Note: This Act is not in force until Executive Council passes a resolution bringing it into force.

huu ay aht

ANCIENT SPIRIT, MODERN MIND

YAAʔAKʼAP CHILD AND FAMILY WELLNESS ACT

OFFICIAL CONSOLIDATION
Current to March 31, 2026

The Huu-ay-aht Legislature enacts this law to establish the legal framework for the exercise of Huu-ay-aht jurisdiction over the provision of child and family services to Huu-ay-aht children.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Yaa?ak'ap Child and Family Wellness Act* was passed by Executive Council on:

May 11, 2023

Chief Councillor, Robert Dennis

I certify that the *Yaa?ak'ap Child and Family Wellness Act* is enacted as law on:

May 11th 2023

on behalf of

Ta'yii Hawilth, Derek Peters

I certify that the *Yaa?ak'ap Child and Family Wellness Act* came into force on:

Law Clerk, Coraleah Bauer

REGISTRY OF LAWS CERTIFICATION

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* was passed by Executive Council on:

March 31, 2026

Chief Councillor John Jack

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* is enacted as law on:

March 31, 2026

On behalf of the Ta'yii Hawilth, Theresa Nookemus

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* came into force on:

March 31, 2026

Acting Law Clerk Alexis Young

YAAʔAKʼAP CHILD AND FAMILY WELLNESS ACT

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NOTE TO READER

The *Yaaʔakʔap Child and Family Wellness Act* establishes the legal framework for the exercise of Huu-ay-aht jurisdiction over child and family services for Huu-ay-aht children.

The *Yaaʔakʔap Child and Family Wellness Act* applies to Huu-ay-aht children in British Columbia, regardless of whether they live on or off treaty lands. It applies concurrently with provincial and federal child welfare legislation. All service providers, including provincial social workers acting in accordance with provincial laws, must comply with the *Yaaʔakʔap Child and Family Wellness Act* when making decisions about or delivering services to a Huu-ay-aht child and their family.

The *Yaaʔakʔap Child and Family Wellness Act* is focused on avoiding the need for children to be removed from their families by ensuring that preventative care is readily available and enforcing existing legal requirements that service providers make reasonable efforts to keep children with their families. In particular, the Act promotes prevention by

- requiring that, except in cases of immediate danger, a court order be made before a child is removed from their parent,
- ensuring that the Huu-ay-aht have advance notice and a right to respond when important decisions about Huu-ay-aht children are being made,
- establishing greater rights for the Huu-ay-aht to participate in court proceedings involving Huu-ay-aht children, and
- requiring the Huu-ay-aht government to identify and, where feasible, provide supports and services to Huu-ay-aht children and their families if doing so would enable the child to remain in the home.

The *Yaaʔakʔap Child and Family Wellness Act* also ensures that Huu-ay-aht children in care remain meaningfully connected to their extended families, culture, and Huu-ay-aht community by

- setting out the rights of Huu-ay-aht children in care, including access to cultural events and traditional foods,
- establishing standards of cultural competency for social workers and non-Huu-ay-aht foster families who work with Huu-ay-aht children, including requiring them to demonstrate knowledge of Huu-ay-aht culture and values and a commitment to maintaining cultural connections, and
- enabling the Huu-ay-aht to apply to the court to change a child's placement if such standards are not met.

The *Yaaʔakʔap Child and Family Wellness Act* also promotes transparency and accountability by creating the role of an independent Child Services Officer who will report to both Executive Council and the People's Assembly on implementation of child and family services.

PREAMBLE

The Huu-ay-aht have always had our own laws and traditional ways regarding how Huu-ay-aht children are cared for and protected from harm.

For many years, the Huu-ay-aht were prevented from exercising its inherent right of self-government, including over child and family services. Colonial laws, institutions, and practices such as residential schools and the 60s Scoop disrupted these traditional ways and caused significant harm to Huu-ay-aht children, families, and the broader community. The Huu-ay-aht seek to address these harms by enacting our own legislation regarding child and family services, with the goal of ensuring that all Huu-ay-aht children grow up safe, healthy, and connected to their culture and community.

The Huu-ay-aht recognize that the health and well-being of our children, families, and community is interconnected (*Hišuk ma cʼawak*), and that both the Huu-ay-aht government and the Huu-ay-aht people have an important role to play in taking care of our children and families (*ʔuuʔałuk*).

Through the enactment of the *Yaaʔakʼap Child and Family Wellness Act,* the Huu-ay-aht take another step on our journey of revitalizing and reclaiming our governance structures by exercising our inherent right to care for our own children and families in accordance with our culture, values, and sacred principles.

The Huu-ay-aht hereby recognize the importance of

a. providing holistic, wraparound supports to help keep children and families together whenever possible,

b. ensuring that services are provided to Huu-ay-aht children and families in a culturally competent and culturally specific manner, by service providers who understand and respect Huu-ay-aht culture and values,

c. fostering and strengthening our children's connections to their culture, extended family, Huu-ay-aht community, and traditional territory, whether they are in or out of care,

d. promoting accountable and transparent decision-making in relation to Huu-ay-aht children and with respect to the delivery of child and family services,

e. ensuring that the Huu-ay-aht have a significant role in the provision of child and family services and is meaningfully involved in decision-making regarding Huu-ay-aht children and families, and

f. ensuring that the Huu-ay-aht have a strong voice to advocate for our children and families in child protection proceedings under provincial laws.

The Legislature enacts as follows:

PART 1 - INTRODUCTORY PROVISIONS

Purpose

1 The purpose of this Act is to

(a) ensure that the Huu-ay-aht have a meaningful role in the provision of child and family services to Huu-ay-aht children,

(b) ensure that service providers and other levels of government respect the authority of the Huu-ay-aht in relation to the provision of child and family services to Huu-ay-aht children and families,

(c) promote the use of preventative care in the delivery of child and family services to Huu-ay-aht children and families,

(d) assist service providers in fulfilling their obligations to Huu-ay-aht children under the *Child, Family and Community Service Act (BC)* and the Federal Act,

(e) ensure that the input of the Huu-ay-aht is considered in making decisions about the best interests of Huu-ay-aht children,

(f) ensure cultural continuity for Huu-ay-aht children, and

(g) provide mechanisms to address and ameliorate the negative impacts of colonialism on Huu-ay-aht children and families.

Application

2 This Act applies to Huu-ay-aht children within the province of British Columbia.

Definitions

3 (1) In this Act:

"another Indigenous authority" means an Indigenous authority other than the Huu-ay-aht;

"**CFCSA director**" means a director as defined in the *Child, Family and Community Service Act (BC)*;

"***Child, Family and Community Service Act (BC)***" means the *Child, Family and Community Service Act,* RSBC 1996, c. 46;

"**Federal Act**" means *An act respecting First Nations, Inuit, and Métis children, youth and families,* SC 2019, c. 24;

"foster family" means an adult in whose home a child is placed by a CFCSA director or another Indigenous authority;

"**Huu-ay-aht child**" means a person under the age of 19 who is eligible for Huu-ay-aht citizenship;

"**Huu-ay-aht comments on placement**" means the document referred to in section 22 (2);

"**Huu-ay-aht response to notice of removal without order**" means the response required under section 15 (3);

"**Huu-ay-aht response to pre-removal notice**" means the response required under section 7 (3);

"**Huu-ay-aht response to pre-supervision notice**" means the response required under section 12 (2);

"interim protection report" means the report required under section 18 (2);

"**notice of placement**" means the notice required under section 22 (1);

"**notice of removal without order**" means the notice required under section 14;

"**presentation hearing report**" means the report required under section 16 (3);

"**presentation hearing – supervision report**" means the report required under section 13 (2);

"**pre-supervision notice**" means the notice required under section 11 (1);

"**pre-removal hearing**" means the hearing under section 8 (1);

"**pre-removal notice**" means the notice required under section 6 (1);

"**pre-removal report**" means the report required under section 8 (6).

(2) Except where otherwise indicated or where context requires otherwise, words or expressions used in this Act that are defined in the *Child, Family and Community Service Act (BC*) have the same meaning as in the *Child, Family and Community Service Act (BC*).

Interpretive

4 This Act will 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, including extended 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) Huu-ay-aht families and the Huu-ay-aht community share responsibility for the upbringing and well-being of Huu-ay-aht children;

(d) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;

(e) the child's views should be taken into account when decisions relating to a child are made;

(f) child and family services should be provided in a manner consistent with the sacred principles of *ʔiisaak* (respect), *ʔuuʔałuk* (taking care of) and *Hišuk ma c̓awak* (everything is one);

(g) kinship ties and a child's attachment to the extended family should be preserved if possible;

(h) Huu-ay-aht children are entitled to

(i) learn about and practice their Huu-ay-aht traditions, customs and language as well as the traditions, customs and language of any other Indigenous cultures to which they are connected, and

(ii) belong to the Huu-ay-aht community as well as any other Indigenous communities to which they are connected;

(i) decisions relating to children should be made and implemented in a timely manner.

Rights of Huu-ay-aht children and families

5 (1) In addition to the rights set out in section 70 of the *Child, Family and Community Services Act (BC)*, Huu-ay-aht children in care have the right

(a) to receive guidance, encouragement and support to learn about, practice and maintain their Huu-ay-aht traditions, customs and language, and belong to the Huu-ay-aht community,

(b) to be informed of and attend Huu-ay-aht cultural and community events,

(c) to receive support to access traditional foods, and

(d) to be informed of their rights, and the procedures available for enforcing their rights, under Huu-ay-aht law and the Federal Act.

(2) When rights of a Huu-ay-aht child or parent are engaged under Parts 2 and 3 this Act, the *Child, Family and Community Service Act (BC)* or the Federal Act, families of Huu-ay-aht children have the right

(a) to receive services that promote preventative care to support the family, and

(b) to be informed of their rights, and the procedures available for enforcing their rights, under Huu-ay-aht law, the *Child, Family and Community Service Act (BC)* and the Federal Act.

PART 2 - REMOVAL AND SUPERVISION OF HUU-AY-AHT CHILDREN

Pre-removal notice

6 (1) When a CFCSA director contemplates the removal of a child who the CFCSA director has reason to believe is or may be a Huu-ay-aht child, the CFCSA director must, at the earliest opportunity, deliver a pre-removal notice to

(a) the person with care of the child,

(b) if practicable, each parent, if not a person referred to in paragraph (a), and

(c) the Huu-ay-aht.

(2) The pre-removal notice must be delivered at least 14 days before a pre-removal hearing.

(3) The CFCSA director need not inform a person under subsection (1) if doing so would, in the CFCSA director's opinion, cause physical or emotional harm to any person or endanger the child's safety.

Huu-ay-aht response to pre-removal notice

7 (1) Following receipt of a pre-removal notice in respect of a Huu-ay-aht child, the Executive Director will

(a) make reasonable efforts to inform any family member who may be available and appropriate to care for the child of the removal,

(b) assess what measures might allow the child to continue to reside with a parent, and

(c) where practicable, offer or assist family members with whom the child resides in accessing services identified under paragraph (b).

(2) The Executive Director need not inform a family member under subsection (1) if, in the Executive Director's view, doing so would cause physical or emotional harm to any person or endanger the child's safety.

(3) Within 5 days of receiving a pre-removal notice, the Executive Director will provide a response in the prescribed form to the CFCSA director.

Pre-removal hearing

8 (1) For the purposes of meeting the requirements of section 15.1 of the Federal Act in respect of a Huu-ay-aht child, the CFCSA director must demonstrate to the court at a hearing that the CFCSA director has made reasonable efforts to have the child continue to reside with one of the child's parents or another adult member of the child's family.

(2) At least 7 days before a pre-removal hearing, the CFCSA director must inform the following persons of the time, date and place of the hearing:

(a) the child, if 12 years of age or older,

(b) the person with care of the child, and

(c) the Huu-ay-aht.

(3) At least 7 days before a pre-removal hearing, the CFCSA director must, if practicable, inform the following persons of the time, date and place of the hearing:

(a) each parent, if not informed under subsection (2),

(b) the Public Guardian and Trustee, if the parent entitled to custody of the child is under 19 years of age, and

(c) any other person that the CFCSA director would be required to inform under sections 34 (3) (d), (e) and (f) of the *Child, Family and Community Service Act (BC)*.

(4) The CFCSA director need not inform a person under subsection (3) if that would, in the director's opinion, cause physical or emotional harm to any person or endanger the child's safety.

(5) If a person referred to in subsections (2) (b) or (c) or (3) (a) or (c) appears at the commencement of the pre-removal hearing, that person is entitled to be a party at the hearing.

(6) At least 3 days before a pre-removal hearing, the CFCSA director must deliver a copy of a pre-removal report in the prescribed form to each person to whom notice must be delivered under subsections (2) and (3).

(7) At a pre-removal hearing, the CFCSA director must present the pre-removal report to the court.

(8) Before granting an order that would result in the child being placed in the care of the CFCSA director, the court must be satisfied that that there is no less disruptive measure available that would adequately protect the child.

(9) For greater certainty, in reaching a determination for the purposes of subsection (8), the court must consider whether removal would be in compliance with sections 14, 15 and 15.1 of the *Federal Act*.

(10) At the end of a pre-removal hearing, the court must make

(a) an interim order that the child be in the custody of the CFCSA director,

(b) an interim order that the child be returned to or remain with the parent apparently entitled to custody, under the supervision of the CFCSA director,

(c) an order that the child be returned to or remain with the parent apparently entitled to custody, or

(d) an interim order that the child be placed in the custody of a person other than a parent with the consent of the other person and under the CFCSA director's supervision.

(11) In addition to the order under subsection (10), at the end of a pre-removal hearing, the court may make an order that any social worker assigned to work directly with the child or their family must meet the requirements of section 24 (2).

Disclosure in respect of pre-removal hearings

9 (1) In this section "**potential party**" means the CFCSA director and any person to whom notice must be delivered under sections 8 (2) and (3).

(2) If requested a potential party must disclose fully and in a timely manner to any other potential party

(a) the orders the party intends to request,

(b) the reasons for requesting those orders, and

(c) the party's intended evidence.

(3) The duty to disclose under subsection (2) is subject to any claim of privilege.

(4) Evidence may be excluded from a pre-removal hearing if no reasonable effort was made to disclose the evidence in accordance with this section.

Hearings subsequent to a pre-removal hearing

10 (1) If a Huu-ay-aht child is removed or placed under the supervision of the CFCSA director following a pre-removal hearing, there is no need for a presentation hearing under sections 34 (2), 36 (1) or 42.1 (1) of the *Child, Family and Community Service Act (BC)*.

(2) At the conclusion of a pre-removal hearing, the court must set the earliest possible date for a hearing to determine if the child needs protection, or confirm any date previously set for the protection hearing, unless the court has made an order under section 8 (10) (c).

(3) The date set under subsection (1) for commencing the hearing must not be more than 45 days after the conclusion of the pre-removal hearing, and the hearing must be concluded as soon as possible.

(4) A hearing set under subsection (2) is a protection hearing within the meaning of the *Child, Family and Community Service Act (BC)*.

Pre-supervision notice

11 (1) When a CFCSA director contemplates seeking a supervision order in respect of a Huu-ay-aht child the CFCSA director must, at the earliest opportunity, deliver a pre-supervision notice to

(a) the person with care of the child,

(b) if practicable each parent, if not served under paragraph (a), and

(c) the Huu-ay-aht.

(2) The pre-supervision notice must be delivered at least 18 days before a presentation hearing.

(3) The CFCSA director need not inform a person under subsection (1) if that would, in the director's opinion, cause physical or emotional harm to any person or endanger the child's safety.

Huu-ay-aht response to pre-supervision notice

12 (1) Following receipt of a pre-supervision notice in respect of a Huu-ay-aht child, the Executive Director will

(a) assess what measures might allow the child to continue to reside with their parent without the need for a supervision order, and

(b) where practicable, offer or assist family members with whom the child resides in accessing services identified under paragraph (a).

(2) Within 5 days of receiving a pre-supervision notice, the Executive Director will provide a response in the prescribed form to the CFCSA director.

Presentation hearing – supervision order

13 (1) This section applies to presentation hearings in respect of Huu-ay-aht children held under section 33.1 (1) of the *Child, Family and Community Service Act (BC)*.

(2) At least 3 days before the date set for the presentation hearing, the CFCSA director must deliver a copy of the presentation hearing – supervision report in the prescribed form to each person to whom notice must be delivered under sections 33.1 (2) and (4) of the *Child, Family and Community Service Act (BC)*.

(3) At a presentation hearing, the CFCSA director must present the presentation hearing – supervision report to the court.

(4) In addition to the order under section 33.2 (2) of the *Child, Family and Community Service Act (BC)*, at the end of a presentation hearing, the court may make an order that any social worker assigned to work directly with the child or their family must meet the requirements of section 24 (2).

Removal without order

14 The CFCSA director must deliver a notice of removal without order in the prescribed form to the Huu-ay-aht as soon as reasonably possible following the removal of a Huu-ay-aht child without a court order.

Huu-ay-aht response to notice of removal without order

15 (1) Following receipt of a notice of removal without order in respect of a Huu-ay-aht child, the Executive Director will

(a) make reasonable efforts to inform any Huu-ay-aht family who may be available and appropriate to care for the child of the removal,

(b) assess what measures might allow the child to be returned to reside with their parent, and

(c) where practicable, offer or assist family members with whom the child resides in accessing services identified under paragraph (b).

(2) The Executive Director need not inform a family member under subsection (1) if, in the Executive Director's view, doing so would cause physical or emotional harm to any person or endanger the child's safety.

(3) Within 3 days of receiving a notice of removal without order under section 14, the Executive Director will provide a response in the prescribed form to the CFCSA director.

Presentation hearing – removal without order

16 (1) This section applies to presentation hearings in respect of Huu-ay-aht children held under section 34 (1) of the *Child, Family and Community Service Act (BC)*.

(2) A presentation hearing that is not adjourned by consent of all parties must be held within 7 days after the day the child is removed.

(3) At least 1 day before the date set for the presentation hearing, the CFCSA director must deliver a copy of the presentation hearing report in the prescribed form to each person to whom notice must be delivered under section 34 (3) of the *Child, Family and Community Service Act (BC)*.

(4) At a presentation hearing, the CFCSA director must present the presentation hearing report to the court.

(5) In granting an order under section 35 (2) of the *Child, Family and Community Service Act (BC),* the court must seek to impose the least disruptive measure available that will adequately protect the child, taking into account

(a) the factors and options identified in the presentation hearing report,

(b) whether the order would be in compliance with sections 14, 15, 15.1 and 16 (1) of the Federal Act, and

(c) supports that are available or could be made available by the provincial, federal or Huu-ay-aht government.

(6) In addition to the order under section 35 (2) of the *Child, Family and Community Service Act (BC)*, at the end of a presentation hearing, the court may make an order that any social worker assigned to work directly with the child or their family must meet the requirements of section 24 (2).

Post removal return of child to home

17 (1) Following the removal of a Huu-ay-aht child, the CFCSA director must make all reasonable efforts to put comprehensive supports in place in the home from which the child has been removed with the goal of facilitating a prompt return of the child to that home.

(2) If at any time following the removal of a Huu-ay-aht child, the requirements of sections 33 (1), 33 (1.1), 33.01 (1), 48 (1) or 48 (1.1) of the *Child, Family and Community Service Act (BC)* are met, the CFCSA director must promptly return the child to the parent apparently entitled to custody.

Protection hearings

18 (1) A protection hearing in respect of a Huu-ay-aht child that is not adjourned by consent of all parties must be commenced within 45 days after the day the child is removed.

(2) Within two weeks after a protection hearing has been set and within two weeks of the receipt of a response to interim protection report, the CFCSA director must deliver an interim protection report in the prescribed form to

(a) the person with care of the child,

(b) if practicable, each parent, if not a person referred to in paragraph (a), and

(c) the Huu-ay-aht.

(3) Within one week following receipt of an interim protection report, the Executive Director must provide a response in the prescribed form to

(a) the person with care of the child,

(b) if practicable, each parent, if not a person referred to in paragraph (a), and

(c) the CFCSA director.

Legal services

19 (1) Executive Council must, by regulation, adopt a legal services funding policy.

(2) The legal services funding policy must set out

(a) the eligibility criteria for receiving legal services funding, including financial eligibility criteria, and

(b) the process for applying for legal services funding.

(3) Subject to the legal services funding policy and at the sole discretion of the Executive Director, the Huu-ay-aht will assist in providing legal supports or, as required, representation to the following:

(a) the parents of Huu-ay-aht children;

(b) Huu-ay-aht children;

(c) others who are important in supporting the safety and well-being of a Huu-ay-aht child

when rights of a Huu-ay-aht child are engaged under this Act, the *Child, Family and Community Service Act (BC)* or the Federal Act.

PART 3 - CHILDREN IN CARE

Definitions

20 In this part,

"**place**" means a decision of the CFCSA director to have a child reside in a particular home while that child is in the care of the CFCSA director, and

"**placement**" means the home in which a child is placed.

Huu-ay-aht input into placements

21 (1) Where it is not possible to place a Huu-ay-aht child in accordance with section 16 (1) (a), (b), or (c) of the Federal Act, any adult with whom the child is placed must

(a) receive training with respect to Huu-ay-aht culture and values according to prescribed criteria or otherwise demonstrate cultural competency, and

(b) demonstrate a commitment to encouraging Huu-ay-aht children in their care to maintain a connection with the Huu-ay-aht community and culture in accordance with prescribed standards.

(2) The CFCSA director must ensure that any foster family with whom a Huu-ay-aht child is placed meets prescribed standards for Huu-ay-aht foster families.

Exchange of positions regarding placement

22 (1) When the CFCSA director contemplates placing a Huu-ay-aht child, the CFCSA director must as soon as practicable give notice of the placement to the Huu-ay-aht in the prescribed form.

(2) At any time after receiving a notice of placement, the Huu-ay-aht may provide its position on the placement in the prescribed form.

(3) Within 14 days of receipt of the Huu-ay-aht position on the placement, the CFCSA director must deliver to the Huu-ay-aht their reply.

Application to change placement

23 (1) The Huu-ay-aht may apply to the court to change the placement of a Huu-ay-aht child if, in the view of the Executive Director, a placement

(a) is not in a Huu-ay-aht child's best interests, or

(b) does not meet the prescribed cultural competency criteria.

(2) At least 7 days before the date set for the hearing of an application under subsection (1), notice of the application must be served on

(a) the child, if 12 years of age or older,

(b) the CFCSA director, and

(c) any other parties to any proceeding that resulted in the child being in the care of the CFCSA director.

(3) At the end of the hearing of an application under subsection (1), the court may order that the CFCSA director, within a timeframe the court considers appropriate, change where the child is placed if such change is in the child's best interests, taking into consideration whether the change is consistent with the following:

(a) section 21;

(b) sections 2, 3, 4 (2), 70 (1.1) and 71 (3) of the *Child, Family and Community Service Act (BC)* and sections 10 and 16 of the Federal Act;

(c) the wishes of the child, if of sufficient maturity.

Qualifications of social workers

24 (1) In this section, "**CFCSA social worker**" means a social worker who provides services under the authority of the CFCSA director or delegate.

(2) The Huu-ay-aht will provide training in Huu-ay-aht culture and values for social workers who work with Huu-ay-aht children.

(3) The CFCSA director will ensure that all CFCSA social workers who work with Huu-ay-aht children

(a) are fully qualified to comply with section 11 of the Federal Act, including through completion of the training provided by the Huu-ay-aht under subsection (2), and

(b) meet the cultural competency criteria prescribed by the Huu-ay-aht.

Orders

25 The Huu-ay-aht have the same powers, duties and responsibilities as the CFCSA director in respect of applying for the following orders regarding a Huu-ay-aht child:

(a) an order permanently transferring custody to a person other than a parent under sections 54.01 and 54.1 of the *Child, Family and Community Service Act (BC)*;

(b) an order cancelling a continuing custody order under section 54 of the *Child, Family and Community Service Act (BC)*.

PART 4 - HUU-AY-AHT CHILD SERVICES OFFICER

Appointment of Child Services Officer

26 (1) Executive Council must, in consultation with the ḥaẇiiḥ Council, appoint a Child Services Officer within 60 days of bringing this Act into force and at the first meeting of Executive Council following the fourth anniversary of the appointment of the Child Services Officer.

(2) If the position of Child Services Officer becomes vacant, Executive Council must appoint a Child Services Officer within 60 days.

(3) A Child Services Officer appointed by Executive Council must

(a) be an honored and respected individual, and

(b) have the necessary experience, wisdom, and impartiality to fairly and effectively discharge the powers, duties and functions of the Child Services Officer.

(4) Subject to this Act, Executive Council must specify an application process and the terms of reference for the Child Services Officer, including remuneration and expenses.

(5) The Child Services Officer may be reappointed by Executive Council.

(6) Executive Council may terminate the appointment of the Child Services Officer

(a) for cause,

(b) for incapacity, or

(c) by unanimous resolution, without cause.

HFNA 3/2026, s. 4 (1)(n).

Spending Authority of the Child Services Officer

27 Statutory spending authority is established for all spending by the Child Services Officer.

Responsibility of the Child Services Officer

28 (1) The Child Services Officer will be responsible for

(a) providing independent oversight of Huu-ay-aht implementation of child and family wellness and related social services,

(b) reporting annually to the People's Assembly at a level appropriate for public disclosure with respect to overall successes and challenges in Huu-ay-aht implementation of child and family wellness and related social services, and

(c) reporting at least quarterly, and more often if warranted, to Executive Council with respect to Huu-ay-aht implementation of child and family wellness and related social services.

(2) For greater certainty, the Child Services Officer is an officer of government who reports directly to Executive Council and not a part of the Huu-ay-aht administration.

Huu-ay-aht reporting

29 The Executive Director will report the prescribed information to the Child Services Officer on at least a quarterly basis and when requested.

PART 5 - MISCELLANEOUS PROVISIONS

Definitions

30 In this Part, "**coordination of care agreement**" means an agreement between the Huu-ay-aht and another Indigenous authority to coordinate the concurrent application of this Act and the law under which the other Indigenous authority provides services to a Huu-ay-aht child.

Other Indigenous authorities

31 Where another Indigenous authority provides child and family services to a Huu-ay-aht child, the Executive Director will make best efforts to enter into a coordination of care agreement on behalf of the Huu-ay-aht.

Jurisdiction of the court

32 (1) The court has jurisdiction in relation to matters arising under this Act.

(2) For greater certainty, the court has jurisdiction in relation to a dispute arising under a coordination of care agreement.

(3) A party to a coordination of care agreement may make an application to the court to enforce the terms of the agreement.

Appeal to Supreme Court

33 (1) A party may appeal to the Supreme Court from an order of the court made under this Act.

(2) The time limit for bringing an appeal under subsection (1) is 30 days, beginning on the day after the order of the court is made.

(3) An appeal is brought by

(a) filing a notice of appeal in a registry of the Supreme Court, and

(b) serving a copy of the notice of appeal on

(i) the parties to the proceeding in which the order of the court was made, and

(ii) the Public Guardian and Trustee, if the Public Guardian and Trustee is the child's property guardian.

(4) The Supreme Court Civil Rules apply to an appeal under subsection (1) to the extent that they are consistent with this section.

(5) On application, the Supreme Court may suspend the order under appeal for the period and subject to the conditions it thinks appropriate.

(6) After hearing the appeal, the Supreme Court may do one or more of the following:

(a) confirm the order of the court;

(b) set aside the order of the court;

(c) make any order that the court could have made;

(d) direct the court to conduct a new hearing.

(7) On application, the Supreme Court may extend the time limit for bringing an appeal under subsection (1).

Immunity from legal proceedings

34 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a person because of anything done or omitted

(a) in the exercise or intended exercise of a power under this Act, or

(b) in the performance or intended performance of a duty under this Act.

(2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith.

(3) Subsection (1) does not absolve the Huu-ay-aht from vicarious liability arising out of anything done or omitted by a person referred to in that subsection for which the Huu-ay-aht would be vicariously liable if this section were not in force.

Delivery of documents to Huu-ay-aht

35 Delivery of documents to the Huu-ay-aht required under this Act will be effected using the prescribed method.

Regulation making powers

36 (1) Executive Council may make regulations referred to in section 39 of the *Interpretation Act,* HFNA 14/2011.

(2) Without limiting subsection (1), Executive Council may make regulations as follows:

(a) establishing processes and rules of procedure in relation to court proceedings under this Act;

(b) prescribing forms for the purposes of this Act;

(c) prescribing the method of delivery of documents required to be delivered to the Huu-ay-aht under this Act;

(d) adopting a legal services funding policy under section 19 (1);

(e) prescribing criteria for training with respect to Huu-ay-aht culture and values for the purposes of section 21 (1) (a);

(f) prescribing standards for the maintenance of connection to the Huu-ay-aht community and culture for the purposes of section 21 (1) (b);

(g) prescribing standards for Huu-ay-aht foster families for the purposes of section 21 (2);

(h) prescribing cultural competency criteria for the purposes of section 24 (2) (b);

(i) prescribing information to be provided to the Child Services Officer for the purposes of section 29;

(j) for any other purpose for which regulations are contemplated by this Act.

Transitional

37 (1) If, at the time this Act comes into force, the CFCSA director has applied to the court for a supervision order in respect of a Huu-ay-aht child under section 29.1 of the *Child, Family, and Community Service Act (BC),* the CFCSA director must comply with the requirements of sections 11 and 13 (1), (2) and (3) of this Act to the greatest extent possible.

(2) If, at the time this Act comes into force, the CFCSA director has removed a Huu-ay-aht child but a presentation hearing has not yet been held, the CFCSA director must comply with the requirements of sections 14 and 16 (1), (2), (3) and (4) of this Act to the greatest extent possible.

(3) If, at the time this Act comes into force, a Huu-ay-aht child is under an interim order of the court made pursuant to section 35 (2), 36 (3) or 42.1 (6) of the *Child, Family, and Community Service Act (BC),* the CFCSA director must comply with sections 18 (1) and (2) of this Act.

Commencement

38 This Act comes into force by resolution of Executive Council.