



BRITISH COLUMBIA CHILD WELFARE SERVICES INFORMATION SHEET

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British Columbia Child Welfare System

This CWRP Information sheet provides an overview and description of child welfare and protective services within the province of British Columbia (BC), including relevant legislation, structure of services, and recent updates or changes to the child welfare system. This information sheet is a synthesis of publicly available documentation.

Background

Child welfare services in B.C. are provided by the provincial Ministry of Children and Family Development (MFCD). The Ministry has 429 offices in 13 regions of the province. First Nations child welfare services are provided by 24 Delegated Aboriginal Agencies¹ (Government of British Columbia, n.d.).

Legal mandates for child welfare in B.C. are outlined in the *Child, Family, and Community Service Act* (1996). The guiding principles of the act include children's rights to protection from harm and children are to be raised by their families, with parents holding primary responsibility for children's care and guidance whenever possible. For Indigenous children, the responsibility caring for and raising children is recognized as shared by both the parents and the Indigenous community to which the child belongs. The *Child, Family, and Community Service Act* (1996) was amended in 2018 to improve child welfare service delivery and intervention for Indigenous children and families, with the goal of reducing the over-representation of Indigenous children and youth within the province's child welfare system. Amendments included: the addition of Indigenous children's right to participate in their culture, communities, and language; decisions and service delivery plans required to consider the impact of residential school systems and colonialism; for Indigenous children's communities to be party to voluntary agreements and court orders for issues of child

¹ British Columbia uses the term "Aboriginal" rather than Indigenous.

protection; and, for decisions regarding Indigenous children and families to be made in agreement with a designated representative of the child's Indigenous community (Bill 26, 2018).

Child in Need of Protection

Section 13(1) of the *Child, Family, and Community Service Act* (1996) defines the conditions under which a child requires protection. This includes when a child “has been, or is likely to be,” physically, sexually, or emotionally harmed or neglected by their parent, as well as if the child is living in an environment where domestic violence is occurring by or toward their parent, the child is medically neglected, the child is abandoned, or any other circumstance in which the child's parent is unable or unwilling to provide the necessary care and safety for the child.

Spectrum of Services

Reports of child abuse/neglect are screened by the MCFD to determine whether the report meets the mandate for a child requiring protection according to Section 13(1) of the *Child, Family, and Community Service Act* (1996). Screened in reports are investigated by a child safety social worker. If the investigation concludes that the child/youth require ongoing protection, an application for a court order may be made, or the parent(s)/caregiver(s) may enter a voluntary agreement. Court order applications may include supervision orders (child remains in the care of their primary caregiver(s) with supervision by MCFD); third party supervision orders (child is placed in the care of a family member or friend); temporary care and custody orders; or continuous care and custody orders (Legal Services Society of BC, 2018). The MCFD must file a plan for the child's care any time an application is made for a court order.

Supervision orders have a maximum time limit of 12 months. For temporary care and custody orders, the time limit varies based on the child's age – 3 months for a child under 5 years old; 6 months for a child aged 5-12; and 12 months if a child over 12 years old. In cases involving sibling groups, the time limits are applied based upon the age of the youngest child at the time of the initial order. There are additional cumulative time limits for temporary care and custody which are put in place to ensure permanency for children and youth. These cumulative time limits are 12, 18, or 24 months total dependent upon which age bracket the youngest child falls into at the time of the initial court order. In some cases, MCFD may request an extension to be granted by the courts as an exception to the time limit. (*Child, Family and Community Service Act*, 1996).

25,170 reports of child abuse/neglect were assessed and found to have safety concerns within the province of B.C. for the fiscal year of 2019/2020 (Government of British Columbia, n.d.). Of those investigations, 27,149 children were found to need protective services, with 6,263 (4,111 of which were Indigenous) of those children placed in out-of-home care. The rate of children in care was 6.9 per 1000 for all children and youth across the province, but was 43.8 per 1000 for Indigenous children and youth. MCFD policy emphasizes family preservation and prioritizes addressing safety concerns through the provision of services while the child(ren) reside with their immediate or extended family. The rate of family preservation is used as a performance

indicator for MCFD and Delegated Aboriginal agencies (DAA). In 2019 the total family preservation rate for B.C. was 89.8% (Government of British Columbia, n.d.).

In addition to child protection, the MCFD also includes early childhood development and care, services for children and youth with support needs, child and youth mental health services, child protection, adoption, and youth justice services. As such, the BC child welfare system refers clients to these other departments within the Ministry, as well as local government run health and social services to provide supports to address risk of maltreatment.

Indigenous Child Welfare Services – Delegated Aboriginal Agencies (DAA)

There are 24 Delegated Aboriginal Agencies providing child protection agencies located across the province of B.C. DAA's have varying levels of delegated responsibility according to the resources and capacity of each agency (Government of BC, 2021). Spallumcheen First Nation is the only First Nation in the province to have successfully created and implemented its own policies for child welfare (National Collaborating Centre for Aboriginal Health, 2017). All other First Nations communities follow the provincial legislation.

Amendments made to the *Child, Family, and Community Service Act* (1996) in 2018 included acknowledgement of the shared responsibility of the community and the parents in child-rearing for Indigenous communities, as well as explicit reference to the importance of the child's right to fully participate in their culture and community, and the need for this right to culture to be considered in child protection decision making processes.

The *Aboriginal Policy and Practice Framework* was created and implemented in 2015 with the goal of fostering resilience and improving outcomes for Indigenous children, their families, and their communities (Government of British Columbia, 2015). It applies to MCFD and Delegated Aboriginal Agencies, who serve Indigenous children and families living both on and off reserve. The framework highlights the values, foundations, and shared context and responsibility for providing culturally relevant child and family services to Indigenous populations in BC. It identifies "The Circle" as the framework for assessment and intervention. The Circle is described as "child, youth and family-centered; culture-centered; culturally safe; inclusive, collaborative, and accountable; and focused on resiliency, healing and wellness" (Government of British Columbia, n.d., p. 2). The Circle is a restorative process composed of intersecting elements, namely: "gathering the circle; listening, assessing and finding solutions; creating security, belonging and well-being; and keeping the circle strong" (Government of British Columbia, n.d., p.2).

Additional Information

The *Child, Family, and Community Service Act* (1996) requires child protective service providers and systems to notify the British Columbia Representative for Children and Youth in cases where there is a critical injury or death of a child in the care of the Ministry. The Representative

screens the case and determines whether a formal investigation and report are required. The purpose of this mandated practice is to ensure accountability by the MCFD and to promote learning and improvements in the child welfare system, with the goal of preventing future critical incidents. 2735 critical incidents, including deaths were reported to the Representative between April 1st 2018 and March 31st 2019. 1146 of those reports met the Representative's mandate for further investigation (Representative for Children and Youth, 2019). Individual and aggregate reports (including recommendations to the MCFD) are published for investigations and can be found at <https://rcybc.ca/reports-and-publications/reports/>.

References

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