

# APPENDIX 1

## Sacred Story Investigation and Systemic Review Methodology

This appendix describes in more detail the approach the RCY took in conducting the three strands of work – the Sacred Story Investigation, the Systemic Review and Engagement – and in braiding the work together through collective sense-making.

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### Ethical Approach and an Indigenous Perspective

The Representative's over-arching intention was to conduct the work in a manner that best mitigated the risks of causing any further harm while at the same time honouring Colby by harvesting the lessons that could be learned from his story.

RCY was committed to conducting its work in a decolonized and relationally accountable way to the extent possible while fulfilling its mandate, and considerable effort was put into preparation for the Sacred Story Investigation and review. Entirely decolonizing its practices is a journey that the Office humbly acknowledges may never be complete, but

the approach taken to the investigation and review represents another significant step in RCY's decolonization work.

In addition to having Indigenous representation on the Investigation and Systemic Review teams, time was taken to ensure that investigators and reviewers were aware of the context, both historic and current, within which the work was taking place. Awareness of intergenerational harm and ongoing inequities was an important social justice frame for the RCY's work.

Where possible, RCY sought to gather and make meaning of information by considering the views of those impacted by the work, building relationships and enriching its understanding of different perspectives. Cree scholar Shawn Wilson describes this preparation as to be in good relationship with

the knowledge you will carry, those you will walk with, and all of creation.<sup>1</sup>

**We are stronger when we paddle together.**

**We are relevant when we know where we are going.**

**We are wise when we follow the Sacred Laws: teachings.**

As well, in conducting the work, the teams sought to use Two-Eyed Seeing and apply Indigenous research methodologies. An Indigenous worldview is circular and understands that everything is connected. That understanding helps make sense of complex situations. Mi'kmaw Nation Elder Albert Marshall, when describing Two-Eyed Seeing, stated it *"can require 'a weaving back and forth' between knowledges, which draws upon abilities to meaningfully and respectfully engage in an informed manner in collaborative settings."*<sup>6</sup> Canadian Indigenous scholars Ashley Hayward and Erynne Sjoblom note that ensuring relationships are established and carried out in a way that is meaningful to Indigenous peoples *"is a crucial component of what defines ethical research with Indigenous peoples ... for research to be transformative, meaningful, and reciprocal to community, it must endeavor to uphold Indigenous ethical principles and protocols. Research must acknowledge that Indigenous communities and people know what is best for their own communities."*<sup>7</sup>

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## Sacred Teachings

The three Cultural Advisors – Deb Foxcroft, Judy Wilson and Hereditary Chief Wedlidi Speck - engaged to provide advice and guidance to the Sacred Story Investigation and

Systemic Review provided insights and perspectives on the design of the work and how it could be conducted in a good way. Under their guidance, this project was undertaken with the following principles in mind:

The Cultural Advisors also wove their teachings and knowledge together to present RCY with Sacred Teachings that have been applied to RCY's day-to-day work on the Sacred Story Investigation, Systemic Review and Engagement processes. These teachings build on RCY's own value base of the "Six Rs" of relationship, respect, relevance, responsibility, reciprocity and repair.<sup>2</sup>

The Sacred Teachings offered by the Cultural Advisors and which underwove the work on the Sacred Story Investigation and Systemic Review are:

**Relationship:** All sacred beings are part of the web of life, the universe, the air, land and sea. We are one. We show respect to this wisdom by acknowledging every living thing as sacred. All mothers, fathers and children are sacred. To be in a relationship with another requires respect, openness, curiosity and understanding. We must live, work, and respect each other, and celebrate our sameness and our differences. In this way, we are following in the footsteps of our ancestors.

**Respect:** We are taught to be mindful of our steps and actions when we walk through life. As we look upon nature, animals and other sentient beings, let our thoughts be guided by gratitude and reverence. When we see each thing in Creation as beautiful, special, sacred, and part of our family, we treat them with

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<sup>1</sup> Preparing for the Research Ceremony: Indigenist Researcher Training

<sup>2</sup> The RCY's Six Rs were in turn informed by Verna Kirkness and Ray Barnhardt's seminal

1991 work on the Four Rs of First Nations' Higher Education

care, loving attention, and gentleness, and then we know respect.

**Relevance:** The ancestors designed a way of life based on relevance. What they dreamed, designed and delivered was connected to the needs of the people, their families, and their children. Identity, culture, rights, and leadership responsibility were based on what was being called for and needed. Relevance shaped our naming ceremonies and harvesting practices. Cultural markers found on the land, in the sea, and place names illumine the importance placed on what was needed, what was important, what was being called for, and what was relevant.

**Responsibility:** The leaders and the older people of the village shared the work to keep the villages healthy, safe, and flourishing. The spring, summer and fall seasons were busy times for the families: they harvested medicines, berries, fish, and all kinds of food. In winter, when the weather was cold, the families gathered inside the houses where fires burned brightly, and rituals and ceremonies were held. Each member of the family had a responsibility to do their part. This is when children learned about where they came from, and what really mattered to the family. The family members made sure everyone was 'response-able' and had the knowledge, skills and ability to do their part. Mentorship through a constellation of family members guided the children along their learning path.

**Reciprocity:** The wisdom of the Elders describes a way of life based on reciprocity. From the moment they woke, until they lay back down for the night, they expressed gratitude – for safe passage through the night, and to the generosity of Mother Earth, Father Sky, Grandfather

Sun, Grandmother Moon, Uncle Stars and Aunt Moon. The harvest of a tree for building a house, carving a mask, making a cradleboard, or canoe – prayers of gratitude were said, acknowledging the sacrifice being made so we humans could be well. There were various ways used to structure the thinking of harvesters to ensure this special relationship was maintained. People were named after rivers, whales, eagles, trees, and the act of harvesting. Through this exchange, a bond and a sacred balance was maintained in the Universe.

**Repair/Restore:** Indigenous cultures had ways to address problems, fix mistakes and correct indiscretions. When things happened, they called upon the village Elders, healers and wise ones to guide them through truth-telling and accounting for decisions made and actions taken. Accidents require a ceremony to strengthen the spirit of the injured, while other matters may require an apology, compensation and corrective means to demonstrate accountability and responsibility. Repair to individuals, families, clans and tribes was essential to community well-being. Being in a good relationship with nature and everything in it was paramount.

Three learning sessions were presented to RCY staff as part of the methodology and included extensive reading material and learnings on circle agreements.

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## Sacred Story Investigation

### *Comprehensive Review*

An RCY Comprehensive Review (CR) is a review and analysis of the paper and electronic files as well as relevant policies and procedures concerning a child. A CR informs RCY's decision regarding whether or not to launch a s.12 investigation under the *RCY Act*.

A full investigation requires a tremendous amount of resources and staff time and, therefore, RCY typically conducts only one full investigation at any given time.

The CR for Colby examined all MCFD file information for Colby and his family from prior to Colby's birth up to his death. It included an examination of the experiences and services provided to Colby's siblings as well as to him and his parents. Upon review of the CR, it was determined that the policies and practices of a reviewable service contributed to the death of Colby and the Representative decided to proceed to an investigation.

The CR identified several themes or key focus areas: inter-partner and family violence; family and caregiver supports; kinship care and out of care options; children and youth with support needs; workforce capacity; child welfare policies and procedures; interagency practices, including communication, coordination and planning; and resumption of jurisdiction over child welfare by Nations and transitional decision-making as part of that process. Related areas of concern also included parental mental health and substance use and the effects of the COVID-19 pandemic. These themes informed the design of the Investigation including who would be interviewed and what questions would be asked as well as the key focus areas for the Systemic Review – see below.

The RCY decision to proceed to an investigation was supported by the First Nations Leadership Council, which cited the *"horrible systemic breakdowns that contributed to this child's death."*<sup>9</sup> As well, the FNLC urged RCY to look at the broader systems and how they are failing (or supporting) children and youth – particularly First Nations children and youth – and voiced its support for a systemic/structural investigation, including

whether racism or fiscal discrimination was at play in decisions, practices, etc.

### *Investigative Process*

In June 2023, the Representative began planning how best to meet with local Indigenous leadership to ensure that cultural protocols were honoured as part of the investigation. A local Nation leader was contracted to support this relational work and inform the Representative of local protocols.

In July 2023, RCY began the process of informing leadership from the Ministry of Health, the Ministry of Education and MCFD that staff involved in Colby's story would be interviewed. Material was provided before the interviews, including a question-and-answer document that explained the purpose of, and process for, the interviews. Interviews with staff from the Ministries of Health, Education and MCFD used a more traditional western approach but were informed by Indigenous methodologies. In addition to asking for facts, investigators asked open-ended questions to seek the wisdom of interview subjects' own experiences and recommendations for a future system of care.

### *Decolonizing the Investigation and Interview Process*

Methodologies in the Sacred Story Investigation aligned with a Two-eyed Seeing approach and the Cultural Advisors provided support and mentoring to the Investigation team as well as cultural learning sessions.

The approach for interviews with the family and Indigenous community members and leaders was guided by the Cultural Advisors and their teachings and the typical interview approach was modified to make the process more respectful as well as providing the opportunity for the telling of stories and making of recommendations by each

participant. The pre-interview process requiring interviewees to “affirm” or “swear” they are telling the truth was also adapted to allow for traditional indigenous ways (oral truth-sharing agreement).

Family and community interviews included ceremony, food and offers of cultural support, and the location for interviews was carefully chosen to enhance emotional safety and ensure anonymity. The length and pace of the family interviews was determined by family – several interviews lasted six or more hours.

### *Documentation Review*

As part of the CR and Sacred Story Investigation, all relevant files in MCFD’s database, the Integrated Case Management (ICM) system, were reviewed. This database includes legal documents, worker notes, agreements and significant volumes of many other types of information. As a result, calculating the number of documents reviewed as part of this project was not possible. An individual ICM file varies in length and can contain hundreds or even thousands of documents, depending on the length of involvement of a child and/or family in B.C.’s child-welfare system.

Completion of the CR took RCY’s five-member investigation team more than seven months. Thousands of additional documents were reviewed once the full investigation got underway.

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## **Systemic Review**

The purpose of the Systemic Review was to examine in more detail the several areas of child and youth well-being systems identified in the CR analysis. The Systemic Review included:

- an in-depth review of B.C. policies and practices, review of current reports and literature, and an inter-

jurisdictional scan for each of the identified systemic issues;

- a review of child and injury death cases to identify other children’s stories documenting similar systemic issues;
- a review and analysis of Coroner’s Inquests Child Death Review Panel and RCY Reviews and Investigations records to identify and understand trends and patterns related to the systemic issues;
- consideration of relevant and supplementary research undertaken and commissioned by the RCY.

### *Policy and Practice, Jurisdictional and Literature Review*

A significant stream of work under the Systemic Review was the in-depth review of B.C. policies and practices, review of current reports, seminal works and grey literature, and a scan of other jurisdictions to better understand the key systemic issues identified and determine what could be learned from others, including promising practices.

The RCY retained external contractors to undertake the reviews in the areas of: family and inter-partner violence; family and caregiver supports; child welfare policies and procedures; and interagency practices. For the area of kinship care and out of care options, the RCY seconded a current member of the BC Public Service with extensive understanding and experience of this area to undertake the review. To better understand the context, and evolving and emerging child welfare practice, reviews of the history of Child Welfare in B.C., and Child Welfare Reform were also commissioned.

For children and youth with support needs (which is woven into the family support

chapter of the report), the Representative drew on internal ongoing, comprehensive and in-depth work that the Office is leading in the area of CYSN. For the area of jurisdiction and resumption of inherent rights over child welfare by First Nations, the work was undertaken internally by RCY as was work on accountability and quality improvement.

The review of Workforce Capacity is also being undertaken internally within RCY. The workforce review is extensive, involving a review of relevant literature, past reports, a survey of MCFD social workers and team leads (a total of 739 MCFD practitioners participated in the survey), focus groups of MCFD social workers and team leads (12 Focus groups with 49 participants), and analysis of findings of literature and reports and surveys and focus groups. Given its scope and significance, the Workforce review has evolved into a separate companion report to the Sacred Story Investigation and Systemic Review. An interim report, which will be the first of two Workforce reports, is to be released shortly after the report of the Sacred Story Investigation and Systemic Review. A more detailed and comprehensive report is expected in late fall 2024.

For each of the areas of focus, as part of the review of the current state and policy and practice in B.C., the Office also reviewed and gathered information through comprehensive intranet searches of public bodies websites to extract available information, and through s.10 requests to public bodies. In all 22 s.10 requests were submitted to four public bodies, resulting in the receipt of 5,915 documents.

Key contextual questions were provided to guide the work of the reviewers and RCY executive and staff supported and contributed to the work of the reviewers. A RCY executive staff member acted as an advisor to each reviewer and in some cases

RCY staff undertook specific supporting research.

In their work, reviewers were asked to specifically consider Indigenous viewpoints and perspectives. Reviewers also undertook interviews and one on one conversations with leaders, experts and practitioners in their area and in some cases reached out to learn from those with lived experience and to gain an indigenous perspective (29 interviews and conversations were held by reviewers).

### *Other children's stories*

An extensive search of RCY records and files, both of completed CRs and an in-depth file analysis identified several children and families whose stories illustrated similar issues to Colby's story and were emblematic of systemic issues in the child and youth well-being sector.

These stories are highlighted throughout the report, underscoring that Colby's story, and the broad systemic issues it reveals, is not an outlier, as well as identifying additional issues in the system that require attention.

### *Data Analysis*

A former child and death coroner was commissioned to review and analyze findings and recommendations of Coroner's Inquests and Child Death Review Panels between the years of 2014 to 2023 to identify findings and recommendations relevant to the systemic review themes. This analysis affirmed that the identified themes and findings underlying the Sacred Story Harvest and Systemic Review were present in many cases.

Additionally, RCY Reviews and Investigations team extracted supplemental data on kinship care (including for out of care and the Extended Family Program) from relevant

records to further analyze and understand caregiver relationships. Cases examined included 30 children and youth, almost three-quarters of them Indigenous, who had experienced critical injury or death while involved with B.C.'s child-welfare system. RCY also looked at how many of these children and youth had come from two generations or more of intergenerational child welfare involvement.

### *Supplemental Research*

Other research commissioned by RCY from public post-secondary institutions informed the Systemic Review. This included research and review conducted under RCY's Keeping Families Safely Together initiative which informed the family support area of the

Systemic Review, as well as the report's recommendations.

In addition, research commissioned by the RCY on grief and Loss in childhood helped to inform this project. This research evaluated the literature on grief and loss in childhood and adolescence by asking and answering a series of questions followed by exploring factors that influence child outcomes and to begin a discourse on how best to support young people in B.C. who face losses.

Topics covered under the Keeping Families Safely Together initiative included:

- a look at colonialism and how its legacy has shaped the foundations for Indigenous early childhood in B.C.
- an examination of colonialism and disruption in belonging in the context of refugee newcomer children and families
- a review of the importance of family, community and place in children's identity and development, speaking to the emergence of "individualism" and the concept of "family autonomy" in western political thought and its ongoing influence on public policy
- an examination of the multiple interconnected spheres of influence on children's health, well-being and development in understanding child development
- a consideration of the social determinants of health, describing how child health inequities are created by the inequitable distribution of power, money and resources, resulting in upstream social, environmental and economic challenges.

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## Engagement

### *Working sessions and presentations*

Through January to May 2024, the Representative held working sessions and presentations with a range of organizations to provide information on the Sacred Story Investigation and Systemic Review and obtain input on whether the work was covering the right themes and priority areas. Follow-up sessions were also held to review findings and discuss emerging areas for recommendations.

This included **15** working sessions and presentations, including four in-person sessions, with

- Indigenous leadership and service organizations - First Nations Leadership Council (3 sessions), Our Children Our Way Society (3 sessions), Métis Nation BC (2 sessions), BC First Nations Justice Council;
- child and youth serving and advocacy organizations - The Federation of Community Social Service Agencies of BC, Provincial Association of Residential and Community Agencies (PARCA), First Call and the Children's Forum;
- ministries and public bodies (2 sessions).

### *Online Community Engagement*

In addition to the working session and presentations, through February to May 2023, the Representative undertook comprehensive efforts to reach out and engage broadly with those committed to supporting positive change in outcomes and well-being of children -- practitioners, caregivers and foster parents, advocates, team leaders, program managers, clinical supervisors, executive leaders and others.

Phase One of this on-line "community" engagement involved hosting four, three-hour

virtual sessions open to a range of individuals interested in contributing to the review. The goal of Phase One was to provide information on the Systemic Review and receive input to the priority areas of interest. Email invitations to the sessions were sent out to all organizations and individuals on RCY's partner/stakeholder list and those expressing interest in the Office's work. A separate on-line session was also held with members and partners of the Our Children Our Way Society (including Directors and staff of Indigenous Child Welfare Service Agencies) and with RCY staff including advocates serving children, youth and their families.

Phase Two of the on-line engagement involved going back to the participants and interested parties to review findings of the Systemic Review work and emerging areas for recommendations.

In all, eight online sessions were held and 402 individuals participated in the sessions.

RCY's Systemic Advocacy, First Nations, Métis and Inuit Research team undertook comprehensive analysis of the input from the online sessions to identify key themes and priority areas which informed the findings and conclusions of the Systemic Review.

### *Surveys*

In addition to the workforce surveys undertaken as part of the Workforce Capacity work and outlined in the interim report expected to be released following this Sacred Story Harvest and Systemic Review report, the RCY undertook three other surveys to gather insights from families and community to support and inform the work of the Systemic Review.

Three surveys specific to family and kin with experience in the care system; the community service sector; and foster and group home caregivers were distributed through various

stakeholders<sup>3</sup>. The survey period was from May 3 to May 22, 2024 and the RCY received 335 responses in total – 211 to the foster and residential caregiver survey; 44 to the family and kin carer survey; and 80 responded to the community service provider survey.

Results were tabulated and analyzed and incorporated into the Systemic Review analysis and findings.

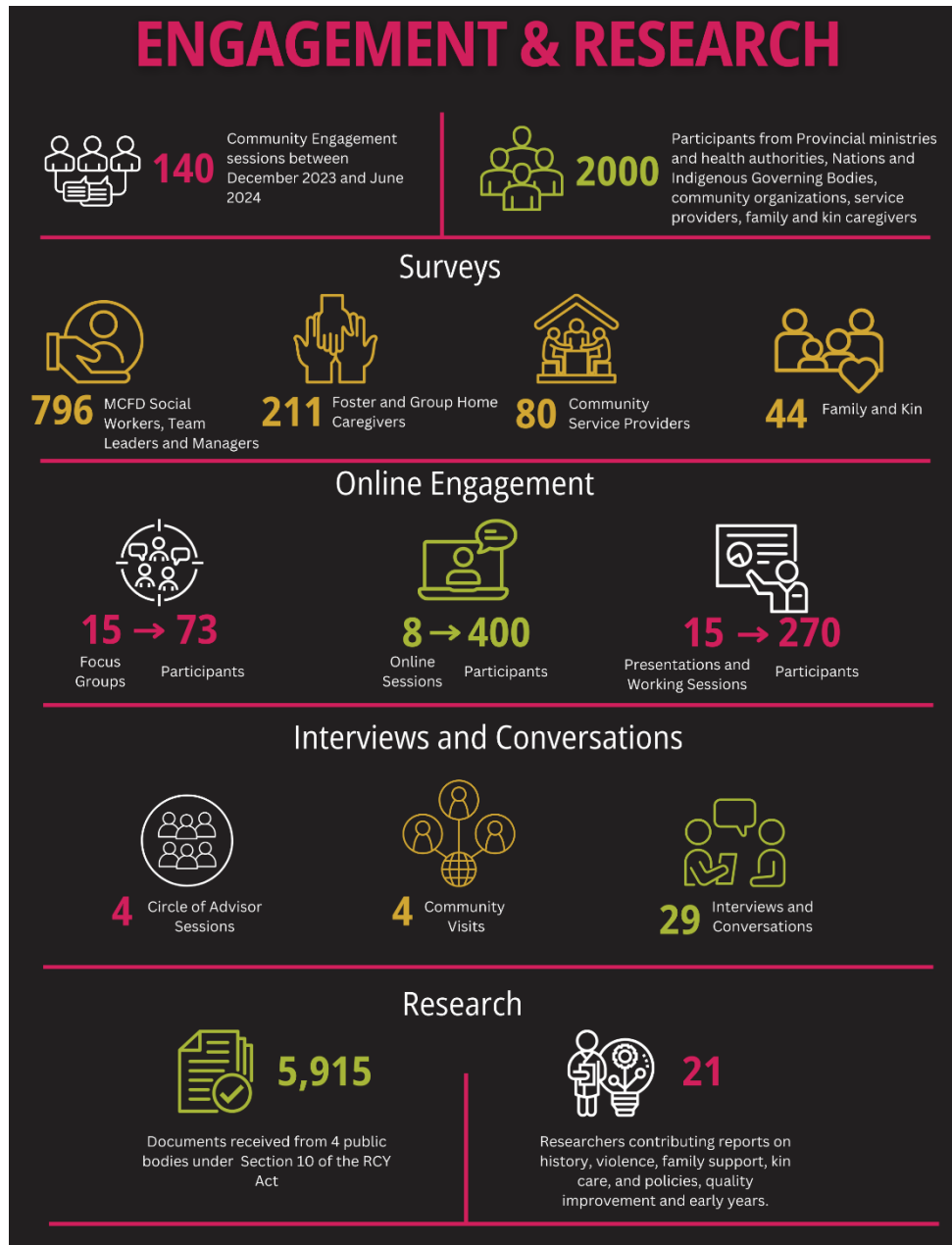
### Focus groups

To delve deeper into some of the themes and priority areas identified in the engagement sessions and surveys, the RCY also held focus groups with families with lived experience of the child welfare system (one focus group and 12 participants) and with staff from Child and Youth Advocacy Centres from around the province (two focus groups and 12 participants). These were in addition to the 12 focus groups held with direct service providers and team leaders as part of the Workforce Capacity work.

These sessions allowed participants to share their experiences, challenges, and perspectives in a detailed and nuanced manner. This mixed-method approach ensured a balanced and thorough understanding of the current state of the child welfare system, combining statistical analysis with rich, narrative accounts to identify areas for improvement.

<sup>3</sup> Note: Results should be interpreted with caution as they only reflect the views and situations of those who participated in the surveys and may not represent the entire

population of foster and residential caregivers, family and kinship carers involved with MCFD and community service providers in the province.]



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## Collective Sense-Making

Throughout the Sacred Story Investigation and Systemic Review attention was given to ongoing collective sense-making to consider and understand the findings, to ensure that the various streams of work were connected, aligned and integrated, and that the “braids” of work were woven into a whole.

The Sacred Story Investigation team met bi-weekly with the Representative and members of RCY Executive to review what had been learned through interviews as well as any newly identified records. The Cultural Advisors were added to these meeting in April 2024 to provide additional guidance as the analysis and sense-making process deepened.

Weekly meetings to provide an update on developments, coordinate efforts and address outstanding matters were held between the Representative and reviewers. Regular bi-weekly meetings were also held between the Representative, RCY executive advisors and staff, and reviewers to share information and findings. Throughout the process, the Representative, senior reviewers and RCY executive convened special meetings to focus on key areas.

In March 2024, the entire project team including the Sacred Story Investigation team, the Systemic review researchers and RCY advisory and executive staff came together in a two-day in person session to share what had been learned to date and to identify common themes and begin to align findings.

The Investigation team, RCY executive and the Cultural Advisors held several “sense-making” sessions as the Investigation process drew to a close to coalesce findings and inform the development of recommendations. Sense-

making included – but was not limited to – a review of interviews, systemic review research papers, previous RCY reports, input from engagement sessions and evidentiary documents from public bodies.

Stories, evidence and emerging themes were categorized and analyzed according to the Systemic Review themes. An understanding of the importance of placing the information and experiences into historical and current context was a significant part of the methodology as the RCY team examined questions as: Why was violence so pervasive? What impeded professional and community members from intervening? What circumstances lead to the caregivers actions?

As well, the Representative also formed a “Circle of Advisors” – a group of Matriarchs, Elders, First Nations leaders, as well as others with specific experience, expertise and knowledge in areas relevant to the systemic review – all who care about the transformation of the child welfare system. As people who have significant knowledge, influence and ability to see the big picture from a systems’ perspective, members of the Circle of Advisors provided guidance to help strengthen the systemic review report and recommendations, as well as to identify what needs to be built in to help lead to change. Three virtual meetings and one in person meeting of the Circle Advisors were held between May 2024 and July 2024.

### *Cultural Advisors*

- Deborah Foxcroft
- Hereditary Chief Wedlidi Speck
- Judy Wilson

### *Circle of Advisors*

- Dr. Danièle Behn Smith

- Dr. Cindy Blackstock
- Halie Bruce
- Dr. Peter Choate
- Dr. Matthew Carwana
- Cheryl Casimer
- Irwin Elman
- Dr. Helaina Gaspard
- Dr. Margo Greenwood
- Dr. Bonnie Henry
- Adrienne Montani
- Sarah Morales
- Dr. Gwen Point
- The Honourable Steven Point
- Dr. Jamie Piercy
- Tracy Porteous
- Cherly Thomas
- Dr. Nico Trocmé



## APPENDIX 2

### How Did We Get Here?<sup>1</sup>

*Your child protection laws have devastated our cultures and our family life. This must come to an end.*<sup>1</sup>  
Liberating Our Children, Liberating Our Nations, 1993

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*Injustices cannot be undone, nor can past actions be altered. However, with the creation of the ministry, there is a commitment to undertake a significant change in attitude and approach to working with the Aboriginal people of British Columbia to provide services for children and families.*<sup>1</sup> Liberating Our Children, Liberating Our Nations, 1993

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*The Ministry for Children and Families acknowledges the significant disruption in the lives of Aboriginal children, families, and communities attributed to past provincial child welfare practices. This acknowledgement signals a desire to engage in a reconciliation with Aboriginal communities to ensure the impact of past practices no longer hinders the healthy development of Aboriginal children and families.*<sup>1</sup> MCFD Aboriginal Strategic Plan, 1999

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*Whereas the watershed commitment made by the Province of British Columbia in 2002 in support of the Tsawwassen Accord must be reaffirmed given the urgency of the humanitarian crisis in the child welfare system.* UBCIC Resolution 2023-57-October 2023; FNS Resolution 1023.14-October 2023; BCAFN Resolution 18/2023-September 2023

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<sup>1</sup> As part of the Systemic Review of the Child Welfare System in British Columbia, a research paper was commissioned by the Representative to document the history of child welfare in British Columbia, over the past 100 years, with particular focus on the past 30 years since a legislative review was undertaken that led to the *Child, Family and Community Services Act*. This paper built on historical information that was presented in *Volume 2 of Mathew's Legacy*, authored by Judge Thomas Gove (1995), and the *BC Children and Youth Review*, authored by Honourable Ted Hughes (2006). Despite the comprehensiveness of these reports, and despite Honourable Hughes' illumination of the issues and impacts for Indigenous people, neither report was centred in Indigenous ways of knowing and being. With over 68% of children in care reported by MCFD in 2023 being Indigenous, it is critical that the history of child welfare in British Columbia is shared through Indigenous world views. This appendix aims to do this and draws extensively on the findings presented in the 2024 research paper, *History of Child Welfare in British Columbia – Major Reports, Commitments and Leadership* authored by Bart Knudsgaard, with associate researchers Elaine Knudsgaard and Riley Knudsgaard. It illuminates the persistent acts of resistance and resilience and enduring vision of Indigenous leaders, communities and Nations to resume care for their children.

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## INTRODUCTION

In order to look forward, it is important to look back to reflect on the path travelled.<sup>2</sup> This historical overview of the child welfare system in British Columbia is part of the looking back to understand where we have been, what commitments have been made, what has not worked, and most importantly to harvest the ideas, recommendations, and commitments that can transform the child welfare system to support better outcomes for children.

*"It is not the absence of good ideas – It is the failure to implement these good ideas."<sup>6</sup>*

As we take a journey to understand where we have been, we need to bring not only our heads but also our hearts and our being to this examination. We must bring our best thinking, feeling, and spirit to fully understand how the child welfare system and imposition of colonial law has impacted Indigenous children, families, and Nations.

This appendix first provides an overview of the past thirty years of child welfare in B.C. including key reports, agreements and legislation. This will give the reader a sense of the many different attempts that have already been made to 'transform' the child and family service system for both for all children and more specifically for Indigenous children. The six distinct 'eras' of child welfare in B.C. over the past 100 years are then described, noting

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<sup>2</sup> Harald Bart Knudsgaard, "How One Becomes What One Is: Transformative Journeys to Allyship" (Thesis, 2019), <https://dspace.library.uvic.ca/handle/1828/11480>

<sup>3</sup> Union of B.C. Indian Chiefs, "Union of B.C. Indian Chiefs 55th Annual General Assembly October 4th to 5th, 2023 Cariboo Memorial Recreation Complex, Williams Lake (Secwepemc

what the predominant perspectives, priorities and actions were at the time. One can see the throughline of colonial approaches and the diminishment of Indigenous ways of knowing and being throughout. The narrative is expanded by incorporating stories of Indigenous resilience and resistance. In most eras, Indigenous Nations and Communities have resisted the imposition of colonial laws while offering pathways to address what many would consider a humanitarian crisis in how the child welfare system interacts with Indigenous people.<sup>3</sup>

Over the past 50 years, the terminology used to address Indigenous people has changed. The language used within this report will align with the language used in any referenced reports or historical events. This includes Aboriginal, First Nation, Indian, Indigenous, Inuit, Metis, Non-Status First Nation, Indigenous Nations, etc. It is recognized that this terminology is colonial in origin and that when not referring to a particular report or event with the terminology in use at the time, this report uses distinction-based terminology

Indigenous best practices have always existed in supporting Indigenous children and families. Given the imposition of the state, some of these have been put to sleep. Today, with reclamation and re-assertion of jurisdiction, these practices are waking up.

Territory) Resolution No.2023-56 RE: Support for Indigenous Child and Family Services Directors Our Children Our Way Society"; "First Nations Summit Resolutions from Jennifer Chuckry to Indigenous Child and Family Service Directors Our Children Our Way," November 2023; "BC Assembly of First Nations BCAFN Annual General Meeting Resolution List."

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## KEY REPORTS AND AGREEMENTS FOR CHILD AND FAMILY SERVICES 1992-2024

Since the Province of British Columbia began delivering child and family services in B.C, there have been dozens of reviews and reports issued regarding the effectiveness of these services at a provincial and national level. Many of the recommendations identified in these reviews and reports have been reiterated in report after report. Responding to recommendations regarding Indigenous child and family well-being, Indigenous leaders and communities have consistently called for specific actions to be taken.

Many of the reports and agreements concerned the broader child welfare system but the following reports were informed through Indigenous perspectives and led by Indigenous people:

- *Liberating our Children, Liberating Our Nations*<sup>4</sup>, authored by Lavina White and Eva Jacobs (1991), provides a historical account of the impositions of the colonial child welfare system on Indigenous people through Indigenous narratives.
- *Wen: De Coming to the Light of Day*<sup>5</sup>, authored by First Nations Child and Family Caring Society, details the historical experiences of First Nation

children coming into contact with the child welfare system.

- *The Road to Aboriginal Authorities Over Child and Family Services – Considerations for Effective Transitions*, authored by Kelly McDonald (2008), expands on Liberating our Children Liberating Our Nations narrative.
- *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions*, authored by Grand Chief Ed John (2015), weaves the historical impacts of the child welfare system on Indigenous People into his report.

All these reports provided recommendations to support better outcomes for Indigenous children. Patterns and themes emerge across these reports.

Over the past three decades, the Province has made commitments, entered into agreements with Indigenous leaderships, and developed joint action plans. These commitments and agreements have been disrupted by political changes and differing strategic priorities. Additionally, there have been reviews and reports that have made recommendations which resulted in the Province deviating from its commitments and agreements. During this time, Indigenous leaders have called for changes through declarations and accords given the impact of the child welfare system on their children, their families, and their communities.

In reviewing over 20 years of MCFD Service Plans, Annual Reports, and Strategic Plans for this report, one can identify that the ministry's strategies, goals, objectives, and actions follow

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<sup>4</sup> White and Jacobs, *Liberating Our Children, Liberating Our Nations*.

<sup>5</sup> Cindy Blackstock et al., *Wen:De: We Are Coming to the Light of Day*, electronic resource (Ottawa,

Ont: First Nations Child and Family Caring Society of Canada, 2005), <http://cwrp.ca/sites/default/files/publications/en/WendeReport.pdf>.

a pattern. There is a continual focus on reform, often in response to a tragic death and consequent review or report. These patterns include but may not be limited to:

- Shifting back and forth from the recognition of Indigenous jurisdiction for child and family well-being to the reneging of such recognition;
- Shifting back and forth from provincial centralized governance to regional decentralized governance; and
- Shifting back and forth from a belief that communities and regional authorities are best positioned to determine practice approaches to a provincial standardized practice approach.

However, despite the earnest efforts of many, the most prevalent child safety issues, identified in *Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare Findings from the First Nations/ Canadian Incidence Study of Reported Child Abuse and Neglect (2019)*, receive the least attention in the ministry's Service Plans and Annual Reports. This study indicated that 71 per cent of maltreatment investigations for First Nations Children were related to neglect and intimate partner violence.<sup>6</sup> MCFD Service Plans place little emphasis on this reality. This demonstrates the crucial need for evidence-based service planning.

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<sup>6</sup> FNCIS, "Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare: Findings from the First Nations/Canadian Incidence Study of Reported

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## The Eras of Child and Family Services in British Columbia

### Indigenous child and family well-being - the early days of colonial child welfare law

Indigenous people have been caring for and nurturing their children since long before colonization. Indigenous children and families thrived. There were systems of knowing and being that guided the care and nurturing of children. These systems have been disrupted by B.C.'s and Canada's colonial laws, interventions, and impositions.

*"Since the time of Settler contact, Indigenous people in British Columbia have endured the devastating effects of colonization. Colonial policies—designed to assimilate Indigenous peoples and extinguish their communities, cultures, and ways of life—have specifically targeted Indigenous children and the family structures they are nested within. The resulting breakdown in traditional family and community structures has and continues to cause irreparable harm."<sup>11</sup>*

With the onset of colonial child welfare law, the amendments to the federal Indian Act, and the commencement of funding transfers for child welfare from Canada to B.C., there has been an increasing presence of child welfare authorities in the lives of Indigenous people. This increased presence resulted in a

Child Abuse and Neglect," 2019, [https://cwrp.ca/sites/default/files/publications/FNCIS-2019 - Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare - Final\\_1 \(2\).pdf](https://cwrp.ca/sites/default/files/publications/FNCIS-2019 - Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare - Final_1 (2).pdf).

gross over-representation of Indigenous children and families involved in the child welfare system.<sup>7</sup>

## The Birth of the Colonial Child Welfare System in British Columbia

The evolution of child and family well-being in colonial era B.C. can be seen through at least eight distinct eras. Each of these eras is marked by radical shifts in social welfare policy and competing political ideologies from conservative and economic neo-liberal agendas of the right to social democrat and community empowerment agendas of the left. *People, Politics and the Child Welfare in British Columbia* suggests:

*“the state’s responsibility for child welfare has been the subject of sharp philosophical differences, political twists and turns, numerous legislative amendments, bureaucratic tinkering, and a continuing ambivalence about its role in relation to a mixed voluntary and government-funded community-based social services sector focused on preventing family breakdown.”<sup>8</sup>*

The Indian Act, first proclaimed in 1876, gave the federal government control over most aspects of Indigenous people’s lives. The creation of residential schools, which

<sup>7</sup>FNCIS, “Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare: Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect.”

<sup>8</sup> “The History of Indigenous Child Welfare in BC.”

<sup>9</sup> First Nations Chiefs and Leaders in BC, “Indigenous Child at the Centre Action Plan,” *First Nations in BC Knowledge Network*, 2010, <http://firstnationsbc.ca/resource/indigenous-child-centre-action-plan>.

operated in B.C. from 1861 to 1984,<sup>8</sup> were meant “to eliminate any vestige of Aboriginality replacing it with a Euro-western culture, knowledge, and spirituality.”<sup>9</sup>

## ERA 1 - The First Child Welfare Laws – 1901 to 1952

The history of child welfare policy in B.C. begins near the turn of the 20<sup>th</sup> century. The first statute establishing state authority was the *Infants Act*, 1901. In 1919 the appointment of B.C.’s first Superintendent of Neglected Children was established, which began to build awareness of child abuse and neglect in society. In 1939, the *Protection of Children Act* replaced the *Infants Act* pertaining to child well-being in B.C. This Act established a Superintendent of Child Welfare, whose mandate included the establishment of children’s aid societies and the power to apprehend children in need of protection. This legislation remained in place until 1981.<sup>10</sup>

Residential schools operated throughout this era and were seen by contemporaries as the “primary mechanism of First Nations child welfare in Canada.”<sup>11</sup>

## Indigenous Resilience and Resistance

Beginning in the 1930s, the Department of Indian Affairs (DIA) provided small grants to fund homemakers’ clubs on reserves across Canada. These were clubs where women would gather to sew, knit, and share skills and

<sup>10</sup> Province of British Columbia, “Chapter 303 Protection of Children Act,” in *Protection of Children*, 1960, 3749–70, <https://www.bclaws.gov.bc.ca/civix/document/id/hstats/hstats/433960211>.

<sup>11</sup> Anna Kozlowski et al., “First Nations Child Welfare in British Columbia (2011) | Canadian Child Welfare Research Portal,” accessed February 15, 2024, <https://cwrp.ca/information-sheet/first-nations-child-welfare-british-columbia-2011>.

knowledge related to childrearing, cooking, and other domestic tasks. Conditions on many reserves were so poor that homes and facilities were inadequate to carry out even basic domestic tasks. Many homemakers' clubs hosted clothing drives, craft sales and markets to raise money for their clubs or communities.

*"Over the years, as Indian women noticed the struggles faced by their communities and the particular challenges and discrimination experienced by Indian women, members became more politically motivated. IHA members began to put pressure on the DIA to provide the support and infrastructure that their communities so desperately needed."<sup>18</sup>*

Resistance was limited, given the Indian Act restrictions which forbade Indigenous people from political activity, prohibited gatherings of a spiritual or cultural nature, and banned the use of Indigenous languages.<sup>12</sup> Through the DIA, Indigenous women endorsed Indigenous Homemakers Associations and started to form political movements. In 1951, with major amendments to the Indian Act, some of these restrictions were lifted. However, Canada continued to hold significant powers over Indigenous peoples.

## **ERA 2 - Provincial Child Welfare Law Imposed on Indigenous People - 1951 to 1972**

Sections 91 and 92 of the *Constitution Act of Canada* address the distribution of legislative powers within what we know as Canada. In 1951 the Indian Act was amended with the

<sup>12</sup> "21 Things You May Not Know about the Indian Act | CBC News," accessed February 15, 2024, <https://www.cbc.ca/news/indigenous/21-things->

inclusion of Section 88, which stipulates that in the absence of federal law, provincial law will apply. The addition of Section 88 set off a cascading series of events that had catastrophic impacts on Indigenous children, families and communities.

*"In the early days of Canada's existence, provincial child welfare laws had little impact on Aboriginal life. Federal law dominated and, under the authority of the Indian Act, our children were systematically rounded up and shipped to residential schools. During the 1960s, public awareness of the brutal nature of this process forced the federal government to abandon the residential school system. Meanwhile, provincial family and children services legislation had been extended to apply to Aboriginal people. In 1951 only 29 children of Aboriginal ancestry (less than 1% of the children in care) were in the care of the province. By 1964 this had increased to 1466 status Indian children alone, making up 34.2% of all of the children in care. The numbers of our children in the care of the Superintendent constitutes a gross violation of the United Nations Convention on the Rights of the Child and has negatively affected every facet of Aboriginal family life."<sup>20</sup>*

This increase of Indigenous children being apprehended by the provincial government was exacerbated with the closures of residential schools across B.C. and Canada. The trauma inflicted by the colonial government set off a wave of intergenerational impacts, which has resulted in detrimental outcomes for Indigenous

[you-may-not-know-about-the-indian-act-1.3533613](https://www.cbc.ca/news/indigenous/you-may-not-know-about-the-indian-act-1.3533613).

children, their families, and their communities. Additionally, Indian Hospitals and Indian Day Schools have inflicted harm upon Indigenous children and their families.

In 1952 the Social Credit Party broke away from the ruling Conservative Party in B.C. After over a decade of coalition governments, the Social Credit Party formed a majority government in 1953 and remained the ruling party in B.C. until 1972. This era was marked with policies which prioritized economic development over social welfare programs.<sup>13</sup>

The federal Canadian Assistance Plan in 1966 introduced cost-sharing of child welfare services, which resulted in a significant expansion of B.C.'s child welfare system.

*"As a consequence, the proportion of First Nations children in care began to increase dramatically across the country."<sup>22</sup>*

In the early 1970s concerns with the *Protection of Children Act* were becoming increasingly apparent "in relation to its moralistic tone, inattention to due process, and lack of recognition of First Nations"<sup>14</sup>

### Indigenous Resilience and Resistance

As B.C.'s child welfare presence continued to increase in the lives of Indigenous children, families, and communities, so did Indigenous resistance to this involvement. There were Indian Homemaker Associations throughout

First Nations in B.C. for decades. Although initially set up through federal government grants for First Nation women to share domestic knowledge, it became apparent to Sts'ailes Chief and respected Indigenous leader Rose Charlie<sup>15</sup> that the collective of these associations could advocate to the provincial and federal government regarding the well-being of First Nation children.

Over 144 of the Indian Homemaker Associations came together in 1969 to form a Provincial Indian Homemaker Association. As the leader of this provincial association, Rose Charlie led the passing of a resolution calling on the federal government to recognize Indigenous jurisdiction regarding children and families.<sup>16</sup> <sup>17</sup>One month after the formation of the Indian Homemaker Association in 1969, the government of Canada issued the *Statement of the Government of Canada on Indian Policy* known as Canada's White Paper "proposing full assimilation of Indigenous people into Canadian Society through actions such as removal of status and treaty rights."

<sup>13</sup>"Social Credit," accessed February 10, 2024, <https://www.thecanadianencyclopedia.ca/en/article/social-credit>.

<sup>14</sup> Brian Wharf and Marilyn Callahan, "Public Policy Is a Voluntary Affair," *BC Studies: The British Columbian Quarterly*, no. 55 (1982): 79–93, <https://doi.org/10.14288/bcs.v0i55.1134>.

<sup>15</sup> "Rose Charlie," accessed February 16, 2024, [\[equality.canada.ca/en/commemorations-celebrations/women-impact/human-rights/rose-charlie.html\]\(https://equality.canada.ca/en/commemorations-celebrations/women-impact/human-rights/rose-charlie.html\).](https://women-gender-</a></p></div><div data-bbox=)

<sup>16</sup> "Rose Charlie and the IHA - British Columbia - An Untold History," accessed February 10, 2024, <https://bcantoldhistory.knowledge.ca/1960/rose-charlie-and-the-ih-a>.

<sup>17</sup> "The History of Indigenous Child Welfare in BC."

In order to respond to the White Paper, Rose Charlie led the organization of an all chiefs gathering that resulted in over 144 chiefs coming together, leading to the birth of the Union of BC Indian Chiefs. Rose Charlie led a 100 Mile Moccasin Walk to raise funds for this meeting.<sup>18</sup>



Rose Charlie<sup>24</sup>

Throughout the 1960s and 70s, there was a large-scale removal of Indigenous children from their families and communities. This “sparked grassroots political activism throughout the province” and calls for the resumption of Indigenous jurisdiction over child welfare.<sup>19 20</sup>

### **ERA 3 - Decentralization of Child and Family Services – 1972 to 1975**

A New Democratic Party government was elected in 1972. With the Province’s enactment of the Community Resources Act, decentralization of social services governance

and delivery to Community Resources Boards throughout B.C. began.

The Province also initiated reform of the 40-year-old *Protection of Children Act* through the work of the Royal Commission on Family and Children's Law beginning in 1973. The Province appointed Judge Thomas Berger as chair of this commission, which studied and made recommendations on almost every aspect of children’s law through the release of a series of reports. The recommendations of the report had a major effect on child welfare policy in Canada and elsewhere. Judge Berger, who died in 2021, was described by First Nations Leadership Council as “a man of great principle, compassion, and courage. He fought for Indigenous rights and title in a way that most non-Indigenous Canadians didn’t support at the time.”<sup>21</sup>

During this era, the Province reformed the welfare system, established the Labour Relations Board, expanded the public sector, established a public auto-insurance program, brought in the agricultural land reserve approach, and introduced Question Period and full Hansard transcripts of legislative proceeding.

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<sup>18</sup> “The White Paper - British Columbia - An Untold History,” accessed February 10, 2024, <https://bcantoldhistory.knowledge.ca/1960/the-white-paper>.

<sup>19</sup> Union of B.C. Indian Chiefs, “Calling Forth Our Future: Options for the Exercise of Indigenous

Peoples’ Authority in Child Welfare Prepared by the Union of B.C. Indian Chiefs,” 2010, 92.

<sup>20</sup> “The History of Indigenous Child Welfare in BC.”

<sup>21</sup> First Nations Leadership Council, “News Release: FNLC Remembers Thomas Berger and Honours His Legacy as a Prominent Indigenous Title and Rights Advocate,” May 3, 2021.

## Indigenous Resilience and Resistance

The Indian Homemakers Association understood child welfare issues as “integral to Indigenous sovereignty” and worked to keep and bring children back to their home communities.<sup>22</sup> The Indian Homemaker Association also advocated to change the child welfare legislation and policies which had led to the Sixties Scoop.

*“The BCIHA also worked to change the legislation and policies that produced the Sixties Scoop: they challenged the province’s jurisdiction over Indigenous child welfare and authority to apprehend Indigenous children and pressed the federal government to “recognize Indigenous Peoples jurisdiction in the area of child welfare.”<sup>36</sup>*

## ERA 4 - Return to Centralized Control of Child and Family Services Era – 1975 to 1981

With the election of a Social Credit government in 1975, the Province took immediate steps to dismantle Community Resources Boards in order to return social services governance to the central bureaucracy. The Social Credit-led government deemed the work of the Royal Commission on Family and Children’s Law as a partisan political process and consequently implemented little to no recommendations from it. In 1981, the *Family and Child Services Act* was enacted to address the antiquated

<sup>22</sup> Sarah Ann Nickel, “‘United We Stand, Divided We Perish’: Negotiating Pan-Tribal Unity in the Union of BC Indian Chiefs” (Simon Fraser University, 2015), <https://summit.sfu.ca/item/16747>.

provision of the *Protection of Children Act*. However, the major legislative changes recommended by the Royal Commission on Family and Children’s Law unfulfilled.<sup>23</sup>

## Indigenous Resilience and Resistance

First Nations were becoming increasingly alarmed regarding the impact of the provincial child welfare system on their children, families, and communities. Between 1951 and 1979, two of every three Splitsin First Nation children were apprehended by provincial authorities.<sup>24</sup> The Splitsin First Nation passed a by-law recognizing its jurisdiction over child welfare and established the Spallumcheen Child Welfare Program. Canada initially rejected the by-law. The Splitsin amended its law and resubmitted it, and this by-law was inadvertently not disallowed by the minister within the required 40-day period, resulting in this by-law coming into force under the Indian Act.<sup>25</sup> The B.C. government refused to recognize this by-law.

In 1980 Splitsin First Nation citizens travelled to Vancouver to the home of the Minister of Social Services to protest the high numbers of children being removed and the province’s refusal to recognize the Splitsin law. Also known as the Indian Caravan, many First Nations throughout British Columbia stood alongside Splitsin First Nation and lobbied on its behalf. This act of political protest from the First Nations in B.C. commenced in Prince George and ended in Vancouver at the home of the provincial minister who was responsible for child welfare. Chief Wayne Christian met with the minister and established the agreement where the Province recognized Splitsin jurisdiction over

<sup>23</sup> Andrew Armitage, “Lost Vision: Children and the Ministry for Children and Families,” *BC Studies: The British Columbian Quarterly*, no. 118 (1998): 1, <https://doi.org/10.14288/bcs.v0i118.1800>.

<sup>24</sup> “The History of Indigenous Child Welfare in BC.”

<sup>25</sup> “The History of Indigenous Child Welfare in BC.”

it's children on and off reserve in B.C.<sup>26</sup> The government of Canada resisted any other First Nations from drafting their own child welfare laws. This birthed the concept of Delegated Aboriginal Agencies under provincial law.<sup>27/28</sup>

## **ERA 5 –Restraint– 1983 to 1991**

Broader economic, political, legislative and social issues have a significant impact on child welfare and well-being. This was particularly evident in this era.

During a time of significant economic hardship across the Western world in the early 1980's, B.C. was hit particularly hard due to the collapse of resource sector revenues. Unemployment climbed and B.C. levels exceeded those of most other Canadian jurisdictions. The B.C. Federation of Labour set up unemployment action centres serving as food banks, offering counselling and coordinating activism.

Citing the Province's inability to afford public services and programs in the midst of a worldwide recession, this era's Provincial government stated that it was time for a "new economic reality." In 1983, under the banner of "restraint," 26 bills were introduced in the Legislative Assembly in a single day.<sup>29</sup> Within this mix, labour laws were repealed in an effort to curb the power of unions, wage control legislation was implemented, and Bill 3, the *Public-Sector Restraint Act*, established that all public-sector employers in the province, including the government, had the power to fire employees without cause. This was described as a wholesale attack on

human rights. Sixteen hundred provincial government employees received layoff notices in the fall.

Funding to social services supporting children, families, survivors of family violence, immigrants and refugees, people with disabilities, people living in poverty and many other equity-seeking groups was significantly reduced or eliminated.

Resistance mounted and in July 1983 a coalition of labour and advocacy groups in B.C. united under the banner of Operation Solidarity and a series of strikes and actions followed throughout the fall of 1983. The province was on the verge of a general strike when the government made concessions to its legislation but at the cost of the British Columbia Government Employees Union being seen as selling out human rights in relation to the social programs that were to be cut. This did not sit well with labour movements or community advocacy groups. Funding was not restored to social services and many of the threads in the social safety net were broken.

In 1989 the United Nations Convention on the Rights of the Child was ratified by the UN General Assembly, although Canada would not ratify it until 1991. During this era there was a growing social awareness of child abuse and neglect and the rights of the child.

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<sup>26</sup> "We Can Stop That Flow of Children Going into Care' | The Tyee," accessed February 19, 2024, <https://thetyee.ca/News/2018/06/06/Stop-Children-Going-Into-Care/>.

<sup>27</sup> John A. MacDonald, "The Spallumcheen Indian Band By-Law and Its Potential Impact on Native Indian Child Welfare Policy in British Columbia," *Canadian Journal of Family Law* 4. 75 (1985 1983).

<sup>28</sup> "The History of Indigenous Child Welfare in BC."

<sup>29</sup> 1983: The Year BC Citizens and Workers Fought Back, The Tyee, accessed February 10, 2024, <https://thetyee.ca/Opinion/2018/07/06/Year-BC-Citizens-Workers-Fought-Back/>.

## Indigenous Resilience and Resistance

In 1985 the Nuu-chah-nulth Tribal Council, under the leadership of Debra Foxcroft, signed an agreement through which B.C. delegated the authority for the delivery of child welfare services to the Nuu-chah-nulth Tribal Council thereby establishing the first Delegated Aboriginal Child Welfare Agency in B.C.<sup>30</sup> Shortly afterward, the federal government placed a moratorium on the creation of new delegated agencies, citing that a federal government policy was required to be developed pertaining to the designation of First Nations and First Nation agencies to deliver child welfare services.



Image above: Debra Foxcroft<sup>31</sup>

<sup>30</sup> "History | Nuu-chah-nulth Tribal Council," accessed February 10, 2024, <https://nuuchahnulth.org/history>.

<sup>31</sup> "Image of Debra Foxcroft," 1983. Accessed July 12, 2024 <https://www2.gov.bc.ca/gov/content/governments/>

The moratorium was lifted in 1991 when Canada implemented a national First Nations child and family services policy, locking First Nations child welfare agencies into a national funding formula (Directive 20-1) and requiring them to adhere to provincial standards for child welfare practice<sup>32</sup>. Under the delegation model, Indigenous communities created child and family services agencies to replace provincial agencies, aiming to prevent the removal of children from their communities and to provide culturally appropriate services to their children and families.

## ERA 6 – Pendulum Swings After Tragedy - 1991 to 1996

Shortly after the New Democratic Party's return to power in 1991, there was yet another swing of the political pendulum with the new provincial government's intention to return governance of social services to local communities. The Province expressed its commitment to reform the child welfare system and practices, particularly in relation to Indigenous children and families.<sup>33</sup> The Province established two panels of knowledgeable, experienced community participants to travel across the province, seeking proposals for strengthening and improving the child welfare enterprise.

One of the panels was solely focused on Aboriginal child welfare. Recommendations were solicited from hundreds of citizens across the province, including First Nations constituencies. Feedback recommended the ministry's services be community-based,

[celebrating-british-columbia/honours-and-awards/order-of-bc/members/f-h](https://www2.gov.bc.ca/gov/content/governments/celebrating-british-columbia/honours-and-awards/order-of-bc/members/f-h)

<sup>32</sup> Jeffrey J. Schiffer, "Feathers, Beads and False Dichotomies: Indigenizing Urban Aboriginal Child Welfare in Canada" (Columbia University, 2014), <https://doi.org/10.7916/D8251GQZ>.

<sup>33</sup> "The History of Indigenous Child Welfare in BC."

decentralized, and placed under citizen control. Community development was identified as the tool by which these objectives would be achieved. There were recommendations pertaining to recognition of First Nation law, the transition to Aboriginal governed and delivered services, and healing through funding, prevention services, and knowledge sharing.<sup>34</sup>

*“Recommendation 6 – Government must recognize the right of each Aboriginal Nation to extend its responsibility for family and child services and decision making to all members of that Nation, whether they are registered as Indians or not, and whether or not they reside on or off land reserved for Indians, in accordance with the aspirations of Aboriginal people who comprise each Nation.”<sup>54</sup>*

Lavina White and Eva Jacobs, who led the Indigenous community panel noted:

*“Everywhere we travelled there was a recognition of the damage done to our families and communities by the residential school system and the apprehension and removal of children from their communities. Everywhere we went we heard of culturally inappropriate responses to the problems caused by these tragedies, and nowhere did we find Aboriginal communities with sufficient resources to address these problems.”*

Based on input from extensive community consultations, White and Jacobs developed over 100 recommendations with an emphasis

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<sup>34</sup> White and Jacobs, *Liberating Our Children, Liberating Our Nations*, xii.

on the resumption of Indigenous jurisdiction over children and families.

While the government’s intention was to reform child welfare legislation and practice,

*“The answers to these problems cannot lie in the further extension of bureaucratic regulation of Aboriginal life. That answer can only be framed in the inherent right of our people to govern ourselves.”*

White and Jacobs argued in their report that

*“Changes to family and child protection legislation must be seen only as an interim measure that will be fully resolved through the recognition of the paramountcy of Aboriginal family law.”<sup>36</sup>*

Furthermore, White and Jacob called on B.C. to act on their recommendations.

*“We submit this report to you with the confidence and the expectation that your government will support our Nations and our communities as they undertake their responsibility in rebuilding the strengths that served our ancestors so well.”<sup>41</sup>*

The parallel report to *Liberating Our Children* *Liberating Our Nations* was *Making Changes – A Place to Start*. The report from the Making Changes panel included recommendations regarding addressing poverty and the

provision of holistic, integrated and community based supports.

In response to *Liberating Our Children Liberating Our Nations* and the companion report *Making Changes – A Place to Start*, the Minister of Social Services announced that the ministry would undergo “a fundamental shift in values, **from a child-centred to a family-centred system.**”<sup>35</sup> This shift was to include an emphasis on preventative services so that families would be supported to stay safely together or to be swiftly reunited when it became necessary to temporarily remove children. Government made a commitment to develop and introduce new legislation that would reflect this fundamental shift in values and priorities.

In 1993 an MOU was entered into between the Province and the Union of British Columbia Indian Chiefs recognizing the inherent right of Indigenous communities to assume responsibility for their children and families. The Province committed to relinquishing authority over Indigenous child and family services as Indigenous communities resumed jurisdiction. A Joint Policy Council was convened between First Nations leaders and the Province to encourage the federal government to uphold its fiduciary obligations to Indigenous Peoples with respect to child welfare.<sup>36</sup> The Canadian government responded that the matter of child and family services was a provincial responsibility, and Canada would only fund Indigenous communities if they had a delegation agreement with the Province. Given this position, provincial policy shifted back to a delegation model.

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<sup>35</sup> “The History of Indigenous Child Welfare in BC.”

<sup>36</sup> Walkem, A. & Bruce, H. (2002). *Calling Forth Our Future: Options for the Exercise of Indigenous Peoples’ Authority in Child Welfare*. Union of BC Indian Chiefs.

In 1995, the government appointed the provinces first Child, Youth and Family Advocate - a move that had been called for through public consultations since the early 1990s.

Following the horrific death of a young child in 1992, an independent inquiry into the circumstances of this child’s death was initiated. Justice Thomas Gove led the inquiry, and a final report was released in 1995. Over 100 recommendations were made with an overarching belief that care and protection of the child was to remain paramount, while emphasizing the need for preventive programs and services that were community-based, community-governed, and readily accessible. The report received widespread public and media attention throughout the province, highlighting public desire for community-based support services to prevent family breakdown and government intervention.<sup>37</sup> <sup>38</sup> Judge Gove also recommended that child welfare services be governed, managed and delivered through 20 Regional Child Welfare Boards: child welfare services would be delivered in accordance with province-wide standards.<sup>39</sup>

Shortly thereafter, the new *Child, Family and Community Service Act (CFCS Act)* was tabled in the Legislature. It articulated several principles to guide the delivery of child and family services, including:

- A family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;
- If, with available support services, a family can provide a safe and

<sup>37</sup> Foster and Wharf, “Forward.”

<sup>38</sup> “The History of Indigenous Child Welfare in BC.”

<sup>39</sup> Report of the Gove Inquiry into Child Protection. Recommendation 102 to 105.

nurturing environment for a child, support services should be provided;

- The cultural identity of aboriginal children should be preserved;
- Aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children; and
- The community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children.<sup>39</sup>

In 1996 the *CFCS Act* was proclaimed into law. Despite the promise of the new legislation and the recommendations from Judge Gove regarding the importance of community-based prevention supports and services, the provincial child welfare system steadily deprioritized community-based family support programs and emphasized government workers' administrative expertise, reorganization, and investigation.<sup>40</sup> Although not the intention of the Gove inquiry, the result was a shift in practice towards child removal as social workers, fearful of the consequences of making an error, were afraid to leave children in situations where there was any risk of harm. Consequently, there was a significant increase in children being removed and placed in care. The number of Indigenous children in care was driven upwards at a rate significantly higher than non-Indigenous children.

### Indigenous Resilience and Resistance

With the Implementation of Operational Directive 20-1, Canada's First Nation Child and Family Services program, many First Nations began establishing Delegated Aboriginal Agencies. By 1995 there were eight agencies in B.C. As these agencies began to provide

child and family services, it became apparent to leadership within these agencies that there was a need for education and training that was developed from an Indigenous perspective. Warner Adams, Deb Foxcroft, Deanne George, Steve Kosey, Elsie Paul, Maurice Squires, Gloria Wilson, and others came together to create the Caring for First Nations Children's Society and began providing training and supporting First Nations regarding their aspirations pertaining to children and families.<sup>41</sup>

### ERA 7 – A New Ministry – A New Approach – Reactive Responses and Risk Assessment Focus – 1996 to 2001

Cynthia Morton was appointed by the Province as the Transition Commissioner for Child and Youth Services To study the recommendations of Judge Gove and develop an implementation plan. In 1996, she issued the report *British Columbia's Child Youth and Family Serving System Recommendations for Change* to implement the recommendations of Judge Gove. In her report, she indicated it was not possible to implement Judge Gove's and her recommendations without dismantling the existing ministry and building of a new ministry that integrated child and family serving functions of government. Cynthia Morton's recommendations included:

<sup>39</sup> "The History of Indigenous Child Welfare in BC."

<sup>40</sup> Armitage, "Lost Vision."

<sup>41</sup> "Gathering Our History – Indigenous Perspectives Society," accessed February 15, 2024, <https://ipsociety.ca/gathering-our-history/>.

*“Immediately dismantle the Ministry of Social Services by separating its child, youth and family serving functions from its income assistance responsibilities. A new Ministry for Children, Youth and Families should integrate the child, youth and family serving programs of the Ministries of Social Services, Health, Attorney General, Education and Women's Equality.”<sup>41</sup>*

She also recommended that a “new province-wide early intervention and prevention strategy”<sup>42</sup> be implemented, and that the Province,

*“Immediately implement a system to include communities in decision making which affects them”<sup>43</sup>*

In her report, Cynthia Morton recommended that a new Children's Commission be established to review child deaths and oversee activities of the new ministry. She also advised the Premier that she did not support the recommendation made by Judge Gove for regional authorities to be established.<sup>43</sup>

As a result of these recommendations, a former deputy minister was brought back to lead the creation of this new ministry and a new Provincial Director of Child Welfare was hired and given autonomy to “clean things

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<sup>42</sup> Morton, *British Columbia's Child, Youth and Family Serving System Recommendations for Change: Report to Premier Glen Clark*.

<sup>43</sup> Morton.

<sup>44</sup> Personal communication between Doug Hughes, Alan Markwart, and Bart Knudsgaard

<sup>45</sup> Personal communication between Doug Hughes, Alan Markwart, and Bart Knudsgaard

<sup>46</sup> Need date source and fact check

up”<sup>44</sup> and standardize the approach to child welfare work. Compliance with policy became a priority and auditing of case work was actively underway. The rationale was to ensure compliance and to quickly learn what was going wrong when situations went sideways.<sup>45</sup> The thinking at the time was that the new ministry would be less prone to catastrophe and critique if it could be said staff were following the policy and evidence.

Social work practice was now being driven by a comprehensive risk assessment process and a structured decision-making model. The focus of the ministry was on training out the use of the Comprehensive Risk Assessment and accompanying Risk Reduction Service Plan. Coupled with this new approach the use of Parental Capacity Assessments became prevalent throughout child welfare practice.<sup>46</sup>

With the increased focus on risk assessment, and the fear of making a mistake as a result of the Gove Inquiry, there was a significant increase in child removals. The risk assessment approach gave little consideration to cultural safety or the impacts of government colonization. Despite the focus on standardization and risk assessment, there continued to be high profile politicized situations which brought the work of the ministry into question, ultimately resulting in the departure of this Director of Child Welfare.

In 1998 the Ombudsman issued the report *Getting There*<sup>47</sup> which examined the progress

<sup>47</sup> British Columbia. Office of the Ombudsman and British Columbia. Legislative Assembly Gove Inquiry into Child Protection (B.C.), eds., *Getting There: A Review of the Implementation of the Report of the Gove Inquiry into Child Protection*, Public Report / British Columbia. Office of the Ombudsman ; No. 36 ISSN 0712-0508 (Victoria: The Ombudsman, 1998).

made in the implementation of Judge Gove's recommendations. This report identified that Aboriginal children accounted for five percent of B.C.'s children, but that those children made up over 30 percent of children in care.<sup>48</sup> By 2001, over 42 percent of children in care were Aboriginal.

Cynthia Morton was subsequently appointed as the first Children's Commissioner, tasked with the responsibility of reviewing every child death in the province as well as reviewing the plan of care for every child in care. The child and youth advocate continued her work to provide advocacy to children and families that we're facing difficulties in their dealings with the ministry.

### Indigenous Resilience and Resistance

First Nations across B.C. were developing their own delegated child welfare agencies even as the Province increased risk assessment-based practices. The government of Canada's Operational Directive 20-1 enabled First Nations to seek and receive funding from Canada for the delivery of child welfare services on reserve. Canada's position was that the Province was responsible for funding services off reserve. There was no funding methodology in place for Nations to deliver services off reserve. Consequently, a two-tier approach to child welfare services was born in B.C.<sup>49</sup> Despite this reality, Nations pushed forward to develop their delegated agencies.

First Nations were becoming increasingly alarmed by the number of children being removed from their families and

communities. Many First Nations were considering, either as a Nation or through the creation of an agency, taking on responsibility for the delivery of child welfare services. In 1996 representatives of First Nations, Canada, and B.C. met to discuss how quality assurance activities will occur in relation to the child welfare services provided by First Nations or agencies created by First Nations. It was realized that without clear standards of practice, there cannot be quality assurance activities.

A committee was struck and in 1999 the Aboriginal Operational and Practice Standards and Indicators (AOPSI) came into force to guide agency operations and practice. These standards were created in such a way to support cultural approaches in the delivery of services.<sup>50</sup> AOPSI articulated the minimum expectations for delegated agencies and were written to meet or exceed BC's legislative requirements. These standards were approved by the directors of BC's Delegated Aboriginal Agencies and by the Provincial Director of Child Welfare.

As Indigenous Nations were creating Delegated Aboriginal Agencies, it became apparent to Agency Directors that they could benefit from mutual support in their journeys to serve their children and families.<sup>51</sup> This resulted in the formation of the *First Nations Directors Forum for Agency Directors* and the *Partnership Forum for Agency Directors, British Columbia, and Canada*.

The *CFCS Act* omitted any mention of Métis identity despite the Métis being recognized under Section 35 of the Canadian

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<sup>48</sup> British Columbia. Office of the Ombudsman and British Columbia. Legislative Assembly Gove Inquiry into Child Protection (B.C.), eds., *Getting There: A Review of the Implementation of the Report of the Gove Inquiry into Child Protection*, Public Report / British Columbia. Office of the

Ombudsman ; No. 36 ISSN 0712-0508 (Victoria: The Ombudsman, 1998), 23.

<sup>49</sup> Road to Aboriginal Authority Kelly MacDonald  
<sup>50</sup> AOPSI, "Aboriginal Operational and Practice Standards: October 1999," 1999.

<sup>51</sup> Conversations with Maurice Squires and Deb Foxcroft, 2024.

Constitution. In 1999 Métis leaders in B.C. established the Métis Commission for Children and Families to support Métis children to maintain connections with family, culture, and community rather than disappearing into the child welfare system. The Métis Commission became the designated representative for Métis children in B.C.<sup>52</sup>

In 1999, the ministry took a bold step to develop the *Strategic Plan for Aboriginal Services* with the stated intention to improve its relationships with Aboriginal governments and communities<sup>53</sup>. Strategic goals and priorities were established to improve relationship with Aboriginal communities, to support capacity building in Aboriginal communities, to improve service delivery to Aboriginal people, and to coordinate efforts at all levels of government to support Aboriginal services. It was recognized that the relationship between Canada and B.C. was critical in supporting better outcomes for Aboriginal children and their families. This strategic plan is the only standalone plan

exclusively focussed on Aboriginal services established by the Province.

In 2000, the Federal First Nations Child and Family Services issued the *Joint National Policy Review Final Report*<sup>54</sup> which identified the need to replace the federal government's Operational Directive 20-1. The report argued that Operational Directive 20-1 did not reflect the jurisdictional aspirations of Nations, and that its funding methodology was outdated and inflexible. When the federal First Nations Child and Family Services program was implemented in 1991, First Nations "expressed concern that the structure and amount of funding in Directive 20-1 were problematic."<sup>55</sup> In 2000, a joint review by the Assembly of First Nations and Canada concluded that the funding formula under Directive 20-1 made it impossible for agencies to provide preventative services, and that First Nations children were being taken into care as a result.<sup>56</sup> Canada failed to implement the recommendations from the joint review. As a result, the Canadian Human Rights Tribunal application was filed.

### Directive 20-1 and the Fight for Equitable Funding in First Nations Child Welfare Services

- **Directive 20-1:** This federal funding formula, introduced in the early 1990s, was supposed to support child welfare services for First Nations communities. However, it was deeply flawed, resulting in chronic underfunding and inequities compared to non-Indigenous child welfare services. Cindy Blackstock has been a leading voice in exposing these discrepancies and advocating for a more equitable funding approach.
- **Canadian Human Rights Tribunal (CHRT):** In 2007, Cindy Blackstock, along with the Assembly of First Nations (AFN), filed a complaint with the CHRT alleging that the Canadian government's underfunding of First Nations child welfare services amounted to discrimination. After a prolonged legal battle, the CHRT ruled in 2016 that the Canadian government had indeed discriminated against First Nations children. This landmark decision mandated the government to immediately rectify the funding inequities and implement long-term solutions to ensure fair treatment and services for First Nations children.

<sup>52</sup> "The Metis Commission for Children & Family Services BC Is Seeking Board Members/Commissioners - BC Métis Federation," accessed March 1, 2024,

<https://bcmetis.com/news/the-metis-commission-for-children-family-services-bc-is-seeking-board-members-commissioners/>.

<sup>53</sup> "Strategic Plan for Aboriginal Services."

<sup>54</sup> Dr. Rose-Alma J. McDonald and Dr. Peter Ladd, *First Nations Child and Family Services Joint National Policy Review Final Report June 2000*

(Assembly of First Nations/Department of Indian and Northern Affairs Development, 2000), [https://publications.gc.ca/collections/collection\\_2018/aanc-inac/R5-727-2000-eng.pdf](https://publications.gc.ca/collections/collection_2018/aanc-inac/R5-727-2000-eng.pdf).

<sup>55</sup> "Pre-Tribunal Timeline: History of First Nations Child & Family Services Funding | First Nations Child & Family Caring Society," accessed March 1, 2024, <https://fncaringsociety.com/i-am-witness/pre-tribunal-timeline>.

<sup>56</sup> "The History of Indigenous Child Welfare in BC."

## **ERA 8 – GOOD INTENTIONS AMIDST BUDGET CUTS – A Series of Failed Efforts to Support Indigenous Directions - Mobilization of Indigenous Leadership - 2001 to 2016**

In June 2001, the federal Liberal Party took power and a core services review was initiated that included Operational Directive 20-1.

Also in 2001, the newly elected Provincial Liberal government initiated a planning process for child welfare to be divided among five regional authorities – this despite Cynthia Morton’s earlier recommendation that this not be undertaken.

The 2002/2003 Ministry of Children and Family Development Annual Report presented a commitment to “stop the endless bureaucratic restructurings [of the Ministry] that has drained resources from child and family services”. Nonetheless, the ministry continued to plan for the move of services from government to external authorities, much like had been done with the move of disability services to Community Living British Columbia.<sup>57</sup>

As a result of the core review process that was underway provincially, significant budget cuts were made within the ministry. The decrease in funding coincided with a shift to prioritizing family support, with a goal to reduce the number of children in care and the associated costs of care. The Ministry’s Annual Reports and Service Plans at this time specifically noted that the reduction in the number of

children in care would save funds. During this time, there was an increasing number of high-profile situations where children experienced significant harm and/or death.<sup>58</sup>

The Core Services Review considered the roles of the Children’s Commission, the Child and Youth Advocate, the Coroner’s Service, the Ombudsman, and the Public Guardian and Trustee. The government agreed with the conclusion of the review that there were overlaps and duplication of services. The Coroner was designated to assume the child death review function from the Children’s Commission and a new Child and Youth Officer role would replace the Children’s Commissioner and the Child and Youth Advocate to become the external oversight for child welfare, reporting up to the Attorney General.

Despite intentions to focus more on prevention and early intervention for families, this focus was co-opted by fiscal constraints. A series of budget cuts resulted in the elimination or significant reduction of programs and services, including youth and residential services. The ministry was simultaneously transferring responsibility for quality assurance to the five regions and initiating reorganization in anticipation of regional governance. Major program shifts included enhanced options to keep children out of care, but these were rolled out with little or no planning, training or follow up. Concerns were raised at this time about the lack of services and public accountability in the ministry.<sup>59</sup>

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<sup>57</sup> MCFD, “2002/2003 Annual Service Plan Report” (Ministry of Children and Family Development, 2002), [https://www.bcbudget.gov.bc.ca/Annual\\_Reports/2002\\_2003/cfd/cfd.pdf](https://www.bcbudget.gov.bc.ca/Annual_Reports/2002_2003/cfd/cfd.pdf).

<sup>58</sup> Representative for Children and Youth, “Not Fully Invested A Follow-up Report on the

Representative’s Past Recommendations to Help Vulnerable Children in B.C.,” 2014, <https://rcybc.ca/wp-content/uploads/2019/05/rcy-recreport2014-revisedfinal.pdf>.

<sup>59</sup> Hughes Review, p. 7

There was openness during this era to try new ideas; however, the highly charged political environment resulting from high profile cases and political scandals took the focus away from improving child and family services. The challenges ultimately resulted in the minister's resignation.

The high-profile death of an Indigenous girl resulted in the deputy minister and Provincial Director of Child Welfare being removed and the appointment of Honourable Ted Hughes to conduct a systemic review of the child welfare system in 2006. The *B.C. Children and Youth Review – An Independent Review of B.C.'s Child Protection System* (the Hughes Review) culminated in 62 recommendations addressing the need for external oversight, keeping Aboriginal children safe and well, MCFD's approach to quality assurance and communication and coordination across ministries and authorities. Honourable Hughes charted a path forward that led to the formation of the Office of the Representative for Children and Youth and some modest budget increases. Ultimately, however, the changes that were implemented feel far sort of what Honourable Hughes hoped for.

A blue-ribbon panel of experts in child and family services was appointed by the Premier's office, under the direction of the Premier, to provide advice on fixing the child welfare system. This panel was made up of a variety of professionals, including a future deputy minister.<sup>60</sup>

In 2008 the Premier endorsed Jordan's

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<sup>60</sup> International Institute for Child Rights and Development (IICRD), "Annual Report 2004 - 2005" (Center for Global Studies University of Victoria, 2004), 14, <https://www.uvic.ca/research/centres/globalstudies/assets/docs/publications/Annual-Report-2004-2005.pdf>.

<sup>61</sup> Ministry of Children and Family Development, "Factsheet: Jordans Principle A Child-First

Principle, a child-first approach that commits the provincial government to ensuring that jurisdictional funding disputes do not prevent or delay First Nations from accessing available health and social services.<sup>61</sup> Despite this commitment, no policy was established to guide Ministry staff on how to implement Jordan's Principle.

The Premier's Office became very hands-on in the running of the Ministry and hand-picked a new deputy minister, who was seen as an expert in dismantling apartheid and appeared to be qualified to get the ministry back on track. There was a mixed relationship between Indigenous leaders and this new deputy minister. In 2008 the Premier's Office launched "*Strong, Safe and Supported*" to course correct the previous year's leadership in not being able to deliver what was an acceptable strategic direction for the Ministry. The Premier's office continued to insert itself in establishing the strategic direction of the ministry.<sup>62</sup>

With the appointment of a new deputy minister the decision was made to disband the office of the Provincial Director of Child Welfare. The role was left vacant in an effort to support the Regionalization of MCFD. The authority and autonomy of MCFD regions were strengthened and the Provincial Office's role was reduced. Regional Directors became assistant deputy ministers.

The deputy minister and the former Representative for Children and Youth, held

Approach" (MCFD, 2009), <https://fncaringsociety.com/sites/default/files/Factsheet%20Jordan%27s%20Principle%20April%2008.pdf>.

<sup>62</sup> MCFD, "Strong, Safe and Supported: A Commitment to BC's Children and Youth" (Ministry of Children and Family Development, 2008).

## Indigenous Children in Care in British Columbia

### THE YEAR COLBY WAS BORN - 2011

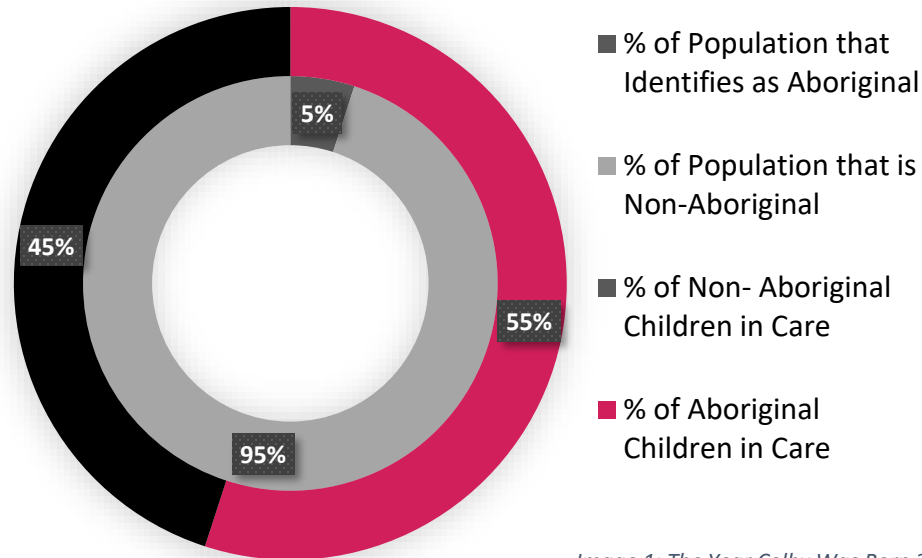


Image 1: The Year Colby Was Born 2011

opposing agendas. Opposing agendas created a relationship strain, resulting in lost opportunity for MCFD and the RCYBC to collaborate on a child focused agenda.<sup>63</sup>

In 2011 this approach was abandoned with a new deputy minister charged with returning the Office of the Provincial Director of Child Welfare “to provide greater accountability across the province and improve child protection practice”.<sup>64</sup> This marked another shift from a regionalized approach to the delivery of services to a centrally driven oversight of child and family services.

<sup>63</sup>Bart Knudsgaard and Doug Hughes, Personal Conversations with Doug Hughes, from Provincial Director of Child Welfare, n.d..

<sup>64</sup> Development, “New Provincial Director of Child Welfare Appointed | BC Gov News.”

<sup>65</sup> Ministry of Children and Family Development, “Aboriginal Policy and Practice Framework in British Columbia. a Pathway towards Restorative

### Indigenous Resilience and Resistance

In 2002 it was understood by Indigenous communities that MCFD must reduce its budget to meet the Province’s fiscal objectives and, as part of the strategy to do so, efforts would be made to reduce the number of children in care.<sup>65</sup> It was recognized that there was an over-representation of Aboriginal people receiving protective services and an under-representation of Aboriginal people receiving support and prevention services.<sup>66</sup> The ministry system clearly illustrated that mainstream services do not work for

Policy and Practice That Supports and Honours Aboriginal Peoples’ Systems of Caring, Nurturing Children and Resiliency.,” 2015, <https://www2.gov.bc.ca/assets/gov/family-and-social-supports/indigenous-cfd/abframework.pdf>.

<sup>66</sup> Ministry of Children and Family Development.

Aboriginal people, that they are “devastatingly culturally destructive”.<sup>67</sup>

A focus was given to culturally appropriate services and care for Indigenous children and families and on developing relationships with Indigenous Leaders. A June 2002 “Creating a Vision for the Future” gathering was held in Tsawwassen with Indigenous Leadership from nearly all Nations across B.C. and with senior ministry personnel. The conference was presented as follows:

*“The Ministry of Children and Family Development (MCFD) is restructuring the way child and family services are being developed. Governance structures are being created in five regions around the province to oversee all child and family services. A separate Aboriginal governance structure is also being contemplated. This conference will be an opportunity for interim Aboriginal planning committees, First Nations, Metis and off-reserve Aboriginal agencies and organizations to come together to discuss common areas of concern, share plans and visions and influence MCFD decision making on governance implementation.”<sup>68</sup>*

During the gathering, the regionalization of services was advocated for with Indigenous leaders calling for Aboriginal specific service delivery systems.<sup>68</sup> This gathering resulted in the Tsawwassen Accord in which the Province

<sup>67</sup> “Aboriginal Policy and Practice Framework in British Columbia. a Pathway towards Restorative Policy and Practice That Supports and Honours Aboriginal Peoples’ Systems of Caring, Nurturing Children and Resiliency.,” p. 3, <https://www2.gov.bc.ca/assets/gov/family-and-social-supports/indigenous-cfd/abframework.pdf>.

<sup>68</sup> “Aboriginal Policy and Practice Framework in British Columbia. a Pathway towards Restorative Policy and Practice That Supports and Honours

declared its commitment to the transformation of child and family services to Indigenous children and families. Agreement was reached with MCFD, and a MOU was entered into with the four Aboriginal political bodies in which B.C. committed to the development of regional Aboriginal authorities - varying its plan for five blended Aboriginal/non-Aboriginal authorities. The intent was for Nations and communities, not the Province, to lead the planning process.<sup>69</sup>

The MOU was to be renewed annually; however, this did not occur. Despite this, the planning for regionalization continued towards the creation of Aboriginal Authorities. The five resulting Aboriginal Authorities commenced planning for the transition of services. This planning was led by Aboriginal leaders, both political and those with experience in the delivery of child and family services. Principles that guided this work included:

- Focus on healing and wellness,
- Ensuring Aboriginal values and cultural competency,
- Supporting community responsibility,
- Capacity development,
- Nation building, and
- Equitable access to services.

Regional Aboriginal planning tables began developing service plans for child welfare services. In 2007, two interim Aboriginal Authorities were established.<sup>70</sup> When draft

Aboriginal Peoples’ Systems of Caring, Nurturing Children and Resiliency.”

<sup>69</sup>Maggie Kovachs et al., “Witnessing Wild Woman: Resistance and Resilience in Aboriginal Child Welfare,” in *People, Politics, and Child Welfare in British Columbia* (Vancouver: UBC Press, 2007), 97–116.

<sup>70</sup>Kelly A. MacDonald, “The Road to Aboriginal Authority over Child and Family Services,” *Canadian Centre for Policy Alternatives and the Centre for Native Policy and Research*, 2008, 44.

legislation was developed to support the move to regional authorities, it was clear to Indigenous leaders that the Province's approach was neither transparent nor inclusive, not including Indigenous leaderships in the development of this draft legislation. This legislation fell short in being able to commit the resources required for Indigenous Authorities to be successful. Introduction of legislation to advance regional authorities was abandoned by the Province in 2008. Indigenous leadership was not supportive of the proposed legislation, as it failed to acknowledge Indigenous communities' jurisdiction for child and family services and failed to provide increased autonomy to First Nations.<sup>71</sup> This brought an end to both the legislation and the process of regionalization.

Despite this outcome, the five interim Aboriginal authorities undertook significant community engagement, gathering multiple recommendations for how best to deliver services to Aboriginal children and families. For example, in the Interior, the interim Aboriginal Peoples Family Accord developed a service plan which included service delivery principles and wellness goals determined through comprehensive assessment of the needs of Aboriginal people throughout the Interior.<sup>72</sup> However, delegation under provincial law remained the only model available to support Nations to provide child and family services.

Through this time, more Delegated Aboriginal Agencies were established and existing Delegated Aboriginal Agencies continued expanding their scope of service to include Guardianship and Child Protection as well as

to provide services off-reserve. The Province's focus had shifted from recognition of Indigenous jurisdiction to one of supporting Indigenous communities developing delegated agencies.

As a result of First Nations leadership concerns, in 2008 the First Nations Leadership

### Levels of Indigenous Delegation in British Columbia

In British Columbia, Indigenous Delegation refers to the levels of authority and responsibility that Indigenous Child and Family Service agencies hold in delivering child welfare services. There are four main levels of delegation, defined under the Child, Family and Community Service Act (CFCSA):

#### C-3 (VOLUNTARY SERVICES DELEGATION)

Indigenous agencies provide voluntary services and support to families to prevent the need for protective intervention. The focus is on early intervention, family preservation, and support services.

#### C-6 (CHILD PROTECTION DELEGATION)

Indigenous agencies can provide voluntary services and carry out child protection investigations. Agencies have the authority to intervene in situations where children are at risk and take necessary protective measures. Responsibilities include assessing the safety of children, developing safety plans, and providing ongoing support to families.

#### C-4 (FULL DELEGATION)

Indigenous agencies have full authority to provide the full range of child welfare services, including child protection, family support, and guardianship. Agencies operate independently, making decisions regarding the safety and well-being of children in their care.

Council (FNLC) convened the First Nations Chiefs' Indigenous Child at the Centre Forum

Policy and Practice That Supports and Honours Aboriginal Peoples' Systems of Caring, Nurturing Children and Resiliency."

<sup>71</sup> "The History of Indigenous Child Welfare in BC."

<sup>72</sup> "Aboriginal Policy and Practice Framework in British Columbia. a Pathway towards Restorative

for the first time. During the forum, the chiefs committed to “the exercise of our inherent rights and responsibility for the survival, dignity and well-being of our children” and produced a collectively developed action plan to guide First Nations in improving child and family services.<sup>73</sup> At the second forum later in 2008, the chiefs signed the declaration *One Heart, One Mind: Statement of Solidarity & Cooperation*, which established an *Interim Chiefs Child and Family Wellness Council* to:

- Revise the *Child at the Centre Action Plan* based on community input;
- Work toward implementation of the action plan; and
- Establish a permanent *First Nations Child and Family Wellness Council*.<sup>74</sup>

In 2009, the FNLC and B.C. signed the *Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*, through which BC committed “to supporting First Nations to exercise jurisdiction for First Nations children, youth and families” and to working collaboratively in a nation-to-nation process to implement the *Indigenous Child at the Centre Action Plan*.<sup>75</sup> The *First Nations Child and Family Wellness Council* was formally established in 2010, and BC began funding community-driven child and family initiatives

under the Indigenous Approaches program. However, in 2013, the B.C. Representative for Children and Youth released a report that was sharply critical of Indigenous child welfare policy in B.C. Although the report was developed without any input from service providers, and without any direct examination of programs or services, the Representative at the time, Mary Ellen Turpel Lafond, concluded that BC had spent over \$66 million “without a single child being actually served.”<sup>76</sup> B.C. accepted the report as presented<sup>77</sup> and then cut funding to the *First Nations Child and Family Wellness Council* and to community initiatives associated with the *Indigenous Child at the Centre Action Plan*.<sup>78</sup>

It was recognized that, despite not proceeding with regional Aboriginal Authorities, there was an ever increasing need to address how services were delivered to Aboriginal children and families. Despite the efforts to ensure that the original Aboriginal Operational and Practice Standards (AOPSI) reflected the importance of family and community in Indigenous cultures, “they nonetheless did not embody practice founded on an Indigenous worldview and were not considered truly reflective of Indigenous beliefs, values, and cultural traditions.”<sup>79</sup> This led to a recognition

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<sup>73</sup> “Historical Timeline,” UBCIC, accessed February 20, 2024, <https://www.ubcic.bc.ca/timeline>.

<sup>74</sup> “One Heart, One Mind: Statement of Solidarity & Cooperation,” 2008, <https://ihraamorg.files.wordpress.com/2016/12/one-heart-one-mind-declaration-july-2008.pdf>.

<sup>75</sup> The Province of British Columbia et al., “Recognition and Reconciliation Protocol on First Nations Children, Youth and Families,” n.d.

<sup>76</sup> “The History of Indigenous Child Welfare in BC.”

<sup>77</sup> Travis Holyk and Henry G. Harder, “Aboriginal Child Welfare in British Columbia and Unequal Power Relations: A Critical Discourse Analysis,”

*Canadian Review of Social Policy*, no. 74 (2016): 82–108.

<sup>78</sup> Union of B.C. Indian Chiefs, “Our Land Is Our Future: Resolutions of UBCIC Chiefs Council June 10th-11th, 2015 Nk’Mip Conference Centre, Osoyoos B.C.,” 2015, [https://assets.nationbuilder.com/ubcic/pages/132/attachments/original/1551208731/2015June\\_ResolutionsPackageCombined.pdf?1551208731](https://assets.nationbuilder.com/ubcic/pages/132/attachments/original/1551208731/2015June_ResolutionsPackageCombined.pdf?1551208731).

<sup>79</sup> Caring for First Nations Children Society and Nota Bene Consulting Group, “Starting From a Traditional Place: The AOSPI Practice Standards Redesign,” 2012.

that the standards guiding Delegated Aboriginal Agencies needed review and revision. In 2009 the directors of the Delegated Aboriginal Agencies, along with the Caring for First Nations Children Society, MCFD and Aboriginal Affairs and Northern Development Canada, launched the AOPSI redesign project. This process occurred from 2009 to 2012, culminating in *Starting from a Traditional Place: Aboriginal Operational and Practice Standards and Indicators*<sup>80</sup>.

The project name signalled the intention to centre Indigenous principles and values in the development of a practice framework guided by community input.<sup>81</sup> It was recognized by all that the existing service delivery services system was not meeting the needs of Indigenous children and their families. The continued over-representation of Indigenous children and families was seen by all as a critical issue to address.

Over the three years of the AOPSI redesign project over 600 Indigenous Elders, youth, parents, community members, and delegated agency staff participated in community consultation sessions.<sup>82</sup> Agency directors contributed significant efforts to revise AOPSI; however, in 2012 the Provincial Director of Child Welfare decided against proceeding with the revised standards and required Designated Aboriginal Agencies providing protective child welfare services to incorporate a specific risk assessment model (Structured Decision Making) into their practice.

The ministry's decision to not to proceed with *Starting from a Traditional Place* did not sit well with Indigenous child and family services agencies. It is understood that the ministry's

rationale for this decision was the result of a legal option from the Attorney General.

The 2013 Representative for Children and Youth report *When Talk Trumped Service* that resulted in the ministry pushing forward with one set of standards that would guide child safety practices for both Ministry and Indigenous agency staff. This unilateral decision by the ministry dismissed the extensive work and Indigenous community engagement that was undertaken to develop *Starting from a Traditional Place*.

In July 2013, MCFD and DAAs began working on an Aboriginal practice framework to build on the AOPSI Redesign and design a framework to guide policy and practice within Delegated Aboriginal Agencies and across all six MCFD service lines. This work resulted in the Aboriginal Policy and Practice Framework:

*"an overarching framework intended to improve outcomes for Aboriginal children, youth, families and communities through restorative policies and practices. It applies to policy and practice involving Aboriginal children, youth, and families on and off reserve regardless of if they are being served by a delegated Aboriginal agency or the Ministry of Children and Family Development. Restorative policies and practices are culturally safe and trauma-informed, supporting and honouring Aboriginal peoples' cultural systems of caring and resiliency."<sup>83</sup>*

The APPF was endorsed by the Directors Forum and MCFD in 2015. Indigenous child and family service agencies, although made up of staff delegated by the Provincial Director of Child Welfare, began developing practice frameworks, creating policies, and

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<sup>80</sup> "Starting From a Traditional Place: Aboriginal Operational and Practice Standards and Indicators," 2012.

<sup>81</sup> "The History of Indigenous Child Welfare in BC."

<sup>82</sup> Caring for First Nations Children Society and Nota Bene Consulting Group.

establishing information management systems that supported their work.

In 2016 the First Nations Leadership Council developed an *Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC*. This framework called for:

- the creation of an Indigenous child and family reconciliation charter,
- a tri-partite working group to reform child and family welfare for Indigenous Nations in BC,
- new legislation supporting the development of an Indigenous child welfare system, and
- the resumption of jurisdiction by Indigenous Nations and communities.

## ERA 9 – A New Age – 2017 to 2024

The *Tripartite Working Group on First Nations Child and Family Well-Being* was established in 2017 as a result of the *Reconciliation Charter for First Nations Child and Family Well-Being* between First Nations Leadership Council, the Province of British Columbia, and Canada.<sup>83</sup> The Working Group's objective was to achieve the mutual goal of systemic reform to improve First Nations child and family well-being, which reflects the mutual commitments in the Reconciliation Charter.<sup>84</sup> Systemic reform and transformative change priorities included legislative reform, policy and program development, and an effective fiscal

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<sup>83</sup> BC First Nations Tripartite and Children and Families Working Group, "Discussion Paper: Developing a New Funding Model and Approach for BC First Nations Children & Families," 2022, 22. BC First Nations Tripartite and Children and Families Working Group.

<sup>84</sup> Government of British Columbia et al., "Reconciliation Charter for First Nations Child and Family Well-Being in British Columbia," 2017, [https://www.fnlcchildrenandfamilies.ca/wp-content/uploads/2021/08/02\\_Reconcil-Charter-April-7-2017-signed.pdf](https://www.fnlcchildrenandfamilies.ca/wp-content/uploads/2021/08/02_Reconcil-Charter-April-7-2017-signed.pdf).

model to support First Nation child welfare in B.C.

In 2019, the federal government passed *An Act Respecting First Nations, Inuit and Métis children, youth, and families*, affirming the rights of Indigenous governments and organizations to exercise jurisdiction over their children and families. Upon proclamation in 2020, national principles and minimum standards took effect pertaining to the delivery of children and family services to Indigenous children and families, which all provinces must adhere to. In 2024, upon legal challenges that Canada had overstepped its constitutional authority with this legislation, the Supreme Court of Canada unanimously upheld the validity of this law, reinforcing the authority of Indigenous Nations to enact and enforce their own child and family jurisdiction.<sup>85</sup>

In 2019, the *Declaration on the Rights of Indigenous Peoples Act* was proclaimed law in B.C., requiring B.C. to bring provincial laws into alignment with the United Nations Declaration on the Rights of Indigenous Peoples.<sup>86</sup> Within this Act there are provisions that speak to child and family well-being. An Action Plan has been developed to guide the implementation of this declaration act.<sup>87</sup> Since 2022, B.C. has been making legislative amendments to the *CFCS Act* to support the transfer of jurisdiction from the province to Nations throughout B.C. There are several

<sup>85</sup> Supreme Court of Canada, "Reference Re An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, 2024 SCC 5."

<sup>86</sup> "Home - Declaration Act," May 23, 2023, <https://declaration.gov.bc.ca/>.

<sup>87</sup> "Declaration Act Action Plan - Province of British Columbia," accessed April 25, 2024, <https://www2.gov.bc.ca/gov/content/government/s/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples/implementation>.

Nations in B.C. currently negotiating the transition from the Province to their Nations. Despite this commitment to jurisdiction, neither the federal nor the provincial governments have operationalized how Nations will be supported to achieve equity for the funding of child and family well-being services.

Specific to child and family well-being, the following commitments have been established:

- Indigenous Peoples care for their own children and youth in their communities, and exercise jurisdiction over their own child and family services through systems and practices they determine for themselves, with family preservation prioritized and children and youth kept within their families and communities.
- Indigenous children in need of protection are cared for by their community, and where they cannot be cared for by their community, they are connected to their communities and cultures.
- Co-develop a British Columbia specific fiscal framework, in partnership with First Nations, Métis and Inuit, and in consultation with key Indigenous organizations, to support and move forward with jurisdiction over child and family services.
- In collaboration with B.C. First Nations and Métis Peoples, and Inuit, continue

implementing changes to substantially reduce the number of Indigenous children and youth in care through increased prevention and family support services at all stages of contact with the child welfare system.

<sup>88</sup>

Beyond legislative changes that enable resumption of jurisdiction by Indigenous Nations, the above commitments have yet to be realized.

In 2022 the Representative for Children and Youth released the report *At a Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare*<sup>89</sup> calling for the end of discriminatory child welfare funding practices.

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<sup>88</sup> British Columbia, “Declaration on the Rights of Indigenous Peoples Act Action Plan 2022-2027” (Government of British Columbia, n.d.), [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration\\_act\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf). [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration\\_act\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf)

[relations-reconciliation/declaration\\_act\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf)

<sup>89</sup> Representative for Children and Youth, “At a Crossroads: The Roadmap from Fiscal Discrimination to Equity in Indigenous Child Welfare” (RCYBC, 2022), [https://rcybc.ca/wp-content/uploads/2022/03/RCY\\_At-a-Crossroads\\_Mar2022\\_FINAL.pdf](https://rcybc.ca/wp-content/uploads/2022/03/RCY_At-a-Crossroads_Mar2022_FINAL.pdf).

## Indigenous Children in Care in British Columbia

### 2021 - THE YEAR OF COLBY'S DEATH

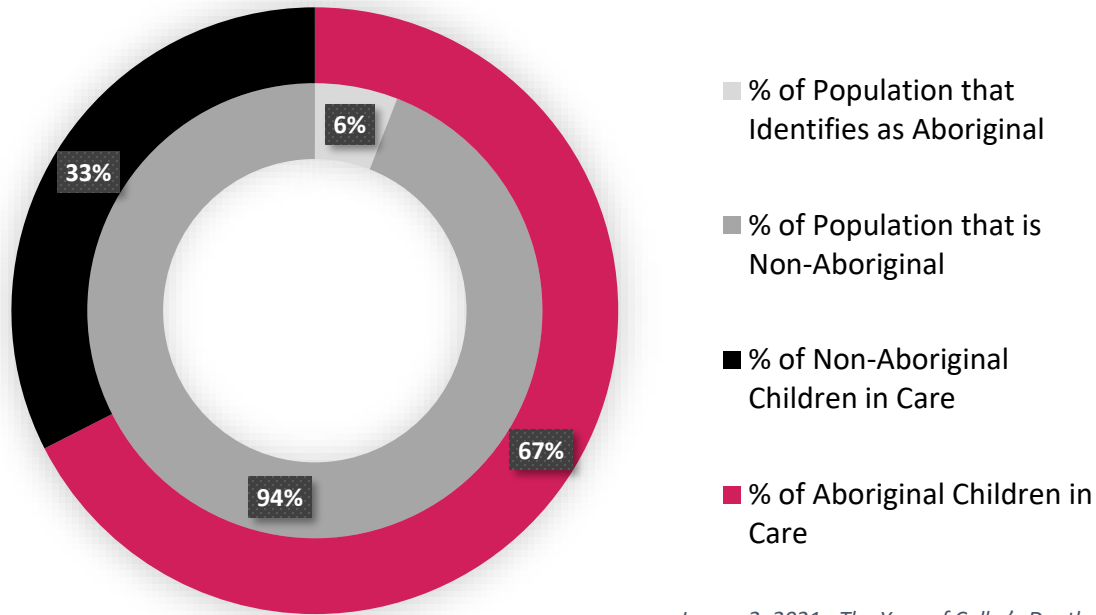


Image 2: 2021 - The Year of Colby's Death

To date, B.C. has not identified how it will end this fiscal discrimination.

The 2023/2024 Ministry of Children and Family Development Service Plan identifies a goal to "Recognize and uphold Indigenous jurisdiction over child and family services, consistent with the rights of the child [UN Declaration] and the Truth and Reconciliation Commission's Calls to Action". The ministry commits to "continue to work with Indigenous

Peoples and the federal government, where applicable, on systemic transformation, including implementing jurisdiction and/or increased decision-making authority over

child and family services" through amendments to provincial laws and the establishment of fiscal framework to support and enable to jurisdictional transition.<sup>90</sup>

Indigenous Nations and their leadership along with Indigenous organizations have been advancing jurisdiction and promising practices in Indigenous child and family services in British Columbia through:

- Participation in the Advisory Committee on First Nations Child and Family Services reform; and
- Participating as intervenors in the Supreme Court of Canada hearing on the validity of *An Act Respecting First*

<sup>90</sup> MCFD, "2023/24-2025/26 Service Plan" (Ministry of Children and Family Development, 2023),

<https://www.bcbudget.gov.bc.ca/2023/sp/pdf/ministry/cfd.pdf>.

*Nation, Inuit and Métis children, youth and families;*

- Passing numerous resolutions calling on British Columbia to end its discriminatory funding of Indigenous Child and Family Services;
- Advancing a re-envisioning of the Aboriginal Operational and Practice Standards and Indicators that guide the operations and practice of Indigenous Child and Family Services Agencies;
- Establishment of the Our Children Our Way Society that supports Indigenous Child and Family Services Agencies and has expanded its membership to Indigenous Governing Bodies pursuing jurisdiction.

In addition to First Nation advancements of jurisdiction the Métis, through the Métis Nation British Columbia and Métis Commission for Children and Families have been advancing jurisdiction for Metis child and family well-being. In 2018 the Métis Nation British Columbia and Province of British Columbia (MCFD) entered into a MOU to reclaim Métis Authority over their children.<sup>91</sup>

In 2023, the British Columbia Assembly of First Nations, the Union of British Columbia Indian Chiefs, and the First Nations Summit all passed a resolution calling on the Province to re-affirm its commitment resulting from the 2002 Tsawwassen Accord.

<sup>91</sup> Jon Hernandez, "B.C. Métis to 'reclaim Authority' over Their Children in Government Care," *CBC News*, June 7, 2018,

*"WHEREAS the watershed commitment made by the Province of British Columbia in 2002 in support of the Tsawwassen Accord must be reaffirmed given the urgency of the humanitarian crisis in the child welfare system"<sup>1</sup>*

## WHAT CAN WE LEARN FROM HISTORY?

Over the past three decades, there have been tragic events involving deaths and injuries to children. Tragedies have occurred for children who are both in the care of the Provincial Director of Child Welfare and within families receiving supports from the Provincial Director of Child Welfare. This image represents a pattern of response by government when tragedy occurs.



<https://www.cbc.ca/news/canada/british-columbia/b-c-m%C3%A9tis-to-reclaim-authority-over-their-children-in-government-care-1.4696118>.

In 2015, British Columbia's first child advocate, who served in this role from 1995 to 2001, identified in a media interview titled *B.C. children's ministry not learning from its mistakes* that the "systemic problems within the Ministry of Children and Families identified 20 years ago have still not been fixed"<sup>92</sup> She further states "Tom Gove had just released his report, and then I did six annual reports, and we all identified significant systemic issues and they haven't been sufficiently acted on 20 years later, and that makes me sad." In her assessment, three primary issues remain unaddressed: a lack of adequate mental health services, a lack of consistent foster home care for kids, and the demand on social workers, the system they work in, and a high staff turnover rate.

## Over-Representation of Indigenous Children in the Child Welfare System

Since the 1966 Canadian Assistance Plan, through which Canada agreed to cost share with the Provinces the delivery of child and family services, the percentage of Indigenous children in care compared to non-Indigenous children in care continues to grow.

Although there has been an overall reduction in the number of children in care over the past decade, the reduction of Indigenous children has not kept pace with the reduction of non-Indigenous children in care. Over the past 50 years, there have been drastic increases and decreases of children in care with little to no indication of how these increases or decreases have impacted outcomes for children. High profile reports and political decisions have driven these increases and decreases rather than decisions

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<sup>92</sup>"B.C. Children's Ministry Not Learning from Its Mistakes Says Former Child Advocate | CBC News."

based on long-term outcome-based evidence. In 1991, 35 per cent of children in care were identified as Indigenous. In 2001 this increased to 42 per cent. In 2011 this increased to 55 per cent. In 2021 this increased to 67 per cent.<sup>93</sup> The in-care system is increasingly about the lives of Indigenous children. The focus of governance, operations, and practice in supporting Indigenous children must be driven by Indigenous ways of knowing and being.

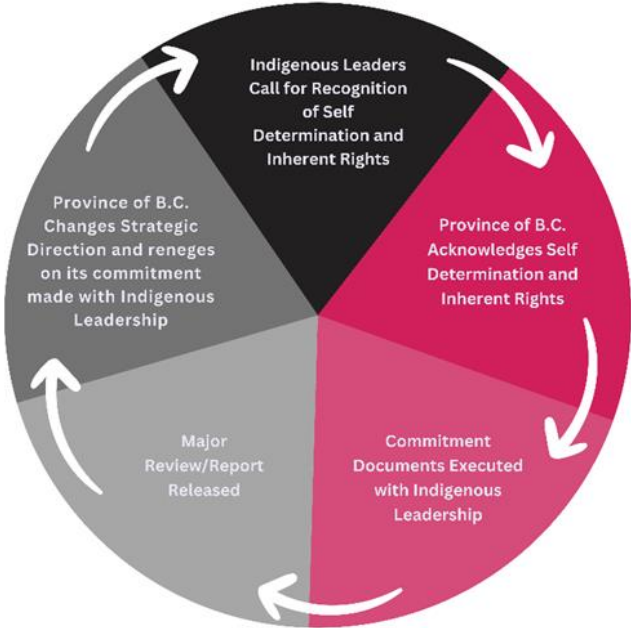
In the 2023 Annual Report for the Ministry of Child and Family Development the Minister states:

*"While the overrepresentation of Indigenous children and youth in care is unacceptable and there is still much work to be done, the number of Indigenous children and youth in care has decreased to the lowest number in over 20 years and the number of children and youth in care continues to decrease to the lowest it has been in thirty years."<sup>91</sup>*

The critical question is whether the outcomes for Indigenous children, for all children, have improved because of the decrease of children in care. There are increased options available to social workers to prevent children from entering care, however; the efficacy of these alternatives in supporting better outcomes is unknown.

<sup>93</sup> White and Jacobs, *Liberating Our Children, Liberating Our Nations*; "Children in Care."

The following illustration describes the cycle of policy changes, including the events that precipitated shifts as demonstrated in the Ministry's Service Plans and Annual Reports. The illustration also reflects Indigenous advocacy for changes and increased Indigenous jurisdiction in Provincial child and family services delivery.



Since the proclamation of the Child, Family and Community Service Act there has been advocacy for the need to have Indigenous focused child and family well-being standards to guide work of both the Ministry and Indigenous Agencies when working with Indigenous families. There has been starts and stops to this work over since 1996. As Nations resume jurisdiction for child and family services there is the need to provide Nations with resources to consider in their preparing for jurisdiction work.



OVER 600 INDIGENOUS PEOPLE AND/OR ORGANIZATIONS CONSULTED

RCYBC ISSUES REPORT WHEN TALK TRUMPED SERVICE

DELEGATED ABORIGINAL RAISE CONCERNS CHAPTER 3 IS NOT CULTURALLY SAFE

INDIGENOUS CHILD AND FAMILY SERVICES DIRECTORS VISION FOR STANDARDS IS CREATION OF A GUIDE BOOK TO SUPPORT NATIONS IN DEVELOPING THEIR CHILD AND FAMILY WELL BEING PROGRAMS AS THEY RESUME JURISDICTION IN ADDITION TO BEING STANDARDS TO GUIDE INDIGENOUS CHILD AND FAMILY SERVICES AGENCIES OPERATIONS AND PRACTICE

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## APPENDIX 3

### Glossary Of Terms

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## CORE CONCEPTS

**Anti-racism:** is the practice of actively identifying, challenging, preventing, eliminating and changing the values, structures, policies, programs, practices and behaviours that perpetuate racism. It is more than just being “not racist” but involves taking action to create conditions of greater inclusion, equality and justice

**Belonging:** is a sense of connection to people, community, culture, place and a positive sense of identity. Domains of belonging are:

**Physical** -comes through a child’s connection to their physical environment, including home, school, lands and community

**Cultural** -comes through a child’s constant connection to ancestry, traditional customs and language, and support from their community

**Legal** -refers to a child’s legal permanency status (e.g., adopted, in continuing care, in an extended family placement, etc.)

**Relational** -comes through a child’s strong, stable relationships with family, extended family, friends, community, service providers, etc.

**Identity** -refers to the sum of a child’s formative experiences associated with belonging to people, place and culture and their consequent sense of themselves as having a distinct and positive identity and future

Source: RCY Skye’s Legacy report 2021

**Child Rights:** are defined in section 70(1) of the CFCSA. Additionally, child rights are recognized in the United Nation Convention on Rights of Children.

**Child Protection:** is a general term used to describe responsibilities and responses under the Child and Family Services Act (CFCSA) relating to the safety and well-being of a child or youth. Section 13(1) (a – l) defines when a child needs protection.

**Child Welfare:** is a term often used interchangeably in B.C. with the term “child protection” particularly when describing a MCFD or ICFSA worker’s role and

responsibilities related to assessing the safety and wellbeing of a child or youth.

A review of the literature, notes there are two overall orientations that influence interventions and supports for families and children: child welfare approaches, which focus on promoting child wellbeing, versus child protection approaches, which center on safeguarding the child against harm. The overall ability of the child welfare system to offer support to parents and caregivers and fund prevention is heavily influenced by the degree to which the overall system is steeped within a child protection paradigm. The focus on the “protection of children”, rather than on prevention, has created barriers for parents to ask for support, especially for Indigenous women.

**Coercive Control:** refers to a systematic pattern of behavior that establishes dominance over another person through intimidation, isolation, and terror-inducing violence or threats of violence.

**Colonialism:** Colonialism is an act of political and economic domination involving the control of a country and its people by settlers from a foreign power. Colonialism is the establishment and maintenance of one group of people as superior to other peoples and areas, often for imperialist control and exploitation.

**Colonization:** Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform with the structures of the colonial state.

**Cultural humility:** is a life-long process of self-reflection and self-critique. It is foundational to achieving a culturally safe environment. While western models of medicine typically begin with an examination of the patient, cultural humility begins with an in-depth examination of the provider’s assumptions, beliefs and privilege embedded in their own understanding and practice, as well as the goals of the patient-provider relationship. Undertaking cultural humility allows for Indigenous voices to be front and centre and promotes patient/provider relationships based on respect, open and effective dialogue and mutual decision-making. This practice ensures Indigenous peoples are partners in the choices that impact them, and ensures they are party and present in their course of care.

**Cultural safety:** a culturally safe environment is physically, socially, emotionally and spiritually safe. There is recognition of, and respect for, the cultural identities of others, without challenge or denial of an individual’s identity, who they are, or what they need. Culturally unsafe environments diminish, demean or disempower the cultural identity and well-being of an individual.

**Culture:** refers to a group’s shared set of beliefs, norms and values. It is the totality of what people develop to enable them to adapt to their world, which includes language, gestures, tools, customs and traditions that define their values and organize social interactions. Human beings are not born with culture – they learn and transmit it through language and observation.

**Decolonization:** is the dismantling of the process by which one nation asserts and establishes its domination and control over another nation’s land, people and culture. It is a framework through which individuals, organizations, governments can work toward undoing the oppression and subjugation of Indigenous peoples in what is now known as

British Columbia and unlearning colonial ways of thinking and being.

**Discrimination:** through action or inaction, denying members of a particular social group access to goods, resources and services. Discrimination can occur at the individual, organizational or societal level. In B.C., discrimination is prohibited on the basis of “race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political belief or conviction of a criminal or summary conviction offence unrelated to their employment.”

**Equity:** is a principle that ensures equality and inclusivity of all people including Indigenous peoples, minority communities, immigrants, persons with disabilities and the 2SLGBTQ+ community.

**Ethnicity:** refers to groups of people who share cultural traits that they characterize as different from those of other groups. An ethnic group is often understood as sharing a common origin, language, ancestry, spirituality, history, values, traditions and culture. People of the same race can be of different ethnicities.

**Family Violence:** is a term often used interchangeably with intimate partner violence. Family violence describes any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person – and in the case of a child, the direct or indirect exposure to such conduct – including:

- physical abuse, including forced confinement but excluding reasonable force to protect themselves or another person

- sexual abuse
- threats to kill or cause bodily harm
- harassment, including stalking
- the failure to provide the necessities of life
- psychological abuse
- financial abuse
- threats to kill or harm an animal or damage property, and
- the killing or harming of an animal or the damaging of property

Source: Government of Canada 2023

**Free Prior and Informed Consent:** is a right granted to Indigenous Peoples recognized in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It is the right of communities and Nations to be thoroughly informed about any development affecting their lands and resources, and to provide consent prior to the commencement of development.

**Health equity:** is the absence of avoidable, unfair or remediable differences among groups of people, whether those groups are defined socially, economically, demographically or geographically or by other means of stratification. “Health equity” or “equity in health” implies that everyone should have a fair opportunity to attain their full health potential and that no one should be disadvantaged from achieving this potential.

**Health inequity:** is the presence of systematic disparities in health (or in the major social determinants of health) among groups with different social advantage/disadvantage.

**Indian Day Schools:** in addition to Residential Schools, the Canadian government and Christian churches enforced Indian day schools. The federal government used Day Schools as tools of assimilation against Indigenous children until the late 1870s, when Residential Schools were fully mobilized. Unlike Residential Schools, Day School

students remained in their communities and went home to their families in the evenings. Day schools were not included in the Truth and Reconciliation Commission, nor were they included in the Indian Residential School Settlement Agreement of 2006. However, day schools, like Residential Schools, were places where students experienced physical, verbal, and sexual abuse. Source: [Indian Day Schools - Indian Residential School History and Dialogue Centre \(ubc.ca\)](#)

**Indian Hospitals:** were connected to the missionary hospital movement of the late 19th and early 20th centuries. The hospitals were a method of segregation and restriction and operated in the same way as reserves and Residential Schools, as a part of the larger colonial system. Some of the early hospitals grew out of the makeshift Residential School sanatoria that had been set-up to house and quarantine child patients, as a result of the high rates of TB in schools. Often children would move from Residential School to Indian Hospital and then back to school. Source: [Indian Hospitals in Canada - Indian Residential School History and Dialogue Centre \(ubc.ca\)](#)

**Indian Residential Schools:** between the late 1800s and 1996, the Government of Canada and church organizations operated the Indian Residential School System. An estimated 150,000 First Nations, Métis, and Inuit children were removed from their families, homes, languages and lands. A part of official Canadian policy, the residential school system aimed at the complete assimilation of Indigenous people.

The schools were routinely overcrowded, underfunded, and rife with disease. Many children, weakened by malnutrition, did not survive. Mortality rates in some schools exceeded 60%. As of September 2021, the Centre for Truth and Reconciliation has documented the deaths of 4,118 children. The system also became notorious for a high rate of physical and sexual abuse.

**Indigenous peoples:** the first inhabitants of a geographic area. In Canada, Indigenous peoples include those who may identify as First Nations (status and non-status), Métis and/or Inuit.

**Indigenous-specific racism:** the unique nature of stereotyping, bias and prejudice about Indigenous peoples in Canada that is rooted in the history of settler colonialism. It is the ongoing race-based discrimination, negative stereotyping, and injustice experienced by Indigenous peoples in Canada that perpetuates power imbalances, systemic discrimination and inequitable outcomes stemming from the colonial policies and practices.

**Intergenerational trauma:** historic and contemporary trauma that has compounded over time and been passed from one generation to the next. The negative cumulative effects can impact individuals, families, communities and entire populations, resulting in a legacy of physical, psychological, and economic disparities that persist across generations. For Indigenous peoples, the historical trauma includes trauma created as a result of the imposition of assimilative policies and laws aimed at attempted cultural genocide and continues to be built upon by contemporary forms of colonialism and discrimination.

**Interpersonal racism:** also known as relationship racism, refers to specific acts of racism that occur between people, and may include discriminatory treatment, acts of violence and micro-aggressions.

**Interagency:** activities and functions occurring between or involving two or more agencies or organizations.

**Interdisciplinary:** involves shared activities between distinct professions (i.e. Child protection, Police, Health etc.)

**Inter-ministry/interministerial:** shared activities or mandates involving separate

government ministries (i.e. Health, Education, MCFD, Attorney General etc.).

**Intersectoral:** often involves small groups of people from different sectors of society working across formal organizational boundaries to coordinate and provide services and programs. This can take the form of inter-agency meetings, community coalitions, coordinated care teams, information systems links, and co-location of officials in program delivery.

**Intimate Partner Violence (IPV also Domestic Violence-DV):** Intimate partner violence describes physical, sexual or psychological harm by a current or former intimate partner or spouse. This is also known as domestic abuse or spousal violence. The term domestic violence is sometimes used interchangeably with the term intimate partner violence, but domestic violence can also mean child or elder abuse that may not be gender-based violence. Source - December 2023 Safe and Supported: British Columbia's Gender-Based Violence Action Plan.

**Jordan's Principle (JP):** is a federal program to ensure all First Nations children living in Canada can access the products, services and supports they need, when they need them. Funding can help with a wide range of health, social and educational needs, including the unique needs that First Nations Two-Spirit and LGBTQIA children and youth and those with disabilities may have.

Jordan's Principle is named in memory of Jordan River Anderson. He was a young boy from Norway House Cree Nation in Manitoba.

**Mental Models:** "Mental models" are important in systems thinking. It is an overarching term for a worldview that you carry around in your mind. Mental models are formed through our life experiences and are grounded in the values and principles that we hold. Mental models drive how systems are structured and formed in general, and

they also inform our day-to-day decision-making.

**Oppression:** refers to discrimination that occurs and is supported through the power of public systems or services, such as health care systems, educational systems, legal systems and/or other public systems or services; discrimination backed up by systemic power. Denying people access to culturally safe care is a form of oppression.

**Outcomes:** are the results that start to happen after action being taken. Outcomes can be immediate and short term and tied directly to the intervention or action: a change in the delivery of a service can have immediate results for those using the service. There can also be longer-term outcomes that emerge over months or years which are less directly tied to the intervention but still associated with it. For example, those who benefitted from a change in service develop healthier life choices over time.

**Outcomes Measurement:** is a structured process of tracking both short-term outcomes resulting from a changed intervention and the long-term outcomes or influence of those changes. An outcomes measurement framework describes the anticipated connection between an action and a final impact through a series of short- and long-term outcomes. Indicators are used at every level – action, short- and long-term outcomes and final impact - to gather relevant data on the effects of an intervention. A strong outcomes measurement approach is essential for making improvements in interventions, modifying policy, and focusing investments.

**Prejudice:** is a negative way of thinking and attitudes toward a socially defined group and toward any person perceived to be a member of the group. Like bias, prejudice is a belief and based on a stereotype.

**Privilege:** operates on personal, interpersonal, cultural, and institutional levels

and gives advantages, favours, and benefits to members of dominant groups. Privilege is unearned, and mostly unacknowledged, social advantage that non-racialized people have over other racial groups.

**Racism:** is the belief that a group of people are inferior based on the colour of their skin or due to the inferiority of their culture or spirituality. It leads to discriminatory behaviours and policies that oppress, ignore or treat racialized groups as 'less than' non-racialized groups

**Reconciliation:** in Canada, reconciliation is often described using the principles established by the Truth and Reconciliation Commission (TC) Canada. Reconciliation "is a process of healing of relationships that requires public truth sharing, apology and commemoration that acknowledge and redress past harms It requires constructive action non addressing the ongoing legacies of colonialism that have had destructive impact on Aboriginals people's education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity".

**Reportable Circumstances (RC):** are reports of an injury sustained by or death of a child in care or young person receiving reviewable services. In mandate injuries meet the threshold of critical defined in the *RCY Act* as "an injury to a child that may (a) result in the child's death, or (b) cause serious or long-term impairment of the child's health. Reviewable services are defined in the *RCY Act* and including services under the Child, Family and Community Services Act, child and youth with support needs services, mental health and addiction services and youth justice services."

**Rights and Title Holder:** Aboriginal title refers to the inherent Aboriginal right to land or a territory. The Canadian legal system recognizes Aboriginal title as a *sui generis*, or unique collective right to the use of and jurisdiction over a group's ancestral

territories. This right is not granted from an external source but is a result of Aboriginal peoples' own occupation of and relationship with their home territories as well as their ongoing social structures and political and legal systems. As such, Aboriginal title and rights are separate from rights afforded to non-Aboriginal Canadian citizens under Canadian common law.

**Self-Government:** First Nations were self-governing long before Europeans arrived in Canada. In 1876, the Indian Act dismantled traditional governance systems and imposed strict regulations on Indigenous peoples' lives. Section 35 of the Constitution Act, 1982, recognizes that Indigenous Peoples have an inherent, constitutionally-protected right to self-government – a right to manage their own affairs. Self-determination is a core principle of self-government, the BC treaty negotiations process and is also reflected in the United Nations Declaration of the Rights of Indigenous Peoples.

Under the BC treaty negotiations process, self-government will be established, and administered through the treaty. Self-government provisions may include education, language, culture, police services, health care, social services, housing, property rights, child welfare, and other provisions agreed to by the three parties. A First Nation implementing a modern treaty will be self-governing and will have a constitution and law-making authority over treaty land and provisions of public services. Treaty sets out how the First Nations governance interacts with the Canadian Constitution and the Charter of Rights and Freedoms will apply to First Nations' governments as it does to all other governments in Canada. Source- BC Treaty Commission

## Self-government principles – CFCS Act:

**4.1** This Act must be interpreted and administered in accordance with the following principles:

- (a) Indigenous peoples have an inherent right of self-government, including self-determination, that is recognized and affirmed by section 35 of the *Constitution Act, 1982* and by the *United Nations Declaration on the Rights of Indigenous Peoples*;
- (b) the inherent right of self-government includes jurisdiction in relation to Indigenous child and family services, law-making authority in relation to those services and authority to administer and enforce laws made under that law-making authority;
- (c) Indigenous laws have the force of law in British Columbia.

**Sixties Scoop:** between approximately 1951 and 1984, an estimated 20,000 or more First Nations, Métis and Inuit infants and children were taken from their families by child welfare authorities and placed for adoption in mostly non-Indigenous households. This mass removal of Indigenous children from their homes, supported by a series of government policies, became known as the ‘Sixties Scoop’.

Historically, Indian agents used their broad administrative powers to address child welfare matters on reserve. In 1951, governments introduced new legislation to empower social workers and provincial and territorial governments with this same authority.

Between 1960s and the 1980s, the “Sixties Scoop” removed First Nations, Métis and Inuit children from their homes, often without the consent, warning or even knowledge of the children’s families and communities. Children were adopted into predominantly non-Indigenous families, often out of province or out of the country and away from their languages, traditions and extended families.

Parents and families were rarely notified about the locations of their children. Only after 1980, provincial child welfare workers informed Bands or communities of the location of children. Many families and children who were part of the Sixties Scoop are still searching for their relatives.

**Social Determinants of Health:** Social determinants of health are nonmedical factors that impact everyone’s health across their life-course. They are the things that exist all around us and the context in which we live and work. Examples include neighborhood cohesion, income/poverty, access to housing, access to food, education level and early experiences.

**Stereotype:** refers to an exaggerated belief, image or distorted truth about a person or group; a generalization that allows for little or no individual differences or social variation.

**Substance Use Disorder:** substance abuse disorder is a mild to severe form of addiction that is complex and leads to problematic patterns and the use of illicit substances. It is classified as a mental health condition under the Diagnostic and Statistical Manual of Mental Health Disorders 5 (DSM-5). People who develop substance use disorder will experience: an overpowering desire to use illicit substances, increased tolerance to the substances they choose to use, withdrawal symptoms when the substance is no longer available.

**Substantive equality:** refers to the requirement to achieve equality in opportunities and outcomes, and is advanced through equal access, equal opportunity and the provision of services and benefits in a manner and according to standards that meet any unique needs and circumstances, such as cultural, social, economic and historical disadvantage.

**Systemic racism:** is enacted through routine and societal systems, structures and

institutions such as requirements, policies, legislation and practices that perpetuate and maintain avoidable and unfair inequalities across racial groups, including the use of profiling and stereotyping.

**Systems Thinking:** is an approach that requires curiosity, compassion, and courage. This approach focuses on a willingness to see and understand a situation more fully, to recognize that all of the parts of the world we live in are interrelated, to acknowledge that there are often multiple interventions to a problem, and some may have unintended consequences, and to champion interventions that get at root causes rather than quick fixes. Systems thinking assumes that every event is driven by the structure of the system, or ingrained patterns of behaviour, and these in turn are driven by fundamental principles or values (often called mental models). Systems thinking balances a deep understanding of the positives and negatives of the current system with a strong focus on what an improved system could look like – a north star.

**Toxic Drug Poisoning:** refers to the impact on a person from drug toxicity, and in BC is often referenced with the toxic drug supply. A non-prescribed regulated supply of drugs could include anything that's in the toxic street-drug market, such as heroin, fentanyl-like drugs, or cocaine in injectable or smokable form.

**Unconscious Bias:** refers to the automatic associations and reactions that arise when we encounter a person or group. Instead of maintaining neutrality, we tend to associate positive or negative stereotypes with certain groups and let these biases influence our behavior towards them.

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## CHILD WELFARE/MCFD SPECIFIC TERMINOLOGY

**24-Hour Response:** is one of the three options to respond to new, screened-in child protection reports requiring that the family be contacted in-person. Option one is to code as “immediately” response, second is within 24 hours of the receipt of the report. It is a clinical decision point based on factors such as: the age, vulnerability of the child, exposure to sources of harm and the severity of the potential harm to a child.

**5-Day Response:** is one of the 3 options a child protection worker assigns to the response priority of new, screened-in child protection reports. This coding requires that the family be contacted in-person within 5 days.

**Aboriginal Operations and Practice Standards and Indicators (AOPSI):** are the polices and standards by which Indigenous Child and Family Service agencies (formerly known as DAA's) provide services. Though the emphases of some of these standards differs from MCFD, the safety and protection of children are always paramount. The AOPSI standards either meet or exceed those established by the MCFD.

**Aboriginal Policy and Practice Framework (APPF):** was introduced in 2015 and applies to all policy and practice involving Indigenous children, youth and families who receive services from ICFSAs and/or MCFD, and applies to all service areas (Early Years, CYSN, CYMH, Child Safety, Family Support, Children in Care, Adoption and Youth Justice). Framework contains cultural values that support process, including respect, inclusion, truth telling, wisdom and belonging.

**After Hours (AH):** refers to responses by MCFD between 4 p.m. and 8:30 a.m. on weekdays and 24 hours a day on weekends

and holidays. Provincial Centralized Screening (PCS) is now the central number for all child safety reports as well as general inquiries for support services.

**Assessing Care Providers' Readiness, Capacity and Commitment:** is a screening tool and assessment step for proposed care providers under an EFP Agreement or Temporary Custody Orders to a Person Other than a parent. It consists of 24 questions including a home visit.

**At Home Program (AHP):** provides respite and/or medical benefits to assist parents in caring for children with severe disabilities at home.

**Autism Spectrum Disorder (ASD):** is a developmental disability caused by differences in the brain. People with ASD often have problems with social communication and interaction, and restricted or repetitive behaviors or interests. People with ASD may also have different ways of learning, moving, or paying attention. These characteristics can make life very challenging.

**Autism Funding Program (AFP):** supports parents with purchasing eligible intervention services for their child or youth who has been diagnosed with autism spectrum disorder.

**Best interests of child:** is defined differently under the *CFCSA*, *The Family Law Act* and *An Act respecting First Nations, Inuit and Metis children and families*. The *CFCSA* defines best interests of a child as follows:

- 4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:
- (a) the child's safety;
  - (b) the child's physical and emotional needs and level of development;

- (c) the importance of continuity in the child's care;
- (d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;
- (e) the child's cultural, racial, linguistic and religious heritage;
- (f) the child's views;
- (g) the effect on the child if there is delay in making a decision.

(2) If the child is an Indigenous child, in addition to the relevant factors that must be considered under subsection (1), the following factors must be considered in determining the child's best interests:

- (a) the importance of the child being able to learn about and practice the child's Indigenous traditions, customs and language;
- (b) the importance of the child belonging to the child's Indigenous community.

### **Best Interests of the Child (Federal) An Act respecting First Nations, Inuit and Metis children and families):**

Section "10 (1) The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.

Primary consideration:

- (2) When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child's physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing

relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child's connections to his or her culture

Factors to be considered

(3) To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including(a) the child's cultural, linguistic, religious and spiritual upbringing and heritage;

(b) the child's needs, given the child's age and stage of development, such as the child's need for stability;

(c) the nature and strength of the child's relationship with his or her parent, the care provider and any member of his or her family who plays an important role in his or her life;

(d) the importance to the child of preserving the child's cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs;

(e) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;

(f) any plans for the child's care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs;

(g) any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and

(h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child.

(4) Subsections (1) to (3) are to be construed in relation to an Indigenous child, to the extent that it is possible to do so, in a manner that is consistent with a provision of a law of the Indigenous group, community or people to which the child belongs."

**Best Practice Approaches Child Protection and Violence Against Women:**

is an MCFD document defining best practice approaches and gives guidance to workers providing protective services when assessing and intervening in situations involving violence against women and when children may be exposed to the abuse of their mother.

**Birth Alert:** in 2019 MCFD ended the practice of issuing birth alerts. Birth alerts allowed child welfare agencies and hospitals to flag mothers deemed to be high-risk without their knowledge.

**Caregiver:** under the CFCS Act means a person with whom a child is placed by a director and who, by agreement with the director, is authorized to carry out the rights and responsibilities, under the agreement, of the director. The term refers to a person caring for a child in care of MCFD or an ICFSA.

**Case Reviews:** are conducted to monitor and improve the quality of service provision and to ensure accountability to the public. A case review is always conducted when there is a fatality of a child/youth in the care of the director, or an adult up to 20 years of age, who was in the care of the director until turning 10 years of age and for all other screened in reports a number of factors are weighted when determining when a Case Review will be completed.

**Case Review Decisions (CRD):** reportable circumstances are screened to determine whether or not to conduct the case review decision process, which in turn determines if a Case Review will be completed. The Case Review Decision is based on information in the RC, and from police reports and coroners .

**CDW:** Corporate Data Warehouse is the MCFD data reporting tool. Caseload reports, statistics and other reports can be accessed by MCFD staff.

**Chapter 3 – Child Protection Response Policies:** are the policies, standards and procedures that support the duties and responsibilities carried out by delegated child protection workers under Part 3 of the *Child, Family and Community Service Act*. The policies and standards identify required practices and clinical decision points in the Child Protection Response Model, informed by the use of Structured Decision Making Assessment tools.

**Child in Care/Child and Youth in Care (CIC or CYIC):** is the term used when a child or youth is in the legal care of MCFD or an ICFSA either through a court order or agreement with a parent (Voluntary Care Agreement or Special Needs Agreement). Children can be in care on an interim and temporary basis or in permanent care under a Continuing Custody Order (CCO).

**Child Protection Response (CPR):** when a child protection report is screened-in, it then requires a Child Protection Response to assess the safety of children and youth. This response is either a Family Development Response (FDR) or an Investigation. One of the outcomes is to determine if a child is in need of protection and supports are required to address the concerns.

### **Collaborative Practice and Decision Making (CPDM) and Family Case Planning**

**Conferences:** are collaborative meetings with families, MCFD staff and other supports. The meetings are often hosted by a neutral third

party to create plans for children and youth. Section 20 to 24 of the CFCS Act provides a legal basis for these conferences which are referenced as “mediation or other alternative dispute resolution mechanisms”. The CFCS Act and MCFD policies also support traditional decision-making for Indigenous families and may look different for each Nation. MCFD often refers to these processes as Collaborative Practice and Decision Making (CPDM). MCFD Chapter 3.4 describes CPDM processes in greater detail.

**Consent Orders:** are defined in section 60 of the CFCSA. Judges can grant an order with a parents written consent “without a hearing, the completion of a hearing or the giving of evidence, (4) an order may be made under this section without the court finding that the child needs protection. (5) a consent by a parent to an order under this section is not an admission by the parent of any grounds alleged by a director for removing the child.”

**Continuing Custody Hearing:** is the court proceeding under section 49 of the CFCSA to determine if a “child is in need of protection, will the circumstances that led to the child's removal improve within a reasonable time, or the parent will be able to meet the child's needs. and cannot be returned to a parents care within a reasonable period of time.”

**Continuing Custody Order (CCO):** under the CFCSA, means an order under section 41 (1) (d), 42.2 (4) (d) or (7) or 49 (4), (5) or (10) (a) placing a child in the continuing custody of a director.

**Coordination Agreements:** are made pursuant to section 20 (2) of An Act respecting First Nations, Inuit and Métis children, youth and families and transfer jurisdiction over child and family services to an Indigenous Authority according to Indigenous laws. These agreements describe the roles and responsibilities of all parties to support coordination of child and family services. Indigenous Peoples have the inherent right to

make decisions for their children, youth, families, and communities, but have not been able to exercise this right due to systems imposed on them and Jurisdiction is one path to reclaim inherent responsibilities.

**Criminal Record Check (CRC):** is used when screening potential caregivers (in care) and care providers (out of care) of children. MCFD polices provide direction when renewals of criminal record checks must occur.

**Delegation:** is a term under the CFCSA to delegate legal authority to MCFD and ICFSA staff to perform legislated duties. A Designated Director is an individual with statutory responsibility for carrying out powers, duties and functions authorized by the CFCSA. The Minister of Children and Family Development designates Directors via Section 91 of the CFCSA.

**Delegated Aboriginal Agencies (DAA):** is the previous name for Indigenous Child and Family Service Agencies (ICFCSA). Through delegation agreements, the Provincial Director of Child Welfare gives legal authority to ICFS Agencies to deliver child protection and family support services in Indigenous communities. Currently, there are 24 delegated agencies in BC, with varying levels of delegation and responsibilities to manage services for Indigenous communities.

**Delegation levels:** C3, C4, C5, C6 describe roles and responsibilities as per the CFCSA and the accompanying delegation letter that authorizes these duties. Delegation is contingent upon demonstration of the required knowledge and skills. (C3) is for Resources and Voluntary Services, (C4) Guardianship, (C5) Partial Child Protection, (C6) Full Child Protection and is the delegation required to remove children under the CFCSA.

**Designated Representative/Designated Band Representative (DBR):** is a position identified in the CFCSA Regulations and with whom the director provides notice of CFCSA

matters. When used in relation to the Nisga'a Lisims Government, a First Nation, an Indigenous community or a Treaty First Nation, means a representative designated in accordance with the regulations under the CFCS Act

**Director:** under the CFCS Act means a person designated by the minister under section 91. In court proceedings, child protection staff are delegated to represent the director.

**Directors Reviews:** are quality assurance measures to assess practice according to policy and standards. They are typically performed within the office of the Provincial Director of Child Welfare – Quality Assurance Branch.

**Duty to Report:** is set out in the CFCS Act - a person who has reason to believe that a child, including an Indigenous child, needs protection under section 13 must promptly report the matter to a director or a person designated by a director

**Extended Family Program (EFP):** is an out of care option to support out-of-home living arrangements with extended family or individuals who have a relationship with -- or a cultural/traditional responsibility to -- the child or youth but who are not their legal guardian. Parents give care of the child to the care provider and the Director then provides financial and other support to the care provider, to care for the child or youth.

**Family-Based Caregiver Payment Model:** is the term used to describe how foster parents are paid.

**Family conference:** under the CFCS Act means a conference convened under section 20 the purpose of which is to enable and assist the family to develop a plan of care that will

- (a) protect the child from harm,
- (b) serve the best interests of the child,

- (c) take into account the wishes, needs and role of the family, and
- (d) take into account the child's culture and community

**Family conference coordinator:** means a person designated by a director under the CFCS Act for the purpose of convening family conferences

**Family Development Response (FDR):** is the primary pathway for all screened-in child protection reports and is one of two child protection responses. The second being an Investigation which is used for circumstances involving severe physical abuse or severe neglect, and parent(s) are able and willing to participate in collaborative assessment.

**Family Plans:** are collaboratively created with a family and child protection worker to describe the safety concerns, what changes need to occur, resources being offered and timelines for completion of the plans. Chapter 3 of MCFD polices describes the process to create a Family Plan. Plans must be co-created with family, signed by the parties involved and copied provided. They must be updated a minimum of over 6 months or sooner as changes occur in a family.

**Family Preservation:** is the term used to describe services to keep families safely together or to return children to the care of the parents.

**Family Services File/Case:** is the file type used to document in the ICM database all activities, documents, plans regarding a parent. This is in contrast to a CS file which is a child service file.

**First Nation child:** under the CFCS Act means a child:

- (a) who is a member or is entitled to be a member of a First Nation, or
- (b) who an Indigenous authority confirms, by advising a director, is a child belonging to a First Nation

**Foster Care/Foster Caregiver/Foster Parent:** describes those who care for children in the legal care of MCFD or an ICFSA. They are screened and approved as per policies and procedures including criminal record checks, assessments, reference checks and must complete training. The term caregiver is also used for those who care for children in care and care provider is used to describe those who care for children in a kith arrangement.

**Indigenous authority:** under the CFCS Act means a body or entity, including an Indigenous governing body (IGB), that is authorized by an Indigenous governing body to provide Indigenous child and family services under Indigenous law

**Indigenous child:** under the CFCS Act means a child:

- (a) who is a First Nation child,
- (b) who is a Nisga'a child,
- (c) who is a Treaty First Nation child,
- (d) who is under 12 years of age and has a biological parent who
  - (i) is of Indigenous ancestry, including Métis and Inuit, and
  - (ii) considers themselves to be an Indigenous person,
- (e) who is 12 years of age or over, of Indigenous ancestry, including Métis and Inuit, and considers themselves to be an Indigenous person, or
- (f) who an Indigenous governing body or Indigenous authority confirms, by advising a director, is a child belonging to an Indigenous community

**Indigenous child and family services:** means services provided by an Indigenous authority to support Indigenous children and families, including prevention services, early intervention services and child protection services

**Indigenous Child and Family Service Agencies (ICFSA):** through delegation agreements, the Provincial Director of Child Welfare gives legal authority to ICFS Agencies to deliver child protection and family support services in Indigenous communities. Currently, there are 24 delegated agencies in BC, with varying levels of delegation and responsibilities to manage services for Indigenous communities.

**Indigenous community information:** in relation to an Indigenous community to which an Indigenous child belongs, means the following information:

- (a) if the child is a First Nation child, the name and location of the First Nation;
- (b) if the child is a Nisga'a child, the location of the Nisga'a Nation or the child's Nisga'a Village;
- (c) if the child is a Treaty First Nation child, the name and location of the Treaty First Nation;
- (d) if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the name and location of the child's Indigenous community

**Indigenous governing body (IGB):** is an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982. For more information, see "Indigenous Governing Bodies in the Declaration on the Rights of Indigenous Peoples Act".

**Indigenous law:** means a law in relation to Indigenous child and family services that is made in respect of Indigenous children and families by an Indigenous governing body in accordance with the law-making authority of the Indigenous governing body

**Indigenous peoples:** has the same meaning as in the [Declaration on the Rights of Indigenous Peoples Act](#)

**Information Sharing Agreement:** Under section 92.1 of the CFCSA, Nations can enter into an agreement with MCFD to share information about their children that are in the care of the director. The purpose of the agreement are "to provide information about the Indigenous community's children in care and children under CFCSA custody orders to assist the Indigenous community in fulfilling its shared responsibility with Indigenous families for the upbringing and well-being of those children."

**Integrated Case Management (ICM):** is the data management system used for documentation and case management of client records and is a shared system between MCFD and the ministries of Social Development and Social Innovation and Technology, Innovation and Citizens' Services.

**Interim order (IO):** means an order made under section 28 (5.1), 33.2 (2), 35 (2) (a), (b) or (d), 36 (3) (a) or (b), 42.1 (6) or 98 (7.1) of the CFCS Act

**Interim or Temporary Out of Care Orders:** are legal orders used when a child can no longer safely remain in a parent's home and no less intrusive measures can be found. These orders can be for in care orders and a child is under the legal care of MCFD or an ICFSA or for Out of Care order when a child lives with and under the care of kith or kin.

**Jurisdiction:** Bill C-92, or "The Act," applies to all Indigenous children and youth regardless of where they live in Canada and affirms the inherent right of Indigenous peoples to self-govern and to administer their own child and family services. It lays out a process by which Indigenous communities or groups can gain jurisdiction over their own child and family services.

There are two paths to jurisdiction available to Indigenous communities and groups, and each path has a different outcome. Regardless of the path chosen, an Indigenous group or

community must first choose an Indigenous Governing Body (IGB) which is defined as “a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982” (Government of Canada, 2020).

Option 1: give notice of intention to exercise jurisdiction.

The first option requires that an Indigenous community or group gives notice to the Federal Minister of Indigenous Services and the government of each province and territory in which the Indigenous community or group is located. The notice states that they plan to exercise their own laws in the area of child and family services. In this case, while an Indigenous community or group may begin to administer their own laws immediately, in the event of a conflict with provincial or federal child and family laws, Indigenous law will not prevail (Government of Canada, 2020).

Option 2: make a request to enter into a coordination agreement

For the second option, an IGB makes a request to enter into a coordination agreement with federal and provincial governments. If an agreement is reached, or “reasonable efforts were made to reach an agreement” (Government of Canada, 2020) within 12 months of the request, then “Indigenous laws would have the force of federal law and would prevail over conflicting federal, provincial and territorial laws in the event of a conflict or inconsistency” (Government of Canada, 2020).

**Kin-first approach:** is the presumption in favor of family caring for family versus a child coming into the care of the state.

**Kinship Assessment Tool (KAT):** is an assessment tool developed by MCFD in collaboration with ICFCSA and Indigenous consultants to assess prospective out-of-care

care providers. It is currently being piloted (2024) in a limited number of teams in B.C.

**Kinship Care:** is the term used for a broad range of options when a family or a person known to a child is given care of the child under an agreement or court order. Synonymous with the term Out of Care.

**Mediation/Alternative Dispute Resolution:** under the CFCSA, if a director and any person are unable to resolve an issue relating to the child or a plan of care, the director and the person may agree to mediation or other alternative dispute resolution mechanisms as a means of resolving the issue. This includes situations in which a dispute about whether an Indigenous law applies to a matter under the CFCSA.

**No Further Action (NFA)** is one option at the conclusion of a Child Protection Investigation or Family Development response when assessing the safety of a child.

**Out-of-Care Options/Out of Home Living Arrangements (OOC):** also referred to as kith and kin options. They are legal orders or agreements whereby children and youth live with extended family or other individuals who have a relationship with, or a cultural or traditional responsibility to, the child/youth. OOC is prioritized over in-care options and used when available supports and services are not sufficient to keep the child/youth in their parent’s care.

The CFCSA and MCFD policy provides guidance when deciding where to place a child and the director must consider the child's best interests.

The director must give priority to placing the child with a relative or, if that is not consistent with the child's best interests, placing the child as follows:

- (a) in a location where the child can maintain contact with relatives and friends;

- (b) in the same family unit as the child's siblings;
- (c) in a location that will allow the child to continue in the same school.

If the child is an Indigenous child, the director must give priority to placing the child as follows:

- (a) with the child's extended family or within the child's Indigenous community;
- (b) with another Indigenous family, if the child cannot be safely placed under paragraph (a);
- (c) in accordance with subsection (2), if the child cannot be safely placed under paragraph (a) or (b) of this subsection.

**Plan of care:** means a plan of care developed by means of a court family conference and may include provision for one or more of the following:

- (a) the child to reside in the home of a relative or other person;
- (b) a person, including a parent, to reside outside the child's home;
- (c) the director to have access to the child.

A plan must include the director's consent and may include provision for services to support and assist the family and to make the family safe for the child. If the child is 12 years of age or over, the director must explain the plan of care to the child, and take the child's views into account before agreeing to the plan of care. A plan of care may only be made for a specified period of up to 6 months, but may be extended for one or more periods,

- (a) with the agreement of the director and the persons who developed the plan of care, and
- (b) if the total period of all consecutive plans of care with all directors relating to the same child, including all extensions, is not more than 18 months.

Note: a Care Plan is the plan developed for a child in care of the director and is not a "plan of care".

**Practice Guides/Guidelines:** are documents that guide MCFD practice, based on research and best practices. These are not policies and not measured in practice audits.

**Provincial Centralized Screening (PCS):** is part of the Provincial Centralized Services Centre (PCSC) branch, which screens and responds to child protections reports in British Columbia. There are four locations throughout the province that operate 24 hours a day, 7 days a week, 365 days a year. PCS also answers the toll-free "Helpline for Children" and a line dedicated to providing after-hours caregiver support services, facilitates MCFD's response to provincial emergencies and provides after-hour support for the Ministry of Social Development and Poverty Reduction (SDPR) and Community Living BC (CLBC) .

**Presentation hearing:** is the initial court hearing under the CFCSA, and most often occurs after the removal of a child. It is a hearing that a director is required by section 33.1 (1), 34 (1), 36 (2) (b) or 42.1 (1) to attend.

**Preventive and support services:** are described in MCFD draft family support framework; "MCFD aims to provide services that support families so that they can provide safe, nurturing environments for their children, protect them from harm and prevent maltreatment and neglect. PFS services are offered on a continuum from voluntary services that are available to all families, to more targeted services focused on early intervention and supporting families through challenges, to more intensive or protective services."

**Prior Contact Check (PCC):** is a review of all previous records involving the individual who is the subject of the check collected under the CFCSA and/or the Adoption Act. It is one part

of a screening and assessment process that is conducted on prospective foster care, adoptive and out of care care-providers in order to ensure the safety and well-being of children as much as possible.

**Protection hearing:** is a court appearance after the initial Presentation Hearing for the court to determine whether the child needs protection and must occur within 45 days after the conclusion of the presentation hearing. Judges may grant orders as defined in section 41 of the CFCSA.

**Protective intervention order:** means an order made under section 28 of the CFCS Act. It is an order to prohibit contact from a person who may pose a risk to a child's safety and wellbeing.

**Rescindment:** occurs when the court cancels an order under the CFCSA. The term is often used when a Continuing Custody Order being cancelled, and a child is returned to the care of their parent.

### **Response-Based Practice (RBP)**

**Approaches:** is a model for working with individuals and groups experiencing oppression, adversity, violence and injustice. It recognizes the pre-existing competencies and active agency of people in responding to their social contexts. Response-Based Therapy is the application of this model in the area of therapy, and it is informed by social justice and human rights.

**Restricted Foster Home/caregiver (RFH):** are kith and kin caring for children and youth in the legal care of MCFD. Chapter 8 MCFD Resource Policies states: "a restricted family care home may be considered if the living arrangement best meets the child/youth's needs, all out-of-care options have been exhausted, and the prospective caregiver: has a significant relationship with the child/youth or the child/youth's family or cultural community". Restricted foster caregivers are screened and approved using the same

processes as for regular foster caregivers but there is a 90-day interim period whereby children can be placed in the home under due diligence steps. This enables children to be placed in the home under emergency situations to avoid multiple placements while waiting to be approved as a restricted foster caregiver.

**Section 13 of CFCS Act - when protection is needed:** A child needs protection in the following circumstances:

- (a) if the child has been, or is likely to be, physically harmed by the child's parent;
- (b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- (c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- (d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- (e) if the child is emotionally harmed by
  - (i) the parent's conduct, or
  - (ii) living in a situation where there is domestic violence by or towards a person with whom the child resides;
- (f) if the child is deprived of necessary health care;
- (g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
- (h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
- (i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;

- (j) if the child's parent is dead and adequate provision has not been made for the child's care;
- (k) if the child has been abandoned and adequate provision has not been made for the child's care;
- (l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

**Section 70 Rights:** Children in care have the following rights:

- (a) to be fed, clothed and nurtured according to community standards and to be given the same quality of care as other children in the placement;
- (b) to be informed about their plans of care;
- (c) to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
- (d) to reasonable privacy and to possession of their personal belongings;
- (e) to be free from corporal punishment;
- (f) to be informed of the standard of behaviour expected by their caregivers or prospective adoptive parents and of the consequences of not meeting the expectations of their caregivers or prospective adoptive parents, as applicable;
- (g) to receive medical and dental care when required;
- (h) to participate in social and recreational activities if available and appropriate and according to their abilities and interests;
- (i) to receive the religious instruction and to participate in the religious activities of their choice;

- (j) to receive guidance and encouragement to maintain their cultural heritage;
- (k) to be provided with an interpreter if language or disability is a barrier to consulting with them on decisions affecting their custody or care;
- (l) to privacy during discussions with members of their families, subject to subsection (2);
- (m) to privacy during discussions with a lawyer, the representative or a person employed or retained by the representative under the *Representative for Children and Youth Act*, the Ombudsperson, a member of the Legislative Assembly or a member of Parliament;
- (n) to be informed about and to be assisted in contacting the representative under the *Representative for Children and Youth Act*, or the Ombudsperson;
- (o) to be informed of their rights, and the procedures available for enforcing their rights, under
  - (i) this Act, or
  - (ii) the *Freedom of Information and Protection of Privacy Act*.

(1.1) In addition to the rights set out in subsection (1), Indigenous children have the right to

- (a) receive guidance, encouragement and support to learn about and practise their Indigenous traditions, customs and languages, and
- (b) belong to their Indigenous communities.

**Safety Plan (SP):** is an interim plan to address immediate safety while a child protection worker continues their assessment. Safety Plans are a collaborative discussion with family and support persons identified by the family. Plans are to describe details such as:

- the specific actions that will be taken to secure the child’s safety;
- what each individual will do;
- end date of the plan and when all we renew if required (lasting no longer than the end of the FDR Assessment Phase or Investigation or until a succeeding Family Plan is developed.
- how the plan will be monitored and by whom;

If the child/youth is Indigenous, identify how their inherent right to cultural continuity and to practice their unique Indigenous traditions, customs, languages, and connect with their Indigenous community is maintained. The Safety Plan is to be signed by family members who receive a copy.

**Special Needs Agreement (SNA):** a Special Needs Agreement is an agreement made with a parent of a child with special needs for provision of alternate care arrangements for the child.

**Specialized Homes and Support Services (SHSS):** is described by MCFD as a Transformation Project to provide improved services and contracted staffed care to children and youth, and their families. “In addition to supporting the safety and well-being of vulnerable children and youth in care, in out of care arrangements, and not in care, SHSS has an important role in supporting the broader work of the ministry and its partners by providing key prevention and early intervention supports – things like respite and relief care, stabilization supports, connection to culture and community, and specialized care. These services help keep families together, help strengthen placement stability, and provide healing opportunities for children and youth.”

**Staffed Residential Resources (SRR):** is the term used for group care or group homes. MCFD and IFCSA’s contract with community agencies to provide the majority of this type of care to children and youth.

**Structured Analysis Family Evaluation Home Study (SAFE Home Study):** Structured Analysis Family Evaluation (SAFE) is the Consortium for Children’s standardized home study methodology used by both private and public child welfare agencies to study and evaluate prospective adoptive, foster parents and 54.0 order kith arrangements.

**Structure Decision Making/ Structure Decision Making Tools (SDM):** The Structured Decision Making (SDM) Assessment Tools are actuarial tools that are used with the Child Protection Response Model intended to:

1. Reduce subsequent maltreatment to children and families
2. Expedite permanency and belonging for children
3. Use of critical analysis and clinical judgement
4. Clear documentation.

**Supervision Order (SO):** means an order made under CFCSA section 33.2 (2), 35 (2) (b) or (d), 36 (3) (b) (i), 41 (1) (a) or (b), (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3), 49 (8) or 54.01 (10) requiring a director to supervise a child’s care, and includes any extension of or change to that order

**Temporary Custody Order (TCO):** means an order made under CFCSA section 41 (1) (b) or (c), 42.2 (4) (b) or (c), 49 (7) (b) or (c) or 54.01 (9) (b) or (c) placing a child for a specified period in the custody of a director or another person, and includes any extension of or change to that order

**Temporary Custody Order to a person other than a parent:** When a child is removed, the CFCSA has provisions for the child to be placed temporarily in the custody of a person other than a parent and under the director’s supervision. This is considered an OOC options (kith and kin option).

**Voluntary Care Agreement (VCA):** a parent or guardian can enter into a temporary agreement for the Director to provide care for a child while the parent retains guardianship rights. Time limits for VCAs are based on the age of the youngest child subject to the agreement.

**Withdrawal from proceedings:** means that under s.33.01(1) the director may withdraw from legal proceedings before a presentation hearing, or before the conclusion of a presentation hearing, relating to the removal of a child under section 30, 36 or 42, if:

(a) the child is an Indigenous child and the parent apparently entitled to custody makes an agreement, that the director considers adequate to protect the child, with,

(i) if the child is a First Nation child, the First Nation,

(ii) if the child is a Nisga'a child, the Nisga'a Nation or the child's Nisga'a Village,

(iii) if the child is a Treaty First Nation child, the Treaty First Nation, or

(iv) if the child is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the legal entity representing the child's Indigenous community,

(b) the parent apparently entitled to custody is not a resident of British Columbia and the director makes an agreement, that the director considers adequate to protect the child

(c) the director makes an agreement under section 8 respecting the child.

**Withdrawal notice:** Under s.33.03(1) of the CFCSA if a director receives a confirmation and request from an Indigenous authority

under section 33.02 (b), the director must promptly notify the following, if practicable:

(a) each person who is entitled to be informed of the presentation hearing under section 34 (3), 36 (2.1) or 42.1 (3), as applicable;

(b) if applicable, any relevant Indigenous authority other than the Indigenous authority that requested the withdrawal.

(2) The notification under subsection (1) must

(a) indicate that the Indigenous authority that requested the withdrawal is or will be providing Indigenous child and family services in accordance with an Indigenous law, and

(b) provide information about an application that may be made under section 33.04, including the time period for making the application.

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## JUSTICE-RELATED AND ANTI-VIOLENCE

**Agreed Statement of Facts:** a party can admit that certain facts or issues are not in dispute and that there is an agreement on certain facts of the case. It will speed up the trial process because those facts do not need to be proved in court. If one party admits a fact in this formal way, it is binding on that party. Withdrawing an admission requires permission from the Court. That means that once the defendant, for example, admits liability for the accident, they cannot argue against that later without getting permission from the Court to withdraw an admission.

**B-SAFER:** Is an assessment tool when conducting risk assessments of intimate partner violence. Its purpose is to introduce a systematic, standardized, and practically useful framework for gathering and considering information when making decisions about violence risk. It draws directly from the scientific and professional literatures

on spousal violence risk assessment and victim safety planning.

**Domestic Violence Units (DVU):** are interagency teams within B.C. that are assigned highest risk intimate partner violence cases. Team members often are comprised of police, MCFD and Victim Services.

**Gladue Report:** is prepared for sentencing, bail, appeals, long term offenders' hearings, dangerous offenders' hearings, or parole hearings that provide the court with comprehensive information on the offender, their community, and their family and a healing and restorative justice plan as an alternative to prison time.

**Interagency Case Assessment Teams (ICAT):** is a formalized group comprised up of Community-Based Victim Services (CBVS) workers, police, Ministry of Children and Family Development (MCFD), probation/corrections, and others who connect and support survivors. ICATs work together to respond to "highest risk cases of intimate partner violence" where there is a likely risk of "serious bodily harm or death," and provide coordinated risk management for those cases with a priority of enhancing survivor safety. Source: EVA BC

**VAWIR:** Violence Against Women in Relationships policy, December 2010. The policy provides guidance and processes how to support and provide safety for families in BC who are experiencing violence. Defines roles and responsibilities for Police, MCFD, courts, Victims Services etc.

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## ABBREVIATIONS AND ACRONYMS

### Ministries and Authorities

**MCFD** Ministry of Children and Family Development  
**MMHA** Ministry of Mental Health and Addictions  
**MoH** Ministry of Health  
**MECC** Ministry of Education and Child Care??  
**MPSSG** Mistry of Public Safety and Solicitor General  
**MAG** Mistry of Attorney General  
**MSDPR** Ministry of Social Development and Poverty Reduction  
**PHSA** Provincial Health Services Authority  
**FHA** First Nations Health Authority

### MCFD Service Lines:

**CYMH** -Child and Youth Mental Health Services  
**CYSN** -Child and Youth with Support Needs  
**YJ** -Youth Justice Services  
**CS/CYIC** -Child Safety, Family, Youth and Children in Care Services  
**EY** -Early Years Services  
**ECD/CC** – Early Childhood Development/Child Care Note: Child Care moved to the Ministry of Education and Child Care in April 2022.  
**AS** -Adoption Services

### Legislation & Conventions

**CFCSA** Child, Family and Community Services act  
**FLA** Family Law act  
**DRIPA** Declaration of the Rights of Indigenous Peoples act  
**RCY Act** Representative for Children and Youth act  
**FOIPPA** Freedom of Information and Protection of Privacy act

**UNCRC** United Nations Convention of the Rights of the Child  
**UNDRIP** United Nations Declaration on the Rights of Indigenous Peoples  
**UNCRPD** United Nations Convention on the Rights of Persons with Disabilities  
**SCCY** Select Standing Committee on Children and Youth

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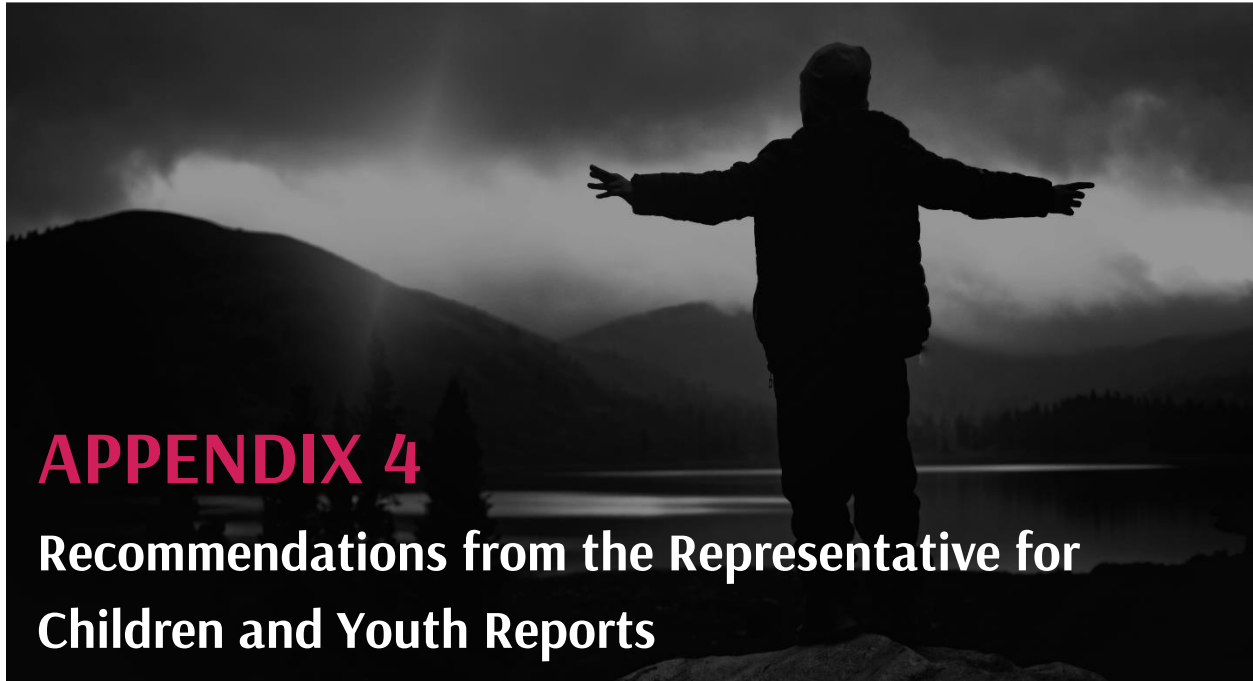
## BC AGENCIES AND ORGANIZATIONS CITED

McCreary Centre Society (MCS) (Note Adolescent Health Survey)  
Human Early Learning Partnership (HELP) (Note EDI, TDI, MDI)  
First Nations Justice Centres (FNJC)  
Child and Youth Advocacy Centres (CYAC)  
Parent Support Services (PSS)  
B.C. Disability Collaborative (BCDC)  
BC Centre for Disease Control (BCCDC)  
BC Children’s Hospital (BCCH)

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## NATIONAL AGENCIES AND ORGANIZATIONS CITED

First Nations Child and Family Caring Society (Caring Society or FNCFCS)  
First Nations Information Governance Centre – First Nations Data Governance Strategy (FNDGDS)  
Institute of Fiscal Studies and Democracy (IFSD)



# APPENDIX 4

## Recommendations from the Representative for Children and Youth Reports

The following is a list of reports issued by the current Representative for Children and Youth during her previous and existing term of Office with a list of recommendations that intersect with themes, findings and recommendations in the Sacred Story Investigation and Systemic Review:

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
<p>Alone and Afraid: Lessons learned from the ordeal of a child with special needs and his family (2018)</p>	<p><b>Recommendation #1:</b> Recommendation #1 That MCFD undertake a comprehensive assessment of the actual need for CYSN services across B.C. and the capacity of the current system to meet those needs. This assessment is to examine funding, staffing levels and workloads, program delivery and wait times. Findings to be used to inform comprehensive service improvements so all eligible children with special needs and their families receive culturally respectful, appropriate, and timely services and supports.</p> <p>MCFD to complete the comprehensive assessment and plan by the fall of 2019, seek necessary funding enhancements and begin implementation of changes by April 2020.</p> <p><b>Recommendation #2:</b> Pending completion of the comprehensive assessment, that MCFD take immediate steps to improve the current accessibility of CYSN services and supports by providing respite within a reasonable period of time, eliminating the need to choose between medical and respite benefits, and monitoring and ensuring follow-up with families not using autism funding.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
	<p><b>Recommendation #3:</b> That MCFD take the lead in working with the Ministry of Health and the Ministry of Education to develop an integrated service delivery model that enables appropriate information-sharing between service providers. This model would ensure that children and youth receiving special needs services through MCFD can be supported by a case coordinator who is responsible for navigating access to, and provision of, all necessary services. The case coordinator to remain assigned to the child to ensure appropriate services and facilitate successful transition to adulthood.</p> <p>MCFD to lead development of a comprehensive plan by the fall of 2019 and seek funding and begin implementation of the plan by April 2020.</p>
	<p><b>Recommendation #4:</b> That MCFD ensure its children and youth with special needs training is mandatory for child protection staff.</p> <p>MCFD to ensure that all child protection social workers complete training by April 2020.</p>
	<p><b>Recommendation #5:</b> That MCFD take steps to support child protection social workers to adhere to policy on response times to child protection reports and ensure children are seen during child protection investigations. This should include consideration of additional staffing, training and resources. MCFD to track adherence to these policies.</p> <p>MCFD to begin implementation of these changes by April 2019.</p>
	<p><b>Recommendation #6:</b> That MCFD and the Ministry of Education develop practice guidelines and a joint protocol to address concerns of unexplained school absences and withdrawals with the view to supporting children, youth and families and addressing barriers to school participation. MCFD and the Ministry of Education to conduct this work in consultation with advocates/stakeholders from the Indigenous and special needs communities.</p> <p>MCFD and the Ministry of Education to complete this work by May 2019.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
	<p><b>Recommendation #7:</b> That the Ministry of Education establish mechanisms to enable local school districts to identify and do timely follow up when a school-age student is not registered in an educational program.</p> <p>Ministry of Education to complete this work by September 2020.</p>
	<p><b>Recommendation #8:</b> That the Ministry of Education determine how many students with special needs designations are being homeschooled and conduct a review to determine whether school districts should be offering additional support and guidance to these students.</p> <p>Ministry of Education to complete this work by September 2020.</p>
	<p><b>Recommendation #9:</b> That MCFD ensure identification and involvement of an Indigenous child or youth’s family, community and culture at the first point of contact with any MCFD service and continue this involvement on an ongoing basis. This should include, in consultation with Indigenous stakeholders and communities, the creation of guidelines for social workers working with Indigenous families, including resources to help them do this work.</p> <p>MCFD to complete this work by May 2019.</p>
	<p><b>Recommendation #10:</b> That the Ministry of Health and MCFD develop a plan to ensure early identification, timely assessment and appropriate and accessible supports for children under six-years-old with signs of developmental delay.</p> <p>Plan to be developed by April 1, 2020 with implementation to begin immediately thereafter.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
Caught in the Middle (2019)	<p><b>Recommendation #1:</b> That the Ministry of Children and Family Development bring forward to the next review of the Protocol by the Directors of Child Welfare recommendations to address shortcomings. These include the addition of cultural planning to the Protocol; clarification that when a child arrives from another province or territory without notice, the dispute resolution process may be triggered; clarification about delegation of guardianship responsibilities; and an amendment to Interprovincial Agreement forms to allow for detail regarding financial expenditures and payment mechanisms.</p> <p><b>Recommendation #5</b> That the Ministry of Children and Family Development ensure a trauma-informed method is implemented in resourcing decisions for children in its care who have experienced multiple adversities in their lives.</p> <p>MCFD to have this trauma-informed method to resourcing in place by June 2021.</p>
Skye's Legacy: A focus on belonging (2021)	<p><b>Recommendation #3:</b> In the interest of improving practice, that MCFD distribute Skye's Legacy: A Focus on Belonging to all staff who work with and plan for children and youth who are in care or who may come into care, and then meaningfully engage in discussions with those staff about belonging for children and youth in the context of case planning, decision-making and the development and implementation of care plans.</p> <p>These discussions should be informed by the Circle practices developed in the APPF in order to foster strength-based, holistic and restorative work that centres child and youth well-being and belonging and should be designed to promote thoughtful reflection and enhance understanding. This process of engagement should not be a one-time process and should occur regularly to support strong practice development and reflection.</p> <p>Report dissemination to be completed by Aug. 31, 2021 and initial Circle discussions to be completed by March 31, 2022.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
	<p><b>Recommendation #1:</b> MCFD to conduct a systemic needs analysis of cultural and family support resources required to ensure that social workers are better supported to promote a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care in relation to their families, culture and cultural community over time and at different stages in their lives and identity development. This review will inform the development of a longer-term resourcing and implementation plan. However, given the urgent need to address the significant over-involvement of the child welfare system in the lives of Indigenous children and families and poor outcomes for Indigenous children in the child welfare system, a substantive investment of new resources should be made immediately that can be considered a down payment on the resources identified for the longer-term plan.</p> <p>Funding for immediate and substantive new resources to be secured and implementation to begin no later than April 1, 2022.</p> <p>Needs analysis and resourcing plan to be completed by Sept. 30, 2022 with longer-term, sustained funding secured and implementation of new resources beginning by April 1, 2023.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
<p>At a Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare (2022)</p>	<p><b>Recommendation #1:</b> Recommendation #1 Funding Models. (A) That MCFD, as lead ministry, seek and secure from government the authority and budget capacity to adopt the Canadian Human Rights Tribunal principles of funding and provide appropriate financial resources that allow for revised funding models that are culturally based and needs-based, provide for substantive equality for all First Nations, Métis, Inuit and Urban Indigenous children living off-reserve and prioritize culturally based community wellness and prevention services.</p> <p>New Canadian Human Rights Tribunal ruling-based funding model to be developed by April 1, 2023 and implemented by April 1, 2024.</p> <p>(B) As part of such revision, and in relation to the 84 First Nations that are unaffiliated with an ICFS Agency, MCFD, in partnership with the 84 unaffiliated First Nations rights holders, negotiate a clearly identifiable distribution of funding transferred from Indigenous Services Canada, inclusive of any funds associated with the Canadian Human Rights Tribunal, with the goal of making transparent the flow of funding from Indigenous Services Canada through MCFD to First Nations.</p> <p>Transparent and accountable transfer of funding from Indigenous Services Canada through MCFD to the 84 unaffiliated First Nations to be complete by April 1, 2023.</p> <hr/> <p><b>Recommendation #2:</b> Fiscal Governance. That MCFD update its ministry-specific fiscal management tools and reporting practices in order to align public funds allocated to First Nations, Métis, Inuit and Urban Indigenous child welfare to stated spending objectives and declared government and ministry priorities as stated in the Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, in particular, 4.3 which states “putting in place effective mechanisms to support the transition away from colonial systems of administration and governance.”</p> <p>MCFD to update its fiscal tools and reporting practices by April 1, 2023.</p>
<p>Missing: Why are children disappearing from B.C.’s child welfare system? (2023)</p>	<p><b>Recommendation #8:</b> MCFD should also begin a full learning and development initiative, for all service lines, to train staff on the use of child-centred, person-first and identity-first, destigmatizing</p>

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	<p>language when speaking to, and documenting the lives of, children and youth in the child-serving system.</p> <p>To be implemented by Sept. 1, 2024</p> <hr/> <p><b>Recommendation #9:</b> This review of lost and missing children highlights cross-jurisdictional research that speaks to the critical importance of a child’s sense of belonging in the child welfare system. These findings are not new for RCY and recommendations to address belonging have been made in the Representative’s report <i>Skye’s Legacy: A focus on belonging</i>, but progress has yet to be made to implement this recommendation. Therefore, the Representative reiterates the recommendation from RCY’s 2021 <i>Skye’s Legacy</i>:</p> <p>MCFD to conduct a systemic needs analysis of cultural and family support resources required to ensure that social workers are better supported to promote a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care in relation to their families, culture and cultural community over time and at different stages in their lives and identity development. This review will inform the development of a longer-term resourcing and implementation plan. However, given the urgent need to address the significant over-involvement of the child welfare system in the lives of Indigenous children and families and poor outcomes for Indigenous children in the child welfare system, a substantive investment of new resources should be made immediately that can be considered a down payment on the resources identified for the longer term plan.</p> <p>Implementation of new resources was recommended by April 1, 2023, and is now overdue.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
<p>The Right to Thrive: An Urgent Call to Recognize, Respect and Nurture Two Spirit, Trans, Non-Binary and other Gender Diverse Children and Youth (2023)</p>	<p><b>Recommendation #2:</b> That the Ministry of Health take lead responsibility for the ongoing design and implementation of a cross-government commitment to gender-affirming care by:</p> <p>A) Guiding a cross-ministry and partner structure and process that involves, at a minimum, the ministries of Education and Child Care, Children and Family Development, Mental Health and Addictions, all five regional health authorities, the First Nations Health Authority, the Provincial Health Services Authority (including BC Children’s Hospital Gender Clinic and Trans Care BC) and other community and public partners.</p> <p>The Ministry of Health to establish appropriate structures and processes by Oct. 31, 2023.</p> <p>B) Consistent with ministerial commitments, forming a set of principles – including trauma awareness, cultural safety and relevance, equitable and inclusive access across the province, and intersectional service provision – that will guide a coordinated approach across ministries as they create action plans for gender-affirming care for 2STNBGD children, youth and their families.</p> <p>Ministry of Health to confirm a set of principles by Feb. 29, 2024.</p> <hr/> <p><b>Recommendation #7:</b> That MCFD provide foster parents with the supports and specific training they need to provide gender-affirming care for the 2STNBGD children and youth in their care. These supports and training opportunities to be made available to out-of-care providers and adoptive parents.</p> <p>MCFD to develop supports and training by Dec. 31, 2024 and implement supports and training by June 30, 2025.</p>

TITLE OF REPORT & YEAR	RECOMMENDATION # AND DETAIL
<p>A Parent's Responsibility: Government's obligation to improve the mental health outcomes of children in care (2022)</p>	<p><b>Recommendation #3:</b> MCFD and ICFSA Directors, in collaboration with MMHA, co-lead the development and implementation of plans for targeted, voluntary assessment services (where indicated by screening) and evidence-based, voluntary mental health program services for children in care and children at risk of being brought into care, with particular attention to culturally appropriate and trauma-informed services for First Nations, Inuit, Métis and Urban Indigenous children. These plans should be incorporated into the operational planning for MMHA's Pathway to Hope and MCFD's Child and Youth Mental Health Service Framework.</p> <p>Plans to be completed by Dec. 31, 2023, with full resourcing included in Budget 2024/25 and implementation beginning by April 1, 2024</p> <hr/> <p><b>Recommendation #6:</b> As part of the planned reform of the Child, Family and Community Service Act, MCFD to include an amendment to the statutory rights of children in care so it is clear that these children have a right to health care, including mental health care.</p> <p>To be completed by Sept. 30, 2025.</p>
<p>Towards Inclusion: The need to improve access to mental health services for children and youth with neurodevelopmental conditions (2023)</p>	<p><b>Recommendation #5:</b> The Ministry of Citizens' Services to initiate the development of a cross-ministry plan, in collaboration with MCFD, MoH, MMHA, MSDPR, and the Ministry of Education and Child Care, and in association with Indigenous Child and Family Service Agencies, health authorities and Community Living BC, to routinely collect high-quality demographic and service data that allows for disaggregation, providing an essential foundation for more effective policy development, program provision and service monitoring for children and youth with support needs and their families, who are receiving services from these public bodies.</p>
<p>Excluded: Increasing Understanding, Support and Inclusion for Children with FASD and their Families (2019)</p>	<p><b>Recommendation #1:</b> That the Ministry of Children and Family Development (MCFD) fully fund and implement a CYSN service framework and plan, fully inclusive of children and youth with FASD. The formation of the service framework and plan must extensively engage Delegated Aboriginal Agencies (DAAs) and all appropriate partners. This framework must articulate a comprehensive and accessible array of CYSN services, delivered based on both an assessment of functional needs and diagnosis and, therefore, fully including children and youth affected by FASD.</p>

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	<p><b>Recommendation #2:</b> Pending full implementation of Recommendation # 1, that MCFD immediately include suspected or confirmed FASD, based on an assessment of functional needs, in the eligibility criteria for CYSN Family Support Services, thereby allowing children and youth with FASD and their families to access services available to others with specific neuro-developmental conditions. The ministry should seek appropriate funding to expand the capacity of these services to adequately support the number of newly eligible FASD families so that this recommended expansion of service eligibility does not lead to reduced services or longer wait lists for other CYSN families. MCFD to secure immediate funding enhancements and begin implementation of the expanded eligibility criteria by Sept. 30, 2021.</p>
	<p><b>Recommendation #4:</b> As a first step toward realizing fundamental changes in practice that address racism, stigma and bias, MCFD, in collaboration with DAAs, community service agencies and caregivers, to conduct a review of existing FASD awareness training and the training needs of all front-line staff working with children and youth with FASD. MCFD, working with DAAs, to use this review to support the development of evidence-based, culturally attuned and regularly updated training materials that ground a required training program for current staff across the range of MCFD service lines and, in particular, CYMH, CYSN, child welfare and youth justice. This awareness training should then be incorporated into basic entry training for newly hired staff and made accessible to community service agencies and caregivers.</p> <p>MCFD to complete the reviews and curriculum development and begin training by March 31, 2022 and complete training of all relevant ministry and agency staff by March 31, 2023.</p>
	<p><b>Recommendation #6:</b> That the Ministry of Health incrementally reduce wait times for complex developmental behavioural conditions (CDBC) diagnostic clinics, and also secure additional resources to provide for periodic follow-up assessments, at key development stages from infancy through to adolescence. The Ministry of Health to reduce wait times to nine months by March 31, 2022; to six months by March 31, 2023; to three months by March 31, 2024; and thereafter increase capacity to provide for follow-up assessments</p>

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	<p><b>Recommendation #7:</b> That the Ministry of Health, in collaboration with the First Nations Health Authority and with guidance from the Task Team formed as a result of the In Plain Sight report, apply learnings from the review of systemic bias to referral pathways and assessment processes for CDBC diagnostic clinics. The changes/improvements should specifically address the issue of bias with regard to the referrals of First Nations, Métis, Inuit and Urban Indigenous children and youth for FASD assessments and ASD assessments.</p> <p>Ministry of Health to complete the review and implement recommended improvements by March 31, 2022.</p>
	<p><b>Recommendation #8:</b> That the Ministry of Health conduct an assessment of existing FASD awareness training and the training needs of appropriate front-line staff working with children and youth with FASD, leading to the development of evidence-based, culturally attuned, Nation-specific and regularly updated training materials that ground a mandatory training program for current staff across the range of health services.</p> <p>Ministry of Health to complete the assessment of existing FASD awareness training by March 31, 2022. Sequentially, the Ministry of Health to identify appropriate priority front-line providers to receive training, by Sept. 30, 2022, and develop training and access to training by Sept. 30, 2023.</p>
	<p><b>Recommendation #10:</b> That the Ministry of Education update its Inclusive Education Policy and supporting documents and incorporate information to increase awareness and understanding of the specific learning needs of children and youth with FASD and related disorders into the supporting documents.</p> <p>Ministry of Education to update Inclusive Education Policy and supporting documents and incorporate information to enhance awareness of FASD and related disorders by March 31, 2022.*</p> <p>*Target date revised from Sept. 1, 2021, to allow for meaningful consultation</p>