

SUMMARY OF RECOMMENDATIONS

Total Recommendations: 21

RECOMMENDATIONS OF CHIEFS AND LEADERSHIP IN BC

The following recommendations were generated by First Nations Chiefs and Leadership on January 15, 2018 at their preparatory dialogue session on the reform of Indigenous child welfare in British Columbia. The preparatory session was convened in advance of the two-day emergency meeting called by Minister Jane Philpott. The recommendations set out below are provided without prejudice to any initiatives, approaches or work being advanced by First Nation communities, organizations or Nations. Additional recommendations may be provided as we move forward in system reform.

Range of Options and Solutions & Multifaceted Approach

1. A range of options and solutions must be generated and driven by First Nations communities for relevance and legitimacy. Options may include delegation of certain authorities to the full exercise of inherent jurisdiction over child and family safety, well-being and connectedness.
2. A multifaceted approach to reform must be also be guided by, and reflective of the United Nations Convention on the Rights of the Child and the minimum human rights articulated in the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration). Specifically, articles 3, 4 and 19 of the UN Declaration. Further, a new approach to reform must be guided by the Truth and Reconciliation Commission's (TRC) Calls to Action 1-5, as BC Chiefs have fully endorsed by way of resolution, all 94 Calls to Action.

Reform of Legislation and the System

3. In developing or reforming any legislation, the federal and provincial governments must work in full collaboration with First Nations from the conception through to implementation. Such actions are consistent with article 19 of the UN Declaration which calls on Member States to work in collaboration with Indigenous Peoples when contemplating legislation and policy initiatives.
4. As a starting point, a new path forward for system reform must be grounded in Indigenous legal systems and laws, and must be culturally appropriate to support the development of safe, strong, healthy Indigenous identities and sense of self, families and communities.
5. Reform of the child welfare system must be based on a life cycle model and holistic approach which would include early childhood development initiatives, including pre-natal.
6. Reform of the child welfare system must include necessary supports to assist First Nation communities to substantively address intergenerational trauma, including providing appropriate supports for the development of strong, healthy parenting skills.

Funding, Parity and Capacity

7. First Nations communities and organizations will require capacity development and predictable, sustainable funding to support the exercise and implementation of their inherent jurisdictions, resources to support the development of appropriate internal governance structures and the delivery of programs and services.
8. Direct family members providing kinship care to First Nations children must receive at least the same level of funding, resourcing as non-family members caring for Indigenous children-in-care.
9. Social workers, other professionals including cultural and language experts working directly in First Nations communities or with First Nations organizations with the objective of supporting Indigenous children and families, must be compensated at a rate of parity with counterparts working within the provincial system.
10. The Province must discontinue the practice of clawing back Canada child benefit funds.
11. First Nation communities and or Nations who operate an agency should be funded or compensated at a rate of parity with provincial counterparts (for operations and maintenance).
12. Prevention funding and other similar sources of funding must be based on actual cost of delivery and provided directly to First Nations communities, not be flowed through the Province for allocation.
13. Funding and other resources for prevention activities are necessary for not only all First Nations and communities, but also for delegated agencies and for those pursuing Indigenous approaches.
14. The FNCFS program has not been significantly revised since 1990. The funding program needs to be overhauled in light of the CHRT decision and in a manner, that will provide for a smooth transition to a new approach that is premised on Indigenous authorities, legal traditions, laws and ways of being.
15. Any new reforms, including a legislative framework, must provide space for the development of strategies directed at the full implementation of Jordan's Principle. Strategies to implement Jordan's Principle must also ensure the inclusion of resources to support children with special needs.
16. Reform of the child welfare system must promptly remove and replace Directive 20-1 with alternative funding models and programs that address the shortcomings of Directive 20-1. A new alternative model that includes cost-sharing between Canada and British Columbia and must provide space for the delivery of equitable services to Indigenous children and youth,

regardless of where they live (i.e. on or off reserve lands) and funding models must support the aim of keeping families together.

Infrastructure

17. Communities will require resourcing to develop necessary housing and other infrastructure to successfully provide needs-based services and supports to Indigenous children and families.

SUPPLEMENTARY RECOMMENDATIONS

The following additional recommendations have been identified by First Nations Chiefs and Leadership in BC and technical support teams assisting First Nations, organizations and Nations in BC. The recommendations set out below are provided without prejudice to any initiatives, approaches or work being advanced by First Nation communities, organizations or Nations. Additional recommendations may be provided as we move forward in system reform.

National Action Plan

18. In UN World Conference Outcome Document, Member States committed to develop a national action plan in regard to the implementation of the UN Declaration. Such an action plan must include opportunities for and concrete actions aimed at reforming the child welfare system to align with the UN Declaration.

National and Provincial Indigenous Child Advocate

19. Develop a national and provincial Indigenous child advocacy role dedicated to advocacy for Indigenous children, youth and families.

Creation of a new BC Indigenous Child and Family Services Act

20. First Nations and the Province of British Columbia must engage in substantive and meaningful discussion to develop enabling legislation for the development of a *BC Indigenous Child and Family Services Act* that will serve as a legislative underpinning for Nations to enact their own Indigenous laws.

Youth Aging Out of Care

21. Various supports must be made available to each Indigenous youth who ages out of care at the age of 19 years. Supports must include an aging out plan as a basic required component of care plans for each youth turning 19 years of age. Also, as a standard requirement in each MCFD region, a youth transition team should be established to provide additional support.