



Finding Solutions

- Breakout Sessions

Session #1:

Emergency Protection Orders (EPOs) & Exclusive Occupation Orders (EOOs)

Considerations: developing practical enforcement and protection orders, dispute resolution, mediation, partnerships, dedicated judges and judicial training across Canada

1) Emergency Protection Orders & Exclusive Occupation Orders Scenario:

- Pat and Jamie are both members living in a common law relationship on the Eagle Frog First Nation. They have 2 small children. Jamie holds the Certificate of Possession for the land on which their family home is located.
- Pat and Jamie get into a heated argument. The neighbours overheard and called the police.
- This is not the first time that Pat has feared for their safety. Pat does not want to lay charges but wants Jamie to leave the house. The responding police officer did not fully understand FHRMIRA/MRP Law, and told Pat, because it was Jamie's house, that Pat needed to leave the home.
- Pat fled the home with the children and contacted the First Nation's Social Services worker. The worker knew a little bit about FHRMIRA/MRP Law and offered to assist Pat with applying for an Emergency Protection Order, so that Pat and the children could return to their family home safely.
- Pat and the social worker went to the court for assistance in filing an application for an Emergency Protection Order. Neither the Justice of the Peace nor the court clerk were familiar with the legislation, and had never heard of an EPO under FHRMIRA/MRP Law. They advised Pat to do some research on how other First Nations have been able to obtain these types of orders. This meant that Pat was unable to return to the family home and had to stay with a relative sleeping on the floor.

Session #2:

Division of Property

Considerations: spousal agreements, appraisals, interdepartmental requirements, land registry forms and records, communications

2) Division of Property Scenario:

- Kay and Phillip are both members of Little Skunk First Nation. They have been in a common-law relationship for 10 years. Their family home is on one piece of property appraised at \$100,000 (including the land). They still owe the bank \$20,000 for their Section 10 CMHC mortgage.
- There is a second piece of property that Kay received as an inheritance from her uncle. Before they could rent out the property, they made \$20,000 worth of improvements. Kay now rents out the property for \$500 a month.
- Kay and Phillip are separating. They have 2 children together and are trying to resolve their issues without involving lawyers.
- Phillip wants Kay to transfer that home to him and then she could move into the inherited property. He would then continue to pay the mortgage.
- Kay agrees but also wants \$40,000 as compensation for her contribution to the family home.

Session #3:

Estates

Considerations: FA amendments

3) Estates Scenario:

- ▶ Jiggs Stonethistle, a member of Windyway First Nation, married Darlene (a non-member.) They lived with their children in a band owned home that was originally occupied by Jigg's parents. Over the past ten years, they had made many improvements to the home in order make it their own.
- ▶ Unfortunately, Jiggs passed away unexpectedly. Darlene was left in the family home with the 3 children.
- ▶ The day after the funeral, Jiggs' sister, Fiona, started removing Darlene's belongings from the home. Fiona demanded that Darlene must leave the home, because in her opinion, she was the next in line for it within the Stonethistle family.
- ▶ Darlene wants to stay in the family home (even though she is a non-member) to raise their 3 children.
- ▶ Fiona continues to threaten Darlene to get out of "her" home.

Session #4:

Lawmaking

Considerations: Land Code / FHRMIRA, review of existing law (child protection, residency, etc), community engagement, establishing guiding principles, funding, training and organizational impacts (leadership, lands, membership, housing, etc.)

4) Creating a Matrimonial Real Property Law:

- ▶ Windyway First Nation has consulted with its community and determined that the provisional rules contained in FHRMIRA do not adequately reflect their practices and beliefs. The community consultation determined that its members and residents do not wish to be bound by the provisional federal rules and have directed Council to begin the process of enacting its own MRP Law.