

# PROTOCOL AGREEMENT

## I. PREAMBLE

“Child and Family Services of Timmins and District and Nishnawbe-Aski Legal Services Corporation are committing to providing services to families that will ensure the safety of the child, the well being of the family, and a strengthening of the community.”

## II. RELATIONSHIP

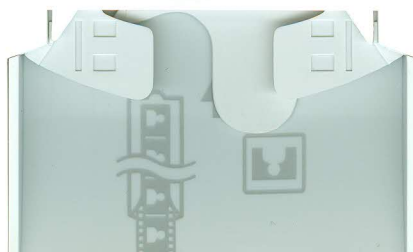
- i) It is agreed that Child and Family Services of Timmins and District (hereinafter “CFSTD”) and Nishnawbe-Aski Legal Services Corporation (hereinafter “NALSC”) would work together. This Protocol is formed in response to the change in ADR practices for Childrens Aid Societies.
- ii) It is acknowledged that this Protocol needs to be evolutionary and flexible. Therefore, the parties agree to review the protocol bi-annually at least sixty (60) days before the two year anniversary of the signing of the protocol.

## III. CHILD AND FAMILY SERVICES OF TIMMINS AND DISTRICT

- i) CFSTD is a mandated Childrens’ Aid Society and services the City of Timmins, Ontario and district, in the eastern portion of Nishnawbe Aski Nation (hereinafter “NAN”).

## IV. NISHNAWBE-ASKI LEGAL SERVICES CORPORATION

- i) NALSC is a unique organization belonging to NAN. NALSC is managed by a Board of Directors who are representative of the NAN communities.
- ii) NAN passed Resolution 90/26, stating the mandate from the Chiefs of Treaty No. 9 is to promote creative community based justice systems.



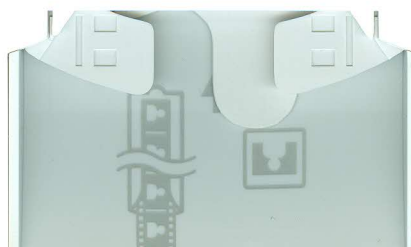
- iii) NAN passed Resolution 10/68, stating that "NAN Chiefs-in-Assembly support the Talking Together Program for collaborative work with all Child Welfare Agencies that are mandated throughout NAN territory."

## V. MISSION STATEMENT

- i) CFSTD and NALSC recognize the importance of continuing to develop the Alternative Dispute Resolution Process in order to meet the diverse social, cultural and linguistic needs of the NAN members.

## VI. DEFINITION AND PURPOSE

- i) The Talking Together program is based on Anishinabe and Community processes for conflict resolution that involves the child(ren), extended family members, service providers, community members, Chief and Council and the Talking Together Facilitator.
- ii) The rules of the Talking Together Program apply whereby:
- Everyone has agreed to voluntarily participate in a Talking Together Circle
  - Everyone is equal
  - Everyone is given a chance to speak
  - Everyone is listened to respectfully
  - Comments are framed in a non-judgmental way
  - All information is confidential
  - All decisions are by consensus to form an effective plan to bring about resolution of outstanding child welfare concerns
  - All Circles involve a continuous development of planning, monitoring, and evaluation.
- vii) The successful implementation of this framework is the shared responsibility of all employees of CFSTD and NALSC.
- viii) To ensure proper file management of the Talking Together Circle Program, CFSTD and NALSC employees/Facilitators shall provide full and complete disclosure of all information, whether written or verbal, that is relevant to the issues being discussed in the Talking Together Program. CFST and NALSC understand and agree that if the Facilitator has reason to believe that full disclosure has not occurred, they may terminate the Talking Together Circle.



## VII. RELATIONSHIPS

- i) CFSTD and NALSC shall maintain an open, cooperative relationship with regular contact regarding the Talking Together Program in order to facilitate the process, and work towards success of this initiative.
- ii) CFSTD and NALSC shall not advance their own interests.

## VIII. TRAINING

- i) CFSTD and NALSC agree to provide ongoing training with respect to both programs, both at the agency and community level through the following process:
  - a) Offer training bi-annually and to inform, include and invite each other to the training or to offer said training jointly.
  - b) Any training done at the community level will also be done jointly or be inclusive of the other agency.
  - c) Share relevant third party training opportunities with each other as they arise.

## IX. PRIORITIES

- a) Children who are before the Court on a Crown Wardship Application
- b) Children have been in care cumulatively the longest
- c) Children before the Courts where the judge has ordered alternative dispute resolution
- d) Cases where there is referral by the family
- e) Cases where there is referral by the band
- f) Cases where there is an element of urgency as determined by the Talking Together Facilitator

Since each case is unique the Talking Together Facilitator in conjunction with the manager will make a decision if there are competing priorities



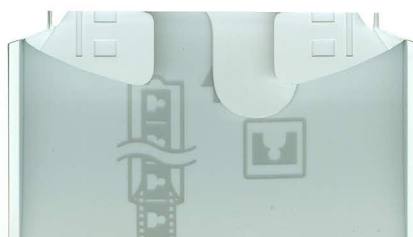
## X. REFERRALS

- I. Referrals to the Talking Together Process can come from a number of resources:
  1. The agency
  2. The family
  3. The Lawyer / Duty Council
  4. Chief & Council
  5. The Judge
  6. Social Service Agencies
  7. Community Justice Committee
  
- II. Upon receiving a referral at Head Office the Talking Together Manager reviews the referral to make ensure it meets the above stated criteria. If so, the matter is referred to the facilitator to be given priority as set out in the agreement

## XI. ADR


- i. As part of the ADR process, NALSC and CFSTD shall maintain an open, cooperative relationship and regular contact regarding the Talking Together program in order to facilitate the process and work toward success of the initiative.
  
- ii. Should a dispute arise between the parties to the Talking Together Protocol the parties shall meet in person to see if the matter can be resolved.
  
- iii. Failing this the parties agree to engage in a dispute resolution process. The parties agree to sit in a circle to be facilitated by a neutral third party chosen from the agreed on list of same appended to the agreement herein. The appendix can be amended on consent of both parties from time to time as required.
  
- iv. The circle shall take place as soon as possible after the need for a circle has been determined.

The cost of the facilitator shall be borne equally by both parties



**SIGNATURES**

Child and Family Services of Timmins and District and Nishnawbe Aski Legal Services Corporation agree to the terms of this protocol to ensure that the Talking Together Program is jointly coordinated and delivered.

  
Child and Family Services of Timmins  
And District  
Richard Lambert-Belanger, Executive Director

October 20, 2011  
Date

  
Witness

  
Nishnawbe-Aski Legal Services Corporation  
Celina Reitberger, Executive Director

October 11, 2011  
Date

  
Witness

