

October 12, 2022

VIA E-MAIL
Ref: 273027/273236

<TITLE> <FIRST NAME> <LAST NAME>
<ORG>
E-mail: <EMAIL>

Dear <TITLE> <LAST NAME>:

I am very pleased to be reaching out to you to share an important piece of legislation regarding Indigenous Jurisdiction regarding children and families.

The proposed bill would amend both the *Adoption Act* and the *Child, Family and Community Service Act* to advance alignment with standards and rights articulated in the *UN Declaration on the Rights of Indigenous Peoples* (UN Declaration) and affirmed through Section 35 of the Constitution, to recognize, uphold, and reduce barriers to Indigenous jurisdiction over Indigenous child, youth and family services in British Columbia (please see Appendix for details).

British Columbia will be the first jurisdiction in Canada to affirm an inherent right of self-government expressly in provincial legislation.

To date, the Ministry of Children and Family Development (MCFD) has taken significant steps to consult and cooperate with Indigenous Peoples about the development of this proposed legislation (see Appendix).

I believe these proposed amendments are an important part of moving forward to achieve real and meaningful change that respects and affirms your rights and deeply improves services and supports for Indigenous children, youth and families.

We are pleased to be able to offer two briefings on these proposed changes:

Tuesday, October 18, 2022, from 2:00 pm to 4:00 pm Pacific Time

Please register in advance for this meeting:

<https://ca01web.zoom.us/meeting/register/u5Atf-iuqzsvGtOKE5v0N-6MDwgAXIysxdxN>

Thursday, October 20, 2022, from 9:00 am to 11:00 am Pacific Time

Please register in advance for this meeting:

<https://ca01web.zoom.us/meeting/register/u5IrdeyoqD4tHtdWVo7FLjnvT2o0kvcIKfLs>

If you are not available on either date, please let us know at your earliest convenience and we will work with you to set up an individual briefing.

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You are warmly invited to attend the introduction of the bill and celebratory reception currently anticipated to be **October 26, 2022**, in the Legislative Assembly, Victoria, British Columbia. Travel expenses will be covered.

If you have any questions or you would like to attend the introduction of the bill and celebratory reception, please respond by October 21, 2022, to:

Penny Lloyd, Director, MCFD Legislation and Legal Support
Telephone: 778-698-9232
E-mail: penny.lloyd@gov.bc.ca

Please note that hotel rooms are held for reservation until October 17, 2022.

This is a significant step, and we are honoured to advance this as part of our ongoing work to implement the UN Declaration within our ministry and to begin to change the laws that created a system steeped in colonialism.

Thank you to Indigenous rights holders, Indigenous Governing Bodies, Modern Treaty Nations and Indigenous partners for your hard work and dedication under compressed timelines.

Sincerely,

ORIGINAL SIGNED BY

Allison Bond
Deputy Minister for Children and Family Development

Appendix

Changes to the *Child, Family and Community Service Act (CFCSA)* and *Adoption Act*

The proposed amendments will:

- Recognize that the CFCSA must be administered and interpreted in accordance with Indigenous communities' inherent right of self-government with respect to child and family services.
- Enable Indigenous Governing Bodies (IGBs) to assume sole jurisdiction over child welfare services provided to an Indigenous child in accordance with Indigenous laws.
- Strengthen collaboration and consent-based decision making with Indigenous communities on adoption placements for Indigenous children.
- Ensure that both Treaty First Nations and non-Treaty First Nations have equal opportunities to exercise jurisdiction in these areas.
- Enable information sharing between the Province and IGBs to help IGBs plan for and exercise jurisdiction.
- Establish a new Indigenous Child Welfare Director position in MCFD to provide guidance and advice to CFCSA directors and their delegates in navigating a multi-jurisdictional child and family services model.
- Enable joint and consent-based agreements to be made in accordance with the Declaration Act for certain powers under the *Adoption Act* and the CFCSA.

Consultation

To date, MCFD has taken significant steps to consult and cooperate with Indigenous Peoples about the development of this proposed legislation. This work has included:

- A February 2022 [introductory letter and newsletter](#) from the Minister of Children and Family Development stating that MCFD was moving forward with consultation on amendments to the CFCSA.
- A call to engagement was sent out to 203 First Nations in the form of a March 2022 [MCFD bulletin](#), followed by an information sheet with more detailed information. Nations were invited to contact MCFD for a consultation session and to provide input. The information sheet also linked to a [Web page on EngageBC](#) on the proposed amendments.
- Nations that expressed interest participated in engagement meetings and provided their input on the proposed amendments.
- Year-long engagements and conversations with IGBs that have entered into coordination agreement discussions with the Province.
- MCFD sent formal notification letter to Modern Treaty First Nations and has hosted regularly-scheduled engagement sessions with representatives of Modern Treaty Nations. Modern Treaty Nations have reviewed the scope of amendments and discussed with MCFD.
- MCFD consulted with Métis Nation BC and Inuit Tapiriit Kanatami and they provided input on the scope of the proposed amendments.

- MCFD also formed a Legal Working Group with Canada and the First Nations Leadership Council (FNLC). The Legal Working Group has provided input on the proposed amendments throughout the process.
- During legislative drafting in Summer through September 2022, MCFD provided three separate consultation drafts to IGBs, Modern Treaty Nations, the Legal Working Group (with Canada and the FNLC), and other First Nations that contacted MCFD to provide input. Drafts were also provided to MNBC and the Indigenous Child and Family Service Agencies Secretariat. Each of these groups were separately invited to provide both verbal and written feedback on the consultation drafts. Each round of feedback was considered as future legislation drafts were developed.