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Miyo-ohpikināwasowin "Raising and Caring for Children in a Good Way"

Onion Lake Cree Nation Child Law (EN)

October 24, 2023

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LEGISLATIVE PROCESS

FIRST READING:	Saskatoon – November 2, 2023 Onion Lake – November 7, 2023 Edmonton – November 8, 2023
SECOND READING:	Saskatoon – November 15, 2023 Onion Lake – November 16, 2023 Edmonton – November 22, 2023
THIRD READING:	Saskatoon - November 29, 2023 Onion Lake – November 30, 2023 Edmonton – December 2, 2023
VOTE:	Onion Lake Communiplex – December 5, 2023 Ramada Inn – Saskatoon, SK – December 6, 2023 Edmonton Inn – Edmonton, AB – December 8, 2023
RESULTS:	December 12, 2023 Miyo-opikinawasowin "Raising and Caring for Children in a Good way", Onion Lake Cree Nation Child Law passed by membership.

1. Kānīkanasinahikātēk

Oki Kānīkanastaya: As the *iyiniwak* of this land, we were placed here by the Creator and were given the responsibilities, laws, and duties of how to live and interact with Mother Earth and Her inhabitants, and all our relations. Since our creation, we live in harmony and balance in accordance with our laws on "Kikawinaw Askiy - Our Mother" or "Kitaskinaw – Our Land".

Oki Kānīkanastaya: On September 9, 1876, we the Wicekaskosiw Sakahikaniwiyiniwak, through our status as *iyiniwak* and gifted with *mekosiwin,* entered into a treaty relationship with the British Crown as equals, and maintain our status as *iyiniwak* and gifts of *mekosiwin* after entering into this treaty relationship.

***Oki Kānīkanastaya*:** On January 9, 2006, we the Wicekaskosiw Sakahikaniwiyiniwak enacted the Wicekaskosiw Sakahikan Nehiyawiyasiwewin Mamawikamatowin, confirming that we as *niheyawak* were never empowered to give up life or any rights on Mother Earth given us by the Creator that ensure our continued life, including to other nations and governments. We remain empowered with all our rights, including by relations with other nations formed by our laws.

***Oki Kānīkanastaya*:** By virtue of the Creator's authority, we as *niheyawak* have jurisdiction over our families, Children and Youth and have maintained an inherent family support, prevention, preservation and Child safety system reflected in our customary law from time immemorial.

Oki Kānīkanastaya: To continue as *niheyawak,* the citizens of Wicekaskosiw Sakahikanihk need to pass down to our Children the traditional values that were passed down to the current generation so as to keep our nation strong.

***Oki Kānīkanastaya*:** We *niheyawak* are free to exercise our jurisdiction for the betterment of our people and we so choose to exercise our jurisdiction over our families, Children and Youth by enacting in written form this Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin.

Kēcināwiwōwin: The citizens of Wicekaskosiw Sakahikanihk enact this Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin.

2. DEFINITIONS

In this Law:

a) "**Child**" or "**Children**" means a person or persons who is under the age of eighteen (18);

b) "**Citizen**" means an individual who is enrolled, or has the right to be enrolled, as a member of Wicekaskosiw Sakahikanihk in accordance with the *Onion Lake Citizenship Law*;

c) "**Extended Family**" means the cousins, and those individuals with a close familiar connection with the biological mother or father of a Child;

d) "**Immediate Family**" means the biological mother, father grandmother, grandfather, aunties and uncles of a Child;

e) "***iyiniwak***" means the "original people";

f) **"Judicial Commission"** means that body as created by the Wicekaskosiw Sakahikaniwiyiniwak Government that is to act as the decision-making body for the Wicekaskosiw Sakahikaniwiyiniwak;

g) "***Kānīkanasinahikātēk***" means "these are the words that come before";

h) "***Kēcināwiwōwin***" means "these are what we put forward";

i) **"Kiseyiniwak"** means the council of men as described in s. 13 of this Law;

j) "**Law**" means the *Miyo-ohpikināwasowin - "Raising and Caring for Children In a Good Way" Wiyasiwewin* and may also be referred to as *Onion Lake Cree Nation Child Law;*

k) "***mekosiwin***" means all those things bestowed upon the *niheyawak* by Creator;

l) *"**miyo-ohpikināwasowin** "* means good quality care for Children;

m) "***niheyawak***" means the Cree peoples;

n) "***Notikwewak"*** means the council of women as described in s. 13 of this Law;

o) "**Okimaw**" means the individual elected as the leader of the Wicekaskosiw Sakahikanihk;

p) ***"Oki Kānīkanastaya"*** means "confirming";

q) "***Onikaniw***" means an individual elected as a Headman or Headwoman of Wicekaskosiw Sakahikanihk;

r) "**Onikaniwak**" means the governing body of the Wicekaskosiw Sakahikanihk, consisting of the Okimaw and Onikaniwak, who may be referred to as "the Leaders" or "the Leadership";

s) "***Omīnīnamawaw***" means "help shape the families";

t) **"Miyo-ohpikināwasowin "** means "Raising and Caring for Children in a Good Way";

u) **"Regulations"** means any regulations made pursuant to section 17 of this Law;

v) "**Service Delivery Model**" means the model that is used by the Wicekaskosiw Sakahikaniwiyiniwak and OLFS in the provision of prevention, intervention, protection and aftercare services to Children, Youth and families;

w) "**Wicekaskosiw Sakahikaniwiyiniwak**" means the Onion Lake Cree Nation;

x) "**Wicekaskosiw Sakahikaniwiyiniwak Community**" includes all Citizens, regardless of residency;

y) "**Wicekaskosiw Sakahikaniwiyiniwak Government**" means the governing body of the Wicekaskosiw Sakahikanihk, consisting of the Okimaw and Onikaniwak, who may be referred to as "the Leaders" or "the Leadership";

z) "**Wiyasiwewin**" means law; and

aa) "**Youth**" means a person between the age of eighteen (18) and twenty-six (26).

3. INTERPRETATION

In this Law:

a) headings and sub-headings are for convenience only, and in no way define, limit, alter or enlarge the scope or meaning of any provision;

b) unless the context clearly signifies otherwise, the use of the singular includes the plural, and the use of the plural includes the singular; and

c) unless the context clearly signifies otherwise, "including" means "including, but not limited to", and "includes" means "includes, but is not limited to".

4. VISION AND PRINCIPLES

The vision and principles of the *Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin* are:

a) Inherent Governance
Our governance as the Wicekaskosiw Sakahikaniwiyiniwak is as bestowed by the Creator. This allows for the continued organization of institutions to be consistent with our laws;

b) Self Determination/mekosiwin in the International Community of Nations
The Wicekaskosiw Sakahikanihk is a sovereign nation, comprised of distinct peoples with a common history, culture, territory, governance, and exercising self-

determination/*mekosiwin* bestowed by the Creator since time immemorial, as recognized by the international community of nations as the fundamental right of all peoples;

c) ***Treaties***
Our ancestors negotiated and concluded international treaties with the Crown as a sovereign nation as a matter of our sacred law in ratification and enactment of this Wicekaskosiw Sakahikan Miyo-ohpikināwasowin .

d) ***Children are Gifts from the Creator***
The Wicekaskosiw Sakahikanihk recognize and uphold the principle that our Children are little spirits, gifts from the Creator, and each Child comes to our nation with many gifts and specifically four (4) gifts: physical, emotional, mental and spiritual. As a community of *nehiyawak*, it is our sacred responsibility to nurture our Children's gifts and assist them in fulfilling their purpose;

e) ***Healing***
The Wicekaskosiw Sakahikanihk recognize that its people and community has suffered trauma as a result of the imposition of foreign laws, policies and practices, specifically in relation to foreign family and Child services systems, and that it is necessary to heal from such trauma to ensure a healthy community and nation. The implementation of a *niheyawak* culturally embedded model of family and Child services is a step towards such healing, including the enactment of the *Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin*;

f) ***Family Focused Programming***
The Wicekaskosiw Sakahikanihk recognize that healing from past trauma must include the whole family unit, and not simply the apprehension and placement of Children out of the family unit. Although the physical, emotional, mental and spiritual safety and well-being is the paramount consideration for the implementation of the *Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin*, where such safety and well-being is not threatened, healing must include the whole family unit;

g) ***Healing, Repatriation and Restoration***
The principles of healing the Wicekaskosiw Sakahikanihk family as a whole unit, repatriation of Wicekaskosiw Sakahikanihk Children from outside of the community, and the restoration of health to families as components of the larger Wicekaskosiw Sakahikanihk will be the guide for the implementation of this Law;

h) ***Sacred/Natural Law Application***
The Wicekaskosiw Sakahikanihk recognize that this Law is only a written component of the full law pertaining to the raising and caring for Children in a good way, and that there are sacred and natural law components that apply but cannot be written down, and

accordingly the Wicekaskosiw Sakahikanihk Elders and knowledge-keepers must be consulted regarding the application of such sacred and natural law components.

5. DECLARATION

Having understood the Preamble and Vision and Principles, and with fully informed and free consent, the Wicekaskosiw Sakahikaniwiyiniwak enacts and proclaims this *Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin* for empowering our tradtional prevention, intervention, protection and aftercare services that will apply to all Wicekaskosiw Sakahikaniwiyiniwak. This *Miyo-ohpikināwasowin - "Raising and Caring for Children In a Good Way" Wiyasiwewin* confirms our jurisdiction over our families and Children upon assent and ratification by the voting Citizens of Wicekaskosiw Sakahikanihk.

6. TITLE

This Law will be known as the *Miyo-ohpikināwasowin - "Raising and Caring for Children in a Good Way" Wiyasiwewin* and may also be referred to as the *Onion Lake Cree Nation Child Law.*

7. COMING INTO FORCE

This Law, and any amendments thereto, will come into force upon the approval of the Citizens aged eighteen (18) and older as expressed through a duly conducted referendum.

8. AUTHORITY AND JURISDICTION

8.1. Through *mekosiwin*, the Wicekaskosiw Sakahikaniwiyiniwak have the inherent authority and jurisdiction for our families, Children and Youth, regardless of geographic location, and the implementation of our inherent family support, prevention, preservation and Child safety system.

8.2. The Wicekaskosiw Sakahikaniwiyiniwak Government is hereby recognized as exercising the inherent authority and jurisdiction for Wicekaskosiw Sakahikaniwiyiniwak families, Children and Youth, regardless of geographic location, and the implementation of our inherent family support, prevention, preservation and Child safety system.

8.3. Without affecting the general inherent authority and jurisdiction set out in section 8.1 of this Law, the Wicekaskosiw Sakahikaniwiyiniwak have the inherent authority and jurisdiction over:

a) all Children, Youth and families who are residents and reside in the Wicekaskosiw Sakahikaniwiyiniwak community;

b) any Child or Youth, regardless of geographic location, who is a Wicekaskosiw Sakahikaniwiyiniwak Citizen, or who is eligible to be a Wicekaskosiw Sakahikaniwiyiniwak Citizen under the "*Onion Lake Citizenship Law*";

c) any Child or Youth, regardless of geographic location, who is not a Wicekaskosiw Sakahikaniwiyiniwak Citizen but who has one parent who is a Wicekaskosiw Sakahikaniwiyiniwak Citizen, or who is eligible to be a Wicekaskosiw Sakahikaniwiyiniwak Citizen under the "*Onion Lake Citizenship Law*; and

d) any Child or Youth, regardless of geographic location, who is descended from a Wicekaskosiw Sakahikaniwiyiniwak Citizen and can reasonably demonstrate a connection to Wicekaskosiw Sakahikaniwiyiniwak.

8.4. The Wicekaskosiw Sakahikaniwiyiniwak freely choose to exercise its inherent authority and jurisdiction for our familes, Children and Youth through the creation and implementation of this Law.

8.5. The Wicekaskosiw Sakahikaniwiyiniwak Family Services (Onion Lake Family Services or OLFS), or a successor entity, is hereby responsible for the development and implementation of the Service Model created under this Law.

9. IMPLEMENTATION OF THE LAW

9.1. The Wicekaskosiw Sakahikaniwiyiniwak Government, in conjunction with the OLFS, or a successor entity, will be responsible for the implementation of this Law, including, but not limited to, the creation and implementation of a Service Delivery Model, and all necessary policies, procedures, and systems to support the Service Delivery Model and to implement this Law.

9.2. In implementing the Law, the Wicekaskosiw Sakahikaniwiyiniwak Government and OLFS, or a successor entity, will adhere to the vision and principles as set out in section 4 of this Law.

10. ROLES AND RESPONSIBILITIES FOR CAREGIVERS OF CHILDREN

General

10.1. All Wicekaskosiw Sakahikaniwiyiniwak members have a sacred responsibility for the health and physical, emotional, mental and spiritual well-being of all Children and Youth, whether such Children and Youth are Wicekaskosiw Sakahikaniwiyiniwak members or not, for whom they have responsibility for *miyo-pikinawasowin*.

10.2. This Law, including any Regulations, and all decisions and actions made thereunder, are to be guided in all aspects by the concept of the physical, emotional, mental and spiritual well-being of the Child and Youth, which includes, but is not limited to, the following principles:

a) every Child and Youth deserve to be respected as a gift from the Creator and to be safe from all physical, mental, emotional and spiritual harm;

b) every Child and Youth deserve to be shown love and respect, including the right to have their viewpoint heard;

c) every Child and Youth deserve to have their physical needs met, including, but not limited to:

i. nutritious food to eat and clean water to drink;
ii. a clean, warm, and safe home;
iii. adequate sleep in a warm bed with suitable sheets and blankets;
iv. adequate medical care, including emotional, mental, spitirual health care as required;
v. education; and
vi. appropriate clothing and footwear;

d) every Child and Youth deserve to have their inherent Creator given gifts recognized, nurtured and promoted;

e) every Child and Youth deserve to be heard and express their wishes, as their ability allows, in regards to their upbringing, and in matters that pertain to them;

f) every parent deserves to be heard and express their wishes as to the upbringing of their Child, or the upbringing of those Children or Youth within their care;

g) every Wicekaskosiw Sakahikaniwiyiniwak Child and Youth deserves to be raised in and taught the *iyiniwak* culture, and specifically the culture of the Wicekaskosiw Sakahikaniwiyiniwak;

h) every Wicekaskosiw Sakahikaniwiyiniwak Child deserves to be connected to the larger *niheyawak* community, and specifically the Wicekaskosiw Sakahikaniwiyiniwak community.

Immediate Family

10.3. The Immediate Family are the primary caregivers of a Wicekaskosiw Sakahikaniwiyiniwak Child to ensure the physical, emotional, mental and spiritual well-being well-being of a Wicekaskosiw Sakahikaniwiyiniwak Child and Youth are met.

Extended Family

10.4. The Extended Family, in conjunction with the Immediate Family, are also responsible to ensure the physical, emotional, mental and spiritual well-being well-being of a Wicekaskosiw Sakahikaniwiyiniwak Child and Youth are met.

10.5. Where the Immediate Family is unable or unwilling to ensure the physical, emotional, mental and spiritual well-being well-being of Wicekaskosiw Sakahikaniwiyiniwak Child are met, the Extended Family will be the primary caregivers of a Wicekaskosiw Sakahikaniwiyiniwak Child and Youth.

Wicekaskosiw Sakahikaniwiyiniwak Community

10.6. The Wicekaskosiw Sakahikaniwiyiniwak Community are responsible for providing support, where reasonably possible, to the Immediate Family and Extended Family of Wicekaskosiw Sakahikaniwiyiniwak Child and youth to allow for the physical, emotional, mental and spiritual well-being of a Wicekaskosiw Sakahikaniwiyiniwak Child and Youth to be met.

11. SERVICES TO BE PROVIDED FOR FAMILY WELLNESS

11.1. The Wicekaskosiw Sakahikaniwiyiniwak government will make reasonable efforts to allow all Citizens access to the benefit of this Law, including, but not limited to, any programs and services available as result of this Law.

12. GOVERNANCE STRUCTURE

OLFS

12.1. The OLFS, or its successor entity, is hereby authorized to work on behalf of the Wicekaskosiw Sakahikaniwiyiniwak Government on all matters relating to the provision of prevention, intervention, protection and aftercare services for all Children, Youth and families that fall under this Law's jurisdiction.

13. OMĪNĪNAMAWAW

13.1. This Law hereby recognizes and affirms the role of the Wicekaskosiw Sakahikaniwiyiniwak Notikwewak as the council of women who traditionally provided advice to families and made consensual decisions relating to matters of the Wicekaskosiw Sakahikaniwiyiniwak families.

13.2. This Law hereby recognizes and affirms the role of the Wicekaskosiw Sakahikaniwiyiniwak Kiseyiniwak as the council of men who traditionally were the teachers, protectors and disciplinarians and also provided advice to families and made consensual decisions relating to matters of the Wicekaskosiw Sakahikaniwiyiniwak families.

13.3. The Wicekaskosiw Sakahikaniwiyiniwak Notikwewak and Kiseyiniwak are hereby authorized to be the bodies that will provide advice, consider matters, and make consensual decisions in regards to matters relating to:

a) the health and well-being of Wicekaskosiw Sakahikaniwiyiniwak families that are receiving services under the Service Delivery Model;

b) the physical, emotional, mental and spiritual well-being of Children and Youth that fall within this Law's jurisdicition; and

c) the implementation of the Service Delivery Model and this Law.

13.4. Upon enactment of this Law, the Wicekaskosiw Sakahikaniwiyiniwak Government and the OLFS will facilitate the setup and operation of the Wicekaskosiw Sakahikaniwiyiniwak Notikwewak and Kiseyiniwak in the carrying-out of its roles as contained in this Law.

14. CUSTOM ADOPTION

14.1. The customary adoption practices of the Wicekaskosiw Sakahikaniwiyiniwak are hereby recognized and affirmed.

15. DISPUTE RESOLUTION AND ENFORCEMENT

15.1. This Law hereby recognizes and affirms that the Judicial Commission is the body to hear disputes under this Law, including, but not limited to, disputes regarding:

a) decisions made by the Wicekaskosiw Sakahikaniwiyiniwak Notikwewak and Kiseyiniwak;

b) the interpretation and implementation of this Law by Wicekaskosiw Sakahikaniwiyiniwak Government, OLFS or any other person or entity empowered by this Law to take any action; and

c) any other matter that may pertain to the the physical, emotional, mental and spiritual well-being of a Child or Youth that fall under the jurisdiction of this Law.

15.2. The decisions made by Judicial Commission are final.

15.3. The Wicekaskosiw Sakahikaniwiyiniwak Government will determine the means in which the decisions of the Wicekaskosiw Sakahikaniwiyiniwak Notikwewak and the Kiseyiniwak and the Judicial Commission will be adhered to by all parties affected by such decicison.

16. RELATIONS

16.1. This Law recognizes the Wicekaskosiw Sakahikaniwiyiniwak's jurisdiction over its families, Children and Youth, and the inherent family support, prevention, preservation and Child safety system arising from such jurisdiction and reflected in its customary law from time immemorial.

16.2. Based upon the recognition as set out in section 16.1 of this Law, in the event of a conflict or inconsistency between a provision in this Law and a provision in a

provincial or federal law of Canada, the provision within this Law prevails to the extent of the conflict or inconsistency.

16.3. The Wicekaskosiw Sakahikaniwiyiniwak Government may enter into necessary agreements with indigenous, provincial, federal or international governments, including any ministries and departments of such governments, to allow for the implementation of this Law, including in the coordination of programs and services for Children and Youth that fall under the jurisdiction of this Law.

17. CONFIDENTIALITY

17.1. In the implementation of this Law, including any Regulations made thereunder, and in the development and implementation of the Service Delivery model, the Onion Lake Privacy Law, in place from time to time, will be adhered to and respected.

18. LIABILITY

18.1. The Wicekaskosiw Sakahikaniwiyiniwak Government, and any other person or entity having powers or duties under this Law or the Regulations, will not be liable for anything done or not done by him or her in good faith in the performance of his or her duties or in the exercise of his or her powers

19. REGULATIONS

19.1. The Wicekaskosiw Sakahikaniwiyiniwak Government may enact Regulations for the purposes of this Law, and when so enacted, the Regulations will have the same status and affect as this Law.

19.2. If there is a conflict between a Regulation made under this section and any provision of this Law, this Law prevails.

20. AMENDMENT PROCEDURES

20.1. This Law may be amended from time to time by the Wicekaskosiw Sakahikan Government, but no amendment will take effect until it has been ratified by a majority of the Wicekaskosiw Sakahikan Citizens.