

Indigenous Approaches/Original Dispute Resolution is one of the prescribed methods for Alternative Dispute Resolution (ADR) in the Child & Family Services Act of Ontario. ODR is a decision-making process for resolving disputes between a children's aid society (CAS) and the family of child(ren) who are (or may be) in need of protection. Funding from the Ministry of Child & Youth Services supports the use of ADR if a court intervention is being considered, is pending, or is in progress.

The Ministry of Children & Youth Services refers to ODR as "Aboriginal Approaches" and describes such as: "Traditional methods of dispute resolution, including circle processes, which have been established by First Nation communities or Indigenous organizations. Impartial facilitators who have no decision-making power and who are skilled in First Nation traditional methods, assist the participants in developing a plan that is supported by the participants and/or the First Nation community and addresses the protection concerns identified." This service is available for anyone identifying as Indigenous, First Nation, Métis, or Inuit.

What is ODR?

Original Dispute Resolution is a term describing ADR that draws on traditional ways of decision making, problem solving and resolving disagreements. The term ODR reflects the fact that dispute resolution has been used for generations. Today, knowledge of those traditional methods is found with the Elders and other sources of traditional knowledge. Respectfully accessing their wisdom and guidance, an Indigenous community can develop ODR methods grounded in local traditional practices and in harmony with community needs and priorities.

Why use ADR or ODR?

The goal is to give the CAS and the family a time and place to discuss their different viewpoints on the children's care, so they don't end up in a courtroom asking a judge to make the decisions. Using ADR/ODR may have these advantages:

- everyone "has their say" and is listened to with respect
- it may speed up the planning process so children aren't left "in limbo" for so long
- it may improve the relationship between CAS workers and the families, so they can focus more effectively on the needs of the children
- the final plan is culturally appropriate and involves the entire family and community
- people are more likely to follow through with a plan they had a role in creating

Everyone wants the same thing: that children are safe. ADR/ODR helps people focus on that common goal and not get bogged down arguing about past disagreements.



Who can use Indigenous Approaches/ODR?

ADR-LINK is funded by the Ministry of Children & Youth Services to support each First Nation within our region to develop their own ADR/ODR methods. Those communities are:

- Aamjiwnaang First Nation (Chippewas of Sarnia)
- Caldwell First Nation
- Chippewas of Nawash First Nation
- Chippewas of Kettle & Stony Point First Nation
- Chippewas of the Thames First Nation
- Delaware Nation Moravian of the Thames
- Munsee Delaware Nation
- Oneida Nation of the Thames
- Saugeen First Nation
- Walpole Island First Nation

Is this only for families living on reserve?

No, ODR could also be used by anyone identifying as Indigenous, First Nation, Métis, or Inuit who live in other parts of the South West Region (Bruce-Grey, Chatham-Kent, Elgin-St. Thomas, Huron-Perth, London-Middlesex, Oxford County, Sarnia-Lambton, and Windsor-Essex).

How do I make a referral for ODR?

Anyone can suggest a case for ODR, including lawyers and family parties named in the court application. However, the referral to ADR-LINK comes from the CAS or Indigenous community that the child is affiliated with. The referral agent screens the case to see if it qualifies. The referral agent also determines if the key participants agree to consider ODR and notifies the Office of the Child's Lawyer.

What are the steps in the process?

1. If the referral agent is CAS, discuss the case with your supervisor. Some cases are not amenable to ADR or the referral may be premature. Your agency may have policies around inclusionary and exclusionary criteria. If the referral agent is an Indigenous community member, consult the Band or ADR-Link for your specific community referral contact.
2. Discuss the possibility of ADR with the family and get their agreement to consider ADR.
3. If this is an Indigenous family, regardless of who is making the referral, the Band is to be consulted.
4. Obtain written consent from all key parties, including children 12 and over, to make the referral to ADR-Link. Use your agency or communities own general consent form for this.
5. Complete all sections of the ADR-Link referral form. Submit the completed referral form, OCL notification form and signed consents to ADR-Link.

