

The Ministry of Children and Family Development is considering several proposals to amend the *Child, Family and Community Service Act* (CFCSA). The intent of these amendments is to ensure our commitment to reconciliation is supported by the legislation that guides our work with Indigenous children and families. These amendments are not related to jurisdiction. They would allow the Ministry to work together with Indigenous Communities in a better way and support the generation of children that is before us now.

These changes reflect comments and concerns that we've heard from our Indigenous partners through various tables, engagements, caucus sessions and consultations. The proposals are also in line with Grand Chief Ed John's recommendations respecting a more collaborative approach to child welfare and improved information sharing.

Concerns we have heard include:

- The desire for Indigenous communities to be involved early and often when there is a child protection matter involving their children
- The lack of options for keeping Indigenous children at home or in their community when there is a child protection concern
- The need for greater information sharing between the Ministry and Indigenous communities
- The importance of Indigenous communities involvement in planning for a child after a child comes into the care of the Ministry

The proposed changes will serve as an interim step towards addressing the concerns we have heard by:

- Enabling the routine involvement of Indigenous communities in child welfare matters prior to a child's removal
- Supporting increased measures to keep children at home or in their community with the support and involvement of their Indigenous community
- Ensuring Indigenous communities receive continued notification of legal proceedings impacting their children
- Enabling greater information sharing between MCFD and Indigenous communities
- Ensuring Indigenous communities are meaningfully involved in planning for their children in care
- Enabling MCFD to refer child protection reports to an Indigenous government, if an Indigenous government has laws respecting child protection

The proposals align with the objectives of UNDRIP, the Truth and Reconciliation Commission Calls to Action and the Métis Nation Relationship Accord II.

The proposed amendments are responsive to the following Grand Chief Ed John recommendations:

- **Recommendation 6** – MCFD to regularly provide a list of all their children who are under a custody order to each First Nation
- **Recommendation 8** – MCFD to take immediate action to ensure all Nation-to-Nation Partnership Protocols are implemented
- **Recommendation 9** – Components of each protocol agreement to include emphasis on rights of the child, and communities per UNDRIP; a joint commitment to alternative dispute resolution in advance of removal; jointly agreed-to obligations and responsibilities, joint planning, monitoring and review and for periodic review
- **Recommendation 12** – MCFD commit to a more collaborative approach at the start of a child protection file, more access to information on a nation's children, a notice for each hearing and serve notices by fax and email
- **Recommendation 18** – MCFD to support further alternate dispute resolution processes
- **Recommendation 41** – Province to amend the CFCSA to strengthen children's rights and permanency planning and jointly develop permanency plans
- **Recommendation 44** – MCFD regional offices provide quarterly progress updates to indigenous communities on permanency plans for each child
- **Recommendation 50** – MCFD commit to legislative amendments in order to provide support for customary care
- **Recommendation 70** – The Province offer legislative support to indigenous communities that have developed, or are seeking to develop strong community-driven initiatives
- **Recommendation 71** - The Province amend the CFCSA to provide additional least disruptive measures.

For further information on the proposed changes, please contact:

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