

OVERVIEW OF THE DCN ACT

The following is an overview of the Mihtatakaw Sîpiy Awasak Wiyasiwêwin (the “**DCN Act**”). All capitalized terms used but not otherwise defined below have the meanings given to such terms in the DCN Act. This document is for reference purposes only. For the complete DCN Act, please visit: <https://ckam.ca/mihtatakaw-sipiy-awasak-wiyasiwewin-law/>.

I. PURPOSE OF THE DCN ACT

The DCN Act serves several purposes, including:

1. Affirming DCN’s inherent right to self-government and that DCN has the jurisdiction and legislative authority to oversee Awasis and Family services for its Members;
2. Providing the foundational components and principals of the Awasis and Family Services Program;
3. Establishing the Chief Kinosêw Awasak Mîkiwâhp (“**CKAM**”), the child and family services agency that will deliver the Awasis and Family Services Program on behalf of DCN;
4. Establishing the Miyo Wîcêhtowin Onâtamâkêw (“**MWO**”), the dispute resolution tribunal with the authority and jurisdiction to resolve disputes that arise in the operation of the Awasis and Family Services Program;
5. Ensuring that all services are delivered in a way that respects and promotes DCN’s culture, language, and traditions, and prioritizes the best interests of the Awasis; and
6. Setting out a process for DCN to take over responsibility for child and family services from provincial authorities, ensuring a smooth transition and ongoing review to meet community needs.

The DCN Act and the Awasis and Family Services Program applies to all DCN Members and their Awasak, whether they live on or off Reserve.

II. CHIEF KINOSÊW AWASAK MÎKIWÂHP

CKAM is the agency responsible for the Awasis and Family Services Program for DCN. CKAM’s main goal is to support DCN Awasak and Families in a way that reflects the community’s values, culture, and traditions. Services are available to all Members, whether they live on or off Reserve, and even to some non-members living in the community.

CKAM is overseen by a Board of Governors, who are chosen for their skills and experience. The Board makes sure CKAM is managed properly and follows the rules and obligations set out in the DCN Act. Everyone working with CKAM is expected to act honestly, in good faith, and always in the best interests of DCN Awasak.

CKAM is a not-for-profit corporation that receives funding from the federal government. The agency includes key staff roles, such as the Nîkâni kaskihcikêw, who is the director appointed to carry out specific duties under the DCN Act. CKAM operates under policies and procedures set by its Board and follows strict rules around confidentiality and decision-making to protect families’ privacy and ensure fair treatment.

III. THE AWASIS AND FAMILY SERVICES PROGRAM

The central guiding principle of the Awasis and Family Services Program is the best interests of the Awasis – every decision must focus on the Awasis’s safety, well-being, and connection to Family and culture.

Services are designed to be safe, effective, and culturally appropriate, with a strong emphasis on prevention and keeping Families together whenever possible. All actions and decisions are guided by fairness, respect for privacy, and the values of DCN.

The services provided pursuant to the DCN Act are as follows:

- **Preventive Services:** Support for Families to resolve issues before they become serious, including counselling, guidance, emergency financial and material assistance, daytime care for children, and parent aide services.
- **Customary Care:** Voluntary, culturally grounded caregiving arrangements where Awasak may be cared for by a trusted Family member, DCN member, or another person, with financial support available.
- **Protection Services:** When an Awasis is at risk, CKAM can provide protection, including temporary or permanent care arrangements, and ensure the Awasis’s safety and well-being.
- **Support for Minor Parents:** There are services available to minor Parents (under 18) and minor Parents can enter into agreements with and receive plans and supports from CKAM tailored to their needs and those of their Awasak.
- **Post-Majority Services:** Oski-iyinîs (young adults aged 18 up to and including 26) are eligible receive financial assistance and other forms of support to help with their transition to adulthood.
- **Care Home Services:** Approval, oversight, and support for care homes providing contracted care to Awasak, ensuring standards and safety.
- **Adoption:** Customary adoption practices are recognized and supported, allowing for culturally appropriate permanency for children.

CKAM is expected to prioritize preventive and prenatal services to support Families before problems become serious. When an Awasis does need to be placed in care, there is a clear order of preference: first with a Parent, then another adult Family member, then a DCN member, then someone from another Indigenous community, and finally any other adult. Even if a child cannot live with Family, their emotional ties with Family must still be supported.

IV. DISPUTE RESOLUTION

The MWO is an independent tribunal established under the DCN Act to help resolve disputes about the Awasis and Family Services Program and decisions made by the Nîkâni kaskihcikêw. When a dispute arises, CKAM aims to reach agreement with Families through discussions and mediation whenever possible. However, if consensus cannot be reached, a formal appeal process is available to ensure fairness and transparency.

The DCN Act outlines how the MWO operates, including how tribunal members are selected and what their responsibilities are. It also describes the Appeal process – how to start an Appeal, the Decisions that can be Appealed, and the steps involved.

If the issue cannot be resolved informally (through discussions and mediation), the case is heard by an Appeal Panel, which follows clear rules for fairness and confidentiality. The Appeal Panel's decisions are final and binding.

V. CONFIDENTIALITY

The Nîkâni-kaskihcîkêw and anyone involved in administering the DCN Act, including the Board, must keep personal information confidential. However, personal information may be shared in specific situations, such as:

- when it is needed to plan or provide services to the Awasis, Oski iyinîs, or their Family;
- with the Parents or Family of the individual the information is about;
- directly with the Awasis or Oski iyinîs;
- with officials in other provinces or treaty territories responsible for Awasis protection; or
- with anyone who has written consent from the Nîkâni-kaskihcîkêw.

The Nîkâni-kaskihcîkêw may also collect and use personal and health information to carry out assessments, investigations, or provide services under the DCN Act. Hospitals, police, and other organizations must provide personal information to the Nîkâni-kaskihcîkêw when requested.

VI. TRANSITIONAL

The DCN Act explains how responsibilities shift from provincial authorities to CKAM and the Nîkâni kaskihcîkêw. When the Nîkâni kaskihcîkêw makes a written request on an Awasis, the province must immediately transfer the Awasis' file. The Nîkâni kaskihcîkêw will assume Kanawêyim of an Awasis once the file is transferred or after 30 days, whichever comes first.

Until the file is transferred, the province remains responsible but must consult the Nîkâni kaskihcîkêw before making any decisions about the Awasis. Any decision made by the province without this consultation is considered invalid.

VII. REVIEW AND AMENDMENT OF ACT

Chief and Council may amend or repeal parts of the DCN Act at any time. However, these changes are temporary and will only remain in effect for six months unless approved by the Members within that period.

The DCN Act is reviewed every five years. After each review, CKAM must prepare a report with its findings and recommendations, which is then presented at the next regular meeting of Chief and Council.