

Workshop first step in ambitious estates overhaul

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A funeral pre-planning workshop on February 16 is only the beginning for an ambitious project to reimagine estate planning in Kanesatake, recently funded to the tune of nearly \$200,000.

The Mohawk Council of Kanesatake (MCK) Lands and Estates Office seized on an unprecedented call for proposals from Indigenous Services Canada (ISC) to secure the money for the project. In the past, the ministry had offered a maximum of \$11,000 for information sessions, but the new funding will permit a much more ambitious approach.

“They opened their purse. They just didn’t trickle \$11,000 into an event. They offered substantive dollars towards this initiative,” said Amanda Simon, who submitted the funding proposal as the community’s certified lands, estates, and membership manager.

The multi-phase proposal, which was accepted as is, calls for the hiring of an estate liaison officer to assist Kanehsata’kehró:non in writing wills and other aspects of the estate process. Information sessions will focus on funeral planning, the importance of a will, and a legal clinic.

“Through the years that I’ve been in my position, which is about 13 years, I’ve always tried to let the community of Kane-



COURTESY MOHAWK COUNCIL OF KANESATAKE (MCK)

satake know it’s important to be responsible toward your family and make proper arrangements,” said Simon.

However, the proposal goes even further, calling for consultations that will lead to the development of an estate policy tailor-made to meet Kanesatake’s needs and circumstances. This deliverable envisions taking a new framework from consultations and policy drafting all the way through ratification and implementation, ultimately putting more control of estate planning in the hands of Kanesatake.

“I’m hoping that because

Kanesatake is sectoral self-government under their own land regime, not under the Indian Act, that we would begin writing our Mohawk laws, so essentially Mohawk law for the estates portion of what we follow under the Indian Act,” she said, although she acknowledges this could be an uphill battle.

She is referring to the Kanesatake Interim Land Base Governance Act, also known as S-24, which received royal assent in 2001. “It’s been a boogeyman ever since. It’s a very misunderstood piece of legislation,” she said.

“Estates is often one of the most respected areas, and I think people are more open to having some understanding when it comes to death and dying and estates. So I figured why not take a kick at the can of writing Mohawk laws after the estate portion, at the very least?” Simon said.

The submission pitches the transformation as a win-win, with a homegrown policy paving the way for a nation-to-nation relationship that will free ISC estate agents from dealing with the complications stemming from parsing Kanesatake estates.

This work is still to come, however. Next week’s workshop, which will be held on Thursday at the United Church Hall with sessions at 10 a.m., 1 p.m., and 7 p.m., will cover the importance of pre-planning and touch on costs, which can vary widely depending on the package.

“Everybody just has to remember that this is going to be happening to each and every one of us, and I think the more responsible we are, the less we burden our family members when we do pass away,” said Simon.

When a Kanehsata’kehró:non dies – which happens about 10-12 times a year, according to the submission to ISC – loved ones are often surprised to discover the cost of services, according to Simon, compounding the difficulty of losing someone they care about.

A will in place can also prevent family disputes over proper-

ty, which is sometimes allocated differently than people might assume.

“My exit plan is well underway,” said community member Brenda Etienne, who was pleased to learn of the workshop, although she does not plan to attend.

“It is a difficult subject for some people. Others are not aware of the cost or the importance of making a will,” she said.




Etienne hopes Kanehsata’kehró:non who have not sorted out their affairs will make a point to learn how to do so.

“There are two kinds of families that come to us: either the pre-planning is done or it’s not,” said Lori Viens, the pre-planning counsellor with Les Salons Funeraires Guay who will be the speaker at the event.

When a person has not pre-planned their arrangements, it is left to the next of kin, such as the person’s children, at a moment that can already be profoundly difficult – it’s a circumstance the funeral home has encountered many times, according to Viens.

“We ask so many questions to that family,” she said. “We ask them for payment. We ask them to make decisions on a day that they’re grieving, on a day when sometimes they’ve been up all night with a sick loved one. We feel awful to have to put the family through that when they’re grieving.”

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