



Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu Children in the Child Protection System

James J. Igloliorte
Commissioner

Dr. Michael Devine
Commissioner

Anastasia Qupee
Commissioner

RULES OF PROCEDURE

Part I: Introduction

1. The Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System (“the Inquiry”) is an independent inquiry set up by the Government of Newfoundland and Labrador (“the Province”) pursuant to an Order-in-Council (O.C. 2022-103). Hereinafter, this Order will be referred to as the “Terms of Reference”. The Province issued a second Order-in-Council in relation to the Inquiry (O.C. 2022-104). Hereinafter, this Order will be referred to as the “Funding Order”. A copy of each of these Orders can be found on the Inquiry webpage. The Inquiry operates under the authority of the *Public Inquiries Act, 2006* (SNL 2006 c.P-38.1) (“the Act”).
2. The Commissioners will prepare a final report (“the Report”) that will be based upon the information gathered during the Inquiry. The Terms of Reference require the Report to be delivered to the Minister by October 31st, 2023.
3. The Commissioners appointed to conduct the Inquiry are:
 - (a) James Igloliorte as Chair;
 - (b) Anastasia Qupee; and
 - (c) Dr. Michael Devine.
4. The Commissioners understand that the Terms of Reference are based upon negotiations between the Innu Representative Organizations and the Province.
5. These Rules of Procedure are based upon the Commissioners’ interpretation of the Terms of Reference and also, in part, based upon proposed rules that were provided to the Commissioners by the Innu Representative Organizations and the Province and the Funding Order.

Part II: Definitions

6. In these Rules

- (a) **Investigation** means an investigation of the death of a child, youth or adult conducted pursuant to s. 4(2) of the Terms of Reference;
- (b) **Investigation Standing** means standing that is granted to a parent or next of kin whose family member's death is the subject of an Investigation pursuant to s. 4(2) of the Terms of Reference and Part XI of these Rules;
- (c) **Formal Hearing** means a hearing which will be conducted by the Inquiry in a manner similar to a court proceeding and in which witnesses will testify under oath or solemn affirmation;
- (d) **General Standing** means standing granted to a Party to participate in some or all parts of the Inquiry but it does not include Investigation Standing which is standing granted to a parent or next of kin whose family member's death is being investigated pursuant to s. 4(2) of the Terms of Reference;
- (e) **Informal Sessions** mean events that are conducted by the Inquiry in which witnesses do not testify under oath or solemn affirmation;
- (f) **Innu Communities** mean Natuashish and Sheshatshiu;
- (g) **Innu** means the Innu of Labrador;
- (h) **Innu of Labrador** means anyone registered or eligible to be registered as a member of Sheshatshiu Innu First Nation or of Mushuau Innu First Nation, or who is otherwise a member of the Innu Nation of Labrador;
- (i) **Innu Representative Organizations** means the Innu Nation, Mushuau Innu First Nation and Sheshatshiu Innu First Nation;
- (j) **Inquiry** means the Commissioners;
- (k) **Party** means an individual or entity who has been granted standing in relation to some or all parts of the Inquiry.

Part III: Guiding Principles

- 7. The Inquiry acknowledges that the Innu and Innu Communities in the Province are suffering from intergenerational trauma related to racism and colonialism.
- 8. The Inquiry will operate under a guiding principle of "do no further harm". The Inquiry will therefore conduct all parts of the Inquiry in a manner which is trauma informed. The Inquiry will also consult whenever necessary with Innu Elders, leaders and Innu Communities regarding scheduling and other significant matters.
- 9. The Inquiry will retain a Healing Services Coordinator. The Healing Services Coordinator will assist the Inquiry in developing a protocol to address trauma

during the Inquiry. The protocol will be developed in consultation with the Innu Representative Organizations and other Parties. The protocol will identify the supports that may be required during hearings and meetings and throughout the course of the Inquiry.

10. The Inquiry will work with the Innu Representative Organizations to ensure that supports identified in the protocol are available during the course of the Inquiry in order to reduce the risk of harm to the mental health of participants and others who may be impacted by the Inquiry.
11. The media and participants will be advised throughout the course of the Inquiry that s. 55 of the *Children, Youth and Families Act, SNL 2018 C-12.3* prohibits the publishing or making public of information that has the effect of identifying:
 - i. a child who is a witness at or a participant in a proceeding or who is the subject of a proceeding;
 - ii. a parent or foster parent; or
 - iii. a member of the child's family.

The Inquiry will provide guidance to Parties and participants regarding the operation of s.55 during the course of the Inquiry.

12. The Inquiry will provide opportunities for children, youth, parents, grandparents and other Innu to share their experiences in the child protection system. These opportunities will generally take place in Natuashish and Sheshatshiu unless another appropriate location is identified by the Inquiry in consultation with the Innu Representative Organizations and other Parties.
13. The Inquiry will conduct itself in an open and transparent manner. Formal Hearings and other events will be broadcast live whenever it is feasible and appropriate given the subject matter of the hearing or event. Formal Hearings and other events will be recorded and made available for viewing on the Inquiry webpage when it is appropriate to do so.
14. The Inquiry will take reasonable steps to translate into Innu-aimun, whenever possible, the significant documents relied upon in the Inquiry such as the Terms of Reference and these Rules of Procedure. Furthermore, interpretation will be available whenever the Inquiry conducts interviews, meetings or hearings.
15. In events other than Formal Hearings, a single Commissioner may act on behalf of the Inquiry. Where one Commissioner acts on behalf of the Inquiry at an event the proceedings of the event shall be recorded whenever possible.

16. A tentative plan outlining the sequence of hearings, meetings and other events is attached hereto as Schedule A. This plan does not currently provide dates and these dates will be determined by the Inquiry in consultation with the Healing Services Coordinator, the Innu Representative Organizations and other Parties. The Commissioners acknowledge that the Inquiry will be addressing matters which may impact the emotional and psychological well-being of individuals, families and the Innu Communities. The Commissioners will therefore create a schedule which will provide the Commissioners with flexibility to delay or reschedule events in order to minimize the risk of harm to the mental health of participants and other Innu.
17. The Inquiry intends to hire community liaison workers in Natuashish and Sheshatshiu to assist the Inquiry with its work in each community. Throughout the course of the Inquiry, information will be made available which will describe the steps that people can take to participate in the different parts of the Inquiry. This information will be distributed in several ways including publication on the Inquiry website, distribution through the community liaison workers and distribution through the Innu Representative Organizations. The community liaison workers will also assist people who are interested in participating in the Inquiry.
18. The Commissioners recognize that the COVID-19 pandemic is not over. The Commissioners will adopt an approach to COVID-19 protocols based upon guidance from Public Health Officials and the Innu Representative Organizations and health officials. The Inquiry intends to conduct its activities in person and remote meetings will generally be limited to meetings which address procedure or scheduling matters. This Rule may be amended in the event that the Inquiry schedule may be significantly impacted by a COVID-19 outbreak.

Part IV: Methods of Truth Seeking

19. The Inquiry will rely upon a diversity of methods of truth seeking. Some of these methods will be methods usually associated with public inquiries such as Formal Hearings, interviews and roundtables. However, the Inquiry will also engage in methods of truth seeking such as community meetings, and private meetings with families, small groups and individuals. In particular, the Inquiry will rely upon the following methods of truth seeking during the Inquiry:
 - i. Community meetings;
 - ii. Private meetings with family or small groups including meetings with incarcerated people;
 - iii. Formal Hearings in relation to the Investigations pursuant to s. 4(2) of the Terms of Reference;

- iv. Formal Hearings on the history of child protection in relation to the Innu;
 - v. Formal Hearings on legislation, policies and practices of the child protection system in relation to the Innu;
 - vi. Roundtables on current policy and future directions of child protection in relation to the Innu; and
 - vii. Written and oral submissions with respect to findings of fact and recommendations.
20. In preparation for the Formal Hearings and Informal Sessions, the Inquiry will conduct interviews with individuals, including interviews with:
- i. Innu Elders;
 - ii. Innu affected by the child protection system; and
 - iii. Innu and non-Innu officials with governments, agencies, departments and with officials from other organizations.

Part V: Commemoration, Ceremonies and Celebrations

21. Prior to the commencement of the public parts of the Inquiry, the Commissioners plan to hold a cultural event in Natuashish and Sheshatshiu that will give Innu Elders, Innu leaders and members of each community an opportunity to honour the Innu children, youth, and adults who have passed away tragically and it will not be limited to the children and youth who were impacted by the child protection system. These commemorations will likely take place in the Fall of 2022 on a date that is acceptable to each community.
22. The Commissioners will conduct brief cultural ceremonies at the start of each week in which community meetings, Formal Hearings or roundtables are taking place. The Commissioners will also conduct celebrations at the end of each such week.
23. The Commissioners will conduct brief cultural ceremonies at the start and end of each day in which community meetings, Formal Hearings or roundtables are taking place.

Part VI: Community Meetings

24. The Commissioners will facilitate a number of community meetings that will take place in both Natuashish and Sheshatshiu. The community meetings will take place at various times during the course of the Inquiry and the number of community meetings conducted will be determined by the Inquiry in consultation with the Innu Representative Organizations and other Parties. The purpose of

these community meetings is to provide the Commissioners with an opportunity to listen to the Innu share, as a community, the impact that the child protection system has had on them as children, parents, families, and communities. The purpose is to provide the Innu with an opportunity to share their experiences, treatment and outcomes in the child protection system with the Inquiry. The purpose is not to review actions taken in particular cases such as the removal of a child from a home or from a community.

25. The community meetings will be public and the media will be permitted to attend. These meetings will not be broadcast live but they will be recorded and the recordings will be posted with edits where appropriate on the Inquiry webpage.
26. Participation in the community meetings will be generally limited to Innu. The Commissioners may grant Parties who have General Standing pursuant to Part XII of these Rules of Procedure the opportunity to have observers at the community meetings. The Commissioners will limit the manner and level of participation of those observers. Conduct at a community meeting which is not consistent with reconciliation principles or is otherwise not respectful of other participants will not be tolerated.
27. The Commissioners and Inquiry staff will be in attendance at the community meetings. The people who may participate in the community meetings include the following:
 - i. Innu children, youth or adults who are or have been involved in the child protection system;
 - ii. Innu whose families have been involved in the child protection system;
 - iii. Innu foster parents;
 - iv. Innu whose lives have been affected by the child protection system;
 - v. Observers of Parties;
 - vi. Media and the public; and
 - vii. Innu who are incarcerated who may participate remotely.

Part VII: Meetings with Families, Small Groups or Individuals

28. The Commissioners will conduct private meetings with families or small groups. The number of meetings will depend on the number of people who want to participate in this manner. These meetings will be private and they will provide an opportunity for people who are not comfortable sharing in a more public way. Meetings with families and small groups will provide opportunities for people who wish to share their experiences of the child protection system with the Commissioners. The confidentiality of a participant's identity will be protected

unless the participant grants the Inquiry the authority to disclose identifying information. The Commissioners may rely upon the information shared in these meetings in the Report; however, the Commissioners will not release information which will reveal the identity of a participant without their consent.

29. The Inquiry acknowledges that some people who wish to share may have difficulty sharing their experiences in the presence of others. The Inquiry will provide opportunities for some people to share their experiences in the presence of just one or all three Commissioners with no one else present. The Commissioners may rely upon the information shared in the private interviews in the Report. But the Commissioners will not release information which will reveal the identity of a participant without their consent.
30. The people who may participate in the private meetings or interviews include:
 - i. Innu children, youth or adults who are or have been involved in the child protection system;
 - ii. Innu whose families have been involved in the child protection system;
 - iii. Innu foster parents;
 - iv. Innu whose lives have been affected by the child protection system; and
 - v. Innu who are incarcerated who may participate remotely.

Part VIII: Other Methods of Truth Telling and Sharing

31. The Inquiry will encourage Innu impacted by the child protection system to use other methods of sharing their experiences of the child protection system with the Inquiry. An Innu who wishes to share their experiences may send any of the following to the Inquiry:
 - i. Letters;
 - ii. Notes;
 - iii. Emails;
 - iv. Art;
 - v. Stories;
 - vi. Recorded video statements;
 - vii. Other videos;
 - viii. Recorded audio statements; and
 - ix. Music or songs.

The Inquiry will post what is shared with the Inquiry on its webpage.

32. The Inquiry may conduct research with respect to the impact that the child protection system has had on the Innu children, youth and communities. Some of

this research may rely upon interviews that will be conducted by researchers who are retained by the Inquiry to assist with the gathering of information to be relied upon in the Report. This research may also take the form of surveys. Where applicable, research conducted on behalf of the Inquiry will abide by the requirements in *Conducting Research in Innu Territory, 2017* which are guidelines created by the Innu Representative Organizations.

Part IX: Formal Hearings

33. The Inquiry will conduct three types of Formal Hearings:
 - i. Formal Hearings in relation to the Investigations pursuant to s. 4(2) of the Terms of Reference;
 - ii. Formal Hearings on the history of child protection in relation to the Innu; and
 - iii. Formal Hearings on legislation, policies and practices of the child protection system in relation to the Innu.

34. Witnesses who are called to testify at a Formal Hearing will be sworn or affirmed.

35. The Inquiry will hold Formal Hearings in Natuashish and Sheshatshiu unless it is impractical to conduct them in those Communities and alternative sites for Formal Hearings have been identified in consultation with the Innu Representative Organizations and other Parties.

36. Witnesses called during the Formal Hearings may include the following:
 - i. Innu Elders;
 - ii. Other Innu knowledge keepers;
 - iii. Children, youth and adults who are or have been involved in the child protection system;
 - iv. Family members of people who are or have been in care;
 - v. Innu impacted by the child protection system;
 - vi. Experts in social work practice and policy;
 - vii. Experts in child protection legislation, policy and practice;
 - viii. Doctors;
 - ix. Government Officials including Social workers;
 - x. Foster parents;
 - xi. Police officers; and
 - xii. Researchers.

37. All three Commissioners shall sit when witnesses testify at a Formal Hearing; however, the Chair may sit alone at a Formal Hearing to hear matters relating to procedure and scheduling.
38. The Commissioners will direct Commission Counsel to identify and call the witnesses that the Inquiry shall hear. A Party has the right to identify a witness and request that the Commissioners direct Commission Counsel to call that witness. The Commissioners will not deny such a request unless the evidence of the witness is not relevant to the Terms of Reference or the Commissioners are satisfied that the testimony of the witness has been fully addressed by other witnesses.
39. Commission Counsel will conduct the direct examination of witnesses at Formal Hearings unless the Commissioners determine that it is more appropriate that Counsel for a witness or Counsel for a Party conduct the direct examination. Counsel for witnesses and Counsel for Parties will have an opportunity to cross examine each witness. The order of cross examination will be determined by the Commissioners in consultation with the Parties. An opportunity to re-examine a witness may be granted by the Commissioners.
40. Witnesses are entitled to have their Counsel present while they testify. Counsel for a witness is entitled to receive documents that the Inquiry will rely upon during the testimony of their client
41. A document relied upon during a Formal Hearing shall be given a number and entered as an exhibit.
42. The rules of evidence will not be strictly applied during Formal Hearings.
43. Commission Counsel shall disclose all documents to Parties at least seven (7) days prior to the hearing day when the document will be admitted. Counsel for Parties or witnesses who intend to rely upon a document during the examination of a witness must advise the Inquiry of their intention to enter a document as an exhibit at least two (2) days before the witness is scheduled to testify. The Commissioners may abridge the seven (7) and two (2) day periods.
44. All activities of the Inquiry, including the Formal Hearings, will be trauma informed. Examinations by Counsel must be conducted in a respectful manner. In the event that the Commissioners conclude that Counsel for a Party or Counsel for a witness is not conducting an examination in a respectful manner and is thereby jeopardizing the health of the witness, the Commissioners may end the examination. Counsel for the Party may be given alternate means of eliciting information from a witness.

45. Formal Hearings will be broadcast live whenever possible and also will be recorded. The recordings and all exhibits admitted at the Formal Hearings will be posted on the Inquiry webpage as soon as reasonably possible.
46. Pursuant to s. 6(2) of the *Act*, the Commissioners may exclude the public from a Formal Hearing where the interest in openness and transparency is outweighed by other considerations such as privacy concerns or the impact of testimony upon the mental health of participants or other Innu.

Part X: Roundtables and Submissions

47. The Inquiry may conduct roundtables on legislation, policy and practice of child protection in relation to the Innu. As part of the Roundtable, the Inquiry may invite Innu Elders, leaders, scholars, practitioners and government officials to participate.
48. At the conclusion of the Inquiry, the Commissioners will invite Parties and interested persons to submit written submissions with respect to findings of fact and recommendations. The findings of fact made by the Commissioners will be based solely upon the evidence tendered at the Formal Hearings. The Commissioners will also invite Parties and interested persons to make oral submissions. The Commissioners will provide an opportunity to make oral submissions in each Community.
49. Roundtables and submissions will be broadcast live unless it is not feasible to do so. Roundtables and submissions will be recorded and the recordings of these events will be posted to the Inquiry webpage.

Part XI: Applications for Investigations

50. Pursuant to s. 4(2) of the Terms of Reference, the Inquiry shall investigate the death of an Innu child, youth or adult who experienced time in care or custody and who meet the following criteria:
 - i. The child, youth or adult was under the age of 25 at the time of death;
 - ii. The child, youth or adult died on or after September 30th, 2007; and
 - iii. A parent, or where appropriate, other next of kin of the child, youth or adult consents to the investigation and attests to the belief the time in care or custody contributed to their death.

51. A parent or other next of kin may apply to the Inquiry asking the Commissioners to order that an Investigation be conducted into the death of an Innu child, youth or adult. A parent or other next of kin must submit an *Application for Investigation* using the form attached to these Rules as Schedule B. An *Application for Investigation* must be filed by ~~September 30th~~October 31st, 2022. The Commissioners may accept an *Application for Investigation* later than ~~September 30th~~October 31st, 2022 in exceptional circumstances.
52. The Inquiry understands that some parents or next of kin may not be represented by Counsel. A parent or other next of kin who are not represented by Counsel may contact the Inquiry and ask for assistance from Inquiry staff in drafting an *Application for Investigation*.
53. The Inquiry may invite an Applicant and/or family member to appear before the Commissioners and make oral submissions in relation to an *Application for Investigation*.
54. Where the Commissioners order an Investigation into the death of an Innu child, youth or adult, the Commissioners will grant Investigation Standing to the Applicant who applied for the Investigation. An Applicant who has been granted Investigation Standing shall have the right to participate in all aspects of the Formal Hearing. That right to participate includes but is not limited to the following:
 - i. The right to cross examine witnesses;
 - ii. The right to request that the Commissioners direct Commission Counsel to call particular witnesses;
 - iii. The right to make closing written and/or oral Submissions at the conclusion of a Formal Hearing and at the conclusion of the Inquiry;
 - iv. Access to documents relevant to the Investigation;
 - v. Any other rights to participate as may be granted by the Commissioners.
55. An Applicant who is granted Investigation Standing will be entitled to funding including funding for legal counsel. This funding is granted pursuant to the Funding Order. Legal Counsel for the Party with Investigation Standing must make funding arrangements with officials of the Department of Justice and Public Safety.
56. Investigation Standing grants the parent or other next of kin the right to participate in the Formal Hearing in relation to the Investigation of the death of the child, youth or adult identified in the Application. A Party granted Investigation Standing is not thereby granted General Standing to all other parts of the Inquiry including other Formal Hearings in relation to other Investigations. A Party who is granted Investigation Standing must apply for General Standing, pursuant to Part XII of

these Rules, if that Party wishes to have General Standing at other parts of the Inquiry.

57. At any time before the completion of a Formal Hearing in relation to an Investigation, a Party may withdraw their consent to the conduct of the Investigation. Where a Party withdraws its consent, the Inquiry will suspend the Formal Hearing and cease conducting an Investigation into the death of the child, youth or adult named in the *Application for Investigation*.
58. Where the Commissioners heard evidence at a Formal Hearing prior to the decision to cease conducting an Investigation, the Commissioners will not make findings of fact about the care of the child, youth or adult whose death was the subject of an Investigation; however, the Commissioners may rely upon the evidence heard during the Formal Hearing that is of a systemic nature to make findings of fact regarding the child protection system in general.

Part XII: General Standing

59. Individuals, organizations or families who want to have General Standing at the Inquiry shall apply for General Standing pursuant to this Part.
60. The Inquiry has granted General Standing to the following organizations:
 - i. Innu Representative Organizations;
 - ii. The Province; and
 - iii. The Government of Canada (“Canada”).

These organizations have the right to fully participate in each part of the Inquiry including the Formal Hearings in relation to the Investigations.

61. Applications for General Standing must be in writing and filed with the Inquiry by ~~October 1st~~ October 31st, 2022. The Applications for General Standing must identify:
 - i. the parts of the Inquiry within which a Party wishes to participate; and
 - ii. the manner in which they wish to participate.
62. The Commissioners may grant General Standing to Parties based solely upon the written application. The Commissioners may also invite Parties to make oral submissions in support of their applications for General Standing where necessary.
63. Pursuant to section 5(2) of the *Act*, a person may be granted General Standing by the Commissioners, after considering:

- i. whether the person's interest may be adversely affected by the findings of the Inquiry;
 - ii. whether the person's participation would further the conduct of the Inquiry; and
 - iii. whether the person's participation would contribute to the openness and fairness of the Inquiry.
64. The Commissioners may grant General Standing to participate in one, some or all of the following methods of truth seeking:
 - i. Formal Hearings in relation to the Investigations pursuant to s. 4(2) of the Terms of Reference;
 - ii. Formal Hearings on the history of child protection in relation to the Innu;
 - iii. Formal Hearings on legislation, policies and practices of the child protection system in relation to the Innu;
 - iv. Roundtables on current policy and future directions of child protection in relation to the Innu;
 - v. Written and oral Submissions with respect to findings of fact and recommendations; and
 - vi. Community meetings as observers.
65. Individuals who have been given the opportunity to participate in the community meetings and other meetings will not automatically be granted General Standing.
66. In the Order granting General Standing, the Commissioners will specify the parts of the Inquiry in which the Applicants have been granted the right to participate and the Order will also specify the manner of each Party's participation. A Party granted General Standing at a Formal Hearing will be granted the right to participate in some or all of the following:
 - i. The right to cross examine witnesses;
 - ii. The right to request that Commission Counsel call particular evidence;
 - iii. The right to make written and/or oral Submissions;
 - iv. Access to documents relevant to the Formal Hearings to which they have been granted Standing;
 - v. Any other rights of participation as may be granted by the Commissioners.
67. Counsel for Parties must sign a confidentiality undertaking as an ongoing condition of General Standing.
68. Subject to any Act of Parliament or House of Assembly or regulation made thereunder, Parties who are granted General Standing thereby accept the jurisdiction of the Inquiry and agree to be bound by these Rules. In the event of

any conflict or inconsistency between an Act of Parliament or House of Assembly or regulation made thereunder and the Inquiry's Rules, the provisions of the Act of Parliament or House of Assembly or regulation shall prevail and be paramount.

69. The Commissioners have the discretion to amend an order granting a Party General Standing. A Party with either Investigation or General Standing must conduct themselves in a manner which is consistent with a trauma-informed process and is also culturally appropriate and acknowledges, respects and honours the diverse cultural, linguistic and spiritual traditions of the Innu.
70. The Commissioners may recommend that the Province provide funding for a Party pro

Part XIII: Production and Disclosure of Documents

71. Pursuant to s. 9 of the *Act* and paragraph 7(c) of the Terms of Reference, the Inquiry has the authority to summons the production of relevant documents.
72. The terms "document" or "documents" are intended to have a broad meaning and include, without limitation, the following media: written, electronic, text, cellular or social media messaging, audiotape, videotape, digital recording and reproductions, photographs, films, slides, maps, graphs, microfiche, metadata, and any data and information recorded or stored by means of any device.
73. Any person or entity who receives a summons to produce documents shall provide all relevant documents within that person's or entity's possession, control or power and must do so within the time period prescribed by the summons.
74. A person or Party who objects to the production of information, document or thing on the basis of solicitor-client privilege shall identify and describe in writing to Commission Counsel the information, document or thing that they intend to withhold from the Inquiry. The person or Party shall also provide to Commission Counsel a written objection outlining the basis of their objection to the production. Commission Counsel will review the objection and provide an opinion as to the validity of the objection. In the event that Commission Counsel concludes that the information, document or thing should not be withheld on the basis of solicitor-client privilege, Commission Counsel may apply to the Supreme Court of Newfoundland and Labrador for a declaration regarding the assertion of solicitor-client privilege made by the person or Party.
75. A person or Party who objects to the production of information, document or thing on a basis other than solicitor-client privilege, shall produce the information, document or thing in its original, unedited form to Commission Counsel. The

person or Party shall also provide to Commission Counsel a written objection outlining the basis of their objection to the production. Commission Counsel will review the information, document or thing and the written objection and provide an opinion as to the validity of the objection. In the event that Commission Counsel accepts the basis of the objection, the information, document or thing shall be returned by Commission Counsel in the form it was received, without duplication, to the person or Party and the information, document or thing shall not be used in any manner by Commission Counsel or the Inquiry. In the event that Commission Counsel does not accept the basis of the objection regarding the production sought, Commission Counsel may make an application to the Supreme Court of Newfoundland and Labrador for a declaration on the objection to the production of the information, document or thing made by the person or Party.

76. Counsel for Parties will be provided with documents, including statements or transcripts of anticipated evidence only upon giving an undertaking that all such documents will be used solely for the purpose of the Inquiry. The Inquiry may require that some documents provided, and all copies thereof, to be returned to the Inquiry upon the conclusion of the Inquiry. Counsel are entitled to provide such documents, records or information to their respective clients but only on terms consistent with the undertakings given. These undertakings will be of no force and effect in relation to any document that has become part of the public record.
77. Information, document or thing received by the Inquiry from a Party, or any other person or entity shall be treated as confidential by the Inquiry unless and until the Inquiry discloses the information, document or thing to Counsel for witnesses and Counsel for other Parties or admits a document as an exhibit. This does not preclude the Inquiry from providing a document to an expert or consultant retained by the Inquiry.
78. During the course of the Inquiry, the Inquiry will disclose to Counsel for Parties and Counsel for witnesses information, document or thing that the Inquiry believes are relevant to the conduct of a Formal Hearing. However, the Inquiry will notify the person or Party who produced the information, document or thing of its intention to disclose the information, document or thing prior to their disclosure. The person or Party who produced the information, document, or thing will thereby be given an opportunity to suggest redactions that they believe are necessary based upon privacy or other relevant considerations. Other persons or other Parties who have an interest in the information contained in the documents may be given notice and an opportunity to suggest redactions whenever it is appropriate and practical to do so.
79. Prior to the admission of a document as an exhibit at a Formal Hearing, the Inquiry will notify the person or Party who produced the information, document or thing of its intention to admit the information, document or thing as an exhibit. The person

or Party who produced the information, document, or thing will thereby be given an opportunity to suggest redactions that they believe are necessary based upon privacy or other relevant considerations. Other persons or other Parties whose interests may be affected by the release of the information, document or thing may be given notice and an opportunity to suggest redactions whenever it is appropriate and practical to do so.

80. Originals, or certified true copies, of relevant documents are to be provided to Commission Counsel upon request. Where available, original documents must be produced to Commission Counsel upon request for inspection.

Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

Address:

Ground Floor, East Block
Confederation Building
100 Prince Philip Drive
St. John's, NL A1B 4J6

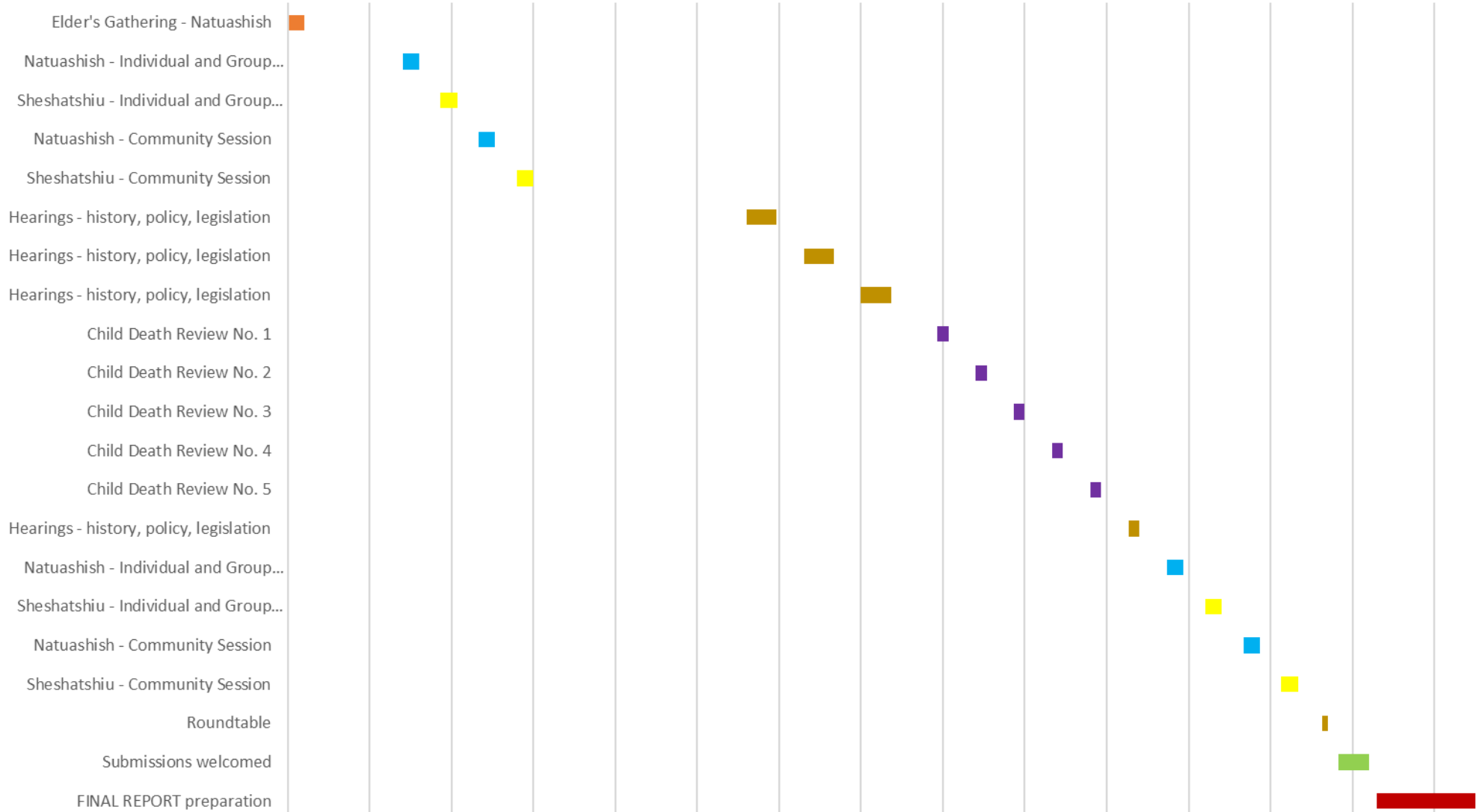
Telephone: 1-709-729-7589

Toll Free: 1-833-667-0679

Fax: 1-709-729-5618

E-mail: infoiccinquiry@inniuna.ca

Schedule A



SCHEDULE B



Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

James J. Igloliorte
Commissioner

Dr. Michael Devine
Commissioner

Anastasia Qupee
Commissioner

Application for Investigation

The *Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System* shall investigate the deaths of a child, youth or adult where the Commissioners are satisfied that the following criteria are met:

- a) The child, youth or adult experienced time in care or custody in the Child Protection System;
- b) The child, youth or adult was under the age of 25 at the time of death;
- c) The child, youth or adult died on or after September 30, 2007;
- d) A parent or, where appropriate, other next of kin of the child, youth or adult consents to the investigation; and
- e) a parent or, where appropriate, other next of kin of the child, youth or adult attests to the belief that the child's, youth's or adult's time in care or custody contributed to their death.

The contents of the *Application for Investigation* will remain confidential; however, the Inquiry may provide some of the information contained herein to the Department of Children, Seniors and Social Development in order to confirm its accuracy.

A parent or next of kin of a child whose death will be the subject of a Investigation shall be granted Investigation Standing and, therefore, will be entitled to funding to participate. However, anyone granted Investigation Standing and who wishes to have standing for any other part of the Inquiry including other Investigations must apply for General Standing pursuant to Rule XII of the Rules of Procedure.

Part I: The Application of the Applicant(s) states that:

1. The name of the Applicant is _____. The Applicant's email address and telephone numbers are:_____

2. Does the Applicant have legal representation? Yes___ No ___

3. If yes, please provide name and contact information below:

Name: _____

Firm: _____

Address: _____

Telephone: _____

Email: _____

4. The Applicant seeks an order that the Inquiry will investigate the death of _____.

5. _____ was born on _____.

6. _____ died on _____.

7. The Mother of _____ is _____ and she resides at _____.

8. The Father of _____ is _____ and he resides at _____.

9. Where the Applicant is not the father or the mother, please describe the relationship between the Applicant and the deceased.

10. The Applicant believes that _____ experienced time in care or custody in the child protection system of Newfoundland and Labrador. The time in care or custody was on or about _____.

- 11. The Applicant believes that the time that _____ spent in care or custody in the child protection system of Newfoundland and Labrador contributed to their death.
- 12. The Applicant believes that the time that _____ spent in care or custody contributed to their death because: (Please keep this very brief)

Part II: The Consent of the Applicant:

- 13. The Applicant understands that the Inquiry will gather information about the experience and treatment of _____ while they were in care or custody. The information will be gathered through interviews and the production of documents.

Initial _____ Witness _____

- 14. The Applicant understands that the Inquiry may also gather information about the life of _____ before and after _____ was in care or custody. The information will be gathered through interviews and the production of documents.

Initial _____ Witness _____

- 15. The Applicant understands that some of the information gathered by the Inquiry about the experience and treatment of _____ while in care and custody will be released to Parties who have been granted standing.

Initial _____ Witness _____

- 16. The Applicant understands that some of the information gathered by the Inquiry about the life of _____ before and after _____ was in care or custody may be released to Parties who have been granted standing.

Initial _____ Witness _____

- 17. The Applicant understands that some of the information gathered by the Inquiry about the experience and treatment of _____ while in care and custody may become public through testimony at a Formal Hearing or become public as an exhibit at a Formal Hearing.

Initial _____ Witness _____

18. The Applicant understands that some of the information gathered by the Inquiry about the life of _____ before and after _____ was in care or custody may become public through testimony at a Formal Hearing or become public as an exhibit at a Formal Hearing.

Initial _____ Witness _____

Part III: Acknowledgements

19. Where necessary, the contents of this Application and Consent were translated into Innu-aimun by _____.

Initial _____ Witness _____

20. Where necessary, the contents of this Application and Consent were explained to me by _____ who is _____.

Initial _____ Witness _____

Part IV: Supports

21. The Applicant believes that the Applicant and other may need support during the course of the Investigation Hearing and Formal Hearing and the Applicant believes that they may need the following types of support:

Elder support _____

Mental Health and/or Emotional Support _____

Community Support _____

Religious Support _____

Professional Support _____ (Please specify the type _____)

Other Types of Support _____ (Please specify the type _____)

Applicant

Date

Counsel for the Applicant

Date