

WABASEEMOONG
INDEPENDENT NATIONS



ONE MAN LAKE • WHITEDOG • SWAN LAKE

WABASEEMOONG INDEPENDENT NATIONS

CUSTOMARY CARE CODE

A Code of the **Wabaseemoong Independent Nations** adopted under the authority of the Inherent powers of the Wabaseemoong Independent Nations for the purposes of establishing a **Community Code** for the safety and security of our children and as an additional enactment of law arising from the **Abinoojii Inakonigewin**.

September 2017

WABSEEMOONG INDEPENDENT NATIONS

CUSTOMARY CARE CODE

TABLE OF CONTENTS

Contents	Page
Part I: Short Title, Interpretation, Declaration and Jurisdiction	1-2.
Part II: Purpose, Definitions and Authority	2-4.
Part III: Structure, Programs and Services	5-6.
Part IV: Investigation and Management of Child Abuse	6.
Part IV: Customary Care, Custom Adoption and Orders	6-9.
Part VI: Rights, Parties and Hearing	9-13.
Part VII: Enforcement, Appeals, Records, Conflicts of law and Severability	13-14.
Part VIII: Amendments and Coming into Force	14.

WABASEEMOONG INDEPENDENT NATIONS

CUSTOMARY CARE CODE

WHEREAS:

1. The Wabaseemoong Independent Nations are not a signatory to Treaty No. 3 but nonetheless have participated in the Grand Council as members of the Anishinaabe Nation, since time immemorial and have adopted the Abinoojii Inakonigewin;
2. The Wabaseemoong Independent Nations believe in the Anishinaabe Law with respect to the safety and the security of children as continuing and that this Law has not been severed or surrendered by any other act of Law or Agreement;
3. The Wabaseemoong Independent Nations have and possess the inherent authority and power to care for and assure the safety and security for our children without any interruption from any other jurisdiction or authority;
4. The Wabaseemoong Independent Nations have taken part in the development and enactment of the Abinoojii Inakonigewin and has assented to the Law in the manner set out in Part 4, Paragraph 60.

THEREFORE:

1. UNDER the advice and consent of the Elders and as ratified by Cultural Validation Ceremonies, the Wabaseemoong Independent First Nations enact this Customary Care Code:

PART I

Short Title, Interpretation, Declaration and Jurisdiction

Short Title

This community code shall be entitled the Wabaseemoong Independent Nations Customary Care Code.

Interpretation

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

Declaration of Policy

1. It is the fundamental belief of the Wabaseemoong Independent Nations that our children are the sacred responsibility of the Anishinaabeg as endowed to us by the Creator.
2. One of our basic Inherent Sovereign Rights is the Right to make decisions regarding the best interests of our children including who should provide for the care, supervision and control of our children. This Code is intended to assure a safe, stable, nurturing and permanent social environment for Wabaseemoong Independent Nations children and to provide for the protection of our children, our people and our way of life.
3. The principles that shall guide decisions pursuant to this Code are: protection of the child's safety, well-being and welfare and their sense of belonging; preservation of the child's identity as a Anishinabe and a member of an extended family and Clan; preservation of the culture, language, beliefs, values, Clan system and social relationships of Wabaseemoong Independent Nations.
4. As an exercise of our Inherent sovereignty, the Wabaseemoong Independent Nations have and possess the authority and jurisdiction for the safety and security of our children and to formally delegate this responsibility to Wabashki Maakinaakoons to assume our Inherent authority and dispense our customary care practices regarding child protection and family services.

Jurisdiction

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

PART II

Purpose, Definitions and Authority

Purpose

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

1. To embody and promote the basic traditional values of the Wabaseemoong Independent Nations regarding the safety and security of our children. The Wabaseemoong Independent Nations believes that it is the responsibility of the Wabaseemoong Independent Nations, the communities and extended families to protect and nurture our children.
2. To promote the belief of the Wabaseemoong Independent Nations that our children deserve a sense of permanency and belonging throughout their lives and at the same time they deserve to have knowledge about their culture including their Anishinaabe customs, history, language, beliefs and values.
3. To provide for the best interests of the First Nations, the communities and for the families and their children.

4. To afford facilitative processes which allow for formal dispensations that address the issues of the Rights, responsibilities, care, supervision and control of our children when the biological parents are unable or unwilling to provide a safe, stable, nurturing and permanent social environment for their children by conferring jurisdiction upon Wabashki Maakinaakoons to dispense with such matters.

Definitions

As used in this Code:

1. **"Adoptee"** is defined as the individual, child or adult who is adopted or is to be adopted.
2. **"Adoptive Parent"** is defined as the person establishing or seeking to establish a permanent parent-child relationship with a child who is not their biological child.
3. **"Band"** means the Wabaseemoong Independent Nations.
4. **"Best Interests of the Child"** is defined as a variety of factors including: the ability of the First Nation to provide for the care of the child; the wishes of the Band, parents, party or parties; the preference of the child if the child is of sufficient age to express a preference; the intimacy of the relationship between the parties and the child; the child's adjustment to the home, school and community; the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; the permanence, as a family unit, of the existing or proposed placement or adoptive home; the mental and physical health of all individuals involved; the capacity and disposition of the parties to give the child, love, affection, guidance and to continue educating the child in the child's culture and heritage.
5. **"Best Interests of the First Nation"** is defined as a variety of factors including but not limited to: the ability of the Band and its members to provide for the child; the ability of the Band and its members to provide for the continuation of the Band's culture, language, history, beliefs, traditions and values through its children if those children are taken away and not taught these things throughout their daily lives. The ability of the Band to continue as a viable cultural entity will be hindered by the loss of its children. Every child is a gift from the Creator and is viewed by the Band as crucial to the future of the Band as a whole.
6. **"Birth Parent"** is defined as the biological parent.
7. **"By-law"** means the Wabaseemoong Independent Nations Bylaws 2008-01 and 2008-02 respectively enacted in accordance to the Indian Acts, R.C. c. 1-6.
8. **"Child"** is defined as a person under the age of eighteen (18) years of age.
9. **"Code"** means the Wabaseemoong Customary Care Code.
10. **"Court"** means a court having jurisdiction over the child or children who are the subject of a Suspension of Parental Rights or Customary Care or Custom Adoption Petition under this Code.
11. **"Custom Adoption"** means a traditional practice recognized by the community and Band which gives a child a permanent parent-child relationship with someone other than the child's birth parent(s) or provides an adult the opportunity to become a member of a family or Clan.
12. **"Customary Care"** means a traditional practice recognized by the community and Band which gives places a child into a parent-child relationship with someone other than the child's birth parent(s).
13. **"Family member"** is defined as a person related by blood or marriage who maintains some form of significant contact with the child. The term includes spouses, parents, children, siblings, aunts, uncles, grandparents, grandchildren, cousins, Clan and significant others, and any other persons who might be considered a family member or a relative under Anishinaabe Law or custom.
14. **"First Nation"** is defined as the same as Wabaseemoong Independent Nations.

15. **"Final Decree of Custom Adoption"** is defined as the Final Order which establishes the permanent legal relationship between the child and the adoptive parent(s) and establishes any access or contact which may be allowed with the biological parent.
16. **"Final Order Suspending Parental Rights"** means a Final Order of the ONAKKONIGEWAD Committee which permanently suspends the Rights of a biological parent to provide for the care, custody and control of their child. Said Order may establish the parameters of contact between the birth parent and the child if said contact is in the child's best interests.
17. **"ONAKONIGEWAD"** means a committee established by the Wabaseemoong Independent Nations. Such a committee or community board shall possess and will exercise the Inherent authority of the Wabaseemoong Independent Nations and to protect our children through Customary Care and Custom Adoption.
18. **"Suspension of Parental Rights"** is defined as the permanent suspension of the Rights of biological parents to provide for the care, custody and control of their child.
19. **"Traditional Practitioner"** means any person(s) who possesses the authority to practice customary and ceremonial healing ways and who is reputed as such by the community of Wabaseemoong.
20. **"Wabashki Maakinaakoons Board"** means community board established by the Wabaseemoong Independent Nations. Such a community board shall possess the delegated authority to partake in the making of decisions for the provision of family services.
21. **"WIIDOKAZOWAD"** means a committee established by the Wabaseemoong Independent First Nations. Such a committee shall possess and will exercise the Inherent authority of the First Nations to partake in the protect of our children through case reviews, case conferences and case consultations and assuring all alternative actions have been exhausted.

Authority

1. The ONAKONIGEWAD shall have the responsibility to hear and dispense petitions seeking an Order for Customary Care or Custom Adoption or the suspension of parental Rights for protection of a child or; to issue temporary and permanent Customary Care or Custom Adoption Orders and such other Orders as may be just and reasonable and designed to carry out the intent and purposes of this Customary Care Code, including use of the Inherent Anishinaabe powers as set out in the Abinoojii Inakonigewin.
2. The WIIDOKAZOWAD shall have the authority to hear and partake in case reviews, case conferences, case consultation that pertain to the provision of protection or; to issue temporary placements for children and Declare Customary Care for up to one year; to provide pertinent family information and advice; to explore alternative actions as may be just and reasonable to contribute to the provision of service. The role of the WIIDOKAZOWAD is designed to carry out the facilitative intent and purposes of this Customary Care Code, including use of the Inherent Anishinaabe powers as set out in the Abinoojii Inakonigewin. Wabaseemoong Independent Nations will establish and issue Terms of Reference for the WIIDOKAZOWAD, from time to time.

PART III

Structure, Programs and Services

Structure

In addition to any other structures afforded under the Abinoojii Inakonigewin, the Customary Care Code will have following structures and components:

1. An Agency called Waabashki Maakinaakoons Family Services will have a community board of directors and other functions as prescribed in the Child, Youth and Family Services Act and more specifically to Abinoojii Inakonigewin, Paragraphs 39-46.
2. The Agency will cause to be established culturally competent and congruent methods for assigning members to the community board such as the Traditional Selection Process or other methods such as secret ballot elections or appointments.
3. The Agency shall abide by and indeed adhere to all Customary Protocols as established and set by the Elders and Traditional Practitioners from, time to time, upon the receipt of Customary and Sacred Endowments such as a Name, Pipe, Drum and Flag Staff.
4. The Agency shall assume a Cultural Duty to assure that the Customary Protocols are observed and that this duty extends to all persons whom are involved with the Agency.
5. The Agency will investigate and determine the type of care for all referrals made to it for child protection matters as prescribed in the Child, Youth and Family Services Act and more specifically to the Abinoojii Inakonigewin, Paragraphs 28-33.
6. The Agency will establish programs and services for Customary Care and Custom Adoption aimed at family preservation and conferencing, cultural competence and congruence as per Abinoojii Inakonigewin, Paragraph 38.
7. The Agency will recruit, hire and train Managers, Supervisors and Workers to perform all programs and services activities in accordance with this Code and the Abinoojii Inakonigewin, Paragraphs 45-46.

ONAKONIGEWAD Under this Code

In addition to any other structures afforded under the Abinoojii Inakonigewin, the Customary Care Code establishes the ONAKONIGEWAD as follows:

1. An ONAKONIGEWAD is hereby established and endorsed as a Community Judicial Committee that has the authority under Part I, Authority to dispense with Customary Care and Custom Adoption Orders under this Code.
2. The ONAKONIGEWAD has been established and constituted in concert with the community of Wabaseemoong and as prescribed in the Grand Council Treaty No. 3-Abinoojii Inakonigewin, Paragraphs 39-46.
3. The ONAKONIGEWAD will cause to be developed Procedural Rules outlining its authority, roles and responsibilities, terms of office, policies and procedures and any other requirements as defined and determined by the Wabaseemoong Independent Nations and its Communities, from time to time.

WIIDOKAZOWAD Under this Code

The WIIDOKAZOWAD is hereby established and shall have the authority to hear and partake in case reviews, case conferences, case consultation that pertain to the provision of protection or; to issue temporary placements for children and Declare Customary Care for up to one year; to provide pertinent family information and advice; to explore alternative actions as may be just and reasonable to contribute to the provision of service. The role of the WIIDOKAZOWAD is designed to carry out the facilitative intent and purposes of this Customary Care Code, including use of the Inherent Anishinaabe powers as set out in the Abinoojii Inakonigewin. Wabaseemoong

Independent Nations will establish and issue Terms of Reference for the WIIDOKAZOWAD, from time to time.

PART IV

Customary Care, Custom Adoption and Orders

Child in need of Customary Care under this Code

The Agency upon receiving a referral will investigate and determine if the child is in need of customary care. In making that determination, the Agency will be guided and directed by:

1. The definition of in need of customary care is the same as the meaning as described in the provisions of the Child, Youth and Family Services Act and the Abinoojii Inakonigewin dealing with this subject matter.
2. After determining a child to be in need of customary care the Agency will forthwith bring a request before the WIIDOKAZOWAD in a manner prescribed in this Code.
3. Depending on the urgency and gravity of the need for customary care the Agency may make an emergency placement by endorsing a Safe Home Declaration.
4. When appearing before the WIIDOKAZOWAD, the Agency will provide explanation for the emergency placement and may seek a temporary declaration from the Committee to continue with the placement and the Declaration of Customary Care for up to one year.

Extension of Customary Care under this Code

When the Agency and the WIIDOKAZOWAD are considering the extension of Customary Care, they shall be guided and directed by:

1. The provisions of the Abinoojii Inakonigewin, Part 2, Paragraph 18, that requires that all placements shall be made with consent.
2. The paramount principle that the Family, including extended and Clan has the primary responsibility of providing for the care and supervision of their children.
3. Only after considering all the facts and with the consent of the Family including extended and Clan, will the extension of Customary Care be granted.
4. All Customary Care arrangements authorized by the WIIDOKAZOWAD will not exceed 12 months, in succession or length and period that the child is in care of the Agency.
5. All Customary Care arrangements exceeding the 12 months, must be forwarded to the ONAKONIGEWAD for the issuance of an Order for Customary Care or Custom Adoption.
6. Only after considering all the facts and barring any other options will the extension of Customary Care be granted WITHOUT consent.

Customary Care placements and preferences under this Code

When the Agency and the WIIDOKAZOWAD are considering the placement of children, they shall be guided and directed by the following preferences:

1. Family members including extended and Clan and who are residing in the communities.
2. Family members including extended and Clan and who are residing outside the communities.
3. Another Family who are Band Members regardless of residency.
4. Another Anishinaabe Family who may be Non-Band Members regardless of residency.
5. A Blended Family where at least one of the partners is Anishinaabe regardless of residency.
6. ONLY under extenuating and inescapable circumstances will placement be granted to Non-Anishinaabe Families.

Petition for Customary Care under this Code

The Agency may file a petition with the ONAKONIGEWAD seeking an Order for the Customary Care of a child or an adult. A Wabaseemoong Independent Nations child, over the age of 12 years old may, seek an order for Customary Care. The petition shall contain the following information:

1. The name, address and telephone number of the child's First Nation, if applicable;
2. The name, Clan, address, telephone number and age of the child to be considered for customary care;
3. The name, Clan, address, and telephone number of the parents and the parent's relationship, if any; to the child;
4. The name, Clan, address, and telephone number of any other relatives who may have an interest in the care, custody and control of the child;
5. A statement as to why an order for customary care is in the best interests of the child and the best interests of the child's First Nation, if applicable.
6. A statement as to the basis for the Customary Care supported by a home study, child protection worker, family member, Traditional Practitioner testimony, report or account;
7. A statement that no similar action is pending in another court or First Nation having jurisdiction over the child.
8. Evidence of Notification to the child's First Nation, if applicable.
9. The provision of a Criminal Reference and Vulnerable Persons Check. Pardons do not qualify a person to provide Customary Care for Wabaseemoong Independent Nations children except those contraventions dealing with the exercise of Rights under Treaty No. 3.

Customary Care Orders under this Code

Within and before 10 days of application, the ONAKONIGEWAD will consider all facts that are presented and substantiated before making or rendering an Order. After due consideration and deliberation, the ONAKONIGEWAD shall impose the following:

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. Gagiigimawasowin 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: Permanent Custom Adoption Order as prescribed and provided for in this Code.

Petition for Custom Adoption under this Code

Any adult Band Member may file a petition with the ONAKONIGEWAD seeking an order for the Customary Adoption of a child. A Wabaseemoong Independent Nations child, over the age of 12 years old, may seek an order for Custom Adoption. The petition shall contain the following information:

1. The address and telephone number of the Agency or Agencies who may have interest in the child, if applicable;
2. The name, Clan, address, telephone number and age of the child to be placed;
3. The name, Clan, address, and telephone number of the petitioner and the petitioner's relationship, if any; to the child;

4. The name, Clan, address, and telephone number of any other relatives who may have an interest in the care, custody and control of the child;
5. The proposed name of the adoptee after the entry of the Final Order of Custom Adoption;
6. A statement or a copy of the Final Order suspending the Parental Rights of the biological parent(s), if applicable;
7. A statement as to why a final Order for Customary Adoption is in the best interests of the child and the best interests of the child's First Nation.
8. A statement as to the basis for the Custom Adoption supported by a Home study, Child Protection Worker, family member, Traditional Practitioner or Healer testimony, reports or accounts;
9. A statement that no similar action is pending in another court or First Nation having jurisdiction over the child.
10. A statement that no violations or contraventions to the By-laws No: 2008-01 and 2008-02 have occurred within the past five years.
11. A statement that a Custom Adoption has occurred in accordance to the customs of the First Nation as signaled by a Traditional Practitioner who conducted the ceremony.
12. The provision of a Criminal Reference and Vulnerable Persons Check. Pardons do not qualify a person to provide Custom Adoption for Wabaseemoong Independent Nations children except those contraventions dealing with the exercise of Rights under Treaty No. 3.
13. Only persons who hold or are entitled to hold Band Membership to Wabaseemoong Independent Nations are eligible for Custom Adoption.

Satisfaction and substantiation for Custom Adoption under this Code

When the ONAKONIGEWAD is determining an Order for Custom Adoption, they need to be satisfied with and be guided by and be directed by the following criteria:

1. Consent from the Pre-adoption and Adopting parents. In the case of another person who has raised the child then their permission is required and will satisfy requirements under the Code.
2. Child has been voluntarily placed with the Adoptive parents by the Parents or the person who raised the child.
3. Adopting parents are indeed Anishinaabeg or entitled to rely on Anishinaabe custom.
4. Rationale for Custom Adoption is present including knowledge and consent of the petition by extended and Clan members.
5. The Pre-adoptive and Adoptive Families including extended and Clan have signaled their consent.
6. The Grand Mothers of the Pre-adoptive and Adoptive Families have discussed and reached an agreement for the Custom Adoption.
7. A ceremony for Custom Adoption has occurred in accordance to the customs of the Wabaseemoong Independent Nations.
8. Persons of a different faith are permitted to adopt a child in accordance to this criteria and in accordance to the Wabaseemoong Custom Adoption Rules.
9. Only persons who hold or entitled to hold Band Membership to Wabaseemoong Independent Nations are to Custom Adoption under this Code.

Certification of Customary Care or Custom Adoption under this Code

1. A Customary Care or Custom Adoption, conducted in a manner that is a long-established, continued, reasonable process and considered by the people of the Wabaseemoong to be binding and authentic, based upon the testimony of Traditional Practitioner, may be certified by the ONAKONIGEWAD as having the same effect as an child protection or adoption order issued

under the Child, Youth and Family Services Act so long as it is in the best interests of the child and the child's First Nation.

2. A decree certifying a Customary Care or Custom Adoption has the same effect as a decree or Final Order of Custom Adoption issued by any other jurisdiction or court.

Selection of Customary Care and Custom Adoption Homes under this Code

When the Agency and the ONAKONIGEWAD Committee are considering the approval of Customary Care and Custom Adoption Homes they shall will be guided and directed by:

1. The provision of the Abinoojii Inakonigewin, Part 2, Paragraphs 7-20, that describes the authority and responsibilities.
2. The policies and procedures of the Waabashki Maakinaakoons Customary Care and Adoption Home Directives.
3. Due consideration of Home and Adoption Studies as conducted by the Agency with particular attention to Medical and Chemical Clearance.
4. Any violations and contraventions to By-laws 2008-1 and 2008-02 reported or recorded over a five-year period.
5. All applicants shall provide current Criminal Reference and Vulnerable Persons Checks.

PART V

Investigation and Management of Child Abuse

Abuse investigations and management under this Code

In the event that the Agency is investigating a referral for Child Abuse, they shall will be guided and directed by:

1. The provision of the Abinoojii Inakonigewin, Part 2, Paragraphs 7-20, that describes the authority and responsibilities.
2. Protect the children from any further endangerment by taking the necessary steps.
3. The policies and procedures of the Waabashki Maakinaakoons Child Abuse Manual.
4. Maintain control and management of the child welfare investigative process and conduct conjoint investigations with Law Enforcement Agencies.
5. All criminal investigations will be conducted and concluded by Law Enforcement Agencies.

PART VI

Rights, Parties and Hearings

Rights of Children in Customary Care Hearings under this Code

In addition to any other Rights afforded under the Abinoojii Inakonigewin, the children have the following Rights:

1. A Right to Safety and Security without any interruption to the quality of their care, supervision and nurturance as Anishinaabeg.
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 Anishinaabe 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 Anishinaabemoowin.
6. A Right to the Land and to experience the Sacrosanct Relationship with Aki.

7. A Right to the Lifeways of the Anishinaabeg which includes the Right to exercise their Rights under Treaty No. 3.

Rights of Parents in Customary Care Hearings under this Code

In addition to any other Rights afforded under the Abinoojii Inakonigewin, the parents have the following Rights:

1. A Right to be Heard and express their wishes and desires at any Hearing that is considering the Customary Care and Custom Adoption of their children.
2. A Right of Access to their Children unless the access will or may impart undue social distress to the children.
3. A Right to Information and to be informed of any petition for a Customary Care or Custom Adoption proceeding.
4. A Right of Notification to any Customary Care and Custom Adoption proceeding or to any Hearing that is considering the care and supervision of their children;

Petition for Suspension of Parental Rights under this Code

The Agency may under extenuating circumstances petition the ONAKONIGEWAD for the suspension of Parental Rights. The Agency will need to clearly demonstrate that the suspension is undeniably needed for the best interest of the children. The Agency must unequivocally prove that parental access unquestionably endangers the children and any continued access is injurious.

Rights of Parties in the Suspension of Parental Rights under this Code

In addition to any other Rights afforded under the Abinoojii Inakonigewin, the parties have the following Rights:

1. The parties have the Right to refuse services provided by the Agency however; their refusal to accept services may have a significant impact on their ability to have contact with their children.
2. The Right to have reasonable Notice and to attend any Hearing arising out of the filing of a petition for the suspension of Parental Rights pursuant to this Code. The biological parents and the petitioner have the Right to be represented by a person of their choosing at their own expense and at all proceedings and Hearings.
3. The parties have the Right to summon and cross-examine witnesses, if this is necessary.
4. The parties have the Right to seek independent advice on any evaluations that are relied upon as evidence, at their own expense.

Petition to Suspend Parental Rights under this Code

The Agency may file a petition with the ONAKONIGEWAD seeking an Order for the suspension of Parental Rights to a child. The petition shall contain the following information:

1. The name, address and telephone number of the child's First Nation;
2. The name, Clan, address, telephone number and age of the child's parent whose parental rights are to be suspended;
3. The name, address, and telephone number of the Agency and the Agency's relationship, if any; to the child;
4. The name, Clan, address, and telephone number of any other relatives who may have an interest in the care, custody and supervision of the child;
5. A statement as to why an Order for the suspension of Parental Rights of the parent is in the best interests of the child and the child's First Nation.

6. A statement as to basis for the request for the suspension of Parental Rights, supported by a child protection worker, family member, Traditional Practitioner or Healer testimony, reports or accounts;
7. A statement that no similar action is pending in a court or First Nation having jurisdiction over the child.
8. The Agency shall sign the petition in the presence of the Manager(s) and shall affirm under Pledge that the contents are true and correct except as to those matters based upon belief and, as to those matters, the petitioner reasonably believes them to be true.

Notice of Hearing on Petition to Suspend Parental Rights under this Code

Upon the filing of a petition seeking an Order for the suspension of Parental Rights, the ONAKONIGEWAD shall schedule a Hearing to be held thereon and shall cause written Notice of such Hearing to be served upon the petitioner; the child's First Nation; the child's parent(s); family members including extended and Clan; caregiver, if any; and appropriate Agencies who may either have an interest in the proceedings or be of assistance to the ONAKONIGEWAD in dispensing the matter. Such notice shall be served in the manner provided for in the Procedural Rules Manual.

Final Order for the Suspension of Parental Rights under this Code

A. If the ONAKONIGEWAD determines that it is in the best interests of the child and the child's First Nation, it shall issue a Final Order for a suspension of Parental rights. Such an Order for the suspension of Parental Rights may include, but is not limited, to the following:

1. A permanent suspension of the Parental Rights of the parent including the suspension of the Right to the care, supervision and control of the minor child and allowing the child to be placed in Customary Care or Custom Adoption.
2. A permanent suspension of the Right of the parent to have contact with the minor child including contact in person, by mail, by telephone, or by electronic means or through third parties or the Order may allow for a contact agreement as agreed upon by the parties to be ordered by the committee
3. Restraining a parent from contacting the child, the child's Customary Care parent, the child's Custom Adoptive parent and/or the social services Agency or Agencies possessing information regarding the child;
4. Ordering that the biological parent's obligation to pay child support, except for arrearages, is hereby terminated.
5. Ordering that any prior order for custody, visitation or contact with the child is hereby terminated.
6. The parent shall have no standing to appear at any future proceedings or Hearings involving the child.
7. The suspension of Parental Rights does not sever or affect in any way a child's relationship to his/her First Nation; any Rights of inheritance from the biological parent(s) or to the child's Clan membership;
8. The Order shall contain a statement regarding why it is in the best interests of the child and the child's First Nation to enter this Order;

B. Copies of any Order for suspension of Parental Rights shall be served upon the parent and the Agency or Agencies having legal custody of the child and any other parties as directed by the ONAKONIGEWAD.

C. Final Orders for the suspension of parental Rights may be reviewed by the ONAKONIGEWAD at the request of the biological parent, the Agency or Agencies possessing custody of the child only if one of the following occurs: a. if there is no final Customary Care Order in effect after a period of one (1) year after the entry of the final order suspending Parental Rights; b. the Custom Adoption of the child fails or the Custom Adoptive parent is deceased. Notice of this review shall

be provided to all parties to the Hearing at which the final suspension of Parental Rights Order was first issued.

Parties to the Hearing under this Code

Unless otherwise determined by the ONAKONIGEWAD or prescribed in other sections of this Code, the following are Parties to the Hearing of the ONAKONIGEWAD:

1. The Agency as represented by its Managers, Supervisors and Workers.
2. The Children as represented by a person of their choosing or by themselves.
3. The Parents of the children as presented by a person of their choosing or by themselves.
4. The Extended Family as represented by a person of their choosing or by themselves.
5. The Clan Members as represented by a person of their choosing or by themselves.
6. The Customary Care and Custom Adoptive parents as represented by a person of their choosing or by themselves.
7. All Elders, witnesses and persons providing evidence or information, upon request of any of the Parties.

ONAKONIGEWAD Hearing under this Code

A. Attendance at the Hearing.

1. The parents, family members including extended and Clan, Agencies and petitioner shall be present at the hearing in person unless he or she has waived the Right to appear in a writing executed before the Agency and filed with the committee or unless the parent is unable to attend by reason of a medical condition as evidenced by a written statement from a licensed physician or other appropriate professional.
2. The petitioner shall be present at the hearing. The petitioner's failure to appear shall be grounds for dismissal of the petition.
3. The parent(s) named in the petition shall also be present. The parent(s) failure to appear shall not prevent the issuance of an order including the suspension of parental Rights.

B. Conduct of the Hearing.

1. The ONAKONIGEWAD shall inform the parent of their Rights under this Code and of the nature and consequences of the proceedings.
2. The ONAKONIGEWAD shall further inform all other parties of their rights under the Code and pursuant to the Abinoojii Inakonigewin including the Right to summon and cross-examine witnesses.
3. The Rules of Evidence set by the ONAKONIGEWAD or as established, shall apply.
4. The burden of proving the reasons of the petition shall be upon the Agency and the standard of proof shall be clear and convincing evidence. There shall be a presumption of the parent's ability to parent until proven otherwise.
5. The ONAKONIGEWAD may adjourn the Hearing, upon a showing of good cause, at the request of any party to the proceeding and enter such temporary orders, if any, as may be deemed just and reasonable to carry out the purposes of this Code.

C. Record of Proceedings.

In all proceedings, the ONAKONIGEWAD shall take and preserve an accurate record or recording of the proceedings.

D. Findings.

1. In all cases, the ONAKONIGEWAD shall make specific written findings of fact, state separately its conclusions, and enter an appropriate Order.
2. The ONAKONIGEWAD may make findings that it is in the child's best interests that a Final Order for suspending the parental rights be entered and shall specify the basis of those findings.

Notice of Hearing on Petition for Custom Adoption under this Code

Upon the filing of a petition seeking an Order for a Custom Adoption of a child, the ONAKONIGEWAD shall schedule a Hearing to be held thereon and shall cause written Notice of such Hearing to be served upon the petitioner; the child's First Nation; appropriate family members including extended and Clan, if any; caregiver, if any; and appropriate Agencies of the First Nation which may either have an interest in the proceedings or be of assistance to the Committee in dispensing the matter. Such notice shall be served in the manner provided for in Procedural Rules Manual.

Hearing on Petition for Custom Adoption under this Code

A. Attendance at the Hearing.

1. The child who is the subject of a petition for Custom Adoption, Agency, petitioner, parent(s) and any appropriate Family members including extended, Clan and siblings may be present at the Hearing in person or represented by a person of their choosing
2. The petitioner shall be present at the Hearing. The petitioner's failure to appear shall be grounds for dismissal of the petition.

B. Conduct of the Hearing.

1. The ONAKONIGEWAD shall inform the parties of their Rights under this Code and of the nature and consequences of the proceedings.
2. The committee shall further inform all other parties of their Rights under the Abinoojii Inakonigewin, including the Right to summon and cross-examine witnesses.
3. The Rules of Evidence as set by the Committee or as established, shall apply.
4. The burden of proving the facts of the petition shall be upon the petitioner and the standard of proof shall be clear and convincing evidence.
5. The ONAKONIGEWAD may adjourn the Hearing, upon a showing of good cause, at the request of any party to the proceeding and enter such temporary Orders, if any, as may be deemed just and reasonable to carry out the purposes of this Code.

C. Record of proceedings.

In all proceedings, the ONAKONIGEWAD shall take and preserve an accurate record or recording of the proceedings.

D. Findings.

1. In all cases, the ONAKONIGEWAD shall make specific written findings of fact, state separately its conclusions pursuant to this Code, and enter an appropriate Order.
2. The Committee may make findings that it is in the child's best interests that a Final Order for a Custom Adoption be entered and the Committee shall specify the basis of those findings.

PART VII

Enforcement, Appeals, Records, Conflict of Laws and Severability

Enforcement of inherent powers under this Code

Final Orders for the suspension of Parental Rights, Customary Care or Custom Adoption are enforceable by the inherent authority and powers of the Wabaseemoong Independent First Nations.

Appeals under this Code

A. Who Can Appeal:

Any party to a petition for the suspension parental Rights, Customary Care or Custom Adoption pursuant to this Code may appeal a Final Order.

B. Appeals Procedure

All Appeals from any Proceedings or Hearing under this Code shall be heard pursuant to provisions of this Code or any established Appeal procedures except to the extent that any Rule of Procedure is in direct conflict with the expressed provisions of this Code. In such a case, the provisions of this Code shall apply and take precedence.

Right of Access to Records under this Code

Any party deemed appropriate by the WIISOKAZOWAD and the child who has been the subject of a suspension of a parental Rights proceeding, a Customary Care or a Customary Adoption proceeding, has the Right, upon reaching the age of 12 years old, to request a review all of the contents of their file, in writing and subject to redaction of names or the Rights of Confidentiality of some documents under the Abinoojii Inakonigewin.

Conflict with law and jurisdictions

The Agency may establish and maintain agreements with other jurisdictions for harmonizing the administration of this Code and the administration of their Laws. Every jurisdiction is advised and requested to have due regard, to the purposes and provisions of this Code or as otherwise prescribed in the Abinoojii Inakonigewin, Paragraphs 47-49.

Severability

If any provision of this Code, or the application thereof, to any person is held invalid, such invalidity shall not affect the provisions or applications of this Code which can be given effect without the invalid provisions, and to this end the provisions of this Code are declared severable.

PART VIII

Amendments and Coming into Force

Amendments

Any amendment to the Customary Care Code of the Wabaseemoong Independent Nations will come into force after the Elders who have conducted the Cultural Validation Ceremonies confirming and sanctioning such amendments Serve Notice.

Coming into Force

This Customary Care Code of the Wabaseemoong Independent Nations will come into force on the date announced by the Elders who have conducted the Cultural Validation Ceremonies confirming and sanctioning the ratification and the coming into force of this Code.

**WABASEEMOONG
INDEPENDENT NATIONS**



ONE MAN LAKE • WHITEDOG • SWAN LAKE

Whereas the WIN Customary Care Code has been developed through the input of Wabaseemoong Elders, women and community members, and;

Whereas the WIN Customary Care Code captures and embraces the Inherent Governance structures and processes of Traditional Sacred Laws, and;


Whereas the WIN Customary Care Code was endorsed through sacred ceremony on November 13, 2017, and;

Whereas the community in attendance on December 11, 2017 did stand in favor for the Chief and Council to sign the WIN Customary Care Code on December 12, 2017

THEREFORE BE IT DECIDED that the Chief and Council will endorse the WIN Customary Care Code.

Wabaseemoong Chief and Council will sign the WIN Customary Care Code so that the members of Wabaseemoong Independent Nations will move forward in reclaiming their Inherent Duties and Responsibilities in protecting, caring and providing safety for their children, youth, families and community.

Signed on Tuesday, December 12, 2017 at Wabaseemoong Independent Nations in front of sacred items and the Ogichidaa of the Anishinaabe Nation in Treaty #3.

Chief: 

Witness:

Council: 

Ogichidaa: 

Council: 

Council:

Council: