

Fall 2023 - Ministry of Children and Family Development
Progress Report on Recommendations from
Indigenous Resilience, Connectedness and Reunification – From Root Causes to
Root Solutions
Evolving Context

On November 21, 2016, the Province accepted 85 recommendations put forward in the *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions* report (the Report). A number of these recommendations were assigned solely to the Ministry of Children and Family Development (MCFD) and others were assigned to be co-led by MCFD and other organizations or solely led by other organizations, including BC’s Representative for Children and Youth, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), the Ministry of Justice, the Ministry of Public Safety and Solicitor General, the Premier’s Office, the Select Standing Committee on Children and Youth (SSCCY), and Indigenous Services Canada (ISC) – previously Indigenous and Northern Affairs Canada (INAC).

Since this report was issued in 2016, there has been a shift to a system-wide transformation of child and family services within MCFD. As well, there have been significant changes in legislative pathways to upholding Indigenous child and family services jurisdiction and authority. This document describes the evolving context within which child and family services are delivered since this report was originally issued. Within this context, the associated [Detailed Progress Report](#) provides an update on actions taken by MCFD in response to the Report recommendations.

1. Transforming child and family services in B.C.

In 2019, MCFD shifted to a system-wide transformational approach to improve services for children, youth and young adults. This transformation is reflected in [MCFD’s service plans](#). Since that time MCFD has consistently been focused on four key areas:

1. **Indigenous Reconciliation:** Addressing the over-involvement of the child and family services system in the lives of Indigenous children, youth and families.

Introduction of legislative, policy, practice and fiscal changes in recognition of Indigenous communities’ inherent right to exercise jurisdiction over child and family services, and to keep Indigenous children safely connected to their cultures and communities. See section two for a full explanation of these changes.

2. **Prevention and Family Supports:** Shifting focus from downstream interventions to early and ongoing support—prioritizing keeping families safely together.

Recent actions under this goal have included:

- In 2023, the ministry announced new investments to bolster services for children and youth with support needs. These investment include: doubling the reimbursement rate for families from \$80 to \$160 an hour for school age extended therapy (SAET) benefits and increases to direct funded respite; expansion of agency coordinated respite in parts of the province where it’s not currently available, funding for new foundational program positions for programs such as infant development, early intervention, and school-age therapies through investment in Child Development Centres or similar organizations across the province, and funding to double the

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Fetal Alcohol Spectrum Disorder Key Worker program and funding to integrate therapist assistants with enhancements to foundational program personnel to enable more support to children, youth, and families.

- In 2022, in line with B.C.'s A Pathway to Hope, children and youth facing mental-health and substance-use challenges began receiving new services and supports from Integrated Child and Youth (ICY) teams in five communities and in 2023, the Province announced an additional seven communities for implementation. ICY teams connect children, young people, and families to mental health and substance use services and peer and cultural supports in schools, homes, or community settings.

3. **Youth and Young Adult Transitions:** Ensuring that young people have the tools, resources and social supports to transition successfully to adulthood and adult services.

Key actions include:

- implementing the Strengthening Abilities and Journeys of Empowerment (SAJE) program (announced under Budget 2022, to be fully implemented by April 2024). The SAJE program is a comprehensive suite of new and expanded supports and services for eligible youth and young adults in and from care, up to their 27th birthday, including: a no-limit earnings exemption , increases in dental coverage, enhanced optical coverage, a \$600-a-month rent supplement program, expanded duration of SAJE supports from 48 to 84 months (up to the age of 27), extension of temporary housing supports, removal of the age cap for the Provincial Tuition Waiver Program, access to life-skills, training, counselling, and cultural programming, assistance with transition planning, and an unconditional income supplement at age 19, up to one's 20th birthday. More information can be found here: [SAJE \(Strengthening Abilities and Journeys of Empowerment\) - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/child/youth/families/saje)

4. **Network of Care:** Ensuring that the services and supports provided through the network of care are driven by a child or youth's needs.

This goal focuses on supporting families involved with the child welfare system by focusing on family preservation wherever possible. In particular, when a child needs protection, first considering the option for a child or youth to reside with extended family or people known to them, and then working to ensure that in cases where children and youth must come into care, consideration of their individual needs, including ongoing connection to community and culture, determines their placement.

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Key actions include:

- To enable greater opportunities for placements of children with extended family, MCFD harmonized rates for out of care and in care providers in 2019 and increased rates for a second time for all caregivers in 2023, by as much as 47%.
- MCFD has begun to implement the network of Specialized Homes and Support Services. These services are respite, low-barrier short-term stabilization care, emergency care, and specialized long-term care supported by a new integrated information management system and a robust oversight process that focuses on better outcomes for the child/youth while ensuring the child/youth is at the centre of all care planning.
- A targeted advertisement campaign to retain and recruit caregivers to provide more out of care options, strengthen placement stability, and provide healing opportunities for children and youth.

Within this shifting approach, we are seeing better outcomes for children and youth. The number of children in care is the lowest it's been in over 30 years, while the number of Indigenous children and youth in care is the lowest it's been in over 20 years. Additionally, we now have the highest number of children in out of care options – ever.

2. Legislative Pathways to Upholding Indigenous Child and Family Services Jurisdiction and Authority

As the Report highlights, it has long been recognized that MCFD has been overinvolved in the lives of Indigenous children and families. This has resulted in a disproportionate number of Indigenous children being removed from their families, communities, culture and language and a disregard for the inherent right of Indigenous communities to design and deliver child and family services for their members according to their own laws.

In recognition of this, all levels of government have committed to dismantle colonial and oppressive laws, policies, and practices with the goal of ultimately providing a pathway to uphold the inherent right of Indigenous governments to exercise authority and jurisdiction over matters concerning their children and families

This multijurisdictional commitment to action has resulted in a shifting legislative landscape for child welfare. In many cases, this has resulted in MCFD moving beyond the policy and process-based recommendations found in the report and instead pursuing new legislation designed to support systemic change.

This legislative work was significantly accelerated beginning in 2018 with the introduction of Bill 26. Through this bill, MCFD introduced amendments to the *Child, Family and Community Service Act* (CFCSA) to reflect the importance of culture and belonging when determining the “best interests of the child”, to

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make space for collaborative decision making and to remove barriers to information sharing with Indigenous communities.

In 2019, the Province introduced the *Declaration on the Rights of Indigenous People Act (Declaration Act)*. This piece of legislation establishes the [United Nations Declaration on the Rights of Indigenous Peoples \(UN Declaration\)](#) as the Province’s framework for reconciliation and outlines how the Province will work with Rights Holders to ensure all provincial legislation reflects these rights.

In 2020, the federal government introduced *An Act Respecting First Nations, Inuit and Métis children youth and families (Federal Act)*. The *Federal Act* fundamentally changed the future of child welfare in Canada, affirming in legislation that Indigenous Peoples have an inherent s.35 right to self-government and, by extension, have a right to develop and implement their own child and family services laws and apply those laws to their members *anywhere in Canada*. The *Federal Act* also reinforced Indigenous children’s right to culture and language and clarified matters such as child removal. The *Federal Act* confirmed that a child cannot be removed from their family solely on the grounds of socioeconomic factors or parental mental health – two known impacts of the intergenerational trauma of residential schools and colonial practices.

In 2022, the Province introduced Bill 38: *Indigenous Self-Government in Child and Family Services Amendment Act (the Act)*. Bill 38 was co-developed with Indigenous Rights Holders and outlined historic amendments to both the *Child, Family and Community Service Act (CFCSA)* and the *Adoption Act*. The *Act* included amendments that provide a range of options or pathways for Indigenous Governing Bodies (IGBs) to exercise jurisdiction and authority over child and family services matters including:

- Modified 92.1 to ensure more consultation and collaboration between Indigenous communities and Directors operating under the CFCSA;
- *Declaration Act* agreements that allow for joint and consent-based decision making as it relates to the exercise of statutory powers and decisions under the CFCSA and *Adoption Act*;
- Amending and enabling agreements that uphold the inherent right of Modern Treaty Nations to exercise their laws off treaty lands, and
- Coordination Agreements as enabled under the federal *Act Respecting First Nations, Inuit and Métis children youth and families*.

In addition to upholding the exercise of Indigenous jurisdiction, Bill 38 provided an opportunity to address many of the themes and recommendations outlined in this progress report, through changing policies, practices, and services flowing from the CFCSA and Adoption Act. (See appendix 1 for list of these changes.)

As First Nations begin to resume jurisdiction over child and family services through their Indigenous Governing Bodies, MCFD is codeveloping, with rights holders, Indigenous partners, and the federal

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government, a B.C.-specific funding model in alignment with Action Item 4.16 in the Declaration Act Action Plan.

Note: The [Detailed Progress Report](#) will include excerpts from Bill 38 that respond to recommendations. These excerpts should be considered within the context above and the evolving multijurisdictional legislative landscape.

Since this 2016 report was published the child and family services system is significantly different and the changes outlined above are fundamentally transforming how child and family services are delivered in British Columbia. There is still much work to do but we are committed to doing the necessary work to ensure child safety, eliminate racist practices, support Indigenous Peoples to exercise jurisdiction over their children and families, and improve outcomes for all children within the system of care.

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Appendix 1: Bill 38 changes

In addition to upholding the exercise of Indigenous jurisdiction, Bill 38 provided an opportunity to address many of the themes and recommendations outlined in this progress report, through changing policies, practices, and services flowing from the CFCSA and Adoption Act. These changes include:

- Recognition 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.
- Enabling information sharing with IGBs for the purposes of developing or delivering laws and services
- Establishing a new Indigenous child-welfare director position in the Ministry of Children and Family Development to provide guidance and advice on child welfare services for Indigenous children in B.C. to ministry designated directors operating under the CFCSA, and their delegates, including advice about how to navigate a multi-jurisdictional child and family services model.
- Introducing self-government principles that uphold the laws of Indigenous Peoples in BC and ensure that child and family services delivered under the CFCSA are delivered in ways that uphold and respect these laws.
- Improving consultation and collaboration with Indigenous communities such as requiring consent throughout the adoption process.
- Requiring the director to promptly identify if a child is Indigenous and how Indigenous laws apply to that child.
- Introducing new provisions to support services that are planned and coordinated with Indigenous Peoples, and delivered in ways that prevent discrimination prohibited by the Human Rights Code, promote substantive equality, and respect for rights and culture.
- Incorporating agreement making, as outlined in the *Declaration Act*, into both the CFCSA and *Adoption Act* and ensuring that the acts must be interpreted in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*.
- Implementing key aspects of the *Federal Act* within child and family services, such as ensuring that children cannot be removed solely due to socioeconomic conditions.
- Supporting IGBs exercising their jurisdiction through the *Federal Act* process, such as creating a mechanism to transfer children to the authority of an IGB.