

Nishnawbe-Aski Legal Services Corporation

TALKING TOGETHER PROJECT
An Alternative Dispute Resolution Process

Background

- Nishnawbe-Aski Legal Services Corporation (NALSC) has been in existence since 1990.
- The corporation is owned by members of Nishnawbe-Aski Nation and is controlled by board members of First Nations within the NAN territory.
- NALSC services 49 communities with a population of approximately 30,000 people.
- The mandate of the corporation includes legal, paralegal, public legal education, and law reforms.

Background

- Since the beginning, Chiefs of NAN have placed significant priority on the law reform function of the corporation.
- Since 1996, NALSC has had a Restorative Justice Program, currently funded by the Aboriginal Justice Directorate of the Department of Justice.
- Talking Together began in 2002 as a pilot project and is now jointly funded by the Ministry of Children's Services and LAO.
- LAO funds the administration of the Legal Aid Plan in Treaty No. 9. In addition, the Solicitor General of Canada is funding a 3-year Youth Mentoring Program.

Identified Needs

- First Nations have lost many children first because of the Residential School system and then the intervention of Children's Aid Society since the sixties.
- The recent amendments to the Child & Family Services Act R.C.O. (2000) has put increased pressure on agencies to remove children from their homes and communities.
- Steps must be taken to deal with Child Welfare cases in an expeditious and more culturally appropriate manner.

What is “Talking Together”?

- An innovative method of dispute resolution based on traditional circles that has been used by First Nations since time immemorial to restore harmony to families and community.
- By bringing people together to discuss family problems in a non-judgmental way, a plan will emerge which has the support of the community.
- This provides an alternative to the Court process (that frequently results in children being removed from their home community) and returns control to First Nations concerning the planning and protection of their children.

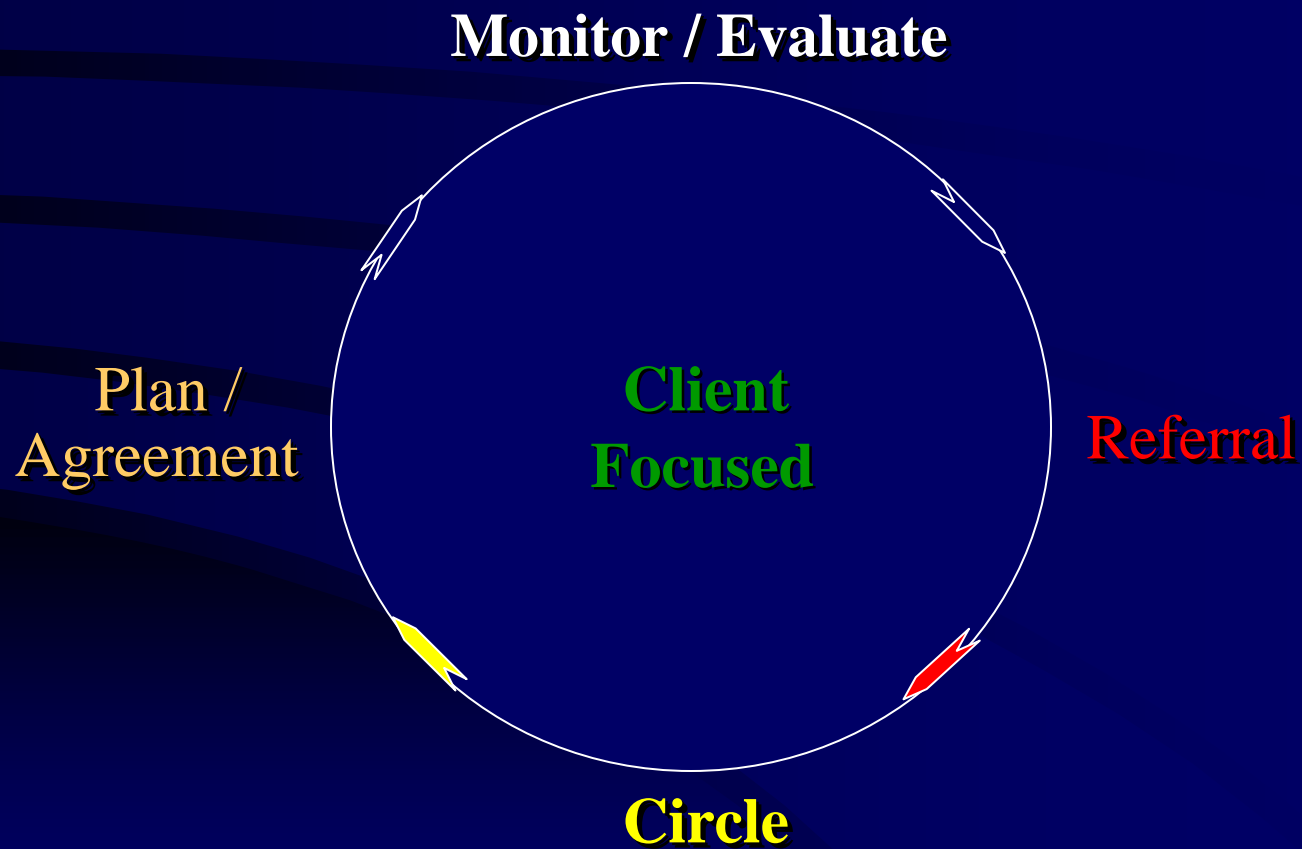
Why use “Talking Together”?

- The project recognizes the capacity of kin network to protect Aboriginal children and emphasizes the importance of cultural continuity in placements.
- The process is a less intrusive method of dealing with family problems and protection issues, alleviating the need for the often costly and adversarial Family Law Court system.
- The participants and community work as a group to resolve issues toward healing.

The Circle Process

- The circle is composed of family members, frontline workers, agency representatives, community elders and Band Council representatives.
- It looks at who has been affected and how they have been affected by the problems the family is experiencing.
- The participants then have an opportunity to work together on a plan to repair the harm.
- The Agreement that emerges is the basis of the Plan of Care that is filed with the Court.

Talking Together Process



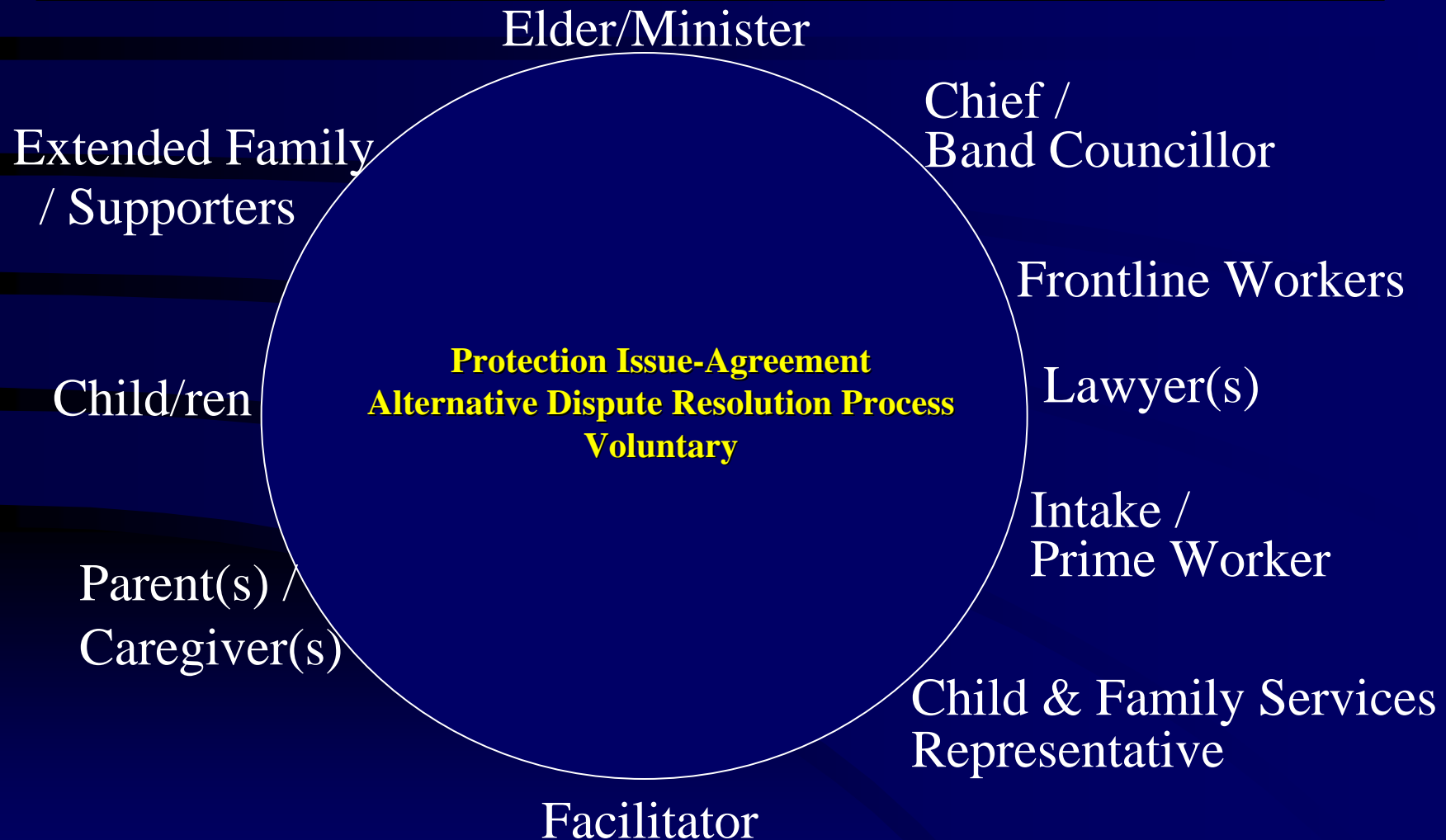
Client Focused

- Goal – focus on the issue / behaviour
not the individual
- Needs – all are present to help plan / resolve
- All those affected are welcomed participants

Referral

- From CFS, Lawyers, Court, Client or First Nation
- CFS & NALSC in consultation
(within 5 days) prior to or as soon after
filing a Protection Application
- Involvement is voluntary
- Begins a two-path process

Circle Participants



Code of Ethics

Rules of a Traditional Circle

- Based on RESPECT
- Everyone is EQUAL
- Everyone has a VOICE
- Everyone LISTENS
- CONFIDENTIAL

Plan of Care / Agreement

- Comes from the participants
- Supported by the participants
- Includes Program/Service, Organization, Contact Person & Timelines
- Judges acknowledge the circle process therefore accepts the Plan of Care which comes from the circle.

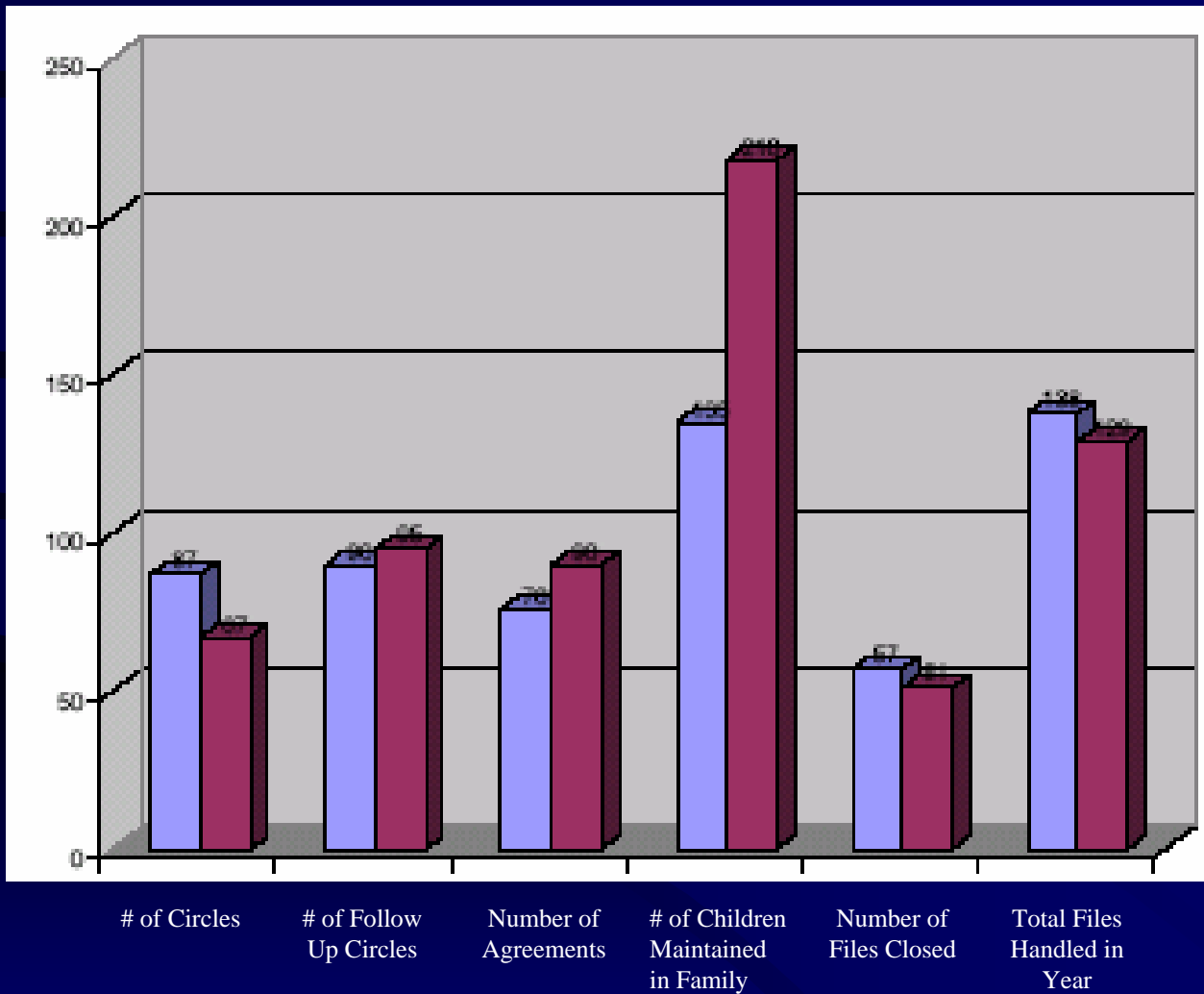
Plan of Care / Agreement

| Service / Role | Organization / Program | Contact Person | Target Date |
|--|--|---|---|
| Counselling Training Treatment Education Programming | Friendship Centre NNADAP Mental Health Treatment Centre Teacher | CFS Worker Frontline Worker Counsellor Minister | Expected date of Completion – On Going |

Monitor / Evaluate

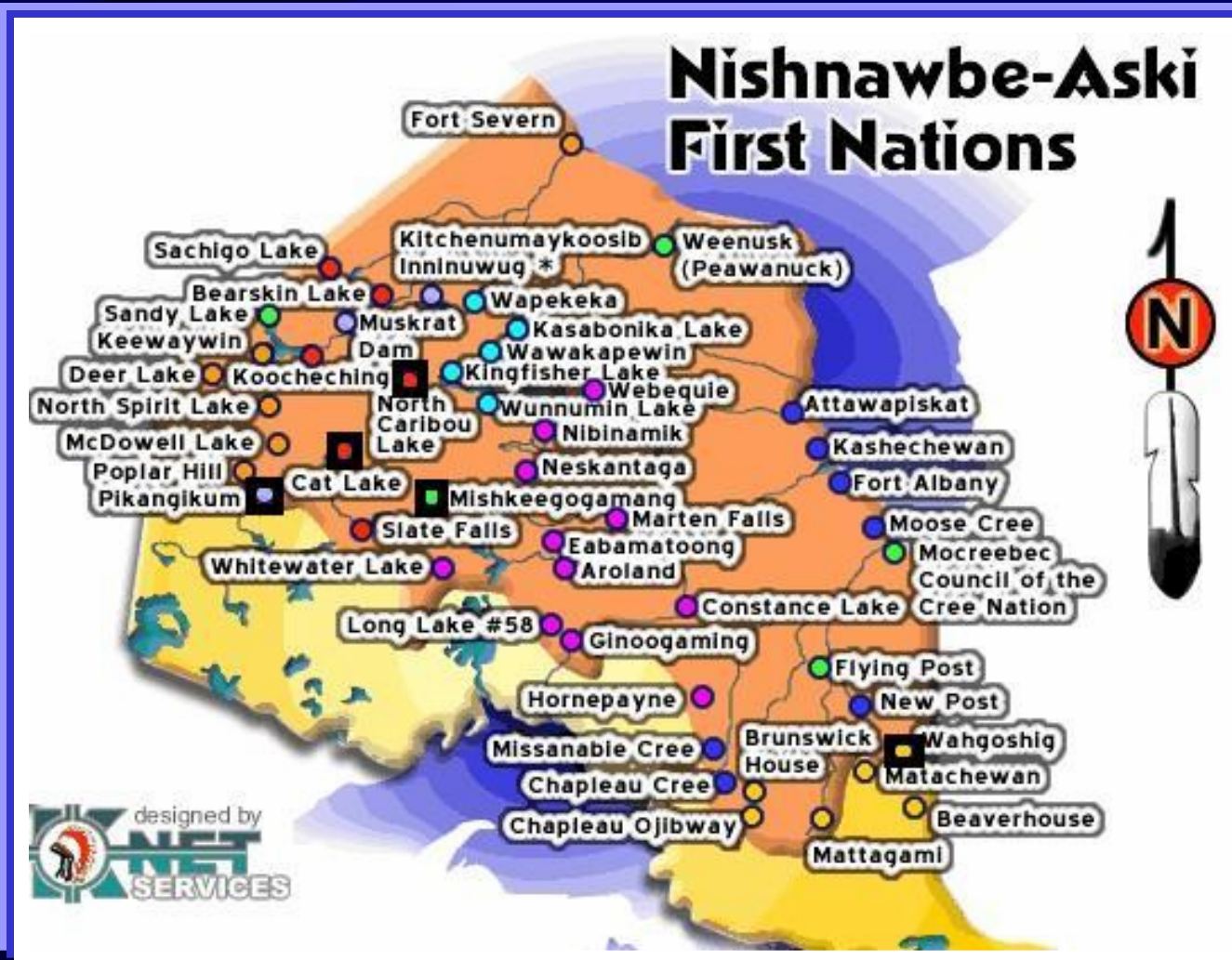
- Progress reports are submitted on a regular basis.
- Circle is reconvened upon request.
- Feedback
- Statistical Reporting
- Evaluator is hired to Report

Comparison of Annual Statistics



Blue: 2004/2005
Fiscal Year

Red: 2005/2006
Fiscal Year



Talking Together Communities

Mishkeegogamang, Wahgoshig, Timmins, Moose Cree, Weagamow