

## **VACFSS / Métis Family Services Protocol**

Between:

**Vancouver Aboriginal Child and Family Services Society  
(Hereafter referred to as VACFSS)**

And:

**La Societe De Les Enfants Michif (Hereinafter Referred To As  
Métis Family Services (MFS))**

### **1 - Introduction**

VACFSS has the delegated responsibility for guardianship care for Aboriginal children in continuing care (CCOs) and for the development and support of contracted residential resources. VACFSS also delivers Aboriginal Family Preservation Services to children, youth, and their families and caregivers across the City of Vancouver. Currently VACFSS is in the planning phase for assuming child protection services scheduled for transfer from the Ministry for Children and Family Development (MCFD) in 2008.

Métis Family Services (MFS) has the delegated responsibility for guardianship care for Métis children in continuing care (CCOs) and for the management of contracted residential resources in the Fraser Region. MFS also provides a variety of non-delegated support services for Métis children and families such as advocacy, counselling, supervised access, information and referral, family strengthening, cultural services and transportation to other services.

It is the intent of VACFSS and MFS to ensure children's rights to familial and cultural continuity are incorporated throughout this protocol. VACFSS will make every effort to achieve this goal through their partnership with MFS.

This protocol provides a framework for:

- delivering consistent, quality services to Métis children and families receiving services from VACFSS;
- co-ordinating services between VACFSS and MFS for Métis children and families as needed.

### **2 - Objectives**

MFS and VACFSS will ensure that the rights of the Aboriginal community under the Child and Family Community Services Act (CFCSA) in reference to Aboriginal children, families and communities are met through the development of protocols.

This protocol supports the service transfer of Métis children in continuing care with MCFD, Vancouver Coastal Region, to VACFSS. The objective of this protocol is to promote the continuity of integrated services to Métis children and families; to establish communication guidelines; and to enhance collaboration between the two parties. The roles and responsibilities of all parties will be clearly outlined and the mechanisms for information sharing and dispute resolution will be understood.

This protocol promotes best practices to ensure all decisions promote the safety and well-being of Métis children and families. It is also based on the principle that the safety and best interests of children are primary considerations in all decisions relating to services.

### **3 - Definitions**

**Aboriginal** – shall have the same meaning as in Section 35 of the Constitution Act, 1982, which recognizes and affirms the Aboriginal rights of the Aboriginal people of Canada who are the Indian, Inuit and Métis people.

**Aboriginal child** - means a child

- (a) who is registered under the Indian Act (Canada),
- (b) who has a biological parent who is registered under the Indian Act (Canada),
- (c) who is under 12 years of age and has a biological parent who
  - (i) is of Aboriginal ancestry, and
  - (ii) considers himself or herself to be Aboriginal, or
- (d) who is 12 years of age or over, of Aboriginal ancestry and considers himself or herself to be Aboriginal.

**Aboriginal Family Preservation Services** – means services provided directly to clients by a Family Preservation Counsellor and are delivered primarily in the home and can also include specialized therapeutic interventions by a clinician working directly with the Family Preservation Counsellor. All referrals to the service will be made by Ministry delegated social workers and will have Ministry involvement.

**Aboriginal Operational and Practice Standards and Indicators (AOPSI)** – operational and practice standards used by Aboriginal Child and Family Service Agencies to guide their practice (standards either meet or exceed those standards established by the Ministry for Children & Family Development).

**CCO** - means a child in the care of a delegated child and family services agency under Continuing Care Section 50 of the *Child, Family and Community Services Act* (CFCSA).

**Child** – means a person under 19 years of age and includes a youth.

**Child, Family, and Community Services Act (2002) CFCSA** - is the provincial legislation that provides authority for the provision of child and family services.

**Child in care** – means a child who is in custody, care or guardianship of the Director under the Child, Family and Community Service Act.

**Delegated Aboriginal agency** - means an Aboriginal agency whose employees have been delegated authority under the *Child, Family and Community Services Act (CFCSA)* by the designated director.

**Delegated director or director** - means a person delegated by the Director designated by the Minister under the CFCSA.

**Delegated services** – means those services provided pursuant to the CFCSA.

**Designated representative** - when used in relation to an Indian Band or Aboriginal community, means a representative designated in accordance with the CFCSA regulations.

**Funding Authority** – means MCFD provincial and/or regional and/or DIAND depending on the MOU between the province and DIAND.

**Métis** - means an Aboriginal person who identifies as a Métis and who is accepted as a Métis person by the Métis community and is distinct from Indian or Inuit.

**Métis child** – means a child:

- a) Who is of mixed North American Indian and European ancestry, and whose parent, extended family or community of origin have identified as having Métis heritage;
- b) Who is under 12 years of age and has a biological parent who
  - i. is of Aboriginal ancestry, and
  - ii. considers himself or herself to be Métis; or
- c) Who is 12 years of age or older of Aboriginal ancestry and considers himself or herself to be Métis

**Métis Family Services (MFS)** – a delegated Métis agency providing integrated family strengthening and cultural services, guardianship care and management of residential resources.

**Non-delegated services** – means support services provided by MFS for Métis children and families such as advocacy, counselling, information and referral, family strengthening, cultural services and transportation to other services.

**Originating agency** - means the delegated Aboriginal agency who initiates a request for service (i.e. file transfer request, courtesy supervision).

**Parties** – means parties to this protocol.

**Receiving agency** - means the delegated Aboriginal agency who receives a request for service.

**Region** - means a region as established by MCFD for the delivery of services in the Lower Mainland.

**Vancouver Aboriginal Child and Family Services Society (VACFSS)** - a delegated urban agency providing integrated Family Preservation Services, Guardianship Care of children in continuing care and the development and support of contracted Residential Resources.

#### **4 - Legislation Guiding Protocol**

- Child Family and Community Services Act (CFCSA)
- Family Relations Act
- Infants Act
- Criminal Code of Canada
- Freedom of Information and Protection of Privacy Act
- Indian Act
- Societies Act
- Youth Criminal Justice Act

#### **5 - Guiding Principles**

- First Nation, Urban Aboriginal and Métis communities and/or their representative agencies have a right and a responsibility to be involved in the planning for their member children and families wherever they reside.
- All decisions about transferring and/or sharing services including time frames, responsibilities and costs are based on consideration of an Aboriginal child's safety and well-being, and on the best interests of an Aboriginal child.
- Aboriginal children and families are to be consulted throughout the planning process, including transfer of guardianship services and informed when services are transferred.
- In the transfer of services, the Aboriginal child or family, the identified Aboriginal community and/or Delegated Aboriginal Agency (if applicable)

are involved.

- Those who have ongoing roles and responsibilities for services to the Aboriginal child and family are provided with relevant, timely information regarding the transfer of services.
- Planning for transfer of services involves both the originating Delegated Aboriginal Agency and the receiving Delegated Aboriginal Agency.
- Services are transferred or shared between or amongst Delegated Aboriginal Agencies in a manner that promotes continuity of established plans and seamless service delivery to Aboriginal children, youth and families.
- Resources are developed locally to meet the needs of an Aboriginal child, unless it is in an Aboriginal child's best interest (consistent with section 71 of the *CFCSA*) to be placed in another region.
- Aboriginal families and children are entitled to timely, appropriate and consistent service within their community of residence.

## **6 - Roles and Responsibilities**

VACFSS and MFS have a duty and an obligation to carry out their responsibility and authority according to the *CFCSA* and will adhere to the standards outlined in the Aboriginal Operational Practice Standards and Indicators (AOPSI). In keeping with the general principles of the *CFCSA* and AOPSI Guardianship Practice Standard 1: *Preserving the Identity of the Child in Care and providing Cultural Appropriate Services*, "The social worker will preserve and promote the cultural identity of the child in care and provide services sensitive to the child's views, cultural heritage and spiritual beliefs."

VACFSS and MFS believe, adhere and commit to the following:

- kinship ties and a child's attachment to the extended family be preserved
- the cultural identity of Aboriginal children be preserved
- Aboriginal people be involved in the planning and delivery of services to Aboriginal families and their children
- services be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services

## **7 - Reciprocal Services**

Where necessary, directors agree to provide reciprocal services within their respective levels of delegation and authority, including but not limited to:

- Serving court documents pertaining to a file that is known to both agencies
- Conducting interviews on behalf of a requesting director pertaining to a file that is known to both agencies
- Serving notices and witnessing consents pertaining to a file that is known to both agencies
- Conducting home studies or family assessments to facilitate a transfer of a file
- Supervising contacts or visits between Aboriginal children and family members
- Other services agreed to by the directors

The parties will respond to the request for service within their capacity to provide the service. In order to acquire services, the director requiring the service contacts the other director in writing. The director will ensure that their staff are prepared for such requests and these requests are honoured on the basis of priority of notice and need. Provision of reciprocal services does not imply transfer of responsibility or authority for the file.

Within 48 hours of completion, the receiving agency carrying out the service must follow up with the originating agency and provide information regarding outcome of the service request. If the service request could not be completed, a reason must be provided to the originating agency within 48 hours of attempting to complete the request.

## **8 - Guardianship**

Where children are under the guardianship care of VACFSS the parties will work cooperatively at all stages of planning for the child in care whether it be in the process of developing comprehensive plans of care or at significant junctures in the child's life.

MFS:

- Will assist VACFSS guardianship worker in identifying the child's genealogical background when requested and in locating and fostering relationships between the child and the extended family;
- Actively encourage the repatriation of a child to her/his immediate family and extended family where a suitable long term placement has been identified for the child;
- Will assist the guardianship worker in providing exposure to and inclusion of children in cultural events consistent with their heritage and seek information that provides the child with their history as a Nation and as a community;
- Will assist VACFSS in identifying resource people from the Métis Nation residing in Vancouver and Lower Mainland that could facilitate learning

about Métis culture;

VACFSS:

- Will consult with children as per the rights of children as outlined in Section 70(1) of the CFCSA which states children have a right to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
- Will consult with MFS in identifying the child's genealogical background and in locating and fostering relationships between the child and the extended family;
- Actively support the repatriation of a child to her/his immediate family and extended family where a suitable long term placement has been identified for the child;
- Will support/encourage caregivers in providing exposure to and inclusion of children in events consistent with their heritage and seek information that provides the child with their history as a Nation and as a community;
- Will maintain a list of resource people from the Métis Nation residing in Vancouver and Lower Mainland that could facilitate learning about Métis culture;

In their planning for children VACFSS will consider Section 71 of the CFCSA:

(1) When deciding where to place a child, a director must consider the child's best interests.

(2) The director must give priority to placing the child with a relative or, if that is not consistent with the child's best interests, placing the child as follows:

(a) in a location where the child can maintain contact with relatives and friends;

(b) in the same family unit as the child's brothers and sisters;

(c) in a location that will allow the child to continue in the same school.

(3) If the child is an Aboriginal child, the director must give priority to placing the child as follows:

(a) with the child's extended family or within the child's Aboriginal cultural community;

b) with another Aboriginal family, if the child cannot be safely placed under paragraph (a);

(c) in accordance with subsection (2), if the child cannot be safely placed under paragraph (a) or (b) of this subsection.

In addition to the consideration of Section 71 of the CFCSA, VACFSS will adhere to AOPSI Guardianship Practice Standard 6: *Deciding Where to Place the Child*.

VACFSS will consult with MFS when identifying the following permanency options for their children:

- Section 54.1 of the CFCSA, which allows for the transfer of a child from the Director to a person other than a parent
- adoption plan for a child that has been identified in order to formalize a process to be followed
- the transfer of guardianship of a CCO to another delegated agency where a long term placement has been identified based on the permanency requirements of a child as per Section 71 and where the required financial resources for residential care can be secured on behalf of the child

## **9 - Criteria for Identifying Children for Transfer**

Where possible and where it would be in the best interests of the child, parties will transfer guardianship of a CCO between their delegated agencies where a long term placement and the required financial resources for guardianship and/or residential care can be secured on behalf of the child.

## **10 - General Transfer Provisions**

When a delegated director has identified a file they wish to transfer to another delegated agency, the worker will notify the Urban Aboriginal, Métis or First Nations community that the family and/or child are affiliated with to advise them of the impending transfer.

The originating party will call the receiving party to request a transfer and then follow up with the basic information through e-mail to the receiving party which includes:

- the type of file to be transferred
- the location of the child(ren) and family
- the legal status of the child(ren)
- information of the caregivers if the child(ren) are in care
- the plan for the child(ren)
- any additional costs (may include, but not limited to travel, set up costs for child in the home of relative) and other essential service



costs as per VACFSS policy)

The originating director, before transferring the file between agencies:

- Reaches agreement with the receiving director about:
  - the reasons for the transfer
  - the timing of the transfer, including official date of transfer
  - the resources available to support the transfer
  - the written plan for the transfer
  
- Completes activities outlined in:
  - AOPSI Guardianship Practice Standard 14: *Case Documentation for Guardianship Services*
  - AOPSI Guardianship Practice Standard 15: *Transferring Continuing Care Files*
  
- Arranges for a full briefing of information with the receiving staff (which will include the social workers and the resource workers) and the timely physical transfer of all material and information to the receiving staff
  
- Updates SWSMIS with current information
  
- Notifies the Public Guardian and Trustee of the transfer of the CCO file

The originating director must inform their funding authority of the plan to transfer a file. MCFD Regional and/or MCFD Provincial funding source and/or the Department of Indian and Northern Development must be notified so that the transfer of the funds associated with the child is approved. The originating agency will liaise with the funding authority to ensure sufficient funds are available for the transfer.

The receiving director:

- The receiving supervisor/team leader, in consultation with the manager/director, will determine if they are able to accept the transfer, and advise by email, the decision. If the transfer is accepted, a worker will be assigned the case and will call the identified worker from the originating agency to set up a case conference and transfer meeting. Whenever possible this will happen within 10 working days of the initial request
  
- Collaborates with the originating director to revise service plans to reflect regional resources

- Completes activities outline in AOPSI Guardianship Practice Standard 15: *Transferring Continuing Care Files*
- Initiates contact with the child(ren) in care consistent with AOPSI Guardianship Practice Standard 15: *Transferring Continuing Care Files* and Standard 8: *Social Worker's Relationship and Contact With a Child in Care*
- Establishes services as outlined in the written plans within 30 days of the transfer
- Updates SWSMIS with current information, including the Aboriginal child or family's new location, and the office responsible for the file

The receiving agency must inform their funding authority of the file transfer in advance, so that the additional child's file is reflected in their next fiscal budget.

## **11 - Documentation / File Completion**

In order to facilitate seamless delivery of services to Aboriginal children and families, case documentation from the originating director is sent to and accepted by the receiving director within 30 days of the child or family move. Case documentation meets the requirements of the standards outlined in the General Transfer Provisions section.

The receiving director accepts as complete a standardized, culturally appropriate assessment or plan of care that has been reviewed and updated within the previous 6 months for any Aboriginal children in care that are being transferred.

Where files do not meet the case documentation criteria for transfer, the receiving/sending directors will come to an agreement regarding the file transfer.

Unresolved delays in sending or accepting case documentation are addressed through established procedures for conflict resolution. Please refer to the section entitled *Conflict Resolution Pertaining to File Transfers*.

## **12 - Financial and Budget Issues Pertaining to File Transfers**

MFS does not have fiscal authority for residential resource payments. Funding authority resides with Fraser Region, MCFD. Where a file is to be transferred between the Parties, the Fraser Region must become involved in discussions at

the point in which the Parties have determined an appropriate financial arrangement for facilitation of the file transfer.

### **13 - Conflict Resolution Pertaining to File Transfers**

In the event of a dispute in file transfer matters (i.e. disagreements in transfer, difficulties in transfer or decision to return a file due to missing documentation), VACFSS and MFS will do their best to resolve the issue amongst themselves at the local level with the view to obtaining a mutually satisfactory resolution. Disputes are to be resolved on a case by case basis through joint meetings and discussions between staff involved in the matter. The purpose of the joint meeting is to reach consensus. If no agreement can be reached within two weeks, the parties agree to refer the matter to the next appropriate administrative level. Where a dispute cannot be resolved at line, supervisory, management levels or director, within two weeks the matter will be referred to a mediator agreed upon by all parties and the cost associated with this will be funded jointly by both agencies.

The levels at which disputes should be resolved are:

1. Agency supervisor to agency supervisor
2. Agency manager to agency manager
3. Agency director to agency director
4. Mediator

If there is disagreement about transferring responsibility for services, the parties resolve the conflict within sixty days of the transfer request, if at all possible. Prior to resolving the conflict, services are provided to the Aboriginal child or family by the originating party.

Wherever possible, the entire transfer process should not exceed one month. If there are delays beyond this time frame, the originating agency social worker will advise their supervisor, and the supervisor will contact the receiving agency supervisor to discuss further.

### **14 - Family Preservation Program**

VACFSS delivers non-residential Aboriginal family preservation services to children, youth and their families across the City of Vancouver. Family preservation provides goal-oriented home-based service with multiple components to prevent out-of-home placement and reduce risk of maltreatment. Services focus on families with children twelve years of age and younger, however, will include families with both children and youth. VACFSS will offer their family preservation services to Metis families living in Vancouver. All

referrals to the service will be made by Ministry delegated social workers and will have Ministry involvement.

It is the intent of VACFSS and MFS to ensure that Metis children and families in Vancouver receive services that include individual supports, provided by a Family Preservation Counsellor, supplemented by a range of associated services designed to support and maintain progress achieved. All family preservation services will be culture-based and incorporate Aboriginal values, traditions, resources and practices.

### **15 - Information Sharing**

Each agency agrees to facilitate the sharing of information within the context of confidentiality, respect for the client and within applicable legislation, policy and standards. As a general rule, personal information is shared with the consent of the persons who are the subject of the information. To the extent permitted or required by legislation, personal information may be shared without the person's consent in situations involving the protection of a child or services on behalf of a child in care.

Parties may access information from each other in the following way but not limited to:

- one to one contact – social workers and team leaders/supervisors may share information for the delivery of coordinated services
- in case conferences – parties may share information that contributes to effective case management of shared responsibilities
- through participation in joint team meetings to plan, manage, distribute and problem-solve caseload responsibilities
- through participation in joint professional development, training or information – sharing workshops/classes/events
- by discussing the “need to know” considerations in consultation with responsible parties’ social worker and/or team leader/supervisor

### **16 - Reports of Suspected Child Abuse and Neglect**

Staff from both parties, who have reason to believe that a child has been or is likely to be physically harmed, sexually abused or sexually exploited, or needs protection due to the specific circumstances outlined in Sec. 13 of the CFCSA are legally responsible to report the matter to a MCFD child protection social worker. The CFCS Sec. 14 *Duty to Report* applies to everyone, including service providers, family members and the general public.

## **17 - Financial and Budget Issues**

Parties will discuss and determine financial arrangements required for facilitating the service plan for the child, in accordance to VACFSS and MFS established procedures, as identified in discussions and referenced in Section 12.

## **18 - Conflict Resolution**

In matters of dispute around manner of service provision, the safety and well being of the child will take precedence over the course of resolving disputes.

Disputes should be resolved at the level in which they occur following a process that clearly identifies the basis of the dispute. When a dispute arises, verbal communication will be the first course of action between the individuals for whom the dispute has arisen. If required, a letter clarifying the issue and the rationale of the individual raising the concern must be completed. If the matter cannot be resolved at the line worker level or the level at which the dispute occurred the supervisors and/or manager of those involved will endeavour to resolve it.

Only after the above process has been exhausted should the matter be referred to the CEO/Executive Director of the agencies involved.

Any procedural issues or questions of jurisdiction that arise between the two agencies will be addressed by CEO/Executive Director of the agencies.

Issues that remain unresolved can be referred to a mediator agreed upon by all parties and the cost associated with this will be funded jointly by both agencies.

## **19 - Liability**

The parties agree that section 101 of the CFCSA applies to the Delegated Staff of VACFSS and MFS, in the exercise of delegated authority.

Coverage for liability is assumed by the agency providing services. In the event of a file transfer, liability is assumed by the receiving agency at the time the file transfer is complete. If financial responsibility remains with the originating agency, for a period of time, this will not in any way diminish or affect the liability of the receiving agency. Where an incident/issue for which an agency would incur liability becomes known after a file transfer, liability remains with the agency which had legal guardianship of the child at the time of the occurrence.

**20 - Commitment to and Implementation of Protocol**

Each party agrees to work co-operatively with each other to facilitate continuity and minimize disruption in the delivery of services under this protocol to the extent permitted by legislation and policy.

Both parties are responsible for ensuring that the staff of their organizations are trained in and implement the protocol.

Either party to this agreement may request in writing a meeting to clarify a specific section of this protocol. Any revisions agreed to must be stated in writing and attached as an appendix and then incorporated into the body of the protocol at the 12 month review.

The parties agree to meet every 12 months or at other intervals agreed upon to review all matters with respect to interpretation, implementation; updating of information, local resources and contact information.

As VACFSS expands its level of delegation, this protocol may be amended to outline emerging and ongoing interface processes agreeable to the parties in this agreement.

**21 - Term of the Agreement**

This protocol will take affect on the date of signing for a term of three years.

**22 - Signatories**

\_\_\_\_\_  
Executive Director on behalf  
La Societe de les Enfants Michif

\_\_\_\_\_  
Chief Executive Officer  
on behalf of VACFSS

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Date: \_\_\_\_\_

Date: \_\_\_\_\_