



**PROTOCOL AGREEMENT**

**BETWEEN**

**HAIDA CHILD AND FAMILY SERVICES SOCIETY**

**AND**

**THE MINISTRY OF CHILDREN AND FAMILY  
DEVELOPMENT**

**July 15, 2015**



**This AGREEMENT made on the 15<sup>th</sup> day of July, 2015**

**BETWEEN: THE EXECUTIVE DIRECTOR OF SERVICE FOR THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT (SDA) and herein referred to as "MCFD"**

**AND HAIDA CHILD AND FAMILY SERVICES A Society incorporated under the Society Act, RSBC1996, C433 (No S-37563) represented by the Executive director and herein referred to as "DAA"**

**PREAMBLE:**

Haida Nation asserts an inherent right to self-government, including the right and responsibility to care for all community members and ensure the safety and wellbeing of its children.

The President of the Council of Haida Nation is duly elected to represent the Haida Nation and its people.

The Child, Family and Community Services Act (CFCSA) is the legislation governing child welfare in B.C. and applies to children on reserve.

**PURPOSE:**

The parties to this Agreement wish to establish a positive, mutually respectful, collaborative relationship to enhance the safety and well-being of Haida children.

The purpose of this protocol is to improve the provision of child and family services to Haida by identifying the guiding principles and outline the roles and responsibilities, including operational procedures, of the parties.

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## **GUIDING PRINCIPLES:**

Haida Child and Family Services Society believe that children are precious and must be protected. They are the future of Haida culture that carry timeless value and wisdom, and this will guide service delivery and program development.

The collective values of the Haida Nation are primarily based on our Elders' traditional knowledge and leadership, relationship to the land, each other, and the Haida constitutional responsibilities.

- The safety and well-being of children is the paramount consideration.
- Children are entitled to be protected from abuse, neglect, harm or threat of harm.
- The responsibility for the protection of children rests primarily with the parents.
- Child and Family services and programs delivered to Haida community members should occur in a manner that respects the unique culture and linguistic heritage of the Haida Nation.
- Services and programs should be planned and delivered in a manner that preserves the cultural identity of Haida children.
- Haida children in care have a right to receive guidance and encouragement to maintain their cultural heritage; their kinship ties and attachment to their extended family should be preserved.
- Wherever possible, priority will be given to placing Haida children in care with their extended family or within their community.
- The Haida Nation should be involved in the planning and delivery of child and family services to its community members.
- Whenever possible, services to Haida families will be provided in an integrated and collaborative manner.

- DAA has decision making authority with regard to the approval and management of their resources and the placement and planning for children who have transferred to the DAA.
- The Provincial Director of Child Welfare has ultimate responsibility for the child protection in the Province of British Columbia.

## DEFINITIONS:

In this Protocol Agreement, the following words shall have the meaning ascribed to them:

- a) **“Act”** means the *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, as amended from time to time and includes the “Child, Family and Community Service Regulations enacted pursuant thereto;
- b) **“Agreement”** means this Agreement, including the Appendices, all as amended or replaced from time to time;
- c) **“Board of Directors”** means the Directors of HCFSS as elected by the membership of HCFSS or appointed by the Council of the Haida Nation, Skidegate and Old Massett Band councils and under the Society Act;
- d) **“Caregiver”** means a person with whom a child is placed by a Director and who, by agreement with the Director, has assumed responsibility for the child’s day to day care;
- e) **“Categories of Delegation”** are Voluntary Services (C3) (previously Level 12), Guardianship (C4) (previously Level 13), Partial Child Protection (C5) (previously Level 14) and Child Protection (C6) (previously Level 15).
- f) **“Delegated Authority”** means the powers, duties, or functions under the Act delegated by the Director

pursuant to section 92(1) of the Act. “Delegated Staff” means employees of HCFSS who have received Delegated Authority;

- g) **“Eligible Child (may also be referred to as AANDC billable child)”** means any child who is registered under the Indian Act and has at least one parent resident in a Haida community, or who would otherwise qualify for funding as describes in the Memorandum of Understanding between Canada and the Province.
- h) **“Executive Director”** means the person appointed as such by HCFSS Board of Directors, including anyone duly appointed to act in the capacity of the Executive Director during an absence of the Executive Director;
- i) **“Haida communities”** means Skidegate Band and Old Massett Village;
- j) **“Indian Act”** means the *Indian Act* 1985, c. 1-5, as amended or replaced from time to time;
- k) **“JAC”** means the Joint Advisory Committee
- l) **“Ministry”** means the Ministry of Children and Family Development and its successors;
- m) **“On Reserve Resident”** means a registered person with status under the Indian Act who is ordinarily resident on reserve and shall include those temporarily off reserve in the following situations:
  - 1. Attending an Educational or Training program full time;
  - 2. While obtaining health care provided by a hospital, community care facility, mental health facility, or a home for special care;
  - 3. While attending a provincially recognized drug and alcohol treatment centre, shelter for battered persons and other community care homes; or;

4. While serving a criminal sentence imposed by a court.

- n) **“Protocol Agreement”** means an written agreement between HCFSS, the Ministry, and other entities including but not limited to other First Nation Child and Family Service agencies that explain how each will work together and consult with each other to provide Services to Children and Families;

## **ROLES AND REPONSIBILITIES**

### **MCFD**

MCFD Social workers are delegated for C6 activities: and therefore, have the full range of authority and responsibility of the CFCSA. MCFD Social Workers will be primarily responsible for providing C6 delegated services, which include:

- Receiving, assessing and, as required, conducting a protection response to reports of child abuse and neglect.
- Deciding the most appropriate course of action if a child is deemed in need of protection.
- Where necessary, removing the child and placing the child in care.
- Obtaining court orders.
- Providing ongoing protective services.
- Signing agreements with parents for voluntary care of their children during a protection response or when living off reserve.

- Providing guardianship care for children in care via voluntary agreement with parents or temporary court orders or continuing custody court orders.
- Residential Resource Development

## **DAA**

DAA Social Workers are delegated for C3 activities; and therefore, have partial authority and responsibility of the CFCSA. DAA Social Workers will be responsible for C3 delegated services, which include:

- Voluntary support services for families.
- Residential Resource Development
- All C3 functions as per CFCSA
- In order to enhance the safety and well-being of Haida Children, the DAA will:
  - i) Establish and identify community standards for the care of its children
  - ii) Provide an orientation on Haida traditions and culture to MCFD Social workers identified as the primary workers to the community.

## **DUTY TO REPORT**

Any individual who has reason to believe that a child needs protection under section 13 of *the Child, Family and Community Services Act* must promptly report the matter to an MCFD Social worker that has been delegated to receive such reports. Reports can be made by telephone at HELPLINE and 250-559-4403

## **PROCEDURES**

### **Responding to Reports of Abuse and Neglect**

The MCFD Social Worker is responsible for assessing all child protection reports to determine whether further assessment or a child protection response is required. When an MCFD Social Worker receives a call that a child who is living on-reserve may be in need of protection, they will at the earliest possible time, provided that the child's safety or well-being is not jeopardized, make all reasonable efforts to inform the Designated Representative and DAA prior to coming on reserve land to do the assessment or protection response.

In situations of immediate risk, and where the MCFD Social Worker has been unable to contact the Designated Representative and DAA, the MCFD Social Worker will intervene to ensure the child's immediate safety and contact the Designated Representative and DAA within 24 hours of intervening with a family, provided that the child's safety or well-being is not jeopardized.

A DAA Social Worker will attend with the MCFD Social Worker who is assessing the child protection report. The DAA Social Worker's role will be to facilitate the involvement of the family. The MCFD Social Worker will, with the parent's consent or, without consent if necessary to ensure the safety and wellbeing of a child, involve the DAA Social worker and Designated Representative. The Designated Representative's role will be to provide information and inputs regarding the extended family and community resources.

If the MCFD Social Worker determines that a further assessment or a child protection response is not needed, they will refer the child and family to the DAA Social worker, where voluntary support services would assist the family. If the family indicates a desire for support services, the DAA Social Worker will assist the family in obtaining services.

If the MCFD Social Worker determines that a further assessment or a child protection response is needed, they will develop a safety plan to determine how the child can be kept safe, while conducting the assessment or child protection



response. The MCFD Social Worker will involve the Designated Representative and the DAA Social Worker in the development of the safety plan. The DAA Social Worker will support and facilitate the involvement of the family and the Designated Representative in the development of the safety plan. The Designated Representative will provide information regarding the community and available community supports.

If, after further assessment or protection response, the MCFD Social Worker concludes that the family does not require services to ensure a child's safety, and the child is not in need of protection, they will share the results of the assessment or protection response with the DAA Social Worker. The DAA Social Worker will inform the Designated Representative when the protection response is completed. With the consent of the family, the DAA and Designated Representative will jointly determine if there are any community supports that would benefit the family. If the family indicates a desire for support services, the DAA Social Worker will assist the family in obtaining services.

If the MCFD Social Worker concludes that further services are needed to assist the family in keeping the child safe, or that a child needs protection, they will communicate the safety concerns to the family, the DAA Social Worker and Designated Representative, and actively involve them all in developing a plan to address these concerns.

The MCFD Social Worker is responsible for ensuring that the services and plan adequately address the safety concerns.

The parties will share information with each other to ensure that the plan and services continue to meet the needs of the family and promote the safety and well-being of the child.

### **Providing Ongoing Services**

In providing ongoing support services to Haida children and families, MCFD and DAA will:

- Whenever possible, arrange and facilitate meetings with the extended family for the development of plans for children and their family members.

- Participate and support Haida Traditional Decision Making process.
- Provide direct service and referrals to other support services.
- Arrange Integrated Case Planning Team meetings for service coordination and planning.
- Jointly develop Plans of Care – MCFD and DAA Social Workers will, whenever possible, actively involve the Designated Representative in the development of any planning and monitoring for children in care. Whenever possible, foster parents, and Designated Representative will meet with the Social Worker and other service providers to collaborate and provide input into the content and monitoring of the plan.

### **Out of Home Placements/Children in Care**

In circumstances where Haida children cannot remain within their family home, the MCFD and DAA Social Workers will work collaboratively with the designated representative to find placement options. Whenever possible, priority will be given to placing children with extended family or within the Haida community.

In order to fulfill his/her role in supporting planning for children and families and participating in the Integrated Case Planning Team, the Designated Representative will be provided with necessary placement information and updated on any changes to children's placements, when children are placed out of community.

MCFD and DAA Social Workers will work collaboratively to facilitate children having safe and positive access to their parents and extended family. When children are placed outside of their family home, the MCFD and DAA Social Workers will make every effort to provide access to family, as soon as possible, when the children are safe and no court order states otherwise.

If access requires supervision to ensure the child's safety, the MCFD and DAA Social Workers will make reasonable efforts to

ensure the supervision is provided by individuals that are known to the children.

### **Residential Resource Development**

In order to keep children safely in their home communities, and to effect the least intrusive child protection interventions, the parties agree to work cooperatively to support the development of Haida family care homes and family support services.

MCFD Team Leader and DAA ED will meet with monthly, to review the number and type of out of home placements (foster, out of care and specialized placements) and jointly identify opportunities, needs and potential strategies to improve placement options. The outcome of any strategies will be to maximize family and community placements, minimize disruptions and increase stability for children requiring out of home placement.

### **DECISION MAKING/INFORMATION SHARING**

MCFD and DAA will make diligent efforts to facilitate the views and/or involvement OF Designated Representatives in case planning activities, including participation in meetings and phone discussions.

The Designated Representatives will share with the MCFD and DAA Social Workers any possible conflicts of interest they may have, or are aware of, in working with a particular family (i.e. relatives or close friends). Where a conflict exists, the Designated Representative will arrange for an alternate to act in the Designated Representative role.

Designated Representatives agree to maintain confidentiality and not disclose any information obtained during support and planning activities.

MCFD Social Workers will inform any off reserve Haida family of the existence of the DAA. MCFD Social Workers will encourage off reserve Haida families to utilize the DAA.

## **IMPLEMENTATION AND COMMUNICATION**

It is agreed that maintaining positive relationships is a critical element in successfully working with Haida children and families. To support this, MCFD and DAA will endeavour to assign a specific Social Worker to provide service to the community.

MCFD and DAA agree that any Social Worker providing service will participate in a cultural orientation on Haida traditions and customs. The orientations will be arranged and supported by the Council of Haida Nation.

MCFD and DAA Social Workers will meet periodically Council of Haida Nation to provide updated information and orientation to the CFCSA and other areas that will assist the community in understanding the roles and responsibilities of the parties.

The parties agree to meet quarterly, to review the implementation of the protocol, discuss any issues that arise and identify areas to improve the protocol.

### **Community Participation**

Through the leadership of the DAA, the parties will assist in seeking input and feedback from community members annually. The input and feedback will be reviewed by MCFD and DAA to develop a community service quality improvement plan.

## **DISPUTE RESOLUTION PROCESS**

In the event of disagreements regarding the application or interpretation of this protocol, DAA and MCFD agree to work together to resolve disputes in an equitable and timely manner.

<p><b>Step 1:</b></p> <p>Informal – The parties agree that preference is for differences to be resolved informally and should begin with the people most directly involved. The process would be for disputing parties to meet in person and openly share concerns and seek resolution.</p>	
<p><b>Step 2:</b></p> <p>If, within 10 working days of being advised of a disagreement between any of the parties, the parties agree to meet and review concerns and seek resolution and, if resolution is achieved, the agreement will be documented. Each party will be provided a written copy of the agreement. If resolution is not achieved, the parties at Step 2 will document items agreed to and issues that are still unresolved and move forward to Step 3.</p>	
<p>If the conflict involves MCFD, the Team Leader will have responsibility to try to resolve the conflict.</p>	<p>If the conflict involves DAA, The DAA Team Leader will have responsibility to try to resolve the conflict.</p>
<p><b>Step 3:</b></p> <p>If there is no resolution in Step 2, the parties will meet to seek resolution within 5 working days. Any agreement at Step 3 will also be documented and copy to all parties.</p>	
<p>The MCFD Community Services Manager will have responsibility to try to resolve the conflict at this step.</p>	<p>The DAA Executive Director will have responsibility to try to resolve the conflict at this step.</p>
<p><b>Step 4:</b></p> <p>If there is no resolution in Step 3, the parties will meet to seek resolution within 5 working days EDS- MCFD/ Board of DAA.</p>	
<p>MCFD Executive Director of Service will have responsibility to try to resolve the conflict at this step.</p>	<p>The DAA Board Executive Committee will have responsibility to try to resolve the conflict at this step.</p>
<p>Throughout this process the paramount consideration shall remain the child's safety and well-being. The parties are encouraged and invited to use culturally appropriate resource, process or procedures (as identified by the community), as agreed to by the parties, to facilitate resolution.</p>	

**Duration of Protocol**

The term of this protocol will be in effect until July 1<sup>st</sup>, 2016.  
The parties agree to meet annually, and no later than 90 days before the end of this protocol, to review and evaluate the effectiveness of this protocol. The protocol may, by mutual agreement, be amended at any point during its term.

Signed:

Karen Wainwright  
Executive Director of DAA

July 15/15  
Date Signed

Shirley Reimer  
Executive Director of Service, MCFD

July 15, 2015  
Date Signed

Robert W. [Signature]  
Witness

July 15 2015  
Date Signed

[Signature]  
Witness

July 15 /15  
Date Signed

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## Appendix (i)

### Non-protection Family Service (FS) Files

#### FILE TRANSFER PROTOCOL

The following process will be followed when transferring non-protection FS files between HCFSS and MCFD, with the understanding that the needs and well being of child take precedence over jurisdictional issues:

#### **From MCFD to HCFSS:**

**For open files when it is determined that a Family Service (FS) file can be transferred:**

- 1) MCFD team leader contacts HCFSS executive director/team leader to discuss the transfer.
- 2) MCFD social worker completes the service plan/transfer recording for transfer.
- 3) MCFD social worker will electronically and physically transfer the file.

#### **When MCFD receives and intake for voluntary FS**

- 1) MCFD social worker will record information on a notepad
- 2) Discuss and obtain approval from team leader
- 3) MCFD team leader discusses with HCFSS executive director/team leader, and if case is to be transferred, HCFSS executive director/team leader will assign a social worker.
- 4) MCFD social worker sends electronic control to HCFSS

## **FS file transfer from HCFSS to MCFD**

File transfers may occur from HCFSS to MCFD when a protection concern arises on an open voluntary FS case. In such a situation, the following will take place:

1. The HCFSS social worker must discuss the matter with their team leader.
2. The HCFSS Executive Director/TL will discuss the matter with the MCFD TL or senior social worker to determine the need for investigation, the timing and process for transfer.
3. If it is determined that the file is to be transferred, the MCFD team leader will assign a social worker.
4. The HCFSS social worker will create a notepad and send it to the assigned MCFD social worker for assessment and investigation.
5. The HCFSS the social worker will:
  - a) Update the file recording
  - b) Complete any outstanding intakes
6. The HCFSS Admin Assistant will complete any required electronic transfer to MCFD and will arrange for the physical transfer of the file.



## **Appendix (ii)**

### **Resource Files**

#### **FILE TRANSFER PROTOCOL**

Once it is decided to transfer guardianship of a CCO, the caregiver makes a decision whether or not to become a HCFSS resource or to become a “shared” resource. The two options being:

1. Transfer to HCFSS where a resource worker will be assigned; or,
2. Become a “shared” resource where the caregivers remain with the authority that holds the resource file, but contracts with the other party to provide a placement for a child or youth in care.

In situations where the caregiver decides to remain with MCFD, and the HCFSS guardianship worker believes it is in the child’s best interests to remain in that home,

#### **MCFD will:**

- Maintain an open resource file as per MCFD standards
- Provide a resource worker in order to support the home and support the child’s comprehensive plan of care.

#### **HCFSS will:**

- Assign a guardianship social worker for the child placed in the home; and,
- Preserve the cultural identity of the child; and,
- Promote kinship ties with the child’s Haida community.

#### **Meeting with the Caregivers**

When it has been determined that a child in care is to be transferred to HCFSS, social workers from both HCFSS and MCFD will meet with the caregivers to:

- Explain the process and inform them of their options;

- Clarify what services and differences in services caregivers can expect, and,
- Clarify what the differences would be if the caregiver chooses to transfer to HCFSS;
- Inform the caregiver about what information will be shared in their file;
- Provide information both written and verbal about children in the home so the caregiver is well informed when dealing with children placed;
- Explain that the authority that holds the resource file will have the final authorization to place children in the home.

### **Resource File Transfer**

Before any file transfer is initiated, discussion must occur between the referring team leader and the receiving team leader.

It is important that MCFD and HCFSS have access to information about caregivers in order to effectively place and manage children or youth in the home.

- 1) When a caregiver chooses to become a HCFSS resource, they will provide written consent to MCFD who will then forward the caregiver's complete file, and transfer electronic control to HCFSS.

### **Shared Resources**

- 1) When the caregiver becomes a "shared" resource either party may obtain a copy of relevant information from the caregiver's file and may include but will not be limited to:
  - Foster home study
  - Quality of Care reviews or protocol investigations
  - Exceptions to criminal records
  - History of the foster home (placement history; annual reviews, etc.)

- 2) Whoever is responsible for the shared resources will notify and request information from the other party.
- 3) If any changes occur in the home, then the agency that holds authority of the home shall notify the other party.
- 4) Regional resources??
- 5) Information on annual reviews will be shared.

If the placement breaks down or ends, the caregiver remains with the office that holds the resource file for consideration of other placements.

- In situations where the caregiver is a “shared” resource, and the file has remained with MCFD, HCFSS will return a copy of accrued information once the contract expires. The same applies in the reverse situations.

## Appendix (iii)

### Protocol Investigations in Haida Resources

Until such time as HCFSS receives Child Protection (C-6) delegation, all reports of abuse and neglect occurring in a Haida resource will be investigated by MCFD delegated social workers.

Investigations of Haida resources for complaints of abuse or neglect will also follow the process outlined in the *Protocols for Foster Homes*, Practice Standard 34 of Voluntary Services (C-3) in the AOPSI.

If the HCFSS executive director becomes aware of a report of abuse or neglect in foster home, the HCFSS executive director will contact the MCFD Team leader to ensure that MCFD is aware of the report. Once MCFD has determined whether or not the report constitutes a child protection report, the MCFD Team leader will communicate the decision to the HCFSS executive director.

If the decision is not to conduct a protocol investigation, the HCFSS executive director/team leader will determine whether a quality of care review will be conducted.

Until HCFSS social workers are delegated at Child Protection C-6 to investigate reports of abuse the MCFD must involve a HCFSS Social Worker in this process. If the resource is a HCFSS family care home then HCFSS will fulfill the resource support function outlined in the Foster Parent Protocols.

The minimal required involvement by the MCFD of HCFSS is:

- The MCFD team leader and HCFSS executive director will identify roles of social workers involved in the process.
- Inclusion of HCFSS in the review of the information gathered in the protocol process, and

- Immediate notification of the findings and recommendations once such findings and recommendations have been determined.
- MCFD will ensure the inclusion of HCFSS in the review of the information gathered and immediate notification.

The caregiver's resource worker (whoever holds the resource file) will remain the worker for the caregiver throughout the investigation to assist the caregiver by providing information and support. The resource worker will also inform the caregiver of the services offered by the Federation of Aboriginal Foster Parents.

The child's guardianship worker maintains contact with the child throughout the investigation. In these situations the guardianship worker will be responsible for:

- Supporting the child throughout the investigation; keeping the child informed; ensuring the child's views are taken into consideration, and supporting the child in the event of a placement change.
- Advising HCFSS about the investigation results and any changes in plans for, or placement of the child.
- Providing the investigating social worker with relevant information about the child's history.
- Meeting with the child at the conclusion of the investigation to explain and discuss any issues, decisions or changes, including the child's concerns.

## Appendix (iv)

### Child Service (CS) Files

#### FILE TRANSFER PROTOCOL

This protocol recognizes that the transfer of planning and supervision of children in care from MCFD to HCFSS must be done in a coordinated and timely manner with the best interests of the child being the paramount consideration. For purposes of Guardianship (C-4) delegation, this protocol addresses the transfer of Continuing Custody, (CCO) files only.

1. When files are identified for transfer the team leaders will discuss the file transfer process and prioritize the order in which the file will be transferred.
2. The MCFD team leader will be responsible for identifying the needs and behaviors associated with a child that is being transferred.
3. The MCFD social worker will have completed all update in file recordings prior to the file being transferred. A comprehensive file transfer summary will also be completed.
4. Prior to the transfer of a file, the CPOC will be completed by the MCFD and HCFSS social workers.
5. The MCFD social worker will set up a meeting with the child and the HCFSS social worker to introduce the child's new worker and explain the transfer process.
6. The MCFD social worker and the HCFSS social worker will establish a date for the formal transfer, and this date should be set for the beginning of a month to facilitate financial arrangements with either AAND or MCFD.
7. During the transfer process, the MCFD social worker and the HCFSS social worker will continue to plan co-operatively for the care of the child. The MCFD social worker will continue

to hold legal guardianship responsibility until HCFSS has acknowledged receipt of the physical file.

8. The MCFD social worker will arrange for the electronic transfer of files to HCFSS.
9. HCFSS will acknowledge by email to MCFD, receipt of the physical file.