



# A Report and Next Steps for Action

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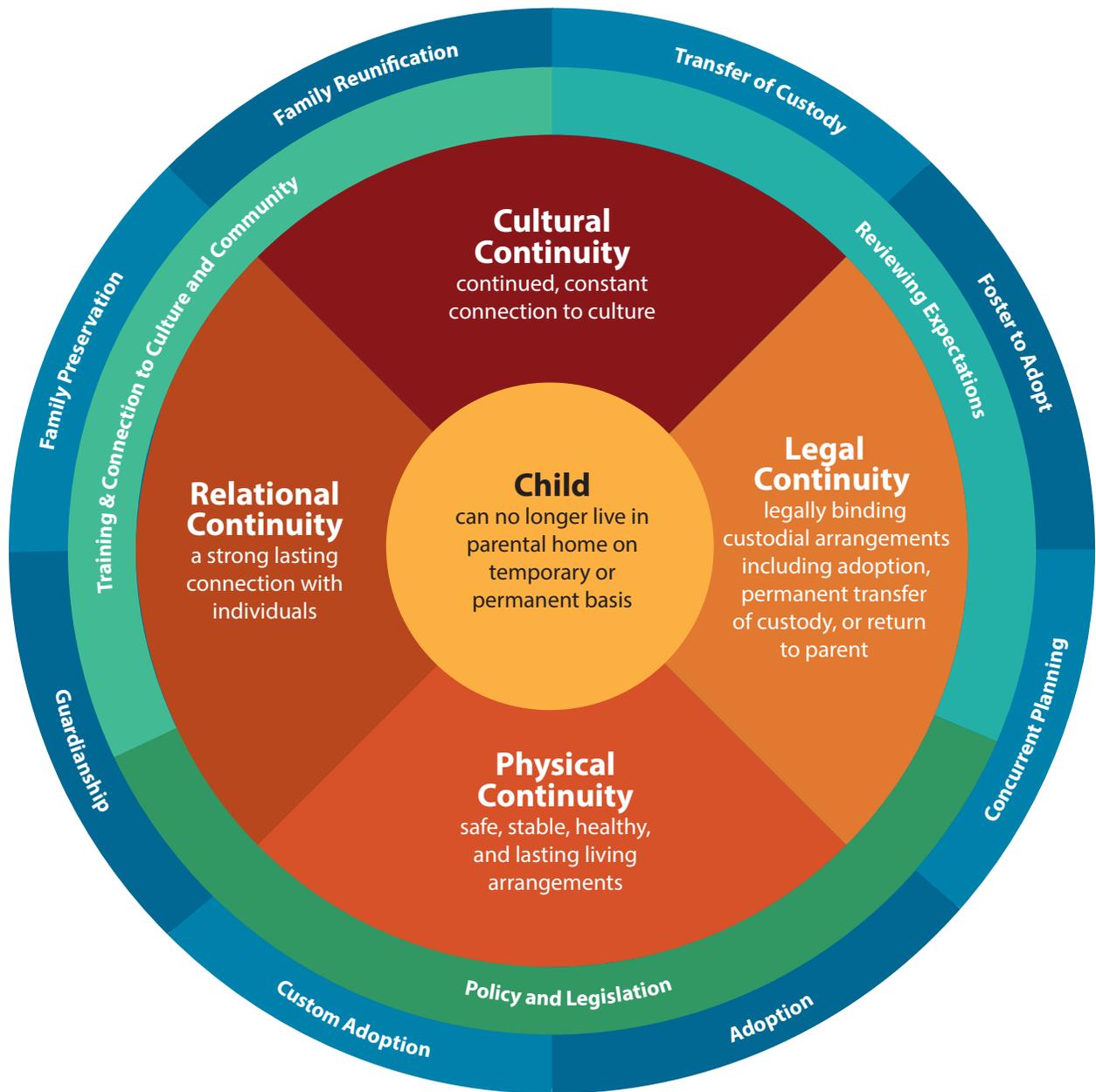
## A Forum for Change

Reconciliation for Today's First Nations, Métis & Aboriginal Children  
Through Custom Adoption and Lifelong Family  
and Tribal Connections

(held in April 2015)



Ministry of  
Children and Family  
Development





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## Introduction

A Forum for Change<sup>1</sup> was co-sponsored by the Representative for Children and Youth (RCY), the Directors Forum of 23 First Nations, Métis and Aboriginal Child and Service Agencies<sup>2</sup> (known as delegated Aboriginal Agencies, or DAAs), and the British Columbia Ministry of Children and Family Development (MCFD) with the express purpose of advancing and instigating real and concrete change in the lives of First Nations, Métis and Aboriginal children in care through movement into forever families. The parties were joined by a number of Elders, First Nations, Métis and Aboriginal chiefs and leaders, the president of the Union of BC Indian Chiefs, and the chair of the First Nations Health Council. Representatives of Aboriginal Affairs and Northern Development Canada (AANDC) were also present for some of the Forum.

The Forum built upon the RCY's June 2014 report, *Finding Forever Families: A Review of the Provincial Adoption System in B.C.* (see Appendix A), and recent efforts and dialogue among decision makers and stakeholders to advance improvements to permanency planning and adoption for First Nations, Métis and Aboriginal children in care in B.C. In particular, the Forum was an opportunity to explore Recommendation 4 from that report, which states:

*That MCFD, in immediate partnership with First Nations and Aboriginal communities, including delegated Aboriginal Agencies, take specific measures to improve rates of adoption and other permanency planning for Aboriginal children in care. (see Appendix F)*

In addition to discussing the recommendation and how to implement it, Forum participants also sought to understand why First Nations, Métis and Aboriginal children are half as likely to find permanent homes as their non-Aboriginal counterparts in care, and 20 times more likely to find permanent homes if they are in the care of MCFD instead of a DAA.



*Grand Chief Stewart Phillip, Clem Seymour of Seabird Island Indian Band and Representative for Children and Youth Mary Ellen Turpel-Lafond*

<sup>1</sup> A list of participating organizations at the Forum is in Appendix B. The full agenda and background materials for the Forum are attached in Appendix C.

<sup>2</sup> Details regarding the 23 First Nations, Métis and Aboriginal agencies can be found in Appendix D.

It has long been recognized that increased systems, processes, and resources for First Nation, Métis and Aboriginal children in care must be directed towards more effective permanency planning that respects and reflects custom adoption, tribal connections, and cultural connectedness. Moving concretely forward, however, has been hindered by a disconnect among decision makers and stakeholders about how to move such shifts forward, and what steps would make a direct and positive impact on the lives of First Nations, Métis and Aboriginal children. Moving forward has also been hampered by the absence of regular sharing of direct information about the status of the children currently in care, and their connections to First Nations, Métis and Aboriginal communities in B.C. Several reports by the Representative have explored the well-being of Aboriginal children and framed the key challenges.<sup>3</sup>

The Forum was designed to help fill this void and begin to repair this disconnect – reflecting the belief that through building common understandings of *why* shifts in permanency planning are needed and *how* those shifts may be made, the essential groundwork may be laid to implementing long overdue concrete action.

This report has two objectives. First, it provides a broad overview of the themes and ideas shared during the Forum in an accessible format to help guide planning by MCFD and DAAs for the well-being of children currently in care. Second, it lays the foundation for a high-level action plan for 2015/16, which will be developed at the next Forum. At that Forum, we will finalize steps that will increase the opportunities and pathways for First Nations, Métis and Aboriginal children to find forever families.



*Breakout session participants brainstorm issues and ideas*

<sup>3</sup> The Representative has repeatedly called for government bodies to share this critical information and work closer with First Nations, Métis and Aboriginal organizations (see Appendix A - Related RCY Reports and Activities).



## “I found myself surrounded by love”

These words were shared by one of the seven youth who with courage, honesty, and wisdom opened the Forum by sharing their journey toward forever families. This sharing focused the Forum on the urgency to act – reinforcing that there is no justification or excuse for any First Nations, Métis or Aboriginal child in care to be in a prolonged state of impermanency and exposed to the harms and challenges that can arise when a loving and permanent family environment is absent.

The fundamental importance of rising to the challenge of permanency was reinforced by the youth in a range of ways, through their stories, their open sharing, and their spirit. One youth shared how he has passed his immediate family members on the street and had little sense of belonging and recognition with them. This was a living illustration of how the connections of love so pivotal to the care, support and opportunity we all need can be absent. A number of the youth also expressed in visible and powerful ways the painful – and in many ways beautiful – movement from living in unsafe and unwanted environments, to family settings of trust and connection. In the truest and most positive sense, many of the youths’ journeys to permanency were journeys to the place they belong, to their home. The courageous sharing of these stories should embolden everyone charged with rising to this challenge to exert limitless effort to make change.

The journeys towards loving, forever families that the youth shared were also ones of cultural connection. This was reinforced by the words of Grand Chief Stewart Philip, President of the Union of BC Indian Chiefs, who joined the youth, with his own story of being adopted in the 1950s. “*I never knew who I was,*” is how Grand Chief Philip expressed his connection to his Aboriginal Syilx identity, until his biological father found him when he was an adult. This highlighted, as did the stories of the youth, how moving from cultural disconnection and misunderstanding to connection and understanding is integral to the healthy formation of identity, cultivating healing, and creating conditions for meeting the full potential of each Aboriginal child.



*Representative Mary Ellen Turpel-Lafond and Vancouver Island University President Ralph Nilson with VIU students and staff following a presentation on VIU’s tuition waiver for former youth in government care*

## Recognizing the Current Challenge

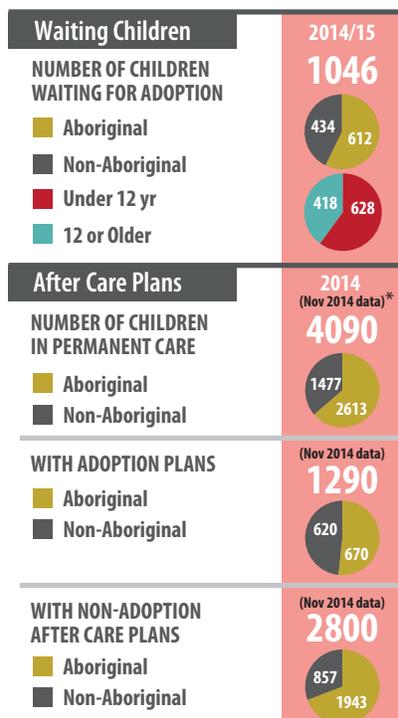
The recounting of first-hand experiences brings into focus the immense challenge all decision-makers and stakeholders face to place First Nations, Métis and Aboriginal children in care into forever families. The goal of permanency for these children is a shared one. It is recognized in legislation and supported by a range of legal and policy tools. Yet, the pathway to permanency remains largely inaccessible, and with limited successes. The Forum participants were thus confronted with a fundamental challenge:

*How can the efforts of First Nations, Métis and Aboriginal communities and families, MCFD, DAAs, AANDC and RCY be aligned to better use the tools that already exist, build the new tools that are needed, and accelerate the movement to permanency of a large number of First Nations, Métis and Aboriginal children in care?*

“Permanency” for a First Nations, Métis and Aboriginal child in care has four aspects:

- **Legal** – the legal relationship of permanency is confirmed by the court or otherwise recognized so that the child’s legal guardianship is clear.
- **Relational** – a loving family context, and connections with biological family, especially siblings, extended family, foster family, and community.
- **Physical** – a safe, secure, stable and healthy environment, as well as a strong understanding of connection of Territory and place, and the relationship between identity and place for First Nations, Métis and Aboriginal children.
- **Cultural** – connection to culture, including as expressed through practices and activities, spirituality, ceremony, and language, as well as connection with community that is consistent with their ancestry and to support continuity in their identity.

### Adoption Data as of April 30, 2015



\*Most recent data available from MCFD

There is a wide range of tools<sup>4</sup> that reinforce and support the path of permanency in these four aspects for First Nations, Métis and Aboriginal children in care. These include:

- Constitutional protection of Aboriginal and Treaty rights under section 35 of the *Constitution Act* (1982)
- *United Nations Convention on the Rights of the Child* (ratified by Canada in 1991)
- *United Nations Declaration on the Rights of Indigenous Peoples* (endorsed by Canada in 2010)
- Provisions of the *Child, Family and Community Service Act* ([RSBC 1996] Chapter 46), *Adoption Act* ([RSBC 1996] Chapter 5), and *Family Law Act* ([SBC 2011] CHAPTER 25)
- Certain standards and policies of MCFD, and
- Aboriginal Operational and Practice Standards and Indicators (AOPSI).

Goal-directed permanency planning is intended and presumed under the *CFCS Act* to be a central element of the work done on behalf of First Nations, Métis and Aboriginal children in care. This reflects the fact that these children have unique rights protected at international and domestic law, such as under section 70 of the *CFSC Act* which includes rights to cultural heritage (see sidebar on next page).



*Representative Mary Ellen Turpel-Lafond and Grand Chief Stewart Philip with youth who shared stories of family permanency*

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<sup>4</sup> Some examples of the details of these legislative and policy tools can be found in **Appendix E**.

## The Rights of Children in Care in B.C.

s. 70(1)<sup>5</sup> of the *CFCS Act* states:

**70** (1) Children in care have the following rights:

- (a) to be fed, clothed and nurtured according to community standards and to be given the same quality of care as other children in the placement;
- (b) to be informed about their plans of care;
- (c) to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
- (d) to reasonable privacy and to possession of their personal belongings;
- (e) to be free from corporal punishment;
- (f) to be informed of the standard of behaviour expected by their caregivers or prospective adoptive parents and of the consequences of not meeting the expectations of their caregivers or prospective adoptive parents, as applicable;
- (g) to receive medical and dental care when required;
- (h) to participate in social and recreational activities if available and appropriate and according to their abilities and interests;
- (i) to receive the religious instruction and to participate in the religious activities of their choice;
- (j) to receive guidance and encouragement to maintain their cultural heritage;
- (k) to be provided with an interpreter if language or disability is a barrier to consulting with them on decisions affecting their custody or care;
- (l) to privacy during discussions with members of their families, subject to subsection (2);
- (m) to privacy during discussions with a lawyer, the representative or a person employed or retained by the representative under the *Representative for Children and Youth Act*, the Ombudsperson, a member of the Legislative Assembly or a member of Parliament;
- (n) to be informed about and to be assisted in contacting the representative under the *Representative for Children and Youth Act*, or the Ombudsperson;
- (o) to be informed of their rights, and the procedures available for enforcing their rights, under
  - (i) this Act, or
  - (ii) the *Freedom of Information and Protection of Privacy Act*.

<sup>5</sup> It should be noted that the Representative has called for specific amendments to strengthen s. 70 to include mandatory adoption or permanency planning for all children in care and to ensure that such planning is regularly monitored and updated.

Yet, despite all of the tools that currently exist, and the legal and policy framework that should highlight permanency as a priority, the challenge of permanency is met far too infrequently. There has existed, and continues to exist, a policy and process gap between the requirement for permanency planning and an active and appropriate pathway for moving to permanency. As the statistics bear out, the more common experience is for a child, especially a child of Aboriginal ancestry, to get “stuck” in the care system.

Of the 5,283 First Nations, Métis and Aboriginal children who were in care for more than two months at some point in 2014, 870 found permanency. Only 99 were adopted, seven had custody permanently transferred (s. 54.1) and 764 were returned to family after an incident of abuse, neglect, maltreatment or voluntarily being placed in care. Of those who were returned, the data in B.C. suggests that, over three years, more than 30 per cent will have another recurrence of maltreatment or return to care again. This raises concerns about the assumption that permanency is a return to biological parents, especially when addictions, family violence and mental health challenges are persistent and recurring within the birth family, and means for First Nations, Métis and Aboriginal children, an even more dedicated focus on permanency placement is necessary, particularly through kinship care or extended family placements.



*Minister of Children and Family Development Honourable Stephanie Cadieux (right) with Deputy Minister Mark Sieben*

## Redefining Adoption and Permanency

Adoption is not a neutral term. As was expressed at the Forum, for many First Nations, Métis and Aboriginal people and communities it is a “dirty word” because of the history of the use of adoption as a tool in the broader project of assimilation. This was reiterated through expert commentary at the Forum that highlighted the cultural norms implicit in how adoption is typically constructed at common law, and how it has been used as part of the colonial project.<sup>6</sup> Adoption is associated with an era of failed federal and provincial policies regarding children, including residential schools and other strategies aimed at “taking the Indian out of the child.” Yet the notion of a permanent, safe and culturally supporting family is hardly unique to Aboriginal peoples. A significant focus at the Forum was placed on how adoption is a culturally specific and embedded term, and that when the term “adoption” is used in the Canadian legal context it has different meanings than how the term may be used and applied by Aboriginal peoples.

The Forum helped to crystallize a new understanding of adoption that is more consistent with Aboriginal traditions, customs and practices. These understandings are not “new” to the Aboriginal practitioners, who are steeped in the traditions of their communities. Yet, the challenge remains bringing to the surface in appropriate and respectful ways these traditions that have been practices for many generations, and are recognized in Aboriginal laws and practices, but have not been fully supported by government despite the fact that they present significant potential to address the challenges of permanency.

It is broadly recognized that Aboriginal custom adoption and kinship practices must be a major part of moving forward to address the challenges of permanency for First Nations, Métis and Aboriginal children in care. When we speak of custom adoption, we are talking about “*cultural practices of Aboriginal peoples to raise a child, by a person who is not the child’s parent, according to the custom of the First Nation and/or the Aboriginal community of the child*.”<sup>7</sup> This is distinct from how adoption is typically understood in more Eurocentric legal orders where it is defined as “*an arrangement that is exceptional where a child, who has no caregivers, is permanently placed with a family*.”<sup>8</sup>

To illustrate how different these understandings can be, there is a legacy in many societies of European heritage of adoption being intermixed with elements of social shame and requirements of social and legal secrecy. On the other hand, in some Aboriginal cultures adoption can be a central means of social and familial ordering and addressing social needs and issues.<sup>9</sup> Thus, adoption is seen as an honour that reflects the teaching that children are sacred. From this perspective, adoption is viewed as both a cultural practice, and also the expression of an inherent right and the duty to ensure the continuity of a family, clan and spiritual traditions connected to a territory and place. At another level, there are very different conceptions

<sup>6</sup> Presentation at the Forum by Douglas White III, Director of the Centre for Pre-Confederation Treaties and Reconciliation, Vancouver Island University. The PowerPoint of the presentation is available at: [www.rcybc.ca/aforumforchange](http://www.rcybc.ca/aforumforchange)

<sup>7</sup> Marilyn Poitras and Norman Zlotkin, “An Overview of the Recognition of Customary Adoption in Canada” *Saskatchewan First Nations Family and Community Institute*, (2013), p. 6 [http://www.sfnfci.ca/ckfinder/userfiles/files/Custom%20Adoption%20Final%20Report%202013\(2\).pdf](http://www.sfnfci.ca/ckfinder/userfiles/files/Custom%20Adoption%20Final%20Report%202013(2).pdf)

<sup>8</sup> Poitras and Zlotkin, p. 8.

<sup>9</sup> For example, Inuit adoption practices were observed by a Canadian court as being “*the most outstanding characteristic of their culture and appears to outrank marriage and hunting rights.*” *Re Deborah*, [1972] 5 W.W.R. 203, (subnom. *Re Tucktoo and Kitchooalik*), 28 D.L.R. (3d) 483 (N.W.T.C.A.) [cited to W.W.R.], aff’g [1972] 3 W.W.R. 194, 27 D.L.R. (3d) 225 (T.C.) [cited to W.W.R.], at 198 (T.C.).

of “attachment” that inform adoption in the European tradition as distinct from Aboriginal traditions.

The culturally embedded meaning of adoption means that, when speaking of custom adoption, we are speaking of a range of diverse cultural practices that reflect different constructs of what is “family”, different understandings of the purposes of adoption itself, and different roles for the community and public in the adoption process.

The Forum illustrated two dilemmas faced by current efforts to advance permanency for First Nations, Métis and Aboriginal children.

First, there is not sufficient shared understanding of customary adoption, what it means in different Aboriginal contexts, and how it may be used – and as a result, efforts at adoption are often perceived and experienced as culturally inappropriate. As well, significant misunderstanding and mistrust has built up, which deepens barriers to using custom adoption. To give one example, currently there is not an effective, coordinated or collaborative sharing of information between MCFD and Aboriginal communities about where the children in care from the community are located in the permanency planning process. This lack of basic information sharing holds back how custom adoption could be a pathway towards permanency, breeds mistrust, and reflects different cultural values and conceptions of what is of primary importance as different paths to permanency are explored. MCFD, by holding private all the information about children, is seen to be continuing a practice of removal and reassignment of children into a non-Aboriginal family system, thus raising significant alarm for Aboriginal families and leaders.



*Deputy Representative Dawn Thomas-Wightman with Carol White from the Snuneymuxw First Nation*

Second, while there are tools that recognize and support the use of customary adoption, they are not fully utilized nor are they by themselves sufficient. S. 46 of the *Adoption Act* allows the court to recognize an adoption through custom. Many legislative provisions recognize kinship and community ties in ways that can reinforce the use of custom adoption, including the importance of preservation of “*kinship ties and a child’s attachment to extended family*” (s. 2 of *CFCS Act*), priority placement for Aboriginal children through “*extended family, aboriginal cultural community or another aboriginal family*” (s. 71 of the *CFCS Act*), discussion with Aboriginal communities prior to an adoption (s. 7 of the *Adoption Act*), as well as the importance of preserving cultural identity of Aboriginal children in determining the best interests of the child (s.2 of the *CFCS Act* and s. 3(2) of the *Adoption Act*).

Despite these provisions, custom adoptions are not commonplace through s. 46. At the same time, while s. 46 is significant as a recognition of custom adoption, it imposes barriers to the use of custom adoption by having the courts be the only vehicle for recognizing them. At its core, this is a reflection of the lack of proper jurisdictional dialogue and relationships between Aboriginal peoples and the Crown. Multiple pathways to permanency through Aboriginal custom-based processes can and should be built through a willingness to engage in dialogue that affirms the necessary jurisdictional interplay between Crown and Aboriginal processes and laws.

A fully functioning customary adoption system would actively recognize, support and encourage the safe placement of children with families. Such a system would also ensure that equal support, such as post adoption assistance funding, was made available to these placements as they are equally, if not more,

valuable and appropriate for Aboriginal children to realize their right to be connected to family, culture and community over the span of childhood and adolescence.

## Reconciliation and Permanency

“Reconciliation” was put forward at the Forum as an overarching lens for thinking about how to rise to the challenge of finding forever families for First Nations, Métis and Aboriginal children. It was identified, however, that in this context, the term reconciliation is best understood and applied in careful ways. At its core, of course, reconciliation in this context is referring to achieving conditions in which First Nations, Métis and Aboriginal children in care are living in a context of the four pillars of permanency (Legal, Relational, Cultural, and Physical). In that context, there is the possibility of both repaired and transformed relations, as well as possibilities into the future for the child.

However, in addition it was recognized that significant reconciliation is required amongst those actively involved in trying to improve systems and pathways towards permanency. On the one hand, this stems from the reality that reconciliation in this context is embedded within the larger context of Crown relations with Aboriginal peoples and on-going processes of decolonization and seeking justice. On the other, it stems from the particular history of destructive intrusions by the Crown into family relations and patterns of child-rearing, including the residential school system and the “Sixties Scoop” (which it should be noted occurred not only in the 1960s). Reconciliation for events of the past that have caused lasting harm for Aboriginal individuals, families and communities is an important backdrop for the work.

At the same time, the Forum tried to keep a focus on the generation of children currently in care and their current needs for permanency. Building on the extensive work that has been done to improve the lives of First Nations, Métis and Aboriginal children, including by many individuals, communities, leaders and organizations, the following elements of reconciliation in the context of achieving permanency for today’s children in care were reinforced in the dialogue:

- Reconciliation requires acknowledgement and understanding of the particular cultural, social and familial laws, protocols and practices as related to adoption and permanency of First Nations, Métis and Aboriginal children. Stated another way, one of the arenas for reconciliation to occur is between established frameworks and processes for adoption that are currently entrenched within the provincial adoption system, and those of Aboriginal peoples. The lack of acknowledgement and understanding has contributed to the lack of optimal use of the tools that already exist to facilitate permanency, and a climate of conflict and tense relations.



*Forum MC Bill Yoachim, Executive Director of Kwumut Lelum Child and Family Services, with Chief Michael Harry from Málaxel Nation*

- Reconciliation requires a commitment to, and implementation of, a new concept of partnership among everyone involved in trying to achieve permanency. The operational reality is that no effective and efficient path to permanency for an Aboriginal child can be implemented unless Aboriginal families, Aboriginal communities, DAAs, MCFD, AANDC and RCY recognize that all of the others have a vital and pivotal role to play in moving towards permanency. Absent that basic recognition, and making steps to align approaches more towards building partnerships and mutual interdependence to challenge this issue, real change will be hampered. For example, the number of identified Aboriginal families in position to adopt children is significantly below what is needed. Only when Aboriginal families and communities are recognized as vital partners in meeting the permanency challenge, and approached in appropriate and more extensive ways to build recruitment strategies together, can the current gaps in recruitment be met.
- Reconciliation was also emphasized as being needed between the sincerity and desire to rise to the challenge of permanency, or understandings of the challenge, and actual actions. The shared desire to break through the obstacles and to make progress is clear, and was re-affirmed at the Forum. At the same time, the Forum revealed where gaps in shared understanding lie – particularly around gaining deeper insights into the roles and meanings of custom adoption and cultural connectedness – and the Forum itself contributed to building more understanding around those topics. But as is unfortunately too often the case, good intentions and shared ideas may fail to bear fruit because of the obstacles of translating them into action. For that reason, participants at the Forum focused on how to move from “words to deeds”, which is reflected in the last section of this report on Moving Forward.
- Reconciliation requires upholding the rights of children and youth to enjoy safety and be raised in a family that will connect them to their culture and ensure they can learn the values of their specific Aboriginal origin. A “pan-Aboriginal” approach of not carefully considering the actual ancestry, engaging in family finding, and connecting to family is considered to be disruptive to the right of these children to know and learn about their families and communities of origin. Improvements oriented in a reconciliation approach require a level of respect and engagement surrounding each child’s identity that connects planning, placement and lifelong attachments to cultural community of origin. Consistent and clear practices for this in British Columbia have been absent and recovering from this disruption is part of the task of demonstrating a new approach.



*Tracey Norris/ Utustenot – Halalt First Nation and Dan Norris/ Thxutstun who opened both days with a blessing*

## Building New Tools, Aligning Respective Systems and Efforts and Committing Our Resources: Planning for 2015/16

Custom adoption is only one example of an arena where respective systems, tools and resources are not fully utilized or fully aligned. One need look no further than the fact that while AANDC had some presence at the Forum, it was not an active participant in the planning and sponsorship of the Forum (though requested to do so). This lack of full participation with the Forum is reflective of the broader reality that AANDC has hesitated to fully engage on matters of permanency and adoption for First Nations, Métis and Aboriginal children – viewing itself more as a distant funder of services than an active participant in improving the lives of First Nations, Métis and Aboriginal children – despite its constitutional roles and responsibilities under sections 91(24) and 35 of the *Constitution*, and the legacy of actions by the Federal Crown that have directly contributed to the challenges now faced by First Nations, Métis and Aboriginal children in care. The Forum, and the work going forward coming out of the Forum – which connects to the implementation of Recommendation 4 of *Finding Forever Families* – is a great opportunity for AANDC to play the constructive and meaningful role that arises from Canada’s legal and moral obligations to First Nations, Métis and Aboriginal children.

It became clear during the Nanaimo Forum that a number of improvements should be made to increase permanency for children. At the next Forum and beyond, we will be focusing together on many of these, including:

- ***New Accountabilities:*** There is a need to develop clear and direct accountability to Aboriginal communities and leadership regarding the planning for children in care, including regularly engaging and informing communities so they can be meaningful partners in family finding and planning. As well, regular accountability for permanency through annual external reviews is needed. This might be through the Provincial Court of British Columbia, which could review and report on the status of permanency and family finding for First Nations, Métis and Aboriginal children in care so that the rights of children are given sufficient protection through meaningful processes in a legitimate arms-length forum. This would also provide the opportunity for Aboriginal leadership and communities to participate and engage as appropriate.
- ***New Processes and Planning:*** There is a need to start permanency and long-term cultural planning at the earliest possible points in time, with clearer avenues for family and community engagement and participation. Part of this could include re-shaping the values that inform steps and processes that are taken with First Nations, Métis and Aboriginal children in care, so that, from the earliest point in time, cultural connection, Aboriginal perspectives and the role of the community are guiding decisions.
- ***New Language, Training and Understandings:*** There is a need to use appropriate language to talk about permanency that builds a bridge to cultural contexts and understandings, and also speaks to the actual objective of loving and forever families. This requires a new form of training in the elements of customary adoption that should be available throughout the system.

- *New Investments and Partnerships:* There is a need for partners to build permanency pathways together that reflect the multiplicity of opportunities that may be used, the cultural dimensions of moving to permanency, and how MCFD, DAAs, community, and family participation will take place on the path. AANDC needs to be an active partner in this as well, to support, inform, and participate in efforts to treat equally customary adoptions, and help facilitate the identification of more Aboriginal families to provide permanent homes for children in care.

All of these categories of alignment and action relate to an overarching theme that arose throughout the Forum – that, ultimately, shifts in how permanency planning is approached and implemented require significantly changed relationships. MCFD and Aboriginal communities and families must be in more honest, trusting dialogues with one another. MCFD and DAAs must build deeper patterns of mutual respect and support in working together on permanency issues. The RCY, while an advocate, must also consciously occupy the space of helping facilitate better the relationships that are needed to make these alignments.

There is no denying the importance of transformed relationships. But it has to be recognized that acting in new ways – making the actual effort to do things differently and not merely talking – is the only way to a new relationship. In relational contexts burdened by history and laced with mistrust, the change comes by showing, through sustained and diligent effort over time, that one is actually doing things differently. The way forward is to stay focused on the needs of children and youth.



*Tzinquaw Dancers, performers on Day 2 of the Forum*

## Moving Forward – Building the 2015/16 Action Plan

Almost a year has passed since the release of RCY's report *Finding Forever Families*, which included in Recommendation 4 the request for a draft plan to be delivered by MCFD to the Representative by March 31, 2015. MCFD did not make the March 31st deadline. The seven components of Recommendation 4 remain outstanding and, throughout the Forum, all the participants reinforced the need for actions to be taken that align with the components of the Recommendation.

The Forum, to be in any way considered meaningful or a success, must be an agent of spurring on real steps forward that will ultimately contribute to change in the lives of First Nations, Métis and Aboriginal children in care through permanency. This was made explicit in the closing remarks of the Forum, when the unifying message by all speakers was that it is no longer the time for talk; it is the time to act.

A recommendation to have a second Forum in the fall was made and accepted during the Nanaimo Forum. It is recommended that Forum include a broader cross-section of political leadership – federal, provincial, and Aboriginal – as well as a broader cross-section of front-line workers who are implementing permanency planning and initiatives. Further, and most importantly, it is essential that the focus of that meeting is not merely more exploration of what might be done – as it has already been demonstrated that it is well understood by all involved what the challenges are and what can and must be done to address them. Rather, the next Forum will be about implementing new actions and removing remaining obstacles to implementing those actions.

A number of critical themes to address became evident at the Nanaimo Forum:

- The requirement for permanency planning for Aboriginal children and youth, reflecting the four dimensions of permanency, should be reinforced. As well, custom adoption needs to be given a clear and central place in permanency planning and pathways for First Nations, Métis and Aboriginal children, and systems and processes need to be re-aligned towards its use. There is a need for a new approach to reporting on what is permanency that reflects customary adoption and kinship ties. This will require the active involvement of all partners.
- It's clear from discussions at the Nanaimo Forum that there needs to be specific targets for moving First Nations, Métis and Aboriginal children in care into permanency, accompanied by timelines and steps to be followed for meeting them. Specific targets, accompanied by implementation steps for meeting them, will focus the work in tangible



*A member of the Snuneymuxw Dance Group prepares to perform on Day 1 of the Forum*

ways, illustrate what partners should be working towards in terms of supports needed for moves to permanency (e.g. identifying suitable numbers of families, timing and approach for engaging leadership etc.) These targets should be set in consultation with the partners.

- It became clear at the first Forum that there is a need for usable data on First Nations, Métis and Aboriginal children in care. This data will be used to develop realistic permanency outcomes for this population in care and to improve accountability mechanisms.
- There was an agreement on the need to increase youth voice on permanency processes. As the Forum illustrated, the voices of Aboriginal children and youth who are or have been in care contain vital wisdom and insight into what works and what doesn't, what small or large steps were taken that were meaningful in their lives, and how obstacles and challenges may be met. Reconciliation means actually listening to children and involving them. A widespread suggestion at the Forum was the formation of a youth advisory committee to provide insight on permanency on a regular basis to MCFD, DAAs and the RCY.
- Many Forum participants identified the discontinuance of funding for legal guardianship as a real obstacle to recognition and use of customary approaches to permanency. There were many participants of the opinion that the lack of equal post adoption assistance in the customary adoption context, as well as in the on-reserve context, acts as a barrier to growing the numbers of Aboriginal families prepared for permanent placement of a child. It was felt that changes here could have an immediate impact on the number of Aboriginal families prepared to offer permanency to children.
- The need for a mechanism to implement policy change to increase permanency was acknowledged by Forum participants.

These items will lay the foundation for the development at the next Forum of a 2015/16 Action Plan that will spell out concrete actions to find forever families for more First Nations, Métis and Aboriginal children.



*Snuneymuxw Dance Group performs on Day 1 of the Forum*

## Appendix A – Related RCY Reports and Activities

### Related RCY Reports and Activities

(All reports available at [www.rcybc.ca](http://www.rcybc.ca))

Several reports by the Representative have explored the well-being of Aboriginal children and framed the key challenges:

- *Lost in the Shadows: How a Lack of Help Meant a Loss of Hope for One First Nations Girl* (2014)
- *Out of Sight: How One Aboriginal Child's Best Interests Were Lost Between Two Provinces* (2013)
- *Much More Than Paperwork: Proper Planning Essential to Better Lives for B.C.'s Children in Care* (2013)
- *Who Protected Him? How B.C.'s Child Welfare System Failed One of Its Most Vulnerable Children* (2013)
- *When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.* (2013)
- *Trauma, Turmoil and Tragedy: Understanding the Needs of Children and Youth at Risk of Suicide and Self-Harm* (2012)
- *So Many Plans, So Little Stability: A Child's Need for Security* (2011)
- *Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Children* (2011)
- *Growing Up In B.C. Joint Report with the Office of the Provincial Health Officer* (2010)
- *No Shortcuts to Safety: Doing Better for Children Living with Extended Family* (2010)
- *Housing, Help and Hope: A Better Path for Struggling Families* (2009)
- *Kids, Crime and Care: Youth Justice Experiences and Outcomes: Joint Report with the Office of the Provincial Health Officer* (2009)
- *Amanda, Savannah, Rowen and Serena: From Loss to Learning* (2008)
- *Health and Well-Being of Children in Care in B.C.: Educational Experiences and Outcomes* (2007)
- *Health and Well-Being of Children in Care in British Columbia: Report 1 on Health Services, Utilization and Mortality: Joint Report with the Office of the Provincial Health Officer* (2006)

In addition to these reports, the Representative:

- made a submission to the Truth and Reconciliation Commission titled *Aboriginal Children: Human Rights as a Lens to Break the Intergenerational Legacy of Residential Schools* (2012);
- presented a paper at the International Summer Course on the Rights of the Child in Moncton, N.B., *Making Human Rights Relevant to Children* (2012); and
- as a member of the Canadian Council of Child and Youth Advocates, released a *Special Report, Aboriginal Children – Canada Must Do Better: Today and Tomorrow* (2011).

## Appendix B – Forum Attendees

### Organizations Represented at the Forum:

Ministry of Children and Family Development

- Multiple staff members, including:
  - Minister
  - Deputy Minister
  - Provincial Director of Child Welfare
  - Director of Practice
  - Director of Adoption
  - Director of Communications
  - Executive Directors of Service

Representative for Children and Youth B.C.

- Multiple staff members, including:
  - Representative
  - Deputy Representative
  - Assistance Deputy Representative
  - Executive Director, Communications

Province of Ontario

- Ministry of Children and Youth Services: Manager, Children in Care
- Advocate for Children and Youth

Aboriginal Affairs and Northern Development Canada

Adoptive Families Association of BC

Ayas Men Men Child & Family Services (Squamish Nation) (Coast/Fraser Region)

Carrier Sekani Family Services

Child Welfare Consultant

Choices Adoption & Counselling

Delegated Aboriginal Agency - IKG

Denisiqi Services Society (Interior Region)

Federation of Aboriginal Foster Parents

Federation of BC Youth in Care Networks

First Nation Health Council

First Nations Education Steering Committee

Fraser Valley Aboriginal Children and Family Services Society (Coast/Fraser Region)

Gitxsan Child & Family Services Society (Northwest/Shirley Reimer)

Gwa'sala-'Nakwaxda'xw Nations

Haddock Associates

Haida Child And Family Services Society (North Region, Massett Office)

Ktunaxa/Kinbasket Child & Family Services (Interior Region)

Kw'umut Lelum Child & Family Services (Nanaimo)

Lalum'utul' Smun'eem Child & Family Services (Vancouver Island Region)

Lil'Wat Nation

Métis Nation BC

Nenan Dane zaa Deh Zona Family Services

Nezul Be Hunuyeh Child & Family Services Society (North Region)

Nil/Tu,O Child & Family Services Society (Vancouver Island Region)

Nlha'7Kapmx Child & Family Services Society (Interior Region)

Northwest Inter-Nation Family and Community Services Society (North Region)

Nuu-Chah-Nulth Tribal Council Usma Family and Child Services (Vancouver Island)

Scw'exmx Child & Family Services Society (Interior Region)

Seabird Island Band

Secwepemc Child and Family Services

Surrounded by Cedar Child and Family Services (Vancouver Island Region)

Tsilhqot'in National Governmentt

Union of B.C. Indian Chiefs

University of Victoria

Vancouver Aboriginal Child and Family Services Society (VACFSS) (Coast/Fraser Region)

Vancouver Island University

## Appendix C – Forum Agenda

*A Forum for Change: Reconciliation for Today's First Nations, Métis & Aboriginal Children Through Custom Adoption and Lifelong Family and Tribal Connections*

### Thursday April 16, 2015

- **Welcome Remarks & Blessing**
  - Bill Yoachim – Executive Director, Kw'umut Lelum Child and Family Services
  - Dan Norris/ Thxutstun & Tracey Norris/ Utustenot – Halalt First Nation
- **Introductions & Forum Overview**
  - Mary Ellen Turpel-Lafond – Representative for Children and Youth
- **Youth Panel with Grand Chief Stewart Philip**
  - Experiences and stories on the importance of lifelong family and tribal connections
- **Breakout Sessions – choose from A, B or C:**
  - A. Demystifying Adoptions and Planning for Secure & Lifelong Family and Tribal Connections**

*Approaching communities and leadership about the mechanisms and tools available for planning culturally appropriate permanent family arrangements is a respectful way forward to addressing the damaging legacy of external, closed and culturally disconnected adoption. This session will focus on practice and current opportunities.*

    - Lise Haddock – Director, Lise Haddock & Associates
    - Denise Devenny – Executive Director, Aboriginal Services, Ministry of Children and Family Development
    - Addie Price – Executive Director, Lalum'utul'Smun'eem Child and Family Services
    - Kim Grzybowski – Adoptions Manager, Lalum'utul'Smun'eem Child and Family Services
  - B. Accountability Builds Change**

*This session will focus on enhancing the provincial approach on Permanency Planning for First Nation, Métis and Aboriginal children and youth.*

    - Cory Heavener – Assistant Deputy Minister & Provincial Director of Child Welfare, Ministry of Children and Family Development
    - Dawn Thomas-Wightman – Deputy Representative for Children and Youth

### C. Reconciliation for First Nations Families & Communities

*This session will provide an opportunity for respectful dialogue about how to change the status quo through active, tangible, creative and courageous steps that reflect both an understanding of the past and a renewed vision of the future for First Nation, Métis and Aboriginal children and youth.*

Rotating Panel Presenters:

- Chief Don Tom – Tsartlip First Nation
  - Gwen Point – Board President, Fraser Valley Aboriginal Children and Family Services
  - Grand Chief Doug Kelly – Sto:lo Tribal Council
  - Clem Seymour – Seabird Island Indian Band
  - Mary TeeGee – Executive Director of Children and Families, Carrier Sekani Family Services
  - Minister Daniel Pitman – Métis Nation B.C.
- Honouring ceremony for Dr. Ralph Nilson – President and Vice-Chancellor Vancouver Island University
  - Snuneymuxw Dance Group
  - Tribal Customary Adoption in Canada with Special Emphasis on the B.C. Context
    - Doug White – Director, Centre for Pre-Confederation Treaties and Reconciliation
  - Tribal Customary Adoption in the State of California
    - Nancy Currie – Director, Tribal Family Services, Soboba Band of Luiseno Indians
  - Breakout Sessions – choose from A, B or C above
  - Wrap up and Closing Remarks
    - Mark Sieben – Deputy Minister of Children and Family Development
    - Mary Ellen Turpel-Lafond – Representative for Children and Youth

### Friday April 16, 2015

- Breakout Sessions – choose from A, B or C (*see Thursday's agenda*)
- Welcoming Remarks & Blessing
  - Bill Yoachim – Executive Director, Kw'umut Lelum Child and Family Services
  - Dan Norris/ Thxutstun & Tracey Norris/ Utustenot – Halalt First Nation
- The Representative's B.C. Adoption Update
  - Mary Ellen Turpel-Lafond – Representative for Children and Youth
  - Hon. Stephanie Cadieux – Minister of Children and Family Development

- A Profile of B.C.'s Aboriginal Children and Youth in Need of Permanent Placements
  - Mark Sieben – Deputy Minister of Children and Family Development
  - Martin Wright – Executive Director of Modelling, Analysis and Information Management Branch, Ministry of Children and Family Development
- Tzinquaw Dancers
- A Snapshot of Promising Practices: *A look at two initiatives aimed at improving stability and permanency for Aboriginal children and families*
  1. Together in a Good Way: A joint partnership between Seabird Island Band and the Ministry of Children and Family Development
    - Martin Bartel – Fraser Cascade Community Services Manager
    - Penny Trites – Team Leader, Agassiz Child and Family Services
    - Chief Clem Seymour – Seabird Island Band
  2. Community Partnerships that Promote Cultural Permanence
    - Kathleen Bennett – Executive Director, Northwest Inter-Nation Family and Community Services Society
    - Dr. Sandrina de Finney – Associate Professor, School of Child and Youth Care, University of Victoria
- Closing Remarks, Wrap Up & Blessing: *Summary of event, next steps and looking ahead to the September forum*
  - Mary Ellen Turpel-Lafond – Representative for Children and Youth
  - Mark Sieben – Deputy Minister of Children and Family Development
  - Dr. Roshan Danesh – Rapporteur
  - Kw'umut Lelum Child and Family Services Youth

## Appendix D – Delegated Aboriginal Agencies

(listed by delegated authority)

C6 Child Protection	
<b>Fraser Valley Aboriginal Children and Family Services</b> <i>Locations:</i> Mission Agassiz Abbotsford Langley	Aitchelitz Chawathil Cheam Kwantlen Leqç'a:mel Popkum Shzw`owhamel Shx:wha:y Village Skawahlook Skowkale Skwah Soowahilie Squiala Sumas Tzeachten Yakweakwioose
<b>Knucwentwecw Society</b> Williams Lake	Canim Lake Canoe Creek Soda Creek Williams Lake
<b>Ktunaxa/Kinbasket Child and Family Services</b> <i>Locations:</i> Cranbrook Lower Kootenay Akisqnuk	Columbia Lake/ ?akisq`nuk Lower Kootenay Shuswap St. Mary's Tobacco Plains
<b>Kwumut Ielum Child and Family Services</b> <i>Locations:</i> Nanaimo BC Penelakut Island	Stz`uminus Halalt Lake Cowichan Lyackson Malahat Nanoose Penelakut Qualicum Snuneymuxw

<b>C6 Child Protection</b>	
<b>Lalum'utul' Smuneem Child and Family Services</b> Duncan	Cowichan
<b>Métis Family Services</b> Surrey / Coast Fraser	Métis Simon Fraser/South Fraser
<b>NIha`7kapmx Child and Family Services</b> Lytton	Cook's Ferry Kanaka Bar Lytton Nicomen Siska Skuppah
<b>Nuu Chah Nulth Tribal Council or USMA Family and Child Services</b> Port Alberni <i>(Also providing off reserve services to Nuu Chah Nulth children in Port Alberni, Sproat Lake, Beaver Creek and Cherry Creek)</i>	Ahousat Ditidaht Ehattesah Hequiaht Mowachah/Muchalaht Hupacasath Nuchatlaht Tla-o-qui-aht Maa-nulth Treaty: Huu-ay-aht Ka: `yu:k`th`/ Che:K:tl'es7et`h Toquaht Uchucklesaht Ucluelet
<b>Scw`exmx Child and Family Services</b> Merritt	Coldwater Lower Nicola Nooaitch Shackan Upper Nicola
<b>Secwepemc Child &amp; Family Services Agency</b> Kamloops	Adams Lake Bonaparte Kamloops Neskonlith North Thompson Skeetchestn Whispering Pines
<b>Vancouver Aboriginal Child and Family Services Society (VACFSS)</b> Vancouver	Vancouver Urban (Vancouver/Richmond)

<b>C4 Guardianship</b>	
<b>Ayas Men Men Child &amp; Family Services (Squamish Nation)</b> West Vancouver	Squamish
<b>Carrier Sekani Family Services</b> (North Region) <i>Locations:</i> Prince George Burns Lake Vanderhoof	Burns Lake Cheslatta Lake Babine Nadleh Whut'en Nee Tahi Buhn Skin Tyee Stella'ten Saik'uz Takla Lake Wet'suwet'en Yekooche
<b>Gitxsan Child &amp; Family Services Society</b> <i>Location:</i> Hazelton	Kispiox Glen Vowell Gitsegukla Gitwangak
<b>Nezul Be Hunuyeh Child &amp; Family Services Society</b> <i>Location:</i> Fort St. James Prince George	Nak'azdli Tl'azt'en
<b>Nil/Tu,O Child &amp; Family Services Society</b> <i>Location:</i> Saanichton	Beecher Bay Pauquachin Songhees Tsartlip Tsawout T'sou-ke
<b>Nisga'a Child &amp; Family Services</b> <i>Location:</i> New Aiyansh Prince Rupert Terrace	Citizens of the Nisga'a Lisims Government including villages of: Gingolx (Kincolith) Gitlakdamx Lakalzap Gitwinksihlkw
<b>Northwest Inter-Nation Family and Community Services Society</b> <i>Location:</i> Terrace Prince Rupert Iskut	Hartley Bay Iskut Kitamaat Kitkatla Kitselas Kitsumkalum Lax-kw'alaams Metlakatla Tahltan
<b>Surrounded By Cedar Child And Family Services</b> <i>Location:</i> Victoria	Victoria Urban

<b>C3 Voluntary Services</b>	
<p><b>Denisiqi Services Society</b>  <i>Location:</i>                      Williams Lake</p>	Alexandria Alexis Creek (Tsi Del Del) Anaham (Tl'etingox) Nemiah (Xeni Gwet'in) Stone (Yunesit'in) Toosey (Tl'esqotin) Ulkatcho
<p><b>Haida Child and Family Services Society</b>  <i>Location:</i>                      Old Masset                      Skidegate</p>	Old Masset Village Council Skidegate Band
<p><b>Heiltsuk Kaxla Child &amp; Family Service Program</b>  <i>Location:</i>                      Bella Bella</p>	Heiltsuk
<p><b>K'wak'walat'si ('Namgis) Child and Family Services</b>  <i>Location:</i>                      Alert Bay</p>	'Namgis Tlowitsis-Mumtagalia

## Appendix E – Legislative and Policy Tools

### Legislation, Structures and Tools to Support Permanent Family Arrangements for Children and Youth in B.C.

First Nations, Métis and Aboriginal families, communities and leadership have a range of tools and supports available through various legislation, policies and standards that speak to the importance of legal, cultural, physical and relational continuity for First Nations, Métis and Aboriginal children. These include:

- The constitutional protection of Aboriginal and Treaty rights under section 35 of the *Constitution Act*
- 1982 United Nations Convention on the Rights of Children
- United Nations Declaration on the Rights of Indigenous Peoples
- *Child, Family and Community Service Act*
- *Adoption Act*
- *Family Law Act*
- Ministry for Children and Family Development Standards and Policies
- Aboriginal Operational and Practice Standards and Indicators (AOPSI)

PHYSICAL CONTINUITY	
<p><b><i>Child, Family and Community Service Act (CFCS Act) 1996</i></b></p> <p>Section 2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:</p> <p>(a) children are entitled to be protected from abuse, neglect and harm or threat of harm;</p> <p>Section 4 Best Interest</p> <p>(1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child’s best interests, including for example</p> <ol style="list-style-type: none"> <li>The child’s safety</li> <li>The child’s physical and emotional needs and level of development</li> </ol>	<p><b>Child and Family Service Standards</b></p> <p>Standard 11: When a Child is at Immediate Risk of Harm</p> <ul style="list-style-type: none"> <li>• When information indicates that a child is at immediate risk of harm, on receiving that information take the necessary steps to ensure the child’s immediate safety and health</li> <li>• In keeping with the overriding principle of the <i>CFCS Act</i> – that the safety and well-being of children is paramount – this standard reinforces the need to take direct and immediate action to address circumstances where a child may be at immediate risk of harm. These actions are always unique to the child’s circumstances and are taken in collaboration with other community service providers, such as police</li> </ul>

## RELATIONAL CONTINUITY

### Legislation

#### *Child, Family and Community Service Act (CFCS Act) 1996 Section 2, 4, 8 and 71*

- Section 2 (e) kinship ties and a child's attachment to extended family should be preserved if possible
- Section 4 Best Interest (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example (d) The quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship
- Section 8 Agreements with child's kin and others
  - (1) A director may make a written agreement with a person who
    - (a) has established a relationship with a child or has a cultural or traditional responsibility toward a child, and
    - (b) is given care of the child by the child's parent
- Section 71 Priority Placement for Aboriginal Children Before an Aboriginal child is placed the following priority placement must be considered:
  - a) With the child's extended family or
  - b) Within the child's aboriginal cultural community or
  - c) With another aboriginal family

### Adoption Act

- Section 59 allows for openness agreements to be arranged between significant people in the child's life and the adoptive family
- This is to allow the child to maintain relationships with important people in their lives

### Policies and Standards

#### **Child and Family Service Standard 6: Promoting and Maintaining Continuity of Lifelong Relationship**

- From initial contact and throughout the period of involvement with a child, family and extended family, always consider how actions and decisions made may affect the child's need for stability and continuity of lifelong relationships

#### **Child and Family Service Standard 8: Informal Kinship Care**

- If a parent is unable to care for a child, give priority to supporting a safe alternative living arrangement with a relative or person who is known to the child or who has a cultural or traditional responsibility to the child

## LEGAL CONTINUITY

### Legislation

#### *Child, Family and Community Service Act (CFCS Act) 1996 Sections 13, 41, 49, 50.1, 54.1, 54.01*

- Incident of Abuse/Neglect/Harm, Temporary Custody, Continuing Custody, Adoption, Custom Adoption
- Transfer of Guardianship

### Adoption Act 1996

- Custom Adoption – section 46
- Adoption – section 35

### Family Law Act (FLA) 2011

- Transfer of Guardianship
- Sections 208 & 209, part 10, Division 3 of the FLA

## CULTURAL CONTINUITY

### Legislation

#### *Child, Family and Community Service Act (CFCS Act) 1996*

Section 2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:

(f) the cultural identity of Aboriginal children should be preserved

Section 3(b) aboriginal people should be involved in the planning and delivery of services to aboriginal children and families

Section 4 Best Interest (2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

#### **Section 70 Rights of Children in Care**

- To receive guidance and encouragement to maintain their cultural heritage
- Section 71 Priority Placement for Aboriginal children. Before an Aboriginal child is placed the following priority placement must be considered:
  - a) With the child's extended family, or
  - b) Within the child's aboriginal cultural community, or
  - c) With another aboriginal family

#### *Family Law Act 2011*

Section 41(e) Parental Responsibilities, for the purposes of this Part, parental responsibilities with respect to the child are as follows:

- making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an aboriginal child, the child's aboriginal identity;
- Sections 208 & 209, part 10, Division 3: guardianship of Nisga'a children and treaty First Nation children in respect of the laws and customs of the First Nation

#### *Adoption Act 1996*

Section 3(2) Best Interest of the Child

If the child is an Aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests

## CULTURAL CONTINUITY *continued*

### Section 7 Discussion with Aboriginal communities

- (1) Before placing an aboriginal child for adoption, a director or an adoption agency must make reasonable efforts to discuss the child's placement with the following:
- (a) if the child is registered or entitled to be registered as a member of an Indian band, with a designated representative of the band;
  - (a.1) if the child is a Nisga'a child, with a designated representative of the Nisga'a Lisims Government;
  - (a.2) if the child is a treaty first nation child, with a designated representative of the treaty first nation

### Custom adoptions

- 46 (1) On application, the court may recognize that an adoption of a person affected by the custom of an Indian band or aboriginal community has the effect of an adoption under this Act
- (2) Subsection (1) does not affect any aboriginal rights a person has

## Policy and Practice Standards

### Aboriginal Equity and Inclusion Policy Lens

The Lens is an overarching framework that applies to all phases of the policy development process. Central to the Lens' approach is the inclusion of Aboriginal peoples' perspectives in policy development and, ultimately, in decisions that affect their families

### Child and Family Service Standards

#### Standard 1: Screening and best approach to service delivery

- When services are requested by or for an Aboriginal child or family, work in partnership with the Aboriginal community and the identified delegated agency in the assessment, planning and delivery of services

#### Standard 2: Children and Families from Aboriginal Communities

- To preserve and promote a child's Aboriginal heritage and connection to his or her Aboriginal community, the following must be involved in all significant decisions when determining the child's Aboriginal connections, heritage and descent, and when assessing, planning and providing services for the child: the child, the child's family, extended family, the child's Aboriginal community

#### Standard 5: Providing Services that Respect a Child's Culture and Identity

**CULTURAL CONTINUITY** *continued***United Nations Convention on the Rights of the Child****Article 20**

1. A child deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. State Parties shall in accordance with their national laws ensure alternative care for such a child. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background

**Article 30**

1. In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language

**AOPSI**

- **AOPSI Voluntary Services**  
Standard 4: Involving the Aboriginal Community in the Provision of Services – When providing services to children and families, the social worker involves the child, family, extended family and, when appropriate, the designated representative of the family's Band/cultural group or Aboriginal community in the planning and delivery of services
- **AOPSI Voluntary Services**  
Standard 11: Preserving the Identity of the Child in Care and Providing Culturally Appropriate Services – The social worker will preserve and promote the cultural identity of the child in care and provide services sensitive to the child's views, cultural heritage and spiritual beliefs
- **AOPSI Voluntary Services**  
Standard 15 and **Guardianship Standards** Standard 11: Deciding Where to Place the Child When Making Decisions Regarding Where to Place an Aboriginal Child, consistent with the child's best interests and need for stability and continuity of lifelong relationships, the social worker gives priority to placing the child: with the child's extended family; within the child's Band/cultural group or Aboriginal community; with another Aboriginal family, if the child's own family or community cannot assume the child's care
- **AOPSI Guardianship Standards**  
Standard 1: Preserving the Identity of the Child in Care and Providing Culturally Appropriate Services – The social worker will preserve and promote the cultural identity of the child in care and provide services sensitive to the child's views, cultural heritage and spiritual beliefs

## **Appendix F – Recommendation from RCY report *Finding Forever Families: A Review of the Provincial Adoption System in B.C. (2014)***

### **Recommendation from RCY report *Finding Forever Families: A Review of the Provincial Adoption System in B.C. (2014)***

In this report, the Representative carefully examined the needs of First Nations, Métis and Aboriginal children in care and the challenges of moving to permanency and made an immediate call to action in Recommendation 4:

**That MCFD, in immediate partnership with First Nations and Aboriginal communities, including delegated Aboriginal Agencies, take specific measures to improve rates of adoption and other permanency planning for Aboriginal children in care.**

**Details:**

MCFD should:

- Produce annual reports to each First Nations Chief and Aboriginal community on the status of children from their community who are eligible for adoption or other permanency options.
- Ensure that financial assistance equivalent to post adoption assistance is available for families who use a custom adoption through a transfer of custody, so that custom adoption is a viable option for prospective Aboriginal parents.
- Engage with First Nations and Aboriginal leadership to assist in developing a process to easily recognize these custom adoption practices, including an education element to assist MCFD staff in understanding all aspects of custom adoption.
- Work with Aboriginal Affairs and Northern Development Canada to ensure post adoption supports equal to PAA are provided for First Nations adoptive parents on-reserve.
- Work collaboratively with delegated Aboriginal Agencies to develop an Aboriginal-specific permanency planning strategy, including the development of a provincially delegated Aboriginal adoption agency and Aboriginal permanency committees in each of the four regions, with a focus on timely permanency plans for Aboriginal children.
- Engage with First Nations and Aboriginal leadership to develop a consensus on how prospective adoptive parents are identified as First Nations or Aboriginal and what validation requirement should be added to MCFD on custom adoption practice.
- Ensure all adoption and guardianship workers have mandatory cultural competency training as well as additional support and specialized training in managing the complexities of adoption planning in First Nations and Aboriginal communities.

## Further Information

For more information about issues regarding permanency for Aboriginal children and youth in British Columbia, this report, or the planning for the October Forum, please contact:

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Director, Aboriginal Initiatives  
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## Contact Information

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#### Website

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## What First Nations, Métis and Aboriginal Organizations Can Do

How to support children in care to have the family and community support they need:

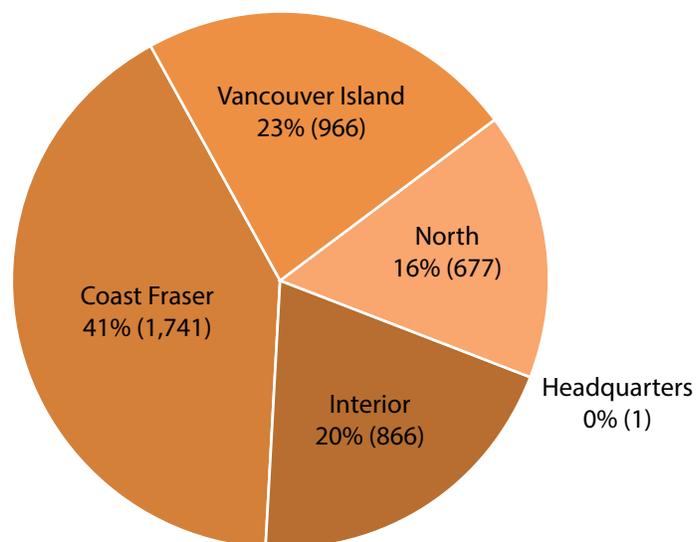
### 1. Update Plans of Care

Plans of Care that are created by MCFD and DAAs must be up-to-date and accurately reflect the care and planning for the child or youth. The four components of permanency planning should be a part of any Plan of Care.

### 2. Get Informed on Children's Status and Well-Being

MCFD and DAAs need to immediately report to each individual First Nation and Métis Organization on the status of individual children with families of origin in those communities. This should include age, length of time in care, location of the child, and the nature of sibling or important family relationships that impact planning for permanency. This reporting process should welcome follow-up discussions on each child to explore family-finding and support for permanent placements for each child. The whereabouts of children must be known. Once this is known, engagement with MCFD or the DAA can begin on family-finding. When the family is known, plans can be created that facilitate family bonding. (see Aboriginal CIC chart)

**Number of Aboriginal CIC by Region,  
\*November 2014, n=4251**



Source: Ministry of Children and Family Development, Data Warehouse  
\*Data is latest available from MCFD

### 3. Develop Partnerships

Child-serving organizations, MCFD and DAAs must develop partnerships that emphasize family finding and cultural planning, and must work together to provide culturally relevant services, especially for the significant number of urban Aboriginal children. Specific protocols and practice requirements need to be developed to ensure this work is consistent with the rights of the child to be connected in a permanent way to culture, community and family with meaningful accountability and qualified staff to support specific outcomes.

- As of November 30, 2014, there were 4,251 aboriginal children in care.
- Coast Fraser is the region with the largest number of aboriginal children in care, with 41% (1,741) of the total number.

### 4. Set Targets for Permanency

Targets must be set across regions which include the DAAs and First Nations to find permanent placements for children and youth in care. For a DAA with 100 children in CIC status, a reasonable target for the first year is 20 placements. At least a 20 per cent target should be set for the first year and increase over time. Incentives should be provided to those who set targets and reach targets.

### 5. Present and Discuss Plans and Targets Again with RCY, MCFD, DAAS and Other Supporting Organizations such as FNHC and FNEC.

All health, education and child support services should be engaged in aspects of permanency.