

Protocol Agreement

Between

**“St. Mary’s Band”
(the “Band”)**

And

**“Ktunaxa Kinbasket Child and Family Services Society”
(the “KKCFSS”)**

And

**“The Ministry for Children and Families”
(the “MCF”)**

**Hereinafter referred to as
“ The Parties”**

Introduction

Whereas, the St. Mary’s Indian Band, hereinafter referred to as the “Band” has an inherent right in the safety and well being of their member children and families, and;

Whereas, the Ktunaxa Kinbasket Child and Family Services Society hereinafter referred to as the “KKCFSS” has been created by the 5 member bands of the Ktunaxa Nation and Kinbasket People to provide child & family services through the Ministry for Children and Families hereinafter referred to as the “MCF” delegation agreement dated July 1999 and;

Whereas, the MCF is working together with KKCFSS and the Band to ensure the safety and well being of the children and families of the Band and;

Whereas, the MCF continues to hold responsibility for the investigation of child abuse and neglect of the St. Mary’s member children in accordance with the CFCSA and;

Whereas, the Parties agree on the following matters:

Definitions:

Goal

To ensure that “member children” of the Band are protected from abuse and neglect and that member families receive services to ensure that their children develop a healthy and abuse free lifestyle. The intent of this protocol agreement is to strengthen the working relationships between the “Parties” to provide a more effective and efficient quality of services and increase our collective capacity to ensure the safety, health, and well being of Band member children.

* Focus on preventative measures.

Guiding Principles of this agreement

The following principles offer the guidance for provision of services to the Band's children and families that respects the cultural strengths and supports the desire to increase the participation and capacity for involvement surrounding the care, safety and well being of the children and families.

- Children are entitled to be protected from abuse, neglect and harm or threat of harm;
- Services will be planned and provided in a manner which is sensitive to the needs of culture and heritage;
- The Band will be involved in the planning and the delivery of services to their families and children;
- 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;
- Support services will be provided in order to provide a safe and nurturing environment for a child;
- Whenever possible the views of member children who have the ability to understand, comprehend and communicate effectively will be taken into consideration and evaluated by the "Parties" when decisions of a child are to be made. Legislation dictates that a child of the age of 12 years old is able to understand, comprehend and communicate their views.
- Kinship ties and a child's attachment to the extended family will be preserved when possible;
- Every effort will be made by the "Parties" to ensure that the cultural identity of aboriginal children will be preserved;
- Every effort will be made and implemented in a timely manner *in making* Band decisions relating to member children.

Organizational Responsibilities

Ministry for Children and Families

Ministry social workers receive and investigate all complaints of abuse and neglect of children as defined by the *Child, Family and Community Services Act*. The primary objective is to fulfill this goal in a manner that ensures the safety and well being of the children while maintaining or restoring the integrity of the family wherever possible.

- 1) MCF will inform the Band who will in turn inform KKCFSS of all child protection reports involving St. Mary's Community Members and invite their participation in the investigation.
- 2) MCF will work cooperatively with the Band & KKCFSS.
- 3) MCF is responsible for the investigation of all abuse and neglect complaints for Community members on and off reserve.
- 4) MCF is responsible for Risk Decisions 1 through 9 in consultation with Band Representatives and KKCFSS Representatives.
- 5) MCF will include KKCFSS staff and Band staff in Ministry training events.
- 6) MCF will utilize the support services of KKCFSS Support staff.
- 7) MCF is responsible of ensuring that appropriate resources are available.

Draft #4

Organizational Responsibilities

The Band

(St. Mary's Band Representatives are delegated through chief and council)

- 1) MCF will contact the Band for all Child Protection reports for on and off reserve community members.
- 2) The Parties will assess all child protection reports for community members on and off reserve.
- 2a.) MCF has the responsibility to determine whether a report is investigated and will articulate the reasons in writing to the Band for the decisions made.
- 3) For Child Protection reports on community members, MCF will invite a Band Representative and KKCFSS to meet with themselves and the family. The Band will determine their level of involvement in a case by case basis.
- 4) The Band will identify culturally appropriate services to be incorporated into the risk reduction service plan with the objective to reduce risk. Final approval for the risk reduction service plan lies with the MCF. Development of the Risk Assessment will be done collectively with the Parties.
- 5) The Parties will identify and develop appropriate out-of-home aboriginal placements.
- 6) Chief and Council or a representative of the Band will be present at all court proceedings under the Child, Family & Community Services Act for community members.
- 7) The Band and KKCFSS will assist the Ministry with preserving the child's cultural identity.
- 8) A Band representative and a KKCFSS representative will participate in conjunction with the MCF all risk assessments regarding community members.
- 9) A Band representative and a KKCFSS representative will participate in conjunction with the MCF all plan of care meetings regarding a community member.

RESOURCES:

St. Mary's Band
Chief and Council
Social Worker
Family Support Worker
Drug & Alcohol Counselor/Youth Worker
Band Administrator
Community Health Representative
Income Assistance Worker
Director of Community Resources

Organizational Responsibilities

KKCFSS

- 1) During the transition period, MCF will assist in the development of “child and family” services. MCF and KKCFSS will work in cooperation in the area of “resource development”. KKCFSS will develop resources in the community. KKCFSS will work on determining the most appropriate resource placement to match needs. KKCFSS will work on the development of kinship care homes. KKCFSS will be able to access resources through MCF. This is all dependent upon adequate dollars.
- 2) KKCFS and MCF will work cooperatively regarding case management of cases involving community members. The Parties will work cooperatively in developing service plan agreements with families.
- 3) KKCFS and MCF will work cooperatively to assess the need for Voluntary Care Agreements. See Sheet.
- 4) KKCFS and MCF will work cooperatively to ensure that KKCFSS is connected to the Social Work Systems Management Information Systems (SWSMIS) a centrally managed computer system.
- 5) KKCFS will respect Band practices and will provide educational forums that work towards incorporating standards and practices of KKCFSS into Band policy.
- 6) MCF and KKCFS will jointly develop a process for the transfer of continuing custody files.
- 7) KKCFSS will develop an overall strategic plan with participation of the Band.
- 8) Surrounding the objectives of the KKCFSS delegated agreement, protocols with the communities will remain a priority and protocols will move beyond MCF to other areas (justice, health, schools) using MCF as a bridging partner.
- 9) KKCFSS will provide a financial contribution to the Band for the services provided by the Band's/KKCFS Liaison.
- 10) KKCFS staff will be available for cross-cultural training to the Band and MCF representatives.
- 11) KKCFS will perform other tasks and duties not outlined in this protocol through referral.

RESOURCES:

Executive Director
Administrative Assistant
3 Full-time and one half time Family Support Worker
Secretary
3 Social Workers
Board Members
Child Protection Consultant 1 day per week
Family Violence Worker

Referrals for Service

- 1) MCF will complete a Referral package to initiate KKCFSS service.
- 2) KKCFSS will determine if families meet the referral criteria.
- 3) KKCFSS has access to MCF contracted services in consultation with MCF Supervisor.

Information Sharing

The Parties agree to share all relevant information they may have about a particular family, child or situation with each other on a case by case basis. Designated representatives of KKCFSS and the Band will have access to MCF files on St. Mary's Band families during regular office hours when they are working with a family. Whenever possible, information should be shared with the written consent of the client. MCF agrees to share information with the designated representatives of the Band and KKCFSS when they are involved in collaborative decision-making and service planning with a mutual client. MCF agrees to provide to designated representatives of the Band and KKCFSS with copies of:

- the child's plan of care;
- risk reduction service plans as a result of a comprehensive risk assessment
- Any assessments (developmental, psychiatric, psychological) which impact the nature of planning services for a child or family;

The Band and KKCFSS will be entitled to full disclosure (as per section 64 of the Child & Family Act) of all information with respect to a court case as they are a party to any matter regarding a child who is registered or entitled to be registered with the Band.

CFSA Section 64. Full disclosure to parties

- (1) If requested, a party to a proceeding under this Part, including a director, must disclose fully and in a timely manner to another party to the proceeding**
 - (a) the orders the party intends to request,**
 - (b) the reasons for requesting those orders, and**
 - (c) the party's intended evidence.**
- (2) The duty to disclose under subsection (1) is subject to any claim of privilege.**
- (3) Evidence may be excluded from a hearing under this Part if no reasonable effort was made to disclose the evidence in accordance with this section.**

The Director must always attempt to obtain a person's consent to disclosure where desirable and appropriate. Section 79 of the CFCSA permits the Director to disclose information, whether recorded or not, without the consent of anyone for specified purposes. If such disclosure must be made without consent, the Director provides only as much information as is required for a specific purpose and to those who need to know because they are:

- Involved in the child's care and protection;
- Engaged in providing services to the child or the child's family; and
- Recognized in the community as organizations with community-wide responsibilities for the safety and well being of children.

MCF recognizes that designated representatives of the Band and KKCFSS have a right to information and delegated access regarding a member child of the Band.

Investigations

Wherever practicable, investigations of child abuse, which occur on and off reserve, will be conducted with a St. Mary's Band Council or representative present. Where investigations occur after hours, MCF social workers will attempt to contact Band staff to assist. No investigation will be delayed unduly where reasonable attempts have been made to contact Band staff.

Removals

The Band will be notified of the removal of children on and off reserve.

Council.

In case of a planned removal, Band Council or a representative will be notified and their support will be sought. The final decision for removal of a child rests with the MCF social worker. In the event that Band staff are unable to be notified, they will be notified as soon as possible the next working day. The Band will be provided with a copy of the Report to Court and notified of the Presentation Hearing. The Band will notify KKCFSS.

Chief:

Sophie Pierre (w) 250-486-2464 (h) 250-489-3174

Councillors:

Cheryl Casimer (w) 250-417-4022 (h) 250-489-2053
Robert Williams (w) 250- (h) 250-426-0170
Jim Whitehead (w) 250-426-5717 (h) 250-423-2249
Terry White (w) (h) 250-489-2277

Administrator:

Vickie Thomas (w) 250-426-5717 (h) 250-489-2034

KTUNAXA/KINBASKET CHILD & FAMILY SERVICES

Executive Director:

Leona Daniels (w) 250-489-4563 (h) 250-829-0729 (c) 250-421-1880

Social Workers:

Leona Daniels (w) 250-489-4563 (h) 250-829-0729 (c) 250-421-1880
Rebecca White (w) 250-489-4563 (h) 250-427-1628 (c)
Bill Barger (w) 250-489-4563 (h) 250-426-8375 (c) 250-417-1334
Eva Coles-Hillary (w) 250-342-6379 (h) 250-342-8819 (c)

Planning for children

Long term planning for member children and other children living on reserve will be done jointly by the Parties and the child's family.

Service of Court Documents

Schedule One of the *Child, Family and Community Services Act* Regulations establishes the Director of the KKCFSS as the designated representative for service under sections 38(1)(c) and 49(2)(c).

As required by sec 38(1)(c) and 49(2) (c) of the *Child, Family and Community Services Act* (CFCSA), KKCFSS will be served for the Protection Hearing under sec 40 and any other relevant sections of the CFCSA.

Representing the Aboriginal Community

Schedule One of the Child, Family and Community Services Act Regulations establish KKCFSS as the applicable aboriginal organization prescribed in the regulations for the purpose of this 34(3)(d), if the child is an aboriginal child.

KKCFSS will be sought to represent the views of the aboriginal community. Family, band and extended community will continue to have an important role in assisting in the planning for the children of the Band who are in the care of MCF.

MCF is solely responsible for provision of services off reserve.

Training

The Parties, through mutual co-operation and communication recognize that service that is more effective can be provided to our common clientele by increased training. This training will provide an increased awareness and knowledge of how to work effectively with aboriginal families. Furthermore, training will increase and strengthen our ongoing working relationships between all employees.

St. Mary's Band

- 1 Co-operate with MCF and KKCFSS to arrange training events to increase MCF staff awareness of culture and history of St. Mary's Band.
- 2 Will invite MCF staff to Band sponsored events which will increase MCF staff skills and understanding.
- 3 Will invite MCF staff to Band training events that will assist staff to understand the mandate, services, procedures, practices and vision of the Band.

KKCFSS

- 1 Co-operate with MCF and St. Mary's Band to arrange training events to increase MCF staff awareness of culture and history of Ktunaxa Nation and Kinbasket People.
- 2 Will invite MCF staff to KKCFSS sponsored events which will increase MCF staff skills and understanding.
- 3 Will invite MCF and the Band staff to KKCFSS training events, which will assist staff to understand the mandate, services, procedures and vision of the KKCFSS.

MCF

- 1 MCF will invite St. Mary's Band and KKCFSS staff to MCF sponsored events, which may increase the skills and knowledge of their staff. These include; Risk Assessment training, Investigative Interviewing, Handbook training, etc.
- 2 Ensure that staff attend cultural awareness and skill development training provided by St. Mary's Band or KKCFSS
- 3 MCF will co-operate with St. Mary's Band and KKCFSS to develop specialized training events related to improving child and family services for St. Mary's Band. This shall be provided upon request within the financial capabilities of all the parties.
- 4 MCF will not engage in cultural awareness training related to aboriginal peoples without the express support of KKCFSS.

Dispute Resolution

Disputes should be resolved between social workers and individual staff members wherever possible. Where this is not possible, the safety and well being of the child will take precedence. Thereafter, the details of the dispute should be conveyed by the social worker or staff member to their immediate supervisor who will endeavor to resolve the matter with their counterpart. In matters that cannot be resolved at this level, a St. Mary's Band Council Representative, the Executive Director of KKKCFSS, MCF Supervisor and the Regional Child Protection Manager – Kootenay's, will endeavor to resolve the matter.

Issues that remain unresolved, can be referred to a mediator agreed upon by all parties and funded by the Ministry for Children and Families.

Both parties (preferably in written form) will forward issues that are outside of local control to their superiors for discussion on a provincial level and to the Joint Management Committee established under the Delegation Enabling Agreement.

At no time should disagreement about the course of any intervention take precedence over a child's need for protection.

This agreement is for the term of one year, 30 days notice must be provided to parties to terminate this agreement. Deletion, modification or amendment can only be made by agreement of all parties.

St. Mary's Band Council

CHIEF

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

DATE

Executive Director,
Ktunaxa Kinbasket Child and Family Services Society

DATE

Ministry for Children and Families,
Cranbrook District Office

DATE

Ministry for Children and Families,
Kootenay Region

DATE

Protocol to be reviewed every 6 months.