TITLE:	Jurisdiction and Consultation on Child Welfare Policies
SUBJECT:	Child Welfare Policies
MOVED BY:	Grand Chief Michael Kanentakeron Mitchell, Akwesasne Mohawk Nation, ON
SECONDED BY:	Chief Cecil Janvier, Cold Lake First Nation, AB
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.

B. Articles 3, 4, and 5 of the Declaration as well as Section 35 (1) of the Constitution Act 1982 affirm that First Nations have an inherent right to self determination and self government.

C. The right to self government includes jurisdiction over matters involving our citizens, including services to family and children; to achieve and improve quality of life in our communities.

D. The BC Indigenous Child at the Centre Action Plan (2009) calls on Government and First Nations to enter into tri-partite discussions to develop policies, procedures, and where necessary, legislation, which recognizes First Nations government and which builds a more responsive and culturally appropriate services to First Nations Children and Families.

E. The First Nations Child and family Wellness Council was mandated by the Chiefs of BC to develop a work plan which will support a community driven infrastructure however there has not been sufficient process on the work plan nor is it representative of bands in the north.

F. The Minister of Aboriginal Affairs and Northern Development unilaterally amended the Social Development Policy, without notice or consultation with First Nations.

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G. The amendment transfers funding and decision making for BC families residing on reserve to the provincial government and provincially delegated organizations and fails to take into consideration the rights of First Nations to self-government or existing funding agreements with bands.

H. Existing Child and Family Services policies, in particular the Guardian Financial Assistance (GFA) policy developed by First Nations, specifically the Gitanmaax Indian Band set out appropriate processes and procedures for temporary placement of children in safe environments and at a minimum comply with BC MCFD standards while the new Children Out of Parental Home policy places more onerous requirements on bands and does not reflect band administration's knowledge and experience in working with families.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Assert that any changes to child welfare policies must be done in full consultation with First Nations, to ensure that policies are responsive to the needs of families living on reserve and accommodate the unique circumstances in each First Nation, and must contain adequate resources to ensure that First Nations have capacity to enable full participation at the policy and implementation levels and to carry out the needed work.

2. Support the Gitanmaax Band and any other BC First Nation in a similar situation to continue to abide by locally-developed child welfare policies until those policies are replaced by policies developed in accordance with the principles set out in the Child at the Centre Action Plan.

3. Call upon the National Chief and Executive of AFN to meet with Minister of Aboriginal Affairs and Northern Development and provincial Ministers responsible for children and family, including the BC Ministry of Children and Family Development to advise that:

    i. The process used to unilaterally change and implement the Social Development Policy fails to recognize our right to self government and self determination and is not in keeping with the Crown's special obligations to First Nations;
    ii. First Nations have the right as well as the duty to their members, to continue to provide services to children and families living on reserve in a manner that meets the needs of families.

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