



SERVICE AGREEMENT

THIS AGREEMENT commences on the 15th day of May, 2018.

BETWEEN:

Mamalilikulla First Nation as represented by its duly authorized signatory or signatories;

("Mamalilikulla First Nation")

AND:

The DIRECTOR, designated by the Minister of Children and Family Development pursuant to section 91 of the Child, Family and Community Service Act, R.S.B.C. 1996, c.46 of the Province of British Columbia and responsible for delegated Aboriginal agencies

("Director")

Table of Contents

1.0	MAMALILIKULLA'S VISION & MISSION STATEMENT	3
2.0	PURPOSE.....	3
3.0	CONTEXT	4
4.0	POPULATION SERVED.....	4
5.0	COMMITMENTS	5
6.0	GUIDING PRINCIPLES.....	5
7.0	SERVICE PROVISION.....	6
7.1	Outreach and Prevention.....	6
7.2	Service Requests.....	7
a.	Voluntary Family Support Services	7
b.	High Risk Pregnancy.....	7
c.	Youth Service Request.....	7
7.3	Child Safety.....	7
7.4	Family Service.....	9
7.5	Guardianship.....	9
7.6	Resource Planning.....	10
7.7	Adoption.....	10
8.0	COMMUNICATION & INFORMATION SHARING.....	10
9.0	DISPUTE RESOLUTION.....	12
10.0	MONITORING AND EVALUATION	12
	This service agreement signed and agreed upon by:.....	14
	Appendix A: Mamalilikulla Contacts.....	15
	Appendix B: Definitions.....	16
	Appendix C: Section 4 of the Child, Family and Community Service Act	20
	Appendix D: Section 2 of the Child, Family and Community Service Act	21
	Appendix E: Section 13 of the Child, Family and Community Service Act.....	22
	Appendix F: Section 14 of the Child, Family and Community Service Act.....	24



1.0 MAMALILIKULLA'S VISION & MISSION STATEMENT

- 1.1 Our vision for the future is to serve our community with respect, fairness, transparency and accountability, promoting equality, prosperity and well being, while engaging and supporting our people; honoring our past, present and future generations and creating opportunity for a strong Mamalilikulla Nation.
- 1.2 Our mission is to work together to build a strong, proud and healthy Mamalilikulla community. To work for the good future of Mamalilikulla, and that in response to past experience, the re-creation and rebuilding of community is paramount while using the values from the Gukdzi tradition; working with and engaging our people, and listening to the echoes of our ancestors by honoring our ancestors to honor our future.

2.0 PURPOSE

- 2.1 As part of British Columbia's commitment to true, lasting reconciliation with Indigenous peoples in the Province, the Province will be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Calls to Action of the Truths and Reconciliation Commission. The Province recognized that all relation with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government. The Province's recognition of the ongoing presence and inherent rights of indigenous peoples as a defining feature of Canada is grounded in the promise of the section 35 of the Constitution Act, 1982, in addition to reflecting articles 3 and 4 of UNDRIP.
- 2.2 This service agreement is entered into in the spirit of Maya'x̱la, 'respect for oneself and for all others', between the Ministry of Children and Family Development (MCFD) and Mamalilikulla First Nation (MFN) in our efforts to improve the safety and wellbeing of MFN children and families. Both parties are committed to seek common ground through understanding and communication.
- 2.3 This service agreement's purpose is to provide guidance to the parties in their endeavors to seek common ground and to identify processes for dispute resolution. At all times, both parties will work in the best interest of the child (Appendix B).
- 2.4 It is our goal that together, we will provide more effective culturally anchored services and increase our collective capacity to ensure the safety, health and well-being of Mamalilikulla children, youth and families.

3.0 CONTEXT

- 3.1 The Child, Family and Community Service Act (CFCSA) provides the MCFD Director with delegated authority to investigate and take appropriate action to safeguard a child's safety and well-being.
- 3.2 MCFD must adhere to the CFCSA, which is the law that protects our children.
- 3.3 MCFD agrees to ensure the assessment process is inclusive, collaborative, holistic and focuses on the child, youth and family's spiritual and cultural needs and other aspects of safety and well-being.
- 3.4 The CFCSA recognizes the guiding principles that "kinship ties and a child's attachment to the extended family should be preserved if possible" and "Indigenous children are entitled to learn about and practice their Indigenous traditions, customs and languages and belong to their Indigenous communities."
- 3.5 A service delivery principle ensures that "Aboriginal people should be involved in the planning and delivery of services to Aboriginal families and their children." Under both the CFCSA and the *Adoption Act*, "if the child is an Aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interest."
- 3.6 Indigenous children have the right to receive guidance, encouragement and support to learn about and practice their Indigenous traditions, customs and languages, and belong to their Indigenous communities.
- 3.7 MCFD acknowledges the impact of residential schools on Indigenous children, families and communities and will take that into consideration in the planning and delivery of services to Indigenous children and families.
- 3.8 MCFD will also be guided by the Aboriginal Policy and Practice Framework when working with MFN and their children, youth and families.

4.0 POPULATION SERVED

- 4.1 MFN has about 400 band members spread out mainly from Port Hardy, Alert Bay, Campbell River, Nanaimo through to Victoria & Vancouver. MFN does not currently have a resident land base and as such, our people may be served through MCFD or delegated Aboriginal agencies (DAA's) across BC and Canada.

5.0 COMMITMENTS

- 5.1 Both parties are committed to working in partnership and in support of MFN building further capacity to provide more services to its people.
- 5.2 MCFD and MFN will work together in a spirit of cooperation and partnership when it comes to planning for Mamalilikulla children, youth and families. The relationship will be characterized by respect for the mutual goals of both parties, which is, the safety and well being of MFN children.
- 5.3 MCFD and MFN will use a strength-based approach when planning and working with families. Children thrive best when living with their families, extended families and in their home community.
- 5.4 The safety and well-being of a child or children is the utmost importance in all aspects of addressing family issues and will not be compromised.
- 5.5 MCFD, Campbell River, will meet at least annually with MFN band representative to review MFN involvement and other statistical data over the previous year, to assist with understanding service needs and develop an effective response.
- 5.6 MCFD staff and the MFN band representative will work together to identify a range of “out-of-care” option’s designed to ensure child safety and well-being while keeping children connected to their family and cultural identity.
- 5.7 The MFN band representative will participate in meetings, training and conference opportunities offered by MCFD to support the goal of relationship and capacity building.
- 5.8 MCFD agrees to make this service agreement available to all child protection social workers delegated under the CFCSA.
- 5.9 Services will be delivered according to the CFCSA and Regulations, Freedom of Information and Protection of Privacy Act of British Columbia, Document Disposal Act of British Columbia and other relevant legislation, standards and policies.

6.0 GUIDING PRINCIPLES

- 6.1 In addition to the guiding principles outlined in the CFCSA (Appendix D), MCFD and MFN agree to:

- a. Empower families, immediate and extended, to take responsibility to provide the health and safety needs of a child or children;
- b. Recognize the inter-generational effects of colonization and trauma present and see intervention and support as opportunities for healing and recovery from this;
- c. To develop effective and sustainable solutions to support children and families;
- d. Place the relationship at the center to continue to build trust and understanding at all levels;
- e. Share information when appropriate to improve the quality of services;
- f. Identify gaps and overlaps in service, and ensuring that there is coordination of service when needed;

7.0 SERVICE PROVISION

MCFD provides a continuum of service to MFN children, youth and families, including, outreach and prevention, service requests, family services, child safety, guardianship, resource management and adoption. An overview of the general agreement associated with each service/program area is covered in this section.

7.1 *Outreach and Prevention*

- a. Prevention is paramount in the care for our children. MFN and MCFD will work together to prevent families from reaching a point of crisis and work towards preventing issues before they arise.
- b. At this time, MFN does not provide direct outreach or prevention services, but they do have a working agreement with Sasamans Society and is part of the Kwakiutl District Council (KDC). The band representative or families can request services through either of these agencies to assist in building strong healthy families and to support children to remain within the parental home or with family.
- c. MFN and Sasamans Society have a collaborative working agreement that was created in order to strengthen our children and families in a community driven and culturally appropriate manner. Sasamans sees its purpose as identifying the gaps in service and complementing the services of their Aboriginal Urban agencies and/or First Nations Bands. Both MFN and Sasamans are dedicated to work together in a spirit of cooperation and partnership, to ensure the best quality services are delivered to children, youth and families of the MFN.
- d. Depending on where MFN families reside, the MFN band representative will work with appropriate supports to build a circle of support that holds families

up and provides services and tools to families to be able to care for their children in a safe, healthy, and loving environment.

7.2 Service Requests

Under the CFCSA, MCFD will provide voluntary services to families upon request. This can happen in the following ways: (a) When a parent or other calls in requesting services for their family, (b) when a call comes in of a high-risk pregnancy, and (c) when a youth calls in and request's support services.

a. Voluntary Family Support Services

In the event that a family in crisis comes forward to request voluntary service in the form of parent support or services to children or youth in their care, the MFN band representative and MCFD social worker will meet with the family to determine a plan that addresses the needs within the scope of resources available.

b. High Risk Pregnancy

At times, MCFD will receive reports of a high-risk pregnancy requiring a social worker to assess risk to the unborn child. MCFD will request permission by the mother to contact the MFN band representative for support and future planning. In the event that a removal is imminent, the MFN band representative will be notified to help find a family placement.

c. Youth Service Request

A MFN youth may call MCFD to request services under section 12.1 or 12.2 of the CFCSA. A youth will be assessed to see if they are eligible for a youth agreement. If eligible, the MFN band representative will be notified to work collaboratively with the social worker to support the youth. If the youth chooses to have MFN included in the agreement, the MFN band representative's role will be outlined in the agreement as well as the condition on the use, disclosure and security of information provided under the agreement to the Nation. The Nations withdrawal from the agreement does not have the effect of terminating the agreement.

7.3 Child Safety – On or off Reserve

In addition to 7.3, the following terms will be adhered to when working on reserve:

- a. MCFD will contact MFN band representative upon receiving a child protection report or request for service and inform them of the report.

- b. MCFD will contact MFN band representative or alternate, if unavailable, to have them accompany the social worker into the community and assist them in the assessment of an FDR/investigation and any subsequent home visits.
- c. The MCFD social worker and the MFN band representative will jointly plan a response and clarify roles and responsibilities of each participant.
- d. In the event that the MCFD social worker cannot reach the MFN band representative or alternate, he/she will notify the MFN band representative as soon as possible and share the results of their assessment and any safety plan that may have resulted. The MFN band representative will be involved from this point forward.
- e. The MFN band representative and MCFD social workers will demonstrate effective communication and respond immediately to situations where it is believed that a child(ren) may be in need of protection.
- f. In the event that a report is made to MCFD in which a child may be in need of protection, a social worker will contact the MFN band representative as soon as possible to review the circumstances.
- g. In accordance with the CFCSA – In receiving a report of neglect or abuse a social worker must see the child, see the parents, view the parental home and seek permission to speak to the children (Family Development Response), after this has been completed a safety plan may be considered, if necessary.
- h. Recognizing that child safety is paramount, in situations where a child may be at immediate risk, the social worker will develop an immediate safety plan. Once immediate risk to the child(ren) has been addressed, a plan of action will be developed involving the MFN band representative and the social worker. In some situations, it may be necessary for parents to provide their consent for release of confidential information so that collaborative planning can occur with family and community supports.
- i. In situations where safe supervision within the family home can be arranged, the person(s) alleged to be presenting a risk to the child(ren) may be asked to leave the home pending resolution of the issues.
- j. If it is determined that the child remains at risk in the care of their parents or guardian, placement of the child outside of the home may be required to ensure their safety. Whenever possible, children of the same family will be kept together unless it is in the best interest of the children to be separated.
- k. Wherever possible, placement of the child will be arranged within the immediate or extended family and community. Transfer of custody will also

be explored as an option in appropriate situations. Where a safe plan cannot be arranged within the community, MCFD may be required to remove the child for placement into an approved resource home until risk can be addressed. This is considered a last resort measure.

- l. In instances where a child has not been registered to a Nation, the parent's nations will both be notified of any actions taken in regard to the child. This includes serving the MFN band representative with court documents.
- m. If it is determined that a child needs to be moved from one foster home to another, the MCFD SW will notify the MFN band representative. The MFN band representative will be involved in planning for the child's support services so they are not negatively impacted by multiple moves.

7.4 Family Service

- a. Best practice requires the involvement of MFN in planning for their children in care and the delivery of services to their families and children. MFN has a right to be involved in a number of shared decision-making processes which could include: family group conferencing, family meetings, integrated case management meetings, traditional decision-making and mediation.
- b. In the event that a family has an open family service case due to their children being placed outside the family home, in care or out of care, the MCFD social worker will involve and engage the MFN band representative as they work with families on reunification, concurrent planning and/or permanency planning.
- c. An MCFD social worker will send a letter to the MFN band representative when the family service case opens and closes.
- d. In the event that a child can not return to their parents' care, an MCFD social worker will engage the MFN band representative in permanency planning with the goal of family placement. This will include a detailed MFN cultural plan.

7.5 Guardianship

- a. The MFN band representative will be kept up to date on all MFN children in continuing care of MCFD and DAA's and will be given a list of children in care in British Columbia by the local MCFD office annually.

- b. The MFN band representative will be involved in developing and reviewing, on a bi-annual basis, individual care plans and cultural plans.
- c. The MFN band representative will be consulted by the MCFD Guardianship social worker in identifying family connections and potential permanent placements.
- d. The MFN band representative will notify the child's guardianship social worker of community and family events that the MFN children and caregivers can attend.
- e. If it is determined that a child needs to be moved from one care home to another the social worker will notify the MFN band representative. The MFN band representative will be involved in planning for the child's support services so they are not negatively impacted by multiple moves.

7.6 Resource Planning

- a. MCFD will collaborate with the MFN band representative to help identify potential MFN caregivers.
- b. MCFD and MFN band representative will work together to develop a recruitment plan including arranging and hosting recruitment sessions in the community or completing individual home visits with the objective of increasing the number of placement options with MFN band members.
- c. Resource development may include the identification of a "safe home" for placement of children removed from their parent's care under the CFCSA, or as an alternative to removing a child from parental care.

7.7 Adoption

- a. It is the priority of Mamalilikulla elected leadership that adoptive homes for MFN children are found within the child's family, extended family, community, other Kwakwaka'wakw community, or Non- Kwakwaka'wakw First Nations community before placing a child in a non-Aboriginal home.
- b. The best interests of the child will always be top priority.
- c. All adoption requests will be reviewed on a case-by-case basis and no adoptions will occur without MFN knowledge.

8.0 COMMUNICATION & INFORMATION SHARING

- a. MCFD and MFN agree to communicate clearly and in a timely and respectful manner.

- b. Bi-Annual meetings will be coordinated to review overall progress. Both parties will update one another on any staff, address or major organizational changes as they occur.
- c. In partnership, community meetings may be organized to share information and to provide updates with MFN community members.
- d. Confidentiality remains a priority and will be followed in accordance with the CFCSA and FOIPA (Freedom of Information/Privacy Act).
- e. Upon request and in accordance with Part 5 of the CFCSA respecting confidentiality and disclosure of information, MCFD agrees to provide designated representatives of the Band with copies of:
 - The child's plan of care;
 - Service plans developed as a result of a comprehensive risk assessment;
 - Any assessment (developmental, psychological, psychiatric etc) which impact the nature of planning services for a child, family;
 - In the case of notices of hearing, MCFD agrees to provide the band with information concerning the removal of a MFN child and/or the orders the director is intending to request in a timely manner; and
 - Copies of any orders made under the CFCSA respecting MFN children.
- f. The request for information may be made by phone or in writing. The information requested maybe provided over the phone or via writing.
- g. Section 79 of the CFCSA permits the director to disclose information, whether recorded or not, without the consent of anyone for specific purposes. The section provides a complete listing of these circumstances; the director must always attempt to obtain a person's consent where desirable an appropriate. If such a disclosure must be made without consent, the director provides only as much information as is required for a specific purpose and only to those who need to know because they are:
 - Involved in the child's case or protection;
 - Engaged in providing services for the child or the child's family; or
 - Recognized in the community as organizations with community-wide responsibilities for the safety and well-being of children
- h. MCFD recognizes that designated representatives of the MFN have a right to information regarding a protection concern with one of their members and will share information with the Band in accordance with Section 79 without the consent of the family if that is necessary.
- i. No matter where the family resides, MCFD will respect the family's right to privacy unless they have to take protective action.

9.0 DISPUTE RESOLUTION

- 9.1 MCFD and MFN agree to work collaboratively to resolve disputes at the local level whenever possible. There may be times when MCFD's delegated responsibilities require actions that are not supported by the MFN community; therefore, MCFD and MFN will need to engage in the dispute resolution process:

Step 1: In the event that there is disagreement with MCFD's involvement a meeting will be arranged between social workers involved within MCFD and Mamalilikulla band representative in an attempt to resolve the issue.

Step 2: Should there be no resolution through Step 1, the MCFD supervisor with administrative responsibility will participate with Mamalilikulla band representative, Mamalilikulla band manager, and family members involved to attempt resolution.

Step 3: The Director of Operations for MCFD and the MCFD supervisor will participate with MFN community leaders and the band representative to address disputes requiring further review. This review will take place upon receipt of written consent of the parents involved.

- 9.2 Please note, both parties understand and accept that because of their legal responsibility for child protection, MCFD may have to take protective action, which could include the removal of an MFN child before a resolution to a dispute is reached.

10.0 MONITORING AND EVALUATION

- 10.1 MCFD and MFN will work together to identify and track indicators for measuring the success of activities contained within this service agreement and identify areas where improvement may be necessary. They will work together to problem solve issues that arise.
- 10.2 Indicators are not limited to and may include:
- Intake reports received and ongoing family service files opened within MCFD;
 - Numbers of children removed from parental care;
 - Numbers of homes recruited and approved for placement of children; and
 - Numbers of children returned to parent/family/community.
- 10.3 An Evaluation will be completed immediately upon signing the service agreement and thereafter annually. MCFD and MFN will meet as required to formally review

the year's activity, statistical data, indicators of success and evaluate current working relationship. Families and, where appropriate, children in care will also have an opportunity to provide feedback by way of sharing their experiences of what is working and what may need to be improved.

- 10.4 As this is a living document, it is agreed that this service agreement can be formally reviewed at anytime at the request of either the MFN band representative, MFN chief or MCFD director of operations and can make necessary changes.

This service agreement signed and agreed upon by:

_____, 2020
Chief Richard Sumner
Mamalilikulla Chief Councilor

_____, 2020
Edna Puglas
Mamalilikulla Councilor

_____, 2020
Curtis Cameron
Ministry of Children and Family Development
Director of Operations

_____, 2020
Patti Tooke
Ministry of Children and Family Development
Director of Operations

_____, 2020
Paula France
Ministry of Children and Family Development
Director of Operations

Appendix A: Mamalilikulla Contacts

Designated Band Representative

Tasleem Mall B.S.W.; R.S.W.

Cell: (250) 203-5696

Office: (250) 914-2212 – Sasamans Society (host agency)

Email: band.designate@mamalilikulla.ca

Band Representative Alternate

Elected Chief Councilor

Chief Richard Sumner

Work: 250-287-2955

Fax: 250-287-4655

Cell: (250) 203-6881

Email: richard@mamalilikulla.ca

Appendix B: Definitions

Band Representative - a representative chosen by the First Nation with whom a social worker can speak to with regards to their registered, or eligible to be registered, children, youth and families.

Caseload - is a list of open active files carried by a social worker at any given point in time. Caseloads are made up of incidents, family service, child service and resources files.

Child - is a person under the age of 19 years old.

Child, Family and Community Service Act (CFCSA) - Delegated child protection social workers have a legal duty under the (CFCSA) to respond to concerns about a child's safety and this Act guides child protection services in the Province of B.C.

Child in Care - a child who is in the custody, care or guardianship of the director.

Cultural Plan – A document that outlines the responsibilities of the Social Worker, First Nation and Caregiver and how they will work together to ensure the child's cultural heritage is at the forefront of planning. This plan holds accountability around connecting the child to his/her Nation and family.

Delegated Aboriginal Agency (DAA) - means an Aboriginal agency whose employees have delegated authority under s. 92 of the *CFCSA* by a designated director.

Director - a person designated by the minister under section 91 of the *CFCSA*. The director has jurisdiction throughout British Columbia in the exercise of the powers and the performance of the duties and functions conferred on a director under this Act.

Family Group Conference - a way for families to solve their problems together. A family group conference is a shared decision-making process for families. Everyone who cares about a family is asked to come together to develop a plan to help solve problems, and to make sure that the children in the family have the care and support they need.

Family meetings – family members meet with a social worker to discuss things such as protection concerns, what's working and what's not and agree on things like goals and supports for the family and children.

Family Service - cases that are opened when a family needs further support services in instances where children remain in the home or have been removed from their parents

care. Support services to families may involve contracted services where the extent of the service may be limited to available budget and staffed resources.

Guardianship – A social worker becomes the guardian of a child once they are in the continuing care of the director and the social worker has all the rights, duties and responsibilities of a parent. Guardianship workers are responsible for developing a plan of care for children as well as a cultural plan.

High risk or vulnerable expectant parents - are individuals to whom one or more of the following risk factors apply and where it is believed that a child (once born) may be harmed without intervention and provision of support services. The combination of several factors may also increase the level of risk. Risk factors or vulnerabilities include:

- History of unwanted pregnancies;
- The expectant parent having children for whom protective services are currently required;
- The expectant parent being isolated or alienated from healthy support relationships including family, friends and community and/or support services;
- Insufficient prenatal care;
- The expectant parent refusing to consent to health treatment when the treatment is necessary to ensure the health of the expectant parent and expected child, including untreated diagnosed mental health disorders with behaviours that may significantly interfere with the ability to parent;
- Actions by the parents that pose a risk of future harm to the child, once born;
- Environmental concerns such as inadequate housing including homelessness or an unstable resident situation, financial crisis, unemployment, newly located to the community with little or no supports, and/or a history of fleeing that led to crisis;
- Behaviour that puts the expected child at risk such as problematic substance use (alcohol, illicit or prescription drugs that may harm the developing fetus); or
- Violent relationships including recent or escalating violence.

Incidents – child protection report with concerns that a child may be in need of protection due to abuse and/or neglect as defined under section 13 of the CFCSA.

Integrated case management meeting – family members, advocates, and involved professionals like teachers, public health nurses, social workers, and counselors, meet to solve problems together and make a plan to support your family and keep your children safe.

Memo – a call to MCFD or DAA that gets screened for section 13 protection concerns and either closed or opened to an incident to assess report. This could also be a call for support services or high-risk pregnancy concerns in which a Service Request could open to provide support to the family.

MCFD/DAA delegated Social Worker – means a worker delegated under s. 92 of the CFCSA to exercise the director’s powers, duties and functions. A delegated worker is employed either by MCFD or by a DAA. Not all MCFD/DAA workers are delegated to provide child protection services. e.g., child and youth with special needs workers, or workers who provide only support services.

Mediation – a trained, neutral mediator helps family members and social workers work through issues and settle disagreements about children’s care.

Out of Care Options (OCO) - “Out of care” means that the child is not in the care of MCFD rather in the care of a relative or person with a significant relationship to the child or youth. The person caring for the child is not considered to be a ‘foster parent’ but a ‘care provider’. MCFD can offer services to the child/youth and care provider during this time. There are 3 types of out of care options:

Extended Family Program (EFP)

- A voluntary program where parents are temporarily unable to care for their child and choose to place him/her in an out-of-home living arrangement with extended family or individuals who have a significant relationship with the child but who are not their legal guardian. Parents give care of the child to the care provider and the Director then provides financial assistance and other supports to the care provider, to care for the child. The care provider assumes responsibility for the full-time care, parenting, nurturing and safety of the child and makes day-to-day decisions affecting the child, including supervising their daily activities.

Temporary Custody to Another Person under Section 41.1.b of the CFCSA

- When a child is removed from a parent it is the hope that that child can be placed with family or someone that has a significant relationship with that child. The Director would apply to the court for an order that the child be placed in the temporary custody of a person other than a parent and under the Director’s supervision. The Director supervises the child in the living arrangement according to the terms of the accompanying supervision order. Time frames are followed as per the Child, Family and Community Service Act (CFCSA).

Permanent Transfer of Custody under Section 54.01 of the CFCSA

- When a child has been living with a relative for a minimum of 6 consecutive months and is unable to return to his/her parents care he/she can achieve legal permanence without the need for the Director to first bring him/her into care and obtain a CCO.

Policy – Policy sets out expectations for practice and serves as the basis for consistent decision making and practice. Policy interprets, reflects and/or is informed by: legislation; evidence; values and principles; promising practices; Indigenous perspectives; and child, youth and family perspectives.

Resources - are cases with foster parents as the keyplayer. Resource social workers are responsible for recruiting and training individuals to become foster parents. The social worker completes a home study and makes the final approval to open their case. They help with placement of children in care under the CFCSA.

Safety Plan – is a document created by a child protection social worker, when it is believed that a child(ren) is at risk or there are section 13 concerns present. It can outline expectations for a 30-day period including things such as living arrangements, care giving of the child(ren), no contact conditions, sobriety, etc.

Traditional decision-making – family members follow community or cultural traditions to work through their problems; for example, in an Aboriginal community, elders might lead families and social workers through a traditional problem-solving process to guide decision-making.

Youth Agreement (YAG) – agreement made with a youth for supported living, which is outlined in detail under section 12.2 of the CFCSA.

Appendix C: Section 4 of the Child, Family and Community Service Act

Best interests of child

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

- (a) the child's safety;
- (b) the child's physical and emotional needs and level of development;
- (c) the importance of continuity in the child's care;
- (d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;
- (e) the child's cultural, racial, linguistic and religious heritage;
- (f) the child's views;
- (g) the effect on the child if there is delay in making a decision.

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

Appendix D: Section 2 of the Child, Family and Community Service Act

Guiding principles

- 2** This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:
 - (a) children are entitled to be protected from abuse, neglect and harm or threat of harm;
 - (b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;
 - (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;
 - (d) the child's views should be taken into account when decisions relating to a child are made;
 - (e) kinship ties and a child's attachment to the extended family should be preserved if possible;
 - (f) the cultural identity of aboriginal children should be preserved;
 - (g) decisions relating to children should be made and implemented in a timely manner.

Appendix E: Section 13 of the Child, Family and Community Service Act

When protection is needed

13 (1) A child needs protection in the following circumstances:

- (a) If the child has been, or is likely to be, physically harmed by the child's parent;
- (b) If the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- (c) If the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- (d) If the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- (e) If the child is emotionally harmed by the parent's conduct;
- (f) If the child is deprived of necessary health care;
- (g) If the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment
- (h) If the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
- (i) If the child is or has been absent from home in circumstances that endanger the child's safety or well-being;
- (j) If the child's parent is dead and adequate provision has not been made for the child's care;
- (k) If the child has been abandoned and adequate provision has not been made for the child's care;

(l) If the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

(1.1) For the purpose of subsection (10 (b) and (c) and section 14 (1) (a) but with limiting the meaning of "sexually abused" or "sexually exploited" , a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,

(a) Encouraged or helped to engage in prostitution, or

(b) Coerced or inveigled into engaging in prostitution.

(1.2) For the purpose of subsection (1) (a) and (c) but without limiting the circumstances that may increase the likelihood of physical harm to a child, the likelihood of physical harm to a child increases when the child is living in a situation where there is domestic violence by or towards a person with whom the child resides.

(2) For the purpose of subsection (1)(e), a child is emotionally harmed if the child demonstrates severe

(a) Anxiety,

(b) Depression,

(c) Withdrawal, or

(d) Self-destructive or aggressive behavior.

Appendix F: Section 14 of the Child, Family and Community Service Act

Duty to report need for protection

14 (1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.

(2) Subsection (1) applies even if the information on which the belief is based

(a) is privileged, except as a result of a solicitor-client relationship, or

(b) is confidential and its disclosure is prohibited under another Act.

(3) A person who contravenes subsection (1) commits an offence.

(4) A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.

(5) No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.

(6) A person who commits an offence under this section is liable to a fine of up to \$10 000 or to imprisonment for up to 6 months, or to both.

(7) The limitation period governing the commencement of a proceeding under the *Offence Act* does not apply to a proceeding relating to an offence under this section.