

An Overview of Coordination Agreements for Children and Family Services Jurisdiction in British Columbia

Background

The federal legislation, *An Act respecting First Nations, Inuit and Métis children, youth and families* (federal Act), affirms First Nations, Inuit, and Métis' inherent right of self-government. First Nations, Inuit, and Métis' inherent right of self-government is also recognized and affirmed by section 35 of the *Constitution Act, 1982*, which includes jurisdiction in relation to child and family services.

Under the federal Act, section 35 rights-holders are represented by an Indigenous governing body (IGB), which can include a council, government, or other entity that is authorized to act on behalf of the Indigenous group, community, or people. The federal Act provides a mechanism for an IGB to exercise jurisdiction in relation to child and family services by entering into a coordination agreement.

IGBs may request that the Minister of Indigenous Services Canada (ISC) and the government of each province and territory in which the IGB wishes to exercise jurisdiction enter into a tripartite coordination agreement in relation to child and family services.

B.C.'s Role in Coordination Agreements

Under the federal Act, coordination agreements provide an instrument for First Nations, Inuit, and Métis to exercise jurisdiction in relation to child and family services in coordination with the Province of British Columbia (B.C.) and Canada. The Partnership and Indigenous Engagement Division (PIED) in the Ministry of Children and Family Development (MCFD) is responsible for negotiating coordination agreements on behalf of B.C. Through coordination agreement discussions, PIED engages with the IGB in determining the roles and responsibilities of each party as the IGB works towards exercising jurisdiction over child and family services, with the best interests of the children being the central focus.

B.C. is committed to implementing the *United Nations Declaration on the Rights of Indigenous Peoples*. B.C.'s [Declaration Act Action Plan](#) includes collaborating with B.C. First Nations, Inuit, and Métis to 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.

Once an IGB, Canada, and B.C. are ready to begin coordination agreement discussions, ISC will contact the IGB and the province to set up an initial tripartite meeting. The coordination agreement discussions ensure harmonization of service delivery between the IGB and B.C. to reduce risks of gaps, confusion, and uncertainty of services delivered. Funding arrangements are part of the coordination agreement and are also discussed at the tripartite coordination meetings. B.C. strives to uphold the unique vision of each IGB throughout this process while also seeking consistency of processes for frontline workers wherever possible.

IGB and Provincial Interests

During any negotiation, it is important for the parties to share their vision, interests, and positions on various topics.

Provincial interests refer to B.C.'s approaches, policy positions, and internal operational processes intended to support and uplift IGBs' jurisdiction in relation to child and family services. These interests are evolving as we continue to work with Indigenous authorities (IAs). The purpose of sharing these interests is to ensure the effective coordination of services between the province and the many IAs that exist in B.C., and to ensure that the ministry can honour its obligations under coordination agreements.

Provincial interests are based on key topics and priorities identified by B.C., Canada, and IGBs at coordination agreement tables. Provincial interests are discussed at the tripartite coordination agreement table meetings and reflected in coordination agreement provisions.

The overarching principles of provincial interests include:

- Supporting IGBs to deliver services under their jurisdiction wherever possible
- Supporting the province and IGBs to work in cooperation to ensure the seamless delivery of child and family services
- Maintaining consistent processes for service delivery staff wherever possible
- Ensuring interests are achievable, sustainable, and scalable
- Ensuring provincial interests are consistently applied at coordination agreement tables
- Flexibility to evolve as this work continues, and as B.C. encounters and coordinates with new Indigenous laws

Some examples of provincial interests that are reflected in coordination agreements include:

- Identification of Indigenous children, youth, and families
 - Indigenous children, youth, and families will be identified promptly to ensure that they are receiving services under the appropriate law.
 - IAs will confirm who their children, youth, and families are and if their law applies. It is not for B.C. to decide who is or is not an Indigenous child, youth, or family belonging to the Indigenous group, community, or people whom the IA serves.
 - Provisions for dispute resolution will be included in the event of disagreement on application of the Indigenous law or other issues that may arise.
- Emergency services, child protection response, and referral of reports
 - IGBs who assume responsibility for emergency and child protection services must operate a 24/7 phone line and response system.
 - MCFD's Provincial Centralized Screening will have the IGB's phone number and key contact information for the IGB's emergency response system.
- Transition considerations, including the development of a transition plan
 - The IA will be provided with a list of children and youth who have been identified as having a connection with the Indigenous group, community, or people and whom the IA serves and who are involved with the director as of the effective date of the CA and transition planning will be initiated.

- Child-specific transition plans will be developed and will outline roles and responsibilities for the director and the IA, timelines, and identify other Indigenous communities the child belongs to.
- Information sharing once coordination agreement is in effect
 - Reciprocal information sharing processes will be in place to better support families who may move between the jurisdiction of an IGB to the province or vice versa.
 - B.C. provides the IA with the necessary information regarding families who are involved with the child and family services system.
 - The coordination agreement schedule will include governing principles and processes for information sharing.
- Families moving in and out of IGB jurisdiction
 - Coordination agreements will include a process for the IA to notify the director when families move outside the area where the IGB is exercising jurisdiction to ensure access to services and support is not interrupted.
 - Processes are also established for directors to notify the IA when a family moves into the jurisdiction of the IA.

Conclusion

B.C. is committed to working alongside IGBs as they work towards exercising jurisdiction in relation to child and family services. Questions and inquiries about the coordination agreement process can be directed to MCF.Partnership.and.Indigenous.Engagement@gov.bc.ca

