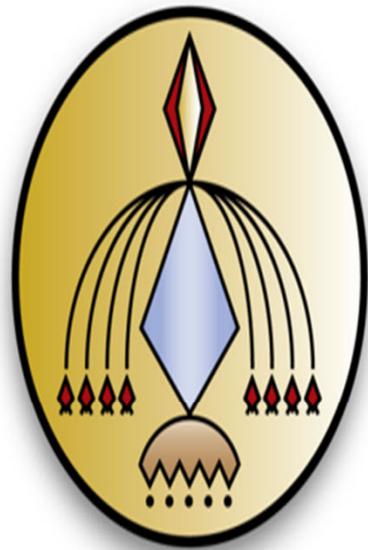


The Membertou Family Homes Law



Membertou
WELCOMING THE WORLD!

What did we do?

- Law development
- Community Involvement
- Ratification process
- Implementation Phase
- Outreach to Police; Judges and Court Staff



Law Development Process

- We were developmental under the Framework Agreement and FNLMA
 - We had until June 2016
- Received funding from First Nations Market Housing
 - Supported Community engagement
 - Supported Legal advice
- Governance Committee
- Worked with Lands Advisory Board

Community Involvement in Law Development

- Three years of engagement sessions
 - Community engagement (food and door prizes)
 - Wikipaltimk (Spring Gathering)
 - Elders
 - Youth
 - Women
 - Off reserve
 - Key staff
 - Family
 - Quarterly newsletters
 - Social Media
 - Videos

Ratification Process

- Attended COEMRP sessions learned best practices
- Communities not Successful in reaching threshold because day of vote
 - Weather
 - Funerals

Ratification Process

- Electronic voting
 - Vote-now
- Two-day in person voting
- We had 34% of our eligible voters voted (328 of 972)
- 97% voted Yes
- Membertou Family Homes Law 2016 becomes law April 30, 2016

Implementation Phase

- Community engagement
 - Created pamphlets/posters on Membertou's Family Homes Law 2016 and Emergency protections orders
- Set Notification of Law to Attorney General of NS
- Met with Cape Breton Regional Police Service
- Met with NS Family Court Judges

Forms of Dispute Resolution

- NS Supreme Court Family Divisions

Who does it apply to?

- Only to CP's owned homes
- Only to married couples where one or both are Members
 - For division of property,
 - exclusive occupation orders and
 - emergency exclusion orders.

Who does it apply to

- Applies to common-law partners and non CP owned homes only in the event of
 - Emergency exclusion orders.;
 - Exclusive occupation orders with custodial parent;
 - Other arrangement via domestic contract.

Domestic Agreements

- Members can contract out of the Membertou Family Law;
- Members can specifically state that they want their non-member spouse or common-law partner to have a life interest or the entire value of the property when they pass.

Definition of Spouse

- “spouse” means a person who:
 - (a) is married to another person, whether by a traditional, religious or civil ceremony;

Definition of Common-law

- two (2) persons who are not married to each other and who have lived together for a period of not less than five (5) years in a relationship; or
- two (2) people who live together in a relationship and who have a child or children.

Differences between Common-law and Spouses under the MFHL

- Common-law partner consent is not required to sell the family home but spousal consent is.
- Common-law couples have no right to a division of the family home or to exclusive occupation orders unless set out in a separate spousal agreement.

Survivor Rights

- In the event of the passing of the member spouse, the non-member spouse has a right to stay in the Family Home for one year and can apply to court for an extension.
- They must continue to maintain the house.
- The heirs must wait to take occupation.
- A spousal agreement can be used to give the surviving spouse a life interest.

Valuation

- When a relationship breaks down, each spouse is entitled to an amount equal to one half of the value, on the valuation date, of the **appreciation** to a CP-owned family home **from the date that the spouses became spouses.**

Latest news

- The courts have enforced a few emergency protection orders.
- No other court ruling that we are aware of.

Questions?

