

## **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 Nations, 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 bands and First Nations, Inuit or Metis communities to determine whether an alternative dispute resolution process established by that bands and communities or another prescribed alternative dispute 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 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.

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# TALKING TOGETHER PROGRAM

# NISHNAWBE-ASKI LEGAL SERVICES CORPORATION



## WHAT IS TALKING TOGETHER?

The Talking Together Program (TTP) is an innovative method of Alternative Dispute Resolution (ADR) based on Traditional Talking Circles that have been used by First Nations since time immemorial to restore harmony to families and communities. By bringing people together in a non-judgmental way, a plan will emerge which has the support of the family and community. This provides an alternative to the court process and returns control to First Nations concerning the planning and protection of their children.

## PROGRAM ADVANTAGES

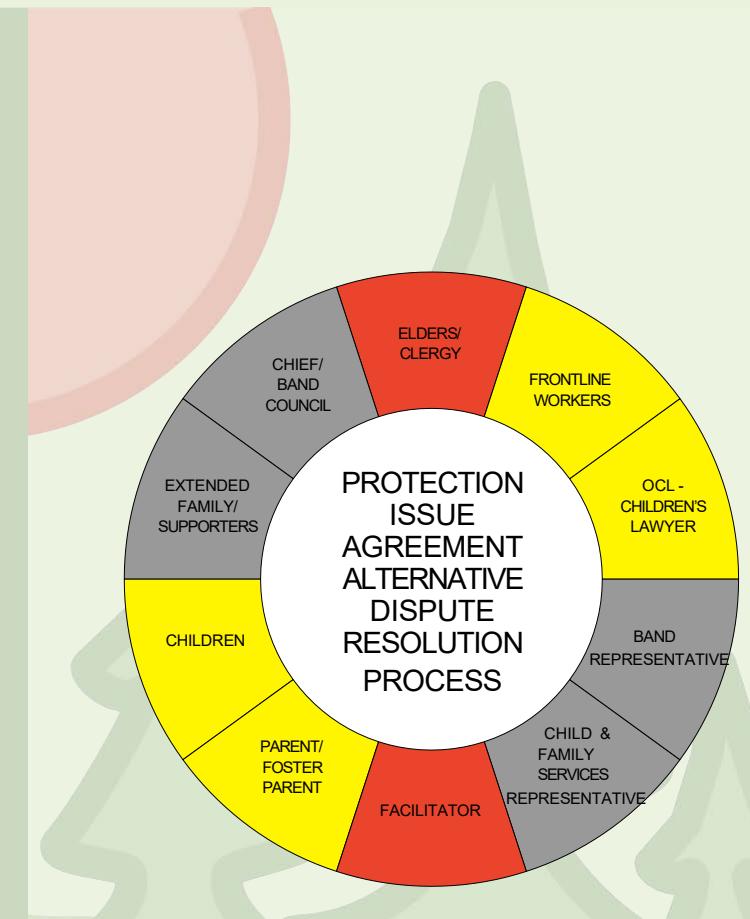
TTP recognizes the capacity of kin network to protect Indigenous children and emphasizes the importance of cultural continuity in placements. The process is a less intrusive method of dealing with families who have become involved with the child welfare system. It alleviates the need for the often costly and adversarial Family Law Court system. The participants and community work as a group to resolve issues regarding child welfare and child protection concerns.

## ALTERNATIVE DISPUTE RESOLUTION (ADR)

Resolution of issues by prescribed method of ADR.

- If a child is in need of protection, a society shall consider whether a prescribed method of ADR could assist in resolving any issues related to the child.
- If the issue relates to a First Nation, Inuit or Metis child, the society shall consult with a representative chosen by the child's First Nation, Inuit or Metis community to determine whether an ADR process could assist in resolving the issue.
- If a society or a person, including a child, who is receiving child welfare services proposes that an ADR process be undertaken to assist in resolving the issue related to the child, the Office of the Children's Lawyer may provide legal representation.
- If the society makes/receives a proposal that an ADR process be undertaken involving a First Nations, Inuk or Metis child, the society shall give notice of the proposal to a representative chosen by each of child's bands and First Nations, Inuit or Metis communities.

Reference - Child, Youth and Family Services Act, 2017, PART IV (4)



## THE CIRCLE PROCESS

The Talking Together Circle is composed of family members, front line workers, agency representatives, community Elders and community representatives. The Circle asks the participants, "What brought you to the circle?" When the agreement is reached it will be used as a basis for the Plan of Care and can be filed with the Court.