



Indigenous Child and Family Services Directors

A Forum to Strengthen Our Children Our Way

September 15, 2021

Premier John Horgan
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Hon. Murray Rankin, Q.C.
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Dear Premier and Minister Rankin,

We are writing to provide our feedback to the consultation draft of the DRIPA Action Plan released on June 11, 2021.

The Indigenous Child and Family Services Directors (ICFSD) is a forum to strengthen our children our way. We represent the 24 Indigenous Child and Family Service Agencies in British Columbia. We work to ensure that the best interests of Indigenous children are being met and advocate for systemic changes to policy, practice, legislation and funding.

We welcome British Columbia's commitment to "changing the trajectory of history through coherent, concrete and co-operative action." We also appreciate the truth-telling within the Action Plan: "truth of the impacts of colonial laws, practices and policies over generations, and truth in the ongoing harms Indigenous peoples across the province and the country still experience every day." References to the cultural genocide perpetrated through the residential school system and to the genocidal impacts of colonialism on Indigenous women and girls are a key aspect of the truth-telling.

There is, however, a glaring omission within the Action Plan: the failure to acknowledge the role of the child welfare system in perpetrating ongoing harms against Indigenous children and families. As noted by Murray Sinclair, chair of the Truth & Reconciliation Commission: "The monster that was created in the residential schools moved into a new house. And that monster now lives in the child welfare system."

The UN Declaration on the Rights of Indigenous Peoples—the foundation for reconciliation in BC and for the DRIPA Action Plan—articulates a number of rights that carry implications for the child welfare system. The DRIPA Action Plan should be informed to a greater extent by those rights. For example:

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Self-determination must extend to the delivery of child and family services, and MCFD has a responsibility to support Indigenous communities to exercise self-determination over child and family services.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Funding for self-determined approaches to the delivery of child & family services is a critical feature of self-determination.

Article 7

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

The Canadian Human Rights Tribunal has established that thousands of Indigenous children have been forcibly removed from their families and communities because the necessary prevention services were not available. In fulfilling Article 7, it is incumbent on MCFD to ensure that a full range of culturally-appropriate and trauma-informed services are fully funded and available to Indigenous children, youth and families.

Article 8

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture

It is well-established that Indigenous peoples in Canada have been subjected to forced assimilation and the destruction of their cultures through the residential school system, and that the child welfare system has continued to perpetrate assimilation and cultural destruction. Reconciliation and healing for Indigenous children and families requires support for cultural resurgence and for culturally-grounded tools for healing.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Indigenous children have a right to belong to their communities, even when they have been removed from their families or when their families and become disconnected from their communities. It is the responsibility of Indigenous communities and Nations to recognize the children that belong to them. In providing Indigenous child & family services, MCFD must defer to Indigenous communities in determining the Indigenous status of children and youth.

If BC is truly committed to “changing the trajectory of history,” then the DRIPA Action Plan will need to be modified in two ways:

1. The role of the Ministry of Children and Family Development must be greatly expanded; and
2. The action items need to be addressed through a much more collaborative, cross-ministry approach.

1. The Role of MCFD

The work relegated to MCFD in the Action Plan is very limited: of 79 action items, only three are assigned to MCFD and one of those (child care) will soon fall under the purview of the Ministry of Education. The child welfare system plays a huge role in perpetrating colonial harms, and must play an equally large role in reconciliation.

For each of the two action items currently assigned to MCFD in the Action Plan (4.12 and 4.13), there is much more that MCFD can do than is described in the Action Plan.

4.12 Co-develop a B.C.-specific fiscal framework, in consultation with Indigenous peoples, to support Indigenous jurisdiction over child and family services (*Ministry of Children and Family Development*)

It is absolutely critical to develop a fiscal framework to support self-government in the area of child and family services. However, MCFD can do much more to support self-determination. Few Nations are immediately prepared to draw down jurisdiction, but over 100 Nations have already created their own child & family services agencies, which are delegated to provide services under the *Child, Family & Community Services Act*. Those Delegated Aboriginal Agencies (DAAs) are mandated by the Nations they serve to provide culturally appropriate child & family services, but for decades the work of the DAAs has been thwarted by inequitable funding and by culturally inappropriate laws, regulations and policies.

MCFD should immediately empower the Delegated Aboriginal Agencies to provide the services their communities need by:

- Replacing the current funding formula for DAAs with a needs-based budget in alignment with the Canadian Human Rights Tribunal orders;
- Supporting DAAs to provide a continuum of both delegated and non-delegated services that wrap around Indigenous families;
- Replacing the *Child, Family & Community Services Act* with an Indigenous child & family services act developed in collaboration with Indigenous communities and experts;
- Delegating full decision-making authority to DAAs by designating agency directors;
- Providing DAAs with operational funding for policy and practice support that is consistent with the level of policy and practice support that MCFD provides its own staff;
- Seconding MCFD staff to DAAs and their Secretariat to support the devolution of services from the provincial government to Indigenous organizations and communities and to build capacity for the resumption of Indigenous jurisdiction over child and family services;
- Replacing the Deputy Director of Child Welfare position with the position of Indigenous Provincial Director of Child Welfare; and
- Establishing a Cross Ministry Working Group and funding DAAs to provide Child and Youth Wellness Services as an urgent priority.

4.13 Continue efforts to reduce the number of First Nation, Inuit and Métis children and youth in care and support increased family preservation. (*Ministry of Children and Family Development*)

This approach is completely wrong-headed. We fully support the goal of decreasing the number of Indigenous children & youth in care, but the required action is to increase support for families and communities in distress so that Indigenous children can grow up in healthy families within healthy communities. Doing so will require acting on all of the eight items above so that Delegated Aboriginal Agencies can provide the services their communities need.

In addition, it is critical that children currently in care receive a full continuum of culturally appropriate wrap-around services all the way into adulthood. Within the current system, most youth in care lose all meaningful sources of support as soon as they age out of care. Their outcomes are abysmal.

There are several action items where MCFD should be involved but is not mentioned in the Action Plan. For example:

4.8 Strengthen the continuum of Indigenous-led and community-based social services and supports that are trauma-informed, culturally safe and address a range of holistic wellness needs, for those who are in crisis, at-risk and have experienced violence and trauma. (Ministry of Public Safety and Solicitor General, Ministry of Health, Ministry of Mental Health and Addictions)

Indigenous child and youth wellness and mental health are at a crisis point. The intergenerational impacts of colonization—and residential schooling in particular—are severe and ongoing. Services to Indigenous children and youth are not delivered in an Indigenous context grounded in culture and land based approaches and they are not achieving the desired results.

The strengthening of social service and supports must take into account the needs of Indigenous children and youth. The Indigenous Child & Family Services Directors are developing a child and youth wellness framework to support Indigenous Child and Family Service Agencies in their work. Developing and implementing this framework will require a cross-ministry dialogue with Indigenous partners along with sustainable funding.

In order to make meaningful progress toward delivering a full continuum of culturally appropriate and trauma informed services, there is a critical need to:

- Immediately convene a meeting with BC Government Ministers and Indigenous service providers to discuss the crisis in mental health, addiction and toxic drug deaths;
- Establish a Cross Ministry Working Group inclusive of ICFSD representatives to develop an integrated approach to address Indigenous child and youth wellness; and
- Fund the ICFSD to advance our Child and Youth Wellness Framework.

3.8 Collaboratively finalize and initiate implementation of the Province’s plan to address the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the upcoming strategy to end gender-based violence, so that Indigenous women, girls and 2SLGBTQQIA+ people enjoy equal protection against all forms of violence and discrimination. (Ministry of Public Safety and Solicitor General, Ministry of Attorney General, Ministry of Finance - Gender Equity Office)

The Missing & Murdered Indigenous Women & Girls report makes it clear that the child welfare system contributes to the conditions that leave Indigenous women, girls and 2SLGBTQQIA+ people vulnerable to violence.

There are 15 Calls for Justice specifically directed at social workers and those implicated in child welfare, indicating that MCFD has a responsibility to take action—which is overlooked in the Action Plan.

In particular, MCFD’s role in responding to the Calls for Justice must include: development & funding of culturally appropriate training; development & funding of a needs-based funding model for Indigenous Child & Family Service Agencies; support for recruitment and hiring of staff and caregivers; support for prevention & early intervention services; support for youth transitioning out of government care; support for trauma-informed practices; support for a range of culturally-appropriate services; meaningful efforts to build positive relationships with communities. ICFSD is co-developing a recommendations document with our partners at MCFD and ISC to address these needs, as we recognize the central role child and family services has in decreasing violence and increasing safety for Indigenous women, girls and 2SLGBTQQIA+ people, and the importance of centering Indigenous voices and Indigenous-led solutions. These collaboratively-developed recommendations should be represented in the Action Plan.

2. Collaborative, cross-ministry approach

Within the Action Plan, the distribution of responsibility for action items to individual or small subsets of ministries perpetuates the kind of siloed approach that has always and will continue to fail. For example:

1.8 Prioritize the implementation of the First Nations Justice Strategy, and the Métis Justice Strategy once it is finalized, to reduce the substantial overrepresentation of Indigenous peoples involved in and impacted by the justice system, affirm Indigenous self-determination and enable the restoration of traditional justice systems and institutions. (Ministry of Attorney General, Ministry of Public Safety and Solicitor General)

Reducing the “substantial overrepresentation of Indigenous peoples involve in and impacted by the justice system” cannot be achieved by the two ministries assigned to the task. The purview of those two ministries is far too limited to have any meaningful impact on Indigenous overrepresentation in the justice system. They cannot address the multitude of upstream factors that ultimately carry individuals into the justice system. Issues within the justice system are inextricably linked to issues within the child welfare system, to the crises in mental health and addictions, and to poverty. A broad, cross-ministerial approach is critical.

4.19 Build more housing for Indigenous peoples both on- and off-reserve and pursue new federal contributions. (Ministry of Attorney General)

Housing needs to be included within a full range of wraparound services designed to provide meaningful support to Indigenous families in distress. It is unclear to us why this would fall strictly to the Ministry of the Attorney General. Instead, housing should be a collaborative effort involving, minimally: the Ministry of Indigenous Relations & Reconciliation; MCFD, the Ministry of Social Development & Poverty Reduction; the Ministry of Mental Health & Addictions; and in collaboration with the Delegated Aboriginal Agencies.

Throughout the Action Plan, there are many other action items where the need for cross-ministry collaboration has been overlooked.

Thank you for this opportunity to review and comment on the draft DRIPA Action Plan. We look forward to walking with you on our journey of reconciliation.

Yours truly,



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First Nations Leadership Council

- [Assembly of First Nations, BC Regional Chief Terry Teegee](#)
- [First Nations Summit, Cheryl Casmir](#)
- [Union of BC Indian Chiefs, Kukpi7 Judy Wilson](#)

Metis Nation BC:

- [Minister for Métis Children and Families, Debra Fisher](#)

MCFD:

- [Honorable Minister Mitzi Dean, Minister of Children and Family Development](#)
- [Denise Devenny, Assistant Deputy Minister](#)
- [Shelley Latreille, Deputy Director](#)

About the [Indigenous Child & Family Services Directors ... A Forum to Strengthen Our Children Our Way](#)
Indigenous Child & Family Services Directors, a coalition of executives responsible for managing the 24 Delegated Aboriginal Agencies in BC, represents 60% of First Nations in the province. As a collective and expert voice on child welfare matters, Indigenous Child & Family Services Directors bring decades of frontline experience working with Indigenous children and families.