



**Mi'kmaq Confederacy of PEI
Child and Family Services
&
Department of Community Services & Seniors
Child Protection Services

Protocol**

*A Collaborative Approach for Child Protection Services
to PEI First Nation Children and Families*

2013

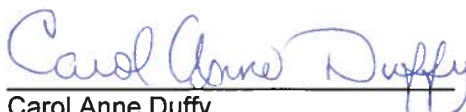
The purpose of this protocol is to ensure that Child Protection Services provided to Prince Edward Island's First Nation children and families are delivered in a manner that preserves and promotes the Aboriginal cultural identity of children and families. It also recognizes that Child Protection Services of PEI consult and collaborate with the First Nations on decisions regarding PEI's First Nations children involved with Child Protection Services.

This protocol is applicable to children and families of Prince Edward Island First Nations only.

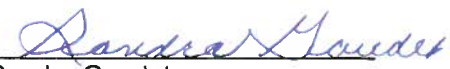
There is nothing in this protocol that abrogates the statutory requirements of the *PEI Child Protection Act*.

The Government of Prince Edward Island and the Mi'kmaq Confederacy of PEI (MCPEI) agree that:

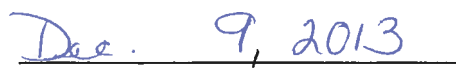
- The Government of Prince Edward Island is solely responsible for the delivery of all Child Protection Services pursuant to the *Child Protection Act* which includes all children and families living on Reserve in Prince Edward Island;
- The Director of Child Protection is required to provide all notifications involving the delivery of Child Protection Services for Aboriginal children to the Designated Representative of the Band as defined in the *Child Protection Act*;
- MCPEI is a Tribal Council and Provincial Territorial Organization representing the common interests of the two Prince Edward Island Mi'kmaq First Nations: Abegweit and Lennox Island;
- The Prince Edward Island First Nations of Abegweit and Lennox Island have designated the Director of the MCPEI Child & Family Services Program as the Designated Representative of the Bands per the *PEI Child Protection Act*;
- Any reference to the Designated Representative of the Band shall include his or her designate;
- The MCPEI Child & Family Services Program provides services of the Designated Representative of the Band and the Mi'kmaq Family PRIDE Program; and,
- The MCPEI Family PRIDE Program provides prevention and support services to children and families living on Reserve in Prince Edward Island.



Carol Anne Duffy
Deputy Minister
Department of Community Services & Seniors



Sandra Gaudet
Executive Director
Mi'kmaq Confederacy of PEI



Date



Date

Pursuant to Section 1 of the *Child Protection Act*, an Aboriginal child, herein for the purpose of this protocol, is a child who:

- (i) is registered in accordance with the *Indian Act* (Canada),
- (ii) has a biological parent who is registered in accordance with the *Indian Act* (Canada),
- (iii) is under 12 years old and has a biological parent who (A) is a descendent from an aboriginal person, and (B) considers himself or herself to be Aboriginal, or
- (iv) is 12 years old or more, a descendent of an aboriginal person and considers himself or herself to be aboriginal

The Designated Representative of a Band, pursuant to the *Child Protection Act*, s.1 (n) means a person designated by the band council to represent the band respecting an aboriginal child.

For the purpose of this protocol, the Family Support Workers and Community Child and Youth Workers refer only to employees of the MCPEI PRIDE Program.

1. Child Protection Investigation Service

Pursuant to Section 10 (1) of the *Child Protection Act*, any person having knowledge or reasonable grounds to suspect that a child is in need of protection must report, or cause to be reported, the circumstances to the Director of Child Protection or to a peace officer. The person making the report is not required to determine who may have caused the suspected abuse, or whether there is sufficient evidence to warrant an investigation. However, the person making the report will be required to provide to the Director of Child Protection such additional information as is known or available to the person concerning the suspected abuse. The identity of the person who has made a report to the Director of Child Protection is protected by the *Child Protection Act*, s. 10. (3).

Pursuant to Section 7 (d)(e)(f) of the *Child Protection Act*, the Director of Child Protection may share information with or without consent.

Pursuant to Section 12 of the *Child Protection Act*, the Designated Representative of the Band and the PRIDE Program employees are required to provide the Director of Child Protection with information relevant to an investigation.

Child Protection Investigation on Reserve

- 1.0 The Designated Representative of the Band shall provide, in writing, the Director of Child Protection with his/her contact information and shall notify the Director of Child Protection of any change to this information. The Director of Child Protection shall forward the contact information for the Bands' Designated Representative, and any amendments, to the Provincial Coordinator of Child Protection Services and the Provincial Coordinator of Residential Services.

The Provincial Coordinator of Child Protection Services shall ensure the current contact information for the Designated Representative of the Band is available to Child Protection Services at all times to include After Hours Emergency Child Protection Service.

- 1.1 Upon receipt of a Child Protection Report where the child who is subject to the report is an Aboriginal child living on Reserve, the Child Protection Social Worker shall contact the Designated Representative of the Band by the cell phone number provided to give verbal notice that a Child Protection investigation is to commence. The Child Protection Social Worker will confirm the verbal notice with a follow up faxed Letter of Notification to the Designated Representative of the Band.

All notifications involving the delivery of Child Protection Services pursuant to the *Child Protection Act* must be directed only to the Designated Representative of the Band or his/her designate without exception.

The Designated Representative of the Band will confirm to the Child Protection Social Worker, in writing, receipt of notifications.

In the event, the Designated Representative of the Band is not available by phone, the Child Protection Social Worker shall leave a voice message indicating the immediacy of the Child Protection Report. The Child Protection Social Worker shall provide an office and cell phone number for direct contact.

- 1.2 Notification by the Child Protection Social Worker to the Designated Representative of the Band shall be limited to the name of the child and family and the time and location for the commencement of the investigation.
- 1.3 Once notified of the commencement of a Child Protection investigation, the Designated Representative of the Band shall determine if the child subject of the Child Protection Report lives on Reserve, and if so, assign a PRIDE Program employee to provide support to the child and family during the Child Protection investigation.

The Designated Representative of the Band will advise the Child Protection Social Worker of the name of the assigned PRIDE Program employee and provide contact information for him / her. The Child Protection Social Worker is responsible to ensure the assigned PRIDE Program employee is advised of any change to the time, date and /or location the investigation is to commence.

The Child Protection Social Worker will contact the assigned PRIDE Program employee to gather collateral information to commence the investigation and confirm arrangements to meet the family and/or interview the child.

- 1.4 In all Child Protection investigations involving an Aboriginal child, the Child Protection Social Worker shall notify the Designated Representative of the Band as soon as possible to allow sufficient time for the Designated Representative of the Band to assign a PRIDE Program employee, if appropriate. In situations where the Child Protection Social Worker must respond immediately, the Designated Representative of the Band will be notified as soon as reasonably possible.

An immediate situation is defined as a Child Protection Report which has been received and assessed by a Child Protection Social Worker to require an immediate investigation. Notification to the Designated Representative of the Band is required, however, in the event of an immediate situation where the Child Protection Social Worker has been unsuccessful in attempts to have direct contact with the Designated Representative of the Band, there will be no delay in the Child Protection Social Worker responding to commence the Child Protection investigation. Child safety takes precedence and remains paramount in all circumstances.

Child Protection Interview with Child

- 1.5 Upon receipt of notification that a Child Protection investigation is to commence, the Designated Representative of the Band may assign a PRIDE Program employee to attend the location of the child interview prior to the Child Protection Social Worker having contact with the parent.

In the event the Child Protection Social Worker has contacted the parent(s) regarding the investigation prior to the child being interviewed, and the parent(s) has not provided consent, after the Child Protection Social Worker has advised the parent(s) of their right to give consent for the PRIDE Program involvement, a PRIDE Program employee will not attend the child interview.

When a PRIDE Program employee is going to be present at the location where the child will be interviewed by the Child Protection Social Worker, the PRIDE Program employee will travel separately to the location to be available as a support option to the child.

The Child Protection Social Worker will introduce the PRIDE Program employee to the child and let the child know the PRIDE Program employee will be available to him/her for support following the interview. The PRIDE Program employee will remain at the interview location.

The child is to be interviewed alone, however; in exceptional circumstances only, where it is apparent that the interview will not occur due to the child's extreme level of discomfort, a supportive adult may be present. This could be the PRIDE Program employee.

In the event, the supportive adult is the PRIDE Program employee, his/her role is solely to provide the physical presence of a support person to the child. To ensure the investigative integrity of the child interview, the PRIDE Program employee will not participate, verbally or non-verbally, in the interview.

- 1.6 The Child Protection Social Worker must consult with the Designated Representative of the Band when transporting an Aboriginal child subject to a Child Protection investigation from any on Reserve/off Reserve location. The Designated Representative of the Band may assign a PRIDE Program employee to accompany the child being transported by the Child Protection Social Worker.

Child Protection Interview with Parent

- 1.7 Upon receipt of notification that a Child Protection investigation is to commence, the Designated Representative of the Band may assign, as appropriate, a PRIDE Program employee to attend the location where the Child Protection Social Worker will meet with the parent(s).

In the event the Designated Representative of the Band determines a PRIDE Program employee will be present at the location where the Child Protection Social Worker will meet with the parent(s), the PRIDE Program employee will travel separately to the location to be available as a support option to the parent(s).

- 1.8 The Designated Representative of the Band will advise the Child Protection Social Worker of the name of the assigned PRIDE Program employee and contact information in the event of a change in the time, date and/or location the investigation is to commence.
- 1.9 In the event a Child Protection Social Worker's first contact with the parent(s) is by telephone, the Child Protection Social Worker will advise the parent(s) of their right to consent to have a PRIDE Program employee attend meeting(s) as a support person. With the parent(s) consent, the Child Protection Social Worker will arrange the meeting(s) with the parent(s) and the PRIDE Program employee.

In the event a Child Protection Social Worker's first contact with a parent(s) is an unannounced meeting, the Child Protection Social Worker will, upon arrival at the location of the meeting, introduce the PRIDE Program employee. With the parent(s) consent, after being advised of their right to consent by the Child Protection Social Worker, the PRIDE Program employee will be a support person during the meeting.

In the event the parent(s) are in agreement with the PRIDE Program employee being present, the Child Protection Social Worker will ensure a consent form is signed by the parent(s) to outline the sharing of information and level of collaboration that will occur between Child Protection Services and the PRIDE Program during the Child Protection investigation. It is preferable that the consent form is signed during the first meeting with the parent(s) if possible or as soon thereafter as reasonably possible.

It is important that the parent(s) is advised that consent to the program involvement may be withdrawn at any time during the investigative process.

The level of PRIDE support available while the parent(s) is in receipt of a Child Protection Service will be determined by the PRIDE Program.

Every effort will be made for the Child Protection Social Worker and the PRIDE Program employee to coordinate scheduling of ongoing appointments with the parent(s).

In the event the parent(s) declines the supportive services of the PRIDE Program, the Child Protection Social Worker will advise the parent(s) that the PRIDE Program will remain available should the parent choose to receive the service at a later time.

- 1.10 Upon completion of the Child Protection investigation, the Child Protection Social Worker will send a form letter to the Designated Representative of the Band outlining the outcome of the Child Protection investigation.

Child Protection Investigation Off Reserve

- 1.11 Upon receipt of a Child Protection Report where the child who is subject to the report is an Aboriginal child living off Reserve, the Child Protection Social Worker shall contact the Designated Representative of the Band by the cell phone number provided to give verbal notice that a Child Protection investigation is to commence. The Child Protection Social Worker will confirm the verbal notification with a follow up faxed Letter of Notification to the Designated Representative of the Band.

All notifications involving the delivery of Child Protection Services pursuant to the *Child Protection Act* must be directed only to the Designated Representative of the Band or his/her designate without exception.

In the event, the Designated Representative of the Band is not available by cell phone, the Child Protection Social Worker shall leave a voice message indicating the immediacy of the Child Protection Report. The Child Protection Social Worker shall provide an office and cell phone number for direct contact.

- 1.12 Notification by the Child Protection Social Worker to the Designated Representative of the Band will include only the name of the child and family and where and when the investigation will commence.

- 1.13 The Designated Representative of the Band will not be assigning a PRIDE Family Support Worker for Child Protection investigations off Reserve.

In some circumstances, the Designated Representative of the Band may provide support to the child and / or family as the Designated Representative of the Band.

- 1.14 Upon completion of the Child Protection investigation, the Child Protection Social Worker will send a form letter to the Designated Representative of the Band outlining the outcome of the Child Protection investigation.

Child Protection Investigation On Reserve and Off Reserve During After Hours Emergency Child Protection Service

- 1.15 For all Child Protection Reports received during the After Hours Emergency Child Protection Services requiring investigation, the Child Protection Social Worker shall contact the Designated Representative of the Band by the cell phone number provided to give verbal notice that a Child Protection investigation is to commence. The Child Protection Social Worker will confirm the verbal notification with a follow up faxed Letter of Notification to the Designated Representative of the Band the following business day.

2. Child Protection Focused Intervention Service

In the event, the outcome of the Child Protection investigation determines the need for further service, known as Focused Intervention Service, the Child Protection Social Worker will develop a case plan with the parent(s) to address the Child Protection issues while integrating Aboriginal cultural values and practices.

With the parent(s) written consent, after being advised of their right to consent by the Child Protection Social Worker, a PRIDE Program employee may provide support to the family in the development and implementation of the case plan. This PRIDE Program support is available to families living on Reserve.

In situations where there is a new Child Protection Report received on a parent(s) with an open Focused Intervention Service, assessed as requiring investigation, the statutory notification requirements and the process outlined in section 1 of this protocol will apply.

3. Child in Care On and Off Reserve by Apprehension

- 3.0 In the event the outcome of the Child Protection investigation requires that a child be taken into the legal custody and guardianship of the Director of Child Protection by apprehension, the Child Protection Social Worker will notify the Designated Representative of the Band to advise the child has been apprehended.

The Child Protection Social Worker will collaborate with the Designated Representative of the Band to ensure the integration of Aboriginal cultural values and practices in the provision of care to the child.

- 3.1 Where the Director has a warrant from the Court to apprehend a child immediately after the birth of the child, and the Director has reason to believe the child is an Aboriginal child, the Director may notify the Designated Representative of the Director's plan to apprehend.

- 3.2 If a child who lives on Reserve has been apprehended, the Designated Representative of the Band may assign a PRIDE Program employee to provide cultural support services to the child as outlined in the child's plan of care.
- 3.3 Where a PRIDE Program employee has been assigned, the Child Protection Social Worker will work directly with the person(s) assigned.
- 3.4 Upon completion of the Child Protection Focused Intervention service, the Child Protection Social Worker will send a letter to the Designated Representative of the Band to notify the service has closed.

4. Child in Care On Reserve by Voluntary Agreement for Custody and Guardianship

- 4.0 In the event the outcome of the Child Protection investigation leads to a child being taken into the legal custody and guardianship of the Director of Child Protection by Voluntary Agreement, the Child Protection Social Worker will notify the Designated Representative of the Band.
- 4.1 The Child Protection Social Worker will collaborate with the parent(s) and the PRIDE Program to ensure cultural support services to the child are outlined in the child's plan of care.
- 4.2 Where a PRIDE Program employee has been assigned, the Child Protection Social Worker will collaborate with the person(s) assigned to achieve the goals of the child's plan of care.

5. Child in Care Off Reserve by Voluntary Agreement for Custody and Guardianship

- 5.0 In the event the outcome of the Child Protection investigation leads to a child being taken into the legal custody and guardianship of the Director of Child Protection by Voluntary Agreement, the Child Protection Social Worker will notify the Designated Representative of the Band.
- 5.1 The Child Protection Social Worker will collaborate with the parent(s) and the Designated Representative of the Band to ensure integration of Aboriginal cultural values and practices are outlined in the child's plan of care.
- 5.2 The Designated Representative of the Band will ensure the Child Protection Social Worker is provided with information about Aboriginal supports and services available to the child.

6. Court Applications

- 6.0 It is imperative that the Child Protection Social Worker adheres to the statutory requirements for notification and service of the Designated Representative of the Band in court proceedings.
- 6.1 For the Disposition Hearing, the Child Protection Social Worker is mandated to consult and collaborate with the Designated Representative of the Band in developing a plan of care for the child. The Child Protection Social Worker will contact the Designated Representative of the Band as soon as possible to prepare a Plan of Care for the child prior to the Plan being filed with the Court. This also applies in the event the Protection Hearing and the Disposition Hearing are combined,

6.2 Prior to the Plan of Care for the child being filed with the court, the Child Protection Social Worker will meet with the Designated Representative of the Band to identify the needs of the child to include educational, social, spiritual, emotional, medical, cultural and physical. Together, the Designated Representative of the Band and the Child Protection Social Worker will prepare a Plan of Care for the child to address the identified needs.

7. Child in the Permanent Custody and Guardianship of the Director of Child Protection

7.0 The Child Protection Social Worker will collaborate with the Designated Representative of the Band to ensure Aboriginal cultural values and practices are considered in permanency planning and the Director's provision of care to the child. This collaboration may include participation in case conferences and advising the Designated Representative of any concerns related to the safety and well being of the child.