

KAHNAWÀ:KE MEMBERSHIP LAW  
17th COMMUNITY CONSULTATION  
Golden Age Club  
14, Tsothohrkó:wa/January 2014  
6:00 – 8:30 PM

RECORD OF DISCUSSION

**FACILITATORS:**

Kahente Horn-Miller (Lead - CDMP)

Joe Delaronde

**RESOURCE PEOPLE:**

Rose-Ann Morris (Lead – Resource Person)

Shari Lahache

**RECORDERS:**

Brandi Meloche (Group 1)

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6:00 P.M. **OPENING** – Kahsennenhawe Sky-Deer

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Kahente Horn-Miller

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW** - Rose-Ann Morris

**Question 1: Propose definition of common-law relationship**

6:15 P.M. **Question 2: Propose change to KML section 20.1 Suspension of a Member**

8:25 P.M. **NEXT STEPS** – Kahente Horn-Miller

8:30 P.M. **CLOSING** – Kahsennenhawe Sky-Deer

*There was only 1 group because there was a presentation given.*

## QUESTION 1: ADD TO KML DEFINITION FOR COMMON-LAW RELATIONSHIP

### GROUP 1

**Facilitator:** Joe Delaronde  
**Resource Person:** Rose-Ann Morris/Shari Lahache  
**Recorder:** Brandi Meloche

**Membership Department proposed a revised definition in the Membership Law for common-law.**

#### **Proposed definition for discussion:**

“Common-Law relationship means a conjugal relationship, not solemnized by a marriage ceremony, Law or custom, between two persons that have lived together and that have been publicly represented as spouses for:

- a) One year when there is a Child of the union; or
  - b) Five years, or (Option of Three years) if there is no Child of the union”.
- If someone from Akwesasne wants to transfer to Kahnawà:ke, can they transfer?
  - The law states that you have to be married or in a common-law relationship or have ties to the community.
  - Comment that it should be publicly posted when one applies to be a member.
  - It was confirmed that it has been and always will be posted publicly.
  - Can someone transfer from another community if they no longer have family in that community but have ties to Kahnawà:ke?
  - They must have ties to the community in a common- law relationship or married to a member.
  - In what context is common-law relationship used with non-member residents?
  - Aren't we trying to stop this, common-law relationship with non-Native partners? People know they shouldn't be doing this.
  - 5 years seems extreme. At every Community Meeting there are people in common-law relationship applying for land.
  - After 5 years, you should be considered common-law.
  - Some people are in a month to month relationship. This doesn't speak well for the future of Kahnawake. You can't change this. It gets to the point where you don't know what to

say. There are also same sex marriages. Suggestion ok for 1 year if there is a child in the relationship.

- Legal Services looked at various definitions of common-law relationship. Quebec doesn't recognize common-law relationship. What you're looking at is a definition of how you recognize the common-law spouse of a couple.
- Benefits, services and possibly entitlements, this is why it's important to define common-law relationship.
- Why not get married? Where's the commitment?
- The reality is that people are in common-law relationships and not getting married.
- Is this based on tradition? Based on clans? It would be on the women to decide what is in the best interest of the children. Is anyone looking at the clan system? It would answer a lot of these questions. It really is the responsibility of the women. You're relying on division of material things. All of these issues could be easily looked at - base the decision on the survival of the community. We're talking about children and what is best for them. Shouldn't that be the responsibility of the Council of Women? That's the traditional way. There is a lot that I would question. Seems to be a lack of understanding of who we are. Is there any consideration at all of the Traditional way?
- There has been some discussion in the past during other meetings? Is it reflected? Probably not to a great extent, but that's the way the discussions went.
- Most people would agree with the comment of going Traditional but the Traditional people will not attend these meetings.
- The doors to this meeting are open to everyone. If there was more participation from the Traditional people, there would be more traditional influence. For me, one year is good for common-law relationship.
- You should have some sort of ceremony in the Longhouse or otherwise that shows some sort of commitment or declaration to your relationship. You don't have to have signed papers.
- What if someone has a home and a family already and a non-member connects with them? Where does common-law relationship come in to play with this situation if there are no benefits involved because the member is already established?
- One year is not enough. They're just getting to know each other. If they don't like each other, they split. I agree with five years.
- What if the common-law relationship couple splits? Then what?
- We're dealing with the definition of common-law relationship in the Membership Law today. The MRI law will apply to that situation.
- People suggested different lengths of time:
  - 2-3 years
  - 7 years

- If you have a child, then a minimum of 2 years before you can apply. Initially I thought 5 years was long but now I think 5 years is good. We need to look at our society here in the community. Some kids are on their own at 15 years old. They're going to go out and look and find someone, and after 5 years you demonstrate your true colors to your partner.
- 5 years is measurable. A lot of young couples have children right away. It's like the social fabric of this community; they think that if you have a child you will keep the man. The man doesn't always stay.
- It shouldn't be so simple to allow only after 1 year then being able to apply as a member. It should be how long before you make a commitment. Anyone can pack up a box and leave at any moment. If you want to be a member, you should be married. You should be committed to that person for a lifetime.
- 3 years with a child and 5 years without. It's not something people should just walk into. Being a Member here is a privilege.
- We shouldn't be entertaining anything under 5 years without a child.
- The children need the commitment, 3 years with child and 5 years without.
- Do people come in with a game plan? Maybe have a child with someone, live with someone, have a hidden agenda?
- Is this in regard to outside communities like Akwesasne or Non-Native?
- This is for non-members from other communities, not Non-Natives, which is against the law.
- 5 years is more effective. You have to really look at this because it goes right down, across the board. People have built 2 homes in that amount of time, it impacts MRI law. We have babies that are having babies out there. Three (3) years is not enough; 5 years with or without children.
- If you go to 5 years, then a child will be denied services.
- We are talking common-law relationship. A child who has a member as a parent or if they are non-native, are entitled to services through AANDC.
- Most agree to 5 years across the board.
- One person does not agree with 5 years. You cannot judge the relationship between the couple. I agree with 3 years.
- Concerned about people worrying about 1 year, 3 years, and 5 years. In the Traditional way you had to take all the time you needed to make a good decision. I'm worried about setting up these time limits. That's what they do on the outside, put timelines on things. We should be thinking about the philosophy, thinking about the children. If the father is not there, he's not there. What's the best thing for that child and that mother? She has to think about that child now. Maybe we should have a special group of people, I would say women. People would come to present their thesis to these women. Lineage goes

through the mother. I can't go along with 3 years, 5 years and so on. Stamping timelines will not help.

- We have to look at the logistics of things. If the woman has a child with a man from another reserve, the child is covered for services. However, if she's from another community and the man is from here and not taking care of her or the child, she's going to leave to go back to her community. She's not going to transfer her rights here.
- What if someone is an "undesirable"? One year is going to be enough for them to apply and be part of our community? There has to be more time for us as a community to make a decision.
- Whatever we decide on this amendment is not the final decision. The community makes the final decision on the law, we are making a suggestion.
- The community will see the comments and will see why you make your suggestions.
- If 5 years is decided, what is acceptable documentation?
- We would have to look at a number of records and evidence. Are they actually living together, sharing the same address? For the application to become a member it would have to be in all of the application documents. We would have to work on what the list of evidence would be.
- It comes down to the services you want. My husband belongs to the Akwesasne band and I belong here with our children.
- A lot of things can happen in 3 years. If I was in a relationship with someone from another reserve, I think 5 years is a long time to wait for Membership.
- I disagree. It should be 5 years or more. After 5 years you show your true colors.
- I think you should be married to a member of the community but I can live with 5 years.
- If someone is in a relationship, breaks up and goes to another relationship, breaks-up and goes back to the first, do the years start back over?
- Yes, the time starts over. It doesn't count if they're not together.
- We're not saying that at 5 years, you're legally in a common-law relationship. We're saying after 5 years of living in a common-law relationship you are eligible to apply for Membership.
- Our ancestors took their time, built and established a relationship. If you're going to live 100 years that's a long period of time. We have to teach our children about taking their time, not instant gratification. Two (2) years is a short amount of time and 5 years is a small amount of time in the larger outlook of things, but it's a good starting point.
- We have to give enough time for the person to get to know their partner and for the community to get to know them. That's why I support 5 years. We are on a timeline, that's the way life is today. We have elders waiting on a timeline to be residents here to obtain their pension.
- Those timelines are from the outside. They are imposed on us.

- I never heard of divorce here until I started going to Billings. People are in denial, too in a rush to do something.
- After hearing everyone's comments, I would be comfortable with 5 years with or without children.
- An interim decision is going to be made. I may not agree with 5 years but I understand why we need a decision. There are a lot of pressures going on in the community. I don't agree with 5 years but I'll go along with it.
  - 18 responded: Yes to 5 years.
  - 1 responded: No, I can't live with 5 years. It's too long.
  - 1 responded: I don't agree right now; I want more years, but I could live with 5 years.

**OUTCOME** → The group has come to a consensus on 5 years with or without children for the common-law definition as proposed.