Service Delivery Protocol Agreement

Between:

Huu-ay-aht First Nations

and

Usma Nuu-chah-nulth Family & Child Services

March 2014

There is current need and desire to strengthen the relationship between Huu-ay-aht First Nations (HFN) and the Usma Nuu-chah-nulth Family and Child Services (Usma) program regarding actions required to ensure the protection of children who are Huu-ay-aht citizens both in the Anacla community and the Port Alberni community. Huu-ay-aht community members want actions undertaken by Usma to acknowledge and respect Huu-ay-aht cultural and traditional approaches to ensuring child safety.

Huu-ay-aht Vision & Mission Statements:

Vision:
The Huu-ay-aht envisions a strong, self-governing and self-reliant Nation. Ilsaak will guide us as we work together to foster a safe, healthy and sustainable community; where our culture, language, spirituality and economy flourish for all.

Mission:
As a leader among First Nations, the Huu-ay-aht First Nations will create certainty for its community, generate wealth for financial independence, and provide economic opportunities, delivers social, cultural and recreational programs for all Huu-ay-aht.

Preamble:

There is current need and desire to strengthen the relationship between Huu-ay-aht First Nations (HFN) and the Usma Nuu-chah-nulth Family and Child Services (Usma) program regarding actions required to ensure the protection of children who are Huu-ay-aht citizens both in the Anacla community and the Port Alberni community. Huu-ay-aht community members want actions undertaken by Usma to acknowledge and respect Huu-ay-aht cultural and traditional approaches to ensuring child safety.

As a delegated authority, Usma must adhere to specific child protection laws, regulations, policies and standards as outlined in the Child and Family Community Service Act and uphold the Aboriginal Operational and Practice Standards and Indicators (AOPSI).

This protocol represents an agreement between the Huu-ay-aht First Nations (HFN) and Usma to work together with the common objective to keep the Nation's children, youth and families safe, supported and healthy.

This protocol is entered into in the spirit of unity, as "Hišuk min c'awak" or "we are all one" in our efforts to improve the safety and wellbeing of HFN children and families. Both parties are committed to seek common ground through understanding and communication and in the spirit of mutual respect. This protocol 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 1, CFCSA, Section 4, Best Interests of the Child).

This protocol agreement outlines activities and procedures that are transitional in nature as HFN continue to pursue the longer term goal of self-determination and self-governance in keeping children safe through family and community support.

Context:

In November 1987, Nuu-chah-nulth Tribal Council (NTC) signed a delegation agreement with the Provincial and Federal governments, allowing Usma to provide child protection, family support, guardianship, and resource services to families residing within NTC territory. This delegation was extended in 2011 to encompass Nuu-chah-nulth families living in Port Alberni.

Usma staff regularly visit HFN communities for a variety of reasons. Usma staff may be providing support services to children, youth and their families at the request of the family, service providers or community members. Usma staff may also be required to visit a family because they received a report that a child may be at risk. Usma staff may also be providing guardianship services to children in continuing care.

Understanding

The HFN and Usma agree and acknowledge that:

1. The Child, Family and Community Services Act (CFCSA) will be the ultimate in law and protection of our children. HFN acknowledges that Usma carries a significant responsibility under the provincial CFCSA. In its role as a delegated agency, Usma is accountable for meeting the standards and policy requirements outlined in the CFCSA. Issues of liability and legal duty remain serious considerations for Usma in carrying out its responsibility.

2. Usma and HFN will use a strength based approach when assessing, planning and working with families. For example, Signs of Safety and/or traditional Huu-ay-aht customs and practices.

3. The safety and wellbeing of a child or children is the utmost importance in all aspects of addressing family issues and will not be compromised. (Appendix 2, CFCSA, Section 2, Guiding Principles)

4. At times, children and families are best kept safe when essential services such as child protection, mental health, nursing and infant development is made available through a coordinated and integrated approach.

5. Children thrive best when living with their families, extended families and in their home communities.

6. If a child is not able to live with his or her family, Usma and HFN will work together to identify safe alternatives. If a child is brought into care every effort will be made to place the child in a Huu-ay-aht home first and secondly in another First Nations resource home. Non-aboriginal resource homes may need to be used as a last resort.

7. Building on the strengths of community, families and cultural values is a more effective strategy for keeping children safe than focusing on problems and concerns. All service providers will work together to build on strengths of families.

8. Usma is committed to working in partnership and in support of HFN as it builds capacity for providing child and family services.

Capacity Building

Usma and HFN will work together to identify needs, analyze problems and work toward building a network of safety, prevention and early support services for children, youth and families. Once needs are identified, Usma and HFN will work together in approaching both government and non-government funding sources for assistance in building community capacity.

Usma will meet bi-annually with HFN representatives to review intake activity and other statistical data over the previous year, to assist with understanding service needs and develop an effective response.

Usma staff and the FCW will work together to identify a range of "out-of-care" option's designed to ensure child safety and well-being.

The HFN Family Support Worker will participate in meetings, training and conference opportunities offered by USMA to support the goal of relationship and capacity building.

Outreach and Prevention

Prevention is paramount in the care for our children. Usma and HFN want to work with our community to prevent families from reaching a point of crisis and work towards preventing issues before they arise.

The FSW or families can request services through Usma and other Nuu-chah-nulth Tribal Council departments to assist in building strong healthy families and to prevent children from being taken out of their parental home.

HFN will work with Usma and other appropriate NTC departments 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.

HFN will lead the development of effective prevention strategies and supports in collaboration with Usma.

Family Request for Services

In the event that a family in crisis comes forward to request voluntary service to assist with challenges or concerns regarding the child or youth in their care, the FSW and Usma will meet with the family to determine a plan that will address the needs within the scope of resources available.

Child Protection

HFN Family Support workers (FSW) and Usma will demonstrate effective communication and respond well to situations where it is believed that a child or children may be in need of protection.

Specifically, upon receipt of a report that a child may be in need of protection, Usma staff will contact the FSW as soon as possible to review the circumstances. Similarly, when the FSW is made aware that a child may be in need of protection, the FSW will contact Usma as soon as possible to review the circumstances.
(Appendix 3, CFCSA, Section 14, Duty to Report).

In instances where a child has not been registered to a Nation, the parent's nations will be notified of any actions taken in regards to the child. The FSW will ensure that an updated band list is provided to Usma regularly.

Usma and HFN FSW will ensure there is a plan for assessment and management of risk to children involved.

Where it appears that a child may be at immediate risk, Usma and the FSW will work together with the family to develop an immediate safety plan.
Once immediate risk to the child has been addressed, a plan of action will be developed involving the family, HFN FSW and Usma. 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.

In situations where safe supervision within the family home can be arranged, the person or persons alleged to be presenting a risk to the child may be asked to leave the home pending resolution of the issues. Support will be provided to the family in such an instance.

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 split up.

Wherever possible, placement of the child will be arranged within the extended or immediate 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, Usma 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.

If it is determined that a child needs to be moved from one foster home to another the Usma SW will notify the FSW. The FSW will be involved in planning for the child's support services so they are not negatively impacted by multiple moves.

In urgent situations and where it may be a difficult time for the community given the cultural context (i.e. deaths, ceremonial events, etc.) the FSW will be available and will assist the Usma SW to develop a safety plan. If this is not possible the Usma SW may need to attend the community.

Guardianship

The FSW will be kept up to date on HFN children in continuing care of Usma.

The FSW will be involved in developing and reviewing, on a bi-annual basis, individual care plans as well as cultural plans.

The FSW will be consulted by the Usma Guardianship worker in identifying family connections and potential permanent placements.

The FSW will notify the child's guardianship worker of community and family events that the HFN children and caregivers can attend.

If it is determined that a child needs to be moved from one care home to another the Usma SW will notify the FSW. The FSW will be involved in planning for the child's support services so they are not negatively impacted by multiple moves.

Adoption

Usma does not currently handle adoptions of HFN children. However, when needed, Usma will provide support wherever possible to the Nation when an HFN child is going to be adopted.

It is the priority of HFN Ha'wiih and elected leadership that adoptive homes for HFN Children are found within the child's family, extended family, community, other Nuu-chah-nulth community, or Non-NCN First Nations community before placing a child in a non-Aboriginal home. The best interests of the child will always be top priority. All adoption requests will be reviewed on a case by case basis.

Support will be provided to HFN children who have been adopted from MCFD. Applications will be made to MCFD; this does not include custom or traditional adoptions. This is a voluntary agreement.

Resource Planning

The Usma resource team, HFN Human Services team and the FSW will arrange a recruitment session within the communities on a bi-annual basis with the objective of increasing the number of placement options within the HFN community.

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.

Off Treaty Lands

Usma holds cases in Port Alberni. In cases involving Huu-ay-aht children the SW will provide the HFN FSW's contact information to the family or will offer to contact the FSW on the family's behalf.

In the event of court action the FSW will be notified in accordance with the CFCSA.

Where practicable, Usma will maintain linkages and work with MCFD and other child protection agencies in the Province to ensure that appropriate cultural planning is in place for HFN children in care.

Usma will work with HFN representatives to ensure that the relevant information is being shared about HFN children being brought into care by MCFD.

Upon being advised that an HFN child residing in Port Alberni has been brought into care by MCFD, Usma will advise the FSW of this information and work collaboratively with HFN and the family is given sufficient opportunity for input into planning.

Usma will be available to provide additional support to HFN children and families wherever practicable. The degree to which Usma can to provide this additional support will depend on adequate resourcing and support from the Province.

Dispute Resolution

Although, HFN staff and Usma agree to work in partnership to develop safety plans for children, there may be times when Usma's delegated responsibilities require actions that are not supported by the HFN community. Once emergency action is taken Usma representatives will work with the HFN to come to a resolution.

Step 1: In the event that there is disagreement with Usma's involvement in the community, a meeting will be arranged between social workers involved within Usma and HFN FSW in an attempt to resolve the issue.

Step 2: Should there be no resolution through Step 1, the Usma supervisor with administrative responsibility will participate with HFN FSW, HFN Executive Director, and family members involved to attempt resolution.

Step 3: The Director of Usma and the Usma supervisor will participate with HFN community leaders and the FSW to address disputes requiring further review. This review will take place upon receipt of written consent of the parents involved.

Evaluation

Usma and HFN FSW will work together to identify and track indicators for measuring the success of activities contained within this protocol and identify areas where improvement may be necessary. They will work together to problem solve issues that arise.

Indicators are not limited to and may include:

- Numbers of intake reports received by Usma
- Numbers of children removed from parental care
- Numbers of homes recruited and approved for placement of children
- Number of children returned to the Huu-ay-aht community

An Evaluation will be completed immediately upon signing the Protocol Agreement and thereafter at least semi-annually. Usma and HFN will meet as required to formally review the year's activity, statistical data and indicators of success. 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.

This protocol signed and agreed upon by:

Chief Councilor
Huu-ay-aht First Nations

President
Nuu-chah-nulth Tribal Council

Director
Usma Family and Child Services

Date: April 06 / 2014

APPENDIX 1

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 2

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 3

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.

Appendix 4

Definitions

1. **Caseload** – List of open active files carried by an Usma caseworker at any given point in time. Cases are open and closed and generally managed by caseworkers in consultation with their supervisors. Caseloads are made up of intake, Family Service, Child in Care, and Resource files. Caseloads within Usma average about 25 cases per caseworker.
2. **CFCSA** – Child, Family, and Community Services Act. Provincial legislation providing Usma with the mandate and responsibility for the protection of children and for the provision of family support services.
3. **Family Support Worker** – The Family Support Worker provides home and community based support and prevention services to Huu-ay-aht First Nations children and families.
   Responsibilities include:
   a) Deliver programs that promote healthy lifestyles and relationships
   b) Assist in the coordination of community development and educational services
   c) Supports families through court advocacy (assist parents and extended family members with understanding the processes)
   d) Attends family planning and case management
   e) Assists in accessing services and resources
   f) Crisis management and safety planning with families
   g) Cultural safety agreements with parents, foster parents and social workers
   h) Support clients with problem solving, compatibility, and conflict resolution
   i) Maintain established logs and all other required forms of documentation in a thorough, clear, and legible manner.
   j) Communicate effectively and uses a professional manner with all stakeholders.
   k) Respects and protects the privacy of information relating to all clients.
   l) Follows the Usma protocol.
4. **Family Service** – Family service staff within Usma provide support services to families both in instances where children have been removed from their parents care, as well as in instances where the children live with their parents. Support services to families may involve contracted services where the extent of the service may be limited to available budget and staffed resources.
5. **Guardianship** – The guardianship staff within Usma is responsible for developing a plan of care for children who are in care of Usma under continuing care orders and special care agreements.
6. **Intake** – The intake is defined as a report of an incident called to DFN or to an Usma representative who had responsibility for responding to reports that a child may be in need of protection due to abuse or neglect by the parent, as defined

under Section 13 of the CFCSA. The intake can also mean the DFN and/or Usma receives requests for voluntary service from parents regarding care of their children The Usma Intake team is also responsible for planning for children in care who are in temporary care of Usma.

7. **Out-of-care Options -** "Out-of-care" means that the child is not in care of Usma but Usma can offer services to the child, youth, relative, or to a person who has a significant relationship to the child to support the plan. The person caring for the child is not considered to be a "foster parent", but a "care provider". The child's views are considered when making any of these plans. These "out-of-care" options may be used either in voluntary or protective family services.
8. **Resources** – The resources staff within Usma is responsible for recruiting and training home approved from placement of children in care under the CFCSA.
9. **Safety Plan** – Safety plans will describe the level of service, identify service providers involved, and include a schedule of contact with the family.