

**PROTOCOL
BETWEEN**

AAMJIWNAANG FIRST NATION



AND

MNAASGED CHILD AND FAMILY SERVICES



AND

SARNIA LAMBTON CHILDREN'S AID SOCIETY



2016

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Purpose of the Protocol

Recognizing that resources are scarce, the overall purpose of the protocol is to outline our mutual understanding on how we can best work together for the best interests of children, youth and families.

Mutual Values

We value our relationships with each other and are committed to continually working on them.
We value partnerships, sharing and mutual respect for each other.

We value an ongoing commitment to educate each other and provide cultural sensitivity and awareness specific to Aamjiwnaang First Nation.

The parties recognize that:

- First Nation people have been colonized and this has had an ongoing impact in general and specific to child welfare services;
- Aamjiwnaang First Nation has inherent rights in the provision of support, the prevention of harm, the development of plans and the safety and well-being of their member children and families;
- Services to Aamjiwnaang First Nation people should be responsive to traditions, language, culture, values and life-styles specific to the First Nation;
- Aamjiwnaang First Nation children and youth have a right to the development and support for their identities consistent with their unique culture.

The following are guiding principles for the provision of services to Aamjiwnaang First Nation children and families:

- Children are the most important resource for the future of Aamjiwnaang First Nation and as such are entitled to be protected from abuse, neglect, harm or threat of harm;
- Aamjiwnaang First Nation parents have the primary responsibility and the authority for the care, love, affection, nurturing and protection of their children;

- The family, including the extended family, is the first resource for the care, love, affection, nurturing and protection of the children;
- The best interests of the child shall be recognized and protected;
- Services must be provided and delivered in the least intrusive manner possible to minimize disruption and interference for the children;
- Services must be planned and provided in a manner which respects the unique spiritual, traditional and cultural identity of Aamjiwnaang First Nation;
- Aamjiwnaang First Nation must be involved in the planning and delivery of services to their families and children;
- An Aamjiwnaang First Nation family is the preferred environment for the care and upbringing of Aamjiwnaang First Nation children;
- Whenever possible the views of Aamjiwnaang First Nation children will be taken into consideration in decisions regarding their plans of service.

Important Definitions

Consultation – consultation is ongoing, involves a mutual relationship with both formal and informal discussions and occurs at two levels:

Case Consultation – the Child and Family Services Act specifies when consultation must occur between a Children’s Aid Society and a First Nation. We will go beyond the legal requirements and consult whenever possible. Consultation means the following:

- Listening to each other’s perspectives and views
- Having open dialogue until we understand each other
- Taking all information into strong consideration
- Joint coordination and case planning – development of a collective plan
- Recognition of the inherent rights of the Aamjiwnaang First Nation
- Agreement as much as we can especially on protection concerns & points of intervention
- In limited circumstances where we don’t have agreement, we remain open to different perspectives and options.

Service Delivery Consultation – providing the opportunity for discussion and input on various programs, policies, service delivery options and overall service directions related to First Nation children, youth and families.

Legal Notice Requirements – these are in the Child and Family Services Act. When we are only required by law to give notice, we will go beyond this & consult whenever possible. This includes adoption placements and adoption breakdowns. When a family who is involved with child welfare court requests that Mnaasged receive a copy of the court documents, the Sarnia-Lambton Children’s Aid Society agrees to provide them to Mnaasged with all necessary parental consents.

Information Sharing – mutual sharing of information including all parties’ involvement in work provincially and regionally, trends, themes, various statistics, sharing of stories.

Band Membership/Status – When the Sarnia-Lambton Children’s Aid Society receives information that a child or youth may be a member of the Aamjiwnaang First Nation or may be entitled to Status under the Indian Act, consultation with the Band representative will occur. Membership and status eligibility is complex – the SLCAS will continue to ask. Membership includes people who live both on and off the First Nation.

Roles & Responsibilities

It is the child’s right to have the involvement of the First Nation. The First Nation shall be involved in all child welfare matters that involve their member children, youth and families.

Aamjiwnaang First Nation

- To delegate a Band Representative to deal with child welfare matters
- To advise the SLCAS of any change relative to the position of Band Representative

Band Rep Role

- To put forward the Band’s position in child welfare matters
- To receive notification & information about each referral and ongoing services
- To respond to court applications and participate in the court process

- To assist with and/or ensure that proper documentation and registrations are completed for the child and youth
- To link/refer to a range of various culturally appropriate services such as Mnaasged and the Sarnia Native Friendship Centre
- To attend meetings related to the planning for the child or youth (i.e. circles or case conferences)
- To educate and orient the SLCAS staff regarding the Aamjiwnaang First Nation community, culture and practices
- To advocate with the SLCAS on behalf of children, youth and families (NOTE: the Band Rep does not represent the parents in court. The parents may have their own lawyer(s) in court to represent them)
- To be a liaison, when required, between the SLCAS and service providers
- To consult regularly with the SLCAS regarding the provision of services and the exercise of power under the CFSA;
- To support the Family Circle of Care Services provided by Mnaasged.

SLCAS Role

- To notify, consult, share information and partner with Aamjiwnaang First Nation
- To be available and open to be educated
- To seek expertise from the Aamjiwnaang First Nation
- To advocate for and promote culturally appropriate services
- To understand and recognize that Aamjiwnaang First Nations people across Canada are unique and diverse in their culture
- To provide services in a manner that recognizes the unique culture, heritage and traditions and the concept of the extended family
- To recognize the importance of preserving the child's culture identity
- To recognize that racism exists
- To meet the responsibilities included in the CFSA, Ministry standards and requirements

- To consult regularly with the Aamjiwnaang First Nation regarding the provision of services and exercising powers under the CFSA
- To initiate case conferences and invite all relevant participants
- To consider the ODR/ADR process and make referrals when necessary
- To support and assist Mnaasged with their goal of becoming designated as a child welfare agency;
- To support the Family Circle of Care Services provided by Mnaasged.

Mnaasged Child and Family Services

- To attend investigations and family home visits if delegated by the Band Representative, Aamjiwnaang First Nation or if requested or agreed by families;
- To share aggregate information and data regarding the children, youth and families being served by Mnaasged with the SLCAS and the Band Rep;
- To accept referrals to provide support to children, youth and families;
- To provide Family Support Services that include weekly case management meetings, meeting with clients, meeting & consulting with SLCAS workers and managers; determining a case plan, advocating on behalf of clients, maintaining updated information for the file; providing transportation when necessary; attending court when necessary and completing statistical reports;
- To meet and consult with the Band representative on a regular basis and provide updates and case notes from home visits when requested.
- To provide case management services when requested, such as but not limited to meetings, community resources and supporting homes for emergency basis and long term, training alternate caregivers.
- To communicate training opportunities to Aamjiwnaang First Nation and the SLCAS;
- To develop programs to meet the needs of children, youth and families with input from families; Aamjiwnaang First Nation, Band representative and other service providers.
- Programs include RedPath Living Without Violence; Caring Connections RedPath Child & Youth; Triple P Positive Parenting; Kids in Personal Skills (Summer KIPS); National Child Benefit Activity; RedPath Living Without Addictions; Personal & Parental Skills Development and Strengthening Families for the Future

Service Providers

- The family, the SLCAS and Aamjiwnaang First Nation will identify service providers to assist the family;
- The SLCAS or the Band representative will send referrals to the necessary services as appropriate;
- The consent of the family will be obtained when information is being shared with service providers.

Intake and Referrals

When information is received by the Sarnia-Lambton Children's Aid Society that a child, youth or family may need assistance, the following process will be used for Aamjiwnaang First Nation families:

1. The referral is given by the SLCAS Screener to the Manager of the SLCAS Indigenous Team. The Manager approves the referral within 24 hours of its receipt and makes a decision about the type of service needed, if any. The Ministry eligibility spectrum is used as a guide during this process. There is also a manager who covers.
2. As part of the process, the manager copies the referral information into an e-mail to the Aamjiwnaang Band Representative and uses this process as a consultation about the type of service needed, if any.
3. In the e-mail, the manager will also identify the required response time and the assigned SLCAS worker.
4. The SLCAS worker and band representative shall then discuss and develop a plan for the first contact with the family.
5. The band representative attends the majority of the intakes with the SLCAS worker. There may be times when the band representative will advise the worker to proceed without her/him or will notify the SLCAS if there are other coverage arrangements made.
6. If a referral is received after hours, the SLCAS after hours' worker will contact the band representative to consult. Discretion about when to contact is used for emergencies that are late at night. Contact will then be made at the earliest opportunity.
7. Mnaasged will notify the band representative when they make a referral to SLCAS and provide the referral source to the band rep and information they received.

Response Times

- Response times are the time between the receipt of the referral and the first time the child/youth is seen. They are generally immediate or within 7 days. There is supervisor discretion on response times before 7 days depending on the situation.
- For child safety reasons, immediate response times are always prioritized by the SLCAS and Aamjiwnaang First Nation.
- The SLCAS and Aamjiwnaang First Nation will make all reasonable efforts to meet the 7-day response times and communicate with each other when there is difficulty meeting the timeline to problem solve and ensure children and youth are seen. Data will be provided to Aamjiwnaang First Nation and Mnaasged on a quarterly basis on the success of meeting the response times. Problem solving will be used to successfully meet the response times whenever possible.

Community Caregiver Investigations

- When a referral is received regarding a person who is in a caregiving role in the community (i.e. teacher), the band representative will be contacted to discuss and develop a plan.
- If the identified child is not a band member, there may still be a role for the band representative, for example, if other children being interviewed as part of the investigation are band members.
- If other child witnesses are First Nation members or eligible to be members, consent for interviews with the child witnesses will be obtained by the SLCAS from legal guardians and there may be a supportive role for band representative.
- If the identified child is First Nation, consultation regarding the process will occur paying attention to the concerns for disclosure issues/privacy/use of child protection evidence for other purposes.
- Mnaasged will notify the band representative when they make a referral to SLCAS and provide the referral source to the band rep and information they received.

Safety Planning

- When a referral/concern is being looked into, Aamjiwnaang First Nation, the SLCAS and Mnaasged (where applicable) will work together with the family to develop a safety plan. This may involve a plan for relatives to live with the family or the children to stay temporarily with family/community. Support services will be provided as needed. Removing children from the home in which they are living is a last resort.
- Children will not be removed from their communities. If that occurs, it will be considered an emergency and an urgent meeting will be held to address the concern.
- The First Nation may do safety planning before SLCAS involvement and not require SLCAS involvement.

Planning & Meetings – Ongoing services

- When ongoing services are being provided to a family, the involvement of all key people is needed – the parents, extended family, the First Nation community, the service providers including Mnaasged, the Native Friendship Centre when applicable, the Band representative and the SLCAS.
- Planning and services is constant and ongoing and involves both formal and informal dialogue. The band representative attends the meetings that are occurring in the family home.
- Other options for ongoing services and planning include:
- Mnaasged – host family circles; provide family support.
- Family and Community Conferences – an individual circle that may be helpful to the family.
 - Alternative Dispute Resolution LINK – Family Group Decision Making Process; Aboriginal Approach facilitators (Original Dispute Resolution); Mediation.
 - Native Friendship Centre - traditional healers; people who can lead a healing circle.
- Indigenous Working Group – can be used for discussions about systemic issues; creative problem solving and approaches. Terms of reference are attached to this agreement.

- Communication may also occur on different levels – band representatives with front line staff & supervisors; lawyers with lawyers and leadership discussions.

Children in Care/Outside Birth Family

- All other options including Customary Care will be considered prior to bringing Aamjiwnaang First Nation children and youth into SLCAS care.
- Customary Care will also be considered as an option for youth who are currently in care including Crown Wards.
- Supports and funding for kin/customary care homes will be provided within the general guidelines of the Ministry of Children and Youth and available funding.
- When children and youth are in SLCAS care, importance and priority will be given to maintaining their cultural connections and relationships with their community. The use of Ontario Child Benefit Equivalent funds (OCBE) or equivalent funds will be used to support this priority.
- Every effort will be made to consult and partner with each other to provide culturally appropriate services and options for children and youth in care.
- The SLCAS will provide assistance to the local First Nations in repatriating children and youth back to the communities when other Children's Aid Societies are involved whenever possible.
- For children and youth who are in the care of the SLCAS or adopted, any distribution from the First Nation for the benefit of that child or youth shall be determined and administered by the First Nation in accordance with the Nations' own rules and protocol.

Adoption as an Option for Children in Care

- Crown Wards are legally eligible for adoption and this is one of several options available to prevent children growing up in care. However, it is recognized that there may be negativity toward the use of adoption within First Nation communities given the historical losses and current impact of those losses. The importance of all family options, community connections and cultural identity trumps reasonable timeliness in a potential adoption placement.
- Adoption placement only requires notice to the First Nation in the CFSA. The SLCAS will include early consultation when planning for the child including the placement options.

- Any time the SLCAS is considering placement with a foster for permanency family, consultation will occur in advance of the placement.
- When there is an adoption breakdown of a First Nation child or youth, the SLCAS will contact the original First Nation regarding planning for the child or youth.
- In the event that the child or youth has ties to more than one First Nation, all involved communities will be contacted.
- When considering First Nation families as applicants for placement including Customary care, kinship and adoptions, consideration will be given to the impact of the past trauma within First Nation communities & the healing that has taken place.
- When the First Nation would like an openness order, the SLCAS will commit to considering the request and bringing the application where possible when there is agreement it is in the child's best interest. This is in recognition that there is no provision in the current legislation that permits the First Nation to make the application themselves.
- When an application for openness is brought, the SLCAS will notify and consult with the First Nation.
- People who were adopted during the 1960s are sometimes returning to the SLCAS to seek disclosure. The SLCAS will assist people who were adopted from First Nations through the process of obtaining information and learning where they are from.

Conflict Resolution Processes

For families, consider the use of one of the processes outlined above under the ongoing services section. Conflict resolution through the traditional legal process is used as a last resort when necessary.

If we are in dispute with each other, we will commit to a cooperative resolution and turn to the 7 Grandfather Teachings/Guiding Principles. We will agree upon a facilitator who will speak first and remind us of the profound process & teachings:

Respect

Love

Truth

Honesty

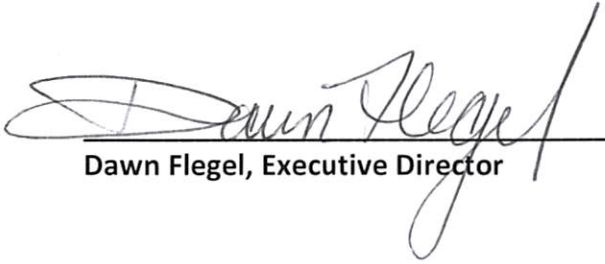
Humility

Courage/Bravery

Wisdom

This **Protocol** is hereby acknowledged and agreed to by all parties on this 19th day of May, 2017. It is understood that this is a living document and as such, will be reviewed, revised and updated as necessary to comply with changing legislation and to meet future community needs.

**On Behalf of the Sarnia-Lambton
Children's Aid Society**



Dawn Flegel, Executive Director

On Behalf of Aamjiwnaang First Nation



Chief, Aamjiwnaang First Nation

**On Behalf of Mnaasged Child &
Family Services**



Aamjiwnaang First Nation Site Supervisor