



B.C. Métis Federation Child Protection Declaration

The B.C. Métis Federation (“BCMF”) acknowledges the B.C. government's intention to implement and enforce policies consistent with the unqualified adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and to implement all the recommendations of Chief Ed John’s extensive review and report.

Accordingly, the BCMF declares its policies and practices impacting children of its members, consistent with the government’s stated intentions.

Whereas,

There is a disproportionately high population of Métis children in government care, resulting in worker overload and high public costs and service failures;

And whereas,

The safety and well being of our children is of utmost importance and grave concern to the BCMF community;

And whereas,

The B.C. Métis Federation, a Métis Community entitled under law to self determination, does not recognize any other group or government agency with authority to make determinations concerning members’ children;

And whereas,

BC Métis Federation children have the Constitutional right to be raised within their Métis culture through daily immersion in that culture, and to live in an atmosphere of safety and love, preserving their bonds with their parents, extended family, and community;

And whereas,

Métis communities have the right to establish for themselves and determine care for their own children according to their traditions and customs;

And whereas,

The Métis community as a whole benefits and is strengthened when bonds between parents, children, and extended family are preserved;

And whereas,

Adoption by custom is respected and encouraged as a means of preserving family relationships and strengthening cultural bonds;

And whereas,

Aboriginal customary law has never been extinguished or abrogated and is protected under the Constitution Act 1982;

And whereas,

The BC Métis Federation has never approved the removal of its children and has not signed any treaties or agreements with respect to members' children, and thus retains the sole right to self-govern in relation to these children;

Therefore:

With respect, and in accordance with Aboriginal law, and with the belief that the B.C. Ministry of Child and Family Development ("MCFD") is a law-honouring government agency committed to working with indigenous peoples in every child's best interests;

The BC Métis Federation declares its policy and practice for child welfare for its membership in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, the recommendations of Grand Chief Ed Johns, and the Constitution Act 1982, as follows:

Definitions

"child" means any BC Métis Federation child under the age of 18;

"emergency situation" means any situation in which the life or safety of a child(ren) is in immediate danger;

"MCFD Director" means the Director as designated by the Ministry of Child and Family Development;

"BCMF Director" means the Director of Child Welfare as designated by the Board of the BC Métis Federation;

"Custom Adoption" means, according to tradition and legal provision, a verbal agreement for permanent custody voluntarily made between two BC Métis Federation families;

"Caregiver" means a person or persons designated by the BCMF Director and approved by the BCMF Board as providing temporary safe care for the child in need.

Service Delivery Principles

- 1** The Board of the BCMF shall appoint one of its members qualified to serve as Director of Child Welfare and shall appoint additional members to serve as the BCMF Child Protection Committee, to assist and support the Director.
- 2** All registered BCMF members will receive written instructions from the Board regarding appropriate procedures when a member becomes pregnant, or when a BCMF child or family is under stress and requires intervention or support.
- 3** This policy does not claim jurisdiction in other Métis or indigenous communities but applies only to registered members of the B.C. Métis Federation.
- 4** A BCMF parent or guardian will not sign any form that gives consent to the MCFD to apprehend a child(ren) or to place a child(ren) in any non-BCMF home.
- 5** If the MCFD Director apprehends a child(ren) because (s)he perceives an emergency situation that is endangering life or their well-being, the BCMF member must immediately notify the BCMF Director of Child Welfare, who will contact the MCFD and assume

responsibility for the temporary custody of the child, and, with the Committee, will assess and determine the appropriate placement for the child, and or assistance to the parents.

- 6 When appropriate the BCMF Committee will first seek to provide needed support for the birth parents to enable them to retain custody of the child/children.

BCMF Children in MCFD care prior to this policy

- 7 The BCMF will request of the MCFD the names and complete placement information of any child(ren) of BCMF members who have been placed by the MCFD Director. The BCMF Director and Committee will review each placement, and will approve such placements providing:
 - i. the child is thriving normally;
 - ii. an open relationship is preserved with the BCMF community and with the birth parents and extended family;
 - iii. the placement situation and relationships are safe and, in the child's, best interests;
 - iv. such information will not be withheld from the BCMF and will not be revealed publicly.
- 8 The BCMF will also request the names and custodial details of any BCMF children who are in Temporary Custodial Care, or under a Continuing Custody Order that have not been adopted as of this date. The BCMF will insist upon their indigenous rights to determine a placement that respects the child's B C Métis heritage and is in the child's best interests. Any refusal of cooperation by the MCFD will be considered a violation of indigenous people's rights under the Charter.
- 9 Any procedures of "Exceptions Committees" seeking to compromise these placement principles for BCMF children that do not include a majority of representatives who are BCMF members, will be considered by the BCMF to be of no validity or relevance, and will be actively challenged by the BCMF.

- 10** If at any time, the BCMF Director of Child Welfare has reason to believe that it is not in the best interests of a member's child to be held in MCFD care, the BCMF Board reserves the right to have the child released to the care of the BCMF Director for care within the child's community.
- 11** While a child from a BCMF family is being held by the MCFD, the BCMF requires access to the child, and opportunity for ongoing access to determine the success of the current placement. If the BCMF Director of Child Welfare and the Child Protection Committee determine that it is in the child's best interests, they will assume custody of the child and return it to the BCMF community and an approved caregiver.

Approved Caregivers

- 12** All BCMF caregivers and family members over the age of 16 years who care for a child who is not biologically their own are required to supply BCMF a current Vulnerable Sector Criminal Record Check.
- 13** All BCMF caregivers will be required to follow the BCMF "Practice Standards and Safety Guidebook." This guidebook will be publicly available for the information of any interested person or agency.
- 14** All BCMF caregivers will be visited by a member of the Child Protection Committee at least once every six months to determine that the Practice Standards and Safety Guidelines are being followed in the best interests of the child.
- 15** All BCMF caregivers will be required to fulfill the requirements of a minimum of 40 hours per calendar year of education on child development and effective parenting techniques.
- 16** A caregiver will take the BCMF child to a physician for a health check within 7 days of receiving the child, and then every six months following, and will provide the physician's report to the BCMF Director of Child Care, who will keep the natural parents informed.

- 17** While the child is in the care of an approved caregiver, the natural parent(s) will be encouraged to maintain a relationship with the child and the caregiver through visitation, letter writing, phone conversations, teleconferencing, community gatherings or other means which will preserve the parent/child bond in the best interests of the child and family, as long as it is safe for the child to do so.
- 18** If the BCMF Director of Child Welfare determines that the care being provided by the caregiver is inadequate or unsafe, the Director will remove the child and place him/her with another caregiver approved by the BCMF Child Protection Committee.
- 19** If, at any time, a caregiver can no longer care for a child placed in his/her home, the caregiver will give the Director of Child Welfare as much notice as possible so that the required support can be provided, or the child can have a reasonable transition to another BCMF caregiver.

Responsibilities of the BCMF Director of Child Welfare and the Child Protection Committee

- 20** The BCMF Director will meet as required with the Committee to assess risk factors, and to ensure that the needs of all BCMF children in care are being met.
- 21** The Director and Committee will determine if a child requires additional care or protection and will develop an appropriate plan, in cooperation with child's family and community.
- 22** If circumstances require, the BCMF Director may designate another member of the Child Protection Committee to act on his/her behalf.

Custom Adoption

- 23** If the BCMF Director and Child Protection Committee determine that a custom adoption agreement has taken place between member families, the community will recognize the adoption and the child will be removed from the care of the BCMF Director.



24 Custom Adoption includes the provision of custodial care and guardianship of the child by the adoptive parents and the preservation of the child's family and community relationships.

Passed by motion 20180329 – 06 to approve the BC Métis Federation Child Protection Declaration this date of March 29th, 2018 in the City of Vancouver, British Columbia, Canada.