

South Island Wellness Society



**PROTOCOL AGREEMENT
BETWEEN
SOUTH ISLAND WELLNESS SOCIETY
(Representing the Nine South Island First Nations)
AND
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
(South Vancouver Island Service Delivery Area)**

THIS AGREEMENT made on the 28th day of February 2017

BETWEEN **SOUTH ISLAND WELLNESS SOCIETY (SIWS)** representing all nine of the South Island First Nations that include: Beecher Bay First Nation, Esquimalt Nation, Pacheedaht First Nation, Pauquachin First Nation, Songhees First Nation, Tsartlip First Nation, Tsawout First Nation, Tseycum First Nation and T'Sou-ke First Nation

AND **THE EXECUTIVE DIRECTOR OF SERVICE FOR THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT (South Vancouver Island Service Delivery Area) and herein referred to as "the Director"**

DEFINITIONS

Affiliation – means an identified connection or relationship to one or more of the nine South Island First Nations as described within points 1 to 9 on Page 3 of this protocol.

Case File – means Residential Resource files or Child in Care files concerning children that are in Continuing Custody under the CFCSA.

Delegated Aboriginal Agency – means an agency that is authorized by the Ministry of Children and Family Development under the *Child, Family and Community Service Act (CFCSA)* to provide Delegated Services within a specific GSA, as described within a Delegation Agreement.

Geographic Service Area – means the geographic area and identified population that a Service Provider is permitted to serve, as described within a Contract or Delegation Agreement with the Ministry of Children and Family Development.

NIL TU,O Member First Nation – means the Bands within the GSA of NIL TU,O Child and Family Services that have provided a signed Band Council Resolution, stating their desire to receive Child and Family Services from NIL TU,O and are members of and subscribers to the constitution and by-laws of the Society.

Protocol – means a written document that outlines how entities will work together and consult with each other on services to children and families and sets forth how these services will be provided in respect of the roles and responsibilities of each of the parties to the protocol.

The South Island – means the Geographic Service Area (**GSA**) that includes all Urban municipalities south of the Malahat, including: Port Renfrew, Jordan River, Sooke, Beecher Bay, Metchosin, Langford, Colwood, Greater Victoria, Saanich, Saanichton, and Sidney. The GSA includes all nine of the First Nations that reside in the South Island, including: Pacheedaht, T'Sou-ke, Beecher Bay, Songhees, Esquimalt, Tsawout, Tsartlip, Pauquachin and Tseycum.

PREAMBLE

The nine South Island First Nations assert that they have the inherent right to self-government, including the right and responsibility to care for all of their community members and ensure the safety and well being of their children.

The nine South Island Nations follow a cultural principle whereby First Nations children and families that reside within our territory are living within our “long house” and therefore shall be cared for and protected by our Nations, as long as they reside within our territory. In order to care for these children and families, our Nations nurture and support the development of their connections with family, culture and community.

Historically, there has been confusion and conflict among the South Island Delegated Aboriginal Agencies and First Nations, regarding the assignment of files for children and families that have cultural ties with one or more of the nine South Island First Nations.

To eliminate confusion and conflict going forward, the Leadership of the South Island First Nations believes there needs to be a clear process that guides the assignment of files for children and families that have an Affiliation with one or more of the nine South Island First Nations, to the appropriate Delegated Service Provider (i.e. Surrounded by Cedar, NIL TU,O or MCFD).

South Island First Nations are best suited to determine Affiliation for children and families that have close ties to their communities.

PURPOSE

The parties to this Agreement wish to establish a positive, mutually respectful relationship to ensure that there is no confusion or conflict when case files are transferred to the appropriate service provider in the South Island.

The parties of this Agreement wish to ensure that children affiliated with a South Island First Nation develop and/or maintain close ties to their family, culture and community.

The purpose of this protocol is to clarify and document the roles, responsibilities and procedures that will guide the transfer of case files from MCFD to Delegated Aboriginal Agencies, thereby eliminating confusion and conflict between MCFD, South Island Delegated Agencies and the nine South Island First Nations.

GUIDING PRINCIPLES

Children in care have a right to receive guidance and encouragement to maintain their cultural heritage kinship ties and attachment to their extended family.

Child and Family Services and programs delivered to members affiliated with the nine South Island First Nations should be provided in a manner that respects the unique status, culture and linguistic heritage of the nine First Nations.

The nine South Island First Nations should be involved in the planning and delivery of Child and Family Services for children, youth and families that have an Affiliation with their respective Nations.

AFFILIATION WITH A SOUTH ISLAND FIRST NATION

A child or family shall be considered affiliated with a South Island First Nation if:

1. The child is registered with a South Island First Nation.
2. One or both parents caring for the child are registered with a South Island First Nation.
3. One or both parents not caring for the child are registered with a South Island First Nation.
4. One of the child's siblings is registered with a South Island First Nation.
5. One of the child's grandparents, uncles and aunts is registered with a South Island First Nation.
6. The child's extended family caregiver is registered with a South Island First Nation.
7. The child's non-family caregiver is registered with a South Island First Nation.
8. The child's extended family caregiver is not registered with a South Island First Nation, but lives on the Reserve of a South Island First Nation.
9. The child's non-family caregiver is not registered with a South Island First Nation, but lives on the Reserve of a South Island First Nation.

ROLES AND RESPONSIBILITIES

Ministry of Children and Family Development

Ministry of Children and Family Development Social Workers are delegated to provide the full range of authority and responsibility of the *Child, Family and Community Service Act*. MCFD has the authority to assign/refer files pertaining to specific child and family case files to South Island Service Providers for the provision of services described within their respective contract mandate or Delegation Agreement.

With this authority, MCFD will utilize the definition of Affiliation, described within this protocol Agreement, to determine if a child or family is affiliated with one of the nine South Island First

Nations. The process to determine Affiliation may be done in collaboration with First Nations and/or South Island Wellness Society as a representative of the nine South Island First Nations.

If a child or family is deemed to have Affiliation with one or more of the the South Island First Nations, MCFD will:

- Transfer the case file to NĪL TU,O Child and Family Services, if the child or family is affiliated with a NĪL TU,O Member First Nation, unless the child is registered with a First Nation or community from outside of South Island.
- For children that are registered with a First Nation or community from outside of the South Island and that have an Affiliation with one of the nine South Island First Nations, MCFD will work with all associated Nations or communities, South Island Wellness Society and NĪL TU,O to support the transfer of case files to NĪL TU,O.
- Retain the case file, if the child or family is affiliated with a South Island First Nation that is not a NĪL TU,O Member First Nation. If MCFD retains the case file, it will involve the South Island Wellness Society to provide a range of collaborative family planning services that focus on family finding, cultural connection planning and permanency planning.

If there is disagreement or a lack of clarity regarding the transfer of a specific case file, MCFD will:

- Consult with the South Island Wellness Society to determine which South Island First Nation or other Aboriginal community may have a connection to the child.
- Consult with any South Island First Nation identified by the South Island Wellness Society, as described above.
- Consult with any other First Nation or Aboriginal community that may have a connection to the child.
- If necessary to resolve the issue of Affiliation, assemble those who have been consulted for the purpose of reaching agreement respecting the child's Affiliation.

If an agreement cannot be reached respecting Affiliation between the parties being consulted, MCFD will retain the case file.

South Island Wellness Society

South Island Wellness Society provides a range of non-delegated services to South Island First Nations and Urban Aboriginal communities that includes maintaining Community Practice Circles within nine South Island First Nations and Urban Aboriginal communities, as well as composing genograms, family finding and facilitating collaborative family planning meetings.

For the purposes of this protocol:

- Upon request by MCFD, SIWS will support MCFD with the identification of potential family or community ties that will assist MCFD to determine if a specific child or family is affiliated with a South Island First Nation.

- If there is a disagreement respecting Affiliation, MCFD may request SIWS to assist in identifying and/or supporting representatives from the South Island First Nations or other Aboriginal communities to engage in a process to resolve the issue.
- SIWS will support MCFD and Delegated Aboriginal Agencies with family finding, cultural connection planning and permanency planning for case files that are affiliated with a South Island First Nation or have cultural connections to other First Nations or Aboriginal communities.

Protocol Conflict Resolution Process

In the event of disagreements regarding the application or interpretation of this protocol, South Island Wellness Society, with involvement by one or more of the South Island First Nations, will work together with MCFD to resolve disputes in an equitable and timely manner.

Step 1: Within 10 working days of being advised of a disagreement between any of the parties, the parties agree to meet and review concerns and seek resolution and, if resolution is achieved, the agreement will be documented. Discussions to resolve any issues will occur at the Management level, including the Executive Director of South Island Wellness Society and the Director of Operations for MCFD.


If resolution is not achieved, the parties at Step 1 will document items agreed to and issues that are still unresolved and move forward to Step 2.

Step 2: If there is no resolution in Step 1, the parties will meet to seek resolution within 10 working days. Any agreement at Step 2 will be documented, and a written copy will be provided to all parties. Discussions to resolve any issues will occur at the Senior Management level and/or governance level, including the Board Executive of South Island Wellness Society and the Executive Director of Service for MCFD.

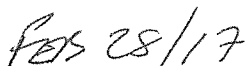
Duration of Protocol

The term of this protocol will be in effect until December 31, 2018. The parties agree to meet annually, and no later than 90 days before the end of this protocol, to review and evaluate the effectiveness of this protocol. The protocol may, by mutual agreement, be amended at any point during its term.

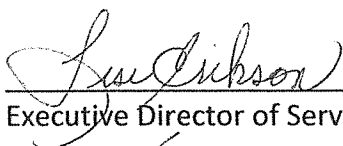
Signed:



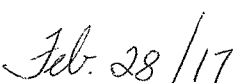
 Board Chair of SIWS



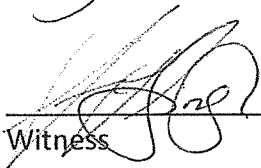
 Date Signed



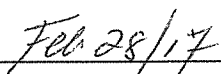
 Executive Director of Service, MCFD



 Date Signed



 Witness



 Date Signed