



WHAT WE HEARD

2022 Engagements for Legislative Change



Ministry of
Children and Family
Development

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ACKNOWLEDGEMENTS

We would like to acknowledge the diverse territories of First Nations around B.C. We are grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities, and concerns of all Indigenous Peoples (First Nations, Métis, and Inuit), respecting and acknowledging their distinct cultures, histories, rights, laws and governments.

We would like to gratefully thank each person who participated in our engagement; your time and energy are essential in creating a path forward for systemic reform. We acknowledge the bravery that it takes to share your story with the ministry and are grateful for your courage and vulnerability. We hope that you see yourselves reflected in these pages. Thank you to all our partners who supported us to reach out and engage in positive and creative ways.

Thank you!



BACKGROUND

In 2022, the Ministry of Children and Family Development (MCFD/the ministry) launched two separate but related engagement processes to support transformation to the child and family service system: broad systemic reform (reform engagement), and on upholding Indigenous jurisdiction that led to the development of legislative amendments.

Broad Reform Engagement

The first set of engagements were intended to seek broad feedback on the *Child, Family and Community Service Act* (CFCSA) with the intent of systemic legislative reform. This work was, in part, a result of the commitment in the *UN Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) Action Plan: to bring child welfare legislation into alignment with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In addition, this engagement was to support further shifts in child welfare towards prevention and family preservation.

The ministry's goal for our engagements in 2022 was to reach out to as many people as possible with diverse backgrounds and experiences to understand what the goals and priorities for reform should be.

The second set of engagements to uphold Indigenous jurisdiction

was initiated because of work happening at coordination agreement tables with Indigenous Governing Bodies (IGBs). These tables are established under the federal *Act respecting First Nations, Inuit, and Métis children, youth and families* (Federal Act) and result in agreements that coordinate the exercise of Indigenous jurisdiction over child and family services. As the coordination agreement discussions were proceeding, it became clear that aspects of provincial legislation needed to change to create space for the full exercise of Indigenous jurisdiction.

A series of engagements were established to identify what changes were required. The ministry hosted intensive engagements on the scope and content of legislative amendments in the spirit of co-development. As a result of this process, the scope of the legislative changes was significantly broadened to include provisions that would align our legislation with UNDRIP, the Declaration Act, and further implement the federal Act.

Many of the changes to align our legislation with UNDRIP supported the kind of systemic change that our reform engagements intended to achieve. While engagements on reform continued, focused engagements were taking place to change the CFCSA and *Adoption Act* to both facilitate the exercise of Indigenous jurisdiction, and to bring both Acts into alignment with UNDRIP, and the Declaration Act.



The result of this work was Bill 38: [Indigenous Self-Government in Child and Family Services Amendment Act](#). These amendments represent a historic step towards recognizing the rights of Indigenous Peoples over their children and families. These amendments:

Recognize that the Child, Family and Community Service Act (CFCSA) must be administered and interpreted in accordance with Indigenous communities' inherent right of self-government with respect to child and family services.

Enable IGBs to assume jurisdiction over child-welfare services provided to an Indigenous child in accordance with Indigenous laws.

Strengthen collaboration and enable consent-based decision making with Indigenous communities on adoption placements for Indigenous children.

Ensure that both Treaty First Nations and non-Treaty First Nations have opportunities to exercise jurisdiction in these areas.

Enable information sharing between the Province and IGBs to help IGBs plan for and exercise jurisdiction.

Establish a new Indigenous child-welfare director position in the Ministry of Children and Family Development to provide guidance and advice to CFCSA directors and their delegates in navigating a multi-jurisdictional child and family services model.

Enable joint and consent-based agreements to be made in accordance with the Declaration on the Rights of Indigenous Peoples Act for relevant powers under the Adoption Act and the CFCSA.

In addition, Bill 38 provided an opportunity to address some legislative aspects of themes raised in the Broad Reform Engagement including:

- Introducing self-government principles that uphold the laws of Indigenous Peoples in BC and ensure that child and family services are delivered in ways that uphold and respect these laws.
- Improving consultation and collaboration with Indigenous communities such as requiring consent throughout the adoption process.
- Requiring the director to promptly identify if a child is Indigenous and how Indigenous laws apply to that child.
- Introducing new provisions to support services that are planned and coordinated with Indigenous Peoples, and delivered in ways that prevent discrimination prohibited by the Human Rights Code, promote substantive equality, and respect for rights and culture.
- Aligning with overarching legislative frameworks through the introduction of agreement making under the Declaration Act into both the CFCSA and Adoption Act and ensuring that the acts must be interpreted in accordance with UNDRIP.
- Implementing key aspects of the federal Act within child and family services, such as ensuring that children cannot be removed solely due to socioeconomic conditions, and making sure all services are delivered with the principle of substantive equality.
- Supporting Indigenous Governing Bodies exercising their jurisdiction through the federal Act process, such as creating a mechanism to transfer children to the authority of an IGB.

MCFD will continue to compare what we heard to work that is already completed, underway or planned as described on the [Ministry's transformation page](#) and will report back on further actions to address what was heard through engagement.

ENGAGEMENT OVERVIEW

Reform engagement activities included surveys, written and supplementary submissions, and 23 engagement sessions. This report includes engagement input gathered from many sources, including:

8

Eight sessions with specific partners, including:

- Inuit Tapiriit Kanatami (ITK) Child Welfare Working Group
- National Inuit Youth Council (NIYC)
- Provincial Association of Residential & Community Agencies (PARCA)
- MCFD Youth Advisory Council
- Federation of Community Social Services of BC (FCSSBC) Child and Youth Working Group (hosted in partnership with FCSSBC)
- BC Association of Aboriginal Friendship Centres
- Smithers/Hazelton Parents Legal Centre
- Tsow-Tun Le Lum Society

6

Six sessions for people with lived experience, including:

- Foster parents (in partnership with the BC Foster Parents Association)
- Kinship caregivers (in partnership with Fairness for Children Raised by Relatives)
- Harm reduction groups (hosted in partnership)

6

Six sessions with Alderhill Planning specifically for Indigenous Peoples

Alderhill is an Indigenous owned planning firm of diverse facilitators that uses planning as a tool for self-determination. We feel very honoured to have worked with Elaine Alec of the Syilx and Secwepemc Nations in the design and delivery of these sessions. These sessions included specific spaces for urban Indigenous Peoples, members of the 2SLGBTQIA+ community, and one session focused on supportive housing and specialized services.

2

Responses from two surveys, one on EngageBC and one designed and delivered by Métis Nation BC

The survey hosted by Métis Nation BC added specific considerations for how Métis people interact with the child and family service system, and what can be done better to support Métis cultural connections.

14

Fourteen written submissions from Indigenous Nations and social service organizations

19

Nineteen supplementary submissions

To honour the voices of those who have long advocated for change, a review of approximately 950 critiques and recommendations gathered from approximately 50 First Nations, Métis, Inuit, and non-Indigenous sources (dating from 1992 through 2021) was completed in advance of engagement. Key themes from this review were captured in the [Honouring Past Wisdom Report](#) which formed the foundation of the conversations with community members.

Appendix A contains a summary of themes from this report and from other engagement sources including the Alderhill-led sessions described on page 7. Notes from each of the Alderhill-led sessions can be found on their [project page](#). The final Alderhill report can be found on the [reform website](#). A full list of written submissions and supplementary documents, can be found in Appendix B.

We also included inputs from other ministry engagements in our analysis and we heard input from ministry policy and practice teams on key areas for change. Finally, we also analyzed what had been heard during the development of Bill 38 to look for areas that had not been addressed in legislation and will require future action. An overview of our learnings from this process can be found in Appendix C.





WHAT WE HEARD

The following section provides an overview of the themes that emerged through engagements, surveys, and written submissions. We would like to acknowledge with gratitude the time, energy, and bravery that every person who participated in these engagements showed. We hope that this report honours the gift that you have shared with us and serves as a positive vehicle for systemic change.

WHAT WE HEARD

Colonialism, Inequity, & Fear

Colonialism, Racism, and Inequity

Participants shared that systemic racism and inequity are embedded in the child and family service system, which creates stigma and fear and results in removals of children from their families and communities. Conceptions of the nuclear family, safety, the best interests of the child are Eurocentric and rooted in racism and colonialism. The system does not appreciate diverse cultural parenting styles and understandings of family. In addition, negative biases related to race can be compounded by marginalized socio-economic positions such as poverty or being unhoused.

We heard that significant shifts in resources, decision-making power, and the removal of colonial tools from practice are needed. Service providers must learn how to better work with Indigenous families, families experiencing poverty, parents with disabilities, families who do not speak English, and migrant, immigrant, and refugee families. An appreciation of how gender and gender identity impacts the experiences of children, youth, parents, and caregivers is also needed.

Punitive and Fear-Based System

Participants shared that the ministry is a source of significant fear, particularly for Indigenous families, 2SLGBTQIA+ people, and migrant, immigrant, and refugee communities and leads families to avoid MCFD or other services, even in situations where they need help. For example, the duty to report was identified as a barrier for families in accessing voluntary services due to the fear they will be reported to the ministry and have their children removed.

Additionally, families shared that past interactions with the ministry, even voluntary ones, are often held against them in future interactions and leave families feeling surveilled. Participants who have experienced poverty, housing insecurity or homelessness, and those who use substances described feeling particularly penalized.

“I think that we need an entire paradigm shift, towards an entirely different way of knowing and being. But that would require a big shift in power...because our current social and cultural hierarchies reflect patterns of oppression, and things like racism are embedded in our system. We need to start moving towards shifting the power to community.”

“People shouldn’t have to worry that they’re going to suffer when asking for help.”

“The system as it exists is punitive and is a system of surveillance rather than a system of support. People don’t want to access [services] because they feel like they will be watched more because of it. Some people feel safety because of police but others feel surveilled.”

Participants shared that they have experienced harm in their interactions with the ministry due to the lack of a trauma-informed approach and by the focus on bureaucracy over relationships. Additionally, we heard that the risk-averse nature of the ministry does not support staff time and flexibility to collaborate on the solutions families need to succeed.

Impacts of Being in Care

Participants shared negative experiences of being in care, including, but not limited to, increased likelihood of homelessness, employment issues, and poverty. Participants noted that the negative experiences are not limited to the child or youth taken into care. Parents, extended families, and the children of those who have been taken into care are also at greater risk of adverse outcomes. Indigenous families are especially likely to experience these harms due to the over-involvement of the child and family services system in their lives.

In the experience of participants, the harms of being taken into care can sometimes exceed the harms that were experienced by the child in their own home. Additionally, participants felt that the trauma, as well as cultural and intergenerational impacts, of being taken into care are not adequately considered when the best interests of a child are being determined.

“There is a higher likelihood of a family getting red flagged when they engage with services because of the duty to report. Those families who are engaging in services will have more reports than families who are not engaged in services. This contributes to it not being safe for families.”

“Young moms who were raised in the system then have no skills to support their own kids. We have generations of parents who were never parented because of the system then we punish them for not having a skillset that they never learned. Put money up front and to keep families together vs all the costs at the end of the road.”

“When a child is removed due to trauma, it supposes that removal isn't also traumatic. Foster placements, homelessness, abuse, it's all trauma. All these results are apparently to remove a child from trauma, but it creates more trauma. Our system is not less traumatic. Removal will always exist and will happen but it's not being treated as last resort that it should be.”

“There aren’t just Inuit Rights Holders under land claims, but also Rights Holders as Inuit women under UNDRIP. You cannot cherry pick these definitions; you have to take the broadest approach to what ‘Rights Holders’ means. Inuit who are not in the legal land claims process are also Rights Holders”

UN Declaration and Human Rights

We heard that the successful reform of the child and family services system requires a significant shift in the relationship between the ministry and Indigenous communities. This shift must be achieved through the implementation of UNDRIP, *An Act Respecting First Nations, Inuit and Métis children, youth and families*, and recommendations from the Calls to Action of the Truth and Reconciliation Commission.

Participants felt strongly that there needs to be a distinctions-based approach to upholding UNDRIP. It is the right of First Nations, Inuit, and Métis Peoples to define who their Rights Holders are, and this may not align with the band council system for First Nations or be limited to Inuit under Land Claims Agreements. Additionally, children’s rights affirmed through the UN Declaration on the Rights of the Child need to be central to services and the intersectional rights of women, 2SLGBTQIA+ people, and people with disabilities also needs to be upheld through services.

WHAT WE HEARD

Keeping Children Connected to Family, Community, & Culture

Deepening Cultural and Community Connections

We heard that Indigenous children and youth who have been disconnected from their culture and traditions experience life-long negative impacts. Additionally, the placement of Indigenous children outside of their communities and culture is felt as a loss to the community itself and is seen as a continuation of the legacy of residential schools. Participants shared the importance of deep cultural and community connections for children, youth, and families, and that cultural continuity supports improved outcomes.

However, participants shared that the legislated requirement for culture to be a part of the best interests of the child is not filtering into practice, and that children and youth in care are not given enough opportunities to connect with their cultures. Kinship and foster caregivers shared that they need more support to assist the children in their care to connect deeply with their cultures. Additionally, parenting programs, supports, and supervision need to be culturally grounded and appropriate.

Participants want to see increased collaboration with First Nations, Métis, and Inuit communities, Elders, and urban Indigenous agencies to ensure distinctions-based cultural connections are grounded in each child's community.

Participants strongly noted that children and youth should be placed within their communities; and when that is not possible, funding needs to be available for them to routinely visit their community.

Participants also noted that cultural connections and supports are needed for non-Indigenous children, youth, and families in care. In particular, this is important for migrant, immigrant, and refugee families, families who speak languages other than English, 2SLGBTQIA+ children and youth, and families with multiple cultural identities.

“Each Indigenous child has their own culture. We aren’t all the same. Real reconciliation in Canada means increased support for kids in care or families who are looking for help.”

“Culture should be recognized regardless of background. Let’s apply all the lenses whether the family is Indigenous, Ukrainian etc.”

Supporting and Strengthening Families

Participants shared that MCFD services do not take a family-centered approach or provide the supports and resources that parents and families need to care for their children. Families feel they are set up to fail. Instead, the ministry needs to work with families before they are in crisis and co-create prevention plans that are family-driven, flexible, and supportive of families' autonomy.

“If our system was focused on prevention and early intervention, that whole paradigm shift, instead of waiting for people to be in crisis. We need to look at core problems, and not just reacting to crises. Prevention, early intervention, and support is needed”

We heard that voluntary support services should receive adequate funding and be separate from the child protection system so families do not need to fear removal. Mental health and substance use services, housing, income assistance, and supports for people with disabilities should be prioritized to keep families together. Moreover, there should be a greater onus on the ministry to demonstrate that it has taken all possible steps to support a family before removing a child. Some participants shared that the ministry should end the practice of removing children altogether; funding in-home supports, moving families into supported housing, and funding parents to live and receive services outside of the home were offered as alternatives.

Participants told us that the best interests of the child should include the best interests of the family and community, with the understanding that many cultures conceive of family as broader than the nuclear family. There should also be greater recognition and support for kinship care and affirmation of Indigenous kinship laws. Kinship caregivers should receive financial support, education, and resources that are equal to or higher than foster care. When children and youth are taken into care, connections need to be maintained with their parents, siblings, and extended family, and funding needs to be allocated to support this.

Participants also acknowledged reforming the child and family service system is not enough to support and strengthen families. Poverty, among other socio-economic drivers, is a key reason families end up interacting with the system.

WHAT WE HEARD

Services that Work for Children, Families, & Communities

Move from Crisis-Driven to Holistic and Accessible Services

Participants shared that MCFD services are currently reactionary, and crisis driven. As a result, community and non-profit service providers are filling the gaps in the services that families need when these are not offered or funded by the ministry. Families need a continuity of care based in community and need more support to navigate various services.

Services are also found to be inaccessible for families: with long waitlists, not offered close to where families live, and not often offered outside of business hours. Families find they are penalized for being unable to engage with services that are inaccessible to them and for not meeting arbitrary, inflexible timelines.

Centering the Needs and Voices of Children and Youth

Participants shared that the voices of children and youth are not adequately included in the child and family service system. They need to have greater say in the decisions concerning them and approaches should be designed from their perspectives. Children and youth should be cared for by people they find safe, and their needs should guide any transitions in their care arrangements or visitations with family members.

Participants want more individualized services to support the holistic well-being of children and youth interacting with the child and family service system. This includes greater access to mental health services that consider the trauma that these children and youth experience, noting that Indigenous and 2SLGBTQIA+ children and youth in particular need more supports.

“We need the services as close to home as possible.”

“The onus is on the agency to provide support, rather than the family to work in an under-resourced system and then penalize families when systems aren’t supportive of returning children to their families. Accountability should be on the system rather than on the families that are oppressed by the system.”

“I see that the words ‘best interests of the child’ have become the norm, but rarely does this include the voice of the child in that process.”

“I think that we could strengthen connections by really listening to the voices of children and young people... We still have to support them and allow them to make their own decisions and learn from them, and not unilaterally decide what is in their best interests. We need to imbed a practice of self-determination in our system.”

Youth and Young Adult Services and Supporting Transitions

Participants shared that youth and young adults from care are not able to access the same opportunities as their peers who live at home which creates barriers to their success. Youth transitioning out of care need additional support and should have access to transition workers who will help them develop long-term plans based on individualized needs and readiness and to support those plans in action. Greater coordination is needed across all ministries to ensure post-majority supports reach young adults and that those transitioning from kinship care have access to the same supports as those from foster care. Participants would like to see fewer barriers to accessing youth agreements and ensure those on youth agreements have access to equitable resources.

Supporting Foster Parents and Kinship Caregivers

Both foster parents and kinship caregivers shared that they need additional supports and resources to care for children and youth and keep them connected to their culture, community, and family. This includes more support and training, as well as adequate funding in recognition that caregiving may take them away from paid work. Foster parents and kinship caregivers also shared that they feel their voices are missing from child and family services and efforts to reform the system, and that kinship caregivers need greater legal rights.

It is important to note that kinship care providers reported needing to rely on financial assistance, or going without essentials, to meet the needs of the children in their care. They explained that there are significant disparities between the funding they receive versus what foster parents receive. Hardships are exacerbated in situations where a child has support needs.

Participants shared that the foster parent approval process is very long, overly rigorous, and invasive. Participants shared that the SAFE home study is not respectful of Indigenous knowledge and traditional roles, and disadvantages Indigenous caregivers. Additionally, more needs to be done to recruit foster parents from a diversity of cultural communities, including more Indigenous foster parents.

“Kids from care don’t have privilege or a safety net and don’t have options. I had to move out at 19 and I had to learn everything...The ministry leaves you hanging dry when they are supposed to be a parent.”

“We also have a lot of youth wanting to access youth agreements but it’s so hard for them to access them. We had two youth last year on the streets because there were so many stipulations to access them.”

“Foster parents spend more time with children than anyone. They help children navigate the system for them. However, they are under resourced.”

“I have noticed that foster parents’ voices are often missing, then all these changes occur and then a social worker will show up to our house and tell us what we have to do.”

Funding Services and Indigenous Jurisdiction

Participants shared that more financial resources are required for Indigenous Peoples to successfully restore their jurisdiction over child and family services. Additionally, Indigenous service providers shared that they receive inadequate funding, particularly funding for prevention supports, and that MCFD should direct award contracts to Indigenous service providers rather than requiring them to apply for funding.

Participants shared that funding provided to families is inadequate, inconsistent among families, and lacks transparency. Funding through all ministry programs should be equitable and support substantive equality. All families should have access to the same financial supports as are available through foster care; and funding for children with support needs should not be cut off when the child returns to their home. Further, [Jordan's Principle](#) needs to be adopted by governments at all levels.

Participants noted that the province needs to address poverty and other socio-economic drivers which lead families into the child and family system.

Improving Communication and Service Navigation

Participants shared that the current lack of resources and information provided can leave them feeling that they are left alone to navigate the system. They would like to see more navigators, liaisons, peers, and Elders to support families—especially Indigenous families. Additionally, MCFD needs to provide clearer internal communications so that families receive consistent information and support from staff.

Furthermore, communication from the ministry needs to be more transparent and accessible. This includes ensuring that websites are written in an accessible way, that information is available in languages other than English, and that communications are grounded in the diverse cultures of families. Families want low-barrier access to trauma-informed information and resources, particularly when they are experiencing a crisis.

“It astounds me that we would pump \$100,000 for a child to be in a placement, when we could give \$10,000 to a family and keep them in their home.”

“We don't have the resources to breathe life into our own laws.”

“If you are working with a social worker and you have a Native liaison, that will be a beautiful thing.”

“[I would like to see] clarity around what services will look like in layman's terms, to increase clarity for people accessing services. Especially if someone is in a crisis moment, it is just so hard to make sense of all of this.”

Staffing, Training, and Practice

Participants shared that they experience a significant amount of inconsistency while navigating through the child and family service system. Their experiences with social workers can differ substantially between different parts of the province as well as between individual social workers. This was seen as the result of systemic issues around training, recruitment and retention, and staff support, among other things.

Participants shared that practice shifts are needed immediately and cannot wait for legislative change. Practice must be trauma-informed, focused on the needs of families, be family led, and grounded in empathy, understanding and compassion. Consistent and clear guidelines and supervision should be used to ensure greater consistency in practice. Additionally, there was a desire to see expanded training and mentorship opportunities focusing on cultural safety, Indigenous approaches to healing, anti-racism, supporting families through trauma, and supporting those experiencing mental health and substance use challenges.

Participants recommend hiring additional workers focused on prevention services and improving wages to help address retention and recruitment issues and support staff to form stronger, more stable relationships with children, youth, and families. Participants also want to see more staff who are Indigenous, and/or who have lived experience of child and family services particularly on the front-line with built in healing supports to help their wellness in their work.

“It would be ideal for MCFD and Community Supports to have staffing stability, so the people we serve have some continuity and don't constantly need to retell their stories. Families often get lost in the system without having the appropriate connections to assist them to achieve their goals.”

“All of the documentation requirements and legalese, makes it so hard to switch the brain to empathy.”

WHAT WE HEARD

Accountability & System Reform

Truth-telling and Accountability

Participants shared that the ministry needs to practice radical honesty in acknowledging the harms it has caused to families, especially Indigenous families, and the role of systemic racism, oppression, and bias in its actions. MCFD should try to rebuild trust with families and communities by addressing the issues that have been shared through engagements and reports.

Rights Holders and partners support the creation of an Indigenous Child Welfare Director to oversee provincial programs and initiatives impacting Indigenous child and family services and to collaborate with Indigenous peoples on legislation, regulations, and practice standards. This Director should also support Indigenous jurisdiction and ensure all Indigenous children and families receive substantively equal services that are culturally safe and distinctions based.

In addition, participants noted that greater oversight of, and accountability for, the decisions that child and family service workers make is needed. Families feel they have no recourse outside of the courts when they have a service complaint. Additionally, children should have greater rights and avenues for making complaints directly. Participants would also like to see third-party, legislated mechanisms for ministry accountability be expanded beyond the Representative for Children and Youth and the Ombudsperson.

“Rebuilding trust...is essential and will only happen if our voices are heard and we can see concrete actions because of our input. A report is one thing, but actions speak louder than words.”

“There is lack of oversight. We have families who are put into crisis and fear by MCFD, and having people intervene to help them is really important.”

Decisions and Advocacy

Participants shared that Indigenous communities need to have greater authority to make decisions and advocate for their children and families, including the exercise of their inherent jurisdiction over child and family services. Additionally, MCFD should be required to engage and collaborate with First Nations, Métis, and Inuit community representatives before making significant decisions regarding their children.

Participants see reform as minimizing the role of the ministry in decision-making and supporting alternatives to the court system for decisions and dispute resolution. There should also be greater support and resources given to parents and youth to advocate for themselves, and to third-party advocates to help amplify families' voices in the system.

Finally, participants would like to see the ministry do a better job at empowering children and families when interactions with the legal system do happen. This includes offering supports, such as legal aid, to extended family members acting in caregiver roles, and providing supports to children to allow them to advocate for their own needs.

Collaboration and Engagement

Participants want the ministry to recognize that families are the experts in their own lives, and communities are the experts of their own cultures and traditions. As such, any system changes must be done through distinctions-based dialogue and co-development with Indigenous Peoples and guided by Indigenous values, priorities, and timelines.

Participants shared that MCFD does not provide sufficient time or resources for Indigenous communities to research issues, discuss within community, and co-develop solutions. Additionally, ministry offices should build more collaborative relationships with local First Nations and Indigenous communities to foster trust and to help services to be grounded in community and culture.

“Parents need to be allowed to have a voice. It shouldn't be social workers deciding everything. Parents should be having a conversation with grandmas and aunties; need to be flexible because we know our families better, we know our 'safe homes' without them being called safe homes.”

“A network of people who support people through this process. Internal peer navigators, people who had a successful interaction with us, not a social worker.”

“The court system is also colonial. How can a new draft of this legislation look at options that are not court-based, especially when you need to plead your case to get your kids back? We need to better understand when we do need courts and when it would be better to resolve something in community.”

“We need to scrap the CFCSA.”

Further, it was noted that the ministry needs to collaborate with non-profit and community organizations, service providers, and other ministries to deliver holistic services and ensure that system change occurs beyond its services, laws, and policies. Engagement on system reform must include the perspectives of youth, kinship caregivers, foster parents, people who use substances, and people who are involved with the criminal justice system or who are incarcerated.

Policy and Legislation

Participants shared that *the Child, Family and Community Service Act* (CFCSA) needs to be rewritten to shift focus away from removing children and towards family support. Some participants advocated for getting rid of the CFCSA entirely and creating a new more integrated system in its place, with consideration of the *Mental Health Act* and the *Family Law Act*.

Participants want the language used in legislation to be strengthened so it is clearer what workers are required to do to keep children connected to their families and communities. This language should reflect diverse cultural perspectives, including Indigenous worldviews, in reconsidering concepts like “child safety,” “family,” and “the best interests of the child.” Any changes to the law should also implement the Truth and Reconciliation Commission’s Calls to Action, the In Plain Sight report, and the language and principles of the Aboriginal Policy and Practice Framework.

Participants noted that legislation also needs to reflect a multi-jurisdictional, distinctions-based approach to services for First Nation, Métis, and Inuit families. Any work to change legislation must reflect the appropriate representatives of Indigenous communities for collaboration and notice of significant measures and needs to be done with First Nations, Métis, and Inuit governments in alignment with the Declaration Act, as well as Indigenous families, youth, and those impacted by the system.

“The office in Comox valley does this. They have a truth and reconciliation committee within the MCFD office. They do cultural learning; they learn the language. Everyone has access to the information provided by this community. Share cultural activities they can attend. It has made them more aware of what is going on in the community, and what they didn’t learn in school. Elders in the community now call social workers ‘the basket women’ referring to the legend of the basket women. When we invite social workers into our communities, it begins to break down stereotypes on both sides.”

“I think that it will be critical to look at the definition of family. Because when the CFCSA was created, family meant something very different. Also, how guardianship is defined. For Indigenous families, guardianship might involve the whole community.”

“One thing that is challenging is that this is a government-wide change that needs to happen, but this consultation is just about MCFD. There is a big piece there that is missing.”

Information Sharing and Data Evaluation

Participants shared that the ministry needs to take responsibility for proactively sharing more data with Indigenous communities. Information systems need to be distinctions-based and track which community or communities a First Nations, Métis, or Inuit child is from, including when the child's community is outside of B.C. to ensure children are never lost within the system. They would also like MCFD to share information with children and youth in care and formerly in care, as well as with kinship caregivers, further noting that privacy requirements under legislation can hinder collaboration, transparency, and knowledge transfer, and can prevent extended families from connecting or reuniting.

Participants shared that the ministry should do more to track information on service gaps and use that information to evaluate services and plan improvements. This includes collecting information regarding children and parents with disabilities or support needs and tracking outcomes for former youth in care. Outcomes data should be collected in a way that allows for comparisons between Indigenous and non-Indigenous former youth in care, as well as between minority and migrant, immigrant, and refugee children, and other groups.

“What we have found to be the primary obstacle, the most essential thing is notification and coordination. There needs to be a serious effort made to ensure that children’s connection to their community is recorded in the system, and that the record is accurate.”

“Privacy, confidentiality, and secrecy leaves people with a feeling that the ministry just doesn’t want to share information. Anything we can do with the legislation to facilitate information sharing and to help us learn as we go, that would be beneficial.”

Appendix A: Summary of Themes by Source

Summary of Themes from the Honouring Past Wisdom Report

Guiding Principles

UN Declaration and Human Rights

Legislation, policy, and services must advance human rights, particularly Indigenous rights articulated under the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) and Declaration on the Rights of Indigenous Peoples Act (Declaration Act), UN Declaration on the Rights of the Child, children's rights, and gender-based rights.

Belonging and Connection

Changes to legislation, policy, and services should support children and youth to have a sense of belonging and connection with their families, communities, and cultures.

Access to Inclusive Services

Changes to legislation, policy, and services should enhance access to inclusive services, particularly for Indigenous people, women, and 2SLGBTQIA+ people.

Holistic, Trauma-Informed and Culturally Safe Services

Changes to legislation, policy, and services should advance holistic, trauma-informed, and culturally safe services focused on building trust and relationships.

Key Service Needs

Prevention, Early Intervention, and Support Services

Improvements and enhancements are required to early intervention and support services, particularly for Indigenous children, youth, and families.

Child Protection and Guardianship

Changes are needed to how legislation, policy, and services approach child protection and guardianship, including changes to address family and gender-based violence and to caregiver supports and funding.

Youth and Young Adult Services

Changes are needed to better serve youth and young adults, including improvements to youth transition services and changes to address the overrepresentation of Indigenous youth in custody.

Indigenous Jurisdiction & Partnership

Indigenous Jurisdiction

MCFD can better support Indigenous rights to self-determination and jurisdiction over child and family services, including implementation of the Declaration Act and Federal Act.

Engagement and Collaboration

MCFD should change how it engages and collaborates with Indigenous Nations and Indigenous Child and Family Service Agencies (ICFSAs) in alignment with the Declaration Act.

Funding Indigenous Jurisdiction and Services

Funding is needed to support Indigenous jurisdiction and services for Indigenous children, youth, and families.

Decisions & Accountability

Decision-Making, Advocacy, and Representation

Changes are needed to how child and family service decisions are made and who is enabled or supported to be involved or represented in those decisions.

Evaluation and Oversight

Improvements are needed to evaluation and oversight of ministry actions, policies, and services.

Policy and Legislation

Changes are needed to the policy, legislative, and intergovernmental relations frameworks that guide the family and child services system.

Summary of Ministry of Children and Family Development Survey Themes

Data for this project was also collected through a publicly accessible survey that was hosted on a government “Engage BC” website. The survey was open between April 6, 2022 – Aug. 31, 2022. The findings that came out of the survey cannot be viewed as generalizable across the province due to the methods used to collect the data and the limited number of people who engaged with the survey. Instead, the results should be viewed as applying to the respondents alone with the survey being more akin to an additional virtual engagement session. The following is a high-level summary of themes that emerged from the survey.

Perceptions of the Ministry of Children and Family Development

Survey respondents provided a polarised view of MCFD. Some see the ministry as being able to deliver child and family services that support Indigenous families with staff working as best they can within a flawed system. However, others see the ministry as having no, or negative, value.

Negative views of the ministry centred around: favouring the use of punitive measures rather than preventative measures; its inability to help families succeed due to a lack of flexibility; its inadequate competence in trauma-informed and culturally aware practice; and its lack of accountability.

Desired Reforms

Respondents want to see changes that ensure the ministry increases funding to support the use of preventative measures; increases service and support accessibility; and broadens its cultural understanding of Indigenous and other cultures.

Need for Increased Collaboration

Respondents made it clear that any work MCFD does towards addressing its deficiencies needs to be done with increased collaboration with Indigenous and non-Indigenous communities. The desire for greater collaboration extends to communities wanting to be able to increasingly work together. A commitment by the ministry to engage in greater information sharing is seen as a requirement for this to happen effectively.

MCFD needs to take an active role in developing communities’ capacities to provide child and family services. This is especially the case with regards to supporting communities to enhance what they already view as their strengths.

Improving Accountability

Respondents felt the ministry could improve its accountability by increasing the number of social workers it employs; increasing staff’s abilities in trauma-informed practice and cultural safety; and, increasing staff diversity with respect to reflecting the lived experiences and the cultural backgrounds of the groups MCFD works with.

Summary of Métis Nation BC Survey Themes

In addition to MCFD's survey, the Ministry worked in collaboration with Métis Nation BC (MNBC) to develop a survey to be distributed to their constituency. Survey distribution and data collection was administered by MNBC and ran between May 2022 and July 2022. Like the findings of the MCFD survey, these findings cannot be viewed as generalizable across the Métis population in B.C. due to the limited number of people who engaged with the survey. Instead, the results should be viewed as applying to the respondents alone, with the survey being more akin to an additional virtual engagement session. MCFD would also like to acknowledge that MNBC is the owner of the data in this section and that what appears in this report has been developed in collaboration between the two organizations. The following is a high-level summary of themes that emerged from the survey.

Perceptions of the Ministry of Children and Family Development

Through the qualitative results, respondents indicated a fairly negative view of MCFD and the child services system more broadly. Respondents shared how systemic issues, like racism, sexism, ableism, and other forms of discrimination, coupled with organizational dysfunctions in the form of inadequate staffing and staff training, along with ongoing colonialism and operational rigidity, have led to traumatic experiences in their lives.

Impact of Child and Family Service System Staff

Though negative perceptions of MCFD were predominant, some respondents had positive experiences with MCFD. Participants appreciated that some MCFD staff showed dedication to working in the best way they could with families. However, respondents who spoke positively here were clear that it was highly dependent on individual workers, rather than being a reliable feature of the organisation.

Inclusion of Métis Culture and Collaboration

Participants shared a view that the importance of Métis culture and identity is undervalued by people working in the MCFD-led system. Métis kinship ties are not prioritized in child protection, fostering or adoption, and Métis heritage is not considered in the child protection process. Staff were also seen to be lacking adequate training to perform their work in trauma-informed and culturally safe ways.

This is reinforced by the quantitative results, which revealed that participants experienced a general lack of collaboration on the part of MCFD in relation to involving either Métis families or organisations in child service system journeys. Ultimately, Métis Nation BC and Métis agencies are not involved in processes to the extent necessary to support children and families.

That said, participants did express positivity around the increased willingness of MCFD to work collaboratively, and in a more trauma-informed and culturally safe manner.

Strengths of Métis Families

Participants shared numerous strengths that exist within Métis families. These included connection to community, to immediate and extended family, and connection to culture. Participants wanted to see MCFD take measures to support these strengths as ways to further help Métis families thrive.

How MCFD Can Better Support Métis Families and Communities

Respondents provided recommendations on how MCFD and the child services system could be improved to better support Métis families. Participants identified a need for increased distinctions-based collaboration as one of the most important changes MCFD could make.

For collaboration with families, communities, and organisations to be effective, MCFD should put greater emphasis on ensuring that staff are trained in trauma-informed and culturally safe practice. When working with Métis peoples, staff must be trained so that they are aware of the Métis' unique history and realities and are able to work outside of a pan-Indigenous perspective.

The development of distinctions-based competencies would also enhance MCFD's ability to support communities and organisations in their work to increase connections to cultures and identity.

There needs to be greater emphasis on the use of preventative services that are holistic and wrap around entire families.

Finally, participants would like MCFD to support Métis peoples to exert increased decision-making power over their families navigating the child service system. This could include entering into joint decision-making agreements or the support of Métis jurisdiction.

Summary of Key Alderhill Session Themes

MCFD partnered with Alderhill Planning Inc., (Alderhill), an Indigenous facilitation agency, to run six engagement sessions for participants from Indigenous communities, organizations and governments. These sessions took place between May and June 2022. One session was specifically focused on engaging with 2SLGBTQQIA+ Indigenous individuals. Alderhill was chosen to help ensure that these sessions were run in a way that promoted safety and cultural appropriateness for participants.

Alderhill identified a number of important themes coming out of these engagements which have been summarised at a high-level below.

Importance of Culture

Connection and immersion in culture is essential to the safety and wellbeing of Indigenous Peoples. As such, child and family service system reform must incorporate Indigenous culture, traditions, and ways of knowing around childcare and family. This incorporation of knowledge must be led by a diverse set of Indigenous individuals and be done in a distinctions-based manner.

In addition, MCFD must support means which help those in care connect to or rediscover their cultures, traditions, and communities.

Jurisdiction

For many Indigenous people the current ministry led child and family services system is fundamentally broken, and ultimately unfixable. As such the ministry must support any and all Indigenous communities that are seeking to assert jurisdiction over child and family services wherever they are in the process.

Funding

Funding from the ministry is necessary. MCFD must provide dependable capacity funding to communities seeking to assert jurisdiction over child and family services. In addition, MCFD should provide funding for community learning.

Funding must also be made equitable between different types of care providers.

Accountability and Transparency

Past and current harms perpetrated by the colonial system have broken the relationship between the ministry and Indigenous Peoples. In addition, a history of engaging with Indigenous Peoples resulting in little to no reform has significantly and negatively impacted the ministry's credibility.

In an effort to build trust and faith in the ability to support Indigenous-led child and family service system reform, the ministry must apologize for the historic and current harms it has caused. In addition, MCFD must work on implementing reforms that have been identified as priorities by Indigenous communities. Reform work must be done with meaningful input from Indigenous Peoples throughout the entire project.

The ministry must also support Indigenous data sovereignty with regards to information about their own citizens.

Legislative Alignment

MCFD must align child and family service system reform to be consistent with the *Declaration on the Rights of Indigenous Peoples Act* and the federal *An Act respecting First Nations, Inuit and Métis children, youth and families*.

Summary of Bill 38 Engagement Themes

Throughout the Bill 38 amendment engagements, we heard a great deal from Indigenous Nations about how the ministry can transform child and family services not only to support jurisdiction but to radically transform the system overall. While the amendments represent a historic shift in our approach to child and family services, MCFD acknowledges that there is more work to do. The following is a reflection of the themes that emerged from engagements on Bill 38.

- The customs, laws and traditions of Indigenous Peoples need to be centred in child and family services legislation. Legislation needs to fully align with UNDRIP and the federal Act. Suggestions were made to consolidate the full scope of Indigenous child and family services under one new piece of legislation.
- The process for amending legislation needs to de-centre government timelines and priorities and make space for Indigenous ways of governing. Cabinet processes need to be more transparent, and appropriate time and resources need to be allocated to legislative co-development.
- Indigenous laws and provincial laws need to be equitable, and Modern Treaty Nations need equitable access to the pathways and rights available through federal and provincial legislation. A clear process for identifying where jurisdiction lies needs to be developed and all service providers need to be trained in Indigenous laws. The process for re-asserting jurisdiction should be simplified, with clarity provided on the various pathways.

- A seamless system is supported by stable and needs-based funding and service delivery principles that uphold cultural humility and affirm equality. Indigenous rights, including treaty rights and rights affirmed under UNDRIP, need to be upheld across all services.
- How concepts are defined in legislation needs to be precise, distinctions-based, and uphold diverse governance systems.
- When determining if a child is Indigenous, the ministry needs to uphold community rights to determine who belongs to them. Director's authority is temporary with jurisdiction ultimately belonging to the Nation – directors must abide by Indigenous laws and treaties.
- Courts need to uphold Indigenous laws, and the policies and processes to support court work needs to be co-developed with Indigenous peoples. Space needs to be created for Nations to develop their own dispute resolution processes outside the court system.
- Indigenous governments need to operate independently without ministry oversight.
- Clear processes need to be developed to ensure seamless service delivery when children transition between jurisdictions.
- Timely access to relevant information is key to the effective exercise of jurisdiction, information sharing processes within the ministry need to be re-examined.
- Shared decision making needs to be fully implemented across child and family service legislation, with a clear process developed to enter them. Negotiations need to be timely and streamlined with other agreements.
- Adoption needs to be grounded in Indigenous laws and ways of being. More opportunities for shared decision making, consent, and collaboration need to be embedded throughout the adoption process. Avenues for cultural connection and custom adoption need to be enabled in legislation.

Appendix B: Written Submissions and Supplementary Documents

Written Submissions

- Aunt Leah's Place, Written Submission to MCFD, August 2022
- Elders Provincial Indigenous Circle Provincial Perinatal Substance Use Program, Response to MCFD Child and Family Legislation Reform, August 2022
- Fairness for Children Raised by Relatives, MCFD Legislative Reform Submission, August 2022
- Feminists Deliver, Submission on BC CFCSA Reform, August 2022
- Hummingbirds Rising Consulting, Submission to MCFD, August 2022
- Huu-ay-aht First Nations, Summary of Key Revisions for Reform of CFCSA - Uplifting Indigenous Jurisdiction, April 2022
- Indigenous Health, Letter to MCFD Regarding BC Child and Family Service Legislative Reform, August 2022
- Internal Correspondence Regarding Designated Representatives, June 2022
- Internal Correspondence Regarding Integrated Youth Justice Case Review, May 2022
- Internal Correspondence Regarding Supporting Indigenous Mediators, July 2022
- Internal Correspondence Regarding Transfer of Custody after Death of Guardian, February 2022
- Society for Children and Youth of BC, Written Submission to MCFD Child and Family Service Legislative Reform Consultation, August 2022
- Toquaht Nation, Transforming BC's Child and Family Service System - Key Engagement Objectives of Toquaht Nation, March 2022
- West Coast Leaf and Collective, Submissions on BC CFCSA Reform, August 2022
- YWCA Metro Vancouver, Submission to the BC Ministry of Children and Families, August 2022

Supplemental Materials Submitted by Partners

- Amanda Jerome, Decision Recognizes Customary Care Agreements are 'Part of Indigenous Self-Governance': Counsel, April 2022
- Association of Native Child and Family Services Agencies of Ontario, Interim Report to Support the Implementation of An Act Respecting First Nations, Inuit and Métis families, February 2022
- BC First Nations Leadership Council, What We Heard Interim Report, October 2021
- Chiefs of Ontario, Conference Summary Report - Zoom Conference on Creating a Healthy and Loving Society for our Children, May 2021
- Federation of Sovereign Indigenous Nations, Implementing Jurisdiction and Authority in Child and Family Services C-91 An Act Respecting First Nations, Inuit and Métis Children, Youth and Families - C92 Engagement Final Report, June 2021
- Government of Northwest Territories, Child and Family Services Act Proposed Amendments Discussion Paper, April 2022
- Government of Yukon, Bill 11 - Act to Amend the Child and Family Services Act, March 2022
- Indigenous Child and Family Service Directors, Letter to First Nations Leadership Council, May 2022
- Inuit Tapiriit Kanatami, Approval of Inuit Land Claim Organizations becoming Listed Communities in Ontario's Child, Youth and Family Services Act, September 2021
- James Campbell, An Analysis of Variables in Child Protection Apprehensions and Judicial Dispositions in British Columbia Child Welfare Practice, June 1991
- Nunavut Department of Family Services, Child and Family Services Act Annual Report, September 2019
- Nunavut Department of Family Services, Surusinut Ikajuqtigiit: Nunavut Child Abuse and Neglect Response Agreement, September 2020
- Parent Support Services Society of BC, The State of Kinship Care in British Columbia, May 2020
- Representative for Children and Youth - At a Crossroads: The Roadmap from Fiscal Discrimination to Equity in Indigenous Child Welfare, March 2022
- Strategic Integration, Policy and Legislation Division MCFD, Prevention and Family Support Services Framework, May 2022
- Susan Burke, Jane Bouey, Carol Madsen, Louise Costello, Glen Schmidt, Patricia Barkaskas, Nicole White, Caitlin Alder & Rabiah Murium; Kinship Care: Evaluating Policy and Practice, June 2022

Appendix C:

Process Learnings and Recommendations

Throughout these engagements, our team kept records of what was going well and where we could make changes in the spirit of continuous improvement. Note that these reflections are only offered in relation to engagements delivered and led by MCFD, not by Alderhill or partner organizations.

While the ministry was able to collect a wealth of data on child and family service system reform, we also recognise significant gaps in the communities and organisations that were able to participate in these engagements.

Organizations and individuals from many groups that are historically left out of engagements were underrepresented in our processes. For example, across MCFD-led sessions and online engagement opportunities there was limited engagement from Black people and people of colour, 2SLGBTQIA+ people (particularly transgender people), youth and Elders, people with disabilities, and people located in Northern or remote areas.

Also underrepresented were migrants, immigrants, and refugees; sex workers; sexually exploited individuals; men; and those affiliated with gang violence. There were also challenges engaging directly with Indigenous rights holding individuals; for example, we were able to work with Métis Nation BC to host a survey, we need to do further work to engage directly with Métis People.

These gaps indicate that the ministry did not adequately reach these communities or the organizations who represent and serve them through its communications and engagement activities. We looked to understand how we could be more inclusive of these groups, and found the following barriers present:

- Limited access to internet connection (particularly among substance users, unhoused people, incarcerated people, and people living in rural remote communities),
- Not enough time before or during engagement sessions to share experiences and feedback (i.e. needing materials in advance to prepare),
- Lack of a strong and direct communications strategy on behalf of the ministry to reach out to Indigenous rights holders and social sector organizations; and,
- Lack of availability of materials and engagement opportunities in multiple languages.

To improve our processes in the future, we also identified areas of positive practice in our engagements to build on:

- Working with an Indigenous consultant (Alderhill Planning) to create safety and build relationships with Indigenous peoples,
- Working with Elders to support safety and well-being during engagement sessions,
- Availability of translated materials (Traditional and Simplified Chinese, Punjabi, French, and Tagalog) on the Engage BC website,
- Accessibility supports, such as ASL translation, during engagement sessions,
- Partnering with organizations and communities in the design and delivery of engagement sessions to their clients and/or community members; and,
- Providing capacity funding to organizations to host their own engagement sessions without the participation of the ministry.

These findings highlight the need for two changes in approach in future engagement phases:

First, greater focus should be placed on building relationships with partners to design and/or deliver engagements for their communities, rather than MCFD directly delivering engagements. The ministry should establish and strengthen relationships with First Nations, Métis, and Inuit Rights Holders and organizations, as well as with organizations and communities that were not well represented in this phase of engagement or who may require additional supports to engage. Funding will be required to support these partnerships and accessible engagements.

Second, the ministry must increase flexibility and accessibility of mainstream engagement options in instances where it continues to lead engagement activities. This might include utilizing social media, providing in-person sessions, hosting one-on-one meetings, and providing capacity building resources and supports to partners in advance of engagement meetings.