

PROTOCOL AGREEMENT
BETWEEN
THE TLA'AMIN NATION AND
THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT in QATHET REGIONAL DISTRICT
REGARDING THE PROTECTION OF CHILDREN

PREAMBLE

The child protection protocol between the Tla'amin Nation and the local office of the Ministry of Children and Family Development (MCFD) outlines the major steps each will take in dealing with the reporting and investigation of child abuse and neglect as related to Tla'amin children and families. In carrying out our mutual responsibilities, we are guided by the Principles set out in the 'Child, Family, and Community Services Act' (CFCSA) as well as *ᓄᓐᓂᓐ ᓄᓐᓂᓐ*, such as those outlined in item 12 of the *ᓄᓐᓂᓐ* Letter of Understanding (signed by both parties, December 2, 2022).

1. Key responsibilities

Ministry of Children and Family Development

- Receives reports of children believed to be in need of protection and makes an assessment of the information provided in the reports;
- Conducts a family development response/an investigation when there are concerns around a child's safety;
- Discusses and works together with the Tla'amin Nation in the planning and delivery of services. If a child's safety is at risk, ensures suitable steps are taken to protect the child. Removes the child if their health or safety is in immediate danger or if no less disruptive measure is available to adequately ensure the child's safety;
- Does so, and provides all other services, in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;
- Plans and provides services in a way that prevents discrimination and promotes substantive equality, respect for rights and culture and cultural continuity;
- Engages in planning which includes access by the child and the family to appropriate services, and which considers the importance of the child being able to learn about and practice Tla'amin traditions, customs and language and the importance of the child belonging to the Tla'amin Nation and community.

Tla'amin Nation

- Provides culturally appropriate support services to Tla'amin children and families, aimed at ensuring the safety and wellbeing of children;
- Reports to MCFD any situation where it is believed a child's safety is at risk;
- Is involved in the assessment, planning and delivery of services to Tla'amin families whose children may be at risk;
- Is involved in the planning and delivery of services that promote safety and wellbeing for Tla'amin children and families;
- Ensures Community Designate or another Nation-appointed support can either attend MCFD engagements with Tla'amin families, or provide agreement for the visit to proceed without Tla'amin representation in order to meet timeline requirements.

2. Requests for Support Services and Youth Services

When a request for support services or youth services is received by MCFD, the MCFD social worker will seek the consent of the family or youth to involve the Tla'amin Nation, as well as advise the family or youth about support services which may be available through the Tla'amin Nation. When the family or youth seek support services directly from the Tla'amin Nation and MCFD is not involved, MCFD can be invited to participate at the request of one of the parties.

If consent is given by a family or youth for MCFD to involve the Community Designate or a Nation-specified support in planning for the support service (i.e. non-protection), then the MCFD social worker will invite the Community Designate to any planning meetings, as well as discuss options for the services to be provided.

3. Reporting child safety concerns – requirements and procedures

Section 13 of the CFCSA defines various situations in which protection is needed for a child. Section 14 of the CFCSA requires that anyone who has reason to believe a child's safety is at risk must promptly report the matter to MCFD. The CFCSA also states that a person who reports a child being in need of protection is protected from any liability unless the person knowingly reported false information. The reporter shall call Provincial Centralized Screening at 1 (800) 663-9122. If known, they can also call the Social Worker at the local office as a secondary step.

4. Responding to reports

Whenever a report of a child whose safety is believed to be at risk involves a Tla'amin person, the MCFD Social Worker involves the Tla'amin Nation's Community Designate in the initial involvement with the family. In the absence of the Community Designate, another Nation-appointed support will assume this role. Upon completion of the initial safety assessment, the MCFD Social Worker continues to discuss and work together with the Tla'amin Nation's Community Designate in all subsequent steps. It is preferable for a Nation-appointed support to accompany the MCFD Social Worker to all engagements with the family. The Tla'amin Nation and MCFD will work together to meet required response times.

See contact information in addendum below.

5. Ensuring child safety

When a family development response or an investigation determines that a child's safety is at risk, the MCFD Social Worker engages in discussions with the Tla'amin Nation's Community Designate and/or Nation-appointed support and the parents to determine the least intrusive and most culturally safe plan which would provide for the safety and wellbeing of the child. In cases where either: (1) the child's health or safety is in immediate danger or (2) no other less disruptive measure is available to adequately ensure the child's safety, the MCFD Social Worker will remove the child from their guardian under Section 30 of the CFCSA. This will be done in a way that respects the key responsibilities of both the MCFD and the Tla'amin Nation as outlined above.

6. Out-of-home living arrangements for children

When deciding where and with whom to place a child, the MCFD Social Worker is guided by Section 71(3) of the CFCSA and section 16 of the Federal Act respecting First Nations, Inuit and Métis children, youth and families ('The Federal Act'), which prioritize placement with family. MCFD and Tla'amin Nation staff will consider the use of čεpθtən House when deciding where and with whom the child(ren) will reside.

7. Court

Whereas the Tla'amin Nation is an Indigenous Governing Body, and in alignment with section 12 of the Federal Act, where a child who has an affiliation with the Tla'amin Nation is the subject of a hearing under the CFCSA, the MCFD Social Worker contacts the Tla'amin Community Designate to inform the Nation about the time, date, and place of the Presentation Hearing. The MCFD Social Worker also provides the Tla'amin Community Designate with a copy of the Report being presented to the Court. With respect to the Protection Hearing, the MCFD Social Worker serves the Application and Court Plan of Care to the Tla'amin Community Designate or, in their absence, another Nation-appointed support.

8. Case management

The Tla'amin Nation and MCFD will have monthly meetings to review open MCFD files involving Tla'amin children and families.

The Tla'amin Nation is involved in the planning and implementation of Family Plans for Tla'amin children and families.

The Tla'amin Nation is involved in the planning and implementation of the Plan of Care for Tla'amin children.

9. Resolution of issues

The Tla'amin Nation and MCFD representatives will meet as needed to address issues arising out of this protocol.

In the case of a conflict between the Tla'amin Nation's Community Designate and the MCFD Social Worker, the matter will be referred to the Team Leads for both MCFD and Tla'amin. If issues are not resolved at that level, it will be escalated to Tla'amin Health Director and/or the MCFD Director of Operations for resolution. In the case that there is no resolution at that level, the matter will be advanced to incrementally higher levels within each organization.

If a parent/guardian does not want the Tla'amin Nation involved, the MCFD Social Worker is guided by the Federal Act in that the child has the right to have Nation involvement. The Tla'amin Nation will work with the family directly to address any feelings of discomfort with Nation involvement.

10. Training

Both the Tla'amin Nation and the local MCFD office will invite each other to participate in training opportunities whenever possible.

11. Review of Protocol

It is agreed that this protocol should be reviewed (and amended, as needed) bi-annually unless required earlier.

12. Other Agreements

This agreement does not impede or overrule any other agreements that the Tla’amin Nation and MCFD create in relation to the protection of Tla’amin children. In the event that provincial or federal agreements are created that conflict with this agreement, the provincial or federal agreements will replace this one.

13. Signatories

MCFD:

Darren deRoos, Director of Operations

Signature

Date

Tla’amin Nation:

Marlane Paul, Health Director

Signature

Date

Addendum: Contact information as of 3 March, 2023

MCFD	Tla’amin Nation
Team Leader Jaclyn Miller 604-413-0133 jaclyn.miller@gov.bc.ca	Community Designate Ryan Pielle 604-414-4280 ryan.pielle@tn-bc.ca
Director of Operations – Sunshine Coast and Powell River Darren deRoos cell 604-741-2152, office 236-468-3730 darren.deroos@gov.bc.ca	Child, Youth, and Family Advocate Bianca Pyle 604-208-3782 bianca.pyle@tn-bc.ca
Executive Director of Service Diane Livingstone 778-572-4122 diane.livingstone@gov.bc.ca	Health Director Marlane Paul 604-414-3863 marlane.paul@tn-bc.ca