent until the 1960s and 1970s (Johnston, 1981). There is a notion that the state has an obligation to the care of children who, for whatever reason, cannot be properly cared for by their birth parents. That responsibility is enshrined in the legislation that establishes a system of procedures and programs usually referred to as the child welfare system. The activities that the state undertakes or causes to be mandated to care for the children are referred to as the child welfare services. They include such things as: investigations and apprehensions, family and individual counselling, family support services and prevention services, placements and foster care and adoptions. WIN has the same aims with its Customary Care Code by implementing Customary Care and Custom Adoption and mandating Wabashki Makinakoons as its Agent.

The history of Aboriginal people and the child welfare system is a recent one. About sixty years ago, Aboriginal people were much more isolated from the mainstream society than they are now. They were less likely to move from the reserves and remote communities into urban areas and they were, consequently, less visible. Provincial child welfare authorities did not operate to any extent on the reserves and the number of Aboriginal children in care was minimal. As a result, the issue of child welfare and the

Aboriginal people was of little concern to law and policy makers alike. This is not to suggest however, that some Aboriginal children were not in need of alternative care. On reserves, such children would sometimes be taken in and looked after by members of their extended family, which included aunts, uncles and grandparents. In some cases, the Indian Agent, an employee of the federal government who supervised activities on the reserves, would place children with another family on the reserve as an alternative out-of-parental home placement. Often they were simply sent to live in Indian Residential Schools as a measure of intervention.

By the end of the Second World War there was a proliferation of government operated and funded social services extended to Aboriginal people. In 1947, a committee comprised of the Canadian Welfare Council and the Canadian Association of Social Workers submitted a joint Report to a senate sub-committee considering changes to the Indian Act.

The Report stated that the practice of the Indian Agent in adoptions was loosely conceived and executed and devoid of careful legal and social protection. The practice of placing neglected Aboriginal children in Residential Schools was also condemned. The report concluded that the best way to improve this situation was to extend the services of provincial departments of health, welfare and education to the residents of the reserves. It called against the development of a federally operated system parallel to the provincial system and demanded the federal government to confer with the provincial authorities. The extension of provincial child welfare and other social services programs appeared to be the logical way to overcome some of the social problems facing the residents of the reserves. Although, the recommendation was made with the best intentions, little attention was paid to the effect that the extension would have on Aboriginal families and communities. There seemed to be no concern issued that provincial services might not be compatible with the needs of Aboriginal families and communities. Nevertheless, in 1951, major changes were made to the Indian Act, including clause s. 88 that allowed for the extension of provincial child welfare services to Indian reserves.

The impacts of the extension of child welfare services to the Aboriginal people in Ontario are well documented. The number of Aboriginal children in care continues to be disproportionate when compared to the total population of Aboriginal people in the province. The rate of apprehensions, foster care placements and adoptions remain a

concern for Aboriginal Leadership. The sixties scope, the large scale adoptions, the imposition of provincial standards and the devaluation of customary and traditional Aboriginal family systems and culture remain as valid today as they were in the past. These impacts have led to the outcry by Aboriginal Leadership for changes and greater control of the child welfare system. The Native Child Welfare Prevention Program and changes to the Child and Family Services Act are a result of the efforts of Aboriginal Leadership, concerned individuals and communities.

### **Recent changes to the Child Welfare System**

Recent changes to the child welfare system in Ontario are both promising and problematic. In 1984, the enactment of the Child and Family Services Act included Native and Indian provisions within the substantial sections of the Act and an exclusive section for Natives and Indians referred to as part 10. CASs are obliged by the law to abide by the Native and Indian provisions and observe the requirements of Part 10. Part 10 extends the Right of Native and Indian people to develop their own family services authorities and recognizes the concept of the extended family and Customary Care. Under the regulations and in particular section 223, Indian or Native child welfare authorities, a band or the native community or specified persons or classes of persons, including persons caring for children under Customary Care can be exempted from any provision of the Act or the regulations. Wabaseemoong First Nations and the Agency are taking full advantage of this requirement and made an application for exemptions.

The Child Welfare Reforms, announced in 1997 and 2000, were large-scale changes to the child welfare system. The law was amended to make child protection the paramount objective and lowered the threshold for being in need of protection. There was the introduction of the Ontario Risk Assessment Model, Mandatory Training (board members, foster parents, managers, and front-line workers), a new Funding Framework, Foster Care Revitalization, Central Recording Systems, and Performance Accountability aimed at improving the child welfare system. The Child Mortality Task Force, the Coroner's Reports, the Panel of Experts and the Aboriginal Child Welfare Review have all contributed to the call for changes. Aboriginal Leadership, communities and social service organizations have issued concerns about the changes. They assert that the changes are not compatible to the needs of the Aboriginal people and some have postulated that there is the possibility of a repeat to the high number of apprehensions of Aboriginal children which is being dubbed as the Millennium Scope.

The history of Aboriginal people in North America is riddled with deceit, deception and deconstruction. The dispossession of the people from their lands and cultural systems is tantamount to Genocide. Genocide is the planned and deliberate attempt to terminate a group of people. When the historical information and facts are reviewed and revealed they certainly amount to the purposeful and directed enterprise to destroy Aboriginal people and their culture. It is surprising that Aboriginal people have been able to survive such onslaughts and it speaks volumes of the resistance and resilience of the people. There is a re-emergence of the Aboriginal culture and reliance on the old ways for social reconstruction. But there is one by-product known as historical distrust which is a social phenomenon that permeates every aspect in the interaction between euro-Canadians and Aboriginal peoples. The Aboriginal people react with suspicion each time the governments and their Agents attempt to make changes and request their involvement. Because it is a social by-product, it can be processed through social dialogue; trust building and genuine social acceptance and tolerance.

#### **PROGRAM DIRECTIVES:**

1. All Customary Care and Custom Adoption Home Providers are to abide by and adhere to the Customary Care and Custom Adoption Directives.
2. All Customary Care and Custom Adoption Home Providers are to attend and complete training and orientation sessions as arranged by the Agency.

#### **CUSTOMARY CARE AND CUSTOM ADOPTION HOME GUIDELINES**

It is imperative that the care provided to Aboriginal children be provided in a manner that adheres to the following guidelines:

1. Child welfare practice is a process that encourages the development of relationships and partnerships. The relationship will take time to develop and must not be rushed between the Agency and the community including Customary Care and Custom Adoption Home Providers. The impact and influence of historical distrust must be processed in a genuine and deliberate manner.
2. The Agency and the community of Wabaseemoong need to adopt a collaborative effort and partnership that fosters an atmosphere of a united front to deal with child welfare issues. The traditional approach of having the CAS act in this sole capacity must give way to involving and engaging the community and Customary Care and Custom Adoption Home Provider as an active participant.
3. The acknowledgment and acceptance of past historical practices is critical. The Federal government's Statement of Reconciliation should serve as an example of reshaping the practice of child welfare. There needs to be a concerted effort to dispel the practice of child welfare as being indifferent to the traditional and customary practices of the Anishinabe family and childcare. The opportunity for understanding



is greater when a social system is open for change and adopts a developmental goal of social acceptance.

4. The Agency and the Customary Care and Custom Adoption Home Provider need to be mindful of the culture of the Anishinabe parents. The child welfare practice and process needs to take into account the matching of Aboriginal children to their tribal origin and culture. The child welfare process must include plans for cross tribal and cross cultural group placements.
5. The Agency needs to purposefully examine and explore the history of their Agency and the community of Wabaseemoong. Making a concerted attempt to change the "Story" is essential if any child welfare services are going to be collaborative or combative. It is acknowledged that history cannot be corrected but the impacts can be managed and a "New Story" can be rewritten.



# **Aboriginal Child Welfare**

## **Chapter 2: Service Providers and the Agency**

### **INTRODUCTION**

The changes to the Child and Family Services Act have led to many changes to the practice of child welfare with Aboriginal people. Aboriginal people now have the ability to develop and operate their own family services authorities and declare Customary Care and apply for exemptions. The First Nations have a Right to be present at the child welfare proceedings and the Right to notification in adoption cases. Aboriginal people have a right to be consulted respecting the child welfare services provided to their communities by a Children's Aid Society (CAS). The Aboriginal children have a Right to the recognition of relationships and to the preservation of their heritage, traditions and a cultural plan. These are far reaching changes but Aboriginal Leaders have indicated that they do not go far enough. The Leaders would like to see the acknowledgement of traditional healing and enculturation services, Custom Adoption and community law-making processes. Contemporary CASs has begun to recognize the importance of identifying culturally competent and congruent practice with Aboriginal communities. This has become a paramount objective designed to avoid historical practices that have continued to undermine the Aboriginal family and social systems of Aboriginal people. As the Customary Care and Custom Adoption Home Provider you are expected to provide child rearing and caring services that encourage Aboriginal determinism.

In this section you will learn and come to understand:

1. The role of the Children's Aid Society.
2. The role of the Aboriginal Children's Aid Society.

3. The similarities and differences between the Children's Aid Societies
4. Aboriginal Cultural Observances and their significance.

### **The role of the Customary Care and Custom Adoption Home Provider**

The role of the Customary Care and Custom Adoption Home Provider may be formal or informal. The informal Customary Care and Custom Adoption Home Providers are not involved with the Agency or any other Family Service Authority in any formal manner. These homes will take in children as a private arrangement or through social services as a child out of parental home. The formal Customary Care and Custom Adoption Home Provider is involved with the Agency and has been assessed and certified to provide such services. These homes have a formal arrangement with the Agency and children are placed in their homes through emergency, short and long term care placements. The Customary Care and Custom Adoption Home Provider assume the role and responsibility as a substitute parent and is ascribed these duties to ensure safety and security of the Customary Care children. In assuming the role of substitute parent they accept the responsibility to assuring the social and cultural development of the children without reservation or interference. The Customary Care and Custom Adoption Home Provider provide nurturance and ensure developmental growth and enculturation while cooperating fully with the Agency. The Customary Care and Custom Adoption Home Providers are the back-bone of the traditional child caring system. In the practice of Aboriginal child welfare, it is crucial that Customary Care and Custom Adoption Home Providers are recruited, trained and are active in the care of Anishinabe children. The Customary Care and Adoption Home Provider is not to obstruct the plans of the Agency and intentions of the Anishinabe Abinojii Inakonigewin and the Wabaseemoong Customary Care Code.

### **The role of the Traditional Family System**

The role of traditional family begins and ends with the Spirit (Ojijak). The word Ojijak is not to be confused with the same Anishinabe word used for Crane. The use of the word and reference is made here to reflect the cultural understanding that the entire traditional family system shares one Spirit. The Spirit is always central to the family and it is the power that integrates the sacred with the secular. The traditional concept of the family includes both the sacred, which is a spiritual reality, and the secular, which is the physical reality. The Spirit name, the Clan, the traditional practices of healing and ceremonial

processions (naming, welcoming and rites of passage) nexuses the sacred to the secular. The secular is encased within the five levels of social caring: the parental system, the extended family system, the Clan system, the tribal family system and the cultural family system. The parental system is the central concern of the child welfare system; it is the inability of this system that triggers the involvement of the child welfare authority. The extended family system includes all of the relatives from both sides of the parental system. The Clan family consists of all those families that belong to the Clan of the child. The cultural family includes all of those families that belong to the same Namesake or belong to the same source of the child's Spiritual Name. The traditional family embraces all five levels of social caring systems and is permeated by the life force commonly called the Spirit (Ojijak). The opportunity for placements is boundless within the traditional family system as a resource for Aboriginal children. It is important that as a Customary Care and Custom Adoption Home Provider that you familiarize yourself with child's traditional family system as possible support and development.

### **The role of the Clan System**

The role of the Clans has traditionally constituted the basic unit of governance and social order for Anishinabe people. Before the arrival of the euro-Canadians, the whole realm of being Anishinabe meant that everyone belonged to a Clan (Ododem). The Clan is a social system of relationships that are defined through the child's birthright. The Clan system is all of the following: a social system, a justice system, a governance system and a system of the relationships and social group membership. The Clans fulfill a number of essential social functions. They determine who belongs to which group, provide for the needs of members, regulate internal and marital relationships, deal with social deviance and render decisions, regulate land use and resources, imbue a sense of identity and guide members in cultivating their Special Gifts and responsibilities. As a Customary Care and Custom Adoption Home Provider responsible for child welfare, it is important that you understand the role and authority of the Clans. Should you become involved with an Anishinabe family, it is imperative to discover their Clan (Ododem) of the child as a possible social supportive system and development. The Clan System is functioning in the WIN communities and the people still adhere and abide by the rules of the Clans.

## **The role of the Children's Aid Society**

As a Customary Care and Custom Adoption Home provider you may have experience with or be familiar with a Children's Aid Society (CAS). The primary role of the CAS in Aboriginal communities is to ensure the safety and protection of children and their families. All CASs share this role except for Aboriginal CAS who also must recognize the child's rights to: identity, language, land, lifestyle, education, Spiritual name, Clan, and cultural and healing practices. CASs must make every effort to preserve culture and identity by strengthening and maintaining families through the least disruptive course of action in preventative or protection measures. CAS professionals need to recognize the need for community consultation and direction while providing services to Aboriginal communities. CASs must understand that every reasonable effort should be made to ensure service coordination and case management as a joint effort with Aboriginal community service providers and or Leadership. The role of CASs working with Aboriginal communities will reflect and will be guided by the principles of cultural competence and congruence. This means that the CAS will work within the relevant values, beliefs, customs, and traditions of the Aboriginal community. To achieve this competence, the CAS professional will need to network, to educate and to comprehend the individual Aboriginal community values, beliefs, customs, traditions, and social structures. Only when a comprehensive understanding of social structures, historical implications, and acceptable practice is conceived can a CAS effectively work with Aboriginal families or within Aboriginal communities. This is critical because it means the difference between being helpful or harmful.

The Agency, in consultation with the community and the Customary Care and Custom Adoption Home Providers, will work to ensure that all services are delivered in accordance with the policies, standards, and guidelines of the Anishinabe Abinojii Inakonigewin and Customary Care Code, while still providing services in a manner that recognizes the culture of the individual, family, and community. While working with Aboriginal families and communities, the Agency must strive to avoid assumptions about our clientele and refrain from acting in a manner that shows disrespect. Assumptions that need to be avoided include, but not limited to, over generalization of Aboriginal individuals; undermining family and child's needs; the denial of community practices and not wanting to understand cultural influences in the lives of Aboriginal families and their children. These assumptions will fail to recognize the individual needs of the Anishinabe

families and their children and ultimately repeat historical mismanagement of child welfare services.

### **The role of the Family Services Authority**

The role of the Aboriginal Family Services Authority in the Aboriginal communities is to ensure the safety and protection of children and their families while recognizing the child's rights to: identity, language, land, lifestyle, education, Spiritual name, Clan, and cultural and healing practices. They have a similar role to their CAS counter parts because they are both governed under the Child and Family Services Act. The roles differ in that the Aboriginal Family Services Authorities have other responsibilities that the Aboriginal Leadership and community expect them to perform such as the provisions of the Abinodjii Inakonigewin and the Wabaseemoong Customary Care Code. The Aboriginal Family Services Authority is expected to protect Aboriginal children and family from any further incursions by CASs which includes itself. Consequently, they are expected to repatriate Aboriginal child members from any other jurisdiction and bring them back home. The Aboriginal Family Services Authorities are expected to provide child welfare services in a consented and nonintrusive manner where the family has the authority to make decisions. They are expected to assure the enculturation of Aboriginal children and adhere to cultural observances. In the event that a child is to be removed and placed, the Aboriginal Family Services Authority is recognized as having the role of the parent and to act accordingly.

### **Cultural Rites and Cultural Duty**

The elders have advised and informed Family Services Authorities that the Agencies have Cultural Rites as an Aboriginal Organization. The Cultural Rites arise from the fact that the Agency was born from Aboriginal aspirations and determination and as such was bestowed a Spirit Name and Ishionun (Sacred Endowments). In accordance to Aboriginal culture, the Agency's Name came from the Atisookaanug (Spirits and Ancestors) as well, the emblem is the representation of the protective Spirit. The protective Spirit will provide numerous instructions and directions to the Agencies on how the organization needs to operate and perform. Later, the Agency will be bestowed pipe(s), flag(s), a drum and oftentimes medicines. Because of these Sacred Endowments, the Agency has a customary duty to ensure that they are treated in a

culturally congruent manner that respects the Cultural Rites assigned by the elders or ceremony that transferred these Endowments to the Agency.

### **Cultural personification**

Aboriginal culture and practice postulates the notion that- the very moment an Agency receives its Name it has transformed and became more than a simple organization that provides child welfare services, it in fact, has become customarily personified in the eyes of the Atisookaanug. This means that the Agency has become a person, (much like the idea of a corporation under the Corporate Act), a living and breathing Aboriginal entity with a customary responsibility for family and cultural preservation. The Cultural Personification encapsulates the Cultural Rites that the Agency must adhere and abide as they provide services to the communities of Wabaseemoong.

### **Cultural ceremonies and Processions**

As a result of the above discussions, the Aboriginal Family Services Authorities adhere to cultural observances such as: seasonal ceremonies, feasts and gatherings; hold Aboriginal healing sessions and partake in pow-wows or other culturally significant events. They invite the children and their families to these cultural events and expect their staff and Providers to do the same. The responsibility for cultural obligations extend out from the Board to the management and then to the staff. Sometimes there may be a staff person designated as Cultural Services Coordinator and they may assume the cultural duty of assuring the observance to cultural matters.

The Aboriginal Family Services Authorities are similar but different from their CAS counterparts. They both share the same legal obligations but may differ in their service model and observance to Cultural Rites and Duties. The Customary Care and Custom Adoption Home Provider need to familiarize themselves with their Agency practice model and acquaint themselves with any cultural determinants that the Agency observes.

### **PROGRAM DIRECTIVES:**

1. All Customary Care and Custom Adoption Home Providers are to observe all cultural observances of the Agency and assure the attendance and participation of children in their care.
2. All Customary Care and Custom Adoption Home Providers are to abide and adhere to the sections of the Customary Care and Custom Adoption Home Directives that deal with cultural matters.

3. Any failure to do so may lead to the removal of children in their care.

## **CUSTOMARY CARE HOME GUIDELINES**

It is imperative that the care of Aboriginal children be provided in manner that adheres to the following guidelines:

1. The Customary Care and Custom Adoption Home Providers need to understand and appreciate that Aboriginal Child Welfare Authorities operate as a Children's Aid Society but must equally be as accountable to the Aboriginal community and the Leadership. The Leadership sees itself as having invested in the creation and development of such Agencies and must be in control. Because of this it is important that the Provider be cognizant that the Agency will involve the leadership.
2. The Customary Care and Custom Adoption Home Providers must understand that Aboriginal Children's Aid societies will have a different and culturally based approach to child welfare services. As a child-caring resource you must refrain from imposing your understanding and experiences with child welfare services and your cultural influences onto the Agency. The Agency has a dual accountability structure where the Aboriginal determinants will supersede any conventional and euro-Canadian structures and accountability mechanisms.
3. Notwithstanding the foregoing, this is not to say that any concrete and legal requirements for child welfare interventions will be ignored when it comes to the protection of Aboriginal children. As a Provider, it is important that you make the distinction as between accountability structures and legal requirements. The first is an organizational requirement and the other is a child welfare service requirement and the two should never be intertwined or cross contaminated.
4. As the Provider, it is crucial that you involve yourself with the cultural observances, ceremonies and processions without any hesitations. Your ability and attendance will speak volumes in the Anishinabe community and it will go a long way in building trust. The Child Protection Worker will always advocate for the rights of the children in his or her care including the Right to Culture.





# **Aboriginal Child Welfare**

## **Chapter 3: Customary Care and Custom Adoption**

### **INTRODUCTION**

Customary Care and Custom Adoption are part of the Aboriginal child welfare system that predates any other form of child caring systems in Canada. Aboriginal people have been taking care of their own children for years and have designed and developed comprehensive social systems to assure that children are free from harm. Customary Care did not mysteriously reappear because the Child and Family Services Act included and recognized it in 1984. The appearance of Customary Care in the Act is an acknowledgement that a customary system of child-rearing and child protection exists in the Aboriginal community. Customary Care processes and practices are extremely different from the current modalities of the child welfare system that tend to be authoritarian and legalistic. There are encouraging developments in the child welfare system that appears to be receptive to customary approaches to Aboriginal child welfare. Custom Adoption is a customary form of permanency for Aboriginal children that has been around and practiced by Aboriginal people long before the arrival of the Euro-Canadians. The exercise of Custom Adoption is diametrically different from the conventional practice of adoption which is engulfed in legality, privacy and secrecy. Unlike Customary Care, Custom Adoption has received legislative authority under the Indian Act and most recently under provincial and territorial laws. Wabaseemoong Independent Nations advocate for and have endorsed Customary Care and Custom Adoption as preferred modes of practice for the Agency.

In this section you will learn and come to understand:

1. Customary Care and Custom Adoption practices and customs.
2. Customary Care and Adoption approach and methods.
3. Anishinabe Customary Life Span Process.
4. Rights of the Aboriginal child.

### **Customary Care**

Contemporary CASs have begun to recognize the importance of identifying culturally appropriate practice within Aboriginal communities. This has become a paramount objective designed to avoid historical practices as the child welfare system is making adjustments to accommodate Aboriginal child caring systems. Customary Care is recognized in Part X of the Child and Family Services Act and it sets out the basic requirements for Customary Care. It is extremely important that Customary Care and Custom Adoption Home Providers understand that Customary Care predates any other form of child welfare systems and law in Canada. It is equally crucial that they understand that Customary Care is the traditional social caring system of Anishinabe people that meet the needs of individuals, families and groups throughout their life span. Customary Care includes the care of children as part of the traditional social caring system. This is unlike the notion of Customary Care that is currently being discussed as being exclusive and only to the care of children. Customary Care is a traditional social caring system that is actuated in time of distress and designed to meet the needs of the Anishinabe people and improve their life functioning. As cited in previous chapters, child welfare systems and laws have served to undermine and undercut the family and social system of Aboriginal people.

Customary Care is presently being discussed and presented as being restrictive to only children; that it is only voluntary and that it has only existed since 1984. The Aboriginal people understand Customary Care to be different: it has been around for a very long time, it can be non-consented, it triggers customary systems of intervention and that it is not only restricted to the care of children. Customary Care is the exercise of autonomy by the Aboriginal community for the safety and security of Anishinabe children. Euro-Canadian settlement and laws have not displaced nor removed this authority from the Aboriginal people. Customary Care placements have been occurring under the noses

of the child welfare authorities and without their involvement for years. It is only recently that child welfare authorities are being involved and only because the changes to the law included Customary Care in the Child and Family Services Act, 1984. This type of change is being made with Custom Adoption as the provinces are changing their laws to accommodate traditional Aboriginal adoption processes and procedures.

The law prescribes that the Band must declare a Customary Care arrangement after being satisfied that a child is being cared for in accordance to the custom of the Band. Thereafter, a CAS may pay a subsidy for the care of the child. The law recognizes the inherent authority of the Aboriginal people to care for its children but it is not this law that extends authority for Aboriginal people to exercise customary powers. Our customary authority starts and rests with our Indigenous Right to exist given to us by our Creator. It is that authority that causes the Bands to declare Customary Care not the Child and Family Services Act, 1984. Our indigenous authority has allowed us to design and develop a Customary Care system that includes the care of children. Customary Care is an exercise of custom authority. It is not an extension of any other law in this province or country.

Customary Care describes for us the child caring system that we have been engaging in for a long time. Customary Care is the authority of the First Nations to intervene in child and family matters and make provisions for the safety and security of our children. The authority can be exercised by the Leadership or it can be delegated to another traditional system who will act in their stead. Some First Nations will have Family Services Committees that function in this manner and others may have a designated person. The Aboriginal communities are now developing and implementing Anishinabe Tribal Laws for Child Welfare and Community Codes for child care as an exercise of the indigenous authority for Customary Care. These laws will define the authority, structure and systems of customary child caring in the Aboriginal communities.

The Aboriginal people have been practicing Customary Care for some time and there are forms of Customary Care that exist in the communities. Customary Care as applied by the Aboriginal people is both consented and non-consented and the family has the primal authority to decide if Customary Care is to be beneficial. In the Aboriginal community, the family has the Right to determine if intervention is necessary or a child

is to be removed and placed. Only when the family is so incapacitated to the extent that they are incapable of making a decision is their participation excused. Once the family makes a decision then the Customary Care system is initiated and traditional processes and procedures are instituted. The following are the forms of Customary Care and Orders that will be issued by the Wabaseemoong Independent Nations leadership of their Designates:

1. Shawentasoowin Order: Supervision Order that allows the Agency to supervise the family home while the children remain in the familial home;
2. Ganawentasoowin Order: Temporary Placement Order that removes the children from the parental home and placed in a Customary Care Home with parental consent and access;
3. Ombigiasoowin Order: Impermanent Placement Order that removes the children from the parental home and placed in a Customary Care Home with or without parental consent or access.
4. Gagiigimawasooowin Order: Permanency Order that provides for the permanent care of the children in a long-term Customary Care Home with or without parental consent and in the absence of any plans for Custom Adoption.
5. Odapinawsowin Order: Custom Adoption Order as prescribed and outlined in this Code.

It is imperative that as a child-caring resource that you come to understand these forms of Customary Care and orders. It is crucial that you understand that Aboriginal people have a different understanding of Customary Care. The Aboriginal understanding prevails in the Aboriginal communities and under no circumstances should the euro-Canadian view be pushed when you are providing child care services for the Agency.

### **Custom Adoption**

Jurisdiction over conventional adoption is exercised by the provinces. British Columbia (BC) has enacted the Adoption Act (R.S.B.C. 1996, c. 5) and Quebec has adopted Custom Adoption in its Civil Code. Canada has made no specific laws in relation to Custom Adoption under its constitutional authority for "Indians and lands reserved for Indians." However, under the Indian Act does recognize "customary adoption," which is reflected in the definition of "child." The definition of child includes "a legally adopted child and a child adopted in accordance with Indian custom." Aboriginal Affairs and Northern Development Canada (AANDC), accordingly, has developed a Customary Adoption Policy that sets out what must be provided to demonstrate that a Customary Adoption has taken place. Canada has taken the position that Aboriginal jurisdiction over Custom Adoption should not be included in comprehensive governance

agreements. However, recent and Modern Day Treaties do provide Aboriginal Nations with some law-making powers over Custom Adoption. This is an important subject because Aboriginal Traditional and Customary laws include traditional adoptions reflecting cultural practices not sanctioned under provincial laws. There is ample evidence that has been provided by the elders that suggests that Custom Adoption is being practised by the people of WIN. There have been two confirmed Custom Adoptions cases registered by WIN in Ontario and with Indian and Northern Affairs and AAFS does a wonderful job in presenting the processes and procedures.

Canada's reluctance to recognize broad Aboriginal jurisdiction over Custom Adoption is partly tied to concerns over funding and increasing the numbers of persons registered as status Indians under the Indian Act. Presumably, if an Aboriginal Nation can make laws on Custom Adoption, people ineligible for adoption under provincial and federal laws (and policies) or not wishing to be adopted under these laws and policies, could be adopted under the Aboriginal Nation's law, and thereby potentially obtain status (persons legally adopted are entitled to status as the children of the individual(s) adopting them). Jurisdiction over Custom Adoption is linked to the subject matter of child and family, which includes child welfare in any province. In BC, the provincial government has recognized in its Adoption Act a more open process for Custom Adoption. This provision is used specifically in relation to children in provincial care. For the province, Custom Adoption provides greater choice when considering permanency options for Aboriginal children in continuing care. Custom Adoption in BC is defined as "the cultural practices of Aboriginal peoples to raise a child, by a person who is not the child's parent, according to the custom of the First Nations and or Aboriginal community of the child." Custom Adoption has the same effect as an adoption order under the Adoption Act, when the court makes a declaration pursuant to an application under the Adoption Act.

There are no powers over Custom Adoption under the Indian Act either in respect of the Minister or the Aboriginal Nations. However, under the Indian Act persons legally adopted are entitled to be registered as Indians. Custom Adoption is a long-standing and accepted practice of child placement in the Aboriginal community and culture. Custom Adoption is an arrangement for care of children between the birth parent(s) and the adoptive parent(s) in accordance with Aboriginal custom. The arrangement is usually with relatives or other people in the same community. The elders have deemed that Custom Adoption has taken place during the time of placement if any of following processes and procedures have been satisfied or occurred:

1. consent of the birth and adopting parent(s);
2. child has been voluntarily placed with the adopting parent(s);
3. if no consent, the Grandmothers are in agreement of the adoption;
4. adopting parent(s) are indeed Aboriginal or entitled to rely on Aboriginal custom;
5. rationale for Custom Adoptions is present; and,
6. the relationship created by custom must be understood to create the same relationship as that resulting from familial systems and placements;
7. a ceremony sanctioning the adoption has taken place.

As the child-caring Provider it is mandatory that you familiarize yourself with Custom Adoption. Custom Adoption is increasingly being practiced by Aboriginal communities as an option for the permanency for Aboriginal children. Custom Adoption can be both voluntary and involuntary on the part of the original parents depending on their state of life. But Custom Adoption is extended with the approval of the parents and adoptive families and that ceremonial activities have taken place under the advice and direction of elders. Customary Care and Custom Adoption are an exercise of the autonomy of the WIN. The Customary Care Code and the Custom Adoption Rules each set the processes and procedures for Customary Care and Custom Adoption. This custom authority is effectuated for the safety and security of the child members of the tribe. Once the decision is made then the traditional family systems and structures are triggered and the customary system for the care of children is fully mobilized. This includes assuring that the child is exposed to its culture and is being raised in accordance to the roles and responsibilities of the traditional family structure, Clan and the Customary Life Span.

### **Customary Life Span process**

The Anishinabe people have a customary view of the journey of life that completely describes the customary life span processes and life tasks that need to be satisfactorily completed for Bimatiziwin. The Customary Life Span processes or the Four Hills of Life are those life events in a person's life space that help improve the quality of that person's life. The four Hills provides guidance for life change, it explains the life stages and provide invaluable information for attaining Minobimatiziwin. The Customary Life Span defines both the psychological and spiritual development that the person achieves throughout their lives. These two developmental processes are combined in the word psychospiritual. The Anishinabe Four Hills of Life offers us with a "Life Map" that outlines the psychospiritual tasks that need to be achieved before moving on into the next hill. The Four Hills of Life has its origins in the culture of the Anishinabe.

The Four Hills of Life has a psychological basis because it provides an explanation for the need to acquire a level of psychological maturation to proceed to the next hill while at the same time gaining spiritual growth. The “Psyche” of the person must attain a level of intellectual functioning that permits that person to acquire a level of knowing and understanding. In the same manner, the “Spirit” of the person must attain a level of spiritual functioning to allow that person to reach a higher level of human experience and spiritual understanding. The unification of the “Psyche” and “Spirit”, their relationship and interactions are inescapable in the Anishinabe culture: “they are one and the same but separate”. One does not proceed to any other level of psychospiritual development unless the “Psyche” and “Spirit” have achieved a state of readiness, maturation and completed the necessary psychospiritual tasks for each of the four hills.

Only until a person accomplishes the requirements of each hill are they ready to proceed to the next with some confidence they will meet the psychospiritual tasks of the succeeding hill. In accordance to the Four Hills of Life, any person that does not attain the psychospiritual tasks for any hill means that they will always be functioning from that level and they will be exhibiting searching behavior in an effort to accomplish the tasks and not advance. The Four Hills of Life does not suggest a life sentence that the person will experience eternal turmoil but provides an opportunity for persons to change and grow, gives explanations and directions for a life path and the results of any deviations. The opportunity to change one's life path is always available, should one choose to “take-in” the lessons from the Four Hills of Life. The Four Hills of Life is presented here to display the Anishinabe understanding of an individual's cycle of life.

Paste Four Hills of Life- insert here.

### **The Four Hills of Life**

The Four Hills of Life as described by the Anishinabe are the four stages of life: the first hill is described as the Infancy and Childhood stage, the second hill is described as the Youth and Adolescent stage, the third hill is described the stage of Adulthood, and finally the fourth hill is described as the stage of Old Age or Elderhood. Each life stage is separate from the others and they have their assigned biological ages and psychospiritual tasks which needs to be satisfied. The stages in the Four Hills of Life are explicit in their representation of expectations, requirements and goals of

Minobimatiziwin (good life). The proceeding information has been gained from Anishinabe and Wabaseemoong elders and developed by L.W. Jourdain as follows:

- I. Abinoojiiwin: The first stage or hill is Abinoojiiwin, ages 0 – 11, it is the beginning of a person's life journey and entry into the physical reality. The birth of the baby is considered a new arrival from the spiritual reality; the infant is extremely dependent on the parents for all its emotional, physical, mental and spiritual needs. Because the baby is a new arrival from the spiritual reality a Welcoming Ceremony is initiated by the parents. This is followed by a Naming Ceremony that announces the baby's name to all of creation and establishes the Spirit Name of the infant. The Four Hills of Life suggests that the baby is born without personality and character however; the unification of the physical body and the Spirit provides the infant with a life force to begin its journey through life and develops an identity and personality. During infancy, the baby brings joy, happiness and hope to the parents, grandparents, extended and Clan family members to whom the infant is dependent for nurturance, love and life. During the formative years of childhood the child is provided with guidance, direction and Giikimoowin (Sacred Teachings) to learn life lessons and acquire trust. Failure by the family to provide for the needs of the infant and provide instruction would result in the loss of identity, trust and in the worst case: life. It also means that a survivor of this stage who does not complete their tasks will be constantly searching for these psychospiritual qualities.
- II. Oshkiniigiwin: The second stage or hill is Oshkiniigiwin, ages 12 – 14, this is the stage where the great majority of the physical, mental, emotional and spiritual development occurs. Many Anishinabe elders, spiritual advisors and healers agree that this stage shapes the entire life span process of the individual. It is during this stage, the youth experiences a great deal of changes that is mostly signified by the physical maturation of the adolescent and the blossoming of the Spirit. The youth completes the psychospiritual tasks of this stage in seclusion, through fasting in order to attain a "Vision". The accomplishment of the psychospiritual tasks during this stage is dependent on two conditions: first, the preparation of the body and emotions where the youth must learn about their physical and emotional capabilities, discovering their nature, essence and purpose; second, the preparation for continued unification of the mind and Spirit, the youth must learn about their incorporeal self, preparing, seeking and searching the inner self for greater understanding. After the accomplishment of these conditions, the youth is ready to attain the "Vision".
- III. Nitawigiwin: The third stage or hill is Nitawigiwin, ages 15 – 50, this stage is generally marked by the psychospiritual tasks of procreation, leadership and independence. The Adults are independent and capable of making their own decisions and choices of life. They are able to procreate and raise children, both parents are expected to execute their parental duties without discord. They are to provide nurturance, love and guidance to their off-spring during this stage in life. They act as the primary "care takers" to their children, youth and the aged ones. The adults are charged with the responsibility of providing leadership as parents, warriors and Ogimacanung. The discharging of leadership duties must



be done in a respectful, judicial and fair manner that maintains the common good of the people and permeates around cultural competence. It is during this stage that the real life struggle begins, and these struggles are of a physical order. The Adult must live out their Vision attained during the second stage and be aware, mindful and prepare for any deviation of their life path. Those that wonder off of their Vision and diverge into social turmoil in their lives will end up lacking a sense of life fulfillment. In accordance to the Four Hills of Life, a person needs to come to an understanding of the requirements for each stage before they completely understand the purpose of their "Vision". Where a person's mood, pace and tone changes and begins to exude and resemble genuine kindness- it is an indication that Adulthood is ending and Old Age is beginning and setting in.

- IV. Kitisiwin: The fourth stage or hill is Kitisiwin, age 50 + and a stage which is signified by social acceptance and adaptation where the formal ways of life must be forsaken and a new mode of living must be acknowledged and embraced. It is at this stage that most elders are sustained by the knowledge that they have lived their "Vision" and are prepared to assist their fellow beings. Many are respected elders, spiritual advisors and healers looking after the needs of their community and people. They have a sense of life fulfillment and enrich the lives of those that come and seek their wisdom and they are the teachers of life. Many are grandparents and great grandparents and provide loving care for their grand and great grandchildren. However, there are those that have not fulfilled their "Vision" and maintain miserable and despondent lifestyles. They refuse to accept their responsibility and choose to carry out an undesirable life and they are the kind of people that Nokomis Jourdain (1993) calls "people who just grow old". Nokomis Jourdain completes her thought by adding "we must have these people too because it balances Bimatiziwin and completes the circle of life and they remind us of what we don't want to become".

The Four Hills of Life provides the child-caring resource with the whole-life-view for any Aboriginal child in their care. The model extends the necessary psychospiritual tasks that need to be completed in order to have a sense of identity and provides the ceremonies that should take place. The detailed information in each life stage offers evidence about life as an Aboriginal person and what is necessary to maintain a culturally defined style as an Aboriginal person. The first and second stages contain essential material about what the child protection workers need to be mindful of when working with Aboriginal children and adolescents. These stages also comprise material that should instruct the Agency about Aboriginal parenting and child-rearing. The third and fourth stages encompass sufficient knowledge about adult functioning in the Aboriginal community that should provide significant information when working with families. It is imperative that the Provider understands the psychospiritual tasks that need to be completed for each life stage. Achievement or accomplishment is critical to the life planning of the Aboriginal children in care and their families.

The ceremonies during childhood and the attainment of the "Vision" are imperative for the Provider as they extend life guidance to children in their care. The children and especially the youth need to come to terms with their mind and Spirit and that this learning will lead to the understanding of their physical, emotional, mental and spiritual development. The attainment of the "Vision" is critical for the psychospiritual development of the individual. During this stage the youth is trained with life skills to prepare for the demands of life, the boys are trained in provision and protection skills and the girls are trained in family and household management skills. The learning is taught by natural teachers represented by family and elders who lead them by role modeling. The insights gained during the "Vision" prepares the youth with life information that will guide them for the rest of their life journey. The learning and teachings revealed in the "Vision" act as the guide for life, establishes the purpose of the youth's life and sets the youth's life agenda. The achievement of the "Vision" indicates that the youth has been elevated to the adulthood.

Equally as important to the provider is the understanding of the Rights of the Anishinabe Child:

1. A Right to Safety and Security without any interruption to the quality of their care, supervision and nurturance as Anishinabeg.
2. A Right to be Heard and express their wishes and desires at any Hearing that is considering their protection and permanency.
3. A Right to their Family which includes their extended and Clan Families.
4. A Right to their Culture including their Anishinabe Name, Clan and access to traditional healing activities without limiting or restricting their religious orientation.
5. A Right to their Language and to access language programs and Speakers of Anishinabemowin.
6. A Right to the Land and to experience the Sacrosanct Relationship with the Aki.
7. A Right to the Lifeways of the Anishinabeg which includes the Right to exercise their Rights under Treaty.

As the Provider you need to understand that these Rights are based on the authority of Indigenous law and not on euro-Canadian law. These Rights are not *intra vires* (within the power) but are *extra vires* (outside the power) of euro-Canadian law. These Rights are introduced here because there will be Providers that cannot accept or comprehend the Rights beyond their own level of understanding. These Rights are not included in any euro-Canadian child welfare law but they are understood, known, accepted and enforced in the Aboriginal community as Existing and Inherent Rights of the child.

**PROGRAM DIRECTIVES:**

1. All Customary Care and Custom Adoption Home Providers are to familiarize themselves with the requirements of Customary Care and Custom Adoption and to observe all Rights and Cultural Entitlements of the child in their care.
2. All Customary Care and Custom Adoption Home Providers are to assure the attendance and participation of the child in their care in cultural activities as required by the Agency.
3. Failure to do so may mean the removal of the child in care.

**CUSTOMARY CARE HOME GUIDELINES**

It is imperative that the care for Aboriginal children be provided in manner that adheres to the following guidelines:

1. The Customary Care and Custom Adoption Home Provider needs to understand and appreciate that Aboriginal people have exercised Customary Care and Custom Adoption for many years. The exercise of Customary Care and Custom Adoption is an act and application of customary authority. It is critical that the child-caring resource examines and explores Customary Care and Custom Adoption with the community and the Agency.
2. The Customary Care and Custom Adoption Provider must understand that there is a customary life span process that exists in the Aboriginal community. The customary process is an ancient understanding about the progression of life and tasks that need to be completed to assure quality life. The customary life model can be used in the interventions; prove to be invaluable in child and family assessment activities and child-rearing practices.
3. The Customary Care and Custom Adoption Home Provider must make every reasonable effort to become familiar with the Rights of the Anishinabe child. The child-caring resource needs to comprehend that the euro-Canadian prescription of Rights are not the only ones that exist for Anishinabe people. It is absolutely crucial that Providers understand the Rights and apply these to their child-rearing efforts. Failure to do so may lead to the further incursions by child welfare authorities in the lives of Anishinabe children.



# **Aboriginal Child Welfare**

## **Chapter 4:            Aboriginal Child Welfare Practice**

### **INTRODUCTION**

The practice of Aboriginal child welfare predates the establishment of any formal child welfare systems and the enactment of governing legislation and regulations in this country. Aboriginal child welfare is a component of a traditional form of social caring that exists and continues to exist in Aboriginal communities. This tribal social network of social caring is a comprehensive and complex sociocultural system that provides for the needs of an individual throughout the traditional life span that includes, as a component, the care for children and their families (L.W. Jourdain, 1997). The care of children and their management is a traditional activity that served to provide for the security and safety of Anishinabe children. The Anishinabe people of Wabaseemoong practiced child welfare prior to the arrival of the euro-Canadians and maintained a child caring systems that includes: the traditional family systems and structure, the extended family and the Clans. The development of Aboriginal CASs and the Agencies does not obstruct these customary systems from being used because they have been accorded with the responsibility to invigorate these traditional systems into their child welfare practice. This responsibility extends to the Customary Care and Custom Adoption Home Provider who are expected to demonstrate this in their child-rearing activities.

In the practice of Aboriginal child welfare, it is important to understand and appreciate the role of the Leadership and goals of the Aboriginal community. Consequently, it is equally important that you understand the traditional family system and structure as a possible resource for support and as an avenue to develop strategies for child development.

In this section you will learn and come to understand:

1. Aboriginal child welfare practice.
2. Traditional family systems and structure.
3. Cultural competence and congruence.
4. Leadership and the Aboriginal community.

### **Aboriginal Child Welfare Practice**

The practice of Aboriginal child welfare is significantly different from the practice in a conventional child welfare authority. Where Providers extend child caring services to Aboriginal CASs, it becomes quickly apparent that the approaches to fostering will be different. There is an expectation from the community and the Agency that the Provider be culturally competent and congruent. Cultural competence is a set of congruent behaviors, attitudes and policies that come together in a system, agency or professional and enables that system, agency or professional to work effectively in cross cultural social situations. The word culture is used because it implies the integrated pattern of human behavior that includes thought, communication, actions, customs, beliefs, values and institutions of a racial, ethnic, religious or social group. The word competence is used because it implies having the capacity to function effectively in any cultural or social setting. A culturally competent Provider acknowledges and incorporates, at all social levels, the importance of culture, the assessment of cross cultural relations, vigilance towards the dynamics that result from cultural differences, the expansion of cultural knowledge and the adaptation of services to meet culturally unique needs (T. Cross, 1990).

Cultural Congruence asserts that all aspects of family services must be consistent with the specific culture in which the child care services are being provided. This model postulates that all child caring services are to be integrated into the overall cultural context of the client population and that the host culture must be the central core of the program. Program structure and services must be consistent with cultural values of the host culture (Swinonmish Mental Health Project, 1991). Aboriginal social and human services have always argued for cultural competence and congruence but have only witnessed social experiments where Agencies hire Aboriginal workers to provide social casework services to a predominantly Aboriginal client population. Aboriginal social and human service practitioners, whom have been trained in contemporary social work, may

continue to operate from the cultural deprivation model and devalue the vitality and vigor of cultural healing ways in conventional social casework practice.

Child care Providers may find themselves in a situation where they cannot explain the prevalence of Aboriginal behaviors that appear to have no logical explanation. The culture of the Aboriginal people has influence in their behaviors and they hold their culture with extreme loyalty. There are studies that have examined the influence of culture and the behaviors of the members of a specific culture. All of these studies have concluded that culture has a direct influence on behaviors. There is no question that Aboriginal people hold their culture dearly, this process is called ethnocentrism. This process maybe a double-edged sword, one that prevents meaningful interaction between the Providers and the Aboriginal people and one that is equally vital in the quality provision of child welfare services. Cultural identity is of particular importance for Aboriginal people precisely because it has been disrupted by loss of cultural knowledge; attacks on Aboriginal life ways and social destructive conditions and historic maltreatment of Aboriginal children and their families. WIN does not condone such practice and asserts that Providers must provide culturally competent and congruent child care services.

There are requirements in the Wabaseemoong Customary Care Code that call for the preservation of the cultural identity of the child and for culturally appropriate placements and services. The Agency and the Customary Care and Custom Adoption Home Provider are well advised to conduct cultural assessments as regular practice in the care of children. As Agency is responsible for alternative care or act as a resource and the Provider needs to familiarize themselves with these requirements and make plans for the enculturation of Anishinabe children. The cultural predominance model suggests that there are Aboriginal traits that remain intact despite the fact that Aboriginal people may have been subjected to acculturation and its influences. This is not to suggest that all Aboriginal people adhere to their cultural ways and practice tradition ways. The Provider needs to understand that there is cultural diversity amongst Aboriginal cultures, between Aboriginal and non-Aboriginal cultures and there are Aboriginal people that adhere to conventional cultural practices. The complexity of cultural diversity points to the fact that Provider must insist that cultural assessments are an indication of good practice. The cultural predominance model asserts that culturally specific services should take priority over mainstream child welfare services. The cultural predominance model helps to clarify that child welfare services need to be inclusive of cultural

determinants of behaviour and healing. WIN expect all Providers to be part of the enculturation for children in their care

### **The role of the Traditional Family System**

The role of traditional family begins and ends with the Spirit (Ojijak). The word Ojijak is not to be confused with the same Anishinabe word used for Crane. The use of the word and reference is made here to reflect the cultural understanding that the entire traditional family system shares one Spirit. The Spirit is always central to the family and it is the power that integrates the sacred with the secular. The traditional concept of the family includes both the sacred, which is a spiritual reality, and the secular, which is the physical reality. The Spirit name, the Clan, the traditional practices of healing and ceremonial processions (naming, welcoming and rites of passage) nexuses the sacred to the secular. The secular is encased within the five levels of social caring: the parental system, the extended family system, the Clan system, the tribal family system and the cultural family system. The parental system is the central concern of the child welfare system; it is the inability of this system that triggers the involvement of the child welfare authority. The extended family system includes all of the relatives from both sides of the parental system. The Clan family consists of all those families that belong to the Clan of the child. The cultural family includes all of those families that belong to the same Namesake or belong to the same source of the child's Spiritual Name. The traditional family embraces all five levels of social caring systems and is permeated by the life force commonly called the Spirit (Ojijak). The opportunity for placements is boundless within the traditional family system as a resource for Aboriginal children. It is important that as a Customary Care and Custom Adoption Home Provider that you familiarize yourself with child's traditional family system as possible support and development.

### **The role of the Clan System**

The role of the Clans has traditionally constituted the basic unit of governance and social order for Anishinabe people. Before the arrival of the euro-Canadians, the whole realm of being Anishinabe meant that everyone belonged to a Clan (Ododem). The Clan is a social system of relationships that are defined through the child's birthright. The Clan system is all of the following: a social system, a justice system, a governance system and a system of the relationships and social group membership. The Clans fulfill a number of essential social functions. They determine who belongs to which group, provide for the needs of members, regulate internal and marital relationships, deal with

social deviance and render decisions, regulate land use and resources, imbue a sense of identity and guide members in cultivating their Special Gifts and responsibilities. As a Customary Care and Custom Adoption Home Provider responsible for child welfare, it is important that you understand the role and authority of the Clans. Should you become involved with an Anishinabe family, it is imperative to discover their Clan (Ododem) of the child as a possible social supportive system and development. The Clan System is functioning in the WIN communities and the people still adhere and abide by the rules of the Clans.

### **The role of the Elders**

The elders have traditionally held special roles and responsibilities in matters of governance, community and family. Their importance stems from their positions as esteemed members of the family and to the larger community partly because they have survived the tests of life. Elders are the teachers and keepers of the Aboriginal language, culture, traditions and laws; they are the trusted repositories of knowledge, history, medicine and spiritual matters. Their roles include making decisions on certain crucial matters, providing advice, vision and leadership and resolving disputes within the family and community. The observance and adherence to traditional protocols is critical in soliciting the involvement of the elders. The elders can be an important source of support when you are considering the provision of child caring services. It is vital that you understand and accept the role and responsibilities of the elders and, in fact, adhere to the customary protocols in the performance of your child welfare activities.

### **The role of the Women and Men**

The concept and role of women vary in Aboriginal communities includes the role of men. In some Aboriginal communities, the women hold the position of Clan headpersons while in other Aboriginal communities the men have this role and responsibility. There is general consensus amongst the Aboriginal people that the women have the customary responsibility for all social and family matters. They are the group that is responsible for ensuring the social well-being of the family, the community and the tribe. During tribal times, the women would render any decision that concerned any matter of a social and family nature. The women continue to play a major role in social development and they are usually the catalysts of social change and consciousness in the Aboriginal community. The men have the customary responsibility for security and safety matters. They are the group that assured the protection of the tribe from any internal and external treat. The women make the decisions and the men execute the decisions made by the



women. As the Provider, it is imperative to understand the roles and responsibilities of both the women and men in the engagement of your child care activities.

### **The concept of the Child- ended here**

Children hold a special place in Aboriginal cultures. According to tradition, they are the Sacred Gifts of the Spirit World and they have to be treated gently lest they become disillusioned with this world and return to a more congenial place. They must be protected from harm because there are Spirits that will entice them to go back to the other realm. They bring purity of this world that the elders embrace and render as teachings. They carry within them the Sacred Gifts that manifest and personify themselves, as they become adults. They renew the strength of the family, community and tribe. Failure to care for these Sacred Gifts bestowed on the family, and to protect them from the betrayal of others, is perhaps the greatest shame that can befall any Aboriginal family. It is a shame that countless Aboriginal families have experienced and for some, repeatedly over generations. In the practice of Aboriginal child welfare including child caring services, it is important to understand and appreciate the concept of the child and their cultural significance to the family, community and the community of Wabaseemoong.

### **The role of the Customary Care and Custom Adoption Home Provider**

The role of the Customary Care and Custom Adoption Home Provider may be formal or informal. The informal Customary Care and Custom Adoption Home Providers are not involved with the Agency or any other Family Service Authority in any formal manner. These homes will take in children as a private arrangement or through social services as a child out of parental home. The formal Customary Care and Custom Adoption Home Provider is involved with the Agency and has been assessed and certified to provide such services. These homes have a formal arrangement with the Agency and children are placed in their homes through emergency, short and long term care placements. The Customary Care and Custom Adoption Home Provider assume the role and responsibility as a substitute parent and is ascribed these duties to ensure safety and security of the Customary Care children. In assuming the role of substitute parent they accept the responsibility to assuring the social and cultural development of the children without reservation or interference. The Customary Care and Custom Adoption Home Provider provide nurturance and ensure developmental growth and enculturation while cooperating fully with the Agency. The Customary Care and Custom Adoption Home

Providers are the back-bone of the traditional child caring system. In the practice of Aboriginal child welfare, it is crucial that Customary Care and Custom Adoption Home Providers are recruited, trained and are active in the care of Anishinabe children. The Customary Care and Adoption Home Provider is not to obstruct the plans of the Agency and intentions of the Anishinabe Abinoojii Inakonigewin and the Wabaseemoong Customary Care Code.

### **The role of the Leadership**

The concept and role of Leadership may take the form of formal or informal structure and authority. The elders, healers and persons of cultural wisdom are accepted as having a position of informal leadership and must be consulted. The consultation with this group of people requires the observance of traditional protocols. Thereafter, the elders, healers and persons of traditional wisdom must remain involved in the child welfare activities. The formal leadership is the traditionally selected or conventionally elected members of Aboriginal government. The consultation with this group of people requires a conventional or customary approach to gaining their permission to enter their tribal territory. The observance of these protocols is critical to the success of the child welfare practice. The family plays a very crucial role in leadership and makes decisions for its members. The inclusion of the formal leadership in family matters is an essential step in the practice of Aboriginal child welfare. The practice of child welfare must be organized in a manner that respects the autonomy of the Aboriginal leadership and community. The management of information, the organization and development of foster care recruitment strategy, authority structures and reporting systems, approval process and progress, knowledge keeping and intellectual property, products and outcomes and ownership, and the roles and responsibilities of all persons need to be negotiated well in advance. As the provider, it is paramount that you consult and involve the Leadership in any matter that may effect the quality of child care services.

### **The role and goals of the Aboriginal Community**

In the practice of Aboriginal child welfare, it is important to understand and appreciate the role and goals of the Wabaseemoong community. The role of the community is to protect and preserve all its resources including its children. The community will have interests in the protection of children and will engage in aggressive family preservation activities when confronted by child welfare authorities. The understanding of the notion of protection, from the community perspective, includes protection from continued incursions of non-Aboriginal governments, institutions, organizations and Agencies into

its affairs which includes the protection children. As a result, the community may take drastic measures, including restricting or denying access to their tribal territory and to defend its interests is an act of assertion. The family has a significant role in the Aboriginal community. The importance of the family is seen by the pivotal role it plays in the community and First Nations matters. The family is responsible for procreation, advancing cultural continuity, ensuring social order, forging a sense of belonging and assures the very existence of the tribe. Consequently, the preservation of the family is a paramount objective in the Aboriginal community. The goal of Aboriginal people is perhaps somewhat different from the goals of a lot of other people. The goals are not simply to create havoc and be aggressive but to survive as a people and not just to survive as an individual but also to survive as a distinct group- the first people of this country. The Aboriginal community will take all measures necessary to advance these goals, protect and preserve its people. It is crucial that the Provider understands the importance and prominence of Aboriginal sovereignty and use this reality as impetus for change in the lives of Aboriginal children.

### **The role of Aboriginal community Systems and Resources**

In the practice of child welfare, it is important to understand and access the resources that maybe available in the Aboriginal community. And, to understand Aboriginal relational bonding and substitute family patterns of social caring. The practice of child welfare with Aboriginal families may take place on reserve or in an urban center. The Provider needs to recognize that Aboriginal people are a family and relationship oriented people. The Aboriginal people will establish relational bonding patterns and substitute family systems in any social environment. The relationships in these social arrangements will share the same emotive patterns of social caring as a nuclear family system. The new family system will not replace the original family, who remain as equally bonded and connected to the persons involved, but will act in a locum tenenus role. These social arrangements and relationships may surprise a Provider because a seemingly unrelated individual will act with intense interest in the quality of care being delivered. This is especially true, if there are children involved, the adults assume a locus parentis role. The Agency will need to process such matters and make arrangements to have the substitute family members play a role in the management of social issues and with the protection of children.

The Provider maybe from another community to provides child care services or accept placements from the Agency. In the event that you find yourself in this situation, it is

crucial that you clarify if the Agency has a protocol with your community. After this, you will need to observe the requirements as outlined in the protocol. In the absence of a protocol, it is good practice to notify the resources in your community that you providing child care services for the Agency and that non-community children will be placed in your care. The community will have social and health services staff that will be of benefit to your efforts as you provide child care services. There maybe a Child Welfare Committee or a Band Representative that you will need to contact prior to engaging in your activities. Nevertheless, the community needs to be aware of your plans and activities so that they can be aware of any situations that may arise from the placement. Therefore, as a Provider make every reasonable attempt to make arrangements for access and include the community resources in your activities.

WIN is a Section 11 Band which means that the Band Members elect their government officials under the Indian Act for a term of two years. There is one Chief and four Councillors that govern the affairs of the First Nations. WIN operates under a self-governing regime and it is responsible for the day to day operations of the First Nations. WIN has a Senior Management Model with a Chief Executive Officer at the helm. Each of the programs and services has a Manager who has the responsibility for supervision and service provision, personnel management and administration and budgetary controls. WIN has a Resource Centre which serves as a youth drop-in Centre, built a community Water Tower and Treatment Facility, provides a Police Station in the community, and participates in partnerships with Wincrief Homes and Miisun forest management.

The following programs and services are available to Band Members: Administration (Band Office), Economic Development, Education Department, Mizhakiwetung Memorial School, Aboriginal Diabetes Initiative, Aboriginal Healthy Babies Healthy Children, Health Services Health Centre, Home Care Program, Medical Transportation, Mental Health & Community Wellness, National Native Alcohol & Drug Abuse Program, Housing Program, Infant and Child Development, Ontario Works, Extended Health Benefits, Public Works Department, Wabaseemoong Independent Nation Day Care Centre, and Child and Family Services. Child and Family Services are provided by Wabaseemoong Child Welfare Authority (WCWA) operating as Wabashki Makinakoons under the authority of the Abinojii Inakonigewin and the Wabaseemoong Customary Care Code. WCWA operates as an independent organization with its own Board, CEO,

Program Managers and Providers but remains accountable to WIN. The Provider has access to the community resources that they can use to benefit the children in their care.

The Provider may provide child care services to Aboriginal families in an urban center. In these situations, the child's family will have established relational bonding and substitute social and family systems. Extend your child care services and planning with this in clear view and engage them in your child care activities. Within the urban center, it is critical that you endeavour to discover if there an Indian Friendship Center; an Aboriginal Health Access Center; Tribal Councils and other Aboriginal organizations which may be located in the city. If these organizations are located in the city, it is important to engage their services because they will have social and health services staff that will be invaluable to your child caring efforts. In the event, that you find that they are not available it is crucial that you engage the substitute family system or any other social support system that the family has connections. Nevertheless, it is important that you find out about the family's tribal affiliation and make contact with that community to assist in facilitating any problematic situations.

### **Traditional and Customary Law**

The foundation of traditional and customary authority for Aboriginal child welfare is grounded on traditional and customary laws. The source of these laws derive from a traditional conference of authority bestowed upon the Anishinabe by the Creator called Miinigosiwin. Miinigosiwin is an all encompassing granting of authority that includes, amongst other things, the power to enforce traditional law and enact customary law. Traditional law is not codified and is sustained by customs, values, beliefs and norms. Traditional law remains consistent and does not change over time. Through a time honored social and cultural process, traditional law has been tested, tried and found to be true by the members of the Aboriginal society. The evolution of traditional law is not by a conventional or formal western court process but by particular social and cultural instances and events where traditional law was proclaimed. Members of Aboriginal society are strongly advised to adhere and abide by the principals of traditional law and model themselves accordingly. Traditional law has "must" rules, referring to must behaviors or must not behaviors that are strictly enforced by traditional systems. Traditional law touches on things held dear and sacred by the Aboriginal people (L.W.

Jourdain, 2001). Traditional law is given the effect of law and recited during ceremonial events and affirmed by the presence of the Sacred Endowments.

Customary Law is based on the customs and cultural precedents that reflect past cultural practices. Customary law is equally sustained by customs, values, beliefs and norms. Unlike traditional law, customary law can be presented visually through traditional and customary processions. Customary law is generally found in customary practices, where rules of conduct and the consequences of deviance are recited by cultural practitioners. Customary laws are the rules that govern customary ways of acting and rules about behaving. The source of customary law is tradition. Customary law appears to be subject to value analysis, a process that involves the identification and explanation of the cultural trade-offs that the Aboriginal culture can tolerate or require. Therefore, customary law changes over time as Aboriginal society changes (L.W. Jourdain, 2001). Customary law is now being exercised by the communities as they assent to the Abinojii Inakonigewin and enact their own Codes.

There are numerous examples from Aboriginal communities that can be used to indicate the application of traditional and customary law with respect to family and children. Such examples include the Clan system, the intervention of extended family members, practicing Custom Adoption, engaging in marriage customs, and child rearing practices, rites of passage ceremonies and various life-path milestones and ceremonies that accompany such achievements (L.W. Jourdain, 1998). All of these cultural systems comprise elements of traditional and customary family laws, which go unnoticed by conventional child welfare practitioners, courts and agencies. Custom Adoption is one Aboriginal custom that has been recognized by Canadian laws since, the 1960s. The child welfare worker needs to understand and appreciate that other laws and rules maybe governing the interaction of family members within Aboriginal systems and communities.

In October 2008, the Anishinabe Nation of Treaty No. 3 enacted the Anishinabe Abinojii Inakonigewin as the National Anishinabe Law that will govern child welfare within the Treaty territory of 55,000 square miles. The Child Care Law set the standards of care for all Anishinabe children; endorses a structure for the administration of the law; approves a system of child welfare delivery and sanctions a process for communities to develop their own Codes by providing their assent to the law. The Child Care Law will replace

the CFSA in the Treaty territory and it is one of two Laws that the Grand Council has enacted. The Wabaseemoong Independent Nations adopted the Child Care Law provided their assent to the Law in 2015 and enacted the Customary Care Code as the Law that governs child welfare in the First Nation territory and its people. The enactment of these Laws is an exercise of customary law-making and an assertion of inherent custom authority for the safety and security of children. It is essential as a Provider that you understand the Anishinabe Inakonigewin and Customary Care Code.

### **The concept of Relational Bonding**

There are two predominant worldviews- linear and relational. The linear worldview is rooted in euro-Canadian thought. It is very temporal, and it is firmly rooted in the logic that says cause has to come before effect. In contrast, the relational worldview sees life as harmonious relationships where health is achieved by maintaining balance between the many interrelating factors in one's circle of life. Understanding these worldviews and how they relate to Aboriginal child welfare work can serve to enhance the Provider's ability to meet Aboriginal community's needs. "Worldview" is a term used to describe the collective thought process of a people or culture. Thoughts and ideas are organized into concepts. Concepts are organized into constructs and paradigms. Paradigms link together and create a worldview. This section will summarize both the linear and relational worldviews and show how family functioning can be understood from the relational worldview perspective.

### **The concept Linear Worldview**

The linear worldview finds its roots in Western European and Canadian thought. It is logical, time oriented, and systematic, and has at its core the cause-and-effect relationship. To understand the world is to understand the linear cause-and-effect relationships between events. In child welfare services, workers are usually taught that if we can understand the causes of a problem by taking a social history, then we will better know how to help. Interventions are targeted at the cause or symptom, and the relationship between the intervention and the symptoms is assured. Yet, the linear view is narrow. It inhibits us from seeing the whole person. It is not good or bad. It simply is the practice of thought, and in the practice of non-Aboriginal child welfare it is heavily relied upon and dominant. The Providers need to be able to understand this thinking, because they will encounter it in the mainstream non-Aboriginal child welfare system.

They may also rely on this perceptive while delivering child care services to the Agency which is very detrimental to Aboriginal children and their families. This very thinking is at the root of the interventions by CASs and their services to Aboriginal children and families. This philosophy has contributed to the deconstruction of Aboriginal social and family systems. Historically, however, Aboriginal peoples have not used linear cause-and-effect thinking. Rather, the approach could be called a relational or cyclic view.

### **The concept of the Relational Worldview**

The relational worldview, sometimes called the cyclical worldview, finds its roots in tribal cultures. It is intuitive, non-time oriented and fluid. The balance and harmony in relationships between multiple variables, including spiritual forces, make up the core of the thought system. Every event is understood in relation to all other events regardless of time, space, or physical existence. Health exists only when things are in balance or harmony. In the relational worldview, helpers and healers are taught to understand problems through the balances and imbalances in the person's relational world. We are taught to see and accept complex (sometimes illogical) inter-relationships that can be influenced by entering the world of the client and manipulating the balance contextually, cognitively, emotionally, physically, and/or spiritually. Interventions need not be logically targeted to a particular symptom or cause but, rather, focused on bringing the person back into balance. Nothing in a person's existence can change without all other things changing as well. Thus, an effective Provider is one who gains understanding of the complex interdependent nature of life and learns how to use physical, psychological, contextual, and spiritual forces to promote harmony.

### **The concept of the Relational Indigenous Model**

The Relational Indigenous Model (RIM) for assessing Aboriginal family problems can best be illustrated with a four-quadrant circle. The four quadrants represent four major forces or sets of factors that together must come into balance. These quadrants represent Context, Mind, Body, and Spirit. The Mind includes our cognitive processes, such as thoughts, memories, knowledge, and emotional processes such as feelings, defenses, and self-esteem. The Body includes all physical aspects, such as genetic inheritance, gender, and condition, as well as sleep, nutrition, and substance use and misuse. The Context includes culture, community, family, peers, work, school, and social history. The Spirit includes both positive and negative learned teachings and practices



as well as positive and negative metaphysical or innate forces that are effective in life guidance.

### **The concept of Family Group Conferencing**

Family Group Conferencing (FGC) has its origins in the Aboriginal community. Through Indigenous Dispute Resolution (IDR) processes have been part of Aboriginal society for a long time. Some Clans are responsible for facilitating and settling disputes that are familial and community constructed. These IDR processes are relative to the capacity and ability of the family or the community to render decisions on matters that affect them. All decisions are binding and final. The IDR processes are open and participative regardless of the age or condition of the participants. There are group facilitators in the Anishinabe Clan System that have this customary role and responsibility, like the Turtle and Moose Clans, who culturally empowered to conduct the IDR process. Changes to the Child and Family Services Act in 2006 introduced alternatives in the child welfare system which included alternatives to adjudication. The changes recognized Alternative Dispute Resolution (ADR), Family Mediation and Aboriginal approaches to disputes and settlements of child welfare matters. The purpose of these changes was to respect the autonomy and integrity of the family to make decision affecting the quality of their children's lives. The Abinojii Inakonigewin and the Wabaseemoong Customary Care Code endorsed the facilitative processes and use the Family Services Committee for this purpose. As a provider, you maybe asked by the Agency to attend one of these sessions and partake in the social dialogue and decision-making.

### **PROGRAM DIRECTIVES:**

1. All Customary Care and Custom Adoption Home providers must familiarize themselves with and access the traditional and customary systems in an effort to provide wrap around and unimpaired child-caring services.
2. All Customary Care and Custom Adoption Home Providers will assure that the child in their care has an Anishinabe Name, Clan, Ishioonun (Sacred Endowments) and assure that the progression of the child's life is in accordance to the cultural determinants and the Customary Life Span.
3. All Customary Care and Custom Adoption Home Providers are to partake in social and cultural planning activities scheduled by the Agency.
4. Failure to do so my mean removal of the child in their care.

## **CUSTOMARY CARE HOME GUIDELINES**

It is imperative that the care of Aboriginal children be provided in a manner that adheres to the following guidelines:

1. The Customary Care and Custom Adoption Home Provider need to understand and appreciate that Aboriginal child welfare practice requires a community-involved and applied-action process. This approach provides for community involvement and allows the community to address social situations, as they arise and exist. The child-caring resource must act in a genuine and meaningful manner and engage the traditional family as an active participant in child-rearing activities.
2. Aboriginal child welfare is a process that encourages the development of relationships and partnerships. The relationship will take time to develop and must not be rushed between the Agency, community and the Customary Care and Custom Adoption Home Provider. The Agency and the child-caring resource must make every reasonable effort to create an atmosphere that fosters relationship and partnership building.
3. The Customary Care and Custom Adoption Home Provider needs to understand and appreciate the traditional family system and structure as a viable resource for support and the child's development. The Agency must assume the position of aggressively recruiting and developing Aboriginal child caring resources and taking advantage of the authority of the traditional family system and structure.
4. The Customary Care and Custom Adoption Home Provider needs to understand the role of culture in the lives of Anishinabe people. Despite acculturation and its influences, the Anishinabe cultures persist and are being revitalized. The child-caring resource must recognize and be able to distinguish between cultural determinants of behavior and the presence of social problems. This means that the Agency must engage and invest in meaningful and purposeful cultural competence training.
5. The influence of culture on behavior and the loyalty assigned to it, calls for cultural competence and congruence. It is imperative, that the Provider and staff persons understand their own culture and process any issues that may impede their work with Anishinabe families and their children.
6. The Agency and Customary Care and Custom Adoption Home Provider need to be mindful of the Leadership and the community resources that maybe available. Leadership plays a vital role in the Aboriginal community and their inclusion or lack of it can be the difference between success and failure in any child welfare activities.
7. The community has resources that can be invaluable in child caring services. The Agency and the Provider must conduct research into available community resources and include them in their child protection services and efforts.



# Aboriginal Child Welfare

## Chapter 5: Customary Family Structures and Systems

### INTRODUCTION

Customary and traditional family structures and systems are all part of Anishinabe society. Despite the barge of attempts to eliminate these social and cultural systems they have withstood the assaults causing these social systems to continue and prevail. Granted, there may be some influences of cultural diffusion and social adaptations but nonetheless these traditional systems are functional in the Aboriginal communities. There has been a number of anthropological and ethno-historical reports that have been developed that describe the traditional family structures and systems. These reports provide a description of these customary systems and provide insight into customary child rearing practices of the Aboriginal people. There is a resurgence of customary marriages as more young couples are opting to these forms of marriage ceremonies. Cultural diffusion patterns are embryonic between communities as traditional family structures and systems are being implemented and revitalized. Remnants of the traditional family structure and the Clan systems continue to be functioning in the Aboriginal communities. The social interaction and behaviour patterns of Aboriginal people suggest that the roles and rules of the traditional family structure and Clan system are still active in our day-to-day social exchange. The provider is expected to reinvigorate the customary systems and transfer the knowledge to the children in their care.

In this section you will learn and come to understand:

1. Customary family system and structure.
2. Anishinabe Clan system and structure.
3. Roles, rules and responsibilities of the Clans.
4. Tribal justice and the role of the Clans.

## **Customary family systems and structures**

The Customary Anishinabe Family System (CAFS) is extremely important to the people of Wabaseemoong. They do not only assign responsibility to each family unit but they also have expectations of each Clan to fulfil their responsibilities. At the same time the Clans allow the community and families to be independent. The Clans exist in Wabaseemoong and many families still abide by the Clan Rules. Specific gender roles contribute to family responsibilities and infrastructure. The family roles and rules and processes of raising children are of great importance to the social structure of WIN society. The customary systems work very well together and are somewhat reliant on each other as a matter of survival. Because of the incursion of outside authorities and powers, the customary systems are not visible. The way the family and Clan systems are practiced and implemented, along with the tradition ways of communal living, allowed the culture to survive and overcome the incursions. There are reports that suggest that the Anishinabe were atomistic and had a tendency to live in family units and not in large communities. This information is confusing when it is compared to the oral evidence provided by the elders and keepers of Wabaseemoong history especially within the backdrop of the migration from the eastern coastlines is taken into account.

According to the elders, traditional marriages among members are quite different than marriage among present day euro-Canadians. Some marriages were arranged through older family members (usually parents or guardians), and in some other cases, if no marriage was arranged, a man would pick out a woman of interest in the community, court her and they eventually get married. Inter-Clan marriages were prohibited and considered as incest. Divorce was not permitted, and remarriage was heavily frowned down upon after a husband or wife died. Later, divorce became more acceptable as the cultural and social systems began to lose hold on the people. The marriages were mostly monogamous, as the function of the family worked best with one mother and one father. When a man and women were to get married, the man would go out and hunt for the biggest moose that he could and it to present to the woman's family. This showed the woman's family that he could provide for their daughter. If the woman's family accepted the moose, the two would be allowed to court and eventually get married, and the groom would move in with the woman's family for one or two years until they were ready to start a family of their own.

The elders remember when the Children were taught bravery, patience, and self-control from day one of their birth. Children were very submissive to their parents and elders in the community. Some of the rules that the children followed included: not to interrupt the elders, not to laugh if

something unusual happens, not to ask or look willfully at another family's food, and (a very interesting one) not to walk between an elder and the fire. The parental roles of the Anishinabe are the same expected roles of most Aboriginal tribes. The mother was responsible for gathering, child care, cooking, and making clothing for the Clan. She was the intercessor of the family and the keeper of the wigwam. The father mostly hunted, provided for, and protected the family. They were the warriors of the community and have a customary duty to protect the tribe. Both sexes participated in storytelling, artwork, music, and traditional medicine. The living accommodations for the First Nations mostly consisted of dwellings called wigwams. These wigwams were made up of a large, usually round frame. These frames would be wrapped in animal hide and then covered in bark or other natural materials. Sometimes these wigwams were teepee shape because roofing material was not available. The nuclear family would live in these wigwams, and sometimes the groom of the daughter. The social organization began to change for WIN around 1940 when the newcomers began to encroach into the territory.

### **The traditional family structure**

The structure of the traditional family system and their customary roles are outlined in the above genogram. The subject of the genogram is referred to as NISH in the centre. The most obvious division in the traditional family structure is that the system is bifurcate. The family structure is divided into two parts from NISH: the father's family and the mother's family. The second obvious component is that the traditional family structure has four generations then it starts repeating in numerical order thereafter as children are born to NISH and his family. The third part is that the traditional family structure is classificatory. This means that the traditional family structure has social ranks with customary authority and duty of others in the ascending and descending generations. The fourth element in the traditional family structure is that it is a descriptive system. The traditional family structure has defined names and customary duties for each family position in the traditional family system in relation to ascending and descending generations.

#### Insert the TFS Genogram.

The parents of NISH have the customary role to provide for and care for their child. As the child gets older they provide life guidance and direction to him. As NISH assumes a wife, she becomes and assumes the customary role of daughter with some customary authority assigned to NISH's mother but not to his father. Departing from the parents, the father's family is considered consanguineous and his mother's family are considered as affinal. The traditional family structure

is a patrilineal system where NISH and his children will assume the father's Clan. As a result, the father's family is considered as having the same customary authority and duty as that of the parents. The paternal uncles and aunt will act as parents and provide for the needs of their nieces and nephews. They are considered as having the same function as the parents to NISH and they are commonly referred to this in the language. The brothers and sisters of NISH's mother are considered as mother-in-law and father-in-law and are referred to this in the language and their social interaction assumes this function. The brothers and sisters of NISH's mother have the customary authority and duty as disciplinarian- the ones to discipline NISH and his sisters. The children of the paternal uncles and aunts are considered as having the same function as NISH's siblings and are referred to as such in the language. The children of NISH's mother and her brothers and sister are not accorded the same function and are usually referred to as potential marital partner in the language and their social interaction assumes this function. The grand and great parents have the same functions as providing unconditional attention to NISH and his family however; the mother's side usually has customary authority and duty over cultural matters. Knowing the functions and roles of the traditional family structure and system greatly enhances the Provider's ability to develop strategies for intervention and the care of children.

### **The Anishinabe Clan system**

The Anishinabe people have their own accounts of the original of the Clan system and they celebrate such culturally significant events through their ceremonies, customary processions and decorum, traditional ceremonial protocols and invocations and their observance of the Sacred. There are many versions of the original of the Clans and various communities will have their own strong held beliefs, values and norms that have been tested by time and confirmed by their elders and traditional practitioners from their communities. The arrival of the "New-comers" caused changes to the Anishinabe cultural system and altered the beliefs, values and norms that supported the integrity of cultural continuity and identity. Presently, the Anishinabe communities are reconstructing and reinstituting cultural components and complexes and adapting these systems to respond to modern social pressures. This integration is made possible because the Anishinabeg are regaining their cultural knowledge, understanding and acceptance of customary approaches as viable options in confronting social deviance and situations. The Anishinabe Clan System is one cultural complex that is currently receiving a great deal of attention as the Anishinabe communities restore their social structures to regain social control and manage social deviance by using customary and traditional processes. This section examines and explores the

relevance and role of the Anishinabe Clan System in contemporary Anishinabe communities and child caring activities.

### **Presidium Council by divine will of the Creator**

In accordance to Anishinabe cultural knowledge and understanding, the Anishinabe have consistently lost their ability to observe, adhere and abide by the “Original Doctrines” from the Creator. Each time this would occur, the Creator would intervene and appeal to the rest of the “Creation Family” for their assistance, guidance and direction to help Anishinabe. It is generally accepted that this deviation happened seven times and that another will follow unless there is a return to the “old ways”. It was during one of these times, when the Anishinabe did not follow the ways that hardship fell upon the Anishinabe and chaos wreaked havoc once more. It is understood by the Anishinabe, that the Creator lit the sacred fire for the seventh time and called a Council to solicit help from the creation family to bring about order to the Anishinabeg. It is said that many of the creatures did not want to extend assistance to Anishinabe and begged the Creator to follow suit. After much dialogue, it was the four Cardinal Clans that first answered the Creator’s calling and stood in majestic fashion and announced that they would not abandon Anishinabe and pronounced their conviction to the baby of the Creation Family. The four Cardinal Clans are: the Great White Bear, the Great White Eagle, the Great White Wolf and the Great White Buffalo. The four Cardinal Clans then proceeded to situate themselves into the four cardinal directions: the White Bear sits in the North, the White Eagle sits in the East, the White Wolf sits in the South and the White Buffalo sits in the West.

After situating themselves into the four cardinal directions the Creator then began to assign them to their customary and inherent authority. The customary and inherent authority of the Four Cardinal Clans are: the Great White Bear: national defense and war; justice and law enforcement; medicine and medical practice, and external tribal matters; the Great White Eagle: cultural knowledge and education; cultural decorum and protocol; cultural adherence and observance; national speaker and messenger; the Great White Wolf: leadership and collaboration; discipline and conduct; sustenance and perseverance; social structure and order; the Great White Buffalo: procreation and coexistence; community and social unity; negotiation and peace; and internal tribal matters. These four Clans are the Governors of Anishinabe society and the absolute decision-makers should a matter ever be brought before them. They are a Presidium Council of the Creator which is a permanent executive council set up at the highest secular level to oversee

a larger Predestine council. There are traditional songs, prayers and ceremonies, legends and myths that affirm this sacrosanct covenant between the Cardinal Clans and the Creator.

### **Predestine Council by selection of the Presidium Council**

The four Cardinal Clans knew that they could not assist Anishinabe by themselves and they proceeded to appeal to the other creations in council. It is said that the four Cardinal Clans made such vigorous, powerful and dynamic oral presentations on behalf of the Anishinabe and that they left no doubt that customary duty and obligation are paramount and that the highest and hardest goals, above anything else, are harmony and peace. Due in part to the presentation and insistence of the Four Cardinal Clan, the next seven Clans responded favorably to their appeal. They are referred to as the Ordinal Clans because they answered the call from the Cardinal Clans in an orderly and proper fashion. The Ordinal Clans are the most popular in the Anishinabe communities because they are the ones that most Anishinabeg are accustomed to as belonging or affiliated. The Ordinal Clans were each assigned a color, emblem, ceremonial decorum, customary laws and rules, customary duties and obligations. It is said that each Ordinal Clan announced and declared their customary commitment and acceptance, pronounced their customary allegiance and assumed their customary position in the traditional Clan structure.

It is generally understood by the Anishinabe, that all people of all nations in the world essentially have the same basic human three needs: sustenance, security and social. The Anishinabe Clan System provides for and meets these basic human needs. There are eleven Clans in total that hold a customary position in traditional governance and there are 42 sub-Clans. Each Clan is known by its animal emblem, called a Dodem. There are some Clans that have a sub-Clan structure where there are more than one Dodems are under the main Clan functionary. The Lead Dodem is not to be confused with modern authoritarian and political leadership because their main responsibility is to represent the interests of the Clan and only to serve as "Spokesperson" on behalf of the Clan. However, the Dodem can assert authority under specific circumstances and when members of the Clan are engaging in conduct that is unbecoming a member of the Clan. The Dodem symbolizes the characteristics, customary role and duties of each Clan. It is understood that the Clans all accepted and were assigned a customary obligation to serve the Anishinabe and to contribute to the over-all function of Anishinabe society.



## **The Seven Ordinal Clan and their customary obligations and duties**

There are seven Ordinal Clans that answered the call from the Cardinal Clans in an orderly and proper fashion. The Ordinal Clans are the most popular in the Anishinabe communities because they are the ones that most Anishinabeg are accustomed to as belonging or affiliated. The Ordinal Clans were each assigned a color, emblem, ceremonial decorum, customary laws and rules, customary duties and obligations as follows:

**Crane:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Crane stood up first and answered the call. The Crane said that he would assist Anishinabe and that he would assume the customary position of Leadership. The Crane is of elegant creation; has complex communication patterns (vocalization); maintains strict posture and protocol; calculated and coordinated movements. The Crane will travel long distances; works slowly and cautiously; stands tall and always studies its surroundings before making a decisive strike. The Crane is a powerful bird that flies in a slow steady pace; it is blue grey with black flight feathers; red-brown thighs with a nearly white face and a pair of black plumes starting from just above the bright yellow eyes to the back of the head adding to his decorative appearance. Cranes are gregarious; they like to form flocks preferring to be in noisy groups; adhering and observing strict courtship rituals and conduct and dance and both parents care for the young. Members of the Crane Clan are excellent orators, shared decision-makers, great story tellers and dancers, wear proper attire and prefer to be in groups where they are the centre of attraction by maintaining attention from others with eloquent speech. Based on these characteristics the Creator accepted the offer from the Crane and assigned this Dodem the customary obligation of leadership for internal tribal matters and the color blue.

**Loon:** After the appeal was rendered by the four Cardinal Clans, it is understood that the Loon stood up second and answered the call. The Loon said that he would assist Anishinabe and that he would assume the customary position of leadership. The Loon is a well decorated creature colored in black with spotted white; bright red eyes; an iridescent head that turns greenish blue in the sun and wears a neck pendant. The Loon likes solitude, displays elegant courtship water dances; mates for life unless there is unsuccessful nesting attempts; each mating pair take turns in incubating the eggs; they have their chicks ride on their backs; very acrobatic in water but it has limited mobility on land. The loon will travel long distances but it takes a long time to get airborne requiring strong headwinds to take off. The loon has complex communication patterns; will submerge and disappear for extended periods of time; the chicks are semi-precocial, very territorial and will practice expulsion. Because of the decoration of the Loon, it is understood and accepted that this Dodem adheres and observes rigorous decorum and etiquette. Members of the Loon Clan are solitary and prefer to work alone, secretive and mysterious, decisive and definitive, excellent singers and dancers and adhere to a very strict regimen and conduct. Based on these characteristics the Creator accepted the offer from the Loon and assigned this Dodem the customary obligation of leadership for external communal matters and the colors black and white.

**Turtle:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Turtle stood up third and answered the call. The Turtle said that he would assist Anishinabe and that he would assume the customary authority as the keeper of knowledge and peace. It is understood by the Anishinabe, that the Turtle stood up immediately because he saw the potential for conflict in leadership and he spoke eloquently about peace and his age-old knowledge about the sacrosanct relationship of all things in the universe. The Turtle is a survivor who originated from the Jurassic period and has the

advantage of the ages and relies on time-tested knowledge before rendering any decision. The Turtle is unpredictable, defensive on land but chooses to avoid conflict in water; adaptive and has great vision; intelligence and assurance; demonstrates and displays personality, slow and generally shy, engages in violent courtship patterns and likes to bask. The Turtle sits in between the two leadership Clans. Turtle Clan members are the teachers and scholars of Anishinabe society assisting the children in developing skills and healthy spirits. They also draw on their age old knowledge to solve disputes between the leaders of the Crane and Loon Clans. Based on these characteristics the Creator accepted the offer from the Turtle and assigned this Dodem the customary obligation as keeper of knowledge and peace and the color green.

**Bear:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Bear stood up fourth and answered the call. The Bear said that he would assist Anishinabe and that he would assume the customary authority as the keeper of the war club, medicine and tribal justice. It is understood by the Anishinabe that the Bear spoke at length about national defense and the need to protect the Anishinabe way of life. The Bear is a solitary creature; an excellent climber and swimmer; powerful but playful; is predictable and habitual; hibernates in winter; has a brief courtship period; territorial and marks its range; protects and patrols territory and is very aggressive and has a tendency to maul. Only the female keeps the cubs and she defends them ferociously but sends them up a tree and abandons them as part of the launching process. The Bear Clan members are strong and steady; observe law and order; they are the police and constabulary and legal guardians. They spent a lot of time patrolling the land surrounding the village, and in so doing, they learned which roots, bark, and plants could be used for medicines to treat the ailments of their people. Based on these characteristics the Creator accepted the offer from the Bear and assigned this Dodem the customary obligation as keeper of the war club (national defense), medicine, tribal justice and the colors black, white and brown.

**Marten:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Marten stood up fifth and answered the call. The Marten said that he would assist Anishinabe and that he would assume the customary authority as warrior of the tribe. The Marten is an interesting creature who is a skilled hunter and enjoys the thrill of the chase; the appeal of the fight and the use of tactful maneuvers. The Marten likes to hang around the tree tops; observing the landscape and attending to situations without any regard for his immediate task at hand. He has retractable claws that contribute to its ability to climb; travel at high speeds above the tree tops and enjoys chasing others. The Marten is both aggressive and playful, a ferocious fighter that will never give up or stand down but prefers solitude. He has excellent sense of smell, sight and hearing, fast and furious, and his curiosity will and tends to overcome him. The Marten has a violent courtship; does not adhere or observe any elaborate behaviors and the male chases the female to submission. The Martin Clan members are hunters, food gathers and warriors of the Anishinabe who fight to defend their village or hunting territory. They became known as master strategists in planning the defense of their people. Based on these characteristics the Creator accepted the offer from the Marten and assigned this Dodem the customary obligation as Warrior provided him a permanent breast plate and the colors brown, white and yellow.

**Moose:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Moose stood up sixth and answered the call. The Moose said that he would assist Anishinabe and that he would assume the customary authority for social conciliator. The Moose is a very big creature with large antlers for defense and oftentimes does not know its own strength. He prefers to be in solitude, giving up his range to others, unpredictable behavior but when there is a threat he disappears quietly into the woods, excellent smell but has poor vision, silent and appears to be untroubled. He prepares to fight and defend his honor during the rut season, both female and male call upon each other and the largest

prevails and gets to procreate. The strongest bond is between the female and her calf and the male does not partake in the parenting activities. The Moose will yard and form a herd during winter but this is done for survival purposes and not for social reasons. The Moose Clan members are gentle and they care for others by making sure the people and community have harmonious relationships and interactions. The Moose people are the poets and pacifists of the tribe avoiding all harsh words and conflict. Based on these characteristics the Creator accepted the offer from the Moose and assigned this Dodem the customary obligation as Social Conciliator and the color Dark Brown.

**Eagle:** After the appeal was rendered by the four Cardinal Clans, it is understood that that the Eagle stood up seventh and answered the call. The Eagle said that he would assist the Anishinabe and that he would assume the customary authority as Messenger. The Eagle is a majestic creature, a proud large bird with a big wing span. He takes advantage of the thermal drafts and soars high into the atmosphere with minimal effort. From this advantageous point he searches for prey and upon sighting them he dives unnoticed from the heavens and grabs them with his powerful talons. The Eagle is a great hunter but prefers to steal from others, he is a strong swimmer and flier, has an aggressive personality, dominates his surroundings and both female and male are identical. He is able to communicate through long distances, soars high and swoops downward at high speeds and returns to the place of birth. The Eagle is an opportunist, powerful and loyal, sitting on his perch awaiting for the opportunity to take advantage of unsuspecting prey. The Eagle has elaborate courtship rituals, taking a mate for life with the exception of failed nesting attempts and assisting his partner in the parenting. The Eagle Clan people are the Spiritual Leaders and give the Nation its vision of well-being and the quest for higher development of the Spirit. The Eagle Clan members are said to possess the characteristics of their Clan and pursue the highest elevations of the mind and spirit just as the Eagle pursues the highest elevations of the sky. Based on these characteristics the Creator accepted the offer from the Eagle and assigned this Dodem the customary obligation as Messenger and the colors Brown, Black and White.

The Anishinabe Clan System is a complicated and integrated social system that assures social maintenance and structure, imparts a sense of safety and security and sustains continuity from generation to generation. This customary system provides for continuity of and lineage to traditional leadership, supports partnerships through a sub-Clan structure, allows social organization and structure, recognizes political authority and power, delineates tribal and community responsibility, establishes marriage and family rules and forms the basis for tribal justice. The Clan System is a comprehensive social system that meets the human needs of the Anishinabe in a considered, coordinated and communal manner. In this effort to meet all the needs, the Clans work together and cooperate to achieve their mutually desired goals in a collaborated and purposeful fashion. When the system is allowed to work and it is not interrupted by any foreign force one can image the collective efforts required to be responsive to the demands and pressures of Anishinabe society and life.

The Anishinabe Clan system delineates tribal and community responsibility by assigning customary duties and obligations. Each of the Clans has customary duties and obligations that they have a responsibility to discharge. These responsibilities range from the national to the local levels and they are centered on public affairs and administration. The Clans have a public and private duty to fulfill and any failure will impact the entire Clan system and threaten the quality of life for all community members. The potential of causing disruption to the entire Clan system is enough to motivate all Clans to perform and execute their duties in a timely and dependable manner. The Clan system is a tribal political institution that creates political principles and processes and promotes conduct for good government. The assignment of the customary duties and obligations provides for purposeful Leadership and the function of the Clan Headperson accomplishes the task of representational governance. The capability of the Clans to choose their Headperson and for this person to partake in dispensing the Clan duties and obligations of the Clan guarantees participatory tribal democracy and accountability.

The Anishinabe tribal system includes other systems for the management and resolution of social deviance. These systems are usually set in motion prior to the intervention of the formal family and Clan systems. The customary principle that governs this procedure is the severity of the act because it will determine the level of intervention. The more severe the violation is or the number of times there are contraventions have occurred the higher up into the levels of tribal justice become activated. Anishinabe tribal justice invokes the customary duties and obligations of the other Clans. The Turtle Clan has the responsibility for assuring a transfer of knowledge and they are usually sought to assist in the development of social skills and healthy spirits. The Turtle Clan is activated at the request of the family (nuclear and extended). The Turtle Clan sets the time for the teaching and put into motion the activities that will lead to that event. A behaviour management plan or a teaching regimen plan is developed by the Turtle Clan with the agreement of the family. The plan is implemented by the Turtle Clan and they will decide when it is no longer required or sufficient change has occurred that results in the lowering of any risk for continued social deviance. The Moose Clan has the responsibility for social cohesion and they were usually sought when a dispute needed to be settled. The Moose Clan is activated at the request of the family (nuclear and extended). The Moose Clan sets the time for the dispute to be dealt with and put into motion the activities that will lead to that event. The decision of the Moose Clan is final and binding. Both of these Clans are used before any marshalling of the formal tribal justice systems or interventions by Family Services Authorities.

## **General Rules of the Anishinabe Clan System**

The Anishinabe Clan System has general rules that are acknowledged and accepted in Anishinabe society. These include, but are limited to, the following: No marriage or courtships will be tolerated within Clans. Membership is patrilineal or on the father's side (patriarchy). In the event someone needs to know their Clan there are ceremonies that are held to identify the Clan of that person. An interracial marriage means assuming the Grandfather's Clan in the event that one of the parents is Anishinabe. In the event that a person or their parents do not know their Clan than the adopting Clans will assume their membership without a formal Clan identification ceremony. Some Clans can adopt and others cannot for instance the leadership Clans are not permitted to adopt. Any Clan membership is restricted only to that particular Clan because it is not culturally permissible for a person to hold dual Clan membership. Clans must abide by and observe their traditional and customary duties and obligations. Clans are to make their laws known especially in those areas that involve tribal matters, customary duties and obligations. Clans must conduct themselves in a manner that upholds the honour of the Creator and their Clan Representative. Clans are considered family and community settlements do not separate the Clan into small clusters. Clans are to fly their colors outside their wigwams and openly receive Clan members from other places. Clans are to hold Clan meetings (Council Fires) to discuss business matters of the Clan once a year. Clans must participate in the Clan Council and ensure that their headperson avails themselves for such gatherings. All decisions of the Clan Council are final and binding except for matters of National Defense (clear and present danger) that are dealt with by the Bear Clan at their sole discretion. Other general rules may appear and be known as more Anishinabe communities began to critically examine and explore the Anishinabe Clan System.

### **PROGRAM DIRECTIVES:**

1. All Customary Care and Custom Adoption Home Providers must familiarize themselves with and access the traditional family systems and structure including the Clan systems in an effort to provide customary child caring services.
2. All Customary Care and Custom Adoption Home Providers will assure that the child in their care have a Anishinabe Name, Clan, Ishioonun (Sacred Endowments) and assure that the progression of the child's life is in accordance with the traditional and Clan family.
3. All Customary Care and Custom Adoption Home Providers are to assure that the child in their care has access and meaningful interaction with their traditional and Clan families.
4. All Customary Care and Custom Adoption Home Providers are to partake in social and cultural planning activities scheduled by the Agency.
5. Failure to do so may mean removal of the child in their care.

## **CUSTOMARY CARE HOME GUIDELINES**

It is imperative that the care of Aboriginal children be provided in manner that adheres to the following guidelines:

1. The Customary Care and Custom Adoption Home Provider needs to understand and appreciate that Aboriginal people have and live within the traditional family structures. These traditional family structures have custom authority and prescriptions for behavior and social interaction. The Provider and the Agency worker need to understand and acknowledge that authority and role the traditional family systems and structures.
2. The Customary Care and Custom Adoption Home Provider must understand that traditional family structures may appear to be vague and unimportant but they are very real for Anishinabe families and their children. These traditional family structures can be used in the Agency's interventions and they can prove to be invaluable in providing support and child development.
3. The Customary Care and Custom Adoption Home Provider must make every reasonable effort to become familiar with the Anishinabe Clan System. This traditional family system is ancient and it is the social apparatus that holds the social fabric intact and assures social cohesion. It is absolutely crucial that Provider understands the power of the Anishinabe Clan System and apply this to their child rearing practices. Failure to do so may lead to the Anishinabe Clan System sabotaging any child caring activities that they have not approved or are not involved in.