

Memorandum OF Understanding

BETWEEN THE

British Columbia's First Nations Delegated Agencies

Known collectively as the First Nations Directors Forum

AND

the Representative for Children and Youth, for British Columbia

Principles

The following principles guide the implementation of this Memorandum of Understanding between the two parties.

- The safety and well-being of First Nations children is the paramount consideration underlying this Memorandum of Understanding.
- The United Nations Convention on the Rights of the Child (UNCRC), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), are living documents for both parties.
- Both parties agree that First Nations children and youth have a fundamental right to their culture, language, community, along with maintaining their family connections.
- The Director, under the *Child, Family and Community Service Act* (CFCSA), has ultimate authority for child protection in British Columbia.
- Both parties are committed to providing culturally appropriate services to First Nations children and families across British Columbia.
- The Representative is committed to entering into and maintaining protocol agreements with other First Nations agencies and service providers for the coordination of services to First Nations children and their families.
- The working relationship between the parties will be characterized by mutual respect, trust, honesty and fairness, collaboration and a commitment to problem solving.

Whereas

- A. The Parties recognize the right of First Nations to be self-determining and self-governing.
- B. The Parties recognize that First Nations possess inherent rights and responsibilities with respect to the safety and well-being of their children and youth. These rights include a special collective right to transmit a unique cultural identity and to sustain that identity including a sacred relationship from time immemorial with their ancestral territories and their peoples.
- C. The Parties acknowledge that the number of vulnerable First Nations children in British Columbia is a matter of provincial and national concern that requires immediate, systemic and remedial attention. They agree that First Nations children in care or custody must be supported in their families, extended families, kin, neighbourhoods and communities whenever possible without jeopardizing the safety of children. They further agree that the successes and strengths of First Nations children and their families and communities must be recognized.
- D. The Parties agree on the need for a respectful and ongoing relationship and dialogue on all issues relating to the safety and well-being of all First Nations children and youth so that they can be supported while retaining and enjoying their distinct rights and identity as First Nations peoples.

1.0 Purpose

- 1.1 The purpose of this Memorandum of Understanding ("MOU") is to establish a joint dialogue and advocacy process regarding general and systemic issues relating to the safety and well-being of First Nations children and youth in the care of or receiving services from First Nations delegated child and family service agencies in British Columbia, and to:
 - a) recognize that First Nations maintain jurisdiction over their children and youth;
 - b) recognize and support the Representative for Children and Youth as an independent officer of the Legislature of British Columbia with a statutory mandate to advocate on behalf of children and youth, to monitor programs and services and to review and investigate critical injuries and deaths;
 - c) establish an open dialogue on children rights within the framework of the United Nations Convention on the Rights of the Child (UNCRC); and
 - d) have open dialogue on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- 1.2 The joint dialogue and advocacy process will focus on:
 - a) advocating on behalf of First Nations children and youth to ensure that they are fully supported in their well-being and development from birth to adulthood, including that they receive culturally appropriate levels and types of service from governments and agencies of sufficient quantity and quality to address their needs, circumstances and aspirations;
 - b) supporting First Nations agencies, services providers, and peoples to be effective advocates for their children and families;
 - c) advocating for the development of programs and services that respond to the intergenerational trauma experienced in First Nations communities;
 - d) advocating for the well-being of First Nations children including keeping First Nations children within First Nations communities wherever possible and minimizing unnecessary disruption to their lives; and
 - e) other topics or issues as mutually agreed upon by the Parties.
- 1.3 The Directors of the First Nations child and family service delegated agencies, who make up the membership of the First Nations Directors Forum, agree to establish protocols with the Representative for Children and Youth as per the requirement of the Aboriginal Operational Standards and Indicators: Operational Standard 19. Reporting out on outcomes for children in care of their respective delegated agency will be a component of these protocols, and supportive of recommendation 7 (b) in the "From Loss To Learning" report requirement to report out semi-annually on the state of children receiving services from a Delegated Aboriginal Agency.
- 1.4 The joint dialogue and decision-making process will be carried out through the Office of the Representative for Children and Youth and such leaders of the First Nations Directors Forum, or through individual agencies across British Columbia.
- 1.5 The process defined in this MOU is not intended to displace the obligation of the important work that must continue between the Ministry of Children and Family Development and the Delegated Aboriginal Agencies in British Columbia. The intent is to provide an avenue for dialogue, consistent communications, and information sharing that is fruitful to the development of First Nations children and youth in the care of, or receiving services from the Delegated Agencies.

2.0 Term and Review

- 2.1 This MOU shall come into effect on the date on which it is signed, and will remain in effect for a (5) five-year period from that date.
- 2.2 This MOU and activities associated with it will be reviewed annually by the Parties.

Mary Ellen Turpel-Lafond
Representative for Children and Youth



Nita Walkem
First Nations Directors Forum "Chair"

