MAW-KLEYU'KIK KIKMANAQ TPLUTAQN FOR THE MI'KMAQ OF NOVA SCOTIA

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Introduction to the Maw-Kleyu'kik Kikmanaq Tplutaqn

Since time immemorial, the Mi'kmaq of Nova Scotia were gifted from the Creator, the inherent jurisdiction and sovereignty to govern themselves including the right to care and provide for their children and families. This inherent right has been recognized and affirmed under s.35 of the *Constitution Act*, *1982* of Canada, further supported by the United Nations Declaration on the Rights of Indigenous Peoples, and consistent with Mi'kmaw Aboriginal and Treaty rights.

The Mi'kmaq of Nova Scotia reclaim their right and authority to exercise complete jurisdiction and self-governance over child and family well-being matters both on and off the reserve. In doing so, the Mi'kmaq have created and established a Mi'kmaw child and family well-being system that is governed by a Maw-Kleyu'kik Kikmanaq Tplutaqn, regulations, policies, and a framework that supports Mi'kmaw families, with services and supports that incorporate Mi'kmaw culture, tradition, and language that are integral to the well-being of Mi'kmaw communities and the Nation.

Canada's creation and operation of residential schools, day schools and the "sixties scoop" and other colonial policies and practices are but some of their policies that have created harm and intergenerational trauma throughout First Nation and Indigenous communities. It is a result of these historic harms and injustices that the Mi'kmaq of Nova Scotia are reclaiming their inherent jurisdiction and sovereignty to care for and protect their own children from harm.

This Maw-Kleyu'kik Kikmanaq Tplutaqn is created by Mi'kmaq for Mi'kmaq. The Mi'kmaq acknowledge that their families may include non-Mi'kmaq and culturally diverse members and their culture and traditions should be respected. The Maw-Kleyu'kik Kikmanaq Tplutaqn is a living document that is evolving the delivery of wholistic and cultural child and family well-being services designed to support and maintain Mi'kmaw children and families staying together whenever possible.

Mi'kmaw children do best when they are raised by their family and connected to their community and Nation, and when their environment is safe and free from harm. This Maw-Kleyu'kik Kikmanaq Tplutaqn is intended to promote happy and healthy families and pride in being Mi'kmaq through connectedness to culture, tradition, language, and the land.

Grand Chief Norman Sylliboy of the Mi'kmaw Grand Council shared these instructional words of wisdom told to him by his grandfather, the former Grand Chief Gabriel Sylliboy,

> "Our Nation is rich if our Nation is healthy."

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Acknowledgement and Honour

The Mi’kmaq of Nova Scotia take this time to humbly and respectfully thank all who have contributed their time, input, effort, and dedication to the development of this Maw-Kleyu’kik Kikmanaq Tplutaqn, which includes Elders, Mi’kmaw language speakers, Knowledge Holders, Story tellers, Mi’kmaw Grand Council, Maw-lukutijik Saqmaq, Chiefs and Councils, community members, Mi’kmaw youth, Mi’kmaw Family and Children’s Services, retired Mi’kmaw social workers, Mi’kmaw service providers, organizations, researchers, lawyers, allies, and other Nations doing similar work.

The Mi’kmaw of Nova Scotia also honour the contributions of our ancestors who have left for the spirit world.

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Dedication

This Maw-Kleyu’kik Kikmanaq Tplutaqn honours the children and families affected by Canada's wilful and reckless discrimination within a colonial system of child welfare. The Mi’kmaq of Nova Scotia dedicate this Tplutaqn to them.

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Our Mi’kmaw Beginnings and Foundations

The Mi’kmaq Creation Story teaches how Mi’kmaw life began for all things, the Mi’kmaw interconnectedness, and the lessons learned from one another.

The Mi’kmaq Creation story provides the Mi’kmaq with principles, values, and teachings to support nurturing and loving families.

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Mi'kmaq Creation Story of Kluskap and His Family

Every Culture, from every corner of this Planet Earth, has their very own version of a Creation Story. This is but one of ours. Embed the link to Elder Gerald Gloade's Mi'kmaw Creation Story of Kluskap and his family video when the Customary Code is near its final reviews.

We, the Mi'kmaw people, believe that all life was created by one, all-powerful and ultimate Creator, known as Kji-Niskam *(the Great Spirit).* First, He created all the Heavens, Sun, Moon, Stars, Planets, including this Planet, Earth. Then He filled it with Water, Land and Mountains, Trees, Plants, and the Animals, all the Mammals, Reptiles, Amphibians, Fish, Birds, and Insects, and within each of them, He gave Spirit.

After Kji-Niskam created a place to live, He then thought he'd populate it with people. The first of His human creations was Kluskap. Kji-Niskam didn't just pop Kluskap on to this Earth. He created Him in Mi'kma'ki from the Red Clay of "Metoqwatkek," that means "where the bushes extend down the bank." That place is now known as the Minas Basin, in the Bay of Fundy, close to the cliffs of what is now known as Cape Blomidon. Being created from the mud of the Bay of Fundy is what gives us, the Mi'kmaw people, our reddish-brown skin colour.

The Great Spirit cast a single bolt of lightning that struck the sands of the Bay of Fundy's red mud. It sculpted what looked to be a shape of a man. But the sculpture stood there still and lifeless. Then Kji-Niskam threw the second bolt of lightning hitting the person-like figure, and it brought him to life.

With Kluskap's eyes wide in amazement, he drew in his first breath, then his eyes even grew wider with the first sound he heard, the sound of his own heart beating in his chest. Kluskap was so frightened he tried to run, but he couldn't move. His feet were like the roots of a tree, still rooted and connected to the Earth and he was stuck there. All Kluskap could do was to observe and learn. Kluskap stayed there a long while, all that time watching over all of the Nature and Natural world around him. He learned a lot from the Animals and environment he was connected to.

When Kji-Niskam thought Kluskap was ready, He sent down the third and final bolt of lightning, striking Kluskap and setting his feet free from the Earth. Now Kluskap could move about. Kluskap set out on his first journey to explore the rest of Mi'kma'ki. Kluskap saw many of the creatures of Kji-Niskum's creations. Kluskap saw a large bird flying in the Sky, flying higher than all the other birds. It was Kitpu, Kji-Niskam's messenger, the Eagle. The Eagle was the first of all the Animals to talk to Kluskap and what he said was, "I am Kitpu and Kji-Niskam has sent me to tell you that you are going to meet other Humans on your journey; these other people are members of your family." And then Kitpu left Kluskap, and as he flew away, one single Eagle Feather fell off from one of his wings. Before it landed on the ground, Kluskap caught it and kept it as a reminder of his connection to the Great Spirit and of all His creations.

Kluskap walked the shores of the beach and he saw a Sandy Rock. This rock was different than the rest. It was glittering and shiny. Steam started to come from the rock and then it started to change it's shape. When it had stopped, it was in the form of an Old Elderly Mi'kmaw Woman.

Kluskap asked her, "Who are you?" Her answer was, "I am Nukumi. I am your Grandmother and Kji-Niskam has created me with this form, an Elder Woman filled with the knowledge and wisdom to teach you how you are to proceed with your life here in Mi'kma'ki. I can show you and teach you many valuable lessons that will make your journey easier. You have observed many things in this place, and you have seen many of the animals. Everything here has a purpose and a reason. I will teach you how they all work together."

Kluskap was so happy to meet his Grandmother that he said, "We must celebrate." He called to all the animals, "Come and celebrate with me, I have someone I want you all to meet." When all the animals had gathered together, Kluskap said to the animals, "This is Nukumi, she is my Grandmother. We must prepare a feast." Kopit, the Beaver said, "I will gather some wood." Robin said, "I will fly back to where the lightning struck and get some sparks from the lightning to start a fire." The rest of the animals said they would go into the forest to gather plants and berries in order to feed. They all went their separate ways to gather and harvest the foods they could. On their return they shared a great meal fit for everyone to enjoy. Kluskap said to Nukumi, "I feel like resting a while after that large feed." Nukumi said, "No! We must continue on our journey," and off they went down along the beach.

They traveled for two days and came to a place where the air smelled very sweet with the odor coming from a plant. Nukumi said, "See that plant growing in the foam from the waves? The name of that plant is "welima'qji'jkewe'l", sweetgrass." Again, the plant started to steam and change it's shape. This time it changed into the shape of a young man. The young man said, "My name is Martin, I am your Brother. I am young, very strong, and fast as the winds. Kji-Niskam sent me here to help you on your journey. Kji-Niskam has given me the power to see the future. Knowing what will happen in the future will help you to prepare for the days to come." Kluskap again was pleased to meet another member of his family. This time Kluskap called on all of the Fish of the waters to prepare a feast to celebrate the creation of his Brother, Martin. After another meal of fish and water plants, they rested.

Setting off again, now a family of three, Kluskap, Nukumi, and Martin, they traveled for two more days. After walking for such a long time Kluskap grew tired and sat on a rock next to a tree. He watched as one leaf started to move, then shake. It started off green in colour, then changed from green to yellow to orange, and then to red. As Kluskap watched the leaf turn colour and shake, it blew off of the tree and landed on the ground. And again, it started to steam and change. Kluskap, seeing this before, knew he was going to meet another member of his family. The leaf turned into a woman.

Kluskap said: "And who would you be?" She said, "I am Kiju, I am your Mother. I have been given the form of a Mother by Kji-Niskam, and as a Mother, I bring life into this world. And I bring understanding to all my children, so they will learn to survive and to live, and to understand their connection to every plant and creature here on Earth, and that as family, we must learn to work with each other in Harmony."

So Kluskap was happy that his Mother came into the world. He called for his Grandmother and Brother to prepare a feast for the creation of his very own Mother. For the first feast, to celebrate his Grandmother, he called on all the animals. For the second feast, in celebration of his Brother, he called on all the creatures of the waters. So, for the feast and celebration of his Mother, he called on the services of all the plants, trees, and even the roots that grow under ground. Kiju said, "These things that we gather are more than food that gives us nutrition, they

also give us medicines to help us grow and heal.” And with all the teachings from his family, and through the guidance of Kji-Niskam, the Creator, Kluskap taught the lessons that all the people and animals needed to live here in Harmony, and that is how it all started.

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Mi'kmaw Sacred Teachings

The Seven Sacred Teachings of the Mi'kmaq are an interconnection of teachings of respect for each other, the relationship with all living things, and the Mi'kmaw culture. The teachings guide us in the way we interact and treat each other.

The Mi'kmaq are gifted with the following Seven Sacred Teachings that came from the writings of the late Helen Sylliboy of Eskasoni First Nation; granddaughter of the late Grand Chief Gabriel Sylliboy:

Kepmite'teken – Respect
To honour all creation is to have respect. All of creation should be treated with respect. You must give respect if you wish to be respected. Some communities instead use mukk pepsite'tekew or mukk awnasitutmu.

Tetpaqa'q – Truth
Truth is to know all of these things. Speak the truth. Do not deceive yourself or lie to others.

Melknamk – Bravery
Bravery is to face the foe with integrity. In the Mi'kmaq language, this word literally means "state of having a fearless heart." To do what is right even when the consequences are unpleasant. Some communities instead use either Mlkita'si ("state of having a strong thinking") or Mukk jipasiw ("state of not showing fear").

Nsɨtuo'qn – Wisdom
To cherish knowledge is to know wisdom. Wisdom is given by the Creator to be used for the good of the people. This word expresses not only "wisdom," but also means "prudence," or "intelligence." In some communities, Kjijitaqn is used; in addition to "wisdom," this word can also mean "intelligence" or "knowledge."

Wanqwajite'teken – Humility
Humility is to know yourself as a sacred part of Creation. In the Mi'kmaq language, this word can also mean "compassion." You are equal to others, but you are not better. Some communities instead express this with Wantaqo'ti, which in addition to "peace," can also be translated as "calmness," "meekness," "gentility," or "patience."

Kesaltultimk – Love
To know love is to know peace. Love must be unconditional. When people are weak, they need love the most. In all the Mi'kmaq language, this word with the reciprocal theme /tul/ indicates that this form of love is mutual. In some communities, kesite'tmn is used, which in most contexts means "treasure it" but in this context is translated as either "love" or "zeal."

Koqwajeyumk – Honesty
Honesty in facing a situation is to be brave. Always be honest in word and action. Be honest first with yourself, and you will more easily be able to be honest with others. In the Mi'kmaq language, this word can also mean "righteousness, doing what is right."

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PART 1.0 PREAMBLES

(1) Mi'kmaw children are the most precious gift to the Mi'kmaq, and vital to the integrity of the Mi'kmaw Nation, and should be cared for in accordance with their distinct culture, traditions, and language;

(2) The Mi'kmaq of Nova Scotia have their own worldview for protecting, caring for, and raising children in a way that fosters their well-being, helps them thrive, and supports pride in who they are;

(3) Mi'kmaw children are loaned to the Mi'kmaq by the Creator, and their families must watch over them at all times while they are here;

(4) Mi'kmaw children are entitled to protection from harm;

(5) The rights of Mi'kmaw children are enjoyed personally and with their family;

(6) Parent(s) or caregiver(s) have the responsibility for the care and well-being of their children, and children should only be removed from their parent(s) or caregiver(s), either partly or entirely, when all other measures have been ineffective or are inappropriate under the circumstances;

(7) Children have a sense of time that is different from that of adults, and decisions made during a child and family well-being matter must respect the child's sense of time; and

(8) The Mi'kmaq embrace the principle of Etuaptmumk (Two-Eyed Seeing), which teaches that wisdom is strengthened by drawing upon the knowledge, laws, teachings, values, and lived experiences of the Mi'kmaq together with the strengths of other knowledge systems, for the benefit of Mi'kmaw children, families, communities, and future generations.

THEREFORE, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq enacts the Tplutaqn as follows:

Maw-Kleyu'kik Kikmanaq Tplutaqn for the Mi'kmaq of Nova Scotia

PART 2.0 TITLE

This Tplutaqn may be cited as the Maw-Kleyu'kik Kikmanaq Tplutaqn, (date)

PART 3.0 INTENT, SPIRIT, AND GUIDING PRINCIPLES

This Section forms part of the Tplutaqn and is intended to provide an understanding of the intent, spirit, and principles that inform the interpretation of this Tplutaqn, as follows:

(1) Mi'kmaw children are our future, our leaders, and the carriers of our Nation.

(2) Mi'kmaw children should be happy, healthy, resilient, grounded in their culture and language, and thriving as individuals and as members of their families, community, and Nation.

(3) Mi'kmaw children require wholistic care that includes physical, emotional, and mental, cultural, and spiritual safety, security, and well-being support.

(4) Mi'kmaw children need to be loved, accepted, and supported, and this is best achieved by being with family and remaining in their community, whenever possible.

(5) Family and community can play a vital role in providing guidance and support to parents and caregivers.

(6) Respect for differences in Mi'kmaw communities' cultures and traditions is fundamental.

(7) Removing Mi'kmaw children from their home or their community can be traumatic and can affect their care and well-being, and when this becomes necessary, it must be done through a trauma-informed lens.

(8) Decisions about a Mi'kmaw child must be consistent with the culture, traditions, and language relevant to the child.

(9) Mi'kmaw children and families have better outcomes when services and supports build on their strengths and when they are provided in the spirit of respect and in a manner that recognizes their culture, traditions, connection to community, language, and concept of family.

(10) The least intrusive course of action that is available and is appropriate to help Mi'kmaw children and families in child and family well-being matters must be considered, including the provision of prevention and early help and community services and supports.

(11) Parents and caregivers may need help in caring for their Mi'kmaw children, and that help should respect the autonomy and integrity of the family unit and be provided on the basis of mutual respect.

(12) Parent(s) or caregiver(s) should be treated with procedural fairness, be informed of their rights, have the opportunity to participate in decision making that affects them, and be notified in advance of significant measures (excluding emergency situations and in

consideration of the best interests of the Mi'kmaw child) so that they can feel well supported and actively engaged in Mi'kmaw child and family well-being matters.

(13) This Tplutaqn shall be interpreted and applied in a manner that honours the principle of Etuaptmumk (Two-Eyed Seeing), recognizing that the well-being of Mi'kmaw children, families, and communities is strengthened when decisions are grounded in Mi'kmaw laws, customs, teachings, language, knowledge, and lived experiences, while also drawing upon other sources of knowledge where appropriate and beneficial.

PART 4.0 DEFINITIONS

(1) In this Tplutaqn, "shall" is mandatory and "may" is discretionary. The following terms shall have the following meanings for the purposes of this Tplutaqn:

"**active efforts"** means a requirement by the Responsible Child and Family Well-Being Body to proactively engage with and support the Mi'kmaw child, parent(s) or caregiver(s), or family in accessing services and supports to address any safety concern;

"Band" or "First Nation" means a Mi'kmaw First Nation in Nova Scotia recognized as a Band under the *Indian Act* (Canada);

"Band Council" means the Chief and Councillors of a Mi'kmaw First Nation within the province of Nova Scotia, as established under the *Indian Act* (Canada);

"Band Council Resolution" means a formal, documented decision made by a majority of a Council at a duly convened meeting of the Council of the Band;

"**bringing into care" or "bring in" or "bringing in**" means the act of separating a Mi'kmaw child from the care of their parent(s) or caregiver(s) and bringing the child into the care of the Responsible Child and Family Well-Being Body, but does not include placing a child in customary care;

"caregiver" means a person, other than a Mi'kmaw child's parent(s), who has a prior connection with the child and has accepted the day-to-day primary responsibility and decision-making for the child and who is not mandated by the Responsible Child and Family Well-Being Body to do so;

"carer" means someone other than the Mi'kmaw child's parent(s) or caregiver(s) who provides the day-to-day care for the child as a result of the child being separated from the care of their parent(s) or caregiver(s) by the Responsible Child and Family Well-Being Body, and includes a customary carer, kinship carer, and foster carer;

"child" means a person under 19 years of age;

"Children's Advocate" means an independent professional who provides advocacy and support to a Mi'kmaw child whose parent(s) or caregiver(s) are involved with the Responsible Child and Family Well-Being Body;

"child in care" means a Mi'kmaw child who has been separated from the care of their parent(s) or caregiver(s) and placed in kinship care, foster care, or in a placement facility approved by the Responsible Child and Family Well-Being Body;
"chosen parent" means the person who has assumed the primary responsibility for the care of a Mi'kmaw child through a Mi'kmaw customary adoption, after the adoption has been finalized;

"customary adoption" means the Mi'kmaw practice of transferring the ongoing primary responsibility for a Mi'kmaw child from birth parents or caregiver(s) to the chosen parent(s) according to the customs of the Band accepting the child;

"customary care" means the care and supervision of a Mi'kmaw child by a person who is not the child's birth parent(s) or caregiver(s), according to Mi'kmaw traditional ways of caring for children;

"family" in relation to Mi'kmaw communities in Nova Scotia means a child-centred and relational network that:

(a) represents the cornerstone of social structure, deeply intertwined with Mi'kmaw cultural heritage and identity;
(b) forms the foundation for transmitting traditions, values, and knowledge across generations, fostering a strong sense of belonging and mutual respect;
(c) can include individuals related by blood, marriage, adoption, or Mi'kmaw customary processes, who live together or have regular contact and support each other; and
(d) includes a collective of relations of a Mi'kmaw child, including parent(s) or caregiver(s), siblings, grandparents, aunts, uncles, cousins, godparents, and other members of the child's community who have a vested interest and meaningful prior connection to the child or family, persons who may play a significant role in the child's and family's social and emotional support network, and persons recognized in accordance with Mi'kmaw customs;

"**least intrusive"** means,

(a) the most appropriate, necessary, and reasonable level of service needed by a parent(s), caregiver(s), or family to address prevention and early help issues, or the safety concerns of the child in a family preservation matter, provided in the least disruptive or invasive manner possible; and
(b) that a child should not be removed from the care of their parent(s) or caregiver(s) unless other options have been tried and exhausted, or are inappropriate in the circumstances, and the child cannot be protected without being brought into care;

"maliciously reporting" means knowingly reporting false or misleading information, without reasonable belief of harm or potential harm to a child;

"**Maw-lukutijik Saqmaq" or** "**Assembly of Nova Scotia Mi'kmaw Chiefs"** means the collective governance institution for the Mi'kmaq in the province of Nova Scotia. The Assembly is comprised of Nova Scotia Mi'kmaq Chiefs and ex-officio members which include the L'nu Saqmaq (Grand Chief) and Kji Keptin of the Grand Council, the Assembly of First Nations

Regional Chief, and the District Chiefs of the Confederacy of Mi'kmaw Nations and Union of Nova Scotia Mi'kmaq;

"Mi'kmaw child" means, for the purpose of this Tplutaqn, a person under the age of 19 years and who is:

(a) a person who is entitled to be registered as an Indian under the *Indian Act,* as a member of a Nova Scotia Mi'kmaw First Nation; or
(b) a person who has applied and has been accepted as a Nova Scotia Mi'kmaq through a Maw-lukutijik Saqmaq beneficiary identification process or other similar process; or
(c) a person included as a citizen or community member through a Nova Scotia Mi'kmaw First Nation citizenship or community membership code or other similar community process; or
(d) a biological child or an adopted child of any person described in paragraphs (a) to (c) above;

"Mi'kmaq children" means more than one Mi'kmaw child;

"Mi'kmaw First Nation" means one of the thirteen (13) Mi'kmaw First Nation Bands in Nova Scotia;

"Mi'kmaw Legal Support Network" means an independent, community-based organization in Nova Scotia, initiated by the Nova Scotia Mi'kmaw Chiefs, to develop a fair and stable justice support system for Mi'kmaq and Indigenous people in the province, which includes the provision of various programs, services, and acts as advocates;

"Minister" means the Minister of Opportunities and Social Development;

"**Missing and Murdered Indigenous Women and Girls Calls to Justice"** means the Calls to Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, which call for action to address the ongoing genocide of Indigenous women, girls and 2SLGBTQQIA+ people, and to transform the systemic and societal conditions that maintain colonial violence. **Citation and link:** National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming power and place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.* The National Inquiry. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf (accessed August 22, 2026);

"mixed-parentage family" means a family unit formed when two people, one of whom is a Nova Scotia Mi'kmaq, create a family together, and one or both bring children from previous relationships, which family unit would include any children the couple has or adopts together;

"parent" means,

(a) the birth parent of a Mi'kmaw child;
(b) a person who, by Tribunal order, Nova Scotia court order, or agreement with the parent(s), has decision-making responsibility or parenting time with the Mi'kmaw child;
(c) a person who has been recognized as the parent by custom of the Mi'kmaw community; or

(d) a chosen parent;

For greater certainty, "parent" does not include a customary carer, kinship carer, or foster carer arranged by the Responsible Child and Family Well-Being Body in an ongoing Mi'kmaw child and family well-being matter where a Mi'kmaw child has been separated from their parent(s) or caregiver(s), and does not include a birth parent when their child has been adopted;

"Participating First Nation" for the purposes of this Tplutaqn, means a Nova Scotia Mi'kmaw First Nation that has ratified the Tplutaqn;

"**placement"** means any of the following;

(a) a short or long-term arrangement in which a Mi'kmaw child is placed in a home further to the priority of placements at clause 20.2 in the Tplutaqn while the parent(s) or caregiver(s) receive services and supports to address the family preservation concerns;
(b) a short or long-term arrangement in which a Mi'kmaw child is placed in a child caring facility if there is no priority of placements option available, or if it is in the best interests of a Mi'kmaw child; or
(c) the Mi'kmaw child remaining in their home under any policy or protocol that allows for voluntary removal of the parent(s) or caregiver(s);

"Peace Officer" includes a member of the Royal Canadian Mounted Police, a police officer appointed by a municipality, a sheriff, a deputy sheriff, or a member of the military police of the Canadian Armed Forces;

"Regulations" means the regulations made under this Tplutaqn;

"**representative social worker"** means a person who,

(a) holds a degree in social work and is a registered member in good standing of the Nova Scotia College of Social Workers;
(b) has successfully completed mandated courses and any additional related requirements required by the Responsible Child and Family Well-Being Body; and
(c) is knowledgeable regarding the Tplutaqn and has the knowledge and skills in the field of child and family well-being to warrant the person being appointed a representative under the Tplutaqn, as evidenced by an approval from the Executive Director of the Responsible Child and Family Well-Being Body;

"Responsible Child and Family Well-Being Body" means an administrative body or bodies established to protect Mi'kmaw children from harm, and to provide, arrange, coordinate, and oversee services, supports, and programs for Mi'kmaw children, families, and communities in Nova Scotia involved in Mi'kmaw child and family well-being matters;

"Santé Mawiómi" or "**Mi'kmaw Grand Council**" means the Santé Mawiómi of the Mi'kmaq. The Grand Council is made up of Keptins from the seven districts in Mi'kma'ki, the Kji-Saqmaq (Grand Chief), Kji-Keptin and the Putus;

"Saqmaq Wjit Maw-Kleyu'kik Kikmanaq" means those Nova Scotia Mi'kmaw Chiefs whose First Nations have ratified this Tplutaqn on behalf of their communities;

"services and supports" means any action, program, process, assistance, or relationship-based measure designed to strengthen, preserve, or restore the well-being of a Mi'kmaw child, parent(s) or caregiver(s), or family;

For greater certainty, "services and supports" is to be understood in accordance with Mi'kmaw responsibilities, values, customs, and practices, and includes culturally grounded and community-based measures identified by the Responsible Child and Family Well-Being Body, whether or not they are funded, licensed, approved, or otherwise recognized by any other government or public authority;

"social worker" means a professional registered through the Nova Scotia College of Social Workers and hired by the Responsible Child and Family Well-Being Body to provide services and programs to Mi'kmaw children, families, and communities;

"Tribunal" means a Mi'kmaw decision-making body developed by the Mi'kmaq to convene over Mi'kmaw child and family well-being matters;

"Truth and Reconciliation Commission of Canada Calls to Action" means the 94 Calls to Action in the Truth and Reconciliation Commission of Canada, which call on governments, institutions, and other actors to address the ongoing impacts of residential schools on Survivors, their families, and Indigenous communities, and to advance reconciliation. **Citation and link:** Canada, Truth and Reconciliation Commission of Canada. (2015). *Truth and Reconciliation Commission of Canada: Calls to Action.* Catalogue No. IR4-8/2015E-PDF. Ottawa: Truth and Reconciliation Commission of Canada. Online at: https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf (accessed August 22, 2026);

"United Nations Declaration on the Rights of Indigenous Peoples" means the declaration adopted by the United Nations General Assembly that affirms the minimum standards for the survival, dignity, security, and well-being of Indigenous peoples worldwide, including their individual and collective rights. **Citation and link:** UN General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly*, 2 October 2007, A/RES/61/295. Online at: https://www.refworld.org/docid/471355a82.html (accessed August 22, 2026);

"United Nations Convention on the Rights of the Child" means the international human rights treaty adopted by the United Nations General Assembly that sets out the civil, political, economic, social, and cultural rights of children. **Citation and link:** United Nations General Assembly. (1989). *Convention on the Rights of the Child*, 20 November 1989, Treaty No. 27531, *United Nations Treaty Series*, 1577, p. 3. Online at: https://www.ohchr.org/sites/default/files/crc.pdf (accessed August 22, 2026); and

Wikimanej Kikmanaq Circle" means a collaborative process that facilitates Mi'kmaw family group circles and empowers families to make decisions regarding the care and well-being of their children.

PART 5.0 JURISDICTION

5.1 Jurisdiction

(1) The Mi'kmaq of Nova Scotia are part of the Mi'kmaw Nation whose ancestors have used and occupied Mi'kma'ki from time immemorial.

(2) The Creator gave the Mi'kmaq sovereignty to govern themselves. This Tplutaqn is an exercise of the Mi'kmaw sovereign right and jurisdiction to govern matters relating to Mi'kmaw child and family well-being.

(3) The Mi'kmaq of Nova Scotia have an unextinguished, inherent, and pre-existing right of self-governance, recognized and affirmed by Section 35 of the *Constitution Act, 1982*, and by Aboriginal and Treaty rights. This includes, the Mi'kmaq of Nova Scotia reclaiming jurisdiction in relation to Mi'kmaw child and family well-being services, including legislative authority over those services and authority to administer and enforce this Tplutaqn made under that legislative authority.

(4) For the purposes of this Tplutaqn, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq may make laws and exercise authority with respect to:

(a) child and family well-being on federal Indian reserves of Participating First Nations;
(b) Mi'kmaw children of Participating First Nations and the families of those Mi'kmaw children, including mixed-parentage families, residing on and off reserve in Nova Scotia;
(c) the protection of children, on and off reserve, in situations of urgency; and
(d) reporting of harm, or risk of harm, to children, on and off reserve.

(5) For greater certainty and for the purposes under Section 5.2, the authority to administer and enforce this Tplutaqn includes the authority to provide for dispute resolution systems that incorporate Mi'kmaw responsibilities, principles, and values.

5.2 Purpose

(1) The primary purposes of this Tplutaqn are:

(a) to protect Mi'kmaw children from harm;
(b) to promote the best interests, safety, and well-being of Mi'kmaw children and their families;
(c) to promote healthy Mi'kmaw families and communities;
(d) to promote a Mi'kmaw child and family well-being system that reflects Mi'kmaw principles and values, community involvement, and wholistic support; and
(e) to promote the protection and sustainability of seven generations into the future.

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5.3 Scope of the Tplutaqn

(1) This Tplutaqn and the Mi'kmaw child and family well-being system shall apply to all Nova Scotia Mi'kmaq of participating Nova Scotia Mi'kmaw First Nations and their Nova Scotia Mi'kmaw children, whether residing on or off reserve.

(2) This Tplutaqn and the Mi'kmaw child and family well-being system shall apply to other persons who are in a conjugal partnership with a Mi'kmaw person of a participating Nova Scotia Mi'kmaw First Nation, where they form a mixed-parentage family, and to their children.

(3) For greater certainty, where this Tplutaqn applies to a non-Mi'kmaw child under subsection (2), a reference in this Tplutaqn to a "Mi'kmaw child" shall be read, with any necessary modifications, as also applying to the non-Mi'kmaw child where needed to provide care, protection, services, supports, or decision-making for the child and family under this Tplutaqn. This does not make the non-Mi'kmaw child a Mi'kmaw child, change the child's identity, or affect the child's cultural, community, heritage, or other forms of belonging.

(4) Unless a person is included under subsection (2), this Tplutaqn does not apply to any of the following:

   (a) non-Nova Scotia Mi'kmaw Members;
   (b) members of non-participating Nova Scotia Mi'kmaw First Nations;
   (c) members of any other First Nations;
   (d) members of any Inuit community;
   (e) members of any Métis community; and
   (f) non-Mi'kmaw families not in a conjugal partnership and mixed-parentage family with a Mi'kmaw person.

(5) The scope of the Tplutaqn may be amended as Mi'kmaw Citizenship Codes are developed.

5.4 Application of Human Rights and Freedoms

(1) Universal human rights are held by the Mi'kmaq of Nova Scotia, who are entitled to fundamental freedoms on equal terms with others in society, without discrimination of any kind. These include rights linked to identity, rights to maintain and enjoy their culture and traditions, rights to be free from interference and discrimination, and rights to autonomy over Mi'kmaw child and family well-being matters.

(2) The Mi'kmaq of Nova Scotia have an unextinguished right to self-determination, as affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples*, which includes a right to govern themselves, their members, and their lands.

(3) The Saqmaq Wjit Maw-Kleyu'kik Kikmanaq and any entity authorized by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq must, subject to Section 25 of the *Constitution Act, 1982*, comply

with the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* in respect of all matters within the jurisdiction and authority exercised under this Tplutaqn, until such time that the Mi'kmaq of Nova Scotia develop and enact their own Mi'kmaw law on individual and communal rights.

PART 6.0 TPLUTAQN-MAKING, APPROVAL AND PUBLICATION

6.1 Tplutaqn-Making

(1) The Mi'kmaq of Nova Scotia have chosen to make this Tplutaqn respecting the safety, well-being, care, and protection of Mi'kmaw children and their families.

6.2 Publication of Tplutaqn

(1) This Tplutaqn concerning the Mi'kmaq of Nova Scotia, will be made publicly available.

6.3 Conflict

(1) If there is an inconsistency or conflict between a provision in this Tplutaqn or its regulations and a provision of any other provincial or federal law or regulation, including a by-law enacted under section 81 of the *Indian Act* (Canada), this Tplutaqn prevails to the extent of the inconsistency or conflict.

6.4 Stronger Ties Within the Scope of this Tplutaqn

(1) When there is a conflict or inconsistency between a provision in this Tplutaqn and a provision in a law or code of another Mi'kmaq or Indigenous group, community, Nation or people, the provision that applies is the one from the group, community, Nation or people with which the Mi'kmaw child has stronger ties.

(2) For greater certainty, this section does not expand the scope of this Tplutaqn beyond section 5.3. This section applies only to guide the application of this Tplutaqn where a person, family, or Mi'kmaw child falls within the scope of section 5.3, including where application is being considered under subsection 5.3(2), and where a Mi'kmaw child has connections to more than one First Nation. In determining stronger ties, consideration must be given to the Mi'kmaw child's family and caregiving relationships, residence, community involvement, culture, language, views, preferences, age, and maturity, the views of the parent(s) or caregiver(s), and any other connections that show where the child is held, supported, and belongs.

(3) Where more than one Participating First Nation is connected to a Mi'kmaw child, those First Nations are to work together in a coordinated manner that reflects the child's stronger ties and best supports the child's well-being, belonging, and continuity of care.

6.5 Protection of Mi'kmaw Sacred Objects, Ceremonies, Practices, Days, and Events

(1) In carrying out Mi'kmaw child and family well-being services and supports involving a Mi'kmaw child, the Responsible Child and Family Well-Being Body must take into account the cultural, spiritual, and community significance that sacred objects, ceremonies, practices, significant days, and community or spiritual events may have for a Mi'kmaw child, parent, caregiver, family, community, or Nation.

(2) In meeting the needs and best interests of a Mi'kmaw child, and the needs of a parent or caregiver, the Responsible Child and Family Well-Being Body must honour, protect, support, and respect those sacred objects, ceremonies, and practices, and must not interfere with them, while recognizing that Mi'kmaw children and families may differ in their connection to, participation in, or relationship with them.

(3) The Responsible Child and Family Well-Being Body must, whenever possible, honour, protect, support, and respect significant days and community or spiritual events that have cultural, spiritual, or community meaning to a Mi'kmaw child, parent, caregiver, or family. The Responsible Child and Family Well-Being Body should consider these days and events when scheduling meetings, assessments, court-related steps, or other child and family well-being processes, but is not required to cancel, delay, or reschedule a process if doing so is not possible, not within its control, or would not be consistent with the best interests of the Mi'kmaw child.

PART 7.0 PRIORITY TO PREVENTION AND EARLY HELP

7.1 Community and Responsible Child and Family Well-Being Body Prevention and Early Help Services and Supports

(1) Mi'kmaw First Nation Bands may offer community prevention and early help services and supports to Mi'kmaw children, parent(s) or caregiver(s), families, and community members in accordance with their own community processes, priorities, resources, and ways of supporting family and community well-being.

(2) The Responsible Child and Family Well-Being Body may offer prevention and early help services and supports to Mi'kmaw children, parent(s) or caregiver(s), families, and other persons who come within its referral, intake, assessment, or service processes.

(3) Where a referral or request for support is received by the Responsible Child and Family Well-Being Body, it may apply its framework to assess whether there is a risk or concern sufficient to warrant offering voluntary prevention and early help services and supports as a least disruptive measure to support the safety, security, and well-being of the Mi'kmaw child and the integrity of the family.

(4) In the context of the Responsible Child and Family Well-Being Body providing Mi'kmaw child and family well-being services to children and families, services and supports that promote prevention and early help must be given paramount consideration and priority, over more intrusive services, and must be consistent with the best interests of a Mi'kmaw child.

(5) Nothing in this section limits the ability of a Mi'kmaw First Nation Band or the Responsible Child and Family Well-Being Body to develop, offer, coordinate, or support prevention and early help services and supports through their own processes, mandates, programs, customs, policies, frameworks, or agreements.

7.2 Application of Prevention and Early Help Services

(1) Prevention and early help services and supports that may be offered by the Responsible Child and Family Well-Being Body are not limited to least disruptive measures and may also be provided, where appropriate, through other programs, processes, or service areas of the Responsible Child and Family Well-Being Body.

7.3 Priority to Prenatal Care

(1) To the extent that providing a prenatal service that promotes preventative care is consistent with what will be in the best interests of a Mi'kmaw child after birth, the provision of that service by the Responsible Child and Family Well-Being Body is to be given priority over other services in order to prevent the child from being brought into care at birth. Nothing in this section requires a parent to accept those services or supports.

7.4 Socio-economic Conditions

(1) In providing Mi'kmaw child and family well-being services in relation to a Mi'kmaw child, and to the extent consistent with the child's best interests, the Mi'kmaw child must not be brought into care solely on the basis of, or as a result of, the child's socio-economic conditions.

(2) Socio-economic conditions include, but are not limited to, poverty, lack of adequate housing or infrastructure, or the state of health of the parent(s) or caregiver(s).

(3) For greater certainty, where socio-economic conditions are present, the Responsible Child and Family Well-Being Body must make active efforts to address those conditions through prevention and early help services, family preservation services, supports, or other least intrusive measures before bringing a Mi'kmaw child into care unless immediate action is required to protect the child's safety, security, or well-being.

7.4 Active Efforts

(1) In the context of providing Mi'kmaw child and family well-being services in relation to a

Mi'kmaw child, unless immediate bringing the child into care is consistent with the best interests of the Mi'kmaw child, the social worker of the Responsible Child and Family Well-Being Body must demonstrate that active efforts were made to have the child continue to reside with their parent(s) or caregiver(s).

(2) Active efforts in relation to having a child continue to reside with their parent(s) or caregiver(s), means the social worker of the Responsible Child and Family Well-Being Body must demonstrate:

(a) least intrusive care: how social workers have prioritized least intrusive measures so that the child remains with their parent(s) or caregiver(s) while the parent(s) or caregiver(s) receive services and supports to ensure the safety and well-being of the child; and
(b) prenatal care: how social workers have prioritized prenatal care over other services to prevent the child from being brought into care at birth.

PART 8.0 BEST INTERESTS OF A MI'KMAW CHILD

8.1 Principles

(1) The best interests of a Mi'kmaw child shall be interpreted and applied in a manner that reflects Mi'kmaw responsibilities, values, traditions, customary practices, family systems, community responsibilities, and the child's place within their family, community, and Nation.

(2) In determining the best interests of a Mi'kmaw child, primary consideration shall be given to the child's physical, emotional, mental, cultural, and spiritual safety, security, dignity, and wholistic well-being.

(3) The best interests of a Mi'kmaw child shall be understood in a relational and wholistic way that protects and supports the child's identity, belonging, continuity of care, and connections to their parent(s) or caregiver(s), family, siblings, community, Nation, culture, language, spirituality, ceremony, traditions, and land.

(4) A Mi'kmaw child remains Mi'kmaw regardless of where the child resides or the child's present level of connection to Mi'kmaw community, culture, language, spirituality, ceremony, traditions, or land. No Mi'kmaw child shall be regarded as less Mi'kmaw or as having less entitlement to the protection and application of this Tplutaqn because of any such disconnection.

(5) Cultural continuity and opportunities for connection or reconnection to Mi'kmaw family, community, culture, language, spirituality, ceremony, traditions, land, and Nation are important considerations in determining the best interests of a Mi'kmaw child.

8.2 Primary Considerations and Factors to be Considered

(1) This section shall be interpreted and administered in accordance with the principle of the best interests of a Mi'kmaw child.

(2) In determining the best interests of a Mi'kmaw child, all relevant circumstances of the child shall be considered, including:

(a) the child's inherent and legal rights, including that those rights are distinct from, and not dependent on, the rights, interests, or circumstances of their parent(s), caregiver(s), or any other person;
(b) the child's physical, emotional, mental, cultural, and spiritual safety, security, dignity, and wholistic well-being;
(c) the importance of protecting and supporting the child's ongoing relationships with their parent(s) or caregiver(s), family, community, and the First Nation to which the child belongs or is known to belong;
(d) the child's views and preferences, where they can reasonably be ascertained, having regard to the child's age, maturity, understanding, circumstances, and willingness to participate;
(e) the importance of the child being informed of their circumstances and, where appropriate, being supported to participate in planning and decision-making in a manner consistent with their age, maturity, understanding, circumstances, and willingness to participate;
(f) the child's age, stage of development, and need for stability, continuity, safety, and safe and supportive relationships and environments that promote healing and well-being;
(g) the importance of understanding the child's well-being within the context of family, including that, where consistent with the child's best interests, safety, security, and well-being, the preferred environment is with the child's parent(s) or caregiver(s), who have primary responsibility to care for and protect the child;
(h) the importance of the child knowing their family origins, relationships, Mi'kmaw identity, community connections, and place within their Nation;
(i) the child's sexual orientation, gender identity, and gender expression;
(j) the effect on the child of delay in resolving the family preservation matter;
(k) family violence and its impact on the Mi'kmaw child, including whether the child is directly or indirectly exposed to the family violence, as well as the physical, emotional and mental harm or risk of harm to the child;
(l) the importance of protecting, supporting, preserving, restoring, and, where needed, reconnecting the child to Mi'kmaw family, community, culture, language, spirituality, ceremony, traditions, land, and Nation;
(m) the fact that a child's present lack of connection to Mi'kmaw culture, language, spirituality, ceremony, traditions, community, land, or Nation shall not be treated as diminishing the child's identity, dignity, belonging, or entitlement under this Tplutaqn;
(n) the effects of trauma, family disruption, removal from home, separation from parent(s) or caregiver(s), return to or remaining in the care of a parent(s) or caregiver(s), adoption, foster care, child and family involvement, displacement, residence away from community, or other historic or ongoing disadvantage affecting the child;

(o) the need to ensure that decisions do not contribute to the child's assimilation or further disconnection from Mi'kmaw identity, family, community, culture, language, land, spirituality, or Nation;
(p) the importance of any supports, services, or arrangements that may help preserve family integrity, strengthen safe relationships, and allow the child to remain with or return to their parent(s), caregiver(s), family, community, or Nation where consistent with the child's best interests, safety, security, and well-being; and
(q) any other matter relevant to the particular child's best interests.

(3) For greater certainty, a Mi'kmaw child is not required to demonstrate cultural knowledge, language ability, residence in community, participation in ceremony, or spiritual practice in order to be recognized as Mi'kmaw or to receive the full protection and application of this Tplutaqn.

8.3 Cultural Continuity

Cultural continuity is essential to the well-being, identity, dignity, and belonging of a Mi'kmaw child, family, and community.

(1) Cultural continuity includes the protection, support, transmission, restoration, and connection and reconnection of Mi'kmaw language, culture, customs, traditions, teachings, ceremonies, spirituality, laws, relationships, and knowledge.

(2) A Mi'kmaw child's present level of connection to Mi'kmaw culture, language, spirituality, ceremony, traditions, community, or land may vary and shall not be used to diminish or question the child's identity, dignity, worth, or belonging.

(3) Many Mi'kmaw children and families have experienced disconnection from family, community, language, culture, spirituality, ceremony, and land as a result of colonial laws, policies, practices, displacement, adoption, child welfare interventions, or other life circumstances. Such disconnection shall be understood in that context and shall not diminish the child's entitlement to the full protection and application of this Tplutaqn.

(4) Decisions made under this Tplutaqn shall, where consistent with the best interests of the child, protect and support meaningful opportunities for connection or reconnection to Mi'kmaw family, community, culture, language, spirituality, ceremony, traditions, and land.

(5) This section shall not be interpreted or applied in a manner that shames, excludes, or diminishes a Mi'kmaw child because the child lives away from community, does not speak Mi'kmaw, is not connected to ceremony or spirituality, or has been raised in a mixed-parentage, urban, foster, adoptive, or other setting outside a traditional community or family context.

8.4 Substantive Equality

(1) In determining the best interests of a Mi'kmaw child and making decisions affecting the child under this Tplutaqn, all persons exercising authority or performing duties under this Tplutaqn shall be guided by the principle of substantive equality.

(2) Substantive equality means that Mi'kmaw children, families, and communities may need different or additional services, supports, accommodations, or measures so that Mi'kmaw children have a fair and meaningful opportunity to be safe, healthy, connected, and thriving.

(3) Substantive equality recognizes that treating everyone the same does not always lead to fair outcomes. Decisions must take into account the Mi'kmaw child's distinct needs, circumstances, identity, family, community, culture, language, spirituality, disability, and lived experience.

(4) A Mi'kmaw child must not be denied a service or support, have a service or support delayed, or be treated differently in relation to a service or support because of a jurisdictional dispute or uncertainty about who is responsible for providing or paying for the service or support.

(5) A Mi'kmaw child with a disability is entitled to have their distinct needs considered so that they can participate, as fully as possible, in the life and activities of their family, community, and Nation.

(6) A Mi'kmaw child, the child's family members, and the Mi'kmaw community to which the child belongs must be able to exercise their rights under this Tplutaqn without discrimination, including the right to have their views and preferences considered in decisions that affect them.

(7) Measures taken to support the best interests, well-being, dignity, identity, belonging, cultural continuity, or connection of a Mi'kmaw child do not constitute discrimination only because they provide different, additional, or specific supports to the child, family, or community.

8.5 Mi'kmaw Language

(1) This Tplutaqn recognizes the importance of the Mi'kmaw language to the identity, culture, continuity, and well-being of the Mi'kmaq Nation.

(2) Where a Mi'kmaw child, parent(s), caregiver(s), family member, or other person involved in a Mi'kmaw child and family well-being matter requests Mi'kmaw language services to meaningfully understand and participate in the proceeding, the Responsible Child and

Family Well-Being Body shall make active efforts to provide those services in a timely manner.

PART 9.0 TPLUTAQN COMMUNITY SUPPORT

9.1 Principles

(1) In Mi'kmaw communities, others within the community can play significant and key roles in caring for and supporting families, particularly in times of need to help the family through the difficult times.

(2) Community support can help support a better future for Mi'kmaw children and their families; a future where Mi'kmaw children are resilient, strongly connected to their culture and community, and live in safe, healthy, and nurturing homes.

9.2 Role and Contributions of Community Support

(1) This Tplutaqn acknowledges and supports the role of community support in helping Mi'kmaw children, parents, caregivers, and families during a Mi'kmaw child and family well-being matter.

(2) Where a parent, caregiver, or Mi'kmaw child wishes to involve community support in a Mi'kmaw child and family well-being matter, the Responsible Child and Family Well-Being Body shall consider and, where appropriate, support that involvement in a manner consistent with the best interests and views of the Mi'kmaw child.

(3) Community support may include, but is not limited to, Knowledge Holders, family members, other persons, groups, organizations, and Mi'kmaw governing or cultural bodies that can support the Mi'kmaw child, parent(s), caregiver(s), and family. Elder support is specifically addressed in section 9.3.

(4) Community support may provide guidance, advice, cultural support, healing and wellness support, and practical assistance to help the family understand and address concerns, care for and love their children, maintain family and community connections, and support the child's language, culture, identity, and well-being.

9.3 Elder Support

(1) Elders hold an important place in Mi'kmaw families, communities, and the Nation. Their wisdom, knowledge, teachings, lived experience, language, and guidance may support Mi'kmaw children, parent(s), caregiver(s), families, communities, and the Responsible Child and Family Well-Being Body in Mi'kmaw child and family well-being matters.

(2) A Mi'kmaw child, parent, caregiver, or family member, or the Responsible Child and Family Well-Being Body may request or identify Elder support in a Mi'kmaw child and

family well-being matter.

(3) Where Elder support is requested or identified, the Responsible Child and Family Well-Being Body shall consider and, where appropriate, support the involvement of an Elder in a manner consistent with the best interests, safety, security, and well-being of the Mi'kmaw child.

(4) In considering Elder involvement, meaningful weight shall be given to existing relationships of trust and kinship, community connection, language, cultural understanding, and the views or preferences of the Mi'kmaw child, parent(s), caregiver(s), or family.

(5) Elder support may include cultural, spiritual, language, healing, wellness, planning, or other supports and guidance that promote the Mi'kmaw child's well-being, identity, belonging, and connection to family, community, culture, and Nation.

(6) Elder involvement is voluntary and depends on the Elder's willingness to provide support and the willingness of the child, parent(s), caregiver(s), or family to receive that support. Elder involvement must be respectful, culturally appropriate, and subject to any limits required by safety, privacy, confidentiality, conflict of interests, or the best interests of the Mi'kmaw child.

(7) Elder support does not replace the duties, responsibilities, or decision-making authority of the Responsible Child and Family Well-Being Body, a social worker, the Tribunal, a parent, caregiver, or any other person under this Tplutaqn, but may assist and guide those bodies and persons in carrying out their responsibilities in a culturally grounded and respectful way.

(8) The Responsible Child and Family Well-Being Body may develop policies, protocols, or agreements respecting Elder support, including the respectful involvement, support, recognition, compensation, and protection of Elders in Mi'kmaw child and family well-being matters.

PART 10.0 DUTY TO REPORT

10.1 Duty to Report Harm to a Child

(1) Every person who has information, whether or not it is confidential or privileged, indicating that a Mi'kmaw child or any child is in need of family preservation services shall immediately report that information to a Responsible Child and Family Well-Being Body.

(2) No action lies against a person by reason of that person reporting information further to subsection 10.1(1) unless the reporting of that information is done falsely and maliciously.

10.2 Duty of Professionals and Officials to Report

(1) In this section, "suffer harm", when used in reference to a child, means that the child is in need of family preservation services within the meaning of the paragraphs under subsection 13.2(1) of this Tplutaqn.

(2) Notwithstanding any other *Act*, every person who performs professional or official duties with respect to a child, including

(a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;
(b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day-care facility;
(c) a Peace Officer or a medical examiner;
(d) an operator or employee of a child-caring facility or child-care service; or
(e) a youth or recreation worker,

who, in the course of that person's professional or official duties, has a reasonable concern to believe that a child

(f) has or may have suffered harm;
(g) is or may be suffering harm; or
(h) is or may be about to suffer harm in the imminent future,

shall immediately report the suspicion and the information on which it is based to a Responsible Child and Family Well-Being Body.

(3) This section applies whether or not the information reported is confidential or privileged.

(4) Nothing in this section affects the obligation of a person referred to in subsection 10.2(2) to report information under section 10.1.

(5) No action lies against a person by reason of that person reporting information under subsection 10.2(2) unless the reporting is done falsely and maliciously.

10.3 Duty to Report Third-Party Harm

(1) In this section, a child is harmed by a person other than a parent or caregiver if the child

(a) suffers physical harm, inflicted by a person other than a parent or caregiver of the child or caused by the failure of a person other than a parent or caregiver of the child to supervise and protect the child adequately;
(b) is sexually harmed by a person other than a parent or caregiver of the child, or by another individual where a person who is not a parent or caregiver of the child but has care of the child knows or should know of the possibility of sexual harm and fails to protect the child; or

(c) suffers emotional harm, caused by the intentional conduct of a person other than a parent or caregiver of the child.

(2) Every person who has information, whether or not it is confidential or privileged, indicating that a child under the age of sixteen

(a) has or may have suffered harm;
(b) is or may be suffering harm; or
(c) is or may be about to suffer harm in the imminent future,

by a person other than a parent or caregiver, shall immediately report the information to a Responsible Child and Family Well-Being Body.

(3) No action lies against a person by reason of that person reporting information under subsection 10.3(2) unless the reporting of that information is done falsely and maliciously.

10.4 Duty to Report Location of Child

(1) Every person who receives notice from a Responsible Child and Family Well-Being Body that there is a reasonable belief that a child is in need of family preservation services shall, upon obtaining information that would allow the child to be located, immediately report the information to the Responsible Child and Family Well-Being Body.

(2) This section applies whether or not the information obtained is confidential or privileged.

(3) No action lies against a person by reason of that person reporting information further to subsection 10.4(1) unless the reporting of that information is done falsely and maliciously.

10.5 Confidential information

(1) The duty to report under sections 10.1 to 10.4 applies even if the information on which the person's belief is based is confidential and its disclosure is restricted by legislation or otherwise, but it does not apply to information that is privileged because of a solicitor-client relationship.

10.6 Consequences for Failure to Report or Malicious Reporting

(1) A person who fails to report under subsections 10.1(1), 10.2(2), 10.3(2), or 10.4(1), or who falsely and maliciously reports information to a Responsible Child and Family Well-Being Body indicating that a child is in need of family preservation services, may be subject to one or more of the following consequences or enforcement measures, having regard to the seriousness of the conduct, the actual or potential impact on the child, and any other relevant circumstances including consideration of whether a restorative response is appropriate:

(a) a formal warning letter from the Responsible Child and Family Well-Being Body;

(b) attendance at a Mi'kmaw Legal Support Network Customary Law Circle Process and compliance with any recommendations arising from that process;
(c) where a person fails to successfully complete the Mi'kmaw Legal Support Network Customary Law Circle Process, the Responsible Child and Family Well-Being Body may impose one or more additional consequences or enforcement measures authorized under this section;
(d) prosecution for an offence under subsection 10.6(2); or
(e) prosecution for an offence under subsection 10.6(3).

(2) A person is guilty of an offence and liable on summary conviction to a fine of not more than two thousand dollars ($2,000), imprisonment for a term not exceeding six months, or both, where the person:

(a) fails to report under subsections 10.1(1), 10.3(2), or 10.4(1); or
(b) falsely and maliciously reports information to a Responsible Child and Family Well-Being Body indicating that a child is in need of family preservation services.

(3) A person is guilty of an offence and liable on summary conviction to a fine of not more than five thousand dollars ($5,000), imprisonment for a term not exceeding one year, or both, where the person contravenes subsection 10.2(2) in the course of their professional or official duties.

(4) No proceedings shall be instituted further to subsections 10.1(1), 10.2(2), 10.3(2), or 10.4(1) more than two years after the contravention occurred.

PART 11.0 RESPONSIBLE CHILD AND FAMILY WELL BEING BODY FUNCTIONS AND AUTHORITY

11.1 Principles

(1) The Responsible Child and Family Well-Being Body, in carrying out its functions under this Tplutaqn, shall do so in a spirit of respect and collaboration as it builds relationships with the Mi'kmaw families and communities it serves.

(2) The use of trauma-informed, strengths-based, harm reduction, and culturally safe practices better serves the provision of Mi'kmaw child and family well-being services in Mi'kmaw communities.

11.2 Functions of the Responsible Child and Family Well-Being Body

(1) The functions of the Responsible Child and Family Well-Being Body are to:

(a) Protect Mi'kmaw children from harm;
(b) Advocate for, develop and deliver a culturally appropriate and safe Mi'kmaw child and family well-being services that respect and preserve the culture, traditions, and language of Mi'kmaw children and promote the integrity of families;

(c) Assess allegations or evidence that a Mi'kmaw child may be in need of family preservation services;
(d) Work collaboratively with other organizations and groups who may provide services and supports that the Responsible Child and Family Well-Being Body does not, or with whom the parent(s) or caregiver(s) or Mi'kmaw child choose to work with;
(e) Work collaboratively with community and other organizations and groups that work with or advocate for Mi'kmaw children and families, to prevent and address systemic barriers and structural factors affecting Mi'kmaw families and communities;
(f) Take active efforts to make known to the Mi'kmaw communities the services the Responsible Child and Family Well-Being Body provides;
(g) Provide where applicable, or make referrals for guidance, counselling, education, resources, and other services and supports for Mi'kmaw children and families as a prevention and early help measure;
(h) Supervise and provide care for Mi'kmaw children that the Responsible Child and Family Well-Being Body is responsible for if a child is brought into care;
(i) Supervise Mi'kmaw children who are under a Responsible Child and Family Well-Being Body Supervision Order or agreement further to this Tplutaqn;
(j) Assess the appropriateness of service providers, care arrangements facilities, or carers to work with or provide appropriate services and supports to Mi'kmaw children and families under this Tplutaqn;
(k) Facilitate ceremony following the adoption placement of Mi'kmaw children, further to this Tplutaqn;
(l) Use best efforts to support and facilitate access to translator and interpreter services to meet the language and communication needs of Mi'kmaw children and families; and
(m) Perform any other duties given to the Responsible Child and Family Well-Being Body under this Tplutaqn or its regulations.

11.3 Right to Independent Legal Advice

(1) Any person involved with the Responsible Child and Family Well-Being Body in a matter under this Tplutaqn, including a child where appropriate, a parent, a caregiver, a family member, a carer, or other person directly affected by a decision, process, agreement, plan, or proceeding, has the right to seek independent legal advice at any time during their involvement with the Responsible Child and Family Well-Being Body.

(2) The Responsible Child and Family Well-Being Body, through the social worker or other person acting on its behalf, shall inform the person of this right as early as practicable, in plain language, and again where appropriate at significant decision-making points.

(3) Informing a person of the right to seek independent legal advice does not require the Responsible Child and Family Well-Being Body, a social worker, or any person acting on its behalf to provide legal advice.

(4) A person's decision to seek, not seek, or delay seeking independent legal advice shall not, by itself, be used against the person in any assessment, decision, agreement, plan, or proceeding under this Tplutaqn.

11.4 Social Worker's Family Preservation Assessment Authority

(1) When conducting a family preservation assessment, a social worker, registered by the Nova Scotia College of Social Workers and employed by the Responsible Child and Family Well-Being Body, shall assess concerns and reports regarding a child's safety and well-being, and may:

(a) Attend at the residence of the Mi'kmaw child and any other place frequented by the child;
(b) Interview and observe the Mi'kmaw child and any other child in the home;
(c) Interview any parent or caregiver of the Mi'kmaw child;
(d) Communicate with or gather relevant information from any person who cares for or has an opportunity to observe the Mi'kmaw child;
(e) Communicate with or gather relevant information from any person who provides cultural, health, social, educational, or other professional services and supports to the Mi'kmaw child, parent(s), or caregiver(s);
(f) Communicate with or gather relevant information from other persons about past parenting when appropriate to do so;
(g) Communicate with or gather relevant information from any collateral contacts put forward by parent(s) or the caregiver(s); and
(h) Gather any evidence that the social worker considers necessary or advisable to complete the assessment.

(2) A social worker employed by the Responsible Child and Family Well-Being Body may exercise the authority under paragraph 11.4(1)(a) regardless of whether the social worker has consent of parent(s) or the caregiver(s) of the Mi'kmaw child but in doing so shall act respectfully and in a culturally safe, trauma-informed manner that is consistent with this Tplutaqn.

11.5 Orders for Production

(1) Upon the without notice application of the Responsible Child and Family Well-Being Body prior to commencing a family preservation matter, or upon the with notice application of the Responsible Child and Family Well-Being Body or a party to an ongoing Tribunal proceeding, where the Tribunal is satisfied that,

(a) there are reasonable concerns to believe that a person or organization has possession, custody, or control of records or documents containing information necessary for the Responsible Child and Family Well-Being Body to determine whether a Mi'kmaw child is in need of family preservation services, and that person or organization has refused or is unwilling to permit the production and inspection of those records or documents; or
(b) the information sought is relevant and may assist in resolving the Tribunal proceeding,

the Tribunal may grant an order directing that a person or organization produce a copy of

the records or documents to the Responsible Child and Family Well-Being Body social worker, who shall make them available to the person or organization to whom the records or documents pertain and to all parties if a Tribunal proceeding has been commenced.

(2) Any order made under this section shall be limited to the records, documents, or information that are necessary for the purposes of determining whether a Mi'kmaw child is in need of family preservation services or for resolving the Tribunal proceeding and shall be carried out in a manner that respects privacy, confidentiality, and the best interests of the Mi'kmaw child.

11.6 Access or Entry

(1) Where there is a non-emergency situation that could result in a Mi'kmaw child being brought into care, and the social worker of the Responsible Child and Family Well-Being Body has been refused access to the child or entry to premises where the child resides or is located, the Responsible Child and Family Well-Being Body may apply to the Tribunal for an order to:

(a) Enter specified premises;
(b) Conduct an observational examination of the Mi'kmaw child;
(c) Interview the Mi'kmaw child;
(d) Observe specified premises and document anything that supports reasonable concerns to believe that a Mi'kmaw child is in need of family preservation services;
(e) Remove the child and attend with the child for a medical examination; or
(f) Interview the child on such reasonable terms and conditions as the Tribunal may order, including the presence of a parent or caregiver or, in their absence, some other suitable adult person.

(2) Where there is an emergency situation considered dangerous or life-threatening to a Mi'kmaw child or another person, and the Responsible Child and Family Well-Being Body has made the determination that the child is in need of family preservation, and the social worker of the Responsible Child and Family Well-Being Body has been refused access to the child or entry to premises where the child resides or is located, the social worker may enlist the services of a Peace Officer to access the child or enter the premises and can do so without an order of the Tribunal.

(3) A hearing in respect of a Responsible Child and Family Well-Being Body application made under this section can be held without prior notice to any person except that the Tribunal may permit any person to be present if the Tribunal considers it appropriate.

11.7 Peace Officer Involvement

(1) A Peace Officer shall only be involved in the social worker's performance of their duties where necessary to address a safety concern, keep the peace, or as otherwise authorized under this Tplutaqn.

11.8 Detention of Mi'kmaw child by Peace Officer

(1) If a Peace Officer in their duties becomes aware of a potential family preservation concern involving a Mi'kmaw child in a non-emergency situation, whether the child is in the care of the Responsible Child and Family Well-Being Body or not, they must contact the Responsible Child and Family Well-Being Body and follow the instructions of the social worker.

(2) In a situation, where a Peace Officer has reasonable concerns to believe that:

(a) a Mi'kmaw child is under the age of 16 years and is in need of family preservation services;
(b) a Mi'kmaw child is in the care of the Responsible Child and Family Well-Being Body, and is under the age of 19 years, and is in need of family preservation services; or
(c) a Mi'kmaw child is under the age of 12 years and has committed a serious offence for which the child cannot be charged under the *Youth Criminal Justice Act* or any subsequent youth criminal legislation,

the Peace Officer may detain the child.

(3) Where a child is detained under subsection (2), the Peace Officer shall immediately:

(a) notify the Responsible Child and Family Well-Being Body of the detention; and
(b) at the direction of the social worker of the Responsible Child and Family Well- Being Body,

(i) deliver the Mi'kmaw child to the social worker of the Responsible Child and Family Well-Being Body;
(ii) return the Mi'kmaw child to the child's parent(s) or caregiver(s); or
(iii) deliver the Mi'kmaw child to the child's placement.

(4) In an emergency situation, where there is a Mi'kmaw child 16 years of age or older and under 19 years of age, who is not in the care of the Responsible Child and Family Well-Being Body and may be in need of family preservation services, the Peace Officer, rather than detain the child, must contact the parent(s) or caregiver(s), and report to the Responsible Child and Family Well-Being Body and follow the instructions of the social worker.

(5) Where a Mi'kmaw child is delivered to a social worker of the Responsible Child and Family Well-Being Body, the social worker shall immediately return the child to the child's parent(s) or caregiver(s) or bring the child into care as permitted by and in accordance with this Tplutaqn.

11.9 Death of a Child In Care Under the Tplutaqn

(1) In the event of the death of a Mi'kmaw child or any child to whom this Tplutaqn applies, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq affirms and recognizes that the life of every child is sacred, and the death of a child is a heartbreaking loss that is deeply felt by the

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child's family, caregivers, community, and the Nation.

(2) Where a Mi'kmaw child or any child dies while in the care of the Responsible Child and Family Well-Being Body, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq shall order an external independent review.

(3) The external independent review may include facts and recommendations respecting accountability, best practices, service improvements, prevention, cultural safety, and any measures needed to better support Mi'kmaw children and any child in care under the Tplutaqn.

(4) The Responsible Child and Family Well-Being Body shall consider the recommendations of the external independent review and any changes required to its policies, practices, services, supports, or care arrangements.

(5) The full report of the external independent review shall be made available to the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq. The recommendations of the review shall be made public.

11.10 Locating a Child and Bringing Them Back to Safety

(1) Where a parent, caregiver, or the Responsible Child and Family Well-Being Body applies, without notice, to the Tribunal in respect of:

(a) a Mi'kmaw child, or any other child to whom this Tplutaqn applies, who is in the care of the Responsible Child and Family Well-Being Body; or
(b) a Mi'kmaw child, who is not in care, and who is under the age of 16 years;

the Tribunal may issue an order under this section where satisfied that:

(c) the Mi'kmaw child has left, withdrawn from, or is missing from the care or protection of the parent, caregiver, or the Responsible Child and Family Well-Being Body without their knowledge or consent; and
(d) the parent, caregiver, or the Responsible Child and Family Well-Being Body has reasonable grounds to believe that the Mi'kmaw child's safety and well-being may be in danger.

(2) Where the Tribunal is satisfied of the factors under paragraphs 11.9(1)(c) and (d), it may issue an order authorizing a Peace Officer to locate and, if necessary, detain the child and bring the child to safety.

(3) Specific to section 11.9, all Constables and Peace Officers are to do all such acts that may be necessary to enforce the terms of an order of the Tribunal to locate a child and bring them back to safety, and all Constables and Peace Officers have full power and authority to enter on any lands and premises to enforce the terms of an order of the Tribunal.

(4) An order issued under this section is intended to have effect throughout Canada and may be communicated to any Peace Officer, police service, child and family services authority,

Indigenous governing body, or other public authority for the purpose of locating the child and ensuring the child's immediate safety.

(5) For the purposes of carrying out an order made under this section, the Responsible Child and Family Well-Being Body may disclose and receive information reasonably necessary to locate, identify, protect, or return the child and may request that the order and related information be circulated through any police information system, missing persons system, public safety information system, or other lawful information-sharing mechanism available for that purpose.

(6) Where a Mi’kmaw child is located further to an order made under subsection 11.9(2), the Peace Officer shall immediately take such reasonable steps as are necessary to keep the Mi’kmaw child safe, including by remaining with the child or keeping the child in a safe place on a temporary protective basis, and, as directed by the order or by the social worker of the Responsible Child and Family Well-Being Body, shall:

(a) return the Mi’kmaw child to the child’s parent or caregiver;
(b) deliver the Mi’kmaw child to the social worker of the Responsible Child and Family Well-Being Body; or
(c) bring the Mi’kmaw child to another safe and supportive place identified in the order or by the social worker.

(7) Where the Mi’kmaw child is brought to a social worker under paragraph 11.9(6)(b), the social worker may:

(a) return the Mi’kmaw child to the parent or caregiver if doing so is consistent with the best interests of the Mi’kmaw child; or
(b) bring the Mi’kmaw child into care if necessary to uphold the child’s physical, emotional, and mental safety.

(8) A hearing respecting an application made under this section may be held without prior notice to any party where the Tribunal is satisfied that doing so is necessary to protect the Mi’kmaw child’s safety and well-being. The Tribunal may allow any person to be present if the Tribunal believes their presence would support the process, the Mi’kmaw child, or the family.

11.11 Protective Connection and Wellness Order

(1) A Protective Connection and Wellness Order is intended to protect the safety, security, and well-being of a Mi’kmaw child.

(2) The Tribunal may make a Protective Connection and Wellness Order on application or on its own motion where it is satisfied that a person's contact with a Mi’kmaw child is causing, or is likely to cause, harm to the child's safety, security, or well-being.

(3) Unless urgent action is required, the Tribunal shall seek input from the Mi’kmaw child, family, circle of care, and the Responsible Child and Family Well-Being Body, and shall consider any applicable Safety and Wellness Plan developed in a trauma-informed and culturally safe manner.

(4) A Protective Connection and Wellness Order may require a person to:

(a) temporarily reside away from the child's home;
(b) have no contact with the child or only specified contact;
(c) comply with communication or proximity restrictions;
(d) participate in counselling, healing, treatment, cultural supports, or other appropriate services;
(e) retrieve personal belongings in a safe manner; or
(f) comply with any other culturally appropriate term necessary to protect the child.

(5) A Protective Connection and Wellness Order may remain in effect for up to six months and shall be reviewed within sixty days. Restrictions shall be ended, reduced, or varied when it is safe and appropriate to do so.

(6) Any party, including the child's representative, may apply to the Tribunal to vary, extend, or end a Protective Connection and Wellness Order.

(7) In determining whether to vary, extend, or end an Order, the Tribunal shall consider current information, the Safety and Wellness Plan, the views and preferences of the Mi’kmaw child where appropriate, and the principle of least intrusive measures.

(8) Non-compliance with a Protective Connection and Wellness Order should, where appropriate and consistent with the safety, security, and well-being of the Mi’kmaw child, first be addressed through restorative measures, including discussions, circle processes, revisions to the Safety and Wellness Plan, or other measures designed to restore safety and accountability.

(9) Where a person knowingly contravenes a Protective Connection and Wellness Order and the contravention creates or is likely to create an imminent risk to the safety, security, or well-being of a Mi’kmaw child, that person is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for a period not exceeding one year, or to both.

PART 12.0 SERVICES AND SUPPORTS

12.1 Principles

(1) Parents and caregivers may, at times, seek or benefit from services and supports to meet the strengths, needs, and responsibilities of their children and families. The Responsible Child and Family Well-Being Body supports families in ways that promote the safety, stability, belonging, and well-being of Mi’kmaw children and families, as understood within Mi’kmaw values and relationships.

(2) Services and supports that promote the integrity, care, and continuity of the family may be provided under this Tplutaqn through prevention and early help measures, family preservation measures, and other culturally grounded services and supports, including those that respond to the strengths, needs, and circumstances of Mi'kmaw children and families.

12.2 Services and Supports to Promote the Integrity of the Family

(1) In recognition of the historical and intergenerational impacts of colonial policies experienced by the Mi'kmaq of Nova Scotia, services and supports for Mi'kmaw children, parent(s), and caregiver(s) shall be grounded in culturally safe, culturally relevant, and culturally appropriate approaches that support understanding, healing, and well-being in wholistic ways.

(2) Where services and supports are identified, through collaboration with the family, as necessary to support the use of the least intrusive measures, and to enable a Mi'kmaw child to remain with, return to, or be cared for by their parent(s) or caregiver(s), the Responsible Child and Family Well-Being Body shall make active efforts to offer or facilitate access to services and supports that strengthen family integrity, safety, and relational well-being, in ways that align with the best interests of the Mi'kmaw child as understood within Mi'kmaw values and contexts.

(3) Where a family or child is seeking services or supports, the Responsible Child and Family Well-Being Body may assist by providing information respecting available services, supports, and service providers. The Responsible Child and Family Well-Being Body shall give meaningful consideration to any service provider identified or recommended by the family or child.

(4) In conducting any checks, assessments, or evaluations, the Responsible Child and Family Well-Being Body shall recognize and respect Mi'kmaw ways of knowing, community relationships, and trusted helpers, while ensuring that identified safety concerns are appropriately assessed and addressed.

(5) To the best of its ability, the Responsible Child and Family Well-Being Body shall make active efforts to ensure that services and supports, whether delivered within Mi'kmaw communities or by organizations or service providers outside of Mi'kmaw communities, are:

(a) strengths-based and inclusive of harm-reduction approaches;
(b) responsive to the needs of Mi'kmaw parents and caregivers, including respect for their physical, emotional, and mental health, safety, security, and well-being;
(c) grounded in community and family relationships;
(d) supportive of substantive equality; and
(e) accountable to Mi'kmaw children, families, and communities in meeting identified needs.

12.3 Services and Supports for a Mi'kmaw Child

(1) The Responsible Child and Family Well-Being Body shall provide, arrange, or support access to appropriate services and supports for a Mi'kmaw child and, where necessary, placement to meet the child's identified needs. In determining those needs, the Responsible Child and Family Well-Being Body shall consider information from the child, their family, parent(s), caregiver(s), and any other relevant persons or service providers, where appropriate.

12.4 Services and Supports for Carers

(1) Where the need for services and supports is identified, including through collaboration with carers, the Mi'kmaw child, or the child's family, the Responsible Child and Family Well-Being Body shall make active efforts to provide services and supports to carers that strengthen their capacity to care for the Mi'kmaw child and support stable, nurturing, and continuous care arrangements. Such services and supports are intended to promote the well-being of the child and the integrity of the caregiving relationship.

12.5 Services Agreement with Mi'kmaw Youth

(1) A Mi'kmaw youth who is 16 years of age or older and under 19 years of age, who is not currently in the care of the Responsible Child and Family Well-Being Body and who would benefit from supportive, wellness, or family preservation services, may enter into a voluntary written Services Agreement with the Responsible Child and Family Well-Being Body. The purpose of this agreement is to provide culturally grounded supports that strengthen the youth's well-being, connections, and stability.

(2) A Services Agreement under this section shall be for a period of up to one year. The agreement may be renewed for additional periods, each not exceeding one year, when the Responsible Child and Family Well-Being Body determines that continuing the agreement remains in the best interests of the youth.

(3) The Services Agreement must be completed in the form and manner established by the Responsible Child and Family Well-Being Body to ensure the process is clear, accountable, culturally appropriate, and respectful of the youth, their family, and their community relationships.

12.6 Placement Agreement with Mi'kmaw Youth 16 Years of Age or Older & Under 19 Years of Age

(1) The Responsible Child and Family Well-Being Body shall support access to appropriate services and supports for a Mi'kmaw youth who is 16 years of age or older and under 19 years of age, and appropriate placement support where the Mi'kmaw youth proposes a plan for consideration. In making that determination, the Responsible Child and Family

Well-Being Body shall consider information from the youth, their family, parent(s), caregiver(s), and any other relevant person or service providers, where appropriate.

(2) Before entering into an agreement under this section, the Responsible Child and Family Well-Being Body shall ensure that:

(a) a placement is available that can offer the youth a supportive and beneficial environment based on their needs and circumstances; and
(b) the youth does not have access to another safe and suitable placement through family, caregiver(s), or any other sources.

(3) An agreement made under this section may be put in place for a period of up to one year. It may be renewed for additional periods, each not exceeding one year, when continued support is needed, with the approval of the Responsible Child and Family Well-Being Body.

(4) For greater certainty, active efforts under this Tplutaqn in relation to a Mi'kmaw youth may include supporting safe family relationships, cultural connections, stable living arrangements, and other measures that reflect the youth's views, preferences, and best interests, and do not necessarily require reunification with a parent or caregiver.

12.7 Temporary Care Agreement for Mi'kmaw Child Under 16 Years of Age

(1) A parent(s) or caregiver(s) who, for a period of time, is unable to provide the level of care required by their Mi'kmaw child who is under 16 years of age, may enter into a written Temporary Care Agreement with the Responsible Child and Family Well-Being Body for the child to receive temporary care and support.

(2) A Temporary Care Agreement shall reflect the intention to keep the child safe, supported, and connected in a manner that respects the child's sense of belonging and maintains continuity in their relationships.

(3) A temporary care agreement may be entered into only where the Responsible Child and Family Well-Being Body has determined that:

(a) a placement is available that can offer the child a supportive and beneficial environment suited to the child's needs; and
(b) no less disruptive option, including remaining in the child's home with appropriate supports, is suitable in the circumstances.

(4) The initial term of a temporary care agreement shall not exceed six months.

(5) A Temporary Care Agreement may be renewed for further periods, provided that the total duration of the Agreement, including all extensions, does not exceed twelve months.

(6) Any renewal shall follow a review that considers the child's well-being, the family's circumstances, and the continuing need for temporary support.

(7) With the written consent of the child's parent(s) or caregiver(s), a Temporary Care Agreement may authorize the Responsible Child and Family Well-Being Body to consent to necessary medical treatment for the child in circumstances where parental or caregiver consent would ordinarily be required, when such authority is needed to ensure the child's immediate health and safety.

12.8 Special Needs Agreement for a Mi'kmaw Child

(1) A special needs agreement is a voluntary agreement that may be entered into between the Responsible Child and Family Well-Being Body and the parent(s) or caregiver(s) of a Mi'kmaw child, where the parent(s) or caregiver(s) are, for a period of time, unable to provide the level of care or support required to meet the child's special needs.

(2) A special needs agreement must be in writing and must authorize the Responsible Child and Family Well-Being Body to provide temporary care, coordinated support, or specialized services to help meet the child's needs in a manner that upholds their dignity, safety, and well-being.

(3) A special needs agreement may be made only where the child meets one or more of the following criteria, confirmed by a diagnosis made within two years before the request of the agreement, or by confirmation of a previous diagnosis, by a licensed health care professional:

   (a) The child demonstrates significant behaviours that place themselves or others at risk and has a mild to moderate intellectual disability;
   (b) The child has a severe to profound intellectual disability; or
   (c) The child has a significant physical disability that results in ongoing functional limitations and substantially affects their ability to carry out age-appropriate daily activities.

(4) Services or supports provided under a special needs agreement may include:

   (a) delivery of specialized services or supports within the child's home or community;
   (b) temporary placement in a child-caring facility while the child remains under the legal care of their parent(s) or caregiver(s) or
   (c) residential care in a child caring facility.

(5) The initial term of a special needs agreement shall not exceed one year.

(6) The special needs agreement may be renewed for additional periods not exceeding one year each, following a review by the Responsible Child and Family Well-Being Body confirming that renewal continues to reflect the child's needs and supports their best interests.

(7) With the written consent of the child's parent(s) or caregiver(s), a special needs agreement may authorize the Responsible Child and Family Well-Being Body to consent to necessary medical treatment for the child in circumstances where parental or caregiver

consent would ordinarily be required, when such authority is needed to ensure the child's immediate health and safety.

(8) In all decisions under this section, the Responsible Child and Family Well-Being Body must prioritize the best interests of the Mi'kmaw child, and where practicable, ensure:

(a) The child's connection to family, community, and culture is preserved.
(b) The child's language, traditions, and spiritual practices are respected and supported.
(c) The child's education and relationships are maintained with minimal disruption.

12.9 Placement Considerations

(1) When an agreement is made under sections 12.5, 12.6, 12.7 or 12.8, the Responsible Child and Family Well-Being Body shall, wherever possible and in support of the Mi'kmaw youth and their well-being, take into account the following:

(a) The importance of the youth staying in regular contact with their parent(s) or caregiver(s), and family;
(b) The value of keeping brothers and sisters together in the same home whenever this supports their well-being;
(c) The youth's need to remain connected to relatives and friends who are meaningful in their life;
(d) The importance of maintaining the youth's cultural, racial, and linguistic identity and heritage; and
(e) The continuity of the youth's education and spiritual or religious practices.

12.10 Coordination with Service Providers

(1) The Responsible Child and Family Well-Being Body may coordinate with Mi'kmaw and non-Mi'kmaw service providers to support children, parent(s), caregiver(s), and families in a Mi'kmaw child and family well-being matter. In doing so, the Responsible Child and Family Well-Being Body shall:

(a) provide parent(s) or caregiver(s) with reasonable options for services, supports, and service providers that may address the concerns or issues identified by the Responsible Child and Family Well-Being Body;
(b) give parent(s) or caregiver(s) a meaningful opportunity to identify their preferred services, supports, service providers, and any family, community, cultural, or other supports they wish to involve;
(c) consider the preferences and supports identified by the parent(s) or caregiver(s);
(d) ensure that services or supports address the identified concerns and are consistent with the best interests of the Mi'kmaw child; and
(e) ensure that services, supports, and service provider arrangements are made in a manner that promotes substantive equality.

12.11 Responsible Child and Family Well-Being Body Services, Supports, and Program Collaboration

(1) To support and assist the parent(s) or caregiver(s) in the care of the Mi'kmaw child, the Responsible Child and Family Well-Being Body may:

(a) provide the parent(s) or caregiver(s) with services, supports, and programs;
(b) collaborate with others, including Mi'kmaw Bands, to provide services, supports, and programs; or
(c) make active efforts to support the parent(s) or caregiver(s) in obtaining services, supports, and programs.

(2) The Responsible Child and Family Well-Being Body shall collaborate with Mi'kmaq and non-Mi'kmaw organizations and service providers that offer resources, services, supports, and programs to address prevention and early help or family preservation concerns.

(3) If the parent(s) or caregiver(s) are involved in a family preservation matter, information from service providers may be requested to determine whether the resource, service, support, or program is addressing the Responsible Child and Family Well-Being Body's concerns, subject to this Tplutaqn and any applicable requirements respecting consent, confidentiality, privacy, and the production of records.

12.12 Facilities and Programs

12.12.1 Principle

(1) Mi'kmaw child and family well-being facilities and programs are designed to maintain the integrity of Mi'kmaw families and to ensure that the removal of a Mi'kmaw child from the care of their parent(s) or caregiver(s) is a last resort.

12.13 Development, Operation, and Maintenance of Facilities and Programs

(1) The Tplutaqn supports the creation, development, operation, and maintenance of facilities and programs providing services and supports related to Mi'kmaw child and family well-being, including the care of Mi'kmaw children, parenting teachings and skills development for parent(s) or caregiver(s), and counselling and treatment for Mi'kmaw children and parent(s) or caregiver(s).

(2) Upon authorization of the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq, facilities and programs may be developed, operated, and maintained by the Responsible Child and Family Well-Being Body or by third-party organizations.

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(3) Nothing in this Tplutaqn prevents the Mi'kmaq from using or participation in municipal, provincial, federal, or publicly or privately funded facilities, programs, resources, or support services, whether accessed directly by Mi'kmaw children and families or through agreements reached with the appropriate authority.

PART 13.0 FAMILY PRESERVATION: PRINCIPLES, THRESHOLD, AND PATHWAYS

For greater certainty, references in this Tplutaqn to a Mi'kmaw child being in need of family preservation involvement or family preservation services shall be interpreted in accordance with this Part.

13.1 Family Preservation Principles

(1) Parent(s) or caregiver(s) involved in family preservation matters are more likely to achieve positive outcomes when they are empowered to choose how they engage with the Responsible Child and Family Well-Being Body to address the family preservation concerns.

(2) Providing choice affirms the value of partnership between the parent(s) or caregiver(s) and the Responsible Child and Family Well-Being Body, promotes trust and healing, and helps ensure that intervention in the lives of Mi'kmaw children and families is responsible, respectful, and just.

(3) This approach supports prioritizing supports and services that uphold Mi'kmaw legal traditions, cultural continuity, and community-based solutions.

(4) When a Mi'kmaw child is determined to be in need of family preservation under this Tplutaqn, it shall be recognized that the traditions, culture, and language of differing Mi'kmaw communities must be respected and considered in accordance with community standards.

(5) Family preservation services and supports, including bringing a child into care, shall be provided only where the child's safety, security, and well-being cannot be protected through less intrusive measures, and there is no other reasonable way to safeguard and promote the Mi'kmaw child's safety, security and well-being.

13.2 Mi'kmaw Child in Need of Family Preservation

(1) A Mi'kmaw child needs family preservation involvement where the evidence shows that the child has suffered harm, or faces a real and substantial risk of harm, to the child's safety or well-being, including where one or more of the following circumstances exist:

(a) the child has suffered physical harm because of an act or omission of the child's parent(s) or caregiver,(s) including the parent(s) or caregiver(s)' unwillingness or inability to care for, provide for, supervise, or protect the child adequately;

(b) the child is at risk of suffering physical harm because of an act or omission of the child's parent(s) or caregiver(s), including the parent(s) or caregiver(s)' unwillingness or inability to care for, provide for, supervise, or protect the child adequately;

(c) the child has been sexually abused by a parent or caregiver of the child, or by another person, and a parent or caregiver of the child knew or should have known of the possibility of sexual abuse and failed to protect the child;

(d) the child is at risk of being sexually abused by a parent or caregiver of the child, or by another person, and a parent or caregiver of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(e) the child has been sexually exploited by a parent or caregiver of the child, or by another person, and a parent or caregiver of the child knew or should have known of the possibility of sexual exploitation and failed to protect the child;

(f) the child is at risk of being sexually exploited by a parent or caregiver of the child, or by another person, and a parent or caregiver of the child knows or should know of the possibility of sexual exploitation and fails to protect the child;

(g) the child has suffered serious emotional harm because of an act or omission of the child's parent(s) or caregiver(s), including the parent(s) or caregiver(s)' unwillingness or inability to care for, provide for, supervise, or protect the child adequately;

(h) the child is at risk of suffering serious emotional harm because of an act or omission of the child's parent(s) or caregiver(s), including the parent(s) or caregiver(s)' unwillingness or inability to care for, provide for, supervise, or protect the child adequately;

(i) the child has not been provided with adequate necessities of life being shelter, food, clothing, medical care, mental health care, or dental care, and if not immediately remedied, could seriously impair the child's growth or development, or result in permanent injury or death;

(j) the child's physical, mental or emotional health, safety, security, and well-being has been harmed or is significantly at risk of being harmed by the child's problematic use of alcohol, drugs, solvents or similar substances and the child's parent(s) or caregiver(s) are unwilling or unable to adequately and safely care for the child or consent to the provision of services, treatment, or healing processes to remedy or alleviate the harm;

(k) the child has been exposed to or made aware of family violence or intimate partner violence that impacts the child, and the parent(s) or caregiver(s) fail or refuse to obtain services or treatment, or take other measures to remedy or alleviate the violence;

(l) the child's parent(s) or caregiver(s) are no longer able or are unwilling to provide care for the child and have not made adequate provision for the child's care;

(m) upon the death of a child's only parent(s) or caregiver(s), the child's family has not made adequate provision for the child's care;

(n) the child is under 12 years of age,

(i) has killed or seriously injured another person; or
(ii) caused significant damage to the property of others,

and services, treatment, or healing processes are necessary to prevent a recurrence, and the child's parent(s) or caregiver(s) are unwilling or unable to consent to the provision of the services, treatment, or healing processes to remedy or alleviate the harm; and

(o) the child is under 12 years of age and has on more than one occasion,

(i) injured another person; or
(ii) caused loss or damage to another person's property,

with the encouragement of the parent(s) or caregiver(s), or a person that the parents(s) or caregiver(s) should have known would encourage such behaviour, or because of the parent(s) or caregiver(s)' failure or inability to supervise the child adequately.

13.3 Family Preservation Pathways

(1) There are two pathways under this Tplutaqn for addressing family preservation matters:

(a) Maw-lukuwitnej, which for the purposes of this Tplutaqn, means working together; or
(b) the Tribunal.

(2) Where family preservation concerns have been identified, those concerns may be addressed through one of the two pathways identified in paragraphs 13.3(1)(a) and (b), having regard to the best interests of the Mi'kmaw child.

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13.4 Maw-lukuwitnej Pathway

(1) The Maw-lukuwitnej Pathway is an alternative to the Tribunal process that supports collaborative decision-making and relationship-building between the parent(s) or caregiver(s), the social worker, and the Family Preservation Team.

(2) Through the Maw-lukuwitnej Pathway, a Mawi-wulte'tmaqn, which is a voluntary agreement, may be developed between parent(s) or caregiver(s) and the Responsible Child and Family Well-Being Body to address the family preservation concerns.

(3) A Mawi-wulte'tmaqn developed through the Maw-lukuwitnej Pathway shall not exceed one year and shall be reviewed at least every three months. Where continued services and supports are required after the agreement ends, a new Mawi-wulte'tmaqn may be entered into with the parent(s) or caregiver(s).

(4) The Mawi-wulte'tmaqn developed through this Pathway shall be developed in accordance with the policies of the Responsible Child and Family Well-Being Body.

13.5 Tribunal Application by Responsible Child and Family Well-Being Body

(1) A Responsible Child and Family Well-Being Body may apply to the Tribunal to determine whether a child under 16 years of age is in need of family preservation services.

(2) Where a representative social worker has brought a child into care without an application having first been made under this subsection, the Responsible Child and Family Well-Being Body shall make such an application.

13.6 Tribunal Pathway

13.6.1 Principle

(1) A Mi’kmaw hearing process created by and for the Mi’kmaq can better address the special and unique needs and circumstances of Mi’kmaw children and families involved in child and family well-being matters. Such an approach provides a traditional, cultural, and wholistic space for resolving those matters.

13.7 Tribunal Role and Authority

(1) The Tribunal is a formal adjudicative pathway for a family preservation matter and must only be used in situations where the Mi’kmaw child’s safety and well-being cannot be safeguarded through a Maw-lukuwitnej Pathway or any other process.

(2) The Responsible Child and Family Well-Being Body may apply to the Tribunal when the family is unable or unwilling to engage in services and supports through a voluntary Mawi-wulte'tmaqn agreement or is engaged but not making sufficient progress to reduce or resolve the family preservation safety concerns regarding the Mi'kmaw child.

(3) The Tribunal may hear any application respecting a family preservation matter brought forward by the Responsible Child and Family Well-Being Body or the parent(s) or caregiver(s) in accordance with this Tplutaqn.

(4) The Tribunal does not have the authority to hear and decide on a prevention and early help matter.

(5) The Wikɨmanej Kikmanaq Family Group Circle may continue to have some involvement in a family preservation matter before the Tribunal if the Tribunal determines that certain aspects of the matter are better addressed through a Wikɨmanej Kikmanaq Circle.

13.8 Tribunal Pathway Orders

(1) The Tribunal may make an order under this Tplutaqn, including reasonable terms or conditions that are necessary and proportionate to protect the Mi'kmaw child from harm, and that are consistent with the best interests of the Mi'kmaw child, having regard to the purposes, principles, and spirit of this Tplutaqn.

(2) Under this Tplutaqn, the Tribunal has the authority to order any of the following as it applies to family preservation matters that are before the Tribunal:

(a) A Supervision Order where the Mi'kmaw child continues to live in the care of the parent(s) or caregiver(s), and the child is not in the care of the Responsible Child and Family Well-Being Body;
(b) A Customary Care Order where a Mi'kmaw child is not brought into the care of the Responsible Child and Family Well-Being Body and lives in the care of family or community connections, according to Mi'kmaw traditional ways of caring for children, and with the consent of the carer, and whenever possible and with the consent of the parent(s) or caregiver(s) , and in consideration of the best interests of the child;
(c) A Temporary Care Order where the Mi'kmaw child involved in a family preservation matter is brought into the temporary care of the Responsible Child and Family Well-Being Body;
(d) An Extended Care Order where the Mi'kmaw child involved in a family preservation matter is in the Extended Care of the Responsible Child and Family Well-Being Body;
(e) An order respecting the care of a Mi'kmaw child, including where the child will live, parenting time, contact and connection, and decision-making authority, in order to resolve the family preservation matter before the Tribunal, and such order remains in effect until varied or ended by the Tribunal.
(f) An order made for contact and connection between the Mi'kmaw child and their family that is consistent with the best interests of the Mi'kmaw child, including when the child is in Extended Care.

PART 14.0 BRINGING A MI'KMAW CHILD INTO CARE

14.1 Active Efforts and Authority to Bring a Mi'kmaw Child into Care

(1) Before a Mi'kmaw child is brought into care, and when determining whether bringing the child into care is necessary, the following requirements and authorities apply:

(a) prior to bringing a Mi'kmaw child into care, the representative social worker shall make active efforts to work with the child, the child's parent(s), caregiver(s), family, and community to safely preserve, support, and strengthen the family and to keep the child with their family whenever possible.

(b) bringing a child into care shall be a measure of last resort and shall occur only where there is no less intrusive measure available to adequately protect the child's safety, security, and well-being.

(c) a representative social worker may, without warrant or a Tribunal order, bring a child into care where the representative social worker has a reasonable belief that the child is at risk of harm, there is no other reasonable way to safeguard and promote the child's safety and well-being, or the situation requires immediate or urgent bringing into care to protect the child,

(i) before or after an application to determine whether a Mi'kmaw child is in need of family preservation services has been commenced, if the child is under 16 years of age; or

(ii) at any time after an application to determine whether a child is in need of family preservation services has been commenced, if the child is 16 years of age or older and under 19 years of age;

(d) on bringing a child into care of the Responsible Child and Family Well-Being Body, a representative social worker shall immediately serve a notice of bringing the child into care upon the parent(s) or caregiver(s) if known and available to be served, and upon any person or institution that has the care of the child at the time of bringing the child into care.

(e) where a child has been brought into care of the Responsible Child and Family Well-Being Body further to this section, the Responsible Child and Family Well-Being Body has the Temporary Care of the child until a Tribunal orders otherwise or the child is returned to the parent(s) or caregiver(s).

PART 15.0 MAWEWISTU'TMK - CONFERENCING

15.1 Purpose and Meaning of Mawewistu'tmk

(1) The purpose of Mawewistu'tmk is to support the parties in reaching, where possible, a timely and consensual resolution of the issues that brought the matter before the Tribunal, in a way that is consistent with the best interests of the Mi'kmaw child.

(2) Mawewistu'tmk shall be carried out in a manner that is respectful, culturally safe, trauma-informed, child-centred, and consistent with Mi'kmaw laws, customs, values, language, traditions, family relationships, and community connections.

15.2 Referral to Mawewistu'tmk

(1) Where the Tribunal refers the parties to Mawewistu'tmk, the initial Mawewistu'tmk shall be held within thirty days of the referral.

(2) At the initial Mawewistu'tmk,

(a) the Responsible Child and Family Well-Being Body shall provide the other parties with a proposal for a service plan that addresses the safety, security, and well-being of the Mi'kmaw child; and
(b) the parties shall attempt to negotiate a service plan for implementation that is in the best interests of the Mi'kmaw child.

15.3 Further Mawewistu'tmk

(1) Where the parties agree that a further Mawewistu'tmk should be held, the further Mawewistu'tmk shall be held within sixty days of the preceding Mawewistu'tmk.

(2) At a further Mawewistu'tmk,

(a) the Responsible Child and Family Well-Being Body shall provide the other parties with any amendments to the proposed service plan; and
(b) the parties shall attempt to negotiate a service plan for implementation consistent with the best interests, safety, security, and well-being of the Mi'kmaw child.

15.4 Disclosure and Discovery

(1) During Mawewistu'tmk, a party may apply for, and the Tribunal may order, disclosure or discovery in accordance with its Tribunal Rules or the Regulations, as the case may be, and in a manner consistent with the best interests, safety, security, and well-being of the Mi'kmaw child.

15.55 Agreement reached at Mawewistu'tmk

(1) Where the parties negotiate a service plan at Mawewistu'tmk, the Responsible Child and Family Well-Being Body shall file the service plan with the Tribunal.

(2) Where the Tribunal determines that the service plan is in the best interests of the Mi'kmaw child, the Tribunal may make an order approving and incorporating the service plan.

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(3) The service plan must be consistent with the best interests, safety, security, and well-being of the Mi'kmaw child.

15.6 Application to End Mawewistu'tmk

(1) Where a Mawewistu'tmk is not held

(a) within sixty days after the preceding Mawewistu'tmk; or
(b) within thirty days after the Tribunal orders the parties to resume Mawewistu'tmk under paragraph (2)(a),

the Responsible Child and Family Well-Being Body shall, within five business days, apply to the Tribunal for a determination of whether Mawewistu'tmk should be ended.

(2) Upon an application made under subsection (1), the Tribunal may

(a) order that the parties resume Mawewistu'tmk, with or without directions, where the Tribunal is satisfied that Mawewistu'tmk remains likely to assist the parties in resolving issues relating to the child and that doing so is in the child's best interests; or
(b) end Mawewistu'tmk where the Tribunal is satisfied that,

(i) Mawewistu'tmk is unlikely to assist the parties in resolving the issues before the Tribunal;
(ii) further Mawewistu'tmk would result in undue delay in achieving a plan that is in the child's best interests; or
(iii) ending Mawewistu'tmk is in the child's best interests.

15.7 Ending Mawewistu'tmk

(1) A party may end their participation in Mawewistu'tmk at any time by providing written notice to the Tribunal and the other parties.

(2) Where a party ends their participation in Mawewistu'tmk, or where the Tribunal directs that Mawewistu'tmk shall end further to paragraph 15.6(2)(b), the Tribunal shall:

(a) within five business days, schedule the next appropriate Tribunal hearing process, and
(b) within sixty days, bring the matter before the Tribunal for the next hearing, review, or other proceeding required under this Tplutaqn.

(3) The Tribunal shall ensure that the matter proceeds without unnecessary delay and, where appropriate, shall:

(a) schedule any hearing or other proceeding required under this Tplutaqn;

(b) give directions respecting timelines, appearances, filing requirements, or any other procedural matter necessary to ensure the timely resolution of issues affecting the Mi'kmaw child; and
(c) determine the next steps required to resolve the issues affecting the Mi’kmaw child.

(4) In determining the next appropriate steps after Mawewistu’tmk ends, the Tribunal shall consider:

(a) the safety, security, and well-being of the Mi’kmaw child;
(b) the need for timely and stable decision-making for the Mi’kmaw child;
(c) the issues that remain unresolved; and
(d) whether further delay would be contrary to the best interests of the Mi’kmaw child.

15.8 Conclusion of Mawewistu'tmk

(1) The Responsible Child and Family Well-Being Body may request that Mawewistu'tmk be concluded where all participants agree that the issues giving rise to the referral have been addressed and no further Tribunal process is required.

(2) A request under this section shall include a written statement of the agreements reached, the actions to be taken by the participants, and any plan or other arrangements intended to support the ongoing safety, security, and well-being of the Mi'kmaw child.

(3) The Tribunal may direct that Mawewistu'tmk be concluded where it is satisfied that:

(a) the participants have reached agreement on the matters in dispute;
(b) the agreement promotes the safety, security, and well-being of the Mi'kmaw child;
(c) concluding Mawewistu'tmk is consistent with the best interests of the Mi'kmaw child; and
(d) no further Tribunal process is necessary at that time.

(4) Where the Tribunal directs that Mawewistu'tmk be concluded and no further Tribunal process is required, the referral is deemed to be resolved unless the Tribunal directs otherwise.

15.9 Twelve-Month Time Limit

(1) Where participants have been referred to Mawewistu'tmk and Mawewistu'tmk has not otherwise ended or been concluded, the Responsible Child and Family Well-Being Body shall, within twelve months after the referral:

(a) provide notice that it is ending its participation in Mawewistu'tmk in accordance with section 15.7; or
(b) request that the Tribunal conclude Mawewistu'tmk in accordance with section 15.8.

(2) Upon receiving a request under paragraph (1)(b), the Tribunal shall determine whether:

(a) Mawewistu'tmk should be concluded because the issues giving rise to the referral have been sufficiently addressed; or
(b) another process under this Tplutaqn is required to address any remaining issues affecting the safety, security, or well-being of the Mi'kmaw child.

(3) This section is intended to promote timely decision-making and stability for the Mi'kmaw child and to ensure that matters do not remain in Mawewistu'tmk indefinitely.

15.10 Effect of Mawewistu'tmk on Timelines

(1) A referral to, participation in, or continuation of Mawewistu'tmk does not suspend, pause, extend, or otherwise affect any timeline, review date, hearing date, order duration, limitation period, or other time requirement established under this Tplutaqn, unless this Tplutaqn expressly provides otherwise or the Tribunal orders otherwise.

(2) For greater certainty, any time spent participating in Mawewistu'tmk shall be counted toward the timelines and maximum durations under section 16.1 and any other applicable timeline under this Tplutaqn.

(3) Time spent in Mawewistu'tmk shall be considered time during which a matter remains before the Responsible Child and Family Well-Being Body or the Tribunal, as the case may be.

PART 16.0 ORDERS, TIMELINES, REVIEWS, AND EXTENDED CARE

16.1 Duration of Family Preservation Orders

(1) The duration of a Supervision Order, a Customary Care Order, or a Temporary Care Order of the Tribunal shall not exceed three months before the matter returns to the Tribunal for review.

(2) Where the Tribunal has made a Supervision Order or a Customary Care Order, the total duration of orders shall not exceed eighteen months from the time of the application commencing the proceedings.

(3) Where the Tribunal has made a Temporary Care Order, the total duration of orders shall not exceed twenty-four months from the time of the application commencing the proceedings.

16.2 Extension of Timelines

(1) The timelines in the Tplutaqn may be extended where doing so is in the best interests of the Mi'kmaw child, and where there is agreement between the parent(s) or caregiver(s) and the Responsible Child and Family Well-Being Body.

(2) If the parties do not agree to an extension of the maximum timeline duration, the Tribunal may hear and decide the matter having regard to:

(a) the best interests of the Mi'kmaw child;
(b) the reasonable likelihood of improvement of situation;
(c) the child's sense of time, and
(d) the impact on the child of extending or not extending the timelines.

(3) An extension of a timeline under this section shall not exceed six months.

16.3 Review of a Tplutaqn Supervision Order or Temporary Care Order

(1) A Tplutaqn Supervision Order or Temporary Care Order may be reviewed by the Tribunal on application at any time by any party to the matter.

(2) The Responsible Child and Family Well-Being Body shall apply to the Tribunal for a review of a Tplutaqn Supervision Order or Temporary Care Order:

(a) before the expiry of the order, where the Responsible Child and Family Well-Being Body seeks to have the order continued, varied, replaced, extended, or otherwise addressed by the Tribunal; or
(b) as soon as practicable where a Mi'kmaw child is brought into care while the Mi'kmaw child is subject to a Tplutaqn Supervision Order.

(3) On a review of a Tplutaqn Supervision Order or Temporary Care Order, where the Tribunal is satisfied that another child and family well-being body is better placed to provide or coordinate services, supports, supervision, care, or placement for the Mi'kmaw child, the Tribunal may order that responsibility for the order be transferred to that body, with the consent of that body and on any terms or conditions the Tribunal considers appropriate, or if there is no consent, by order of the Tribunal.

(4) Before making an order under subsection (3), the Tribunal shall consider whether the transfer is in the best interests of the Mi'kmaw child and whether it will protect and support the Mi'kmaw child's safety, security, well-being, continuity of care, and connection to family, community, culture, language, territory, and Nation.

(5) Where an application for review is made under paragraph (2)(b), notice of the application shall be given to all parties and to any other person the Tribunal considers necessary, including the Responsible Child and Family Well-Being Body, and those persons may

participate in the review in accordance with this Tplutaqn and the directions of the Tribunal.

(6) On a review of a Tplutaqn Supervision Order or Temporary Care Order, the Tribunal shall consider relevant information about the Mi'kmaw child, relevant information about the parent(s) or caregiver(s), the child's placement or care arrangement, the services and supports provided or available, progress, whether a less intrusive alternative is available and in the child's best interests, and any other factor the Tribunal considers relevant.

(7) On a review under this section, the Tribunal may, where satisfied:

(a) continue, vary, or end the Tplutaqn Supervision Order or Temporary Care Order;
(b) make a Tplutaqn Supervision Order in place of a Temporary Care Order, where the Tribunal is satisfied that the Mi'kmaw child can safely remain with or be returned to the care of a parent or caregiver with supervision, and any terms or conditions the Tribunal considers appropriate;
(c) make a Temporary Care Order in place of a Tplutaqn Supervision Order, where the Tribunal is satisfied that the Mi'kmaw child cannot be protected without being brought into or remaining in temporary care;
(d) make an Extended Care Order;
(e) adjourn the review for a period not exceeding 90 days and direct that further information, assessment, planning, services, or supports be provided before the review continues; or
(f) make any other order authorized under this Tplutaqn that the Tribunal considers necessary to protect and support the Mi'kmaw child's safety, security, well-being, care, and connections.

16.4 Multiple proceedings

(1) In multiple or successive child and family well-being proceedings, where a child in the proceedings was placed in temporary care, that time in care shall not have the effect of reducing the maximum duration of the orders under this Tplutaqn.

(2) This section does not prevent the Responsible Child and Family Well-Being Body from considering any previous child and family well-being proceedings when determining the best interests of the child.

16.5 Extended Care Order and Guardianship

(1) Where the Tribunal makes an Extended Care Order under this Tplutaqn, the Responsible Child and Family Well-Being Body is the legal guardian of the Mi'kmaw child and, subject to this Tplutaqn and any order of the Tribunal, has the rights, powers, responsibilities, and authority necessary to provide for the care, supervision, safety, security, well-being, education, health, development, and placement of the Mi'kmaw child. The Responsible Child and Family Well-Being Body shall exercise those responsibilities in a manner

consistent with the best interests of the Mi'kmaw child and with the child's connections to family, community, culture, language, customs, traditions, and Nation.

(2) Where the Tribunal makes an Extended Care Order, the Tribunal may make such contact, connection, communication, cultural, family, or relationship orders as it considers appropriate and in the best interests of the Mi'kmaw child.

(3) Where a Mi'kmaw child is the subject of an Extended Care Order, the Responsible Child and Family Well-Being Body shall, where consistent with the best interests of the Mi'kmaw child, support and facilitate ongoing contact, communication, and meaningful connections between the Mi'kmaw child and:

(a) a parent or caregiver;
(b) a sibling;
(c) a family member or relative;
(d) a member of the Mi'kmaw child's community or Nation; and
(e) any other person who has an established and significant relationship with the Mi'kmaw child.

(4) In carrying out its responsibilities under an Extended Care Order, the Responsible Child and Family Well-Being Body shall make active efforts to preserve, strengthen, and restore the Mi'kmaw child's relationships with family, community, culture, language, customs, traditions, and Nation, wherever doing so is consistent with the best interests of the Mi'kmaw child.

(5) Where practicable and consistent with the best interests of the Mi'kmaw child, a Mi'kmaw child who is the subject of an Extended Care Order shall be placed in accordance with the placement priorities established under this Tplutaqn. Where a placement consistent with those priorities is not immediately available, the Responsible Child and Family Well-Being Body shall place the Mi'kmaw child in the most suitable available placement while continuing active efforts to secure a placement consistent with those priorities.

(6) Before making decisions respecting placement, contact, connection, services, supports, education, health care, cultural planning, or any other matter affecting a Mi'kmaw child who is subject to an Extended Care Order, the Responsible Child and Family Well-Being Body shall consider:

(a) the best interests of the Mi'kmaw child;
(b) the safety, security, and well-being of the Mi'kmaw child;
(c) the Mi'kmaw child's views and preferences, having regard to the child's age, maturity, and ability to express those views;
(d) the Mi'kmaw child's need for stability and continuity of care; and
(e) the Mi'kmaw child's relationships with family, community, culture, language, customs, traditions, and Nation.

16.6 Reassessment of Extended Care Order

(1) In the context of a Mi'kmaw child who has been removed from the care of their parent(s) or caregiver(s) and placed under an Extended Care Order, the Responsible Child and Family Well-Being Body shall conduct ongoing reassessments, at least every six months, to determine whether it would be in the best interests of the child to be returned to the child's parent(s), caregiver(s), or placed in accordance with the placement priorities established under this Tplutaqn.

16.7 Ending of Extended Care Order

(1) An Extended Care Order ends upon the earliest of the following:

(a) the child reaching 19 years of age, unless the Extended Care Order is continued under this Tplutaqn because the child is under a disability, in which case the Extended Care Order ends when the child reaches 21 years of age;
(b) the child marrying;
(c) the Tribunal ending the Extended Care Order;
(d) a Customary Adoption Order or customary adoption recognition order being made in relation to the child; or
(e) the Extended Care Order otherwise ending in accordance with this Tplutaqn or the regulations.

(2) An application to end an Extended Care Order may be made to the Tribunal by:

(a) a parent or caregiver of the Mi'kmaw child;
(b) the Mi'kmaw child, if the Mi'kmaw child is 16 years of age or older;
(c) a person who was a party to the family preservation matter in which the Extended Care Order was made; or
(d) any other person, with permission of the Tribunal.

(3) Where an application is made under paragraph (2)(d), notice of the application shall be given to all parties and to any other person the Tribunal considers necessary, including the Responsible Child and Family Well-Being Body, and those persons may participate in the hearing in accordance with this Tplutaqn and the directions of the Tribunal.

(4) The Responsible Child and Family Well-Being Body may apply to the Tribunal at any time to:

(a) end an Extended Care Order;
(b) vary or end any contact and connection provision made under an Extended Care Order; or
(c) make any related order necessary to support the safety, security, well-being, care, or connections of the Mi'kmaw child.

(5) Where a notice of proposed customary adoption or an application for customary adoption has been filed in relation to a Mi'kmaw child who is subject to an Extended Care Order, no application to end the Extended Care Order may be made during the continuance of the customary adoption placement unless:

(a) the application for customary adoption is rejected or discontinued;
(b) the application for customary adoption is unduly delayed; or
(c) there is undue delay in making an application for customary adoption following the filing of the notice of proposed customary adoption.

(6) Except with permission of the Tribunal, a person described in paragraph (2)(d) may not apply to end an Extended Care Order:

(a) within 45 days after the making of the Extended Care Order;
(b) after two years from the making of the Extended Care Order or from the final disposition or discontinuance of an appeal of the Extended Care Order; or
(c) while the Extended Care Order is under appeal.

(7) On hearing an application to end an Extended Care Order, the Tribunal may:

(a) reject the application;
(b) adjourn the hearing for a period not exceeding 90 days and refer the Mi'kmaw child, a parent or caregiver, the applicant, or any other person seeking care of the Mi'kmaw child for psychiatric, medical, or other examination or assessment;
(c) adjourn the hearing for a period not exceeding six months and place the Mi'kmaw child in the care of a parent or caregiver subject to the supervision of the Responsible Child and Family Well-Being Body and any terms or conditions the Tribunal considers appropriate;
(d) adjourn the hearing for a period not exceeding six months and place the Mi'kmaw child in the care of another person, with that person's consent, subject to the supervision of the Responsible Child and Family Well-Being Body and any terms or conditions the Tribunal considers appropriate;
(e) end the Extended Care Order and order that the Mi'kmaw child be returned to the care of a parent or caregiver;
(f) end the Extended Care Order and order that the Mi'kmaw child be placed in the care of another person; or
(g) make any other order authorized under this Tplutaqn that the Tribunal considers necessary to protect and support the Mi'kmaw child's safety, security, well-being, care, and connections.

(8) Before making an order under subsection (7), the Tribunal shall consider:

(a) whether the circumstances that resulted in the making of the Extended Care Order have changed significantly;
(b) whether ending of the Extended Care Order is in the best interests of the Mi'kmaw child;
(c) the views and preferences of the Mi'kmaw child, having regard to the child's age, maturity, and ability to express those views;
(d) the current circumstances of the Mi'kmaw child;
(e) the current circumstances of the applicant and any person proposed to care for the Mi'kmaw child;

(f) the safety, security, emotional, physical, cultural, and spiritual well-being of the Mi'kmaw child;
(g) the stability, suitability, and sustainability of the proposed care arrangement;
(h) the Mi'kmaw child's need for continuity of care and connection with family, culture, language, community, and Nation; and
(i) any other factor the Tribunal considers relevant.

(9) The Tribunal shall not end an Extended Care Order unless satisfied that ending is in the best interests of the Mi'kmaw child.

(10) Where the Tribunal is not satisfied that ending of the Extended Care Order is in the best interests of the Mi'kmaw child, the Tribunal shall reject the application and the Extended Care Order shall remain in force, subject to any order varying contact, connection, supervision, services, or supports that the Tribunal is authorized to make under this Tplutaqn.

PART 17.0 INTERIM JURISDICTION, APPEALS, AND JUDICIAL REVIEW

17.1 Interim Jurisdiction of the Supreme Court of Nova Scotia

(1) Until such time as the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq establishes its own Mi'kmaw child and family well-being court, tribunal, appeal body, Ilaptmn review body, or equivalent adjudicative body further to its inherent jurisdiction, the Supreme Court of Nova Scotia shall, through agreement, hear and determine child and family well-being matters involving Mi'kmaw children, on and off reserve, throughout the province of Nova Scotia, further to the Maw-Kleyu'kik Kikmanaq Tplutaqn.

(2) This adjudication shall be exercised in a manner that:

(a) applies this Tplutaqn to all child and family well-being matters before the court;
(b) respects the cultural, legal, and familial practices of the Mi'kmaq of Nova Scotia; and
(c) incorporates Mi'kmaw responsibilities, customs, and decision-making protocols to the fullest extent possible.

(3) The interim involvement of the Supreme Court of Nova Scotia under this section shall cease upon formal notification by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq that its own Mi'kmaw child and family well-being court, tribunal, appeal body, or equivalent adjudicative body is operational and ready to assume full jurisdiction and authority under this Tplutaqn.

17.2 Appeals

(1) A party to a proceeding or hearing under this Tplutaqn may appeal a final order or decision made under this Tplutaqn only in accordance with this section, any regulations

made under this Tplutaqn, and any appeal procedures established by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq.

(2) A notice of appeal shall be filed within 30 business days after the date the final order or decision is made.

(3) The appeal body may extend the time for filing a notice of appeal where it is satisfied that:

(a) there is a reasonable explanation for the delay;
(b) the appeal raises an arguable ground of appeal under subsection (7);
(c) no party will suffer undue prejudice because of the extension; and
(d) extending the time is consistent with the best interests of the Mi'kmaw child.

(4) A party who files a notice of appeal shall serve the notice of appeal on the other parties, the Responsible Child and Family Well-Being Body, and any other person directed by the appeal body, within the time required by the applicable appeal procedures.

(5) Unless the appeal body orders otherwise, filing an appeal does not stay or suspend the order or decision under appeal.

(6) A party may apply to the appeal body for a stay of the order or decision under appeal, and the appeal body may grant a stay on any terms or conditions it considers appropriate, only where the stay is consistent with the safety, security, well-being, and best interests of the Mi'kmaw child.

(7) An appeal may be brought only on one or more of the following grounds:

(a) the decision-maker made an error of law;
(b) the decision-maker erred in the interpretation or application of this Tplutaqn, or an applicable principle under this Tplutaqn;
(c) the decision-maker made a palpable and overriding error of fact;
(d) the decision-maker made an error of mixed fact and law that materially affected the decision;
(e) new evidence relating to events occurring after the Tplutaqn order; or
(f) any other ground of appeal expressly authorized by this Tplutaqn or the appeal procedures established under it.

(8) An appeal shall not be brought only because a party disagrees with the outcome of the proceeding or seeks to have the appeal body reweigh the evidence, unless one or more grounds of appeal under subsection (7) are established.

(9) Appeals under this Tplutaqn shall be heard by the Mi'kmaw Appeal Tribunal, or by any other appeal court, tribunal, panel, or equivalent adjudicative body established by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq further to its inherent jurisdiction.

(10) Until the Mi'kmaw Appeal Tribunal, or other Mi'kmaw appeal body established under subsection (9) is operational and ready to assume appeal jurisdiction, an appeal from an

order or decision made by the Supreme Court of Nova Scotia under this Tplutaqn may be brought to the applicable provincial appellate court in accordance with provincial appeal procedures, subject to this Tplutaqn.

(11) Where any provincial appeal rule, procedure, or requirement is in direct conflict with an express provision of this Tplutaqn, the provision of this Tplutaqn shall apply and take precedence to the fullest extent permitted by law.

(12) In hearing an appeal under this section, the appeal body shall interpret and apply this Tplutaqn in a manner that:

(a) respects this Tplutaqn, Mi'kmaw responsibilities, customs, values, language, culture, and decision-making protocols;
(b) gives primary consideration to the safety, security, well-being, and best interests of the Mi'kmaw child;
(c) supports the Mi'kmaw child's connection to family, community, culture, language, territory, and Nation; and
(d) advances the purpose, spirit, and intent of this Tplutaqn.

(13) On hearing an appeal, the appeal body may:

(a) reject the appeal;
(b) allow the appeal;
(c) vary the order or decision;
(d) set aside the order or decision and substitute another order or decision that could have been made under this Tplutaqn;
(e) refer the matter back for rehearing or reconsideration with any directions the appeal body considers appropriate; or
(f) make any other order authorized under this Tplutaqn that is necessary to protect and support the safety, security, well-being, care, and connections of the Mi'kmaw child.

17.3 Mi'kmaw Ilaptmn Review

(1) A Mi'kmaw Ilaptmn Review is concerned with whether a decision was made in accordance with this Tplutaqn, within the authority of the decision-maker, and in a manner that was fair and reasonable in the circumstances. It is not a rehearing of the matter.

(2) For greater certainty, the applicable processes referred to in this section include any process provided by:

(a) the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq;
(b) this Tplutaqn;
(c) the regulations made under this Tplutaqn;
(d) the published rules, procedures, or practice directions of the Mi'kmaw Tribunal; or
(e) the published rules, procedures, or practice directions of the Mi'kmaw Appeal Entity.

(3) An application for judicial review shall not be used as a substitute for an appeal, reconsideration, rehearing, or other process available under this Tplutaqn, and shall not be brought only because a party disagrees with the outcome of a decision.

(4) In any application for judicial review involving a decision made under this Tplutaqn, the reviewing court shall be asked to interpret and apply this Tplutaqn in a manner that respects:

(a) the inherent jurisdiction of the Mi'kmaq of Nova Scotia over Mi'kmaw children and families;
(b) Mi'kmaw responsibilities, customs, values, language, culture, and decision-making protocols;
(c) the authority of the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq; and
(d) the purpose, spirit, and intent of this Tplutaqn.

(5) Unless otherwise ordered by the Mi'kmaq Tribunal, the Mi'kmaq Appeal Entity, or a court of competent jurisdiction, a decision or order made under this Tplutaqn remains in force while an application for judicial review is pending.

17.4 Refusal to Consent to Medical Treatment

(1) Where a Mi'kmaw child is in the care of their parent(s) or caregiver(s) who refuses to consent to the provision of necessary medical or other recognized remedial care or treatment that is considered essential by two duly qualified medical practitioners for the preservation of life, limb, or vital organs of a child, and the Responsible Child and Family Well-Being Body is notified of the matter, the Responsible Child and Family Well-Being Body shall apply to the Tribunal immediately for a hearing.

(2) Where an application is made further to subsection (1), the Tribunal shall hear the matter as soon as possible upon such notice to the parent(s) or caregiver(s) as is practical.

(3) The parties to the proceeding are the Responsible Child and Family Well-Being Body, the parent(s) or caregiver(s), and such other persons as the Tribunal may order.

(4) Upon hearing the matter, the Tribunal may make an order,

a) rejecting the matter;
b) authorizing the provision of proper medical or other recognized remedial care or treatment that is considered essential by two duly qualified medical practitioners for the preservation of life, limb or vital organs, or the prevention of unnecessary suffering of the child;
c) prohibiting the parent(s) or caregiver(s), or any other person, from obstructing the provision of the care or treatment ordered under paragraph (b);
d) requiring the parent(s) or caregiver(s), to deliver the child to the place where the care or treatment will be provided; or

e) including any other terms, including the duration of the order, that the Tribunal considers necessary.

(5) The Tribunal may confirm, vary, rescind or end an order made under subsection (4) upon the application of a party.

PART 18.0 WIKŁMANEJ KIKMANAQ FAMILY GROUP CIRCLE

18.1 Principles

(1) For many Mi'kmaq, the circle is a powerful symbol of connectivity and wholeness. It reflects a communal way of life rooted in balance, harmony, and well-being and emphasizes strong connections within the Mi'kmaw community and the nurturing of healthy families. The circle also represents a process of restoration, including repairing relationships, fostering accountability, and using restorative practices that honour traditional ways of resolving conflict and sustaining relational well-being.

(2) The circle concept is inherent in the cultural fabric of the Mi'kmaq and is reflective of Mi'kmaw traditional practices, including *wikamou* (community consensus in decision-making), *Wi'kupaltimk,* (a ceremony of reconciliation), and *mawi apoqnamatimk,* (the shared responsibility of family and the community in coming together to help and support one another).

18.2 Wikŀmanej Kikmanaq Family Group Circle Role

(1) The Wikŀmanej Kikmanaq Family Group Circle is a voluntary traditional Mi'kmaw process that reflects Mi'kmaw values, customs, traditions, and ways of knowing. It brings together families and community supports to strengthen relationships, support collaborative decision-making, and promote the well-being of Mi'kmaw children and families.

(2) The Wikŀmanej Kikmanaq Family Group Circle process may be used at any stage of a child and family well-being matter by the Responsible Child and Family Well-Being Body, a parent or caregiver, a child, a carer, or any other person whose participation may assist in addressing the safety and well-being of a Mi'kmaw child, where appropriate and consistent with the best interests of the Mi'kmaw child.

(3) Mi'kmaw children and families may have family members, Elders, Knowledge Holders, community supports, leadership, and professionals within their circles who are willing to help and who can be brought together through a Wikŀmanej Kikmanaq Family Group Circle to assist and support Mi'kmaw children and families in need. Where an Elder participates in a Circle, section 9.3 respecting Elder Support applies.

PART 19.0 NOTICE PROVISIONS

19.1 Notice of Significant Measures

(1) Insofar as it is consistent with the best interests of the Mi'kmaw child and it is safe to do so, before taking any significant measure in relation to the child, the Responsible Child and Family Well-Being Body must provide notice of the significant measure to the child's parent(s) or caregiver(s), as well as to the Chief of the First Nation Band to which the child belongs, except where this Tplutaqn authorizes immediate action without prior notice to protect the safety, security, and well-being of a Mi'kmaw child.

19.2 Notice of Hearing

(1) Notice of a family preservation proceeding that is to be heard by the Tribunal shall be served on any person or entity entitled to receive notice of the hearing at least five days prior to the scheduled hearing date.

(2) Notice shall be provided through the following means:

a) personal service; or
b) a method of service authorized by the Tribunal

(3) The contents of the notice shall include:

a) the date, time, and location of the hearing;
b) the purpose of the hearing and key matters to be addressed;
c) the rights of the interested parties, including legal representation; and
d) instructions on how to participate in the hearing.

(4) Where the Responsible Child and Family Well-Being Body is unable, after making reasonable efforts, to serve a person or entity entitled to receive notice under this section, the Responsible Child and Family Well-Being Body may apply to the Tribunal for an order waiving notice, shortening the time for notice, or authorizing another method of notice.

(5) The Tribunal may make the order if satisfied that reasonable efforts to provide notice have been made and that proceeding without notice, or with modified notice, is consistent with the best interests, safety, security, and well-being of the Mi'kmaw child.

(6) In cases of emergency, where immediate action is required to safeguard the Mi'kmaw child's safety, security, or well-being, the Tribunal may waive or vary the notice requirement.

19.3 Notice of Hearing Requirements

(1) The Responsible Child and Family Well-Being Body must ensure that the Notice of Hearing does not contain personal information about the Mi'kmaw child, parent(s) or caregiver(s), or a member of the child's family, other than information that is necessary to

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explain the proposed Responsible Child and Family Well-Being Body application to the Tribunal.

(2) The Responsible Child and Family Well-Being Body must provide supporting documentation along with the Notice of Hearing to any person identified as having party status.

(3) The Chief of the Mi'kmaw First Nation Band of the community to which the Mi'kmaw child belongs, or is known to belong, is entitled to receive the same Notice of Hearing, but without the supporting documentation.

(4) The Chief of the Mi’kmaw First Nation Band of the community to which the Mi’kmaw child belongs or is known to belong is not a party to the proceeding.

(5) Notice may be served upon the Mi'kmaw community's Band Designate if requested by the Chief, and the Chief or Band Designate:

(a) may be present at any hearing;
(b) may be represented by legal counsel;
(c) may make submissions to the Tribunal respecting Mi'kmaw responsibilities, customs, culture, community connections, identity, belonging, collective interests, and the relationship of the child to the Mi'kmaq; and
(d) shall take no further part in the proceeding without leave of the Tribunal.

(6) If the carer of the child is a family placement, specifically a customary carer or a kinship foster carer, and either the Responsible Child and Family Well-Being Body or the Tribunal determines that it is in the best interests of the Mi’kmaw child, Notice of Hearing at any stage of a family preservation proceeding should be provided to that carer.

(7) Notice of Hearing at any stage of a family preservation proceeding should not be provided to those non-kinship foster carers whose sole connection to the child is by way of a family preservation placement made by the Responsible Child and Family Well-Being Body.

(8) A third party may apply to the Tribunal to be added to a family preservation proceeding and, if granted, shall thereafter receive Notice of Hearing.

(9) The Responsible Child and Family Well-Being Body shall provide the Tribunal documentation of how and when the Notice of Hearing was provided, as well as documentation if providing such Notice was not safe or possible.

19.4 Parties to Proceeding

(1) Parties to a family preservation proceeding shall include:

a) the Responsible Child and Family Well-Being Body;
b) the child’s parent(s) or caregiver(s);

c) the Mi’kmaw child, where the child is twelve years of age or older, unless the Tribunal otherwise orders; and
d) a third party added at any stage in the proceeding further to an order of the Tribunal.

(2) Where the identity or whereabouts of either of the parent(s) or caregiver(s) are unknown to the Responsible Child and Family Well-Being Body, the Tribunal shall inquire of each party to the proceeding in an attempt to ascertain the identity or whereabouts of the parent(s) or caregiver(s).

(3) Where more than one person is identified as a possible parent or caregiver, each such person shall be served with notice.

19.5 Mi’kmaw child as Party and Children’s Advocate

(1) A Mi'kmaw child who is twelve years of age or older may request to be made a party to a proceeding unless the Tribunal otherwise orders, and if made a party, shall be represented by a Children's Advocate appointed by the Tribunal for the purposes of the proceeding.

(2) A Mi'kmaw child who is sixteen years of age or older and is a party to a proceeding shall be offered the opportunity to retain legal counsel. Where the child declines to retain legal counsel, the child may continue to be represented by a Children's Advocate.

(3) Where a Mi'kmaw child who is sixteen years of age or older is a party to a proceeding but is unable to instruct legal counsel, the Tribunal shall appoint a Children's Advocate for the child.

(4) Where a Mi'kmaw child who is under twelve years of age has demonstrated sufficient maturity and wishes their views and preferences to be known to the Tribunal, the Tribunal may, upon application by the child or on its own motion at any stage of the proceeding, order that the child be made a party to the proceeding and appoint a Children's Advocate for the child.

(5) The Tribunal may appoint a Children's Advocate at any stage of a proceeding where the Tribunal is satisfied that the appointment is in the best interests of the child.

(6) A Children’s Advocate must be represented by legal counsel.

(7) The Tribunal may discharge or replace a Children’s Advocate on the motion of a party.

(8) A Children's Advocate appointed under this section shall:

(a) meet with and communicate with the child, where appropriate;
(b) explain the nature of the proceeding and the child's role in the proceeding in a manner appropriate to the child's age, maturity, understanding, and circumstances;

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(c) provide a report on the child's views and preferences to the Tribunal prior to hearing dates where those views and preferences can reasonably be determined, and provide their independent recommendations on what is in the child's best interests;
(d) assist the child in participating meaningfully in the proceeding;
(e) advocate for the child's rights, interests, safety, security, and well-being; and
(f) perform any additional duties directed by the Tribunal that are consistent with this Tplutaqn.

(9) A Children's Advocate shall act independently and in a manner that promotes the meaningful participation of the child in the proceeding and shall not be subject to the direction or control of any party to the proceeding.

(10) A person appointed as a Children's Advocate shall possess the knowledge, skills, training, or experience that the Tribunal considers appropriate having regard to the age, circumstances, culture, language, and needs of the child and the nature of the proceeding.

PART 20.0 PLACEMENT OF A MI'KMAW CHILD

20.1 Mi'kmaw Child Placement Principles

(1) This Tplutaqn will be administered and interpreted in accordance with the following principles with regard to the placement of a Mi'kmaw child when they are unable to live with their parent(s) or caregiver(s):

(a) when a Mi'kmaw child is no longer able to live with their parent(s) or caregiver(s), the child and the parent(s) or caregiver(s) should, where appropriate and consistent with the best interests of the Mi'kmaw child, be meaningfully involved in decisions regarding the child's placement. The views and preferences of the child and their parent(s) or caregiver(s) shall be considered when applying the placement priorities under section 20.2.
(b) grandparents, Godparents, and other family members can have a significant role in caring for a Mi'kmaw child when the child's parent(s) or caregiver(s) are unable to; and
(c) significant others of a Mi'kmaw child can be considered relatives or family and can play a role in caring for a child when the child's parent(s) or caregiver(s) are unable to.

20.2 Priority of Placement

(1) Consistent with the safety and best interests of a Mi'kmaw child, consideration of placement options shall occur in the following order of priority:

(a) with one of the child's parent(s) or caregiver(s);
(b) with another adult member of the child's family;

(c) with an adult who belongs to the same Mi'kmaw community as the child;
(d) with an adult who belongs to a Mi'kmaw community other than the one to which the child belongs;
(e) with an adult who belongs to an Indigenous community and to whom the child has a connection; or
(f) with another adult.

20.3 Placement With or Near Siblings or Other Children

(1) When applying the placement priorities under section 20.2, significant consideration shall be given to placing a Mi'kmaw child with siblings or with children who are otherwise members of the child's family, where doing so is consistent with the best interests of the Mi'kmaw child.

20.4 Customs and Traditions

(1) The placement of a Mi'kmaw child under section 20.2 shall take into account the customs and traditions of Mi'kmaw peoples and their communities, such as Mi'kmaw customary care and Mi'kmaw customary adoption.

20.5 Family Unity and Reunification of a Mi'kmaw child

(1) In the context of a Mi'kmaw child who has been temporarily removed from the care of their parent(s) or caregiver(s), the Responsible Child and Family Well-Being Body shall conduct ongoing reassessments of risk, at least every ninety days to determine whether it would be in the best interests of the child to be placed with:

(a) the child's parent(s) or caregiver(s); or
(b) with another adult member of the child's family,
if the child does not already reside with either.

20.6 Attachment and Emotional Ties

(1) In the context of a Mi'kmaw child who has been removed from the care of their parent(s) or caregiver(s), the child's attachment and emotional ties to their parent(s) or caregiver(s) and other family members must be promoted to the extent that doing so is consistent with the best interests of the Mi'kmaw child.

(2) Where a Mi'kmaw child is removed from the care of their parent(s) or caregiver(s) and is not placed with a parent, caregiver, or another adult member of the child's family in accordance with the placement priorities under section 20.2, active efforts shall be made as early as possible to preserve, promote, and strengthen the child's attachment and emotional ties to their parent(s), caregiver(s), family, community, and Nation, to the extent that doing so is consistent with the best interests of the Mi'kmaw child.

20.7 Temporary Care and Extended Care Placements

(1) The Responsible Child and Family Well-Being Body having Temporary Care or Extended Care of a Mi'kmaw child may determine an appropriate placement for the child.

20.8 Customary Care Placement

20.8.1 Principles

(1) The care, safety, and well-being of a Mi'kmaw child are a collective responsibility that extends beyond the family to the Mi'kmaw community as a whole.

(2) A customary care placement must ensure the safety, security, and well-being of the Mi'kmaw child, meet the needs of the child, maintain continuity of family relationships and contact, and preserve the child's connection to culture, traditions, language, and identity.

20.9 Customary Care Placement

(1) A customary care placement may be used by the Responsible Child and Family Well-Being Body when a Mi'kmaw child cannot be safely supported in the care of their parent(s) or caregiver(s) as a result of family preservation involvement. Whenever possible and with the consent and collaboration of the parent(s) or caregiver(s), the Responsible Child and Family Well-Being Body shall make active efforts to arrange a customary care placement.

(2) The customary carer must consent to the customary care placement.

(3) In determining a customary care placement, the Responsible Child and Family Well-Being Body shall consider the views and preferences of the Mi'kmaw child, giving due weight to those views and preferences having regard to the child's age, maturity, circumstances, and ability to express them.

(4) In arranging a customary care placement, the Responsible Child and Family Well-Being Body shall apply the placement priorities under section 20.2 of this Tplutaqn, unless doing so would be inconsistent with the best interests of the Mi'kmaw child.

(5) In a customary care placement, the customary carer has day-to-day care and ordinary decision-making responsibility for the Mi'kmaw child, including decisions necessary for the child's daily care unless otherwise limited by an agreement, order, or this Tplutaqn.

(6) The Responsible Child and Family Well-Being Body has the responsibility for any supervision required under the applicable agreement or order.

(7) The Responsible Child and Family Well-Being Body has the responsibility for decisions respecting contact and connection between the child and the child's parent(s) or

caregiver(s), and for any change to the placement, where those matters fall within the authority of the Responsible Child and Family Well-Being Body or the Tribunal.

(8) If the parent(s) or caregiver(s) wish to vary their contact and connection with their child, and the Responsible Child and Family Well-Being Body does not agree, they may make an application to the Tribunal for determination.

(9) A customary care placement may be established by agreement between the parent(s) or caregiver(s) and the Responsible Child and Family Well-Being Body ("Customary Care Agreement"), or by order of the Tribunal ("Customary Care Order"), in accordance with this Tplutaqn.

20.10 Mi'kmaw Youth and Young Adults Transitioning to Independence Support

20.10.1 Principles

(1) Mi'kmaw youth and young adults transitioning out of the care of the Responsible Child and Family Well-Being Body's are more likely to achieve successful independence when they receive culturally informed, wholistic, and sustained support as they journey to adulthood. This is best achieved by engaging them in planning for their future and providing the services and supports they need to develop the skills, community connections, and support networks that will best achieve positive outcomes.

(2) The services and supports provided to Mi'kmaw youth and young adults must respect Mi'kmaw culture, customs, and traditions, while recognizing that youth or young adults and their families may have different levels of connection to Mi'kmaw culture, customs, and traditions and, where appropriate and guided by the youth or young adult, support meaningful opportunities for connection or reconnection.

20.11 Transitioning out of care

20.11.1 Principle

(1) Mi'kmaw youth and Mi'kmaw young adults in the Extended Care of the Responsible Child and Family Well-Being Body have the right to ongoing opportunities to strengthen and maintain, or where appropriate re-establish, connections to Mi'kmaw language, culture, customs, traditions, community, and Nation, in ways that are meaningful to them.

20.12 Transitioning Supports

(1) Transitioning supports are available to Mi'kmaw youth and young adults before their Extended Care Order ends and during the transition to independence.

(2) Transitioning supports may include, but are not limited to, housing advocacy, mentorship, employment, skills development, and access to culturally grounded health and wellness supports.

(3) With the consent of the youth or young adult, Elders, Knowledge Holders, and trusted community members may be invited to support transition through guidance, cultural teachings, and mentorship.

20.13 Post-Majority Care Services and Supports Provision

(1) Post-Majority Supports are the services and supports, including living arrangements, provided by Nova Scotia Mi'kmaw First Nation Bands to assist young adults in working toward successful independence who are no longer in the Extended Care of the Responsible Child and Family Well-Being Body. Post-Majority Supports are ordinarily available to young adults from 19 to 26 years of age, in accordance with each Band's programming, policies, and funding.

(2) Where a young adult's First Nation Band does not offer Post-Majority Supports, or the Band's Post-Majority Supports program is not operational at the time the young adult leaves care, the Responsible Child and Family Well-Being Body may provide Post-Majority Supports contingent on available funding, to ensure that the young adult does not experience a gap in services. The Responsible Child and Family Well-Being Body's involvement is limited to these circumstances and does not replace or supersede Band-delivered Post-Majority Supports programming.

PART 21.0 SECURE TREATMENT

21.1 Principle

(1) There may be times when a Mi'kmaw child ~~or any child~~, who is in the Temporary Care or Extended Care of the Responsible Child and Family Well-Being Body, is suffering from an emotional or behavioural disorder or requires protection from significantly dangerous or harmful situations, such as human trafficking, and may require placement in specialized, safe, and secure care for protection or treatment. Placing a Mi'kmaw child in such an environment should only be considered where there is no other reasonable and less intrusive way to protect the child's safety, security, and well-being or address the circumstances giving rise to the need for secure treatment.

21.2 Incorporation of Secure Treatment Provisions

(1) The provisions respecting secure treatment contained in sections 55 through 60 of the *Children and Family Services Act*, SNS 1990, c 5 ("CFSA"), as amended from time to time, are hereby incorporated by reference into this Tplutaqn and apply to Mi'kmaw children, youth, parent(s) or caregiver(s), and agencies operating under this Tplutaqn.

(2) This incorporation is an interim measure and remains in effect only until such time as the Mi’kmaq of Nova Scotia develop and enact their own secure treatment system, processes, and legislation grounded in Mi’kmaw values, jurisdiction, and inherent rights.

(3) The application of these provisions shall not be interpreted as limiting or diminishing Mi’kmaw jurisdiction to create their own independent secure treatment system.

(4) For the purposes of applying sections 55–60 of the CFSA within this Tplutaqn, a reference to an “agency” shall be read as a reference to the Responsible Child and Family Well-Being Body.

(5) All secure treatment procedures and processes must be carried out in a manner that upholds:

(a) the inherent rights of Mi’kmaw children;
(b) Mi’kmaw cultural, linguistic, and spiritual identity; and
(c) the child’s ongoing relationship with family, community, and Nation.

(6) If a conflict arises between the incorporated CFSA provisions and any Mi’kmaw culturally-specific provision of this Tplutaqn, the interpretation that best supports the well-being, safety, cultural continuity, and inherent rights of the Mi’kmaw child shall prevail.

(7) Amendments to sections 55–60 of the CFSA made by the Province of Nova Scotia are deemed to be automatically incorporated into this Tplutaqn without further enactment unless and until the Mi’kmaq provide otherwise in their own secure treatment legislation or in an amendment to this Tplutaqn.

PART 22.0 MI’KMAW CUSTOMARY ADOPTIONS

22.1 Purpose and Recognition

(1) Customary adoption is a lawful and longstanding exercise of Mi'kmaw responsibility, custom, legal order, family governance, and jurisdiction.

(2) A Customary adoption arising under Mi'kmaw responsibilities, customs, traditions, or practices is valid and recognized for the purposes of this Tplutaqn and does not depend for its force, validity, or legitimacy on provincial law, a provincial court, or any other external authority.

(3) For greater certainty, where it is reasonably necessary to support the well-being of a child or family, steps may be taken to have a Customary adoption recognized, registered, recorded, or administratively accepted by another jurisdiction, government body, service provider, or institution. Any such step is confirmatory only and does not create the adoption or determine its validity.

22.2 Definition

(1) In this Tplutaqn, "customary adoption" means the Mi'kmaw practice of voluntarily transferring the ongoing primary responsibility for a Mi'kmaw child from birth parent(s) or caregiver(s) to customary chosen parent(s) in accordance with Mi'kmaw responsibilities and customs under the authority of the Band exercising jurisdiction in respect of the adoption.

(2) A customary adoption may take different forms, including permanent, open, shared, or other arrangements recognized by Mi'kmaw customs. The rights, responsibilities, relationships, and obligations arising from a customary adoption shall be determined in accordance with Mi'kmaw customs and the best interests of the child and are not required to mirror adoption under provincial law.

22.3 Guiding Principles

(1) All decisions concerning customary adoption shall be guided by:

(a) the inherent dignity and sacred worth of the child;
(b) the child's right to belonging, identity, language, culture, kinship, family, community, and Nation;
(c) the importance of maintaining and restoring family and community relationships wherever consistent with the best interests of the child;
(d) the child's views and wishes, giving due weight to the child's age, maturity, circumstances, and ability to express them;
(e) the responsibilities of parent(s) or caregiver(s), family, Elders, Knowledge Holders, community members, and Nations in the care of Mi'kmaw children; and
(f) the principle that Mi’kmaw responsibilities and customs respecting children must be interpreted in a manner that honours Mi'kmaw legal traditions and supports the continuity of Mi'kmaw families and communities.

22.4 Authority and Recognition

(1) A customary adoption may be made, witnessed, confirmed, recognized, or otherwise given effect in accordance with Mi'kmaw responsibilities, customs, traditions, practices, and the lawful processes established by the Band exercising authority in respect of the adoption.

(2) The Band exercising authority in respect of a customary adoption may establish processes respecting participation, consent, decision-making, recording, confirmation, certification, or any other matter necessary to give effect to a customary adoption in accordance with Mi'kmaw responsibilities and customs.

(3) For greater certainty, a customary adoption lawfully made and recognized in accordance with Mi'kmaw responsibilities and customs and the lawful authority of the Band exercising jurisdiction in respect of the adoption shall be recognized for the purposes of this Tplutaqn.

(4) A customary adoption is not invalid solely because it is not evidenced in writing, provided that its existence may be established in accordance with Mi'kmaw responsibilities and customs.

22.5 Legal Effects

(1) A customary adoption has the legal effects established by Mi'kmaw responsibilities and customs, and by any lawful decision, record, certificate, declaration, or confirmation respecting the adoption.

(2) Without limiting subsection (1), a customary adoption may:

- (a) place a child in the primary care of one or more customary chosen parent(s);
- (b) confirm shared responsibilities among birth parent(s), customary chosen parent(s), family members, caregiver(s), or community members;
- (c) preserve, vary, or reorganize rights and responsibilities respecting care, contact, belonging, naming, teaching, inheritance, kinship, culture, language, and family participation; and
- (d) maintain the child's ongoing relationship with birth family members, siblings, community, Nation, and cultural identity unless Mi'kmaw responsibilities and customs determine otherwise in the child's best interests.

(3) A customary adoption does not sever a Mi'kmaw child from their Mi'kmaw identity, ancestry, family, community, culture, language, or Nationhood.

22.6 Records, Certification and Evidence

(1) A Band Council Resolution, certificate, declaration, record, confirmation, or other document issued by the Band exercising authority in respect of a customary adoption may serve as evidence that a customary adoption has been made in accordance with Mi'kmaw responsibilities and customs.

(2) Any document issued under subsection (1) is declaratory of a legal relationship arising under Mi'kmaw responsibilities and customs and does not create the adoption.

(3) A document issued under subsection (1) may, where appropriate, set out:

- (a) the child's name;
- (b) the persons recognized as customary chosen parent(s);
- (c) the date on which the adoption took effect;
- (d) any terms respecting care, decision-making, contact, belonging, cultural connection, or family relationships; and
- (e) any limits on disclosure necessary to protect privacy, dignity, cultural integrity, or the well-being of the child.

22.7 Non-Derogation and Interpretation

(1) This Part shall be interpreted in a manner that upholds the status, continuity, and authority of Mi'kmaw responsibilities and customs, and shall not be construed so as to abrogate or derogate from the Aboriginal and treaty rights of the Mi'kmaq, including the rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

(2) Where there is ambiguity in the interpretation of this Part, the interpretation that best protects the child's belonging to Mi'kmaw family, community, Nation, culture, language, and legal order shall be preferred.

22.8 Alternative Adoption Processes

(1) This Tplutaqn applies only to Mi'kmaw customary adoptions. Any person who does not wish to participate in a Mi'kmaw customary adoption may pursue an adoption through any other lawful process available outside of this Tplutaqn, including processes established under provincial, federal, or international law.

PART 23.0 CHILD ABUSE REGISTER

23.1 Incorporation of Child Abuse Register Provisions

(1) The provisions respecting the Child Abuse Register contained in sections 63 through 66 of the *Children and Family Services Act*, SNS 1990, c 5 ("CFSA"), together with all statutory and regulatory provisions governing its maintenance, access, and use, are incorporated by reference into this Tplutaqn and apply to all proceedings, decisions, and screenings conducted under this Tplutaqn.

(2) For the purposes of this Tplutaqn, the Child Abuse Register shall be used for:

(a) determining whether a Mi'kmaw child may be in need of family preservation involvement or other child and family well-being services under this Tplutaqn; and
(b) screening prospective customary and foster carers, adoptive parents, staff, volunteers, and any other individuals who may work with or care for Mi'kmaw children, in accordance with provincial practice, including the Register's function of identifying persons convicted of abusing children.

(3) For the purposes of applying the Child Abuse Register provisions under this Tplutaqn, a reference in the CFSA or regulations to an "agency" shall be read as a reference to the Responsible Child and Family Well-Being Body.

(4) Any amendment to the statutory or regulatory framework governing the Child Abuse Register is automatically incorporated into this Tplutaqn without further enactment.

PART 24.0 GENERAL

24.1 Binding Provision

(1) This Tplutaqn is binding on all persons, bodies, entities, and decision-makers exercising powers, performing duties, or carrying out functions or responsibilities under this Tplutaqn.

24.2 Protection from Liability

(1) Subject to subsection (2), no action lies against the Responsible Child and Family Well-Being Body, its Directors, officers, employees, or a person acting at the request of the Responsible Child and Family Well-Being Body, in relation to anything done or omitted to be done in good faith in the exercise or performance, or intended exercise or performance, of an authority, duty, or function conferred under this Tplutaqn or the regulations.

(2) Subsection (1) does not apply to acts or omissions that constitute gross negligence, wilful misconduct, or bad faith.

24.3 Indemnification

(1) The Responsible Child and Family Well-Being Body shall indemnify the following individuals against reasonable costs, charges, and expenses, such as settlements or judgments incurred due to civil, criminal, or administrative proceedings related to their roles within the Responsible Child and Family Well-Being Body, provided they acted honestly, in good faith, and in the best interests of the Responsible Child and Family Well-Being Body:

   (a) current or former Directors or officers of the Responsible Child and Family Well-Being Body;
   (b) individuals acting or who have acted at the request of the Responsible Child and Family Well-Being Body;
   (c) current or former employees of the Responsible Child and Family Well-Being Body, unless they fail to act honestly, in good faith, or in the Responsible Child and Family Well-Being Body’s best interests; and
   (d) the heirs, estates, and trustees of persons listed in paragraphs (a) to (c).

(2) In cases involving monetary penalties, indemnification applies if the individual had reasonable grounds to believe their actions were lawful.

(3) The Responsible Child and Family Well-Being Body shall not grant indemnities beyond those authorized in subsection (1).

24.4 Prohibitions to Protect the Safety and Well-Being of the Child

(1) A person must not:

(a) induce or attempt to induce a Mi'kmaw child or youth to leave a placement entrusted with the care of the child or youth under this Tplutaqn.
(b) remove or attempt to remove a Mi'kmaw child or youth unlawfully from the care, control, or charge of the Responsible Child and Family Well-Being Body.
(c) knowingly shelter, conceal, or keep a Mi'kmaw child or youth away from a placement or from the Responsible Child and Family Well-Being Body, unless doing so is necessary to protect the immediate safety of the child or youth and the person promptly contacts the Responsible Child and Family Well-Being Body or another appropriate safety support.

(2) A contravention of this section may be addressed or enforced in accordance with section 24.7.

24.5 Prohibition on Publication

(1) No person shall publish or make public any information, including posting on social media, that could reasonably identify a Mi'kmaw child involved in a Mi'kmaw child and family well-being matter, whether the child is a witness or a participant in a hearing, or the subject of a proceeding under this Tplutaqn. This prohibition also applies to information that could reasonably identify the child's parent, caregiver, carer, family member, or relative of the child.

(2) A contravention of this section may be addressed or enforced in accordance with section 24.7.

24.6 Enforcement of Tplutaqn

(1) Except where consequences or penalties are specifically provided for in subsections 10.6(1), (2), or (3), and in subsections 11.11(8) and (9), the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq may enforce this Tplutaqn in a manner guided by Mi'kmaw customs, culture, practices, values, and community standards, including through restorative justice approaches that support repair, accountability, and the well-being of children, families, and communities, and may include community-based dispute resolution, mediation, facilitated dialogue, circles, recommendations, education, corrective measures, or other culturally appropriate responses consistent with this Tplutaqn.

24.7 Confidentiality of Personal Information and Privacy

(1) The purpose of this section is to protect the confidentiality of information relating to Mi'kmaw children and families involved in Mi'kmaw child and family well-being matters. It applies to all parties, including government agencies, service providers, and any other entities or individuals who have access to such information.

(2) Confidential information includes, but is not limited to, personal data, case files, medical records, educational records, and any other information that identifies or could potentially

identify a Mi’kmaw child or family.

(3) All personal information collected, used, or disclosed under this Tplutaqn shall be treated as confidential and shall not be disclosed to any person except as permitted by this Tplutaqn or with the informed consent of the individual to whom the information pertains. This includes implementing appropriate security measures and protocols to safeguard such information.

(4) Confidential information shall only be used for purposes directly related to the well-being and protection of the child and family involved.

(5) Confidential information may only be disclosed to individuals or entities who have a legitimate need to know and are directly involved in child and family well-being matters, such as legal representatives, social workers, and authorized government officials.

(6) Notwithstanding any other provision of this Tplutaqn, confidential information may be disclosed without consent where the disclosure is necessary and proportionate to protect the safety and well-being of a child. Any such disclosure must be limited to the minimum information necessary to achieve that purpose and must be carried out in a manner that reduces the risk of identifying the child or others, including by anonymizing or minimizing identifying details wherever possible.

(7) Confidential information may be disclosed where disclosure is required by law, court order, subpoena, summons, warrant, or other lawful requirement. The disclosure must be limited to the information required by the lawful requirement and, where appropriate, the person or entity disclosing the information must take reasonable steps to protect the confidentiality of the information, including seeking directions from the court or issuing authority, requesting sealing, redaction, anonymization, publication bans, or other protective measures where necessary to protect the identity, safety, privacy, or well-being of a Mi’kmaw child, family member, or other person.

(8) Any breach of confidentiality must be reported immediately to the Responsible Child and Family Well-Being Body and, where applicable, to any other person, body, or authority responsible for addressing the breach. The breach shall be investigated and appropriate corrective, administrative, disciplinary, legal, or restorative measures may be taken having regard to the nature of the breach, the harm caused, and the best interests of any affected Mi’kmaw child.

24.8 Computation of Time

(1) In this Tplutaqn,

(a) “Calendar day” means a day beginning at 12:00 a.m. and ending at 11:59 p.m., Atlantic Time.
(b) “Calendar month” means a period calculated from a specified day in one month to the day immediately before the same numbered day in the following month, or, if

the following month has no same numbered day, to the last day of that following month.

(c) “Business day” means a day other than a Saturday, Sunday, holiday, or a day when the office of the Tribunal is closed.

(2) Unless this Tplutaqn provides otherwise, a period stated in calendar days or calendar months includes Saturdays, Sundays, holidays, and days when the office of the Tribunal is closed.

(3) In calculating a period of time, the day on which the period begins is excluded and the last day of the period is included.

(4) If the last day of a period falls on a Saturday, Sunday, holiday, or a day when the office of the Tribunal is closed, the period ends on the next business day.

(5) If a Rule refers to a number of business days, Saturdays, Sundays, holidays, and days when the office of the Tribunal is closed are not counted.

(6) If a time limit is set in hours, it starts from the exact time of the triggering event and ends at the same time on the final day.

(7) Documents submitted electronically outside of regular business hours are deemed to be received on the next business day.

(8) Time limits in Mi’kmaw child and family well-being matters shall be interpreted and applied to ensure the prompt determination of matters affecting a child’s well-being, with priority given to timely and responsive decision-making.

(9) In circumstances where an emergency arises that directly impacts the safety or well-being of a child, any time limitation may be varied, suspended, or expedited by the Tribunal, as necessary to support immediate intervention and resolution.

24.9 Review and Amendment of the Tplutaqn

(1) This Tplutaqn may be amended through an approval process established by the Saqmaq Wjit Maw-Kleyu-kik Kikmanaq and shall, to the extent reasonably practicable in the circumstances, involve timely engagement with Participating First Nations, Elders, Knowledge Holders, and relevant community representatives, and be carried out in a manner consistent with the purposes, principles, and spirit of this Tplutaqn.

(2) The Saqmaq Wjit Maw-Kleyu’kik Kikmanaq must undertake a review of the provisions and operations of this Tplutaqn initially at the four year mark after the day on which this Tplutaqn comes into effect, and every four years thereafter.

(3) Notwithstanding subsection (2), the Saqmaq Wjit Maw-Kleyu’kik Kikmanaq may undertake an early review and amendment of this Tplutaqn, in whole or in part, where it is reasonably necessary to address urgent or unforeseen circumstances affecting the safety, well-being,

or rights of Mi'kmaw children, families, or communities, or to respond to legislative, legal, or operational requirements.

(4) Where any review or amendment is undertaken under this section 24.9, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq shall ensure that the amendment and the reasons for it are documented, and that notice of the review and amendment are provided to Participating First Nations within a reasonable time, and must make a written report to the Assembly of Nova Scotia Mi'kmaw Chiefs and post it publicly on the official Mi'kmaw Tplutaqn website no later than one year after the commencement of the review.

24.10 Report by the Responsible Child and Family Well-Being Body

(1) The Responsible Child and Family Well-Being Body must prepare an annual report for the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq that sets out an overview of its operation, analysis, conclusions, and recommendations on the provisions and operation of this Tplutaqn.

(2) The Responsible Child and Family Well-Being Body must make its annual report available to the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq and all Nova Scotia Mi'kmaq to whom this Tplutaqn applies, no later than three months after the completion of the report.

24.11 Responsible Child and Family Well-Being Body and Board of Directors

(1) The authority of the Responsible Child and Family Well-Being Body to carry out duties, authorities, services, and supports under this Tplutaqn flows from the jurisdiction, authority, purposes, and principles recognized in this Tplutaqn. The Responsible Child and Family Well-Being Body is responsible for carrying out those duties, authorities, services, and supports in a manner consistent with Mi'kmaw customs, culture, values, the best interests of Mi'kmaw children, and the purposes and principles of this Tplutaqn.

(2) The Board of Directors of the Responsible Child and Family Well-Being Body provides governance and oversight to support the Responsible Child and Family Well-Being Body in fulfilling its responsibilities under this Tplutaqn but shall not direct or interfere with decisions in individual Mi'kmaw child and family well-being matters except as expressly authorized by this Tplutaqn, regulations, policy, or applicable law.

24.12 Regulations

(1) The Saqmaq Wjit Maw-Kleyu'kik Kikmanaq may make regulations respecting any matter necessary to carry out the purposes of this Tplutaqn, including any matter that this Tplutaqn requires or authorizes to be addressed by regulation.

24.13 Provincial Mi'kmaw Transfer of Jurisdiction to Mi'kmaw Governing Authority

(1) Upon this Tplutaqn coming into effect, jurisdiction in relation to Mi'kmaw child and family well-being matters shall be governed by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq in accordance with this Tplutaqn.

(2) Effective the date this Tplutaqn comes into effect, the Province of Nova Scotia shall formally transfer to the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq, the administration and responsibility for Mi'kmaw child and family well-being jurisdiction which includes full authority and responsibility for child and family well-being services concerning Nova Scotia Mi'kmaw children and families.

(3) From the date this Tplutaqn comes into force, the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq shall have the authority to administer, regulate, and oversee all Mi'kmaw child and family well-being matters within its jurisdiction, in accordance with its laws, customs, and governance structures.

(4) Mi'kmaw children in the care or supervision of the Nova Scotia Minister of Opportunities and Social Development and the Mi'kmaw Family & Children's Services shall be transferred, along with their files, to the jurisdiction of the Mi'kmaq of Nova Scotia at the time this Tplutaqn comes into force.

(5) A Nova Scotia Mi'kmaw child in the care of an agency in a jurisdiction outside of Nova Scotia will continue with the permission of the Responsible Child and Family Well-Being Body, unless the Responsible Child and Family Well-Being Body requests the child be transferred to its jurisdiction.

(6) If the Responsible Child and Family Well-Being Body has requested the transfer to its jurisdiction of a Mi'kmaw child who is in the temporary care of a jurisdiction outside of Nova Scotia, the Responsible Child and Family Well-Being Body shall obtain the consent of the child's parent(s) or caregiver(s), where required and reasonably available. Where such consent is unavailable or another lawful authority has decision-making responsibility for the child, the transfer may proceed in accordance with the applicable order or law.

24.14 Coming into Effect

(1) This Tplutaqn will come into effect on a date determined and announced by the Saqmaq Wjit Maw-Kleyu'kik Kikmanaq.

(2) For greater certainty, notwithstanding anything in this Tplutaqn, this Tplutaqn does not apply in respect of any Mi'kmaw First Nation community in Nova Scotia until that community has ratified and adopted it.