

TALKING TOGETHER PROTOCOL

I. Preamble

“Dilico Anishinabek Family Care (hereinafter referred to as “DILICO”) is a provincially mandated Children’s Aid Society organization serving thirteen (13) First Nations in North Western Ontario and within the District of Thunder Bay and a portion of the District of Algoma. In addition to providing mandated child protection services to it’s thirteen (13) affiliate First Nation members living both on and off reserve, Dilico also provides child protection services to Native children and families affiliated with other, non-affiliate First Nations residing in the District of Thunder Bay specifically Nishnawbe Aski First Nation members.

Nishnawbe-Aski Nation (hereafter referred to as “NAN”) is a political territorial organization representing forty-nine (49) First Nation communities within northern Ontario. NAN Legal Services Corp (hereafter referred to as “NALSC”) delivers a wide range of services to members of its 49 affiliate First Nations including an ADR program, Talking Together.

Members of NAN-affiliated First Nations residing within NAN’s geographical boundaries are eligible for service from the Talking Together Program (hereafter referred to as “TTP”). In addition, children and families who are members of NAN-affiliate First Nations and who live in the District of Thunder Bay, and, who become involved with child protection services, are eligible for Alternative Dispute Resolution services (hereafter referred to as “ADR”) provided by the Talking Together Program.

II. Mission Statement

DILICO and TTP are committed to offering NAN-affiliate children and families the opportunity to participate in a traditional, Nishnawbe ADR process as an alternative and/or in addition to, the court process as a means of mediation between said child and/or family and DILICO.

The traditional Nishnawbe ADR is known as the Talking Circle and is the heart of the Talking Together Program (TTP). The Talking Circle is based on ancient Nishnawbe wisdom which holds that within the circle all persons are equal, and each is allowed to speak their truth in a place of confidence and safety.

II. Historical Relationship

On August 22, 2006, DILICO and NALSC entered into a protocol that acknowledged the increase in court cases and the need to look for a more traditional alternative. The parties agree to review the protocol bi-annually, and at least sixty (60) days before the two year anniversary of the signing of the protocol.

III. TTP Definition, Purpose, Eligibility, Process, and Procedures

1. The Talking Together program is based on “Traditional Circles” that bring together parents, child(ren), extended family members, service providers, community members, Chief and Council and others, at the choosing of the parents, to respectfully resolve areas needing resolution services with families open to DILICO Child Welfare Services.
2. The purpose of the TT Circle is to provide a forum where participants can respectfully reach consensus about a plan that at all times ensures children are safe. A neutral TTP facilitator guides the process.
3. Upon becoming involved with a child and/or family who is a member of a NAN-affiliated First Nation, DILICO shall advise the family of the purpose and role of the TTP and offer the TTP as an alternative to, and/or in addition to, Court proceedings. DILICO shall advise the family that involvement in the TTP alternative dispute process is entirely voluntary, and, refusal to participate in the TTP is without prejudice to the family, and does not affect their rights within the Court system.
4. To be eligible as a referral to the TTP, the family must be involved with a child protection agency.
5. There are a number of circumstances where mediation around what is in a child’s best interest may arise and thereby precipitate a referral to the TTP. These include but are not limited to the following:
 - Parent/Teen Conflict
 - Expiring temporary care agreement
 - Placement issues
 - Terms of supervision orders
 - Access issues
 - Crown wardship orders/reviews
 - Foster parents/CAS/parent issues

- Long term care issues
 - Better communication between worker and parents
 - Length of time in care and conditions for return
 - Other
6. When a referral is made to the TTP the following procedures shall be followed:
 - i. The referral will be approved within (2 business days) and where not approved, the referral source will be notified within same;
 - ii. The first Circle will be held if all key participants are willing and available within 30 days of approval of the referral;
 - iii. A Circle Report will be submitted to the CAS representative within 5 business days following a circle;
 - iv. Second and subsequent Circles will be scheduled at a time unanimously agreed upon by Circle participants;
 7. The TTP Circle Process includes an initial circle, one or more follow-up circles, and a closing circle. A representative from Dilico will be present at all TTP Circles.
 8. The rules of the traditional Circle apply and are as follows:
 - Everyone has agreed to voluntarily participate in the 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 process of planning, follow-up and evaluation.
 9. A referral to the TTP necessitates full disclosure by the referring party, DILICO, about the circumstances that have precipitated the involvement of child protection authorities including the circumstances that have necessitated referral to the TTP.
 10. Family participants shall be advised of this sharing of information at the referral stage, and the agreement of the family participants shall be obtained through the

signing of Release of Information forms (see Appendix "A")

11. Any child twelve (12) years of age or over will meet separately with the Talking Together Facilitator who will explain the process and the information sharing forms.
12. DILICO and NAN Legal Services recognize the importance of ensuring service provision occurs in a timely fashion. In order to support children and families, minimize trauma to children, and maximize opportunities for children to experience continuity within their family, extended family and/or community of origin, referrals to the TTP shall be initiated at any stage of the casework process when mediation services are needed as to what is in a child's best interest arises between the child's family and DILICO. This includes but is not limited to the apprehension of a child and prior to the filing of a Protection Application, or as soon as is reasonably possible after a Protection Application has been filed, and/or the filing of a status review application for a child who has been and/or continues to be in the care of DILICO.

IV. Relationships

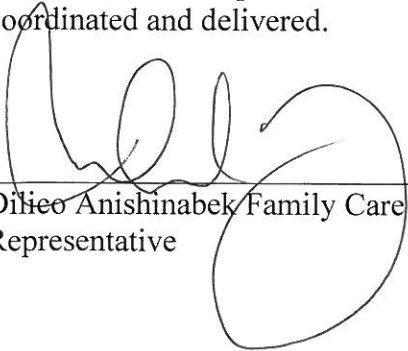
1. DILICO and NALSC are committed to the successfulness of the TTP and to maintaining an open and cooperative relationship.
2. DILICO and NALSC agree to meet annually to review the value of the TTP to NAN-affiliated children and families served by DILICO.

V. Training and Professional Development

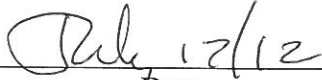
1. DILICO and NALSC are committed to offering ongoing training to DILICO and NALSC TTP staff that will enhance their mutual understanding of, and commitment to, the TTP as a traditional Nishnawbe ADR program.

SIGNATURES

Dilico Anishinabek Family Care and Nishnawbe Aski Legal Service Corporation agree to the terms of this protocol to ensure that the Talking Together Program service is jointly coordinated and delivered.



Dilico Anishinabek Family Care
Representative



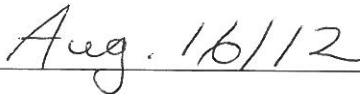
Date




Witness



Nishnawbe-Aski Legal Services Corporation
Representative



Date



Witness