



First Nations Leadership Council

Bill C92 in British
Columbia: Children and
Families Jurisdiction
Engagements

Recommendations & What We Heard

November 2022

Everyone that has read and touched this report has experienced triggering and trauma because the stories of the past and realities of the present weigh heavily on people’s hearts and minds as we work towards a better future.

As you read through this report, take the time and space that is needed to take care of yourself. Child and family wellness is full of complex barriers that can make us feel powerless and overwhelmed. To balance this, we encourage you to pause and consider how you see yourself in this work as you read through the challenges and opportunities.

Completed for the First Nations Leadership Council



By Alderhill Planning Inc.



Executive Summary

Recommendations on reform for child and family wellness have been made for decades, from the Truth and Reconciliation Calls to Action in 2015, to the Royal Commission on Aboriginal Peoples over 30 years ago. Like many complex challenges, child and family wellness is connected to other areas and cannot be contained in a silo without noting other factors that continue to affect quality of life for Indigenous children. Factors like racism, poverty, housing, employment, economic development, health and education, governance, and access to legal counsel all continue to impact the success of reform initiatives.

Having Indigenous children in safe and culturally supportive homes, connected to their identity and living within their traditional territories was the clearly stated end goal for many participants, but there are many different paths to reach this destination. Some people believe that because colonial governments are responsible for past and ongoing harms, they are morally and financially responsible for restitution. Others have lost trust in government processes and want to act now, with or without government, rather than wait any longer.

A strong theme that emerged in the context of standing up First Nations' jurisdiction over child and family wellbeing was the revival of concepts of Nationhood. First Nations' jurisdiction is built on a foundation of reciprocity with and responsibility for other people, living beings, and the land, with that responsibility extending as far as the lands for which a community has words. Through stories and laws, language provides instructions for governance, caretaking, and holistic individual, family and community wellness. Protocols have been shared throughout time for communities to act in unison instead of trying to tackle problems individually. Many Indigenous communities have been working to stand up their jurisdiction of child and family wellbeing for many years, with different tribal councils and regional associations advocating on diverse issues that have continued to impact communities. Sometimes a community will see an advantage to joining together, while other times a community may prefer to act on their own to achieve the results they want.

It is important to respect the autonomy of each community to chart its own path, but this means that some communities with resources and capacity have advanced while others have been left behind. Participants spoke frequently about taking a holistic approach to child wellness that respects unique and diverse traditions and cultures, but this is sharply contrasted by the reality that many communities and their leaders continue to be confined under the Indian Act's chief and council structure that does not acknowledge the concept of Nationhood under the 34 language groups throughout the province.

Given that language is the backbone of culture and jurisdiction, the foundational recommendation to stand up jurisdiction over child and family wellbeing is a return to Nationhood. As part of strong Nations, communities can share resources, capacity and expertise, and exercise jurisdiction according to their languages and laws. Some communities have been building relationships within their Nation over the years, and are well on their way. Other communities have historic and present rifts with nearby communities, live in isolated areas that are hundreds of kilometres away from their nearest neighbours, or are already feeling the pinch of scarce resources, and the idea of getting together as a Nation under one umbrella to act in unison may not be popular or seem feasible. Moving toward, this approach would mark a departure from the Indian Act and a return to traditional practices that would lift up each community to approach child and family wellness knowing they have the support, resources, and capacity of their Nation behind them if they choose to act together.

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Notes on Language

This report endeavours to balance the language used by participants to be inclusive of diverse genders and identities. In many cases, gendered terminology such as “Grandmothers” has been converted to a gender-neutral term like “Grandparents.” In this way, we acknowledge the history of gender-diverse and Two-Spirit people in Indigenous communities, and honour the crucial role they play in raising children.

The words “child and family wellbeing” are used in place of “child and family welfare” to reflect a more holistic understanding of child and family services.

Preamble: The Impacts of Colonization

Colonization devastated many traditional systems of Indigenous child and family wellbeing with many negative residual effects persisting today. Current approaches to childcare and early development are disjointed, siloed, colonial, and are not producing the best possible results for Indigenous children, families, or communities.

The first major way that colonization devastated existing Indigenous social systems was through significant population loss. The Royal Commission on Aboriginal Peoples (RCAP) estimates that the population of Indigenous peoples in Canada declined by 80% due to the intentional and unintentional introduction of disease, bounty hunting and starvation. This loss of life included many community Knowledge Keepers, leaders, family heads, Elders, and significant extended family.¹ At the same time, Indigenous communities were forcibly displaced to increasingly smaller reserves. This resulted in the deterioration of communal cultural knowledge and ways of living, including traditional ways of child-rearing, and the beginning of intergenerational trauma.²

The Government of Canada, in partnership with Christian churches, introduced residential schools for Indigenous children in the 1800s with the explicit goal of assimilation. The federal government made attendance compulsory by amendment to the Indian Act using the threat of penalties such as fines and imprisonment. Underfunding, overcrowding and the use of untrained staff meant that school conditions were horrible. Physical and sexual abuse and death from preventable diseases were widespread, all of which were known to the Government of Canada. Generations of Indigenous children attended these schools, resulting in a loss of cultural teachings, identity, family and community relationships, and life skills. Residential schools operated for over a hundred years up until 1996, meaning that the impact of these schools, rather than a fixture of the distant past, continues to inflict both intergenerational and lived experienced trauma for Indigenous peoples today.³

1 Canada, Georges Erasmus, and René Dussault. 1996. Report of the Royal Commission on Aboriginal Peoples. Ottawa: The Commission. Indigenous Child & Family Services Directors. The history of Indigenous child welfare in BC. <https://ourchildrenourway.ca/indigenous-jurisdiction/the-history-of-indigenous-child-welfare-in-bc/#heading-5>.

2 Blackstock, C. and Trocme, N. (2005) Community-Based Child Welfare for Aboriginal Children: Supporting Resilience Through Structural Change. *Social Journal of New Zealand*. p. 12-33

3 Milloy, J. (1999) *A National Crime: The Canadian Government and the Residential School*

System 1879–1986, University of Manitoba Press, Winnipeg.

Beginning in the 1960s, a new federal policy supporting forced adoptions became the latest method of assimilating children into Canadian colonial culture. The ‘sixties scoop’, as defined by the Aboriginal Justice Inquiry in 2001, consisted of an intentional policy of the Government of Canada to relocate many Indigenous children to non-Indigenous homes through forced adoption.⁴ The policy was facilitated by a combination of federal social workers and colonial legislation, resulting in “poverty, disempowerment, multi-generational grief and loss of parenting knowledge.”⁵ According to RCPA, over 11,000 status children were placed for adoption between 1960 and 1990.⁶ Many Indigenous youth and families believe that to this day, colonial systems continue to repeat these past injustices through the ongoing Millennium Scoop.⁷

Political Context

Indigenous political activism in the Canadian context has existed since before Confederation. This section focuses on pivotal political activism undertaken by Indigenous organizations, with a particular focus on child and family wellbeing.

In 1969, the White Paper was created by the Government of Canada and proposed to eliminate the legal relationship between Indigenous peoples, Canada, and the Indian Act. In addition to dismantling the Indian Act, the White Paper specifically proposed the elimination of Indian status, the dissolution of the Indian Affairs department, the conversion of reserve land to private property, and the termination of existing treaties. These policy proposals would have removed existing and future treaty rights including land rights, government-granted rights to self-determination, and protection of culture and language, among others. In the context of BC, this is particularly significant as the majority of BC is considered unceded and unsurrendered territory where no formal agreements have been signed between Indigenous and colonial governments, meaning that the majority of BC is effectively built on stolen Indigenous land. The introduction of the White Paper galvanized a resurgence of Indigenous political protest, which fought to have the White Paper dropped and advocated for improved Indigenous child and family conditions and services.⁸

The Indian Homemakers Association of BC (IHABC) was founded in 1969 as an advocacy group focused on advancing the well-being of Indigenous women, families and communities. The IHABC was one of the first “First Nations organizations in Canada that had successfully managed to unite First Nations province-wide” (Hanson).⁹ The IHABC vehemently opposed the White Paper, and in November 1969, organized a conference of 140 bands which was the largest gathering of Chiefs in BC’s history. The conference resulted in the formation of the Union of BC Indian Chiefs (UBCIC) in 1969.

In 1971, UBCIC released their response to the White Paper, titled A Declaration of Indian Rights: The B.C. Indian Position Paper, also referred to as the Brown Paper. The Brown Paper rejected the White Paper’s proposals and reasserted land claims, the special relationship between First Nations and the Crown, and the right to self-government. The UBCIC also helped organize other awareness initiatives to promote child and family wellbeing after the Brown Paper, including the Indian Child Caravan and the Constitution Express.¹⁰

In 1980, UBCIC and Splantsin First Nation organized a march in support of Splantsin passing a by-law to exert control over their own child wellbeing program. The march began in Prince George, BC and culminated in a visit to the BC Minister of

4 Child Welfare Initiative (AJI-CWI) (2001) Promise of Hope: Commitment to Change, Executive Committee of the AJI-CWI, Winnipeg, Manitoba

5 Blackstock, C. and Trocme, N. (2005) Community-Based Child Welfare for Aboriginal Children: Supporting Resilience Through Structural Change. *Social Journal of New Zealand*. p. 12-33

6 Canada, Georges Erasmus, and René Dussault. 1996. Report of the Royal Commission on Aboriginal Peoples. Ottawa: The Commission. Indigenous Child & Family Services Directors. The history of Indigenous child welfare in BC. <https://ourchildrenourway.ca/indigenous-jurisdiction/the-history-of-indigenous-child-welfare-in-bc/#heading-5>.

7 CBC Radio. The Millennium Scoop: Indigenous youth say care system repeats horrors of the past. *The Current*. <https://www.cbc.ca/radio/the-current/a-special-edition-of-the-current-for-january-25-2018-1.4503172/the-millennium-scoop-indigenous-youth-say-care-system-repeats-horrors-of-the-past-1.4503179>

8 First Nations and Indigenous Studies UBC. (2009). The White Paper 1969. https://indigenousfoundations.arts.ubc.ca/the_white_paper_1969/

9 Hanson, E. (2009) Indian Homemakers’ Association of British Columbia. *First Nations and Indigenous Studies*, The University of British Columbia https://indigenousfoundations.arts.ubc.ca/indian_homemakers_association/.

10 First Nations and Indigenous Studies UBC. (2009). Union of BC Indian Chiefs. https://indigenousfoundations.arts.ubc.ca/union_of_british_columbia_indian_chiefs/#:~:text=In%201971%2C%20at%20the%20Third,to%20the%20government's%20White%20Paper.

Social Services, Grace McCarthy. That advocacy resulted in an agreement with the Province which provided the Splatins with the authority to operate their own child wellbeing program.¹¹

In 1982, Canada initiated the Constitution Act, which granted Canada independence from the British government. Originally, the Constitution Act was to forego the inclusion of Section 35, which recognizes and affirms existing Indigenous rights. Upon hearing this, George Manuel (the former president of UBCIC), chartered trains called the Constitution Express. These trains carried over a thousand people who advocated for the inclusion of Indigenous rights and Section 35 within the Constitution Act.¹²

One successful strategy of Indigenous political advocacy has been squaring the hypocrisy of Canada's polite and kind reputation with the continued injustices and racial bias felt by Indigenous people. The ratification of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an example of this strategy in action. Initially, Canada was one of only four countries that voted against the adoption of UNDRIP, and was reportedly one of its most aggressive opponents.¹³ Canada eventually shifted its stance due to public pressure from Indigenous leaders,¹⁴ and endorsed the adoption of UNDRIP several months later.¹⁵ Within UNDRIP, protections for Indigenous children are found in articles 7, 14, 17, 21, and 22 as well as the Annex.¹⁶

In 2007, the Assembly of First Nations (AFN) and First Nations Child and Family Caring Society of Canada (FNCFCSC), led by Cindy Blackstock, filed a complaint with the Canadian Human Rights Tribunal (CHRT). The impetus was Directive 20-1 and Jordan's Principle.¹⁷ Directive 20-1 was the funding formula that was part of Canada's First Nations Child and Family Services program which dictated funding for on-reserve Indigenous child wellbeing service delivery providers. The funding formula was reviewed by the AFN and Canada which confirmed that this funding formula discriminated against First Nations children by way of chronic underfunding. Successive governments largely ignored these findings. Another study completed in 2005 found that First Nations children living on reserve received 70 cents for every dollar non-Indigenous children received.¹⁸

Both the TRC and the Missing and Murdered Women and Girls Inquiry (MMIWG) include reform for child wellbeing and Jordan's Principle as key calls to action. Put at the forefront of the document, the TRC document outlines the Calls to Action directly affecting Indigenous child welfare (Appendix A). The creation of this document has been a starting point for the development of stronger legislation in BC, and will inform a large part of the realization of the Declaration on the Rights of Indigenous Peoples Act (DRIPA) that was passed in 2019. While the TRC was released in 2015, there has been little movement on the Calls to Action by Canadian governments.¹⁹

In 2007, Canada passed a motion supporting Jordan's Principle; however, Health Canada and Indian Affairs developed a definition so narrow that few children ever qualified for services under Jordan's Principle. This resulted in cases "where First Nation children are denied basic services, sometimes with life-threatening results."²⁰ It should be noted that the

11 Union of BC Indian Chiefs (n.d.) Welcome to the Indian Child Caravan Digital Collection. <https://caravan.ubcic.bc.ca/node/21>

12 First Nations and Indigenous Studies UBC. (2009). Constitution Express. https://indigenousfoundations.arts.ubc.ca/constitution_express/

13 CBC News (2007). Canada votes 'no' as UN native rights declaration passes. <https://www.cbc.ca/news/canada/canada-votes-no-as-un-native-rights-declaration-passes-1.632160>

14 First Nations Leadership Council, 2007. Press Release: First Nations Leadership Council Troubled by Today's Vote at the United Nations; Inaction on Declaration on the Right of Indigenous Peoples Inexcusable, September 13.

15 Lightfoot, S (2016) Global Indigenous Politics: A subtle revolution. Routledge. P176-179

16 United Nations. (2008) United Nations Declaration on the Rights of Indigenous Peoples. https://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf

17 Jordan's Principle states that the government of first contact should pay for a child's needed health services and should negotiate compensation afterwards, if desired. It is named after Jordan River Anderson, a five-year-old child from the Norway House Cree Nation, who died waiting in hospital for two years because Canada and Manitoba could not agree on who should pay for needed at-home care.

18 Blackstock, C (2016) The long history of discrimination against First Nations children. Policy Options. October 6, 2016. <https://policyoptions.irpp.org/fr/magazines/octobre-2016/the-long-history-of-discrimination-against-first-nations-children/>

19 Jewell, Eva, and Mosby, Ian (2019). Calls to Action Accountability: A Status Update on Reconciliation. Yellowhead Institute.

20 Ibid

implementation of Jordan’s Principle is explicitly outlined in the TRC.²¹

In January 2016, nearly 10 years after the initial complaint, the CHRT ruled in favor of the FNCFCs on the basis that Canada had violated Indigenous children’s basic human rights through chronic underfunding and was aware of the detrimental impacts such underfunding was having on children. CHRT ordered Canada to reform how it funds the child well-being system and to fully implement Jordan’s Principle. In a follow-up ruling, the tribunal awarded \$40,000 to victims and their families because the discrimination was “wilful and reckless.”²²

Canada has continued to try to fight against the CHRT rulings, seeking judicial review of the rulings by asserting that the tribunal overreached its authority. The most recent attempt was on June 14, 2021, while Canada continued to promote progress being made advancing Indigenous self-governance in the area of child wellbeing via Bill C92.²³

Over its history, Canada has demonstrated remarkable consistency in promoting its values of human rights to both domestic and international audiences while simultaneously opposing Indigenous demands for equal funding and services for their children. Indigenous organizations have in turn successfully forced Canada to act by shedding light on their actions to national and foreign media and detailing the government’s hypocrisy.

Introduction to Bill C92

The Government of Canada passed An Act respecting First Nations, Inuit and Métis Children, Youth and Families (“Bill C92”) on June 21, 2019, and the law came into force on January 1, 2020. Bill C92 aims to provide a legislative framework for First Nations to assert jurisdictional sovereignty over child and family services by supporting First Nations to create their own unique child and family wellbeing laws. The new legislation also aims to reduce the number of Indigenous children in care by establishing national standards that must be adhered to by provincial child welfare authorities.²⁴ For information on the B.C. Ministry of Children and Family Development’s (MCFD) service areas, delegation model, and structure, see Appendices B, C and D.

Bill C92 is the result of decades of Indigenous advocacy for recognition of the inherent right of self-determination and was preceded by several key legal decisions by the CHRT and the Supreme Court of Canada. In recent years, both Canada and BC have recognized UNDRIP through legislation that affirms the rights of Indigenous peoples to reclaim sovereignty in looking after the well-being of their children and families.

To support these changes, both federal and provincial governments have created near-identical draft principles that guide governments’ relationship with Indigenous peoples’ which specifically recognizes ‘that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.’²⁵

These significant commitments at the federal and provincial levels all underpin significant shifts towards decolonization and, over time, will support Indigenous peoples in reasserting sovereignty over their lands, forms of governance, and the delivery of fundamental services to their people.

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- 21 Truth and Reconciliation Commission (2016). Truth and Reconciliation Commission: Calls to Action. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf
 - 22 Forester, B (2021) Judge upholds human rights compensation order for First Nations kids. APTN News, September 29, 2021.
 - 23 Kennedy, Brandon (2021). This fight over compensation for First Nation kids has been raging for 14 years. On Monday, it’s back in court. Toronto Star. <https://www.thestar.com/news/canada/2021/06/14/this-fight-over-compensation-for-first-nation-kids-has-been-raging-for-14-years-on-monday-its-back-in-court-amid-calls-for-canada-to-just-do-the-right-thing.html>
 - 24 An Act respecting First Nations, Inuit and Métis children, youth and families. S.C. 2019, c. 24 <https://laws-lois.justice.gc.ca/eng/acts/f-11.73/fulltext.html>.
 - 25 Province of British Columbia. “Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples”. (Province of British Columbia, 2018). https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf.

Key aspects of Bill C92

1. The first federal statute to specifically recognize Indigenous peoples' inherent right of self-determination over child and family services, and it seeks to contribute to the implementation of UNDRIP by establishing a framework in federal law to recognize and affirm First Nations jurisdiction over child and family wellbeing.
2. Establishes minimum federal standards over the provision of child services for all Indigenous children which complement, or when in conflict, trump provincial laws.

The development and implementation of Bill C92 have been the subject of much criticism. Chiefly, the primary source of Indigenous engagement was consultation and engagement, rather than co-development. Other areas of concern in the content and implementation of Bill C92 include:

1. There is no statutory funding commitment in Bill C92 leaving it unclear how Indigenous governments will be able to fund service delivery in the exercise of jurisdiction;
2. Bill C92 does not fully recognize and respect Indigenous jurisdiction because it mandates federally determined minimum service standards;
3. Bill C92 describes a convoluted framework over which law, whether Indigenous, provincial, or federal, will apply to the provision of Indigenous child and family services. Connected to this criticism is a lack of dispute resolution mechanism in the case where there is disagreement over which law applies.²⁶

Many First Nations communities and Indigenous governments have been developing approaches to implementing Bill C92 both prior to, and after it came into force on January 1, 2020. This report contains an overview of some of that work.

To help First Nations in BC consider and approach changes that are happening under Bill C92, the First Nations Leadership Council (FNLC) held twenty virtual engagement sessions throughout 2021 and 2022. From these sessions, recommendations emerged for how to move forward in the development of child and family wellbeing laws, policies and practices that respect Indigenous self-determination and center Indigenous children and youth. Below is a summary of the sessions and the themes that emerged.

Engagements

The goal of the FNLC engagement sessions was to work with First Nations rights-holders in BC using a distinctions-based approach to stand up First Nations jurisdiction over child and family wellbeing services in British Columbia. While the engagement sessions followed the enactment of Bill C 92, An Act respecting First Nations, Inuit and Métis Children, Youth and Families, we recognize that First Nations jurisdiction is inherent, preceding and extending far beyond federal legislation.

Phase One - The Foundation

Phase One saw six engagements that established six themes that form a conceptual and visionary foundation for moving forward in this work:

1. Indigenous ways of knowing and being must be prioritized and revered;
2. Child and family wellbeing services must be decolonized;
3. Children and youth must be centred;
4. Healing must be woven throughout this process;

²⁶ Yellowhead Institute. "The Promises and Pitfalls of C-92: An Act Respecting First Nations, Inuit, and Métis Children, Youth and Families. (Yellowhead Institute, 2019). <https://yellowheadinstitute.org/wp-content/uploads/2019/07/the-promise-and-pitfalls-of-c-92-report.pdf>

5. Best practices must be shared within and between Nations; and
6. Relationships must be strengthened along the way.

Phase Two - Scenario Planning

Phase Two took these themes and put them into action, focusing on four hypothetical planning scenarios ([Appendices E - I](#)) to determine Nation-based steps that could be taken in situations where children are in need of support. Four virtual sessions focused on these scenarios and a fifth virtual session provided participants with an opportunity to reflect on considerations that emerged throughout the scenario planning.

Participants at all sessions emphasized the need to bring forward traditional stories and laws to:

- Establish and assert jurisdictional precedents around child and family wellness;
- Respect the protocols of other Nations who may be involved; and
- Protect and care for the child.

Specific areas for improvement centred on notions of substantive equality, including funding and resources to promote the transfer of jurisdiction, transparency and accountability. Substantive equality is the recognition that not all people start off from the same position in life, and that these unequal opportunities make it more difficult for some to be successful. In this way, it will be important that we meet people where they are at to make sure they are getting the support they need to succeed. As in Phase One, participants continued to emphasize the need to uphold Indigenous ways of knowing and being, including centring First Nations approaches to governance and service delivery.

Participants also suggested that sustainable funding and resources are essential to supporting substantive equality for First Nations child and family wellbeing, and are critical to the full exercise of jurisdiction by Indigenous Governing Bodies. Participants noted that conversations about substantive equality must acknowledge that Indigenous peoples continue to face systemic oppression and racism, wealth inequalities, and significant gaps in service provisions.

A number of key funding streams were identified for further development, including:

- Service delivery for child and family well-being services
- Access to services for urban Indigenous people
- Child and family navigator positions in communities
- Long-term care for Elders as their needs increase over time
- Community-based capacity for decision making
- Funding to develop and code Indigenous Laws
- Capacity, training, and succession planning funding
- Legal liability issues funding
- Insurance
- Capital acquisitions and infrastructure
- Family housing
- Legal representation
- Evaluation and monitoring tools
- Databases and information management systems
- Funding for Jordan's Principle
- Community healing across lifespans
- Prevention services
- Funding for on and off-reserve First Nations people
- Training around Bill C92 and other pathways to jurisdiction

Participants also shared their desire for the establishment of regional, provincial, and Nation-specific approaches, organizations, and institutions. It was proposed that one way to support substantive equality would be through the establishment and support of organizations and institutions that are developed and led by First Nations. These might include provincial or regional hospitals for Indigenous children who are sick, increased healing centres in communities, and more support for urban families through friendship centres. This may also include technical bodies to support data and information management, capacity development and training, legal support, and evaluation and monitoring tools.

Another theme that emerged was to use a holistic lens when considering child and family well-being, inclusive of health services, education, and accessibility to Jordan's Principle funding for families. Jordan's Principle was raised many times throughout the sessions, emphasizing that mental, physical, emotional and spiritual well-being and healing are core elements of child and family wellness. The need for accessible, supportive, culturally safe and appropriate programs and services driven by First Nations is necessary to support children and families at all stages, especially for those with diverse physical, developmental and emotional needs. Further, a holistic approach to child and family well-being means building relationships across communities and Nations rather than taking a siloed approach within a single community. Service providers, support organizations, and First Nations need to work together to ensure the needs of vulnerable children and families are met.

In all of this, First Nations should consider creating their own evaluation processes to which western actors would have to adhere. All community members, including Elders, will have a role to play in holding governments accountable to support First Nations needs, and this work must be supported at the Nation-level and by the communities within them. While services continue to be delivered in whole or in part by western institutions, there must be cultural training and accountability, through a human rights lens, for all actors within these institutions.

Phase Three - Narrowing Down into Strategies

As we learned throughout Phases One and Two, sharing best practices is a key component of strengthening the networks of care within and between communities, so Phase Three brought together Nations and organizations from around Canada and BC to do so. Over five sessions, group presentations were followed by engagement sessions with First Nations rights-holders and stakeholders, with the conversations informed by the perspectives and themes delivered by presenters, along with recommendations from previous phases of this work.

While some Nations consider bringing their laws to the front to guide the implementation of Bill C92 and negotiating Coordination Agreements, others are taking different pathways to assert their jurisdiction. One participant shared that their community has been in a Treaty process with three other communities which are also building upon self-governance. Because these communities have been asserting their jurisdiction in other ways through the Treaty process, they "don't feel the need to build a Coordination Agreement because we are past that."²⁷

The position asserted by some modern Treaty Nations is that, for all Indigenous peoples, traditional laws continue to exist.²⁸ While one treaty Nation had not codified any specific cultural laws, traditional practices were used instead to draw upon the traditional house system and leadership to reenact and reinvigorate decision-making and care around children and families.²⁹ Though Nations are at different places in reinvigorating and asserting their laws, they must still be acknowledged, respected and upheld given that Indigenous laws have pre-existed contact and all colonial laws.

Phase Four - Perspectives from Rights Holders, Stakeholders & Caretakers

Phase Four brought together participants who offered their perspectives on child and family wellness, including the importance of returning to our traditional roles and taking up responsibilities that will move our Nations forward.³⁰ Many participants also tied their relationship to the land with wellness and emphasized the importance of doing land-based

²⁷ Participant from April 14, 2022 Session

²⁸ Participant from March 22, 2022 Session

²⁹ Participant from March 22, 2022 Session

³⁰ Participant from May 31, 2022 session

activities for children in care and for families who have become disconnected from their culture. Framing these perspectives was the concept of re-building our Nationhood in order to have a united voice when working with colonial governments and our neighbouring Nations.³¹

Several participants also expressed their ongoing frustration with MCFD and challenges around cultural sensitivity, pan-Indigenizing, and birth alerts that have surfaced over and over again without resolution. A lack of protocols between communities and MCFD has left some participants feeling like MCFD continues to make their own rules without consideration for how their actions are impacting children and their families.³²

Other participants shared progressive examples of initiatives that have made meaningful impacts in the lives of children, including the use of Care Committees³³ and other groups that provide oversight of how social workers are managing the well-being of children in care. Initiatives such as these make space for Indigenous ways of knowing and being within the current system and ensure that decisions about the care of a child are not left to a single person, but rather bring in a variety of perspectives to find the best way forward.

The Enowkinwixw Process

FNLC hired Alderhill Planning Inc. (Alderhill), an Indigenous owned and operated planning firm, to conduct engagements and produce this report. Alderhill utilizes an Indigenous planning and decision-making process, called Enowkinwixw, which is based on the syilx creation story called, “How Food was Given” or the “Four Food Chiefs” story. This story explains how important it is for us to include all voices in decision-making, and tells us how to listen to each other so we can make good decisions.

Enowkinwixw is not a process in which we come together and try to figure out something new. It is a process of clarification of what we already know. There are very specific ways and protocols that we set out at the beginning of our discussions that allow us to honour one another’s voices in our decision-making. Through this process, we acknowledge that we all have different perspectives, experiences, and ways of doing things, but that each voice is important.

It is also important to note that the Enowkinwixw approach maintains that existing life forms in the natural world have status, rights and privileges that are equal to humans and all those benefits must be recognized and protected.³⁴

The Four Food Chiefs Story

Before people came to be, there were animal people who roamed the earth. One day, the Creator came down and said to the Four Food Chiefs, “There is going to be a new being that walks this earth and I want you to figure out how this being will survive.” Then he put the being between the Chiefs and left.

The Four Food Chiefs are: Skemxist, Chief Black Bear who was chief of the four legged and winged animals; Siya, Chief Saskatoon Berry who was chief of all the plants that grow above ground; Spitlem, Chief Bitterroot who was chief of all the plants that grow below ground; N’tyiyixw, Chief Spring Salmon who was chief of all the animals in the water.

The Chiefs all looked at the being that was left in the center and said, “This is the most pitiful being I have ever seen. How is it supposed to survive? It has an empty head and no fur to keep it warm or teeth to eat and can’t even run away if it needed to.”

31 Participant from June 28, 2022 session

32 Participant from June 22, 2022 session

33 Participant from June 23, 2022 session

34 Sam, M. Oral narratives, customary laws and indigenous water rights in Canada (T). University of British Columbia (2013), Page 5.

The Chiefs looked to Chief Black Bear, who was the eldest of the Chiefs and said, “You’re the oldest, you tell us what you’re going to do.” So, Chief Black Bear thought about it and thought about it. Finally, he said, “I will lay down my life for this being and it can use my body for whatever it needs to survive.”

The other Chiefs looked at each other and said that they too would give up their lives for this being. So Chief Black Bear laid his body on the ground and told the Chiefs, “I will lay my life down now and it is up to you to sing me back to life.”

Chief Black Bear laid down and the chiefs gathered around to sing their songs to bring him back to life. The chiefs finished their songs; Chief Black Bear didn’t come back to life. So all of the other animals and plants and fish and winged ones came to sing their song. And still, Chief Black Bear didn’t come back to life.

All of the animal people stood around Chief Black Bear and Fly came buzzing around, trying to get past everyone and saying, “Please, let me sing my song, I want to sing my song.” All of the animal people swatted fly away saying, “Go away, no one wants to hear your song. All you do is bug people and eat crap. Go away.” But Fly managed to get through the people and came to sit on Chief Black Bear’s ear and there he sang his song.

Chief Black Bear rose and came back to life.

All of our laws are held in our stories and language. Our stories tell us how we must govern ourselves and make good decisions for the good of all living things. Alderhill takes its direction from these creation stories when it comes to communicating, planning and making important decisions.

This story tells us many things, but some of the most important teachings that we carry forward in this work are:

- To ensure that we capture as many voices, perspectives and experiences as possible; and
- To create a space that honours all of those perspectives, even if we have different perspectives. Even if we do not like each other, it is important to remember that everyone and everything has a purpose and all of those perspectives are required to bring back life.

Recommendations

Recommendations Overview

Throughout engagements from June 2021 to July 2022, participants highlighted the need for the five key pieces of work listed below. These categories emerged through a thematic analysis of all of the recommendations put forward throughout the engagement process. Each of these categories is supported by specific strategic recommendations that outline more concrete steps to stand up jurisdiction over First Nations children and families around what is known as British Columbia.

1. Governance & Jurisdiction: Understanding & Reclaiming Our Roles
2. Engagement & Relationship Building: Collaborating with our Neighbors & Allies
3. Data Sovereignty: Ownership and Use of Our Information
4. Funding & Investment: Resources to Get the Work Done
5. Western Services & Institutions: Phasing Out Reliance as We Build Resilience

Governance & Jurisdiction: Understanding and Reclaiming Our Roles

To support First Nations to stand up their inherent jurisdiction over child and family wellness, each person, community, and Nation must understand their traditional roles and how they can support community resilience and growth. This means each of us must be in a good place to learn, mentor and live our teachings on a daily basis. When our children are taken from the center of our communities both in the past and present, we lose our purpose and reason for being. Coming of age ceremonies are needed not just for children, but for everyone who has lost their traditional roles and the understanding of their responsibilities within communities.

Healthy people build strong communities and resilient Nations. When we have spiritual, mental, and physical health for all First Nations people we can continue to create positive change within ourselves, our families, our communities and our Nations. Many western institutions will continue to infringe on our inherent rights to provide care for our children and families because they see some of our community members struggling with their health and ability to meet their basic needs. These are the same institutions that have historically withheld the resources needed by our communities and Nations that could support community members to get back on track, including resources such as housing and health services.

While colonial governments and institutions are undeniably responsible for past and present wrongdoings that continue to impact the health and well-being of First Nations peoples, we as First Nations peoples are responsible for taking steps towards our own healing. We must do so to continue to rebuild the strength and jurisdiction of our Nations and be in a place where we can assert our traditional teachings and practices. These teachings and practices will give our children and families the care they need to thrive and succeed when they are faced with challenges in their lives.

While the overarching recommendation in this section emphasizes reviving models of governance around traditional concepts of Nationhood that are reflected in language groups, this is not meant to take away from First Nations that have decided to use modern treaties, Coordination Agreements, or other means as a way to further and secure their rights as Indigenous peoples. However a community decides to represent themselves and their interests is the way that colonial governments must recognize and engage with that community.

Engagement & Relationship Building: Collaborating with Our Neighbors and Allies

Healing ourselves and our communities in pursuit of child and family wellness is not a solo journey. We must learn to

work together to know what each of us can bring to the table in order to understand what it will take for each Nation to move forward. It is important that we come together on our own, as communities and Nations, without being hindered by government funding that is tied to certain deliverables. We need to be able to come together as we did in the past, organizing the priorities within communities and Nations, reaching out to neighbouring Nations and colonial allies to leverage our strengths and make plans to tackle our challenges together.

Building relationships with our neighbours and allies means sharing resources, information, and developing trust over time. Individuals coming together will foster healthy relationships within their own families; families coming together will foster healthy relationships within communities; and communities will foster healthy relationships within Nations. Building healthy relationships with one another starting with the individual and up to the Nation and the land is hard work, but this work needs to be done so that we can stand united as Nations, as caretakers of our children, youth and of the land, and support each other to achieve our collective goals of keeping our children and families out of western systems and institutions.

Data Sovereignty: Ownership and Use of Our Information

Data sovereignty is a form of governance because our planning needs to be based on accurate information about our communities and Nations. The more knowledge and information we have, the better decisions we will make. This will empower us to assert our jurisdiction and not feel like we have to ask permission from colonial governments to act because we are grounded in our own community and Nation-based knowledge.

Our data and information is a powerful tool that has been ignored for far too long. Without information about our Nations, how can we plan for today, tomorrow, and into the future? Information such as which people live in and outside of a Nation's territory, how many children from that Nation are living outside of their family networks, and which services are urgently needed to meet the needs of our populations, will help us plan. Having data like this will also help us instruct colonial governments on where investments in our communities and Nations are most needed, and supports ongoing work as it relates to National Comprehensive Community Planning.

Data on these important questions can help Nations to understand their challenges, gaps, and which priorities will require collaboration and investment. Data like this is critical to understanding the bigger picture today, and gives us the ability to measure our success into the future. Without accurate and relevant data, it can be hard to tell if we are moving forward or backwards. Being able to measure our success helps people to see the positive changes that are happening in the bigger picture, even when we can't see these changes right away on a day-to-day basis. While much data will overlap thematically between and across Nations, much data will also be community-specific; it is important to build pathways to enable the development of community-specific data sovereignty.

Funding & Investment: Resources to Get the Work Done

Funding comes up in nearly every conversation about how to move Nations and communities forward, and for good reason. Individuals, families, communities and Nations have faced many hardships that have limited their ability to become financially independent and get the things they need to live a healthy life.

It's easy to see how money can solve problems: if we had more funding for housing in our communities, then there would be safe spaces to bring our children home; if we had more funding for health services, then there would be resources available to help people with their healing journey. While these examples seem straightforward, the underlying assumption is that there are people in place within communities who are able to organize, run, and maintain these services. While some communities and Nations have the capacity to bring these examples to life if the funding were available, others will face many challenges to cross the finish line.

There are over 30 years of the same recommendations, but why can't we ever seem to move beyond that? We have shamed colonial governments, telling them what they should and shouldn't be doing, but this strategy hasn't worked because colonial governments need to see themselves in our work to understand how they can contribute financially. We need to know who we are to have a strong and unified approach when working with colonial governments to be able to instruct them on important investments that will benefit Nations and the communities within them. When we have some communities demanding one thing, but other communities within the same Nation demanding another, we are not acting as Nations, we are acting on our own as Indian Act bands. When this happens, the concept of Nation-to-Nation relations goes out the window with piecemeal and patchwork funding agreements happening instead of long-term sustainable investments that could lift Nations out of dysfunctional funding cycles.

Western Services & Institutions: Phasing Out Reliance as We Build Resilience

When we do the tough work of Nation-building, we can begin to phase out our reliance on western services and institutions that, for some, have become part of our daily reality. When UNDRIP was legislated at federal and provincial levels, it appeared that there was finally an acknowledgement and recognition of Indigenous rights in legislation. In reality, our inherent rights have existed all along and UNDRIP is just a tool for government to understand Indigenous rights; it doesn't give us permission to assert our rights because our rights have existed since time immemorial.

Through the lens of UNDRIP, colonial governments have a framework to understand our rights, and this will continue to guide them in the work ahead. In the interim, it can also help governments to take a critical look at their current practices to recognize how they can do better and decolonize as First Nations move towards realizing our own self-determination.

Nation-building is an act of resistance and resilience in the face of colonized ways of being and doing. As we heal ourselves, our families, communities, and Nations, we will have the human capacity needed to rebuild our traditional governance and roles and take our rightful place as stewards in our territories and contributors to our communities. This will ensure that our reliance on western services and institutions is gradually replaced by our families, communities, and Nations with the support of our own Indigenous-led institutions. Our reliance will end when we are in a place where each of us can contribute to our growth and resilience into the future, grounded in our traditional roles and knowing what we must do to support one another and the Nations we are born into.

Below are recommendations from participants across the four phases of engagement. These recommendations have been grouped within the five categories listed above and designated as short, medium, or long-term priorities:

Detailed Recommendations

Governance & Jurisdiction: Reclaiming Our Roles and Teachings

Supporting those Living within Our Communities

1. Host Nation-wide and community meetings to discuss and revitalize the roles of parents and the community to raise and mentor children on their own roles and responsibilities, including through the use of coming of age protocols.
2. Gather as Nations on a regular basis to assert jurisdiction over the land and determine priorities to dissolve colonial strategies of 'divide and conquer' through imposed and foreign systems of governance and organization under the

Indian Act, including bands, and Chief and council systems.

- 2.1. Acknowledge that while Bill C92 may assert minimum standards that will help to standardize different aspects of child wellness, Indigenous peoples will continue to assert their inherent rights according to their own laws.
3. Continuously engage with Nations and communities to identify specific needs and gaps around child wellness and regularly update strategic plans to reflect achievements and ongoing challenges for resolution.
4. Make space for children and youth in ceremonies, co-management, treaties, and peer mentorship to invest time and resources into their development as leaders.
 - 4.1. Through mentorship opportunities with children and youth, build future community leaders that will contribute to the well-being and resilience of the community.
 - 4.2. Support the development of youth councils in communities to promote youth leadership and decision-making.
 - 4.3. When considering how to engage youth in communities, identify natural leaders in the community who show up and are grounded in cultural teachings.
5. Bring back circles on the land with Elders and grandmothers to provide guidance to families and youth in distress so they know they are supported and where they can reach out for help.
6. To honour the voices of children and families and encourage people to come forward, create disclosure protocols that will be followed when people come forward with disclosures about serious issues like sexual abuse and predatory actions of community members and leaders.
 - 6.1. Consider how disclosure protocols can be supported by increased education in the community and schools on sex and inappropriate touching for all ages.
 - 6.2. To hold up the voices of children and youth, create protocols and provide safe spaces for them to speak up, such as ‘Ask Auntie’ and ‘Ask Uncle’ sessions that are designed to help kids open up and speak candidly about their experiences.
 - 6.3. Consider ways to hold up and include the voice of the child when decisions are being made about their future and include their perspectives when it comes to choosing who and where they will live.
7. Revitalize the roles of 2SLGBTQQIA+ people as bridges between genders and specialized knowledge keepers.
 - 7.1. Make the spaces we gather in more inclusive to ensure we are reaching out to different groups for their perspectives when making decisions that affect child and family wellness.
 - 7.2. Encourage community-building through initiatives that reduce lateral violence.
8. Support peoples’ healing journey by meeting them where they are at with the services they need so that they are in a good place to learn about and take on traditional roles in communities.
9. Continue to build on the success of networks of Care Committees to provide support to families and communities alongside Delegated Aboriginal Agencies.

Supporting those Living Outside of Our Communities

10. Create a group in communities whose purpose is to seek out and welcome back community members who have been disconnected for different reasons, acknowledging that some communities may not be in a position to bring people home to live full-time due to a lack of housing, employment, health services, internet access, and recreation facilities.
11. Create supports and programs within the community to help youth who are leaving care and want to reintegrate into home life and access higher education. Consider youth who may need extra support if they are coming home after spending time in a treatment facility or the prison system.
12. Host ongoing activities and events for children in care, urban youth and other community members who are disconnected and want to come back to make community and cultural connections, including:

- feasts, ceremonies, harvesting and language camps that promote a sense of identity and belonging
- storytelling on the land throughout the different seasons
- sessions for people to learn about their family trees and culturally-informed ways of child-rearing.

12.1. To promote reconciliation, consider inviting non-Indigenous children who live within the territory as well so that they can learn about First Nations culture firsthand.

Engagement & Relationship Building: Collaborating with Our Neighbours and Allies

13. Reach out and engage with neighbouring First Nations communities and Nations to build relationships that may have been lost or broken due to colonial systems of governance or other historic rifts.

13.1. Revitalize relationships within and between Nations and communities to share resources, capacity, and expertise that can support children and healthy communities.

13.2. Develop protocols between Nations and communities to develop shared practices and models of care for child and family wellness.

13.3. Consider a hub model for child and family well-being services to allow for complementary services to be under one umbrella that is accessible to several nearby communities.

14. Engage with other Nations to understand how they have approached the incorporation of traditional practices into child wellness in a Bill C92 environment, including the Cowessess First Nation in Saskatchewan and Simpcw First Nation in BC.

14.1. Consider if the existing agreements made by other Nations can serve as a template or framework for other Nations to build upon.

14.2. Nations or communities that have created successful child wellness models should host information sessions to share their ideas and success with other groups who are struggling to find solutions to similar challenges.

15. A forum should be organized where Nations can come together and share best practices and learn from the mistakes of others as they consider the best way to bring their vision of child wellness to life.

15.1. Ensure that counsellors and cultural supports are available to people during the forum if they are feeling triggered.

16. Create collaborative opportunities in physical and virtual spaces where groups can be connected with contacts and share services and information. This could be organized at a hub like a community centre, or by adding a page on a community website.

Data Sovereignty: Ownership and Use of Our Information

Government Data about Indigenous Peoples

17. Wherever data is collected about Indigenous peoples by colonial governments, those governments must be transparent about its collection, interpretation, and how it will be used to inform decision-making.

18. If a child is removed from their community, there must be proper government protocols in place to record and share where the child is from, who their parents are, and what cultural traditions and connections must be maintained.

- 18.1. MCFD must conduct a file review of every Indigenous child currently in care whose Indigenous community has not yet been confirmed and determine where they are from.
19. Establish an information-sharing agreement and/or a Memorandum of Understanding with governments and delegated agencies to allow for timely and important information to be shared where it concerns the safety and quality of life of a child.
20. Colonial governments and service providers, including schools, hospitals, correctional centres, and other colonial institutions, should broaden the scope of confidentiality and privacy for Notice to Indigenous Governing Bodies to be inclusive of the network of care providers based on the desired approach of each community they serve.
21. MCFD should permit Roots Workers to visit specific communities to understand their cultural protocols and teachings in order to bring this information back to the ministry so that it can be used when making a plan for the child.
22. Crown and Indigenous Relations and Northern Affairs Canada (CIRNAC) should provide relevant information requested by Roots Workers who are attempting to locate information about the relatives of Indigenous children.
23. For any information gathered during engagement sessions, there must be open communication about what was said and what the next steps will be to ensure transparency.
24. MCFD must provide information to Nations and communities about children that are from these communities and are in care so that Nations have the opportunity to provide basic necessities and support that increases a child's sense of belonging. Items may include education funding, school supplies, toiletries, Christmas and birthday presents, and luggage so that children are not moving their personal items from place to place in garbage bags.
25. The provincial government should conduct an internal audit that is published annually and sheds light on the reasons why there is a high turnover rate for Indigenous staff within MCFD.
26. An independent third party should review how MCFD creates statistics and reports on Indigenous children to ensure the information is truly representative of the reality on the ground.
27. MCFD should share policy documents with families and communities that clearly outline how determinations are made leading up to apprehensions so that they can be prevented.
28. MCFD file management systems must evolve so that information is pertinent to Indigenous children. Cultural information and the name of the child's Roots Worker must be accessible for review and updating.
29. Roots Workers must not be restricted in their search to connect children with their relatives. Workers must be enabled to access ancestry resources and websites outside of Canada given that many Nations share cross-border relations.
30. When filling out government forms, some Indigenous people may not self-identify as 'Indigenous' for fear that they may be targeted. Consider how this information can be solicited in a way that informs and assures people where the information is going and how it will be used.

Indigenous Data for Indigenous Use

31. Support First Nations in accessing and managing data related to their members in accordance with the Ownership, Control, Access, and Possession (OCAP) principles so that data can be used for their own benefit, including research and planning purposes.
 - 31.1. Develop capacity for Indigenous data management and collection through education initiatives within Nations and communities.
 - 31.2. Amend privacy legislation that impacts First Nations so that they can access and use information pertaining to their children and youth members and support their best interests.
32. Establish resources and initiatives for language transfer, including courses, language dictionaries, language nests, and fostering connections between Elders and youth.
33. Diversify knowledge holders within Nations to ensure the survival of vast amounts of traditional knowledge.

Indigenous Data on MCFD

34. Establish a monitoring and evaluation framework to track MCFD's progress in reducing apprehensions, supporting cultural connections, and maintaining family relationships.
 - 34.1. MCFD and Delegated Aboriginal Agencies must work with Nations to develop Key Performance Indicators (KPIs) and cultural protocols that must be followed when interacting with children and families from that Nation.
 - 34.2. Annually, evaluate governments' responsiveness to these KPIs and cultural protocols to understand where further training, communication, and accountability are needed.
35. The provincial government should disclose the Work Environment Survey (WES) results from MCFD in confidence to a third party for analysis to understand the challenges within MCFD at the staff level.
36. MCFD should work with First Nations leadership to develop a survey for MCFD staff in order to understand specific internal issues and barriers to change.

Funding & Investment: Resources to Get the Work Done

Funding & Resources to Support Bill C92

37. All relevant information and resources regarding Bill C92 should be easily accessible on one website with plain language to encourage meaningful participation from community members.
 - 37.1. Create quick reference materials that explain the legislative context for Bill C92 and the opportunities for First Nations to regain jurisdiction of child wellbeing.
38. Colonial governments need to clearly articulate funding and resources available to help communities understand and implement mechanisms under Bill C92, and be upfront where no funding exists.
39. Ensure Indigenous Governing Bodies have the support they need to help individuals access advocacy and information about their rights.
40. Funding and support are needed to help Nations establish and maintain Coordination Agreements, and understand what technical resources will be required.
41. Create a secretariat to provide a solid foundation for implementation and monitoring work around Bill C92, including policy work and being a point of contact for First Nations looking for more information.
42. Colonial and Indigenous governments need to support a First Nations policy review table to examine and make recommendations on colonial legislation and policies respecting child and family wellbeing.

Jordan's Principle

43. Funding to support substantive equality should include help to access services under Jordan's Principle (JP):
 - Establishing regional, provincial, and First Nations-specific approaches to JP;
 - Resourcing and advocacy to help families seek funding and access to JP;
 - Coordinating assessments under JP;
 - Recognizing adopted and customarily adopted children as equal under JP;
 - Increasing supports for parents of children with special needs;

- Creating shame and risk-free support services;
 - Establishing processes to support First Nations undergoing healthcare treatment;
 - Collaborating with IGBs to define and agree on a way forward through JP; and
 - Holding the federal government accountable for gaps in JP.
44. Investigate why BC had approximately 200,000 fewer approvals under Jordan’s Principle than Manitoba between 2016-2020, even though BC has a higher population of First Nations people.
- 44.1. Review discretionary decision-making authorities and approvals as they relate to Jordan’s Principle decisions to ensure approvals are being provided equally across provinces.
45. Create greater awareness of resources such as Jordan’s Principle Enhanced Service Coordination Hub where people can be connected to resources and services offered under Jordan’s Principle.

Substantive Equality

46. Use caution when employing the term ‘substantive equality’, and consider how to respectfully uphold the unique value and needs of each child, youth and family to ensure everyone has equal access to what they need to thrive.
47. If funding decisions are being based on principles of ‘substantive equality’, decision-makers must acknowledge that Indigenous peoples continue to face systemic wealth inequalities and significant gaps in service provisions.
48. Supporting substantive equality for Indigenous peoples in a meaningful way means establishing or further developing a range of child and family service institutions:
- A provincial or regional hospital for Indigenous children who are sick;
 - Increased healing centers established in communities;
 - More support for families provided by Friendship Centers;
 - Greater responsibility on the part of the First Nations Health Authority to support, communicate, and direct services around children and families; and
 - Inclusion of cultural sensitivity training through western institutions.
49. Long-term funding streams are required in the following areas to promote the transfer of jurisdiction from colonial governments to First Nations families and communities:
- | | |
|---|---|
| • Service delivery for child and family wellbeing services; | • Capital acquisitions and infrastructure |
| • Access to services for urban Indigenous people; | • Family housing |
| • Child and family navigator positions in communities; | • Legal representation |
| • Long-term care for Elders’ as their needs increase over time; and | • Evaluation and monitoring tools |
| • Community-based capacity for decision-making. | • Databases and information management systems |
| • Funding to develop and code Indigenous Laws | • Funding for Jordan’s Principle |
| • Capacity, training, and succession planning funding | • Community healing across the lifespan |
| • Legal liability issues funding | • Prevention services |
| • Insurance | • Funding for on and off-reserve First Nations people |
| | • Training around Bill C92 |

Accessing Funding

50. Government funding applications need to be simplified and reporting requirements must be less stringent, as this

exacerbates the limited capacity of smaller communities and widens the gap between the ‘haves and have-nots.’

51. Government funding must be equitable and provided to communities based on their actual need, not dolled out based on provincial or regional funding formulas.
52. Create a database that is updated regularly and connects communities with funding pots that are currently available so that communities can find funding to fit their needs, instead of creating projects to match the funding that is available.
53. Competition for grants and funding creates division, secrecy, and competition between First Nations and neighbouring communities. Colonial governments must provide equitable funding to First Nations to build infrastructures and capacity in their communities.
54. Colonial governments must amend legislation that impedes the success of First Nations’ economic development and ability to fund their own projects.
55. Review and amend colonial government policies that allow for funding disparities that result in public schools receiving nearly twice as much funding for students than on-reserve schools.

Investments in Communities & Families

56. To limit traumatic child apprehensions by MCFD, fund safe homes and transition services within communities to support families who are in distress and need temporary support.
 - 56.1. Fund and expand programs such as Fir Square that help to break the cycle of addiction and support new mothers with education about taking care of their babies while providing interim housing until they get back on their feet.
 - 56.2. Fund stable housing for at-risk families with caregivers that come into the home to support the child, instead of the child being moved outside of the home to access support. In this way, if parents need help and access to services, they are removed from the home instead of the child.
57. Nations and communities require funding to ensure they have support staff who are able to assist children by promoting cultural vitality, trust, and faith in the processes that families are engaged in with MCFD or other delegated service providers.
58. Recognize practices that connect youth with their communities as prevention and intervention services that should be funded appropriately. Develop and fund initiatives to engage urban populations to help them stay connected to culture when they are outside of their territories.
59. To counter systemic racism and barriers to accessing services for First Nations people, colonial governments must support the establishment of First Nations child and family services institutions and organizations, including:
 - First Nations-developed and led provincial or regional health care centres and institutions for children needing medical services;
 - Resourcing the development of healing centres in communities; and
 - Upstream services, including life skills training, education, coping strategies and supports to help keep families together with the express purpose of avoiding ‘significant measures’, which is not clearly defined but has been interpreted by some as any action that may cause a disruption in the life or wellbeing of a child by service providers.
60. Re-evaluate funding policies that support non-Indigenous foster parents who house Indigenous children and instead consider allocating some of these funds to support housing Indigenous children in their own communities.
61. MCFD should have designated houses for emergency placements in their regions, instead of paying for temporary housing in hotels and motels that may not have basic amenities such as kitchen or laundry facilities.
 - 61.1. Consider partnerships with existing organizations with infrastructure, such as Friendship Centres.
62. To promote accountability and transparency for social workers that are engaging with Indigenous children, consider the use of body-worn cameras during interactions.
63. Continue to build community infrastructure, services, and employment so that people who live both in and outside of the community can enjoy a greater quality of life. Housing, employment, health services, internet access, and

recreation facilities were identified as key investments.

64. Recognizing that people have become disconnected from their families and communities for different reasons, resources are needed to help people of all ages reconnect with their relatives, including a national hotline.
65. Provide stable funding and expand the Indigenous Law Research Unit at the University of Victoria so that it can assist Nations in bringing their own laws forward for use and application in contemporary contexts.
66. Fund an Indigenous court system for family law that uses Indigenous judges and a panel of Elders.
67. Elders, Matriarchs, and Patriarchs must be supported with honorariums that reflect the value of their roles and support them to participate in decisions that impact the lives of children.
68. MCFD should provide long-term contracts and stable funding for First Nations Elders to participate in their programs.
 - 68.1. MCFD should evaluate their recruitment and retention strategy for First Nations Elders to ensure an inclusive approach through trusted networks.

Western Services & Institutions: Phasing Out Reliance as We Build Resilience

Bill C92

69. Provide and require training on Bill C92 for all staff working in children and family wellness environments, including judges and lawyers, so that government actors can approach Bill C92 with the same knowledge and understanding of the legislation when working with families.

Coordination Agreements

70. Acknowledge the role that MCFD and delegated agencies will continue to have for some Nations transitioning into Coordination Agreements and consider how Nations can be supported to continue or end relationships with these service providers.
71. Establish fluid Coordination Agreements and processes that allow for new decisions to update strategic and implementation plans over time based on a Nation's distinction-based Key Performance Indicators.
72. Colonial governments must respect the time it will take for some Nations to rebuild governance structures and establish Indigenous Governing Bodies within the Coordination Agreement process.³⁵

Notice

73. Each individual Indigenous Governing Body and community is in the best position to advise service providers the most effective protocols for receiving notice of significant measures, the level of information to be shared, court dates, or other important decisions being made about a child.
74. When giving Notice under section 12(1) to an Indigenous Governing Body, parent or care provider, service providers need to use other means besides fax such as email, phone calls, and follow up with their point of contact.
 - 74.1. Service providers must recognize and understand that many Indigenous communities have limited capacity and service providers may not receive an immediate response.
 - 74.2. Service providers must make real efforts to provide notice to a parent about significant decisions being made

³⁵ In BC two First Nations have provided Notices of intention to exercise legislative authority, and five have made requests to enter into Coordination Agreements as of November 2022. <https://www.sac-isc.gc.ca/eng/1608565826510/1608565862367>

about their child, even if the parent is not in a position to be in the child's life at the present moment.

Significant Measures & Assessments

75. Any child apprehension or home visit to an Indigenous family where there is a risk of a 'significant measure' being taken should have an Elder, Matriarch or Patriarch present for support.
76. Assessments should be coordinated under Jordan's Principle and the model should adopt a 'check-in' model instead of a 'checklist' model for families engaged with MCFD and other service providers.
 - 76.1. When taking this approach, relationships and trust are promoted through each positive interaction, instead of families feeling fear and shame if a person or family doesn't meet every criteria on a list.
77. If and when children are taken out of their homes, increased communications should be made in the spirit of developing and maintaining good relationships.
78. If a child is removed from their family, there must be ongoing assessments to determine if it is appropriate to place the child with a family member.
 - 78.1. Assessments must be culturally sensitive and specific to each Nation and family.
 - 78.2. During assessments, the child's entire social, familial, and physical environment should be assessed, rather than just the behaviour of the child or their parent.
 - 78.3. Assessments should be done with the view of understanding the complex network of relationships in the child's life, as well as a consideration of systemic wealth and service inequalities.

Care Provider

79. Anyone providing care to First Nations children should interpret the term 'care provider' under the preferred definition of the community they are serving, and act in line with and in support of the self-determination of that community to define and implement that term.
80. Care for children must be understood in the context of interconnected relationships to fully appreciate and respect the diversity of community members who can be a care provider for a child.
81. Care providers must provide cultural support for children in care.

Socio-economic Conditions

82. Consideration of socio-economic conditions must take into account systemic wealth, infrastructure, and health inequities between First Nations populations and Canadians due to colonization.
83. Inequities in funding for school programs, health and other social services that impact the level of care provided to First Nations children should be considered when making decisions about children's lives.
84. Decisions impacting the future of children that take into account socio-economic conditions should use definitions decided by communities, not western institutions.
85. Definitions of socio-economic conditions as they pertain to decisions around the care plans of children should be viewed under a broader, holistic lens that includes networks of support outside of nuclear families, and takes extended familial networks into consideration.

Ministry of Children & Family Development

86. Staff and executives must take a distinctions-based approach when working with Indigenous peoples and recognize the distinctions between the three Indigenous groups in Canada, as well as distinctions between each First Nation in BC.

- 86.1.MCFD's recruitment, retention and use of Elders must recognize a distinctions-based approach to ensure that cultural supports are coming from the Nation of the family who is asking for support.
- 86.2.Social workers interacting with First Nations communities must spend time in the community to learn about the community's history and protocols.
- 86.3.Prior to a new social worker coming into contact with families, they should shadow an Indigenous staff member for three weeks, pass a written competency test, and be interviewed by a panel of First Nations representatives.
- 86.4.MCFD should not support Metis Elders to provide teachings on the territories of First Nations without following proper protocols.
- 87.Nations should develop Indigenous curriculum and designations for social workers doing work in Indigenous communities that is co-developed with and includes the cultural values and teachings from each specific Nation.
- 88.MCFD must share information about its processes and policies in full transparency with First Nations and work collaboratively with First Nations on any related legislative and policy reform, recognizing the Declaration on the Rights of Indigenous Peoples Act.
- 89.Peer support workers should be paired with delegated agencies so that these groups can work together to prepare and deliver presentations to educate staff about the community and territory that the agency resides on.
- 90.Revisit the MCFD adoption and caregiving approval and registration process and consider amendments to provide greater inclusion of Indigenous applicants.
- 90.1.Consider how the current approach may not be culturally appropriate and work to remedy this to increase Indigenous representation for applications.
- 91.Advocate to bring traditional elements of culture into court settings, including the creation of a guide that describes cultural practices that can be done in court and prioritize the use of these practices.
- 92.Support holistic practices that enable peaceful problem resolution, including Indigenous dispute resolution processes that focus on relationship-building over time.
- 93.Train MCFD staff to recognize when parents are agreeing to conditions they cannot meet just to stop an apprehension, and ensure that staff are creating plans that are culturally sensitive, feasible and supportive of family goals.
- 94.All MCFD leadership and frontline workers must receive and actively use training related to:
- Anti-racism perspectives;
 - Trauma-informed approaches;
 - Creating safe spaces and leading healing circles;
 - Respecting cultural distinctions; and
 - The specific cultural practices of the distinct communities they serve.
- 95.MCFD work environments must:
- Be supportive and filled with Indigenous staff who are both racialized and non-racialized, acknowledging that these groups have different life experiences;
 - Retain long-term staff due to better working conditions;
 - Have reduced staff turnover with better wages for staff;
 - Include more Roots Workers and supports for them;
 - Provide greater organizational support for Indigenous staff who come forward about racism and discrimination in their workplace, and provide meaningful pathways to resolution;
 - Staff Human Resource positions with Indigenous peoples to create a safe space for workplace-related disclosures;
 - Conduct exit interviews for Indigenous and non-Indigenous employees alike to understand why people are

leaving their work units. Encourage employees to make recommendations that would improve the workplace without fear of retaliation; and

- Have transparent Human Resource processes when allegations of racism are brought against managers and supervisors.

Roots Workers

96. Place the Roots Worker program jointly between MCFD and the Ministry of Indigenous Relations and Reconciliation to ensure Roots Workers have institutional support when trying to effect cultural and systemic change within MCFD work units.
97. Ensure Nation and community-specific cultural supports are provided and properly understood by families who are engaged with MCFD. This may involve requesting that Indigenous staff, such as Roots Workers, take the lead in liaising with families to ensure they are supported.

Education System

98. Non-Indigenous schools should promote:

- The inclusion of Indigenous ways of learning in curriculums;
- Anti-racism education; and
- Indigenous identities for children living outside of their communities.
- Inclusion for Indigenous students who are absent from school due to cultural events or practices, and these absences should not be held against Indigenous children and used to defame parents during child protection matters in court.

Recommendations Conclusion

In assessing the themes that emerged in the recommendations over the course of these engagements, it became clear that the model by which to pursue First Nations' inherent jurisdiction over children and families is the Nation. The Nation model responds both to the How and the Why of inherent jurisdiction because between the Nation and languages, the rules, protocols and procedures of jurisdiction already exist.

We know this because in caring for their territories over time, Nations would make agreements with one another for mutual caretaking, hunting, gathering, or travel. These agreements took place through marriage, trade, or explicit permissions. In decision-making, as was taught through stories, diverse voices would participate in planning. Everyone was asked to care for the children in their villages and Nations. Women had specific rights and responsibilities, as did children, 2SLGBTQIA+ people, men, and Elders. This is governance and jurisdiction based on community connections and diplomacy.

We also know this because First Nations languages are rooted in the land and are composed of teachings of the responsibilities that each nation has to all living beings within their territories. Where one language ends, another Nation's responsibilities begin. This responsibility is the source of jurisdiction and laws, and it was always shared through stories, for example, about fish, deer and berries, or about who needed to be cared for, or about how to plan for war. This is data sovereignty, governance, and jurisdiction based in language and on the land.

There are 34 Nations in British Columbia with unique languages founded on teachings about territories. British Columbia First Nations are not an entity but several separate identities. This must be acknowledged by First Nations and by all levels of the Canadian government in order to reconnect First Nations children to their identities, and reconnect First Nations systems to their purpose: caring for all layers of nested systems.

Therefore, it is recommended to create 34 agreements between the Federal government and the 34 Nations in British Columbia that acknowledge:

- Anishinaabemowin
- Nēhiyawēwin
- Dakelh
- Dane-Zaa
- Danezāgé
- Dene K'e
- Nedut'en/Witsuwit'en
- Southern Tutchone
- Tāltān
- Tse'khene
- Tsilhtot'in
- Lingit
- Ktunaxa
- Éy7á7juuthem
- Hul'q'umni'num'/Jalq'eméylem/hńqemińem
- Nte?kepmxcín
- Nsyilxcen
- Nuxalk
- Secwepemstsín
- SENĆOŦEN/Malchosen/Lekwungen/Semiahmoo/T'Sou-ke
- She shashishlhem
- Słwxwú7mesh sníchim
- Státimcets
- Gitsenimx
- Nisga'a
- Sgüüxs
- Smalgyax
- Diitiid?aa?tx
- Haítzaqvła
- Kwakwala
- nuučaanuł
- 'Wuikala
- Xenaksialakala / Xa'islakala
- Xaad Kil / Xaayda Kil

Principles to Uphold

- Hold children sacred;
- Include all genders and embrace gender diversity in this work;
- Utilize a nested systems approach (relationships to self, family, community, Nation and land);
- Acknowledge the diversity of approaches to Indigenous child wellbeing;
- Center Healing; and
- Center Indigenous protocols and practice.

First Nations rights holders, service providers, caretakers, technicians, leadership, and youth from around BC brought their experiences and aspirations to four phases of engagements, sharing practical ideas and frank criticisms in their ongoing quest to create meaningful change in the delivery of child and family services both through the implementation of Bill C92, and outside of it in other processes. As Nations and communities continue to take steps forward in the direction that is right for them, we have to make sure we are not leaving anyone behind.

It is important that we come together to support the efforts of our families, communities, Nations, and neighbours to create space for First Nations to leverage their expertise and resources to keep families intact, ensuring that a culture of care and tradition provides a solid foundation for future success. Ultimately this work must happen Nation by Nation and community by community, and the responsibility lies on leadership and rights-holders to determine the unique approaches and processes that make sense to them; this work is just beginning. However, for this to be actualized, it must also be supported by colonial governments and settler allies with a foundational understanding that First Nations are self-determining according to their inherent rights as Indigenous peoples.

Phase One: What We Heard

Summer 2021

“When we talk about timelines, we should be thinking about a really important one: When will the last child be apprehended?”³⁶

In Phase One, six virtual sessions were hosted from June to August 2021. Participants were invited to share their experiences with current child and family services in order to co-create a vision and direction for the project from the ground up. Five sessions were held with First Nations, leadership, technicians, and community members. The sixth session, held August 31, 2021, invited First Nations youth with lived experience in care to share their thoughts. There were six topics that emerged as major themes throughout the Phase One engagements. These themes are presented under the following section titles:

1. Indigenous ways of knowing and being must be prioritized and revered;
2. Child and family wellbeing services must be decolonized;
3. Children and youth must be centered;
4. Healing must be woven throughout this process;
5. Best practices must be shared within and between Nations; and
6. Relationships must be strengthened along the way.

Theme 1.

Indigenous ways of knowing and being must be prioritized and revered

Traditional Ways of Child-Rearing

In traditional ways of child-rearing, the responsibility to help children and youth learn how to act rests with the entire community. Everyone shares the responsibility of keeping dozens of eyes on children to correct behaviours and to teach new ones. These teachers help children identify their skills and strengths, preparing them to become the next generation of leaders.

Through stories and Indigenous languages, grandparents and parents share links to the supernatural world. Youth are taught about relationships with other people, the importance of acknowledging family, and knowing oneself in relation to land, culture and people. While the retention of language and stories has been significantly eroded through colonization, relearning and rebuilding these practices can help youth and communities alike to grow stronger.

Canadian laws, policies and operating procedures make practicing Indigenous ways of child development difficult. Western systems, largely favouring linear processes, confine Indigenous ways of being. For example, translating Indigenous principles into English languages dilutes the meaning, worldview, and cultural teachings that are carried within the Indigenous language.

It is important to recognize that Indigenous traditional practices are not simply in the past, but are instead contemporary expressions of what it means to be a part of a deeply rooted community that is adaptable and resilient. We must recognize, as one participant explained, “Indigenous culture should not be changed nor ‘modernized’, rather, modern tools should be used to access and share that which Indigenous peoples already know.” Understanding this concept and applying it to community systems of child-rearing in a decolonized way can help some Indigenous communities to take back jurisdiction of their children.

³⁶ Participant from March 22, 2022 Session

The Role of Elders

As mentioned above, many Indigenous groups have traditionally included extended family and communities to share the responsibility of raising children. Knowledge Keepers, leaders, family heads, Elders, and extended family members play a role in decisions regarding a child's future and best interests.

Some communities across the province have recently been working to organize “circles of grand[parents]” which have varying degrees of authority, decision-making power and organization. In some communities, these grandparents' groups will be present for the birth of a new child, bringing them into the world through ceremony and establishing the community-matrilineal connection at birth. Some Nations have been advancing these circles quickly, and others face challenges moving these groups from a grassroots level to a place where they have terms of reference and a concrete foundation on which to operate.

The Role of Matriarchy

Similar to the role of Elders, many communities traditionally governed themselves under a matrilineal power structure. In our communities, it is often women who make decisions, while the men are responsible for carrying those decisions out in a good way. In coastal communities, clans are passed down family lines through the mother and a person's place at the table is with their mother's people. As such, women continue to hold a place of respect and power in our communities. In some communities, Matriarchs sit in healing and sharing circles with families to determine the best path forward for a child in an at-risk situation.

Circular Systems

A circle is an important symbol in many Indigenous cultures because of its representation of equality. In sharp contrast, today's Canadian child service delivery systems are hierarchical, with agencies, ministries, employees and community members and family members having varying levels of authority and control over Indigenous youth, who are often not included in decision-making. Along with this hierarchical system are policy and funding barriers that can restrict a community's practices for well-being.

In the same way, the circular structure makes relationships between people more egalitarian by conceptualizing the system of relationships within the larger ecosystem in a circular, relational way that influences Indigenous peoples to take broader systems into account. This includes the relationships between individuals and families, families and communities, communities and Nations, and Nations and the land. Western systems have forced Indigenous peoples away from their traditional governance structures, and have imposed structured, binary and hierarchical ways of planning and decision-making on Indigenous communities. To move forward, circle practice can be brought forward as a governance model, a communications approach and as a worldview that informs actions. For Indigenous children to be healthy and whole, they need to be able to interact with the nested, circular systems that sustain their cultural identity. Circle, however, is a practice that can too easily be adopted or co-opted by non-Indigenous groups. For it to be an effective practice that furthers self-determination and the well-being of families, it needs to be implemented by Indigenous peoples.

Confidentiality & Privacy are Different for Indigenous Cultures

Session participants commented that western confidentiality, privacy laws, and practices go against many traditional Indigenous family governance systems. In Indigenous communities, community leaders, Knowledge Keepers and Elders have a right to know what might be taking place in a particular family. One participant stated that confidentiality protocols sometimes inhibit a community's ability to care for a family in need. In some cases, this allows for abuse to carry on uninterrupted. In other words, confidentiality is a western concept that is not recognized by Indigenous communities because traditionally, people in communities knew about one another's struggles and so people could be held accountable and supported.

One participant clarified the distinction between confidentiality and respect. In small communities, there can be a tendency for lateral violence in the form of gossip. However, treating these situations with respect and not strict confidentiality makes for a healthy, holistic solution for the child involved because it allows information to be shared with community members who have the knowledge to help the situation.

Confidentiality laws can also restrict community healing. Residential schools and other colonial policies inflicted layers of intergenerational trauma and shame within Indigenous communities. Finding a balance between confidentiality and respectful information-sharing is recommended for future work regarding Indigenous child well-being.

Language

For Indigenous peoples, language holds much more than just words. Embedded within Indigenous languages are cultural teachings depicting the fundamental connections between people and the land. Due to colonial impacts, Indigenous communities have been struggling to keep their languages alive. This means that along with these languages, cultural practices, ways of relating to one another and the land, and moral codes, among other things, have been damaged. Healing the language is a part of healing the land, and healing the land is a part of healing communities, families, and children.

In the past, language was taught in an immersive environment with community members sharing stories in their language with youth. While many communities are working on language dictionaries or language classes, much work is ongoing to bring Indigenous languages back to a place of strength. One participant with lived experience in the foster care system explained that reconnecting with their culture and language saved them from a much darker future. Another participant expressed that teaching Indigenous people how to introduce themselves in their own language would be a small step that would go far in healing individuals and giving them a stronger sense of identity. Taking back jurisdiction over child wellbeing would not be complete without an acknowledgement that reviving our languages is yet another crucial piece of the picture.

Ceremony

Ceremony plays a pivotal role in Indigenous cultures because it helps establish personal identity through a cultural lens. When babies are born, when children become adults, when names are given, and when people need to heal, ceremonies offer a way to celebrate and delineate that shift. The Indian Act made it illegal for First Nations peoples to practice ceremonies and various cultural gatherings. However, many brave individuals practiced ceremonial traditions in secret, enabling customs to live on. However, for many communities, the Indian Act dampened the ability to practice ceremonies, and these communities are working hard for the resurgence of their own ceremonial customs. For children in care, however, access to ceremony is limited or non-existent. Indigenous children who attend western schools and universities also lose access to ceremony when they are surrounded by western customs and values. Yet, as many Elders and other Knowledge Keepers will say, ceremony is a core part of being Indigenous because it celebrates teachings, culture, language, and traditions. Indigenous communities must be supported to bring back ceremony as an integral part of establishing a generation of healthy, thriving Indigenous youth and children.

Relationship to Land

The cultures of Indigenous peoples' are connected to the land in a deep, interdependent way. Living off of the land, hunting, fishing, and gathering medicines are practices unique to each Indigenous group, and are fundamental to the way every Indigenous group functions. Having a home and a land base is core to Indigenous identities because it helps an individual define themselves in the context of the nested systems in which they exist. The land is not just a source of sustenance and medicine, it is a source of identity, relatives, joy and play, learning, stories, and, ultimately, the bedrock of cultures. Encouraging children to spend time on the land and explore its natural and cultural systems will help build strength in the next generation of Indigenous peoples.

Theme 2.

Child and family wellbeing services must be decolonized

There is much work to be done to take back jurisdiction and to give Indigenous children the best quality care possible. To that end, the process of decolonizing child and family well-being services is certain to be tedious, daunting, and emotional. Incorporating Indigenous practices and methodologies into this work is essential for the health and well-being of the participants involved.

Building Trust

The first step in moving forward with any of this work is building trust. Because so much confidence has been eroded over centuries of colonial practices, trust-building between Indigenous Service Canada (ISC) representatives, social workers, Roots Workers, grandparents' groups, families, communities and even cultures is essential to any work moving forward. To do this, people working in childcare need to acknowledge historical traumas and family histories. For example, one participant shared that a client's family cried tears of joy upon learning that the MCFD worker wanted to collaborate to decolonize their parenting ability (to let the family parent in ways that work for them and that reflect their culture) instead of overriding their Indigenous ways of parenting. By sharing experiences in a validating, heart-centered way, trust was built between these parties.

Indigenous Laws Must be Respected

Indigenous laws are diverse and distinct from western laws and should be weighted with equal respect. Today the process of seeking jurisdiction for First Nations communities is one of navigating colonial and patriarchal policies and processes. Taking back jurisdiction of First Nations children by navigating a colonial justice system makes it difficult for First Nations to act on Article 4 of UNDRIP, which states that "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." As one participant expressed, "First Nations are forced to go through Canadian legislation and are expected to fit into Canadian policies and procedures, but Indigenous peoples have their own diverse laws and considerations which are not given the respect they deserve in these dialogues." In the box below, the term significant measures is explored to show how colonial laws and practices can be deeply prescriptive and leave out the opportunity for dialogue and co-decision-making.

Indigenous Dispute Resolution

Participants at the sessions expressed ambivalence to western laws and court processes. Where western legal proceedings can be rigid, and black and white, Indigenous cultural court events tend to leave much more room for relationship-building, trust, and understanding. This happens because the event is centered on the culture, and the entire process revolves around the best interests of the child and being connected to their family, community and culture.

In one example, a cultural court was held for a child whose care situation was tenuous. The child had roots in three communities and so there was potential for disagreement about where that child should live. The cultural court brought together social workers, lawyers, band representatives, and the child's family, but ultimately the decision was left to the family and the band representatives. Because the decision was based in Indigenous laws and protocols, controversy was limited. The family had an opportunity to work through tensions and everyone was better off for it. The child returned to one of his communities and became engaged in traditional practices like canoe pulling, participated in cultural camps

Colonial Law - Significant Measures

The concept of “significant measures” is a representation of how colonial laws and interpretations may conflict with Indigenous legal practices and values. Bill C92 creates a legal requirement for notice to be provided to the parent(s), the care provider(s), and the Indigenous Governing Body (IGB) before any “significant measure”³⁷ is taken in the life of a child. The term is not defined in Bill C92, but has been defined by other forms of government. As a result, there is no consistency in the definition across colonial governing bodies.³⁸

In B.C., the types of intervention that MCFD has interpreted to qualify as a significant measure include:

- Entering or renewing voluntary care agreements;
- Entering or renewing special needs agreements;
- Entering or renewing agreements with youths;
- Removing a child;
- Returning a child before presentation hearing related to a removal;
- Withdrawing from court proceedings;
- Placing the child in an out-of-home living arrangement, by taking into account the placement priorities for Indigenous children; and
- Consenting to a child’s adoption.³⁹

Participants stated the definition of what a significant measure is will vary from child to child, and be dependent on the unique circumstances of the child and the situation. Therefore, to attempt to narrowly define what is a significant measure is inconsistent with how Indigenous communities view the concept. They indicated this should be defined by the community, and MCFD and Delegated Aboriginal Agencies must respect the Indigenous government’s definition.

In the interim, the operationalization of this clause remains challenging. Service providers need to work actively with Indigenous governments to clarify when and how they want to receive Notice. Participants in the sessions shared that current practices around providing notice, such as sending a fax, create barriers for the Indigenous community or the parent to know about and participate in proceedings. For notice to be effective, service providers need to actively use other means such as email or phone calls, and to follow-up with the recognition and understanding that many Indigenous communities have limited capacity and responding may take time. It was also emphasized that there must be real efforts to provide notice to the parent, no matter how they are doing, as they have a right to be involved in the child’s life.

An additional barrier to the operationalization of this clause is that MCFD requires an Indigenous community to notify them of who their Indigenous Governing Body (IGB) is in order to receive notice of significant measures.⁴⁰ As Indigenous communities have been forced to operate under an imposed Indian Act governance system for so long, many are still in discussion with their membership on whether to continue to operate under the Chief and Council system or move to a traditional governance system.

While the legislative intent of notice of significant measures is to ensure the parent(s) and IGB are involved at the earliest stage possible and remain actively involved in decision-making and planning processes, attempts to narrowly define the concept and barriers to giving and receiving notice have limited its potential thus far.

37 S 12(1) : “In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child’s parent and the care provider . . .” and S 12(2): “The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child’s family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body’s coordination agreement.” (Canada 2019)

38 For example, the Government of the Northwest Territories defines it as “an intervention the Child Protection Worker or Designate (including Authorized Persons, Foster Care and Adoption Worker, or Supervisor/Manager) takes after making a decision based on information gathered to put in place a plan or course of action for the child/youth” (Government of Northwest Territories (2021) Child and Family Services Standards and Procedure Manual. Section 1 - Administration Standard 10.16. https://www.hss.gov.nt.ca/sites/hss/files/resources/standard_10.16_requirement_provide_notice_before_taking_significant_measure.pdf.)

39 Province of British Columbia (2021) Child Safety, Family Support & Children in Care Services. Policy 1.1 Working with Indigenous Children, Youth, Families and Communities. https://www2.gov.bc.ca/assets/gov/family-and-social-supports/data-monitoring-quality-assurance/reporting-monitoring/policy_1_1v19.pdf.

40 In BC, only five of the 204 First Nations have identified an IGB to MCFD and are receiving notice under s 12 as of September 2021: <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/supporting-communities/child-family-development/indigenous-governing-bodies>

and ultimately was re-connected to his identity.

In contrast to the concept of cultural court and Indigenous ways of dispute resolution, the notion of “stronger ties” illustrates how colonial laws are rigid, restrictive and adversarial. Section 24(1) of Bill C92 proposes that where a child belongs to two Indigenous Nations, if there is a conflict or inconsistency between the laws of those Nations, the law of the Nation to which the child has “stronger ties” will apply. The above example with the cultural court demonstrates how Indigenous ways of dispute resolution honour the story and the role of everyone in the circle while finding a resolution that keeps the child connected to their broader family, community and culture.

Part of the challenge in revitalizing Indigenous dispute resolution mechanisms is that colonialism has fractured Indigenous Nations’ connections to traditional laws and stories. Some communities are working to revitalize these cultural teachings, but the process requires significant time, investment, and nurturing of relationships according to traditional laws and protocols.

Within the current colonial court system, some participants shared that there is a discrepancy in access to legal counsel. Many Indigenous families lack access to quality and affordable legal counsel, whereas for the MCFD and DAA it is easily accessible. This is similarly the case for Indigenous Nations who do not have the capacity to attend all family court proceedings related to their members or to hire legal representation for these matters. This discrepancy adds to the power imbalance already present and results in Indigenous voices and experiences not being heard in court processes. Some participants stressed the importance of developing Indigenous court systems that understand the needs and experiences of Indigenous families so that this discrepancy can be avoided in the future. This process would require revitalizing Indigenous laws and determining what these court systems might look like, whether Nation-based or operating alongside or within colonial court systems.

Transition from Siloed Western Systems to Nested Systems of Circles

Silos are a colonial construct that arise due to lack of trust, barriers to speaking freely, and insufficient communications between participant agencies, such as delegated agencies, MCFD and Indigenous governments. Silos also stem from a practical, systemic compartmentalization of responsibilities within a field. Silos are the opposite of many traditional Indigenous ways of organizing around child wellbeing (and other ways of life), and thus act to stifle, weaken, and erode the foundations of Indigenous practices as they attempt to operate within a colonial structure. For Indigenous peoples, everything is connected. As such, problem-solving around child well-being should be a circular process, where power hierarchies are eliminated, all voices are heard, and decisions are made in an egalitarian way that takes the interconnectedness of things into account. Many Indigenous cultures see the world not as a series of departments and barriers but as a series of nested systems where the individual is connected to their family, community, and the land. These systems all influence one another as actions ripple across scales. Though Indigenous peoples have been encouraged to think in binary or compartmentalized ways through residential schools and western education, thinking and planning around child wellbeing systems will not revolve around Indigenous ways of being until circular ways of knowing are brought into these processes in a meaningful way.

Roots Workers are Under-supported

As workers who operate in the space between children and families and government social workers, Roots Workers face several challenges in the colonial system. First, there are only ten Roots Workers throughout the province of BC and Roots Workers feel overburdened and overworked. Second, interpersonal communication in this space can be difficult, as Roots Workers sometimes feel that social workers are not adequately educated about or respectful of Indigenous cultures and ways of being. Root Workers are there to support the many Indigenous youth in care who are disconnected from their cultures. Under the current system, Roots Workers help reunite Indigenous children and youth who are in MCFD’s care with their Indigenous culture, identity, communities and families.

Roots Workers experience systemic racism alongside the youth they serve. Participants expressed that family histories are

seldom recorded in the child's file due to social workers' colonial biases, which means that less importance is placed on this information. For Indigenous peoples, the understanding of their relations and place in the world is a fundamental piece of building identity and responsibility and this must be respected by non-Indigenous social workers. Even something that might seem small, like a social worker mispronouncing a Nation's name, can, over time, lead to a sense of apathy towards Indigenous peoples and cultures. For this reason, some Roots Workers feel that more education is needed among MCFD staff, as Roots Workers often feel that they play the role of advocate and educator for their colleagues instead of focussing more on what might be best for the children and youth in care. This role can be exhausting, which makes delivering the best services to Indigenous children and youth even more difficult.

In the transition from the colonial child welfare system to a system where Indigenous Nations are empowered to resume and exercise jurisdiction over child and family wellbeing, and Roots Workers can play an integral role by supporting MCFD and DAA's to determine what Indigenous community a child is from if it has not been identified on their file. Roots Workers can also act as a liaison between the social worker and the Indigenous Nation(s), and can build the connections and relationships necessary to reconnect children back to their families and communities.

Current Funding for Decolonizing Work is Scarce & Unsustainable

There is a perception among people with experience working in First Nations' childcare that not enough funding is available for decolonizing jurisdiction work and that the little funding that is available lacks sustainability, therefore inhibiting a group's ability to make lasting changes. Funding is needed at all levels, including on-the-ground service delivery but also in areas not directly related to childcare, like housing and infrastructure in First Nations communities. How can policies and laws that support First Nations children's jurisdiction be implemented if service provision and infrastructure challenges prevent timely implementation? How can First Nations bring their children home if there are housing deficits in their communities? When viewing child and family wellbeing through a holistic lens, these questions cannot be ignored if Indigenous communities are to be adequately supported to assert jurisdiction over child and family wellbeing. Participants identified the following necessary funding streams that will further support the transition of child jurisdiction to First Nations:

- Service Delivery
- Funding to develop and code Indigenous Laws
- Capacity, training, and succession planning funding
- Legal liability issues funding
- Insurance
- Capital acquisitions and infrastructure
- Family housing
- Legal representation
- Evaluation and monitoring tools
- Databases and information management systems
- Funding for Jordan's Principle
- Community healing across the lifespan
- Prevention Services
- Funding for on and off-reserve First Nations people
- Training around Bill C92

Capacity Issues are Common in the Sector

Participants identified that a lack of capacity is a constant issue when working in child services in First Nations communities. Capacity comes in many forms, all of which need investment in time and resources, including increased:

- Family capacity to care for children through education;
- Community capacity to care for children through systems development;
- Employee capacity through training and hiring; and
- Leadership capacity through education, training and increased staff capacity.

Many communities lack specific services like mental wellness resources, cultural and/or spiritual centers, and recreation resources. Further, leadership are often consumed with a variety of other challenges such as responding to resource development inquiries, the COVID-19 pandemic, climate emergencies, the opioid crisis and other important community matters in addition to child wellbeing.

Participants also stated that the ability to access capacity-building funding from ISC for the implementation of Bill C92 in their community is hindered by the requirement to have an identified and confirmed Indigenous Governing Body (IGB). While accessing funding might be simple for some governmental organizations, due to colonial governance systems being imposed upon First Nations, there are multiple leadership and governance structures in place including band councils, tribal councils, hereditary governance systems and clan systems. This governance complexity presents barriers for First Nations to apply for available funding as there first needs to be discussions with members and citizens around which governance structure they want to identify as their IGB. Further, the specific exclusion of support for infrastructure in the capacity building funding also creates barriers for communities that need to build out these facilities and resources.

Turnover in Organizations Stalls Progress

To make matters worse, turnover rates are high for staff in child services agencies throughout the sector, including the MCFD, DAAs, and internal First Nations organizations. One community experienced a 4-5 person turnover among their internal staff over the course of a year. In communities experiencing turnover, there is a tangible loss of trust that takes place between communities and service providers as temporary staff develop relationships and then depart. This leaves new staff and communities continuously stuck in a trust-building cycle rather than a place of safety and increased productivity. Over time, this erodes trust in the process of child service provision itself.

Unlearning Western Ways is a Key Part of Decolonizing Child & Family Wellbeing

For child wellbeing systems to truly become decolonized, there is work to do in areas of society that extend far beyond the child wellbeing services silo. One Elder participant went on at length about the challenge Indigenous communities face as their youth are continually “systematized” by the western education system. In western schools, Indigenous children learn about themselves through western eyes. They often learn colonized, compartmentalized systems of thinking, and that these are the right systems by which to live. In this process, they may lose touch with the ability to participate in ceremonies, use Indigenous languages, or receive an Indigenous name. As one Elder expressed, “You cannot get away from who you are, though many Indigenous people who have attended western institutions stray.”

Another participant shared that though they attended western schools and acquired western degrees, their education did not come from a university. It came from the experience of falling into alcoholism and attending treatment, from grandparents, the community, and the land. These examples illustrate that while western institutions can prepare Indigenous peoples for life in western society, they cannot be relied upon to connect them with their unique histories and their identities. Without that sense of connection, it is easy to “get lost” and fall into vulnerable situations. Part of reversing the cycles of Indigenous youth falling into at-risk situations is providing an education system that teaches them about themselves in a healthy, holistic and decolonized way.

A Holistic Approach is Necessary

Holistic practices must be built into the transition of jurisdiction from Canadian organizations to First Nations. Because of the history of colonialism, there is significant development work required for communities to have the infrastructure and resources necessary to house children and families to service them adequately. This means that any approach to transferring jurisdiction requires not just transfer of the services themselves, but a real, financial acknowledgement of the development challenges facing First Nations communities.

Further, resources should follow the child and be provided in a holistic way that wraps around them. Currently, services

tend to be patchy and interrupted when children move from house to house, adding additional stress to an already stressful situation. In an ideal world, children are provided with a range of services that meet their diverse needs and these services communicate with one another and work together to provide a holistic approach to caring for children. Meanwhile, children's home lives are stable and allow for the holistic network of services to be able to meet their needs over a long-term period.

Urban Indigenous Children Need Unique Support

Urban Indigenous peoples require specific acknowledgement in this work. For many First Nations, a large proportion of their members live outside of their territories in urban areas, making it challenging for home communities to connect with them. First Nations children often become disconnected from their origins when they move to urban settings. Finding ways to access and provide support for urban Indigenous children will be an essential part of moving child well-being forward in a good way.

One example of successful urban-centric support for Indigenous children can be found in the Memorandum of Understanding (MOU) signed by the Wet'suwet'en Nation and the Province in 2018.⁴¹ The MOU identifies both short-term and long-term goals in relation to improving the care, well-being and outcomes for Wet'suwet'en children, youth, and families who live both on reserve off reserve and in urban settings. Importantly, this MOU asserts a definition of "Wet'suwet'en Wellness", which is inclusive of wellness in contemporary form through a "jurisdictional model and a child welfare service transformation delivery model."

Embracing Gender Diversity is Part of Decolonizing Child & Family Wellbeing

Traditionally, gender-diverse people have been held in high regard in many First Nations communities. To truly implement traditional ways into Indigenous child jurisdiction, the crucial role of gender-diverse individuals as communicators and bridges between the gender binary must undergo a resurgence.

Further, men are often systematically excluded or have differing rights in child wellbeing. While many Indigenous cultures were traditionally matrilineal, it does not negate the fact that men and gender-diverse people have a fundamental role to play in rearing children and at decision-making tables. Finding a way to include all genders in decision-making regarding child development is crucial.

Theme 3.

Children and youth must be centered

Listen to Youth, Respect their Voices & their Roles in Community

A number of youth voices were gathered to gain perspective on Indigenous child jurisdiction and wellbeing. Twelve youths participated in the Youth Session held on August 31st, 2021, with one participant sharing a story in a one-on-one interview, and another youth sharing comments via email.

⁴¹ For the full MOU between the Wet'suwet'en and the Province, please see: https://www2.gov.bc.ca/assets/gov/family-and-social-supports/indigenous-cfd/wetsuweten_memorandum_understanding_2018.pdf

The notion that youth often feel helpless and unheard was a common theme expressed by the youth participants. Too often, the social workers, school teachers, agencies, and other supports that are supposed to be there for youth are not interested or capable to help youth in need. This causes a systemic sense of hopelessness. The only way to give youth the sense that they are being heard and respected is to begin to act on their recommendations and requests.

One way to do this is to bring youth together to strengthen their voices. Because the child well-being system revolves around youth, youth should be centered at the decision-making table. As one participant expressed, “Youth are just starting to realize the power in their own voices.” By involving them in decision-making, not only would choices that better reflect the wants and needs of youth be made, but youth would feel empowered and proud of their Indigenous identities. If organizations need to train youth to participate in these roles, then that should be acted on. To this end, youth need to be met where they are at, engaged with in ways that they identify with, and should have their voices lifted up and respected. Further, youth and First Nations communities more broadly need to be educated in accessible ways about the implications of Bill C92 and provided avenues through which to contribute to the dialogue, and more importantly, decisions on the topic.

Culture as Prevention

At the center of communities are children as the next generation of Indigenous healers and leaders. In many First Nations communities, children are considered to be sacred, are known to be more deeply connected to the spirit world and will carry important traditions forward. Children often ask profound questions that are difficult to answer, and as one participant explained, this is because some children are believed to be reincarnations of ancestors; their questions come from ancient knowledge, and this curiosity needs to be fostered. As another participant explained, “without children there is no motivation; why would people pass on knowledge, why would they keep traditions alive?”

Educating children is the shared responsibility of the whole community, and as many participants expressed, “it takes a community to raise a child.” Community members are diverse and can share teachings with youth, such as their background, their ancestors, and their place in the big house or clan system. Elders guide youth into their unique roles, helping them find their particular skills and joys, and explaining how they can help their communities. Each community member contributes by reminding a young person who they are each and every day. This helps youth to gain a strong sense of identity, responsibility and belonging within their culture, enabling them to contribute to their community, to their extended family and to the land.

During one of the sessions, a participant shared that the MCFD offers what they call “cultural care plans for youth” which can be a tool for children and youth to access traditional teachings. However, they stressed that it is important to make sure that these plans are built upon culturally specific content that is connected to that child or youth’s specific community, and not just shallow, “pan-indigenous” solutions. Bill C92 sets out an opportunity, and a legal obligation, for social workers and service providers in the current system to ensure that children and youth in care remain connected to their specific community, culture and family and to involve the child’s community in planning. It is critical that Indigenous communities are guiding and supporting these processes, rather than the other way around. By ensuring children and youth in care have access to community-specific teachings, they will be more likely to feel a sense of belonging, and hopefully, be inspired to become more active in their communities going forward. By involving members of the community in sharing teachings, relationships can also be fostered between the child and members of their community. Funding to bring children into communities to participate in these programs must be supported.

Settler Service & Care Providers must be Allies

At times, children interact with western foster parents and social workers who often have too little cultural competency to help them reconnect with their roots, and worse, sometimes the foster parents act in racist and harmful ways, whether intentionally or not. Participants at the sessions expressed that the MCFD, its employees and foster parents would benefit from cultural sensitivity training, and that hiring Indigenous staff as social workers would greatly benefit Indigenous youth. Further, participants expressed that there is not enough effort within colonial foster care systems to get cultural programming for kids in care to connect to their roots.

As First Nations transition into resuming jurisdiction of child and family wellbeing services, those participating in all organizations within the current system must undertake significant learning and reflection and build the necessary relationships to support this work. This learning cannot be done at a surface level or strictly policy-based way, it must be reflected in day-to-day interactions that show support for the movement to decolonize First Nations child and family wellbeing. The colonial systems that interact with First Nations child and family wellbeing also confine them, and this must be recognized and actively undone by all actors within the system — especially settler populations and service providers. Settlers and First Nations people must work together to learn and advance communities' ability to take back control of child and family services.

Identity Leads to Opportunity

For many Indigenous people who were raised in foster care, the opportunity to engage with their traditional culture happens later in life or does not happen at all. For those lucky enough to reconnect with their heritage, the experience can be life-changing. For one participant who was removed from their reserve at the age of two, it took until the age of 18 to meet their birth father and to begin to question who they really were. That process led them to fall in love with their culture and traditional ways and to decide to become a Roots Worker to be able to share their experience with other Indigenous youth who have been removed from their communities.

This story illustrates a key concept that emerged through the engagements: connecting with Indigenous identity leads to benefits for Indigenous peoples. Cultural adoptions (which are predominantly part of coastal Indigenous cultures), are processes that combine ceremonies with the adoption of a child into a family. These ceremonies provide the child with a clear and stable transition into their culture and set them up with a strong foundation in who they are and where they come from.

On the other hand, not having status as a First Nations person, or the proper membership/registration as an Indigenous person, can hold back youth from accessing events that might contribute to their growth and development. For example, one participant shared that three youths that they knew were not permitted to attend the North American Indigenous Games because they had been through care and lacked status cards. This meant that they missed out on an opportunity to meet other Indigenous youth, explore their culture and build self-confidence as a result of their upbringing in care. Other events, such as the All Native Basketball Tournament, offer participants flexible ways to prove their identity in order to play,

Land-based Learning

While having a status card, being adopted through ceremony, or engaging in self-discovery by reconnecting with one's culture are all ways in which Indigenous youth and adults who have gone through care can get closer to their identity, land-based healing and learning is still the top priority for many Indigenous peoples looking to reconnect with their culture. Having a sense of identity is a core part of having a healthy human existence, but having a home is the foundational piece of having a strong identity. Land-based healing, hunting, gathering, harvesting, games, and time spent with family, all contribute to a sense of self in relation to others and to the land. Many communities currently have programs that bring Elders into collaboration with community members in order to share knowledge about the natural ecological and traditional processes within a given territory, such as when salmon start running, where berries grow, or times at which specific medicines are harvested.

When children go to the territory to understand these teachings, it helps them to establish a deeper connection to their roots and a deeper sense of responsibility in holding up the whole system. In some of these cases, people had not been on their own territories in decades. Many participants expressed that when youth and adults lose touch with their communities and cultures, they turn to drugs and alcohol to cope with the feelings of emptiness brought on by missing family, tradition, and home territories. Opportunities to re-establish this lost connection are part of a holistic approach to child-rearing and community building that takes into account all relationships.

Theme 4.

Healing must be woven throughout this process

Reliving Trauma is an Inherent Part of this Process

The process of moving from a colonial process to an Indigenous-led system will be difficult and often triggering. Participants acknowledged that because of the colonial legacy and the ongoing impacts of colonialism, exercising jurisdiction over child and family wellbeing, and the process to get there must include a trauma-informed, Indigenous approach. While regaining jurisdiction of children is the primary goal for Indigenous communities, a fundamental part of the process is the healing that happens along the way. Today, there are Indigenous families experiencing domestic violence, addictions, and intergenerational traumas stemming from colonialism, residential schools, and many other harms. There is deep shame in some communities. As one participant expressed, when families are struggling, community members keep things quiet because of the shame attached to sharing hard truths among community members. One participant shared that they remember a time when people weren't expected to be perfect, and when people who were struggling could go to the community and ask for help. But today, shame is so intense as a result of colonialism that the support networks previously available to people have been weakened. Ideally, First Nations must get back to a place where entire communities share the responsibility of supporting the family and shame is a concept of the past.

Bringing communities together to participate in the process of restructuring child jurisdictional issues enables the sharing of personal stories and processing grief. For non-Indigenous organizations working in this field, requiring employees to take trauma-informed workshops would be an effective way to support Indigenous peoples. For all parties involved, the best way forward is to understand the complex nature of historical shame and trauma, and treat people in ways that validate and acknowledge their histories.

This Transition will Require Nuance, Communication, & Kindness

Within the current foster care system, child removal and cultural assimilation for Indigenous children has been the reality. Placing First Nations youth with their families or home communities has not been the focus, and it has not been uncommon for Indigenous children to live their entire childhoods in foster care. In some cases, they move from home to home; in others, they stay with one family and create intense familial bonds. What this means is that while First Nations jurisdiction over child and family wellbeing services moves forward at a system level, there may be times the current system establishes deep human relationships. In some cases, moving children away from their foster care situations can be traumatic. In other cases, it can be life-changing in a positive way. Sometimes, it can be both. This is to say that the transition out of a western foster care system into a First Nations-led system will be fraught with hardship for many people for many different reasons. As this process unfolds, it is important to hold patience, kindness, and safety, and to communicate with empathy and separate the systems from the people struggling inside of them.

As previously mentioned in this report, Indigenous systems tend to be less black and white than western ones, leaving more room for a gray area in difficult situations. Conversations using circle practice allow for everyone's voice to be heard and for dispute resolution to be a community effort. In contrast, western approaches tend to be concrete and can become unnecessarily adversarial. By approaching these situations in ways that Indigenous people feel comfortable, the temperature of difficult conversations might be lowered, and opportunities for healing and collaboration might appear where previously they did not seem possible.

Healing must Happen at the Individual & Community Levels

Healing is fundamental to any decolonizing work, and spiritual centers can help facilitate healing at all levels. Spiritual centers allow youth and other community members to come together to connect with tradition, culture and spirituality in order to build healthy habits and strengthen their connection to all of creation. In one instance, a community hosted a “welcome back ceremony” for its members who either left due to being placed in foster care, were a part of MCFD relocation, or were part of the Sixties Scoop. The ceremony allowed community members to come together and undergo rites of passage, connecting to one another and their community in a transformative way.

Participants reflected that part of asserting sovereignty over child jurisdiction will involve self-learning. As community leaders reach out to community members to gain their perspectives on how to move forward in this process, leaders in turn learn more about their own traditions pertaining to child-rearing.

Theme 5.

Best practices must be shared within & between Nations

Indigenous peoples throughout the province will have ideal approaches to different scenarios for child jurisdiction. However, in order to do the best work possible, best practices will need to be shared across communities. Many participants expressed a strong desire to be able to come together with other Nations who are further down the path of resuming jurisdiction to share best practices and to learn what others are doing. One participant stated, to accomplish the goals involved in taking back child jurisdiction, having specific frameworks with adequate flexibility to conform to the needs of each Nation would be helpful. It is important that the development of any shared models or frameworks are First Nations-led.

Nations like Splitsin, HUU-ay-aht and Wet’suwet’én have already begun processes to develop recommendations that establish a framework and a set of steps towards the implementation of programs that move the Nation towards independent child jurisdiction.

Through their bylaw, Splitsin has been asserting jurisdiction over child and family wellbeing for over 30 years. Through their own independent child and family services agency, they deliver holistic and comprehensive child and family wellbeing services to their members, regardless of where they live. Splitsin Stsmalmt Services operates under Bylaw #3, 1980, a Bylaw for the Care of Our Indian Children (Splitsin First Nation, 2021). This Bylaw resulted from the Indian Child Caravan, a march and demonstration that took place in 1980 to protest the high number of Indigenous youth being taken from their homes. The march began in Prince George and ended at the home of the Minister of Social Services at the time. The Splitsin Chief met with the Minister to make the agreement that ultimately gave Splitsin control over their own child wellbeing program. The program delivers comprehensive family preservation and child and family wellbeing services and realizes jurisdiction over any Splitsin child regardless of where they live (Splitsin First Nation, 2021).

In HUU-ay-aht, a year of information-gathering in the communities led to a set of [30 recommendations](#) that guide the Nation towards bringing its children home. With recommendations ranging from focussing on the social determinants of health to developing a parents’ center, the Nation has an outline to guide implementation, step-by-step. Once that framework is in place, seeking funding and rolling out programs becomes a clearer process. In HUU-ay-aht, the process has been shared on the Nation’s website for all to see, and surveys are being shared with community members that allow members to have continued input on the progression towards their goals.

The Wet'suwet'en are developing a conceptual framework to conduct Peace Teas, where the father clan will provide emotional, physical, and spiritual support in decision-making around the future of a child. The conceptual framework is being developed with the help of Elders, youth, adults and chiefs, and has five key components: respect, strength, being seen, being heard, and social responsibility to take care of one another. These values are then reinforced throughout other community development programs.

Many communities are developing grandparents' groups that consult on child development cases. As the Knowledge Holders and keepers of tradition, these grandparents groups are able to come together to make decisions about children which are informed by cultural practices and traditional knowledge.

Other communities are establishing mentorship programs that pair youth with adults throughout the community who are leading healthy lifestyles in order to help them reconnect with their culture as they age out of care. Others host rotating groups of community teachings in hunting, fishing, speaking, cooking, gathering, harvesting and using traditional medicines.

One community is seeing success in retaining children within their community by working with aunties and extended families to host children in need of care. Because connections are being established with aunties, community members and family members, youth have support networks in place, and the community is seeing greater youth retention. A simple part of this process that participants said contributed greatly to its success is the act of coming together to eat, to hug, and to share stories and kindness.

Monitoring & Evaluation

With any significant changes to important systems such as child wellbeing, monitoring and evaluating the progress of change is an important aspect of enacting good, effective plans. By establishing short, medium and long-term goals, Indigenous communities can set up a framework by which to compare accomplishments against high-level goals. For each goal, there might be a set of next steps that should be achieved to meet the broader target. These goals are likely to differ between various Nations. To this point, data collection and management will form a key part of the strategy moving forward and will inform the baseline against which progress will be measured. Finding ways to ensure the success of data management processes and program evaluation will be another key part of moving this work forward in a good way. One important aspect of data collection and management is to maintain Indigenous data sovereignty and to follow the OCAP Principles (Ownership, Control, Access, and Possession). In addition, Indigenous governments must be able to easily extract distinctions-based data from existing systems that can be shared with and used by Indigenous communities. Work needs to be done within colonial systems to make this data accessible. At the same time, developing capacity for data management in Indigenous communities is another important need to realize these goals.

Systems Planning

As discussed previously in this report, many Indigenous people experience the colonial child wellbeing system to be overly siloed and hierarchical. Participants affirmed that a circular model in which all voices are heard and where no one person or entity is above another, would be preferred. To implement this model, changes to broader systems would need to occur.

The idea of systems planning is different in western cultures than in Indigenous groups. Implementing Indigenous planning methodologies within the work of child wellbeing systems will be a significant part of this work. This will look different between different Indigenous groups and it will be a long process to get to a place where the child wellbeing system fits into the broader nests of family, community, Nation and land systems.

One example of an innovative systems approach that has been put into practice in some communities is the "hub" model. Under this model, an interagency organization made up of partners with many areas of expertise meets to bring multiple perspectives together to discuss ways forward for at-risk families and youth. The goal of this structure is to create space for multiple perspectives in working collaboratively to find the best solution targeted toward a specific child or family. On this note, systems mapping is a method used in some western systems of practice that seeks to capture and understand

the network of relationships that occur in an environment. It involves the creation of visual depictions of a system (such as relationships, feedback loops, actors and trends) and is intended to provide a simplified conceptual understanding of a complex system. Communication hubs and systems mapping were said to be potentially helpful in implementing this work.

Using Technology

Today, technology is a significant part of all our lives. Indigenous people and youth are connected to technology in more significant ways than ever before. What this means is that while traditions and cultural practices have not necessarily changed, ways of communicating these traditions might need to adjust to connect with youth. The important caveat here, as expressed by a participant in one of the sessions, is that Indigenous peoples do not change the culture or modernize things, but use modern technology and tools to access and share what they already know. Some Indigenous people are reinvigorating stories through film or graphic novels, while others are building databases and websites and hosting Zoom meetings and webinars that contain important cultural teachings. Any number of creative uses of technology could be useful in cultural caretaking and child wellbeing, but ultimately these technologies cannot take away from the cultural teachings that they seek to promote.

Access to technology, however, is not universal. Many communities, particularly remote communities, face inequities in access to technology. This can sometimes be a barrier for people in those communities to get information and use tools that are enjoyed by others. It is important to keep in mind that equitable access to technology is necessary to allow for all First Nations to communicate, share information, and move their communities forward.

Using Clear Definitions

During the engagements, participants expressed a desire for language and definitions pertaining to child wellbeing to be made accessible. Establishing a set of agreed-upon definitions to clarify jargon and explain new developments (such as Bill C92) would be beneficial to many participants. Accessibility should be a priority so that staff, leadership, and families can communicate on a level playing field and hold children and youth front and center as the dialogue moves forward.

Theme 6.

Relationships must be strengthened along the way

Community Engagement & Consultation

Because it will be the community members who eventually actualize the jurisdiction, leadership in communities must engage with community members to understand needs, desires and gaps. There was broad agreement at the sessions that Nation-to-Nation and community-based engagement is a fundamental piece of moving this discussion forward in a good way. Engaging communities at all levels, including leadership, Elders, caregivers, adults, youth, and those with lived experience in foster care will be pivotal in developing a clear understanding of the needs and desires for child wellbeing within First Nations communities. Virtual or in-person events are both valuable, but what is paramount in community engagement is making the space for culture, protocols, and traumas to be shared and respected. Further, information sharing around jurisdiction is complicated and thus should be shared in a friendly, accessible way so as to promote engagement from all demographics and perspectives.

Some communities have started youth and Elders councils, while others have been hosting community dinners

organized through the clan system which allow for everyone to come together in an enjoyable setting to converse. Some communities do quarterly or monthly sessions with report-outs to members that allow members to provide feedback in response to the session.

As participants expressed, relationship-building is part of community-building and community healing. Many First Nations traditionally have done things in a community-based way, and as such, engaging communities throughout this process will be necessary for community leaders to be able to apply the right methodologies to this transition.

Partners Communication:

Within Nations

Due to residential schools, the Sixties Scoop, and the foster care system, members of various First Nations communities have been displaced throughout Canada and the world. Colonial band governance structures have also impacted communication within communities as resources often remain low. Many communities face lateral violence as a result of this complicated history.

To bring children home and to keep them at home and healthy, community perspectives and community bonding are both necessary. To this effect, some communities have started advisory groups while others are working to develop innovative decolonized governance models that seek to alter the political landscape within communities. These processes will not happen overnight but should be monitored since there is so much overlap in decolonizing governance and in reclaiming jurisdiction over child and family services. It is important to remember that because of the complex nature of governance in First Nations communities, and with layers of government in place due to colonialism and the Indian Act, many Nations do not have an Indigenous Governing Body (IGB) identified to access funding to do work under Bill C92, making the process complex, time-consuming, and inaccessible for many communities until they are able to identify an IGB to take on this work.

Between Nations, Delegated Agencies, Service Providers & Governments

Communications between Nations, delegated agencies and governmental organizations also present challenges for the healthy management of children. While in many communities, members can come together “at the drop of a hat” to have a conversation about a given child, government bureaucracy and structures that follow regular business hours and five-day work weeks can prevent efficient and prompt service delivery and decision-making. If an emergency takes place over the weekend, for example, a government organization might not be able to act quickly enough, while members in a First Nation community can act immediately. Or, in another example, if a parent is notified of a child protection report and social worker visit on a Friday, then the parent might spend the whole weekend worrying about the complaint and whether their child may be taken, but has no recourse to take during that time. This adds further trauma to already traumatic situations.

There are other logistical and policy-based challenges that create barriers to First Nations’ ability to provide the child services they want, such as the organizational silos and conflicts, or lack of trust between DAAs and tribal councils, bands, Nations, and ministries. Again, because of systemic differences in approaches, there is a serious lack of trust between various organizations that results in resistance to sharing important information that could contribute to improving a given situation. Information-sharing agreements and Memoranda of Understanding such as the Wet’suwet’en MOU mentioned previously in this document will be helpful in moving these conversations forward in a good way.

Because of situations like these, there needs to be better communication between partners involved in child development decisions, as well as respect and acknowledgement of the decolonizing practices that must take place within Indigenous communities. Accommodating Indigenous timelines, protocols and practices is part of communicating effectively when partnering with an Indigenous government. In other words, communicating effectively with First Nations means actively participating in decolonizing work.

Advocacy

This report outlines several areas where advocacy will help make improvements. From a logistical perspective, however, advocates need support in a variety of ways, including Increased coordination, data collection, data storage and data management. Better working relationships with community leaders, elected Chiefs, councillors, hereditary Chiefs and Elders will also help advocates in their work. Advocacy tends to be challenging and draining work, and advocates could benefit from increased support from their communities.

Ultimately, advocacy is needed to make changes to the system which itself creates burnout and stress among advocates. This speaks to the complicated nature of Indigenous child well-being and the process required to take back jurisdiction of Indigenous children. To strengthen advocacy, it will help to have many First Nations develop shared goals that they can work on together with community advocates

Phase One: What We Heard, Conclusion

Indigenous participants shared their challenges, opportunities, and traditional views on taking back jurisdiction over child and family wellbeing. It was clear that Indigenous ways of knowing and being must lead this work to get communities where they want to be. Decolonizing child and family well-being is a shared responsibility that requires First Nations and other levels of government to come together so that children can be centered in this work.

This work will take time, patience, and healing as First Nations consider how to apply their traditional laws and protocols to this work in a good way while navigating colonial barriers. Each Nation will take the steps needed to realize their goals, but what this will look like will change from Nation to Nation. Sharing best practices among Nations and partners will not only strengthen relationships, but will ensure that First Nations have the best possible information so they can make an informed decision on how to move forward with child and family well-being for their communities.

Phase Two: What We Heard

Spring 2021

This report is focused on Phase Two and looks at ways to implement some of the themes by planning around four hypothetical scenarios which introduced a particular challenge in relation to standing up First Nations jurisdiction over their children and families ([Appendices E-I](#)). These hypothetical scenarios were presented alongside relevant pieces of Bill C92 and participants were encouraged to brainstorm tangible approaches to standing up jurisdiction over child and family wellbeing. At the final Phase Two session, participants came together to look back at and analyze the notes from the previous sessions in order to build off of the ideas that were put forward.

Just as the engagements in Phase Two were organized according to Enowkinwixw's four perspective groups (Tradition, Relationship, Action, and Innovation), so is the Phase Two report. When information is assembled according to the Enowkinwixw process, some information may appear contradictory. That is because the process brings together many voices and is a snapshot taken in the middle of an ongoing process. In reading through the report, readers should take what they need and what makes sense to them, using the report to guide them and their community in standing up jurisdiction over child and family wellbeing services. If data, stories or recommendations jump out at the reader as work that can be done in their community, that is the work they must do.

Traditional Perspectives - Chief Black Bear

In Enowkinwixw, the people who hold the Traditional perspective are the storytellers; they are Knowledge Keepers, language speakers, and they uphold our collective memory. They often prioritize knowledge continuity and want to share the knowledge they have been given with the next generations. In this way, the Traditional perspective offers insight into language, culture, stories, and intergenerational knowledge when solving problems. In this way, the themes that emerged around Traditional Perspectives of child wellness are:

Collaboration was a key theme that emerged from the Tradition group in the sessions. It is important to understand that collaboration includes collaboration between family members, different and neighbouring First Nations, government-to-government relations, and every level of colonial government.

Collaboration must be founded on traditional practices that center the child. Resources, support, and intervention are to be rooted in culture and tradition because they are fundamental to providing holistic care for the child. These cultural and relational connections are fundamental and must be inclusive in order to honour the true and complete identity of the child.



1. Stronger Ties

“Traditional dispute resolution is about being together, building relationships, hearing stories and teachings as much as it is about “finding solutions”. Collaborate to ensure the child is connected to both communities, and honor protocols of both Nations”

- Participant, Session One

Instead of thinking about relationships and responsibilities through the lens of “whoever has ‘stronger ties’ should care for the child”, communities, families and individuals must collaborate in the best interests of the child.

Bill C92 has been criticized for some of its provisions, including section 24(1) titled Conflict - stronger ties:

Section 24 (1) If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people, and a provision respecting child and family services that is in a law of another Indigenous group, community or people, the provision that is in the law of the Indigenous group, community or people with which the child has stronger ties — taking into consideration his or her habitual residence as well as his or her views and preferences, giving due weight to his or her age and maturity, unless they cannot be ascertained, and the views and preferences of his or her parent and the care provider — prevails to the extent of the conflict or inconsistency.

The concept of “stronger ties” in Bill C92 flows from ideas around what is in the “best interests” of the child. What that means often differs between First Nations and western societies, with First Nations prioritizing the “best interest” of the child as maintaining cultural connections to family and community, while historically western societies often place less importance on maintaining these cultural connections.

2. Care Providers

Care providers for children can be thought of as a network of diverse supports within communities, with various individuals and next-of-kin supporters who have unique roles to play in bringing up children.

Decisions that affect a child’s life are not only made by their parents as care providers, but are based in community. In this way, child-rearing is viewed as a shared, collective responsibility, rather than an individual responsibility placed solely on the parents. Because of this, the term “care provider” is broadly understood by communities and can include many community members in a network of care to provide support in a holistic and flexible way. Care for children must be understood in the context of interconnected relationships to fully appreciate and respect the diversity of community members who can be a care provider for a child.

“Teachings about healing, family, and accountability must be brought forward in culturally appropriate ways”

- Participant, Session Two

In addition to an extended and diverse network of care in communities, daycares, friendship centers and schools could be included in a network of care to provide additional supports where needed. Customary adoption is another way to promote stability in the life of the child and to bring them under the support of the community network of care. These practices are determined on a community-by-community basis and may evolve over time; these practices are not static and may not be bound by one decision made at a single point in time.

3. Significant Measures & Alternative Models

As an undefined term found in S.12 of Bill C92, “significant measures” could refer to the removal of a child from a community

or even potentially the adoption of a child into a family that is not culturally connected to the child's community.

“Significant measures” is a term that participants were reluctant to use or engage with because one of their goals in asserting jurisdiction would be avoiding significant measures altogether. In one instance, a participant framed “significant measures” as any action that might impact the child into the future, while other participants shared that the definition of a significant measure will vary from child to child, and be dependent on the unique circumstances of the situation.

Instead of resorting to significant measures, however, participants suggested alternative models of care that would promote the best interests of the child. For example, if a child was caught between parents who were experiencing challenges, instead of removing a child:

- Consider connecting the parents with cultural or other supports they need to bring balance back into the home; or
- Welcome family or community supports into the home to care for the child so that the parents can take some time outside of the home to heal and re-center.

In this way, participants shared how Indigenous laws are not centered solely on punishment as an approach to foster a change in behavior. This is a crucial point, as one participant explained:

“Interventions are based on the way the child is understood; if the child is understood in the context of their surrounding environment and network of care, they will be less likely to undergo significant, life altering events, because these behaviors are results of systems and not individuals.”

- Participant, Session Two

As such, support must be based on improving systems of care rather than on blaming individuals. These value systems are upheld by inherent Indigenous laws and as Nations stand up their jurisdiction, overstep by service agencies that counteract these values must be reduced.

The themes that emerged within this Traditional perspective are all underscored with respect and relationality and are rooted in the desire for healing in a good way that includes diverse networks of people with various critical roles. As one participant noted, “It takes a community to raise a child.”

Relationship Perspectives - Chief Bitterroot

In Enowkinwixw, the people who hold the Relationship perspective seek to include everyone in conversations and aren't satisfied until all voices have been heard. They try not to leave anyone behind and value the time needed to make this happen. The themes that emerged around Relationship Perspectives of Child Wellness are:



1. Holistic & Healing Approaches

Holism was a key theme for the Relationship perspective throughout the majority of sessions. Those in the Relationship perspective emphasized the importance of approaching each situation from a holistic perspective and acknowledged the complexities that were inherent in each scenario. They also spoke of systemic barriers and how these barriers are the result of colonialism. To replace those colonial systems, members of the Relationship perspective advocated for reinstating nested systems and rebuilding relationships as each Nation decolonizes and revitalizes its traditional ways.

Throughout the sessions, participants also consistently advocated for capacity building and support for parents whose children have been taken by the child welfare system. From the child to the parent and aunties to grandparents, every community member is included within this perspective's view of a holistic path towards healing. Participants also noted that there is still reflection and healing to be done in the child and family wellbeing space, both among service providers, and within communities:

“Services should be there to support...Building trust with these agencies - even with our own people we lack trust, a lot of them still follow the same systemic racist policies and practices.”

- Participant, Session Two

This furthers the discussion around the need for holistic approaches to mend these divisions and to center the child by re-establishing the systems of strength and resilience that allow First Nations peoples to flourish. This should start with children and family systems that uphold strength, accountability, dignity and honour within communities. It is important in practice to acknowledge the time it takes to properly heal from family-related trauma and build that into processes and practices.

2. Communications & Receiving Notice

With regard to communications around child and family wellbeing services, participants felt that service providers need to work actively with Indigenous governments to clarify when and how the governments want to receive Notice, given the following section in Bill C92:

Notice

Section 12(1): In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child's parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.

Participants shared that current practices around providing Notice, such as sending a fax, create barriers for the Indigenous community and the parents. Communities and parents need to be informed about court proceedings well in advance so that they have the opportunity to prepare and participate in court proceedings that may determine what is in the best interests of the child. For notice to be effective, service providers need to start using other effective and modern ways of communicating, such as email or phone calls, to provide notice in a timely and accessible manner. Furthermore, if service providers don't hear back once Notice is provided, they should follow-up with the recipient of the Notice to make sure it has been received; this would demonstrate recognition and understanding that many Indigenous communities have limited capacity and responding may take time. Participants also emphasized that there must be real efforts to provide notice to the parent, no matter how they are doing, as they have a right to be involved in the child's life.

The second part of the Notice section is titled Personal Information and states:

Personal Information

Section 12(2): the service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child's family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.

Participants viewed this section on Personal Information as a potential barrier, as they felt that open and collaborative information sharing was essential to the wellbeing of the child. This view sits in opposition to the western view that privacy and confidentiality are often paramount to safety. While this conversation is complicated and it is important to acknowledge individual wishes in any given situation, from a Relationship perspective, First Nations communities are generally much more open to and reliant on information sharing in good faith as a tool to promote and ensure the best interests of the child and family.

3. Assessments for Placements

Bill C92 also has a section on Family unity, which states:

Section 16 (3): In the context of providing child and family services in relation to an Indigenous child, there must be a reassessment, conducted on an ongoing basis, of whether it would be appropriate to place the child with

(a) a person referred to in paragraph (1)(a), if the child does not reside with such a person;

or

(b) a person referred to in paragraph (1)(b), if the child does not reside with such a person and unless the child resides with a person referred to in paragraph (1)(a).

In plain language, this means if the child is removed from their family and they are not living with one of their parents or another adult member of the child's family, there must be a continuous reassessment to determine if it is appropriate to place the child with the parent or another adult member of the child's family, like an auntie, uncle, or grandparent.

Participants expressed that assessments must be culturally sensitive and specific to each Nation and family. The child's entire social, familial, and physical environment should be assessed, rather than just the behavior of the child or their parents. Assessments should be done with the view of understanding the complex network of relationships in the child's life, as well as a consideration of systemic wealth and service inequalities. The decisions of individuals conducting assessments should be reviewed to ensure that assessments are culturally appropriate, and ideally, Elders should play a role in this work.

Furthermore, assessments should be coordinated under Jordan's Principle and the model should adopt a 'check-in' rather than a 'check-list' approach. When taking this approach, relationships and trust are promoted through each positive interaction, instead of families feeling fear and shame if a person or family doesn't meet every criterion on a list.

If and when children are taken out of their homes, increased communications should be made in the spirit of developing and maintaining good relationships. Ultimately, participants felt that the likelihood of success with communications and ensuring the well-being of the child will result from the strength of the existing relationships, which is why there will always be a need to continuously and actively build relationships.

Action Perspectives - Chief Spring Salmon

In Enowkinwixw, people who choose the Action perspective feel that conversations have been happening for too long and that change needs to happen now. They want to get right to the point and are geared toward project implementation. Some themes from the Action perspectives include:



The diverse nature of the themes from the Action perspective touched on all levels of nested systems, and highlighted the importance and interconnectedness of the work that must be done in this area. Participants at all sessions emphasized the need to bring forward traditional stories and laws to:

- Establish and assert jurisdictional precedents around child and family wellness;
- Respect the protocols of other Nations who may be involved; and
- Protect and care for the child.

They envisioned a future based on connection, teachings, decolonized practice, and a collective system of care based on a deep pride in and value of First Nations' ways. The following quote reflects the vision of action-oriented thinkers about the need to translate and take action on the themes they themselves identified and value alongside the other perspective groups:

“When the Settlers came here and saw how in harmony we were with nature and families, they said, ‘wow you really figured this out.’ If we look at this, maybe we can educate the others [in government] that think that somehow they know best based on what we need, they think that they know what’s best for us.”

- Participant, Session Three

1. Substantive Equality

A key component of the federal government’s approach to implementing Bill C92 is understanding the concept of substantive equality through the eyes of First Nations peoples. While participants generally did not use the term “substantive equality” in their dialogues, many of their suggestions relate to interpretations of how to respectfully uphold the value of each child, youth and family to ensure everyone has equal access to what they need to thrive.

The following ideas were suggested to improve substantive equality:

Help to access services under Jordan's Principle (JP)

- Establishing regional, provincial, and First Nations-specific approaches to JP;
- Resourcing and advocacy to help families seek funding and access to JP;
- Coordinating assessments under JP;
- Recognizing adopted and customarily adopted children as equal under JP;
- Increasing supports for parents of children with special needs;
- Creating shame and risk-free support services;
- Establishing processes to support First Nations undergoing healthcare treatment;
- Collaborating with IGBs to define and agree on a way forward through JP; and
- Holding the federal government accountable for gaps in JP.

Building Relationships

Strengthening the networks of relationships between service providers;

- Understanding that healing is needed for mental, physical, emotional and spiritual well-being; support for mental health should happen at every stage;
- Increasing community support for new parents and supporting parents with culturally relevant child-rearing practices; and
- Foster outreach and support networks at the provincial and local level.

Conversations about substantive equality must acknowledge that Indigenous peoples continue to face systemic wealth inequalities and significant gaps in service provisions. One way to further support substantive equality would be through the establishment and development of institutions. Throughout the conversations, participants expressed their desire for a range of child and family service institutions to be established or further developed. These included:

- A provincial or regional hospital for Indigenous children who are sick;
- Increased healing centers established in communities;
- More support for families provided by Friendship centers;
- Greater responsibility on the part of the First Nations Health Authority to support, communicate, and direct services around children and families; and
- Inclusion of cultural sensitivity training through western institutions.

2. Funding Streams to Promote Transfer of Jurisdiction

In Phase Two, participants noted the systemic gap in various funding avenues among First Nations communities, and shared that they perceive risks in seeking funding for themselves as it might attract government attention and threaten the removal of children. Participants also expressed that community members are confused about what might be the appropriate avenues through which to seek funding and that understanding the systems, functions of systems, and individual roles within systems is very difficult and requires a lot of work.

To that end, participants expressed a desire for governments and service providers to be more transparent in their processes and data sharing, and to support First Nations peoples to access their services and support more readily.

Participants also identified key areas where sustainable and long-term funding streams are required to promote the transfer of jurisdiction from colonial governments to First Nations families and communities:

- Service delivery for child and family wellbeing services;
- Access to services for urban Indigenous people;
- Child and family navigator positions in communities;
- Long-term care for Elders' as their needs increase over time; and
- Community-based capacity for decision-making.

Of note are the additional recommendations for funding streams that were previously identified in Phase One:

- Funding to develop and code Indigenous Laws
- Capacity, training, and succession planning funding
- Legal liability issues funding
- Insurance
- Capital acquisitions and infrastructure
- Family housing
- Legal representation
- Evaluation and monitoring tools
- Databases and information management systems
- Funding for Jordan's Principle
- Community healing across the lifespan
- Prevention services
- Funding for on and off-reserve First Nations people
- Training around Bill C92

3. Transparency & Accountability

From the Action perspective, participants also discussed oversight and review of standing up of First Nations jurisdiction of child and family services. Participants expressed that First Nations' should own, determine, and evaluate accountability measures that hold western actors to high standards, including for a lack of funding for the implementation of First Nations jurisdiction, and a lack of services and supports provided under Jordan's Principle. Transparency and accountability must be increased in the child and family system, especially where transparency can provide more information for engaged partners about how systems operate and what their underlying motivations are.

Participants shared that work done around child and family wellbeing must be underlined by the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA), and all Indigenous community members, including youth and Elders, have a role to play in holding governments accountable to support their needs.

Innovation Perspectives - Chief Saskatoon Berry

In Enowkinwixw, those who identify with the Innovation perspective tend to think outside the box, looking at entire systems to shine a light on the way forward. They are visionaries and see the interconnectedness of ideas and challenges. This leads them to ask many questions based on a need for a lot of information. They require sufficient time to process before coming to decisions.



The Innovation perspectives were clear that culture must be at the core of this work and that familial relationships must be understood, respected, and addressed in a context of respect, equity, and healing.

Participants shared the view that relationships are holistic and that all members of a community have a responsibility to care for the child. Centering the child is something that must be done not just in theory, but on a daily basis through the prioritization of stability in the child's environment. Further, one participant stressed the importance of identity as it relates to child and family wellbeing for children who may be culturally connected to more than one community:

“If a child is from multiple Nations, they must have ties to both or they will never have a connection to their entire self.”

- Participant, Session Three

This is because the history and cultural continuity maintained in a child's relationships must be respected and brought forward in order for that child to be able to understand themselves in the world and build confidence in their identity. One participant shared the positive experience of a child when they were exposed to as many cultural events as possible and became immersed in their culture alongside other generations of people in the community. This fundamental connection to community and culture creates deep bonds for children and cannot continue to be interrupted by western models of care. Culture and community connections must be respected and practiced as Nations stand up jurisdiction over children and families.

1. Systems Change for Colonial Governments

To that end, connecting with identity requires building up systems that promote achieving that goal from top to bottom. Participants in the Innovation group stressed that this work requires changes to entire systems, including changes to MCFD and the legal framework MCFD uses. For example, MCFD should reevaluate its cost versus quality model of social worker caseloads as too many cases per worker means a lapse in the quality of care. Work must be done to understand the limits of social workers and what affects their ability to do work in ways that are acceptable for First Nations. Further research must

be conducted on alternate governance frameworks for the rollout of changes to the child and family wellbeing system, including the consideration that a different government ministry besides MCFD may be a better fit to create these changes.

Policy and legislative change around privacy and information sharing will be essential to enable a significant shift in systems change. Sharing and translating cultural knowledge between different government actors within systems can be hard work. At an individual level, each government representative involved in child and family well-being must do the work on themselves that is needed to identify and change their attitudes and ways of being to minimize and eliminate racial and other types of bias in their work so that they can approach their work in a good way, using the cultural knowledge and protocols that have been shared with them by communities. This applies at all levels, and perhaps most importantly applies on the ground, where recruitment policies for all service providers, including First Nations organizations, must change to promote the inclusion of workers that are dedicated to understanding the culturally appropriate lens to use when delivering child and family services. This conversation must happen at a more granular level than at provincial forums because each Nation will have its own unique protocols to follow.

Participants also shared that colonial court systems are largely inappropriate to consider First Nations issues. A step in the right direction would be allowing broader support and representation for children by using a kinship model, rather than a nuclear family model for individuals going through court processes.

2. Information Sharing as a Tool for Reporting

The Innovation group also expressed a deep desire to better understand the inner workings of and systems within MCFD and the federal government which would lead to better reporting on the accountability of government ministries and agencies. The effectiveness of information sharing across jurisdictions is influenced by the openness and transparency of organizations on both sides, and that reciprocal and trust-based relationships are key to the success of maintaining jurisdictional clarity as this work develops. Knowledge is power, and having a greater understanding of how government systems work allows First Nations to put stronger reporting requirements in place that hold governments accountable to their commitments.

Phase Two: What We Heard, Conclusion

Phase Two looked at issues related to the implementation of Bill C92 through the lens of the perspectives groups, and honed in on specific recommendations related to sections in the Bill C92 legislation, including the Notice provision, information sharing, family unity, substantive equality, and other areas which require long-term sustainable funding to help communities realize their goals, such as Jordan's Principle.

In particular, participants identified that current practices around receiving Notice from service providers about court proceedings continued to present barriers. When limited Notice is provided to communities and families, it does not allow for adequate preparation and participation in court proceedings that can have serious impacts on the best interest of the child. Failing to follow up with communities to ensure they have received Notice shows disregard for the limited capacity of many communities to respond, and minimizes a parent's right to be informed of significant changes that could occur in their child's life.

Other themes included a focus on collaboration between parents from different Nations instead of making decisions based on which Nation the child had 'stronger ties' to. Similarly, the definition of 'care providers' was also explored and had an expanded definition that brought in various individual and next-of-kin supporters to play unique roles in helping to raise children. Participants also discussed the Bill C92 term 'significant measures' and how, as an undefined term, it could mean any action that might impact a child into the future. Finally, holistic and healing approaches were identified as cornerstones to any approach taken, both among service providers and for community members who are still healing from family-related trauma.

Phase Three: What We Heard

Winter/Spring 2022

“As a sovereign, I don’t look up or down to the Crown, I’m at eye-level with the Crown. If we are sovereign Nations, that’s the way it should be. It’s inappropriate for a subordinate to impose these ways of being. I strongly believe BC is trying to move into a direction that allows that space and time.”⁴²

For Phase Three in the spring of 2022, participants considered some specific areas of Bill C92, as well as broader themes around service delivery and the incorporation of cultural protocols. Throughout conversations, recommendations were made in a number of areas for federal and provincial governments, along with Nations and communities. There were three topics that emerged as major themes, which are presented under the following section titles:

1. Redefining Child Wellness for Our Partners
2. Barriers to Standing Up Jurisdiction under Bill C92
3. Our Evolving Reality

Redefining Child Wellness for Our Partners

As First Nations consider their next steps in taking back jurisdiction of child and family wellness, participants shared their current and past experiences with the service delivery provided by government partners. In this way, participants reflected on known child and family service models and approaches and provided feedback to shape the future of service delivery. While participants did levy some specific criticisms at the BC Ministry of Children and Family Development (MCFD), these concerns should be read as broad recommendations to be taken under consideration as Nations envision new and reinvigorated systems for child and family wellness under Bill C92, as well as other mechanisms that support First Nations to assert their inherent jurisdiction over children and family services.

Approaches to Service Delivery

At times, MCFD may not be using a trauma-informed or culturally sensitive approach when working with a family. This can result in some family members ‘disengaging’ or withdrawing from the process, which is further used as a justification to keep children from their parents.⁴³ If this occurs over many years, a ‘pattern of disengagement’ can be noted on the file and create further barriers for parents who are trying to maintain a relationship with their children. In one instance, a participant reported that MCFD broke up a family and compromised the housing of a grandmother by forcing her to take on her two grandchildren to live with her in native housing or lose them to the system.⁴⁴ Another example was shared by the participant:

During the course of the teleconference, the new MCFD social worker mispronounced the community’s name several times and made fun of the COVID protocols that the community was observing to protect their people. Even though there were several senior managers on the call, no one took the time to educate the new MCFD social worker on how her behaviour could be improved to demonstrate greater cultural sensitivity and compassion.⁴⁵

⁴² Participant from March 26, 2022 Session

⁴³ Supplementary interview #1 with participant

⁴⁴ Supplementary interview #1 with participant

⁴⁵ Supplementary interview #1 with participant

One participant noted that some child welfare offices have demonstrated a greater commitment to Bill C92 than others, contrasting Vancouver’s approach with Surrey.⁴⁶ They wondered how to help those offices that continue to use colonial approaches start using Indigenous models and offer those benefits that are suggested in Bill C92. Families want to know what to expect from their social workers when the workers are unfamiliar with Bill C92 and aren’t interested in learning more about it.⁴⁷

We need to make sure that the family circle is strong for the long-term so that families are not coming back years later with another file. If challenges do arise in the future, one participant believed that MCFD uses old information to inform their judgement on the present realities of families. If a family has a ‘bad reputation’ with MCFD, there is no reset button or opportunity for the family to start fresh with MCFD. One participant believed that with MCFD, there is no perception that a family has grown because each new interaction starts with the same assumptions that are based on files that already exist.⁴⁸

Ensuring the family circle is strong means that we are investing in preventative care. However, as one participant observed, there are restrictions on funding for preventative work, and the funding is set up so that the child must be in ministry care to receive the preventative funding.⁴⁹ As such, the MCFD approach appears to focus on reacting to a removal with preventative supports, when these supports should be available to be accessed in the first place in order to prevent the removal itself. It is undisputed that waiting until an apprehension happens before providing preventative supports will not help to prevent apprehensions. Furthermore, there was a sentiment from one participant that while social workers need to be held accountable for the services they are providing, they also need to be given the tools to succeed and help keep children in their communities.⁵⁰

“There are people in the ministry who don’t want [Bill C92] to succeed. If there are less children in their system, they get less money for their offices. Less workers, more people laid off. Let’s face it, it’s revenue and jobs for these people. There is an incentive for the ministry to maintain these children in care.”⁵¹

Another participant agreed with the lack of preventative care, and felt that there “is nothing coming from the province or federal government for preventative care for family supports or child protection.⁵² To respond to this gap, the participant and their community have resorted to becoming ‘grant chasers’ in order to be able to secure preventative programming for families. When we look at children in care, the ministry has the jurisdiction and the means to provide those preventative resources but those resources do not come to communities.⁵³

In considering service delivery, a perspective was offered that parents will agree to certain conditions that they cannot meet as an effort to prevent their children from being taken away in the moment of crisis and to please the person who they believe has the authority to stop the removal and trauma that is happening during a removal. The example that was provided was a parent agreeing to attend a parenting course that the parent knew they couldn’t get to without a car. In this way, if social workers had a greater awareness of this tactic and the limitations and capabilities of their clients, they could advocate for more realistic or alternative approaches that would set parents up for success.⁵⁴

“The people working with our kids need to be filtered by us, in the ways that we decide, not the ways they

46 Participant from March 22, 2022 Session

47 Participant from March 22, 2022 Session

48 Supplementary interview #1 with participant

49 Participant from March 22, 2022 Session

50 Participant from March 22, 2022 Session

51 Participant from March 26, 2022 Session

52 Participant from March 22, 2022 Session

53 Participant from March 22, 2022 Session

54 Supplementary interview #1 with participant

decide because their systems keep spitting out our people.”⁵⁵

Another problematic approach that was observed by a participant detailed that MCFD is “going into homes when families are under duress and judging them based on their actions during a traumatizing experience.”⁵⁶ The example was provided that when a woman calls police for help during a domestic incident, the police immediately call MCFD to attend as well. Statistically, this will create cascading consequences including excessive charges being levied against the woman’s partner, and MCFD possibly intervening and bringing additional trauma to the situation.⁵⁷ In situations like this, the participant felt that women are punished for asking for help by both the police and MCFD.⁵⁸ Preventative care in future child wellness systems needs to consider how people can reach out and ask for help “without getting into trouble themselves.”⁵⁹

Several participants also shared experiences that MCFD is hiring non-Indigenous staff for Indigenous positions, while existing Indigenous staff end up having to educate their colleagues on Indigenous issues but do not receive the same support to grow their careers within colonial governments. There is a strong desire from some participants that First Nations must be hired to assist with the implementation of jurisdiction and Bill C92, as currently First Nations are underrepresented.⁶⁰ It needs to start with accountability around how governments decide who gets to work with our children and how that is communicated.⁶¹

“When I think about relationships, MCFD really works in silos. They don’t see the benefits of me reaching out to other regions. They don’t support their staff even being on calls like this. They don’t see the value in Indigenous knowledge, or sharing knowledge with Indigenous leaders, Nations, and other people living in other communities.”⁶²

In regard to MCFD’s implementation of their Aboriginal Policy and Practice framework, there was concern from a participant that MCFD does not know how to properly implement circle work and that their approach is too hierarchical.⁶³ One of the challenges to implementing circle work that was identified by the participant is that a series of approvals are required, going up to the Executive Director.⁶⁴ There is concern that by the time the request reaches the top, the message isn’t as strong and clear as it was when the initial request for circle work was made. In a similar way, any direction that is provided at the executive level may not make its way back down to people doing the frontline work and provide guidance for their approach.⁶⁵

Another participant shared that we need to reach out to the family and circle around them instead of having a single social worker come in and make decisions; we need to have aunties, grandmothers and advocates come into the room and guide the process because the powers of the director need to be removed and the decision making must be returned to those in the community.⁶⁶

55 Participant from March 5, 2022 Session

56 Supplementary interview #2 with participant

57 Office of the BC Human Rights Commissioner submission to SCORPA: Equity is Safer. Para 8, page 22. Online: https://bchumanrights.ca/wp-content/uploads/BCOHR Nov2021_SCORPA_Equity-is-safer.pdf

58 Supplementary interview #2 with participant

59 Participant from March 8, 2022 Session

60 Supplementary interview #2 with participant

61 Participant from March 5, 2022 Session

62 Participant from March 8, 2022 Session

63 Participant from March 8, 2022 Session

64 Participant from March 8, 2022 Session

65 Participant from March 8, 2022 Session

66 Participant from March 8, 2022 Session

A question was posed about if there was a group that had been assessing the existing policies that MCFD is working on improving, with one participant responding that they do not understand MCFD policies and why children are being moved, with the belief that racism was still the cause.⁶⁷ It was further shared that the role of the social worker and the power they have for removals is a discretionary judgment call, with the inference that this power and discretion should not be afforded unless all preventative measures have been exhausted.⁶⁸ In this way, greater transparency of MCFD practices and approaches is required to understand factors that lead to determinations made under discretionary powers for child removal so that issues can be addressed before families reach that point. Failing to observe these preventative considerations will continue to ensure a culture of removal based on subjective checklists.⁶⁹

Roots Program & Workers

In an interview, one participant shared that MCFD was currently doing a review of the Roots Workers and staff, but they have not seen any changes happening so far. There was a report that Roots Workers were not provided offices and were doing their jobs in hallways.⁷⁰ In one example, a Roots worker was moved to an unheated room with storage supplies that was “too cold to type” after raising concerns that their previously assigned workspace “felt like a jail cell.”⁷¹

While Roots Workers are seen by some as supplements to social workers, they are essential to providing linkages to families and helping them understand what cultural supports are available. Currently, it was reported that non-Indigenous team leads who are inexperienced are the ones explaining the benefits of cultural support in the Roots program to Indigenous families.⁷² There is a concern that families do not understand the information being provided to them by non-Indigenous social workers because it’s not being done in a culturally sensitive and inclusive manner. Due to this disconnect, families are not being given the option to choose which programs they would like to access because they do not understand what is being offered.⁷³

One former Roots worker reflected on their experience working with MCFD and recalls that they were one of three People of Color working in the entire ministry building, highlighting the need for diversity in hiring and bringing in people with more lived and real-world experience rather than academic achievements.⁷⁴

“It’s easier to teach social work skills to people in community than it is to teach cultural sensitivity to someone with a social work degree.”⁷⁵

The participant also mentioned that MCFD staff would not contact Nations because they said “they had no idea who to contact.”⁷⁶ This happened after the Roots worker had already taken the time to pull First Nation profiles and put this information into word documents and put it on the MCFD server, but still MCFD staff would not do their due diligence to look up the information in order to connect with Nations on child and family matters.⁷⁷ This kind of basic follow-up is required when trying all reasonable efforts to connect with Nations who have an interest in protecting their children.

67 Participant from March 22, 2022 Session

68 Participant from March 22, 2022 Session

69 Participant from March 22, 2022 Session

70 Supplementary interview #1 with participant

71 Supplementary interview #1 with participant

72 Supplementary interview #1 with participant

73 Supplementary interview #1 with participant

74 Participant from March 26, 2022 Session

75 Participant from Wrapping Our Ways presentation

76 Participant from March 26, 2022 Session

77 Participant from March 26, 2022 Session

Compounding this further is the fact that First Nations' election cycles can run every 2-4 years and that information needs to be updated regularly in order to be relevant. Despite this, First Nation profiles are constantly updated and remain a reliable source of information to connect with communities, making it an easy and obvious choice for MCFD staff who require contact information for Nations.

It was suggested that before new social workers are given any authority to come into contact with our families, they should work with a Roots worker for at least three weeks before they get their new delegation. Following this three-week period, social workers should have to pass a competency test to demonstrate their abilities and then be interviewed by a panel of First Nations representatives.⁷⁸

“When you are given this much power to remove our children, that process should only be set out by the First Nation.”⁷⁹

Another suggestion was to remove the Roots program from MCFD's sole control and put the program under the jurisdiction of both the Ministry of Indigenous Relations and Reconciliation (MIRR)⁸⁰ and MCFD so that Indigenous peoples can deliver the program in a space where “we are seen as the practitioners and experts that we are.”⁸¹ Having the support of MIRR to liaise and work with MCFD to improve their approach would help to create a safe space for Roots Workers and Indigenous staff who are trying to effect change within MCFD but face challenges with senior staff. One participant felt that Indigenous staff and Roots Workers are tokenized and their perspectives are not prioritized, making meaningful workplace change very difficult to achieve.⁸²

This balance and support are desired, as one participant felt that there was an imbalance of power with the Roots program under MCFD because the policy and programming are subject to the interpretation “of white settlers who are indoctrinated.”⁸³ Because it has been difficult for some Indigenous staff to bring forward progressive ideas and approaches within MCFD,⁸⁴ having the support of MIRR to engage in cross-ministry and tripartite discussions with Roots Workers would mean that Roots Workers and Indigenous staff wouldn't have to bear the brunt of continually educating and re-educating MCFD staff on cornerstones of cultural sensitivity.

When Indigenous people are trying to make positive changes in their workplaces within colonial governments, they need to feel there is a safe space where they can come forward to be heard and have their issue resolved. The experience of one participant left them feeling frustrated and on unpaid stress leave that continues to this day.⁸⁵ They felt that there were no protections for those who are trying to make changes, and that First Nations and Métis staff are leaving because of unaddressed systemic issues that leave staff feeling powerless to effect change and leaving their roles because of the way they have been treated.⁸⁶ Furthermore, the participant stated that neither the BC General Employees Union (BCGEU) or the BC Ombudsperson office have any Indigenous representation to support employees who are facing discrimination in the workplace.⁸⁷

In one instance, a participant had alleged racial discrimination and bullying from their supervisor in MCFD and was trying to secure a new position within government.⁸⁸ Although their previous employment reviews exceeded expectations, they

78 Supplementary interview #1 with participant

79 Supplementary interview #1 with participant

80 Supplementary interview #2 with participant

81 Supplementary interview #1 with participant

82 Supplementary interview #1 with participant

83 Supplementary interview #1 with participant

84 Supplementary interview #1 & 2 with participant

85 Supplementary interview #2 with participant

86 Supplementary interview #2 with participant

87 Supplementary interview #2 with participant

88 Supplementary interview #2 with participant

were unable to secure even a lateral transfer to another position because the BC Public Service Agency often requires a reference from an applicant's current supervisor. In the case of the participant, the current supervisor was the same person whom the participant had made a complaint about racial discrimination and bullying. Unsurprisingly, when the participant was required to put down their supervisor as a reference, the reference check failed and the participant was unable to secure new employment. The participant remains on unpaid stress leave to this day and is living below the poverty line. Despite having outstanding references from a number of respected leaders, the participant cannot move forward with their career in the public service without having the reference of a current supervisor, thereby restricting their employment opportunities, and ability to effect change within the public service.⁸⁹

“I’m reminded that we are trying to fit into a colonial process, and they’re not really at the table validating that we have our own values and our own practices. Until that happens, that relationship of understanding may not come to a place where they’re able to build on those things in a meaningful way.”⁹⁰

The best interests of the child should always be at the centre of decision-making, and some participants felt that Roots Workers should have the authority to make these determinations in some circumstances using circle practice. This needs to go along with other supports, like access to income assistance, health, and education. It may be beneficial to have a Roots worker with this authority in the interim to make decisions, prior to Nations adopting a Coordination Agreement through federal legislation. One participant offered that while they didn’t believe a Roots worker should have the authority for removal, they considered that a removal shouldn’t be done until the Roots worker has said “I’ve done everything I can for this child according to Indigenous ways.”⁹¹ In this way, Roots Workers could go to Nations and tell them that removal is being considered and why that is so, along with what needs to happen for removal to be reconsidered. If Roots Workers were provided the jurisdiction to advocate, condone, and enforce, this could support long-term prevention planning and prevent removals in the first place.⁹²

“When we have a single Indigenous mom on income assistance, telling her to go out and search for work by a non-Indigenous worker...there should be a different process because they may need healing before finding a job.”⁹³

Cultural Protocols

One participant and former Roots worker felt that MCFD needs to embrace a distinctions-based approach to the Roots program and recognize it is inappropriate to designate Métis Elders to act as an authority over First Nations employees, especially when First Nations employees are from the area and bring local perspectives and teachings.⁹⁴ In one instance, a participant shared that they were bullied by Métis Elders who were upset that a gathering was arranged by a participant without their permission.⁹⁵

There was further criticism that Métis Elders were unable to provide the correct cultural support to First Nations families who were confused about whether they should be brushing with cedar or sage. Some families are “so disconnected from their culture and can fall into a sense of trust with this kind authoritative power.”⁹⁶ In one instance, it was reported that

89 Supplementary interview #2 with participant

90 Participant from March 8, 2022 Session

91 Supplementary interview #1 with participant

92 Supplementary interview #1 with participant.

93 Supplementary interview #1 with participant.

94 Supplementary interview #1 with participant

95 Supplementary interview #1 & 2 with participant

96 Supplementary interview #1 with participant

someone was designated as an Elder but they were neither Métis nor First Nations descent.⁹⁷ Beyond criticisms of Métis Elders not knowing cultural protocols for medicine, one participant also commented that MCFD staff did not understand protocols around the use of medicine either. To support the MCFD team’s cultural sensitivity and understanding, an Indigenous staff member reached out to their own Elder who came in and provided teachings to MCFD staff, but nothing changed.⁹⁸

“Where did these Elders come from? Who hired them?”⁹⁹

It was questioned how First Nations Elders were being recruited and why none of them had employment contracts, unlike the Métis Elders who were all reported to be on contracts.¹⁰⁰ It’s alleged by one participant that there is difficulty in retaining First Nations Elders after they have been recruited, and it was also questioned by the participant how Elders are being asked and by who.¹⁰¹ One example was provided where a First Nations Elder was asked to participate but declined until an Indigenous staff member reached out and then the Elder agreed. Government partners need to lean on First Nations to help build these kinds of relationships because bringing in Métis Elders and those who are bringing teachings from other provinces are not providing relevant First Nations protocols for First Nations in BC.¹⁰²

“They don’t really understand that language is what sets us as being distinct from each other. Elders have clearly explained to me from tribes all across the scene that the reason we have dialect differences is because of our attachment to the lands in different places.”¹⁰³

One former Roots worker felt that the Métis Elders held discriminatory attitudes towards the First Nations Elders, and noted the First Nations Leadership Council’s public rejection of Métis Nation British Columbia’s claim of Aboriginal rights in British Columbia in 2021, acknowledging recent tensions between First Nations and Métis people and organizations in BC.¹⁰⁴

Capacity for Roots Workers was also raised as an ongoing challenge, with only 13 workers noted across the province. An example provided was that a Roots worker is dealing with four times as many files as a single social worker but is expected to complete their work in the same amount of time. At times, social workers will begin to press for the files to be pushed through even if the Roots work is not complete.¹⁰⁵

“When we’re dealing with social workers barking at Roots Workers saying: ‘Why do you still have this file?’ The model is to move files, not to care for people.”¹⁰⁶

It was suggested that Roots Workers should be permitted to go into communities to learn policies and cultural protocols, and bring those teachings back to MCFD to incorporate Indigenous culture and promote open-mindedness. In other cases, families have been clear that they don’t want Roots Workers involved because the family has been disconnected

97 Supplementary interview #2 with participant

98 Supplementary interview #2 with participant

99 Supplementary interview #2 with participant

100 Supplementary interview #2 with participant

101 Supplementary interview #2 with participant

102 Supplementary interview #2 with participant

103 Participant from March 8, 2022 session

104 FNLC Rejects MNBC’s claim of Aboriginal Rights in British Columbia. May 2021. Online: https://www.ubcic.bc.ca/fnlc_rejects_mnbc_s_claim_of_aboriginal_rights_in_british_columbia

105 Supplementary interview #1 with participant

106 Supplementary interview #1 with participant

from the community due to trauma and colonization,¹⁰⁷ but it's still important that they are aware of the supports that may be available through their Nation so that they can make an informed decision.

It was further suggested by a participant that each Nation should put down in writing their cultural protocols, in their own way, and set out their expectations for service delivery to support child wellness.¹⁰⁸ One example was provided by the participant where this had begun to happen in four communities and centered around harvesting practices, setting out what, where, and how to harvest by following cultural protocols. Despite the success of this initiative and supporters on many sides, MCFD declined to continue its participation in the initiative.¹⁰⁹ Another participant shared this perspective, noting that MCFD did not grant permission to go out to communities and this created barriers to MCFD's ability to listen and learn about important community perspectives.¹¹⁰

“In order to be understanding of other people is to be in a relationship with them and go into their communities. Take the time to do that.”¹¹¹

A theme that was present in a number of sessions is the protocol when one child comes from two different Nations. A participant offered that when a child comes from two different nations, “that means you have two different types of teachings and different ancestors that walk with you. That needs to be honoured; we're about inclusion.”¹¹² To support relationships of this nature, a participant offered that their Nation was developing an inter-Nation protocol and coordination agreement with neighbouring Nations, while another shared that it is important to understand that sometimes different First Nations can incorporate another Nation's systems and practices, but sometimes its not appropriate in certain circumstances so we need to be mindful and respectful, following the systems or practices of the host or lead Nation.¹¹³

There were also considerations discussed about funding and co-funding education and other supports for those who are from two different Nations.¹¹⁴ Depending on the unique practices of the community, Nation, or clan, we can find out this information from our Elders, while always being mindful that the child should go where they are most comfortable.¹¹⁵

Gathering Indigenous Data

During a one-on-one interview, a participant wondered how government was collecting and interpreting Indigenous data, and what government was doing with it.¹¹⁶ Interpreting data can be tricky, especially when some people don't want to self-identify as Indigenous because it can bring up associated trauma and perceived or actual stereotyping.¹¹⁷ We must highlight the importance of self-identifying so that we can collect meaningful data and understand the specific needs and gaps facing Indigenous people, while also finding ways to ensure that self-identifying doesn't make us a target for discrimination. Currently, data gaps and opportunities exist in many areas, including one example provided that on income assistance forms there is a section for the parents to self-identify, but not for the children.¹¹⁸

107 Supplementary interview #1 with participant

108 Supplementary interview #2 with participant

109 Supplementary interview #2 with participant

110 Participant from March 8, 2022 Session

111 Participant from March 8, 2022 Session

112 Participant from March 8, 2022 Session

113 Participant from March 22, 2022 Session

114 Participant from March 22, 2022 Session

115 Participant from March 22, 2022 Session

116 Supplementary interview #1 with participant

117 Supplementary interview #1 with participant

118 Supplementary interview #1 with participant

“It’s about each Nation determining data sovereignty in its own view.”¹¹⁹

When we are collecting Indigenous data, it is important to ask questions in a trauma-informed way that is culturally safe so that people will feel comfortable to self-identify as Indigenous. “Data should be collected our way, and we should have the right emotional and cultural supports in place, along with honorariums to recognize and respect our time and contributions.”¹²⁰

One participant shared how data can be used against Indigenous children when it is not interpreted correctly or without due consideration for cultural teachings.¹²¹ For example, a child may be taken out of school on occasion to participate in cultural activities that are important to the family and community and yet, the child is marked as “absent” and this is used against Indigenous parents in court when MCFD is trying to make their case to take the child away because the parents are negligent.

In considering Indigenous data and how it is being used by our government partners, we must look at its accessibility. It was reported by a participant that the filing systems that are used cannot be accessed by Roots Workers to put their information in there or even the names of the Roots Workers.¹²² Furthermore, there is no separate file management protocol for cultural supports. These limitations impact Roots Workers from being able to do work in a way that supports Indigenous children.¹²³

Another concern that surfaced was that on MCFD files, there is only one tab to document Indigenous information and it is limited in its use. Information about Indigenous children has to be put in with the notes of the social workers where it can be lost in all their reports. Roots Workers have to read through piles of information trying to find important information about a child’s Indigenous background when it should be easily accessible for use and updating.¹²⁴

“...the questions are so invasive and antiquated; they aren’t factoring in an Indigenous perspective of how we take care of our family.”¹²⁵

Under the current model, the programming and technology are not up to date with what is needed, and Roots Workers continue to struggle with forcing families to tell their stories over again.¹²⁶ There was a report that Roots Workers were restricted from gathering relevant data and that when Roots Workers were trying to locate Indigenous ancestry, they have to phone Crown and Indigenous Relations and Northern Affairs Canada (CIRNAC) and advise them of the last names and claims of their grandparents. The response from CIRNAC was that they cannot disclose any information, but that the child “may come from these potential regions” and will provide 5-7 regions. Then the Roots worker has to phone those Nations but not all of the Nations will confirm what is being requested because of privacy concerns. In those cases, the family has to contact the Nation but often feels like they don’t know what to say.

Another example where families are having to tell their stories over again is demonstrated when a family goes to a Roots Worker for support and to sign a release form. That release form should be a one-time consent to allow Roots Workers to request and receive information on behalf of families. Roots Workers should not have to jump through various provincial and federal agency hoops to get information that has been consented to be released by families.¹²⁷ Having to approach families time after time for the same types of consent to release information takes time and energy away from supporting

119 Wrapping our Ways presentation quote

120 Wrapping our Ways presentation quote

121 Supplementary interview #2 with participant

122 Supplementary interview #1 with participant

123 Supplementary interview #1 with participant

124 Supplementary interview #1 with participant

125 Supplementary interview #1 with participant

126 Supplementary interview #1 with participant

127 Supplementary interview #1 with participant

the real issues on the table.

Roots Workers have also tried to go through ancestry.ca and Findme23.ca, but were told by their managers that information can't be accessed because it is an American company.¹²⁸ The participant felt that was discrimination because "we are not being given the technology that we need to connect our families and their relatives with their cultures."¹²⁹

"We're stifled with technology, jurisdiction, accountability, and equity."¹³⁰

Ministry Perspectives: From the Inside Out

One way to better understand the systems that we currently work within is to hear directly from the people who work in these systems. One participant considered that the BC government provides annual surveys to their employees called the Work Environment Survey (WES) and that this information would be helpful to understand some of the challenges within government from an employee perspective.¹³¹

During WES polling, ministries and work units are evaluated on a range of areas by staff in an anonymous format that allows people to share in a safe space about what's working and what's not.¹³² The participant suggested that ministries like MCFD should be mandated to share past and present WES information with the First Nations Leadership Council (FNLC) in confidence so that they can review WES information. Alternatively, FNLC could create their own survey for ministry staff to better understand staff struggles.¹³³

"When we see things that are not right, we have to face them."¹³⁴

Staff at all levels of the child and family wellbeing system should take a survey designed by Indigenous people to inform Indigenous advocacy groups of the processes and barriers that need change within the system.¹³⁵ Understanding the perspectives and struggles of people working within the systems can help First Nations to understand areas that Indigenous groups should be advocating for change and supporting allies within MCFD.

In addition to WES results and other surveys, another way to understand ministry perspectives is through exit interviews with Indigenous staff who decided to leave their positions. One participant shared in their interview that they believed there was a high turnover rate for Indigenous staff and wondered why, and where the accountability comes in after that information is provided back to the ministry.¹³⁶

Measuring Change & Accountability

How can we measure milestones and achievements to track the feedback that participants provide to governments on these issues? One participant considered that if First Nations are asserting jurisdiction, communities should not be the

128 Supplementary interview #1 with participant

129 Supplementary interview #1 with participant

130 Supplementary interview #1 with participant

131 Supplementary interview #1 with participant

132 BC Public Service - WES. Online: <https://www2.gov.bc.ca/gov/content/data/statistics/government/employee-research/wes>

133 Supplementary interview #1 with participant

134 Participant at Wrapping Our Ways session on March 3, 2022

135 Supplementary interview #1 with participant

136 Supplementary interview #1 with participant

only partner at the table doing all the reporting.¹³⁷ Some participants expressed frustration that repeated attempts to address issues have not resulted in any progress and that our approach should be scaled back to a single tangible action item at a time from the individual to the government level.¹³⁸ The participant felt that when we have a concrete list of action items for government to address, it is easier to track them and hold government accountable for making these changes one at a time. When we try to do everything all at once, government has a hard time focusing its energy on change and it keeps the status quo in place.¹³⁹

One participant suggested the use of Key Performance Indicators (KPI) in order to hold the ministry accountable to their own, looking at what is working, what's not, along with inputs, outputs, and statistical data.¹⁴⁰ Another participant considered the option of Roots Workers connecting with Nations to start thinking about the development of accountability and KPIs for MCFD.¹⁴¹ This is similar to an idea that another participant had in Supplementary Interview #1¹⁴², suggesting that Roots Workers should be permitted to go to Nations and learn their protocols to bring this knowledge back to MCFD. In this way, Nations would be able to assert protocols along with traditional laws and measure MCFD adherence to the Nation's requirements, allowing the Nation to provide feedback and guidance on the proper way to respect and give effect to the Nation's protocols and laws.

Other participants believed that with the introduction of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) at federal and provincial levels, accountability will follow for governments.¹⁴³ While seeing UNDRIP in legislation is exciting and monumental to witness at these levels in government, another participant was more skeptical, stating they felt that "our jurisdiction is bigger than Bill C92, bigger than UNDRIP, than anything."¹⁴⁴ In the case of each Nation, what self-determination looks like will reflect the values and teachings that are distinct to that Nation.

"Instead of one action plan for UNDRIP, there needs to be 34 in BC so that rights-holding groups can actually plan for the implementation of those UNDRIP articles in accordance with that rights-holding group."¹⁴⁵

Accountability is also found in Bill C92, where it is noted that every five years, a review is done to examine the provisions and operations of the Act. This will provide an opportunity for Indigenous Nations to give feedback from the community-level about how the Act is working on a day-to-day basis. While there appeared to be an appetite from participants to engage in this review, one participant felt that their community would not have the financial and human capacity to support the review even if they wanted to.¹⁴⁶ Another participant suggested that every year there should be a national conference so that tripartite tables can come together to get updates and understand what is happening in the implementation of Bill C92.¹⁴⁷

While data can sometimes paint a picture we don't always want to see, other times it can be helpful to provide transparency and communication to community members about a given project. A community participant offered that their Nation collected and shared engagement data from previous engagement sessions at each new session to provide continuity about the conversation across groups and time.¹⁴⁸ This initiative is being developed alongside hereditary

137 Participant from March 5, 2022 Session

138 Participant from March 5, 2022 Session

139 Participant from March 5, 2022 Session

140 Participant from March 22, 2022 Session

141 Participant from March 22, 2022 Session

142 Supplementary Interview #1 with participant

143 Participant from March 8, 2022 Session

144 Participant from Wrapping Our Ways presentation

145 Participant from March 8, 2022 Session

146 Participant from March 5, 2022 Session

147 Participant from March 8, 2022 Session

148 Participant from March 22, 2022 Session

chiefs, youth leaders, community members, language experts, and includes the development of a language glossary with words and phrases that are relevant to the engagements.¹⁴⁹ Strategies such as these support communities to track discussions and action items on an ongoing basis that promotes inclusion for all members, even when they are not available to show up for every meeting.

Barriers to Standing Up Jurisdiction under Bill C92

Understanding Bill C92

When questioned, some participants were unsure about how to get the ball rolling on the implementation of Bill C92 in their communities. When a First Nation wants to move forward on asserting their jurisdiction, one participant suggesting taking the matter to court and advising the Crown, while another participant felt that providing a formal letter would be sufficient. In one instance, a participant advised that their community went into negotiations with their traditional council, while another recalled ISC guidelines which stated that community engagement was required.¹⁵⁰ One participant offered that in their experience, a band council resolution was used to notify government that the Nation is ready to recognize jurisdiction, and from there a meeting is requested and the Coordination Agreement process begins.¹⁵¹ The varied responses from participants underscore the inconsistent information that is circulating amongst community members is causing confusion.

If a First Nation decides that it wants to move forward with a Coordination Agreement, how will we recognize those who step forward to represent First Nations as an Indigenous Governing Body (IGB)? Some communities will tap into the responsibilities of their own hereditary leaders, while others suggested using a Band Council Resolution to appoint individuals to an IGB.¹⁵² Despite the interest to move forward, one of the key challenges that was noted was that there is no allocation of resources to help build the infrastructure that will support the reinvigoration of child wellness systems.¹⁵³

“Recognizing those who step forward to represent an Indigenous Nation on something like this, it can be put into a structure, but it has to be legitimate for the people. It has to arise from the community.”¹⁵⁴

Funding & Capacity Inequities

It was stressed by one participant that funding applications need to be simplified because overly complicated funding applications keep people away.¹⁵⁵ The reporting should be less stringent because it makes it more work for Nations to

149 Ibid.

150 Participant from April 14, 2022 Session

151 Participant from April 14, 2022 Session

152 Participant from April 14, 2022 Session

153 Participant from April 14, 2022 Session

154 Participant from April 14, 2022 Session

155 Participant from March 5, 2022 Session

complete and not worth the often limited capacity that is available in the community, especially when Nations do not know if they will be approved for the funding at all.

“Stop drowning us in paperwork. Grandmothers are left trying to do the paperwork or else the funding gets frozen.”¹⁵⁶

A participant suggested that we need an accessible database with different funding pots from a variety of areas.¹⁵⁷ Because there are many funding opportunities that communities are not aware of, it would be helpful to have books and workshops to understand what is available for funding opportunities and to help identify priorities for communities. It was suggested that instead of aligning the community’s plan to the funding we know about, we need to find the funding that will fit that plan that works for the community.¹⁵⁸

One significant challenge noted by a participant was that they are trying to build something but they don’t know how much it is going to cost, and there has been no funding commitment so they are trying to develop something without knowing the price and without access to data that would help them to draft a protocol agreement, adding that MCFD has been “very reluctant to get out of the box and give us access to the data.”¹⁵⁹

Another participant noted that there are many huge Treaty organizations that are working together and have tons of people on a project, while smaller Nations don’t have that capacity.¹⁶⁰ Because of this in equity, funding needs to be based on the needs of the Nation given that we all have different needs. It was suggested that funding be equitable and based at a Nation-level, not per province or region.¹⁶¹

Foster Care

“There is no room for our own in our communities. There needs to be an advocacy model that funds the supports for our children.”¹⁶²

A criticism that was shared noted that there are non-Indigenous foster homes built around Indigenous children that cost \$18,000 – \$30,000 per month and that this money should be going back to communities to support them and build systems like this in the communities themselves.¹⁶³ One participant shared that they knew a foster mom who was getting \$1800 per child monthly while their own mother was getting \$900; “that’s a big barrier.”¹⁶⁴

Other participants felt that matching funding between on-reserve and foster care funding is not enough because there has been so much money given to having children removed that further inequities have been created down the line, particularly around housing.¹⁶⁵ Consider if every First Nations community in BC had seen adequate housing and guaranteed funding of \$18,000 – 30,000 per month to care for at-risk children in their communities over the last several decades. What would these communities look like today?

156 Participant from March 5, 2022 Session

157 Participant from March 5, 2022 Session

158 Participant from March 5, 2022 Session

159 Participant from March 8, 2022 Session

160 Participant from March 8, 2022 Session

161 Participant from March 8, 2022 Session

162 Participant from March 8, 2022 Session

163 Participant from March 5, 2022 Session

164 Participant from March 26, 2022 Session

165 Participant from March 5, 2022 Session

“The way that they relate to us right now is they dangle a dollar and we jump. Whoever jumps the highest gets it but some of us don’t even have legs. We can’t even jump.”¹⁶⁶

During one session, a participant wondered aloud why so few of our families are foster parents.¹⁶⁷ They felt that First Nations have loving family members who want to foster, but the program that they have to go through is too intrusive for them, stating that “the MCFD adoption and caregiving approval and registration process is gruelling and not culturally appropriate.”¹⁶⁸

Delegated Agencies

For one participant, they felt that some delegated agencies are “attempting to suppress our Nations and take over the jurisdiction, taking it away from our Nations.”¹⁶⁹ It was shared that in their experience, some social workers in Delegated Aboriginal Agencies (DAAs) are too ingrained with provincial policies and procedures, while the social workers from the Nation are seen as the Matriarchs who know the families and communities. In bringing back the use of Matriarchs, that Nation is going back to the way they used to do things, and building capacity to support their frontline workers in making these tough decisions in the context of child and family wellness.¹⁷⁰

“The challenge with the delegated agencies is just business. It feels personal, but it’s part of the colonial system that we’re in now. We’ve grown into it and now we’re trying to grow out of it.”¹⁷¹

Other participants had their own views on DAAs, with one admitting to facing prolonged unresponsiveness, to the point that it is “challenging to get a hold of anybody working within MCFD and DAA’s - and the silence feels racist.”¹⁷² Another participant felt that the colonial system, including DAAs, “still just scoop up our kids” because the colonial mindset is still running deep.¹⁷³

While DAAs have provided support to many communities over an extended period of time, one participant asserted that “when our relatives say ‘we are ready to take this on’, then we need to stand them up and support them. We don’t see that happening [with DAAs] because people do not want to give up control.”¹⁷⁴ Another participant felt that this too was one of the key issues that his First Nation faces with Indigenous DAAs in his region refusing to relinquish their power, believing that this is a massive problem throughout the whole country.¹⁷⁵

Whichever model is decided upon by Nations, they will be in the best position to know when they are able to take the steps they need to in order to reach their goals. In some cases, Nations may stay with their current model, or see opportunities to evolve their approach to service delivery models under Bill C92. These internal discussions will have to occur at the time and pace appropriate for the parties involved, and will likely take time to carefully consider the vision to implement the change that is desired.

166 Participant from March 8, 2022 Session

167 Participant from March 22, 2022 Session

168 Participant from March 22, 2022 Session

169 Participant from March 22, 2022 Session

170 Participant from March 22, 2022 Session

171 Participant from March 22, 2022 Session

172 Participant from March 22, 2022 Session

173 Participant from March 22, 2022 Session

174 Participant from March 22, 2022 Session

175 Participant from March 26, 2022 Session

Repairing Broken Relationships

One barrier that was shared by a participant was that sometimes parents and their children are not registered with the Nation and that makes it problematic for the Nation to provide support and assert their rights and jurisdiction. A safety plan needs to be worked on with the family so that there is some flexibility and the family is aware of the resources available to support them, including information about the process the Nation goes through, and reaching out and working with whomever is speaking for the child. While some Nations don't want to be the party appointing someone to speak for the child because it's a best practice to have someone come forward, sometimes MCFD will not abide by this process which can put the Nation in an awkward position.¹⁷⁶

“A lot of our members were displaced for several reasons, and now they don't want to be part of their mother and father clans. There have been a few times where kids didn't originally want to come to the territory, but after being here, they didn't want to leave.”¹⁷⁷

Colonial practices have caused intense fragmentation amongst families and communities. This means that fighting within families can result in some members being left out of consideration for placement even though they are able to provide nurturing homes. Despite internal rifts, social workers within the community should contact as many family members as possible to see who might be able to provide support until the family can get their situation under control and get support in place.¹⁷⁸

“We know that our families have been destroyed and lots of families don't have aunts and uncles or grandparents. We need to build families up and build those roles into our systems.”¹⁷⁹

One participant shared that sometimes there are band members advocating for community members in court when there is no legal representation, their cousin was there on one occasion without any support.¹⁸⁰ The participant then called the Chief and let them know that this was not okay, even if there is a bias towards their cousin. The participant felt very strongly that there are roles and responsibilities that the Chief must adhere to, and they must continue to support community members and meet them where they are at, regardless of strained and broken relationships.¹⁸¹ These internal fights will only serve to further fracture communities and hinder growth and relationship building between neighbours and family members.

While breakdowns within families and communities can cause deep rifts, this breakdown can also ripple out and cause strained relationships and distrust of Indigenous people who are from different Nations but are there in communities trying to provide support to families and Nations. As one participant reflected, “I've had experiences where I've tried to work for a community but because I'm not from that community, I'm not welcome there.” Even though the participant was not from the community, they still felt that it's better to have an Indigenous person working for other Indigenous people until they can build their own capacity.¹⁸²

One participant believed that our laws and parents need to come together and let the child decide who to identify with, wondering if we should go back to traditional ways and matrilineal raising.¹⁸³ They shared that a safety plan and a care plan

176 Participant from March 5, 2022 Session

177 Participant from March 8, 2022 Session

178 Participant from March 5, 2022 Session

179 Participant from March 5, 2022 Session

180 Participant from March 26, 2022 Session

181 Participant from March 26, 2022 Session

182 Participant from March 8, 2022 Session

183 Participant from March 5, 2022 Session

are needed to make sure that the family’s needs are met. Sometimes more than one person is speaking for the child, which is important but can also make it difficult when we have to consider who can help, care for, and make plans for the child. Centering the child in this work is so vital, and there is a process and we need to respect the families who are speaking for the child. In some situations, it may not be appropriate for the Nation to decide who can speak for the family.¹⁸⁴ We must pay close attention to our actions and make sure that the best interests of the child are being lifted up.¹⁸⁵

“My family has been targeted for four generations: residential schools, sixties scoop, day school, and the millennium scoop.”¹⁸⁶

We need to change the narrative so that communities are proud of and support people who stand up and ask for help because that will give others the strength to come forward for help.¹⁸⁷ Gossip in the community can create challenges and shame people into silence, so we need to find ways to counter this. One way to welcome people is to have a ceremony, which some communities have done at times when they bring their children home. Helping people develop cultural ties along with counselling and social connections were also suggested as ways to support people who were struggling with reconnecting.¹⁸⁸

Bringing Our People Home

We have to create safe spaces for families to come forward and get the support they need. To do this, we need to make sure that we are prepared to receive people who are looking to open up. If a person is being asked to offer something of themselves, they need to know that they will be heard and respected.¹⁸⁹

With capacity and funding consistently identified as barriers to achieving success, how do we encourage people to come back to the community once they have received some training and knowledge to enhance the community’s well-being? What barriers are keeping them from the community? Some participants identified housing and employment as key reasons, with one participant sharing that some communities restrict who can work there, limiting their job pool to on-reserve candidates only.¹⁹⁰ While this does a great job at supporting local workers, this also means that people living off-reserve cannot apply to these jobs because they don’t meet the requirement of living on-reserve.¹⁹¹

While bringing children and youth back to communities is the overarching goal in many cases, there can be real challenges that happen when integrating young people into or back into community life. One participant felt that “we become the bad people because we bring them into impoverished conditions and take them away from the cities and their friends.”¹⁹²

For Nations that are not connected to urban hubs with public transportation, this can also mean that youth are hitchhiking to get back into cities and heightening risks to their safety. We want kids to see a vibrant community that they want to be part of on a consistent basis, and not running away to get back into the city.¹⁹³ Government support is needed to help create this reality because getting our children back is one thing, but keeping them is another.¹⁹⁴

184 Participant from March 5, 2022 Session

185 Participant from March 5, 2022 Session

186 Participant from March 26, 2022 Session

187 Participant from March 5, 2022 Session

188 Participant from March 5, 2022 Session

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194 Participant from March 5, 2022 Session

When Nations are looking to start a youth program in their communities, they should find the natural leaders in their communities who have a passion for showing up in the community's cultural ways; the rest flows naturally from there.¹⁹⁵ Over time, youth gain confidence as they become more involved in the community, chairing meetings and sharing knowledge with community members. There was an acknowledgement that healing from trauma is a lot of work and diverse teams will bring many lived experiences, so it is important to take the time that is needed to undo the wounds that many of us carry.¹⁹⁶

With more youth finding their voices, one participant saw that community involvement with governance has grown.¹⁹⁷ There was recognition that bringing back youth voices into clan meetings was needed, as all voices must be heard, considered, and amplified to move in a good direction.¹⁹⁸

In one community, every year they have a 'Welcome Home' gathering that brings children in care back home for the weekend where they can participate in cultural activities. The first two years the gathering was hugely successful and it was financially supported by MCFD. However, now the ministry has been asking the community if they've found their own dollars to host the gatherings on their own. The participant who shared this story felt frustrated because they felt that even when the community does succeed, MCFD is still in the picture holding the reins and reinforcing the power imbalance, reminding the community of their dependency instead of supporting reconciliation.¹⁹⁹

The Urban Divide

One participant stressed that we need to ensure that the services provided to those members outside of the territory in urban environments are adequate, including preventative supports, and that the caseworkers who are working with Indigenous families need to know which supports are available to Indigenous families who are interacting with the child welfare system in an urban setting where available resources may not be familiar to families.²⁰⁰

Examples of preventative care in urban environments included strong Friendship Centres, Indigenous staff with MCFD, and having Indigenous people work directly with Treaty and urban organizations.²⁰¹ Another participant suggested resources like an Auntie's Home for urban folks who can't access community-based supports but are looking for a safe place to regroup.²⁰²

Another participant shared their frustration about how change has been slow to come, noting she "can't just wait until Nations have jurisdiction over their off-reserve children. I'm tired of children being taken away from their parents because the support services they need are not there for them."²⁰³ We must consider ways that leadership and treaty organizations²⁰⁴ can support our urban families to assert jurisdiction outside of their home territories in both the immediate and long-term because communities do not have the luxury of time.²⁰⁵

There was also an acknowledgment that some urban Indigenous folks continue to be disconnected from their Indigenous

195 Participant from April 14, 2022 Session

196 Participant from April 14, 2022 Session

197 Participant from April 14, 2022 Session

198 Participant from April 14, 2022 Session

199 Participant from March 22, 2022 Session

200 Participant from March 8, 2022 Session

201 Participant from March 5, 2022 Session

202 Participant from March 8, 2022 Session

203 Participant from March 5, 2022 Session

204 Participant from March 5, 2022 Session

205 Participant from March 5, 2022 Session

culture because of the sixties scoop, and resources need to be created to help people find and reconnect with their relatives across Turtle Island,²⁰⁶ including a hotline.²⁰⁷

Our Evolving Reality

Bringing Our Laws to the Front

Bringing First Nations' laws to the front is no small feat for Nations who are starting this work and trying to build capacity. There are some programs out there to help Nations translate their traditional teachings into the modern context to support self-determination, including the University of Victoria's Indigenous Law Research Unit (ILRU). Nations can access ILRU with their own funds or with government funding, noting that ILRU is working towards a model where they have base funding and can subsidize communities in this work.²⁰⁸ ILRU encourages Nations to reach out to them to talk about timelines and project planning, along with criteria for developing relationships. There was a strong desire from many participants that their Nations prioritize the revitalization of First Nations laws so that young people can learn and see their connection to the land and know the teachings.²⁰⁹

The support provided by ILRU means that Nations can share their traditional teachings with ILRU and they will work together with the Nation to translation ideas, principles, and teachings so that they can be used in a contemporary context that can then be applied to different initiatives and objectives of the Nation, including protocols for standing up jurisdiction for child and family wellness.

While some Nations consider bringing their laws to the front to guide the implementation of Bill C92 and Coordination Agreements, others are going another route. One participant shared that their community has been in a Treaty process with three other communities which are also trying to build self-governance. Because these communities have been asserting their jurisdiction in other ways through the Treaty process, they "don't feel the need to build a Coordination Agreement because we are passed that."²¹⁰

For some modern Treaty Nations, traditional laws continue to exist according to one participant.²¹¹ While one treaty Nation had not enacted any specific cultural laws, traditional practices were used instead and they were able to draw upon the traditional house system, leadership, and reenacting and reinvigorating decision-making and care around children and families.²¹²

"I myself asserted my rights here in Toronto. I went to court and won, it was a win for my children, for other families in Toronto, Indigenous communities, and for the Shuswap Okanagan and Stl'atl'imx people. I cited traditional laws and had help from leadership. I had to get rid of my lawyer."²¹³

Outside of BC, the Cowessess First Nation created its own piece of legislation that led to the creation of the first Coordination Agreement in Canada.²¹⁴ The accountability process for that Nation is based on a tribunal system, which is anticipated to

206 Participant from March 5, 2022 Session

207 Participant from March 5, 2022 Session

208 Participant from April 14, 2022 Session

209 Participant from April 14, 2022 Session

210 Participant from April 14, 2022 Session

211 Participant from March 22, 2022 Session

212 Participant from March 22, 2022 Session

213 Participant from March 26, 2022 Session

214 Cowessess First Nation Miyo Pimatisowin Act

bring some independence when resolving disputes between parties. The specifics around the tribunal, including how the tribunal will function and who will be part of the tribunal, remain to be seen.

In April 2022, the Simpcw First Nation signed the first co-created child welfare agreement in BC history.²¹⁵ Today, Simpcw has “its unique practices, customs, laws, language, and traditions integrated into a new child welfare agreement.”²¹⁶ The government release stated:

“The agreement recognizes the elements of the federal Act respecting First Nations, Inuit and Metis children, youth and families, and outlines how the Simpcw and the ministry will work together on assessments, investigations, plans of independence and plans of care, including placement decisions, to support the well-being of Simpcw families. The agreement also sets out how the ministry’s child welfare practice decisions will be informed by a Simpcw community designate to ensure the Simpcw worldview and cultural continuity are incorporated.”²¹⁷

The success of Simpcw is truly historic and signals an important shift in the willingness of governments and MCFD to recognize and respect Indigenous rights. While the agreement is very new and will take time to fully implement, First Nations from around BC will be watching closely to see if this approach can be replicated in their own communities.

One participant questioned “Why do laws have to be written, why can’t they be oral?”²¹⁸ Another participant offered that laws should take whatever form they need to take, with some taking the form of a mask or a song to illustrate the laws of that Nation.²¹⁹ At the same time, another participant acknowledged that some communities do want something tangible that is written so that it can be recorded, preserved and shared in the future.²²⁰ In each case, the differing worldviews presented can create challenges, but we have to take ownership of our distinct laws so that “there’s no more generic Indian.”²²¹ These examples highlight the beauty, complexity and key considerations that are on many peoples’ minds as they consider the best way to move forward in applying their traditions in a modern context.

Nations engage in decision-making in different ways on different topics. For one Nation, a participant shared that “if we don’t have every one of our people bring their knowledge, then it’s not legitimate. There is not one Ktunaxa alive that holds all of the Ktunaxa knowledge. There never has been, and there never will be. Every one of us has a piece of it, and that’s the way it’s always been designed so that we can continue to transmit, share, build and innovate. It’s only when each one of us has the opportunity to have the input that the wholeness is there.”²²² This demonstrates the strength and wisdom of diversifying knowledge holders throughout the community to ensure the survival of vast amounts of community knowledge.

Another example provided by a participant acknowledged a very spiritual dance that was done by their Nation which represented strategic planning and preparation for the next year, and also showed that Indigenous people also had their own forms of taxation and wealth distribution.²²³ These alternative formats of decision-making and economic policy were contrasted with the usual approach to strategic planning where people are sitting in a boardroom “with a five-point proposal.”²²⁴

215 Simpcw First Nations signs first co-created child welfare agreement in BC history. April 2022. Online: <https://news.gov.bc.ca/releases/2022CFD0019-000551>

216 Ibid.

217 Ibid.

218 Participant from March 8, 2022 Session

219 Participant from March 8, 2022 Session

220 Participant from March 8, 2022 Session

221 Participant from March 8, 2022 Session

222 Participant from March 8, 2022 Session

223 Participant from March 8, 2022 Session

224 Participant from March 8, 2022 Session

“We have been self-governing for thousands of years and we can do it again; meeting together like this with like-minded people, we are doing it and uplifting each other.”²²⁵

Examples of Indigenizing Child Wellness

Given that a lack of legal representation for families in court was reported as being a barrier to standing up jurisdiction over children, a fully funded Indigenous court system for family law was suggested with Indigenous judges and a panel of Elders, citing a corrupt colonial system that treats Indigenous people unfairly.²²⁶ Collective community supports and networking with First Nations Justice Centres and Legal Aid would also help to support families, along with training for judges and lawyers so they can deliver their services in a more culturally appropriate manner.²²⁷

One participant also mentioned that Aboriginal Court has started to talk about taking on First Nations child and youth cases, demonstrating a shift in the mandate of Aboriginal Courts that will also affect colonial courts. This shift will provide an opportunity to further shape restorative justice programs to support family court issues. Because First Nations are evolving and growing all the time, the systems we work within should be growing as well, including the consideration of other provinces outside of BC which will interact with community laws.²²⁸

“Once the people wake up, they’ll pick the language back up again. And the language will be there. It’s there. It’s in every plant. It’s in every rock. It’s in everything that’s around them.”²²⁹

Another participant felt that to support Indigenous perspectives, work on Bill C92 needed an anchor that was well funded and staffed, such as a secretariat to provide a solid foundation for work on implementing and monitoring work on Bill C92. Responsibilities of the secretariat could be policy and regulation initiatives, with the secretariat supporting this work without taking a leading role and being a point of contact for First Nations seeking resources, especially smaller communities that may need some extra support.²³⁰

Peer support workers were also mentioned as a positive way forward to promote Indigenous values in child and family wellness, pairing these workers with DAAs and ministry offices to hold presentations and workshops to educate on the specific First Nation that the agency resides on.²³¹ In this way, we can ensure that the information provided is tailored to the history and impacts of residential schools and inform our ministry partners how that legacy translates into the current realities that on-reserve and urban populations face.²³²

One suggestion that was made is that Nations need to start developing their own curriculum and designations for their own social workers. The feeling is that if First Nations are going to truly exercise sovereignty, there is a need to assert authority and designate social workers according to the values and teachings of that Nation so that their own best practices for child wellness are brought to the front.²³³

In one instance, a participant suggested that federal and provincial governments should partner with a willing First Nation to establish a pilot project that hosts community members, non-community member Indigenous caretakers, or

225 Participant from April 14, 2022 Session

226 Participant from March 5, 2022 Session

227 Participant from March 5, 2022 Session

228 Participants from March 5, 2022 Session

229 Participant from March 8, 2022 Session

230 Supplementary interview #1 with participant

231 Participant from March 26, 2022 Session

232 Participant from March 26, 2022 Session

233 Participant from March 26, 2022 Session

even settler caretakers to live in a community with an at-risk child in ‘their home’ and be supported in raising the child in their community until the child ages out of care.²³⁴ This would allow the child to live in the community and continue to learn about their culture and extended family while allowing the community to keep an eye on the child and make sure they are receiving the supports the child needs to grow. If the parents of the child are able to stay in the community and are healthy, they would be able to maintain a relationship with the child.²³⁵ Models like this provide holistic supports that place the child at the centre and encourage the family’s recovery.

Phase Three: What We Heard, Conclusion

First Nations from around BC brought their experiences and aspirations to the Phase 3 sessions and interviews, sharing practical ideas and frank criticisms in their ongoing quest to create meaningful change in the delivery of child and family services through the implementation of Bill C92. There was an emphasis on redefining approaches to service delivery to ensure that cultural teachings are identified and delivered alongside other wellness supports. Participants also highlighted ideas to change government practices by using their own data on staff feedback, and considered how to measure change in government action.

A number of barriers were identified that are holding up First Nations who want to assert their own jurisdiction. This includes education on the mechanisms in Bill C92, funding and capacity issues, and repairing broken relationships between individuals and their communities. Unpacking these challenges and sharing information amongst participants on some successes and opportunities is always helpful when we come together, and participants came up with a number of excellent recommendations and considerations across different categories, including the historic child and family agreement that was signed by Simpcw First Nation in spring 2022.

As Nations and communities continue to take big and small steps forward in the direction that is right for them, we have to make sure we are not leaving anyone behind. While not every Nation has the same capacity to effect change today, we can always learn from the success of our neighbours so that we can leverage their wins and build on their achievements in the future. It is important that we come together to support the efforts of our families, communities, Nations, and neighbours so that First Nations can share their expertise and resources to build a bright future for the next generation, ensuring that a culture of care and tradition provide a solid foundation for everyone’s future success.

234 Supplementary interview #1 with participant

235 Supplementary interview #1 with participant

Phase Four: What We Heard

Summer 2022

The Foundation For Child & Family Wellness: Rebuilding Nationhood

Roles & Responsibilities

“The potlatch system says that it’s not just the responsibility of the parents, but it’s the clans - it’s everybody. When you introduce the child, it’s everybody’s responsibility to raise that child, to introduce that child, to help. It goes way back, when everybody had a role pre-colonization.”²³⁶

Due to colonization and the lasting effects of residential schools, the traditional structures and responsibilities within families, communities and Nations have been erased and distorted across Indigenous cultures on Turtle Island. In many cases, this continues to cause a breakdown in responsibilities and mentorship that were once in place to nurture and guide children from a young age to understand their own roles and responsibilities.

“There needs to be a push for retraining on responsibilities.”²³⁷

Throughout the engagements, many participants brought up culture and tradition as the backbone for moving forward in the right direction, with some participants highlighting specific pieces of their cultural traditions that they felt were the missing pieces, including mentorship and training for traditional roles that supported the community’s wellbeing and ability to grow. While each person has roles and responsibilities to uphold, these can be challenging to bring to life when some people haven’t yet begun their healing journey, or are still in the middle of figuring out what that means to them and how to approach their own path towards healing and wellbeing. It starts with self; knowing yourself and where your traditional responsibilities fit into the bigger picture.

Understanding and reclaiming traditional roles and responsibilities is not an easy path to walk for those who have been torn from their culture and families. While many people are beginning to return to their communities to reclaim their traditions and work towards a brighter future, we must acknowledge and respect that others may not feel welcomed or able to come home for many different reasons, including a lack of housing, employment, education and services that they have come to rely on in urban environments that are not available in their own communities. Others may still be recovering from their own trauma of growing up in their community and do not feel safe or supported to come back because of some community members who continue to live there.

“On-reserve there is no internet, no recreation. Kids come home and then start hitchhiking all over the place to have access to those things.”²³⁸

While each person must accept their responsibilities in order to move towards a better future, some may not know where to start and will have to reach out to Elders, knowledge keepers, and other community leaders and family members to understand and receive support. When we know ourselves and our responsibilities, we can boldly assert our rights and practice self-determination without pausing to ask permission because we know that we are born with these rights and are grounded in our responsibility for upholding them. However, the more rights we claim, the more responsibilities we have.

²³⁶ Prince George Session, page 15

²³⁷ Nanaimo Session, page 8

²³⁸ Nanaimo Session, page 3

“We are survivors, we are strong people and it is about time that we are able to be responsible and accountable for our kids under our laws and provide the care they need.”²³⁹

Many communities are missing their coming of age protocols and traditions, which means that the mentorship of children is missing and we are losing out on opportunities to build community leaders and benefit from their contributions in the future. Mentorship is essential because when children know who they are and what their responsibilities are within the community, this promotes identity, belonging, and the ability to act on that responsibility because children know what their role is and how they can contribute to the community’s well-being and resilience.

In gatherings and meetings on different topics, we often hear “somebody has to do this, who will take on this responsibility?”, but we look around the room and no one is putting their hand up to take on the responsibility. The lack of capacity and expertise in some communities is crippling because there are simply no people around who are willing and able to take on important tasks and responsibilities that will move communities and Nations forward. In many cases, people who have these skills and abilities are already working on other pressing projects and don’t have any more time to take on another project off the side of their desk, especially if there is no funding or compensation to do so.

Reclaiming Our Relationship to the Land

Gathering and healing on the land is transformative, and its value cannot be understated. Asserting jurisdiction over lands is a critical piece in child and family wellness because the land is embedded in Indigenous language, culture, and identity. How can a child understand and build their Indigenous identity if they do not know the lands from which they came? Children need access to their territories to learn about traditional teachings that are reflected in their land base. They must be on the land to learn about the landscape, berries, roots, wildlife, water and have the opportunity to practice the teachings they are given about these interconnected elements of the land.

“Our delegated agency would hold a yearly culture camp for kids who were adopted out or are in care outside of the community - they are all invited for a week of culture camp. And then the delegated agency is like ‘Okay. Yep. We’ve done our part. Good enough. We’re good for another year.’ I’ve been arguing to have seasonal culture camps so they are getting to learn trapping in the winter or harvesting shoots in the fall, instead of just a week-long cultural practice where they are learning in such a short period of time.”²⁴⁰

Other participants emphasized the importance of year-round culture and healing camps being delivered at the community level but not just through Child and Family Services groups, especially for those who are away from the community and live in an urban setting where it’s hard to connect to cultural practices.²⁴¹ In addition to these camps being offered to Indigenous children, one participant remarked that in Vanderhoof both Indigenous and non-Indigenous children in care are invited to participate in annual activities on the land, supporting reconciliation and providing an opportunity for non-Indigenous children who live within the territory to learn about First Nations culture firsthand.²⁴²

It was also shared that another community had a healing camp set up and that they invite one family at a time to participate. For those families who have been disconnected from their traditional territories for an extended period of time due to residential schools and apprehensions by the BC Ministry of Children and Family Development (MCFD), they had an opportunity to learn about healing, language, and cooking practices that were lost.²⁴³ This approach would also be very beneficial for families who may have tense historical relations with other members of the community and would not otherwise feel comfortable participating in community events where they felt excluded or unwelcome.

239 Kelowna Session, page 2

240 Prince George Session, page 16

241 Prince George Session, page 17

242 Prince George Session, page 18

243 Prince George Session, page 18

Standing United as Nations

Asserting jurisdiction over the land is not the responsibility of one family or community, but rather is an undertaking best accomplished by the Nation.²⁴⁴

“When I look at the syilx Nation, their seven bands, they hop on the [Okanagan Nation Alliance] and hop off. They are in and out. There’s no system in place at our Nation level that says, ‘when we come together, we agree on a policy against forestry’, for example, that we’re all together, we are united.”²⁴⁵

The concept of Nationhood is not a new idea, it’s reflected in both the language and territory of Indigenous peoples. In British Columbia alone, there are seven distinct language families and 34 First Nations languages.²⁴⁶ Nationhood is the Indigenous response to the ‘divide and conquer’ mentality that resulted in the fracturing of Nations into 200+ Indian Act bands across British Columbia. This fracturing not only attempted to dissolve concepts of Nationhood, but imposed foreign systems of governance such as the Chief and council structure which have attempted to dismantle traditional systems and assimilate Indigenous peoples into western concepts of governance.

“Leadership needs to take on that role and unite the Nations together, right to the most northern part of our country. If we started connecting from Nation to Nation to Nation and had a collaborative voice, the government wouldn’t know what to do with us. We need to get rid of that ‘divide and conquer’ mentality. We were caretakers but we also shared - we made sure that everyone survived and thrived.”²⁴⁷

One participant observed that the younger generation is asking for new governance systems to be used within communities, but that some members of the older generation want to keep the Chief and council structure. Another participant felt that people can get stuck in the cycle of ‘it’s always been this way so let’s not rock the boat because it works for them.’²⁴⁸

While taking on work within each Nation is critical to rebuilding traditions, working with our neighbouring Nations is also important. As one participant shared, “We have a youth in care who is coming to Ahousaht. That meeting needs to happen but they don’t know how to have meetings with two Nations; it scares them. We need to bring it back to the community because it’s about relationships.”²⁴⁹ This example speaks to the divide that has occurred over time between neighbouring Nations and highlights the need for discussions on protocols and agreements to sort out how we will solve issues that come up between us.

“Nations that are next door to one another have different delegated agencies. Seems like it’s the white man’s way to keep Indigenous people arguing.”²⁵⁰

While the fracturing within and between Nations has happened with the imposition of foreign systems of governance, it is also caused by funding disparities which are often used to pit communities against one another, and against neighbouring

244 Nationhood Reasons and Options Analysis: Legal, land rights, negotiations strategies. Citxw Nlaka’pamux Assembly. 2017. Online: https://www.cna-trust.ca/docs/cna_nationhood_reasons__options_program.pdf

245 Kelowna Session, page 7

246 First Peoples Cultural Council. Recognizing the Diversity of BC First Nations Languages. Online: <https://fpcc.ca/wp-content/uploads/2020/03/DiversityOfBCLanguages-February2018.pdf> page 12

247 Kelowna Session, page 28

248 Richmond Session, page 10

249 Nanaimo Session, page 10

250 Prince George Session, page 6

non-Indigenous communities,²⁵¹ creating an atmosphere of the ‘haves and have-nots.’ The intense competition to fund projects and draft grant applications creates secrecy and an unwillingness for some groups to share information with others who may be struggling. Other foreign impositions that continue to fracture Nationhood include the use of lawyers pushing colonial laws into governance arenas within communities, Nations, and provincial organizations, instead of making space for Indigenous laws to be reclaimed. This approach continues to maintain the status quo and follow colonized ways of being and doing.

“I look at the system of Nationhood, I really believe in Nationhood. When I look at the 203 bands in this province, how can every band have everything? Yes, we want everything but I think when we work together we are stronger.”²⁵²

Reclaiming our roles and responsibilities, land, and Nationhood is foundational to moving forward on child and family wellness in a meaningful way. There are many examples of these three pillars of Indigenous culture being rebuilt in many corners of Turtle Island, with more work on the horizon. While each Nation and community may be at different stages of their success, every Indigenous person has the resilience and strength within them to contribute to this journey in their own unique way. That could mean taking steps towards their own healing journey so that they are in a good place to learn and mentor the next generation, or showing up at the next community event to offer teachings and skills that will lift up youth and adults who are reconnecting with their culture. No contribution is too small; every step forward is a step in the right direction toward the success and resilience of Indigenous cultures.

Holding up the Voices of Children & Youth

One participant noted that kids are often affected the most but are heard the least, offering that in their community they do ‘Ask Auntie’ and ‘Ask Uncle’ sessions. These sessions are designed to help kids open up because sometimes they are not in a good place and do not trust adults so they need a safe space where they can speak candidly about their experiences.²⁵³ In some cases, children have become used to not being heard because adults are frequently speaking on their behalf, including social workers. As one participant noted, when children are given the opportunity to speak in court, the devastating impact statements they provide demonstrate that the current system is still doing more harm than good and we need to establish protocols that lift up a child’s voice instead of having their experiences filtered through adults.²⁵⁴

We also need to acknowledge that our children and youth are our future leaders and we must ensure that we are making space to include them in our ceremonies, co-management, and treaties because one day they will inherit these things and will have these memories to help them lead.²⁵⁵ One way to achieve this is to invest in youth leadership development; we need to take youth to events and allow them to develop relationships that will help them in the future and create relationships that they can turn to for support and advice as they get older. This kind of in-person engagement is critical because youth respond better to this approach instead of simply trying to engage with them through online surveys to ask them for feedback.²⁵⁶ Another way to achieve this and inspire youth is through peer mentoring, which is not unlike interactions they would find at a hockey school or with camp councillors with young people who act as a healthy bridge between kids and adults.²⁵⁷ While these examples point us in the right direction, one participant felt that “we need young

251 Policies that promote financial inequalities continue to exist between on-reserve and off-reserve schools. One participant provided the example that they sent their son to an on-reserve school and the school received just under \$5000 for his education. If her son went to the public school that was 2 km away, that school would have received \$9000. The participant noted, “it’s the same child, but there are inequities that exist there.” Kelowna Session, page 16

252 Kelowna Session, page 17

253 Kelowna Session, page 12

254 Kelowna Session, page 12

255 Kelowna Session, page 19

256 Kelowna Session, page 13

257 Kelowna Session, page 13

people to get involved but there is little help to get them started.”²⁵⁸

“There are no programs to help youth leaving the system who want to reintegrate into home life and access higher education.”²⁵⁹

One participant expressed how important it is to have family trees available so that people can latch on to belonging somewhere, “because of the sixties scoop and residential school system, alot of folks don’t know where they are from.”²⁶⁰ With so many children and youth disconnected from their communities due to current and historic factors, we must pay careful attention to how we bring them home.²⁶¹

“We used to do that as a community; welcome people back with a potlatch and their genealogy was done as a gift. They haven’t been doing that lately.”²⁶²

Whether youth are coming back after an extended stay in a treatment centre or from living in a home outside of their community, a welcome environment and gradual reintroduction were favoured by several participants. In some cases, if youth are brought back into their communities without the right supports in place, they can risk falling into harmful environments that will undo all the hard work that has gone into getting them into a good place.²⁶³ Similarly, youth are aging out of care and “end up in sad cycles because they don’t have the support they need to leave care and stand up on their own.”²⁶⁴

“It hurts me to see a child give up, and I make a point of being honest when I try to help, even if I don’t have all the answers. Most of all, we can’t give up on our kids when they are in trouble.”²⁶⁵

In one community, when a child was having a hard time at home they were taken to another home in the community where they would stay for a while. Then there would be a circle with Elders and grandmothers who would come forward to talk to the child and their family. This would go on for a few days until the family would make a commitment that they would do the best they can and reach out when they needed to in order to work with the community.²⁶⁶ In this way, we can see how traditionally communities would wrap their support around families who were facing challenges in order to preserve family unity instead of tearing them apart by taking their children away when the parents were struggling.

“How do you give children a sense of identity? Especially when they are living in a different province. Some have never even stepped foot in their traditional territory. What about for kids who have aged out? How do we start to call them home to understand their traditional roles in communities?”²⁶⁷

Giving a child a sense of belonging is linked to knowing their true Indigenous identity and can only be achieved when they know who they are and where their family comes from, which means that they must get to know their community,

258 Kelowna Session, page 2

259 Prince George Session, page 2

260 Richmond Session, page 5

261 Prince George Session, page 15; Kelowna Session, page 9

262 Prince George session, page 15

263 Kelowna Session, page 9

264 Richmond Session, page 4

265 Kelowna Session, page 4

266 Kelowna Session, page 5

267 Prince George session, page 16

land and language.²⁶⁸ For children in care who are not familiar with their roots, ongoing opportunities need to be available for children and youth to help them find their unique voice by participating in community events on the land. In some cases, it can take much time and effort to help a child travel back to their home community, with one participant reflecting that some may feel “that’s a long way to go for a hotdog. Well, it’s not about that, it’s about building community for that kid, visiting their traditional territory and creating connections.”²⁶⁹ One participant noted the domino effect that happens “when we bring Elders and youth together, the parents will follow out of curiosity to see what’s going on.”²⁷⁰ The participant remarked that after one weekend “you have 100 people out there with you; when people are gathered on the land is when the stories start coming out.”²⁷¹ This underscores the importance of having people of all ages gather for land-based activities and events, further speaking to how relationships are strengthened and stories come out when people get back to their traditions on the land and feel like they are in a safe and open space to practice their culture without judgment or shame.

“When I became proud of who I was, I was able to bring that back to my mom and decolonize my own family. I had to go back to my community to find out who I was. That’s what I did and that’s what I stand by as what we need to do for our kids.”²⁷²

Sharing Information & Resources to Move Forward

There is a lot of information and resources out there, but many participants emphasized throughout the sessions that disorganization, protectiveness, and privacy laws continue to prohibit the open sharing of information and resources that could enhance the quality of life for children in care. One theme that was identified highlighted the need to develop our own internal supports so that we can work towards phasing out MCFD in child wellness work, with one participant sharing that “we need to see a relationship between Nations and bands that can work together apart from MCFD to find solutions because MCFD just wants to tick boxes for court and doesn’t understand what’s going on in individual Nations and bands before placing kids.”²⁷³ They suggested that there need to be agreements made between Nations and bands to be able to provide a safety net for kids by using data to set up collaborative spaces between groups so that they can find contacts and services.

“Men would bring carloads of children to our home. I did not know our home was designated as a safe place; we had kids everywhere in our house.”²⁷⁴

For some Nations that have seen success with their child wellness model, one participant felt that these groups can sometimes be protective of their knowledge and what they have accomplished.²⁷⁵ In one instance, a participant noted one Nation that was very organized and successful with its child wellness model and so the participant reached out to the Nation to see if they would share any information about the model but a representative from the Nation declined. This protectionist view was surprising to the participant and shows how much work remains with relationship building and

268 Richmond Session, page 7; Kelowna Session, page 5

269 Nanaimo Session, page 10

270 Kelowna Session, page 27

271 Kelowna Session, page 27

272 Kelowna Session, page 27

273 Kelowna Session, page 13

274 Kelowna Session, page 2

275 Kelowna Session, page 19

trust between different Nations given that communication and sharing information will be key to supporting child and family wellness across communities.²⁷⁶ Another participant emphasized that because the community knows all the ‘dirty details’ of community life, the community would be better suited to choose a safe space for children instead of MCFD.²⁷⁷ This view supports the idea of having an Indigenous Governing Body (IGB) delegated under Bill C92 to clarify who can make decisions about children from the Nation, with an IGB is defined as a “council, government or other entity that is authorized to act on behalf of an Indigenous group, community, or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982.”²⁷⁸

To support sharing information and resources between Nations, one participant suggested that a forum be organized that focuses on best practices and learning from our mistakes to help Nations who are looking for new ideas bring their vision for child wellness to life. Because child and family wellness can be a heavy subject filled with emotion and hurt, it was suggested that there be counsellors and cultural supports available to support people during the forum if they are feeling triggered.²⁷⁹

Similarly, in engagement sessions such as these on Bill C92, it is important that there is open communication about the What We Heard Reports and where we are going next so that there is reciprocal information sharing around what our goals are and what is being done behind the scenes to advance identified issues.²⁸⁰ Another participant felt that engagement sessions on Bill C92 need to be more broadly available to communities so that each band can understand their rights and feel empowered to incorporate culture-based practices with MCFD.²⁸¹ They believed that there should be a single website that covers all relevant information related to Bill C92 so that people do not have to go to so many different places looking for information and support.

Realities on the Ground

Protocols within Communities

Protocols when We’re Working with Children

Several participants who attended the Kelowna Session were from or worked for Simpcw, which is the first First Nation in BC to have completed a legally binding agreement on children and family wellness. As part of their transition, they are working on interim initiatives and have hired a Jurisdiction Coordinator to assist them with advancing this important work, including organizing events for those who are away from the community in order to bring those voices together.²⁸² They have noted a shift in the relationship once they were able to lead the way with their binding agreement instead of struggling with the [delegated] agency, noting that “when a social worker gets assigned to come to Simpcw, she always asks them first, ‘what do you want me to do?’ We are then able to help guide the process towards the best decision.”²⁸³ While this huge and historic shift has helped Simpcw to take care of members in the community, they advised that like many other communities, they are still struggling to provide help for members who are outside of their territory.

²⁷⁶ Kelowna Session, page 13 & 19

²⁷⁷ Kelowna Session, page 12

²⁷⁸ Indigenous Child and Family Service Directors website. The Paths to Jurisdiction. Online: <https://ourchildrenourway.ca/indigenous-jurisdiction/the-paths-to-jurisdiction/>

²⁷⁹ Kelowna Session, page 20

²⁸⁰ Kelowna Session, page 20

²⁸¹ Richmond Session, page 15

²⁸² Kelowna Session, page 3

²⁸³ Kelowna Session, page 3

In another community, a participant shared their frustration that child and family workers are still coming into communities to talk to children first without speaking with adults. Protocols must be in place to ensure this does not happen, including understanding how designated representatives are appointed for children.^{284 285} To combat behaviour like this, one community took a long period of time to develop a Memorandum of Understanding (MOU) with their delegated agency, and although it constantly requires renegotiation because things are ever-changing and evolving, it supports the community to hold social workers accountable.²⁸⁶ This speaks to the flexibility that is needed in agreements of this nature to make sure that the agreements can respond to different situations and people whose needs will evolve over time.

“There is an urgent need to establish rules and protocols for how social workers interact with the community. There is a disconnect between traditional ways and colonial ways both in process and language. You need all the pieces to create the best policy.”²⁸⁷

When it comes to a child being taken from their community, there must be proper protocols and paperwork completed to record where the child is from, who their parents are, and what their traditions are.²⁸⁸ This information is critical and must also involve the grandparents with attention given to ensuring that the grandparents understand and agree with the information provided.²⁸⁹ If a child is removed from their community, Nations should also be asking for updates and information so that the child can be properly supported with things that will increase their quality of life and sense of belonging, like education funding and Christmas presents.²⁹⁰ One participant shared that when she worked as a social worker she noticed that children were being moved from place to place with their belongings in garbage bags instead of luggage. She bought them suitcases, toiletries and other basic necessities that instilled a sense of pride in these children just to receive basic care items.²⁹¹ In another instance, a participant shared that they attempted to get a list of kids who were in care from their Nation from MCFD in order to provide supports to them, including school supplies, but MCFD would not provide the list – even to the Nation.²⁹²

To support communities to exercise their rights, one participant felt that social workers should be providing education to communities on applicable laws and policies that MCFD is supposed to be following because people often don't understand their rights or how to enforce them.²⁹³ In this way, without awareness and education, there is a risk that community members may be taken advantage of because they are not aware of relevant laws and policies that are being applied (or should be applied) to the situation that their families are in.

In addition to education and awareness of their rights, communities also require funding to ensure that their Nations have support staff who are able to assist children; support staff are necessary to promote cultural vitality, trust, and faith in the process that they are engaged in with MCFD.^{294 295} Emphasis was placed on the importance of First Nations and support workers sitting down together to share knowledge, and working with different organizations to support cultural programming for children in care.²⁹⁶

284 Prince George Session, page 2

285 Richmond Session, page 18

286 Richmond Session, page 16

287 Kelowna Session, page 13

288 Richmond Session, page 10

289 Richmond Session, page 10

290 Richmond Session, page 18

291 Richmond Session, page 6

292 Prince George Session, page 3

293 Prince George Session, page 5

294 Prince George Session, page 10

295 Prince George Session, page 11

296 Prince George Session, page 10

Finally, the establishment of protocols is required to help navigate conversations around the ‘stronger ties’ provision in Bill C92. As one participant noted, if there is a child whose parents are from two different Nations, the mother and father clans need to collaborate because there are times when Nations’ cultural traditions will contradict each other and MCFD can use this loophole to take children away.²⁹⁷

Disclosure Protocols

A lack of disclosure protocols continues to impact survivors who come forward in an attempt to make communities safer for the next generation. One participant shared their experience growing up in their community, disclosing that a predator had abused her when she was five years old. Much later in her life, another predator was living in the community and there was a community meeting held to decide if the predator should go to jail. During this meeting, the Chief “brought up that it wasn’t the predator’s fault, that when little girls sit on men’s knees and they wiggle around, it’s not really the man’s fault, but the little girls who are wiggling around.”²⁹⁸ Due to the Chief’s response, the woman and two others who had shared their own experiences at the community meeting felt this was a slap in the face.

This story highlighted the concern that even when people bravely come forward and disclose harm, without proper protocols in place, people in positions of power within the community can continue to silence survivors and fabricate justifications for predatory and inappropriate actions. The participant concluded that sexual abuse is still happening in communities and safe spaces must be created so that the younger generation is not ashamed to talk about sexual abuse and will bring it to light to break the cycle.²⁹⁹ Another participant felt that there is a dire need for more sex education in communities, starting from preschool to keep kids safe and stop perpetrators from continuing to sexually abuse kids in communities.³⁰⁰

Supporting Families & Caregivers

For new mothers who are struggling with addiction, one participant advised of a program at the Vancouver Children’s Hospital called the Fir Square Program,³⁰¹ which aims to break the cycle of new mothers having their babies instantly taken away:

“This program provides support for the mom in the hospital, educating her about breastfeeding, changing, etc. while also detoxing. After leaving the hospital, the mother is sent to an interim house where she can get back on her feet and adjust to being a mom. This is such a big help in breaking the cycle of addiction and apprehension.”³⁰²

Programs such as Fir Square are instrumental in supporting mothers who need some extra support following childbirth, especially as participants in Phase Four sessions stated that birth alerts continue to occur despite commitments from the Province that they had ceased in 2019.³⁰³ One participant suggested that there should be a place where people can report ongoing birth alerts so that a class action suit can be filed in the future. Another participant shared their experience with a similar program to Fir Square at a community connections centre that takes care of children to give the parents the time and space to work things out and stabilize their home life so that the children can go home at a later date.³⁰⁴ Programs like

297 Kelowna Session, page 13

298 Kelowna Session, page 5

299 Kelowna Session, page 6

300 Kelowna Session, page 6

301 Pregnant or Newly Parenting with Substance Use. BC Women’s Hospital + Health Centre: <http://www.bcwomens.ca/our-services/pregnancy-prenatal-care/pregnancy-drugs-alcohol>

302 Kelowna Session, page 10

303 Minister’s statement on birth alerts ending. 2019. Online: <https://news.gov.bc.ca/releases/2019CFD0090-001775>

304 Kelowna Session, page 12

this are so important because they recognize that we all make mistakes in life but some people have the ability to change when they have the right supports, and there are times when families need this extra support to stay together.

Connecting children with their culture and other resources that support their well-being should be a fundamental part of any plan in place to support a child. Some participants shared their challenges in accessing basic health services, with one participant emphasizing the importance of having access to services for children through Jordan's Principle funding but noted that "other provinces are not denied as often as BC; BC has the highest number of denial rates nationally."³⁰⁵ Data from the Yellowhead Institute confirmed what the participant shared and showed that between 2016-2020, Manitoba had received nearly 250,000 approvals, while BC had less than 12,000.³⁰⁶ The data hinted that there appeared to be a discretionary component to decisions, with the author noting that "regional decision-makers seem to be playing a huge role in how Jordan's Principle is being applied and interpreted."³⁰⁷

Resources to connect Nations to services offered under Jordan's Principle are critical and should be accessible and widely known. In one instance, a participant shared that in their community they have to drive 7-10 hours just to see a counsellor.³⁰⁸

Participants also shared the use of Care Committees as a new tool that some Nations are employing to support children and families.³⁰⁹ The purpose of a Care Committee is to:

"help families avoid getting involved in the system, but if they do we offer wrap-around support to them. Sometimes there are conflicts within families, so that's why we established the National Care Committee where neighbouring communities will offer that support, along with trying to work with local Delegated Aboriginal Agencies."³¹⁰

The use and expansion of Care Committees appears to be a welcome change that allows for culturally appropriate support that is also able to respond to the lived realities of family and community tensions that can create roadblocks if there are limited caregivers identified and available to provide support outside of the community.

Another type of committee was mentioned by a participant who shared that when they were working outside of Canada, they worked on a committee made up of professionals and knowledge keepers that oversaw the work of social workers:

"They kept the social worker in check and made sure that they were actually following up and reaching out where they needed to. This prevents laziness and 'leaving it to the system.' The committee ensured that there was follow-up on recommendations, applications, medical checks etc. This was nice because we had a mix of people from different bands and groups working collaboratively. You could take it a step further and add the child to the committee eventually."³¹¹

The structure of this committee not only brought in diverse perspectives of community members and other professionals but created real-time accountability for the actions of the social workers. Knowing that the social worker had to answer to a committee that would be checking up on their work, this would create an environment that required prompt and thorough action that flowed from the direction provided by the committee, removing some of the discretion normally given to social workers in conducting their work. Given the challenges highlighted by many participants about discretionary decisions made by social workers, a committee that provided this level of guidance and accountability to the work of

305 Richmond Session page 7

306 Yellowhead Institute, Jordan's Principle 5 Years Later: A Band-Aid for Government Neglect? December 2020. Online: <https://yellowheadinstitute.org/2020/12/14/jordans-principle-5-years-later-a-band-aid-for-government-neglect/>

307 Ibid.

308 Richmond Session, page 12

309 Nanaimo Session, page 1

310 Nanaimo Session, page 2

311 Kelowna Session, page 12

social workers would be a welcome change.

“He started crying saying that he hates being a foster kid. I said ‘No, remember who you are. You are you.’ It is the language that we use; we have to take it out of their vocabulary.”³¹²

To encourage lasting bonds between children and their communities, the rights of children should be expanded to include monthly reminders about which community they are from and how to contact them for support.³¹³ In addition to this, each community should be funded to employ Roots Workers who can help children and families to reconnect with each other,³¹⁴ especially for children who may not know which community they are from. In instances like this, registration under the Indian Act can be a big issue if children are not band members.³¹⁵ One participant shared that representatives from their community meet on a quarterly basis with their children in care and take a look at which plans are in place to ensure that the care providers are providing cultural support. They review case files and policies that are being applied to understand what clauses are in place, and also have an ethics agreement with the delegated agency that states that all children who are away from home or are in the community are entitled to support and interaction with their families.³¹⁶ Having these safeguards in writing provides clarity, direction, and accountability to the delegated agency in ensuring that each child stays connected to their community and family.

Continued Challenges with MCFD

“Our languages hold our laws. Our languages tell us how we govern and it’s all right there on how we take care of our kids. It’s bringing back our language, it’s teaching it, learning it. Language-based programs are so needed for kids in care, but also for us just to return to those ways and remember that we already inherently know how to surround our kids with love. It’s just getting MCFD’s support in making these changes.”³¹⁷

Throughout many sessions, participants continued to identify challenges with building relationships with MCFD and having them respond in a culturally appropriate manner. At times, the work culture at MCFD did not appear to support relevant and appropriate cultural inclusion, and some participants noted the high turnover rate of social workers.³¹⁸ In another instance, a participant reported that they had horrible experiences with social workers due to a lack of inclusivity training and understanding of traditional culture and practices.³¹⁹

Some participants disclosed that Indigenous people working within MCFD are tokenized at times, sharing that “we want [our] people to be respected and not tokens, it’s ugly because [MCFD] never changes. We want to teach them about who we are but it is discouraging because people move around so frequently but Ahousaht are here forever.”³²⁰ Another participant shared an example of this tokenization whereby Métis Elders are brought in by MCFD to provide cultural guidance but are not providing the teachings that are specific to the Nation of the child. In this way, we see the pan-Indigenizing cultural teachings that can create challenges in nurturing an authentic cultural identity for the child.

312 Kelowna Session, page 4

313 Richmond Session, page 12

314 Richmond Session, page 12

315 Richmond Session, page 18

316 Kelowna Session, page 8

317 Prince George Session, page 18

318 Richmond Session, page 12

319 Prince George Session, page 11

320 Nanaimo Session, page 4

“In social work groups, the more kids you take, the more money you get, but they need to be trying to preserve the family.”³²¹

In one instance, a participant who was formerly employed by MCFD was concerned with the way that MCFD creates statistics that formed the basis of reports and indicated that the information may not be truly representative of the reality on the ground.³²² Another participant felt that MCFD was not setting up families for success because MCFD books a lot of meetings for families without checking if the family is available. When the family does not show up, MCFD will record their absence and penalize the family for not attending a meeting that the family hadn't confirmed they would be able to attend in the first place.³²³ Furthermore, families need to know that they can't be forced to attend meetings without their caregivers present.³²⁴

While many challenges with MCFD were reported, this also extended to some relationships with workers at delegated agencies. In one instance, there was an experience shared by a participant whereby a child protection worker spoke poorly of the mom and dad in front of the participant because the worker thought the participant was a representative of the delegated agency when really the participant was a family member. The participant observed that the worker was not demonstrating any compassion for the family given that the mother was going through postpartum depression and was on the road to recovery. When the family's children were taken, there was no communication to family members and the participant ended up filing a complaint and asked Chief and council to work on implementing Bill C92 to avoid this situation repeating itself in the future.³²⁵ This example speaks to a broader theme of service providers who are persistently displaying a lack of empathy and compassion towards families who are struggling.

“They [MCFD] work from a place where, if no one dies, they are doing a good job.”³²⁶

While several participants expressed concern about social workers, one felt that the problem wasn't with social workers but rather with their supervisors who make important decisions about children without ever interacting with the affected community.³²⁷ In this way, the participant highlighted the disconnect between decision-makers and the reality on the ground, with important decisions being made at arm's length by supervisors whose 'impartiality' can result in uninformed decisions being made that severely impact families and communities in a negative way. As noted in the Code of Ethics for the Canadian Association of Social Workers, “Social workers strive for impartiality in their professional practice, and refrain from imposing their personal values, views and preferences on clients.”³²⁸ While striving for these values is framed with connotations that workers are acting with integrity, given inherent racial and social biases and prejudices present in all people, striving is not enough: recognizing and mitigating biases and prejudice must happen in order to counter and remedy negative stereotypes present in sectors where government actors have discretionary power over members of the public who may be from marginalized groups that face ongoing discrimination from non-racialized settlers.

“When I was working in the North region as a young man, a group of 4 of us were in charge of making decisions without a connection to the current reality.”³²⁹

As noted in a paper titled *White Privilege and Racism in Child Welfare* by the Center for Advanced Studies in Child Welfare,

321 Richmond Session, page 11

322 Nanaimo Session, page 3

323 Richmond Session, page 17

324 Richmond Session, page 18

325 Prince George Session, page 5

326 Nanaimo Session, page 3

327 Prince George Session, page 12

328 Code of Ethics, Canadian Association of Social Workers. Online: https://www.casw-acts.ca/files/attachements/casw_code_of_ethics.pdf

329 Kelowna Session, page 13

“having an understanding of how racism and white privilege have historically impacted the child welfare system and continue to do so today is necessary in order to create a less oppressive system.”³³⁰ Furthermore, “the vast majority of legislators are white, the majority of those making decisions on a daily basis about child welfare are white, whereas those affected by those decisions are predominantly people of color. The power to make decisions does not rest in the hands of those who are most affected by the decision.”³³¹ The myth and use of impartiality as a professional value in social work may create an atmosphere where decisions can be made without important information coming from the affected community or family, with decisions being made by supervisors who are not alive to practical and cultural considerations that should be informing key decisions that affect a child.

One participant shared that some of their nieces and nephews are in care with an Indigenous family, but not their own extended family. There was an opportunity to place the child with their extended family, “but MCFD said, ‘nah, we’ve got another family that is already certified, and so they’re just going to go there.’ And now they’ve just been completely removed from their culture and it’s just heartbreaking to see. Trying to keep that connection is tough.”³³² The approach employed in this example demonstrates how convenient placements have been prioritized over true family connections, with MCFD wrongfully believing that being placed with any Indigenous family would be sufficient to meet the needs of the child and that severing those family connections was of no consequence or importance.

“I wonder why there is so much money available to place children externally but not to help keep them with their family.”³³³

In a similar example, another participant recalled a young girl who was removed from her family over 16 years ago. After the removal, it took 16 years for her aunty to prove that she was capable of caring for the girl because the Ministry was constantly prioritizing the relationship and contact with the care provider instead of her own family.³³⁴ This occurred despite policies within MCFD that state that social workers are supposed to send children to families within their own culture, family groups, and community. Noting the discrepancy between policy and practice, a participant felt that “if we have rules that we need to abide by to deal with [MCFD], then [MCFD] has rules that they have to abide by to deal with us too.”³³⁵ Another heartbreaking example was provided by a participant who shared that they had put their name forward to be a caregiver but were rejected even though they had been sober for five years and had been employed as a social development coordinator for four years. To this day, the participant still does not know what happened to her niece.³³⁶

Many participants shared stories such as these that highlighted MCFD’s ongoing inability to recognize and appreciate the distinct cultures of First Nations and the importance of placing them with members of their families.

“There are so many different Nations, ask us what is okay. We are not all the same.”³³⁷

When it comes to training for MCFD staff, a participant attended MCFD training on Indigenous culture but was surprised to find that it was being taught by a non-Indigenous person.³³⁸ This led another participant to wonder, “are they really training

330 White Privilege and Racism in Child Welfare, Center for Advanced Studies in Child Welfare. 2009. Online: <https://casw.umn.edu/wp-content/uploads/2013/12/WhitePrivilegeSubSum.pdf>

331 Ibid.

332 Prince George Session, page 16

333 Richmond Session, page 16

334 Richmond Session, page 4

335 Prince George Session, page 16

336 Prince George Session, page 6

337 Nanaimo Session, page 4

338 Richmond Session, page 4

Ministry staff? Who is accountable for making sure that training is being properly implemented?”³³⁹ One participant who was formerly employed by MCFD shared their concern with the training that is provided by MCFD and how in one instance, they observed staff members pushing play on a training video but then leaving the room and failing to participate or observe any of the information provided in the video.³⁴⁰ They felt that due to this ability to easily ‘opt out’ of the training, video training in unsupervised environments was not an effective method for training staff, but rather “tangible and impactful training is what is needed.”³⁴¹

Phase Four: What We Heard, Conclusion

In conclusion, the engagements in Prince George, Richmond, Nanaimo, and Kelowna on children and family wellness have offered many themes that have been brought to light in previous sessions, along with some new ideas and many heartbreaking lived experiences. The identification of issues both at a high-level and on the ground speaks to the immense amount of work that remains to ensure every child can grow up thriving with their cultural traditions, but also provides great insights into what some communities are doing to address decades of systemic issues that have negatively impacted child and family wellness.

While the day-to-day realities can sometimes be overwhelming and fill us with despair, we must continue to be resilient, creative, and flexible in our approaches to child and family wellness as each person, family, community and Nation work towards reclaiming and asserting their rights as Indigenous peoples. Until then, many colonial governments, agencies, and services providers will continue to work in this area causing damage that is often irreparable and unforgivable. While we are not responsible for the damage that has been done to us, we are responsible for repairing ourselves and our Nations, pausing to consider how we can, at times, stand in our own way.

Colonial structures may try to bring us down, but we must acknowledge our own role in holding ourselves back. We must stand up and take responsibility for our own healing individually and collectively so that we can create the Nations that we know are possible; Nations filled with communities that come together to celebrate culture, abundance, and love. Nations that have the ability and resources to bring our children home and wrap their love and culture around them. For many Nations, we don’t yet know how to stand up our jurisdiction because we do not come together in a meaningful way to work through our challenges as Nations and neighbors. We cannot wait for anyone else to do this work. This work is ours to do, and we will do it together until every child stands proud in their Indigenous identity, on their traditional territory, with culture in their heart and a bright future in their minds.

339 Richmond Session, page 4

340 Nanaimo Session, page 6

341 Nanaimo Session, page 6

Appendices

Appendix A: Truth and Reconciliation Commission of Canada (TRC) Calls to Action: Child Welfare

This section details the child-specific Calls to Action found in the TRC (2015) For a full list of the Calls to Action, please see: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf

Child Welfare

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - 1.i. Monitoring and assessing neglect investigations.
 - 1.ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - 1.iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - 1.iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - 1.v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - 4.i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - 4.ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - 4.iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Appendix B: List of MCFD Service Delivery Areas (SDAs), and Service Lines in BC

MCFD service delivery is divided by 13 service delivery areas (SDAs) and along six core service lines. The SDAs and service lines are as follows:

Service Delivery Areas

1. Northeast
2. North Central
3. Thompson Cariboo Shuswap
4. Kootenays
5. Okanagan
6. East Fraser
7. Northwest
8. Coast/North Shore
9. North Vancouver Island
10. South Vancouver Island
11. Vancouver/Richmond
12. South Fraser
13. North Fraser

Service Lines

1. Child Safety, Family Support and Children in Care Services;
2. Early Childhood Development and Child Care Services;
3. Services for Children and Youth with Special Needs;
4. Child and Youth Mental Health Services;
5. Adoption Services; and
6. Youth Justice Services

Appendix C: The Levels of Provincial Delegation related to Areas of Service and Standards

The 3 delegation levels and their respective areas of service and standards are as follows:

Level C3 Delegation: Resource Development and Voluntary Service Delivery

Areas of service covered under C3 delegation include:

- Support services for families;
- Voluntary care agreements for children, including temporary in-home care; and
- Special needs agreements, including those for children in care on no fixed term.

Operational and Practice Standards address:

- Case management;
- Family assessment;
- Service planning and agreements;
- Children in voluntary care;
- Standards for care in regular, restricted, and specialized family care homes;
- Monitoring and evaluation; and
- Closure and transfer of cases.

Level C4 Delegation: Guardianship Services

Areas of service covered under C4 delegation include:

- All those found under C3; and
- Guardianship of children in the continuing care of the Director
- All those found under C3;
- Develop, monitor and review comprehensive plans of care for children in care;
- Legal documentation;
- Permanency planning for children in care;
- Prepare youth to transition for independence;
- Reportable circumstances;
- Ongoing monitoring of child's well-being while in care; and
- Quality care reviews.

Level C6 Delegation: Fund Child Wellbeing Services

Areas of service covered under C6 delegation include:

- All those found under C4;
- Receiving, assessing and, as required, investigating reports of child abuse and neglect;
- Deciding the most appropriate course of action if a child is deemed in need of protection;
- Where necessary, removing the child and placing the child in care; and
- Obtaining court orders or taking other measures to ensure the ongoing safety and well-being of the child.

Operational and Practice Standards address:

- All those found under C4;
- Intake;
- Investigation;
- Taking charge of children;
- Risk assessment;
- Risk reduction;
- Ongoing protective family service; and
- Investigate allegations of abuse in foster homes.

There are currently 24 DAAs in B.C. (see list below), with varying levels of delegation.

Level C3 Delegation: Resource Development and Voluntary Service Delivery

- Haida Child and Family Services Society
- Heiltsuk Kaxla Society
- K'wak'walat'si ('Namgis) Child and Family Services

Level C4 Delegation: Guardianship Services for Continuing Custody Wards

- Ayas Men Men Child & Family Services (Squamish Nation)
- Carrier Sekani Family Services
- Denisiqi Services Society
- Gitxsan Child & Family Services Society
- Nezul Be Hunuyeh Child & Family Services
- Nl̓ TU,O Child & Family Services Society
- Surrounded by Cedar Child and Family Services

Level C6 Delegation: Full Child Wellbeing Services

- Fraser Valley Aboriginal Children and Family Services Society

- Knucwentwecw Society
- Ktunaxa/Kinbasket Child & Family Services
- Kwùmut Lelum Child & Family Services
- Lalum'utul' Smun'eem Child & Family Services
- Lii Michif Otipemisiwak Family and Community Services
- Métis Family Services (La Societe de Les Enfants Michif)
- Nisga'a Child and Family Services
- Nlha'7Kapmx Child and Family Services Society
- Northwest Inter-Nation Family & Community Services Society
- Usma Nuu-chah-nulth Family & Child Services
- Scw'exmx Child & Family Services Society
- Secwépemc Child & Family Services Agency
- Vancouver Aboriginal Child and Family Services Society

Appendix D: Organizational Structures

This section contains a high-level overview of the different organizations that provide Indigenous child and family wellbeing service delivery in British Columbia. In BC, there are two main organizations that provide Indigenous child and family wellbeing service delivery, the Ministry of Child and Family Development (MCFD); and Delegated Aboriginal Agencies (DAA), which are funded primarily by the Government of British Columbia and the Government of Canada. Who provides service delivery and how it is funded depends on two main factors: a) If the person is a status or non-status Indian; and b) which part of the province the person is located³⁴². While differential service delivery is provided based on these determinants, these factors are not representative of Indigenous community structures.

On-Reserve	Off Reserve
<ol style="list-style-type: none"> 1. MCFD served and Federally and Provincially Funded <ol style="list-style-type: none"> a. Service provided to Status Indian children eligible for federal funding and DAA service delivery is not available. 2. DAA served and Federally and Provincially Funded <ol style="list-style-type: none"> a. Services provided to Status Indian children eligible for federal funding and a DAA is providing Delegated Services. 3. DAA served and Provincially Funded <ol style="list-style-type: none"> a. Services provided to Non-Status Indian children who are not eligible for federal funding and a DAA is providing Delegated Services. 	<ol style="list-style-type: none"> 1. MCFD served and Provincially Funded <ol style="list-style-type: none"> a. Services provided to all Indigenous children not served by an urban DAA and for Non-Delegated Services. 2. DAA served and Provincially Funded <ol style="list-style-type: none"> a. Services provided to all Indigenous children served by an urban DAA providing Delegated Services.

MCFD is responsible for both the administration and delivery of child and family wellbeing services in BC. The Child, Family and Community Service Act (CFCSA) is the legislation outlining the parameters for service delivery (Appendix B)³⁴³.

DAAs operate through a delegation-enabling agreement with MCFD. There are three levels of delegation possible with each level providing incrementally more services and responsibility, the latter of which are known as Aboriginal Operational and Practice Standards (Appendix C). The level of responsibility associated with each DAA is subject to negotiation with MCFD and the Indigenous communities the DAA intends on serving³⁴⁴.

Funding for First Nations Child and Family Wellbeing Service Delivery

The government of Canada, through Indigenous Services Canada (ISC), is constitutionally responsible for Indigenous peoples and their reserve lands. However, Canada limits its responsibility in child wellbeing to only funding services for

342 Government of British Columbia (n.d.) Indigenous Child and Family Service Agencies/Delegated Aboriginal Agencies in BC.

343 Province of British Columbia (2021). Child, Family and Community Service Act. Queen’s Printer. Victoria, British Columbia. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96046_01

344 Province of British Columbia. “Delegation Process”. (Province of British Columbia, n.d.). [https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/reporting-monitoring/accountability/indigenous-child-and-family-service-agencies/delegation-process#:~:text=C3%20%2D%20\(Delegation%20Matrix\),care%20on%20no%20fixed%20term.](https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/reporting-monitoring/accountability/indigenous-child-and-family-service-agencies/delegation-process#:~:text=C3%20%2D%20(Delegation%20Matrix),care%20on%20no%20fixed%20term.)

status First Nations children that live on the reserve. ISC is not involved in service delivery³⁴⁵.

Delegated Agencies

Delegated Aboriginal Agencies (DAA) operate under the Delegation Model, wherein Indigenous communities establish child and family service agencies to replace current provincial agencies. The Delegation Model also includes a transfer of funding for the provision of these services³⁴⁶.

The first delegated Indigenous agency was created in 1985 by the Nuu-chah-nulth Tribal Council, who signed an agreement with BC while Canada instituted a moratorium on further delegated agencies until 1991. Thereafter, Canada created a framework for new delegated agencies, with stipulations for a federal funding formula and a requirement to adhere to provincial standards. Currently, Indigenous communities enter into agreements with BC in regard to service standards, while financial agreements are created with BC for off-reserve agencies, or the Government of Canada for on-reserve service delivery³⁴⁷.

The Definition of Jurisdiction is in Flux

Because of the diversity of First Nations in British Columbia, the set of approaches to take back jurisdiction of child wellbeing systems will vary. While many Nations are in the process of resuming jurisdiction and starting by providing notice of their intent to take jurisdiction to the MCFD and ISC, significant funding and capacity barriers prevent communities from undertaking the work necessary to follow through on their goals. This creates a vicious cycle of needing jurisdiction in order to implement resources and needing resources to implement jurisdiction.

There are currently 24 DAAs in BC, operating at three different levels of delegation. Three of the DAAs provide voluntary services, recruit, and approve foster homes. In addition, Seven DAAs can provide guardianship services for children in continuing care. Fourteen can provide additional services, including full child wellbeing service provision, which includes the authority to investigate reports and remove children³⁴⁸.

There has been much discussion within both Indigenous and non-Indigenous communities on recommended approaches to exercising jurisdiction over child and family wellbeing services leading up to and after Bill C92 came into force. This section will provide an overview of the process for jurisdiction as described in Bill C92, with some of the approaches already being taken by Indigenous communities, as well as those approaches that have been recommended but not yet put into practice.

Section 18 of Bill C92 re-affirms the inherent right of Indigenous peoples to self-government as indicated by section 35 of the Constitution, including jurisdiction in relation to child and family services and legislative authority to create and enforce laws made under this authority.³⁴⁹

345 Government of Canada. (2021). First Nations Child and Family Services. <https://www.sac-isc.gc.ca/eng/1100100035204/1533307858805#:~:text=The%20total%20FNCF%20program%20funding,to%20find%20a%20service%20provider.>

346 British Columbia's Delegated Aboriginal Agencies (2020) Partnership Orientation Manual. <https://ourchildrenourway.ca/wp-content/uploads/2021/04/2020-Orientation-Manual.pdf>

347 Indigenous Child and Family Services Directors. The history of Indigenous child welfare in BC. [https://ourchildrenourway.ca/indigenous-jurisdiction/the-history-of-indigenous-child-welfare-in-bc/.](https://ourchildrenourway.ca/indigenous-jurisdiction/the-history-of-indigenous-child-welfare-in-bc/)

348 Government of British Columbia (n.d.) Indigenous Child and Family Service Agencies/Delegated Aboriginal Agencies in BC. <https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/reporting-monitoring/accountability/indigenous-child-and-family-service-agencies>

349 An Act respecting First Nations, Inuit and Métis children, youth and families. S.C. 2019, c. 24 <https://laws-lois.justice.gc.ca/eng/acts/f-11.73/fulltext.html>.

The first step to exercise this authority is for an Indigenous government to give notice to the provincial and federal governments of their intention to do so. Thereafter they will have one year to reach a Coordination Agreement between the three parties using “reasonable efforts.”³⁵⁰

Coordination Agreements are to cover the provision of emergency child services, support measures to enable Indigenous children to exercise their rights, funding arrangements, and any other measure of interest to the Indigenous government to exercise their authority. There is uncertainty as to how challenging it will be for the three levels of government to reach a signed Coordination Agreement³⁵¹.

An Indigenous Governing Body (IGB) may choose to assert jurisdiction through their own child and family wellbeing law(s) and to not enter into a Coordination Agreement, however, in these cases it is unclear how services will be funded. There is also no guarantee that their laws will be recognized as paramount over federal and provincial laws. The lack of clear funding for Indigenous governments is one of the strongest criticisms of Bill C92.

The Indigenous government’s laws come into force once the agreement is reached or after the one-year period, and become paramount over federal and provincial law, subject to specific limitations. Section 23 details the relationship between Indigenous, provincial/territorial and federal law, particularly if there is a conflict or inconsistency between them. First, all three laws could apply if there is no conflict between them. In the event of a conflict some laws take precedence over others. Sections 10-15 of Bill C92, the Charter of Rights and Freedoms, and the Canadian Human Rights Act prevail over any conflicting Indigenous law. Sections 10-15 of Bill C92 deal with the concept of Best Interests of Indigenous Child and federal minimum standards of service. Indigenous laws made as per Bill C92 take precedence over conflicting provincial/territorial laws as far as the conflict exists.³⁵²

On July 6, 2021, the Cowessess First Nation became the first Indigenous government in Canada to assert its jurisdiction over its child wellbeing system using Bill C92 and sign a Coordination Agreement with the Province of Saskatchewan and the Government of Canada (CBC 2021). Cowessess First Nation signaled its intent to pursue jurisdiction in early 2020, shortly after Bill C92 came into effect, and without having certainty of a funding agreement. They secured \$38.7 million in federal funding, using the fiscal table model developed by the AFN and Canada, to assist with establishing their child wellbeing system. Cowessess First Nation passed its own legislation, the Miyo Pimatisiwin Act, which means “striving for a better life” in Cree, in March 2020³⁵³. While Cowessess First Nation is the first to assert its jurisdiction, many other First Nations are in the process of doing so.

At least 38 Indigenous governing bodies, representing 100 Indigenous groups and communities, have given notice to ISC of their intention to exercise jurisdiction³⁵⁴. The following are some potential avenues to help Indigenous Governments maximize the benefits to their communities:

National Standards

- Understand the standards in Bill C92
- Develop your own Indigenous laws to fill in gaps
- Distribute standards

350 Ibid.

351 Ibid.

352 Walkem, Ardith, QC (2020). “Wrapping Our Ways Around Them Guidebook”. ShchEma-mee.tkt Project (Nlaka’pamux Nation Tribal Council) https://www.nntc.ca/documents/WOW_Guidebook_2021_210214.pdf

353 CBC News (July 9, 2021) How Cowessess First Nation’s historic child welfare agreement with Canada and Saskatchewan works. <https://www.cbc.ca/news/canada/saskatchewan/how-cowessess-first-nation-child-welfare-agreement-works-1.6095470>.

354 Government of Canada. (2021). Notices and requests related to An Act respecting First Nations, Inuit and Métis children, youth and families. <https://www.sac-isc.gc.ca/eng/1608565826510/1608565862367>

- Implement standards
- Build capacity: a) Nation laws; b) understanding Bill C92; c) implementation; d) internal resources

Jurisdiction

- Consultation on child wellbeing
- Define own Best Interests of the Indigenous Child (BIOIC)
- Determine the extent to which you want to exercise jurisdiction
 - Including potential for off reserve services
- Explore collaborations with other Indigenous organizations on law development and service delivery
- Jordan's Principle
- Funding for capacity building and service delivery

As we move forward together, it is important to consider the various options available to First Nations and the diverse communities, Nations, leaders, and individuals that will be involved in planning and implementing jurisdiction. There is no straight line – no clear path to follow – but nonetheless, Nations are moving forward with the understanding that these efforts are for the children and for future generations.

Appendix E: Phase 2, Scenario 1

Scenario 1: Outside the Territory and Asserting Jurisdiction

BCFN = BC First Nation

A child with ties to two different BCFNs was born and is living in the lower mainland with their biological family. The mother is from BCFN (1) and the father is from BCFN (2). While the family has lived in the lower mainland for some time, the parents have strived to make sure the child has grown up around their culture, and they make trips back to the mother's territory once or twice a year. They also try to make it back to the father's territory whenever possible, but it is more difficult due to distance.

One day, a domestic incident occurs in the lower mainland and the police arrive, followed by a social worker who believes it is in the best interest of the child to be removed from the home. Both BCFN (1) and BCFN (2) are asserting jurisdiction over child and family services.

Potential Application of Bill C92 to Scenario 1

Section 12(1) *Notice:*

In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child's parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community, or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community, or people.

Section 12(2) *Personal Information:*

The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child's family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.

Section 24(1) *Conflict - Stronger Ties:*

If there is a conflict or inconsistency between a provision respecting child and family services that is in a Law of an Indigenous group, community, or people and a provision respecting child and family services that is a Law of another Indigenous group, community, or people, the provision that is in the Law of the Indigenous group, community, or people with which the child has stronger ties - taking into consideration his or her habitual residence as well as his or her views and preferences, giving due weight to his or her age and maturity, unless they cannot be ascertained, and the views and preferences of his or her parent and the care provider - prevails to the extent of the conflict or inconsistency.

Appendix F: Phase 2, Scenario 2

Scenario 2: Inside the Territory with Children from Different Nations

BCFN = BC First Nation

ABCFN = Another BC First Nation

A BCFN child was born and lives on BCFN territory with their biological family. The family has also adopted a First Nations child from a different Nation into their care when the child was a baby and a close relative was facing health challenges and needed support. As these two children grow up together, their parents want to give them all the tools and opportunities to learn and shape their lives. The parents seek out different educational and wellness resources, but find that some resources are available for one child only, and they have to go elsewhere to find a similar resource for the other child, if they can find it at all.

Appendix G: Phase 2, Scenario 3

Scenario 3: Outside of the Territory with Special Challenges

BCFN = BC First Nation

A BCFN family is living in Prince George when their child is born and they are overjoyed with the new life Creator has brought into the world. As the days and months go by, the parents observe some signs that their new baby may need some extra support and go into their local hospital for some tests to identify any needs early on. When the test results come back, the parents learn that their baby may have some developmental delays that can be overcome, but the treatments are expensive and must begin right away. The parents reach out to the BCFN to see if there are any ways they can help.

Appendix H: Phase 2, Scenario 4

Scenario 4: Outside and Inside the Territory: Privacy and Sharing Information

BCFN = BC First Nation

A BCFN father is the primary caregiver for his child and has recently moved to the Kootenay area, although he hasn't been back to the BCFN community for some time. The mother of the child is not BCFN but lives in the territory and sees the child several times per year. One day, the father is driving to pick up the child from school when he is struck by another driver on their cell phone. The father is rendered unconscious and taken to hospital. Given that he is new to the area, there is no secondary contact that is local to the Kootenay area. The school becomes concerned when the father doesn't show up and calls a social worker to take custody of the child.

The social worker considers s.12 in An Act respecting First Nations, Inuit and Métis children and sees that Notice must be provided to the parent and the Indigenous governing body before any significant measure will be taken with respect to the child. Given that the father is still unconscious, the social worker wants to connect with the mother and Indigenous governing body as per section 12(1) but isn't sure how to communicate what has happened without revealing personal information about the child or the father, other than information that is necessary to explain the measure. The social worker wonders if the BCFN has a coordination agreement from section 12(2), and what that might look like.

Potential Application of Bill C92 to Scenario 4

Section 12(1) *Notice*:

In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child's parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.

Section 12(2) *Personal information*:

The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child's family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.

Appendix I: Phase 2, Session 5

Session 5 brought participants together to reflect on the first four sessions of scenario planning. The focus in Session Five was to collectively analyze the notes from Sessions 1-4 in order to further develop recommendations and actions moving forward. Questions at Session 5 focused on sharing understandings of the process and recommendations to date and seeking to move the dialogue forward while acknowledging where we have come from. The result was more recommendations from a variety of voices.

Appendix J: Governance Engagement Mechanisms and Corresponding Recommendations

The Governance Engagement Mechanisms (GEMs) are a set of 17 areas identified for further exploration and reflect different sections in Bill C92 or an *Act respecting First Nations, Inuit and Métis children, youth and families* (the Act). GEMs were brought up for further discussion and consideration throughout the FNLC engagements sessions during Phases 1-4. In each session, perspectives on different GEMs were highlighted by participants, but the sessions did not follow a formulaic or scripted approach and discussions were led as much as possible by Indigenous participants in each session.

In this way, GEMs offered flexibility and allowed Indigenous rights holders the space to present their distinctive concerns and thoughts on the Act in a way that made sense to them. GEMs were intended to foster in-depth conversations which explored issues in a detailed manner, but the sessions were not intended as information sessions on the GEMs.

As the final report was drafted, Alderhill considered participants' recommendations on GEMs as signposts rather than prescriptive recommendations to inform governments' next steps. In every instance, communities and Nations will have their own perspectives on the interpretation of GEMs and how they will apply to each unique circumstance that is faced by Nations and communities as they stand up jurisdiction over child and family wellness.

In many cases, participants provided examples and feedback that were directed at provincial entities such as the BC Ministry of Children and Family Development (MCFD) because this has been the primary entity they have dealt with in the child and family sphere. However, these recommendations and criticisms related to MCFD are also instructive of the world they are re-imagining beyond MCFD and so the value of these recommendations cannot be understated in terms of their application to the GEMs.

[R = Recommendation](#)

1. Notice to Indigenous governing bodies (section 12) including:
 - when Indigenous governing bodies have not yet been identified including information sharing; and
 - identification of level of information to be shared (section 12(2));

R18, R19, R20, R73, R74, R74.1, R74.2
2. Approaches for child intake systems, cross-jurisdictional communication and case management mechanisms; **R3, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R24, R27, R28, R29, R86, R96, R97**
3. Clarifying key terms and definitions including: care provider (section 1), substantive equality (section 3), significant measure (section 12), reasonable efforts (section 15.1) and on-going reassessment (section 16(3)); **R14, R20, R46, R47, R48, R75, R76, R77, R78, R79, R80, R81, R86, R87, R89, R90**
4. Overall system oversight to support a five year review (section 31(1)); **R3, R15, R25, R26, R34, R35, R36, R41, R42, R93, R94, R95**
5. Identification of need for child and family services institution(s); **R48, R49, R59, R66, R87; R94, R95**
6. Clarification of socio-economic conditions under section 15; **R47, R82, R83, R84, R85**
7. Consideration for the needs for clearer program authorities between existing program and the implementation of the Act respecting First Nations, Inuit and Métis children, youth and families; **R37, R41, R42, R66, R69**
8. Requirements related to the development of a data strategy (a requirement under section 28 of the Act); **R17, R18, R19, R20, R21, R22, R24, R25, R26, R27, R28, R29, R30, R31, R34, R35, R36, R37, R38, R39, R41, R42, R44.1, R65, R88**
9. Clarification of what constitutes a notice under section 20(1) and what information is required for notice of intent

(section 20(1)) and request to enter into coordination agreement discussion (section 20(2)) including:

- Identification and community validation of Indigenous governing bodies (Section 20 of the Act);
- identification of a validation process, with rights-holders, on the drafted legislation;
- communication timelines with partners; **R40, R70, R71, R72**

10. Overview of existing funding, gaps and overlaps in order to be able to identify long term, sustainable, complementary funding; **R38, R40, R43, R44, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R61, R61.1, R63, R64, R65**
11. Development of a dispute resolution mechanism as related to coordination agreement discussions outlined in 20(5); **R14.1, R14.2, R70, R93**
12. Child and family services liability; **R25, R49, R62**
13. Sustainability of funding; **R38, R49, R50, R51, R52, R53, R54, R55**
14. Funding review cycle; **R17, R26, R37, R34, R38, R41, R42**
15. 12-month period to conclude coordination agreement discussions; **R72**
16. Application of minimum standards in the Act; **R2.1**
17. Process for coordination agreement discussions. **R40, R70, R71, R72**

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