

## Alternative Dispute Resolution from the Child, Youth and Family Services Act, 2017, PART IV

### Resolution of issues by prescribed method of alternative dispute resolution

17(1) If a child is or may be in need of protection under this Act, a society shall consider whether a prescribed method of alternative dispute resolution could assist in resolving any issue related to the child or a plan for the child's care.

#### First Nation, Inuit or Metis child

(2) If the issue referred to in subsection (1) relates to a First Nation, Inuit or Metis child, the society shall consult with a representative chosen by each of the child's band and First Nation, Inuit or Metis communities to determine whether an alternative dispute resolution process established by that bands and communities or another prescribed alternative dispute resolution process could assist in resolving the issue.

#### Children's Lawyer

(3) If a society or a persons, including a child, who is receiving child welfare services proposes that an alternative dispute resolution method or process referred to in subsection (1) or (2) be undertaken to assist in resolving an issue relating to a child or a plan for the child's care, the Children's Lawyer may provide legal representation to the child if, in the opinion of the Children's Lawyer, such as legal representation is appropriate.

#### Notice to band, community

(4) If a society makes or receives a proposal that an alternative dispute resolution method or process referred to in subsection (1) or (2) be undertaken under subsection (3) in a matter involving a First Nations, Inuit or Metis child, the society shall give notice of the proposal to a representative chosen by each of the child's bands and First Nations, Inuit or Metis communities

#### MEMORY OF OUR SEVEN YOUTH

It is hoped that MJBH Program can fill the gaps with opportunities to guide youth and to break the negative cycle to find success on their journey to a good life.

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# MY JOURNEY BACK HOME

**NISHNAWBE-ASKI  
LEGAL SERVICES  
CORPORATION**



# WHAT IS MY JOURNEY BACK HOME

My Journey Back Home (MJBH) is an innovative method of dispute resolution designed for youth aged 12-29 based on traditional circles. This process has been used traditionally to restore harmony between family and community members. By bringing My Journey Back Home and their supports together in a non-judgmental manner, a plan will emerge that has the support of the community and allows the voices of youth to be heard. This provides an alternative to the judicial process.

Some proposed issues for an Alternative Dispute Resolution (ADR)-MJBH include: domestic violence, human-trafficking, basic needs, homelessness, drug addiction, mental health, lack of education, legal issues, lack of life skills.



## PROGRAM SUPPORTS

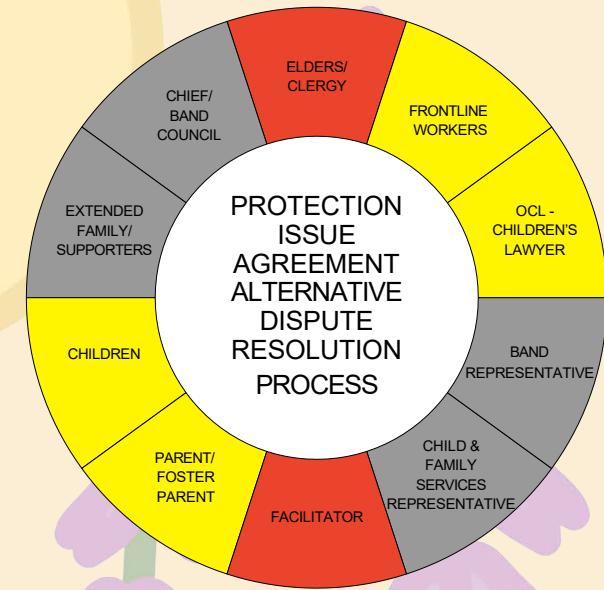
The MJBH Facilitator will provide an ADR process known as Talking Together - a traditional ADR Circle approach that allows youth to make decisions, safely share, speak freely, and be acknowledged in a respectful, traditional manner.

The MJBH Facilitator and Aftercare Worker along with all participants of the Circle will assist youth in resolving issues and help develop a plan suited to the mental, emotional, physical, and spiritual needs of the individual. The process assists the youth in navigating systems and develop community connections.

## ALTERNATIVE DISPUTE RESOLUTION (ADR)

ADR is defined as a process to resolve disputes out of the judicial system and includes negotiation, mediation, and arbitration. It allows parties to combine these methods and tailor the rules to fit their needs. Indigenous ADR seeks to restore collective harmony between both parties, unlike the Western-based Dispute Resolution system that bases judgement on the evidence adduced.

ADR encompasses mechanisms used in resolving disputes outside of adversarial litigation. ADR seeks to restore collective harmony between both parties in a case.



## THE CIRCLE PROCESS

The Circle is a voluntary process. Participants may include youth, family, and First Nation Band Council Representatives. Discussions will allow the youth to have a voice in a safe place to share and be heard. When a plan of care/agreement is reached, the MJBH Aftercare Worker will continue to support the individual. Our goal is to utilize traditional ADR, provide ongoing supports, and advocate for easy access to services and resources for youth.

The process would also allow youth who leave care to make an easier transition to independent living and gain life skills, education, improved physical and emotional well-being, as well as supports and resources that will assist them as they enter into adulthood.