

Ministry of Children and Family Development First Nations Engagement Approach

Purpose:

Describe an approach to First Nations engagement for MCFD initiatives consistent with provincial obligations under the *Declaration of the Rights of Indigenous Peoples Act*.

Objectives:

- Ensure changes to policy, practice and legislation achieve improvements in outcomes for Indigenous children, youth and families
- Ensure First Nations are informed about changes, and have the opportunity to provide input
- Provide the opportunity for co-development
- Facilitate engagement through predictable and accessible methods
- Meet DRIPA obligations
- Meet the commitments set out in the letter from the Minister of Children and Family Development of August 2021 (see appendix)

Background:

MCFD acknowledges that the child welfare system has failed Indigenous peoples and has a legacy grounded in colonialism, the 60s scoop, and residential schools. Rights-holders must therefore have every opportunity to drive changes in the child welfare system and provide input at each stage of development.

As there are many demands on First Nations for consultation from every level of government, MCFD has developed some consistent and regular methods of communicating progress on change initiatives, as well as opportunities for engagement. MCFD's responsibility under DRIPA and the Minister's letter of commitment requires reaching out to First Nations to engage on all proposed changes to policy, practice, legislation and regulation.

The Tripartite Working Group (TWG), with representatives from the First Nations Summit, Union of BC Indian Chiefs, and Assembly of First Nations, Canada (Indigenous Services Canada) and BC (MCFD) has been meeting since 2016 with the express goal of improving the lives of Indigenous children, youth and families. There have been sub-committees and working group operating from time to time.

Approach:

The following describes the types of changes, how they will be communicated, formats for engagement, and co-development commitments for rights-holders.

	Systemic Change	Regulatory and Legislative Fixes	Policy and Practice Changes
<i>Description</i>	Significant initiatives that will have a broad impact in terms of those served, the services delivered, and the legislative/regulatory framework. Examples of systemic changes underway are: child care, Children and Youth with Support Needs, CFCSA Reform	Focused changes to regulation and/or legislation that are intended to fix legal issues which have arisen. An example could be the need to address a limited number of clauses of provincial legislation to bring it into alignment with federal Indigenous child welfare legislation, or to address a misinterpretation	Proposed changes to specific practices and policies for identified and limited purpose within the scope of existing legislation. This could include addressing legal issues, issues raised by Indigenous communities, and bringing policies and practices into alignment with federal legislation
<i>Where to find information</i>	<ul style="list-style-type: none"> • MCFD internet site • Regular updates in newsletter (posted online and distributed to communities) • Correspondence to each Indigenous community and Treaty Nation at different stages of development • GovTogetherBC site for specific initiatives 	<ul style="list-style-type: none"> • MCFD internet site • Regular updates in newsletter (posted online and distributed to communities) • Correspondence to each Indigenous community and Treaty Nation at different stages of development 	<ul style="list-style-type: none"> • MCFD internet site • Regular updates in newsletter (posted online and distributed to communities) • Correspondence to each Indigenous community and Treaty Nation at different stages of development
<i>How to contribute to consultation</i>	<ul style="list-style-type: none"> • Existing consultation/townhall forums through FNLC • MCFD sponsored targeted consultation with rights holders and service providers (virtual and in-person) • May be facilitated by external expert(s) • Direct email/phone/mail • Specific advisory bodies may be established to steer projects and/or provide opportunities for targeted input 	<ul style="list-style-type: none"> • Responses to correspondence • Direct email/phone/mail • Virtual opportunities for consultation sponsored by MCFD (may be facilitated) 	<ul style="list-style-type: none"> • Responses to correspondence • Direct email/phone/mail • Virtual opportunities for consultation sponsored by MCFD (may be facilitated)
<i>Where to find results of consultation</i>	<ul style="list-style-type: none"> • Newsletter • Direction papers developed based on results of consultation • MCFD Internet • Correspondence • GovTogetherBC site 	<ul style="list-style-type: none"> • Newsletter • Discussion papers • MCFD Internet • Correspondence 	<ul style="list-style-type: none"> • Newsletter • Discussion papers • MCFD Internet • Correspondence
<i>Co-Development</i>	<ul style="list-style-type: none"> • Following consultation and development of directions paper, co-develop any final policy direction that will drive changes to legislation/regulation and policies/practices • Consultation drafts of new policy will be co-developed with the FNLC (technical working group or separate legal/policy WG) and discussed at the Tripartite Working Group 	<ul style="list-style-type: none"> • Any changes will be informed and directed by the consultations • Consultation drafts of legislative or regulatory changes will be provided to the FNLC technical working group for further co-development 	<ul style="list-style-type: none"> • Any changes will be informed and directed by the consultations • Consultation drafts of policy/practice changes will be provided to the FNLC technical working group for further co-development

Examples:

The following are three examples of how these approaches will work.

The first example is the planned reform of the provincial *Child, Family and Community Service Act*. MCFD has committed to reform of the legislation to align it with DRIPA and with federal Indigenous child welfare legislation (*An Act respecting First Nations, Inuit and Métis children, youth and families*). This is a significant transformation of provincial child welfare legislation and requires ongoing consultation and co-development. It falls into the first category (systemic change).

The second example is a generic approach to legislative and regulatory fixes that will fall into the second category above.

The third example is child care, where there is a commitment to creating a working group of key technical Indigenous experts to support the shift to universal, accessible, affordable, quality child care in British Columbia. That commitment includes creation of a tripartite committee that will have representation from the First Nations Education Steering Committee and BC Aboriginal Child Care Society, along with First Nations Leadership Council.

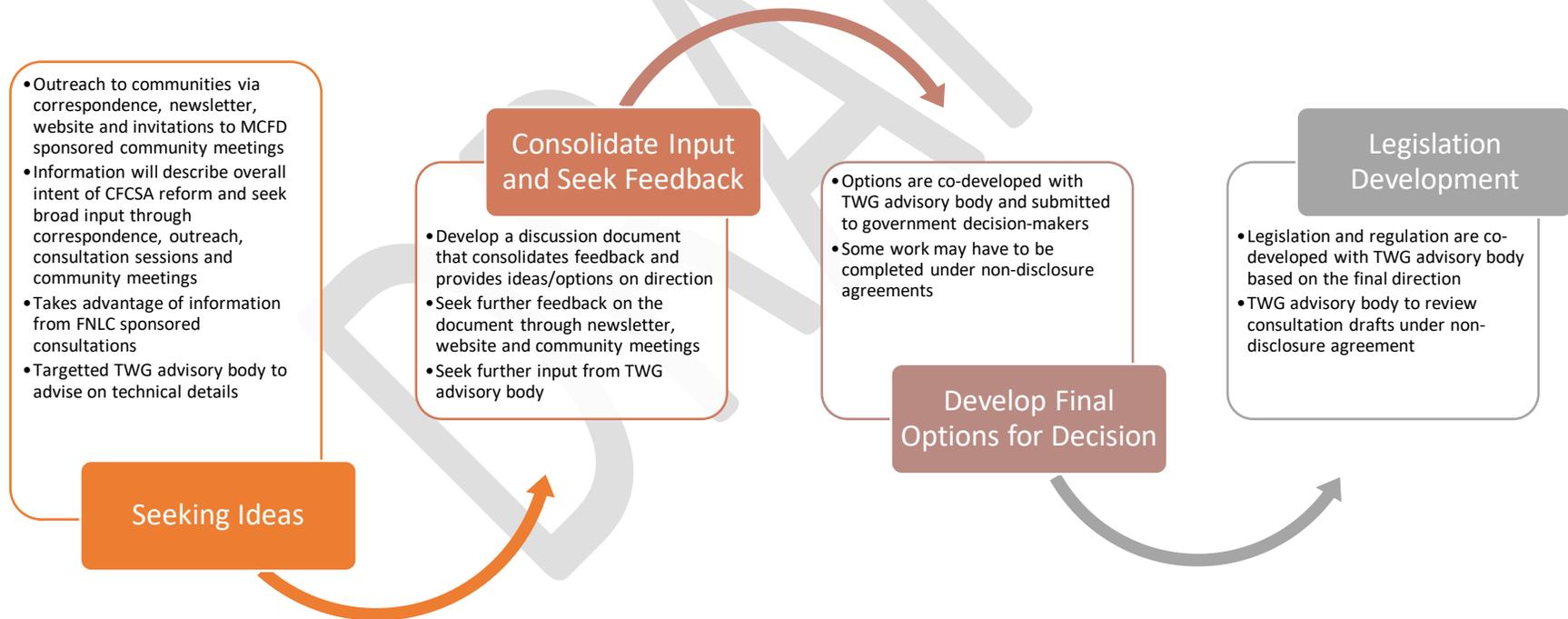
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Reform of Child, Family and Community Service Act

MCFD is committed to de-colonizing the child welfare system. While changes were made in 2018 to the Child Family and Community Service Act (CFCSA), MCFD recognizes that the legislation must change further in order to:

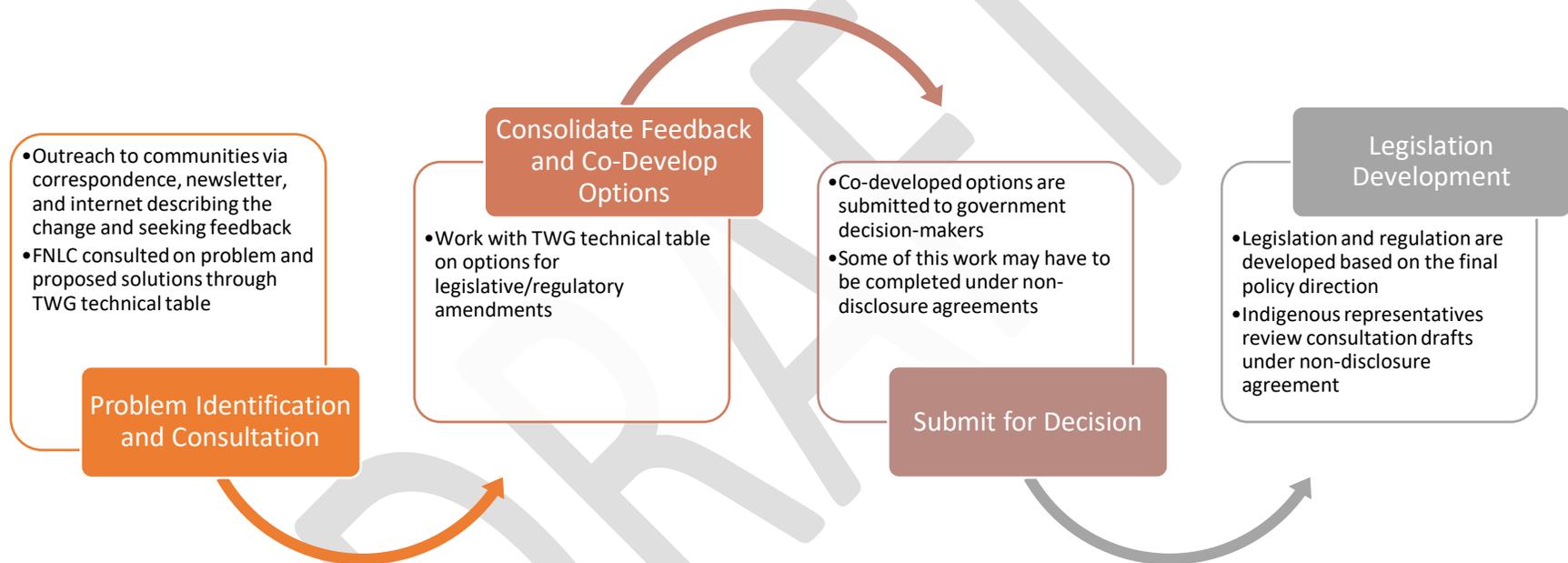
- Align child welfare legislation with DRIPA and the federal Indigenous child welfare legislation
- Shift the balance in the legislation from taking children into care to keeping children connected to family, community and culture
- Incorporate s. 7 agreements (DRIPA) into the child welfare legislation

MCFD’s approach to these changes must be consistent with the Letter of Commitment signed by Minister Mitzi Dean on August 31, 2021. The following describes how MCFD will co-develop the reform of the CFCSA with rights-holders. This is an example of how co-development of systemic changes will occur.



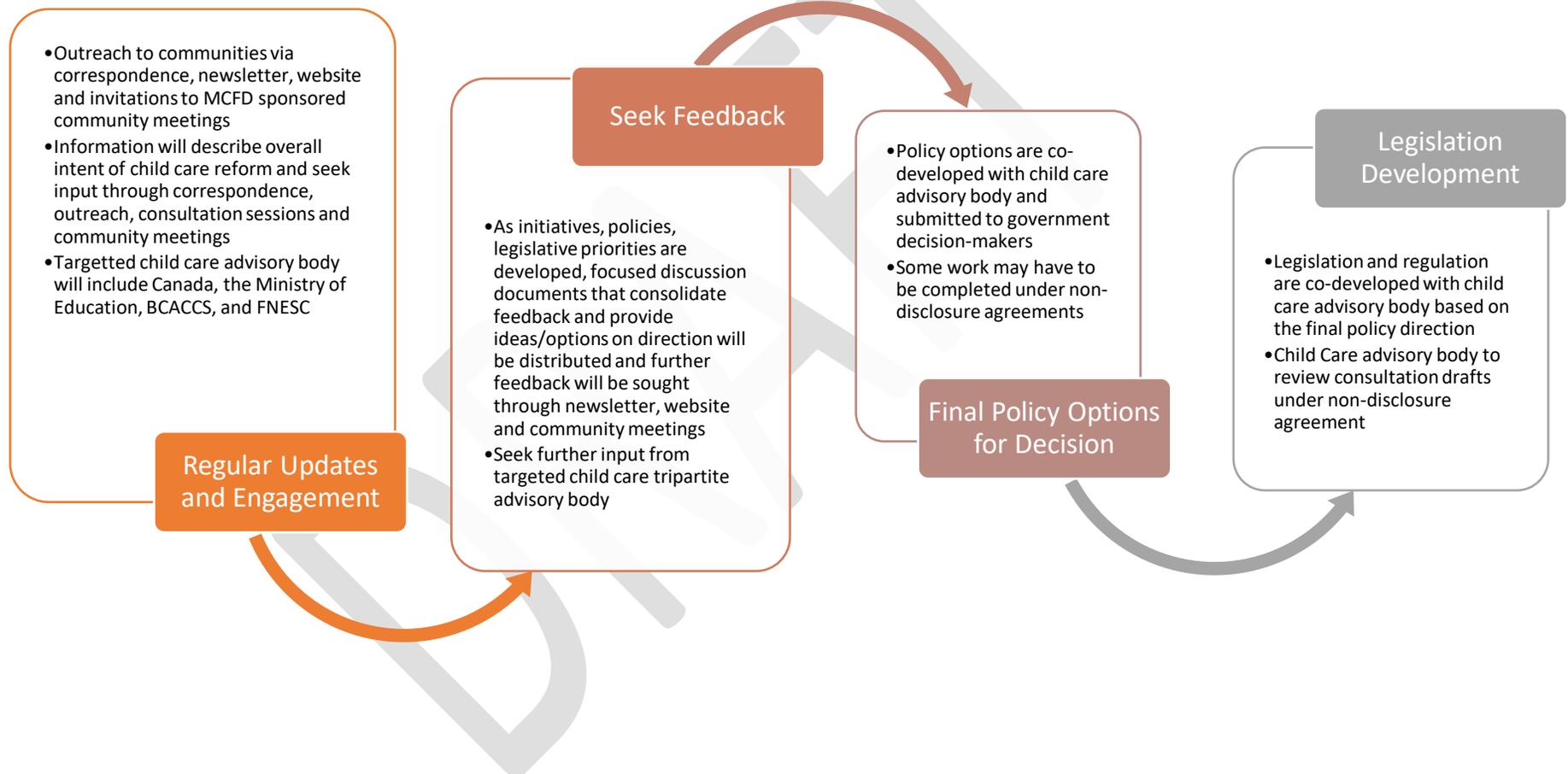
Regulatory and Legislative Fixes

MCFD regularly needs to update legislation and regulations to address legal issues that arise. Some legal issues come from a legal conflict or are intended to require operational clarity to frontline staff and service providers. From time to time these changes require immediate attention.



Child Care

MCFD is developing a new model of universal child care. Following the signing of the BC-Canada Early Learning and Child Care Agreement, and consistent with correspondence from Minister Mitzi Dean and Minister of State Katrine Chen, BC is committed to working with FNLC and Canada on the development of an ELCC tripartite working group.



Letter of Commitment

(double-click on the letter below to open the full document in your pdf reader)



August 31, 2021

VIA E-MAIL
Ref: 260084

First Nations Summit
Union of BC Indian Chiefs
BC Assembly of First Nations
E-mail: c/o djohnson@ubcic.bc.ca

To First Nations Leadership Council:

The Ministry of Children and Family Development (MCFD) is committed to support and uphold Indigenous inherent and human rights and to implement and meet the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration). This includes upholding Indigenous peoples' right to self-determination, free, prior, and informed consent on decisions that affect them, and to ensure they have a role in the development of legislation that may affect them. Aboriginal and treaty rights are recognized and affirmed in section 35 of the *Constitution Act, 1982*, and corresponding Crown obligations have been judicially commented upon and set out by the courts, and incorporated/set out in the draft principles that guide British Columbia's relationship with Indigenous peoples (https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf).

MCFD wants to move ahead with the transformation of the child and family services system in British Columbia. This includes working alongside First Nations' leadership to implement the standards in the UN Declaration through the statutes that direct our work as part of our effort to modernize our laws. MCFD acknowledges that there is substantial work being done government-wide on legislative and policy development processes with First Nations and the outcomes of that work will be included as addendums to this letter.

This letter of commitment confirms the principles, processes, roles, and responsibilities that MCFD will implement in the coming months to work with Indigenous governments and the First Nations Leadership Council (FNLC), as mandated by First Nations leadership, as it undertakes legislative and policy changes to transform MCFD services and systems. A strong relationship and strengthened partnership based on recognition, rights, respect, co-operation, and partnership is critical to the success of our work together. Accordingly, building trust with rights holders and with the organizations that represent their interests must be a primary focus as we move forward. The key goal of this transformation is to eliminate all forms of colonialism, discrimination, and denial of the rights of Indigenous peoples from child and family services laws and policies in British Columbia, and to support First Nations to resume jurisdiction over children and families. We acknowledge this will be a major shift for MCFD that requires structural change and has been committed to repeatedly by the Government of British Columbia.

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