



# **BRIEFING NOTE**

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## **MCFD SUPPORT SERVICES ELIMINATING COUNTERPRODUCTIVE AND HARMFUL POLICY & PRACTICE**

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## **BRIEFING NOTE: MCFD SUPPORT SERVICES - ELIMINATING COUNTERPRODUCTIVE AND HARMFUL POLICY & PRACTICE**

### **PURPOSE**

To eliminate policies and administrative practices of the Ministry of Children and Family Development (“MCFD”) that require parents requesting support services, such as child care, to receive those services through temporary agreements that flow through a child protection file, despite the lack of risk concerns. This requirement undermines MCFD’s legislative mandate under section 2 (c) of the *Child Family and Community Service Act* (the *CFCSA*)<sup>1</sup>, which provides “if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided.”

In order to create a safe and nurturing environment for children and a child protection system that is prevention focused rather than intervention driven, it is vital that parents are provided with adequate and appropriate support services, including access to affordable and quality child care services. Parents should not be forced to choose between continued MCFD involvement and child care, as our research has shown us, parents will prefer to end MCFD involvement, even if it means ending access to child care.

### **BACKGROUND**

In 2015/16 West Coast LEAF completed a project examining the impacts of BC’s current child care services on the human rights of women and children. Our findings are set out in our July 12, 2016 report titled *High Stakes: The impacts of child care on the human rights of women and children*. We found that the current state of child care services in BC results in serious repercussions for the human rights of women and children. In that report, we identified some alarming statistics that make the failing of the current child care system more acute for Indigenous women and children. These impacts are even graver when families are involved with the child protection system.

In December 2017 we concluded a follow up project that took a closer look at the relationship between lack of access to child care and child protection for Indigenous families. We examined whether there is a correlation between lack of appropriate child care and involvement with the child protection system. Our research and community consultations demonstrate a relationship between lack of access to affordable and quality child care and involvement with the child protection system.

### **CURRENT SITUATION**

Accessing appropriate child care services is challenging for many British Columbians. It poses greater challenges for single-parent families and those living in poverty. Lack of access to appropriate child care impacts many aspects of a family’s life, including the ability to retain employment and meet basic living costs, and it risks a parent’s ability and right to parent and meet their child’s best interests. This is particularly concerning for

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<sup>1</sup> *Child, Family and Community Service Act*, RSBC 1996, c 46, section 2 (c)

Indigenous communities where Indigenous children are over-represented in the child protection system. The Canadian Human Rights Tribunal found that the most prevalent cause for Indigenous children to engage with the child protection system is due to concerns of neglect resulting from failure to supervise and meet basic needs.<sup>2</sup> According to the Aboriginal Children in Care Working Group's July 2015 report titled *Aboriginal Children in Care Report to Canada's Premiers* "less than a third of children living in First Nations communities receive child care (defined as care from someone other than a parent or guardian). Of those who do, only 39 per cent receive child care in a formal setting, such as a daycare centre or a private home daycare, and 78 per cent do not have access to licensed regulated child care services."<sup>3</sup>

Lack of access to appropriate child care undermines and interferes with the ability and right to parent and further perpetuates state interference with Indigenous communities and families through the child protection system. Indigenous children and youth are 15 times more likely to be in care than non-Indigenous children and youth.<sup>4</sup> This is especially concerning given the long history of state interference with Indigenous communities and families, from the residential school system to mass removal of Indigenous children in the 1960s. As the primary care givers for children, women particularly bear the burden of this mass removal of children from their homes and communities.

MCFD has a legislative obligation to provide support services, including child care, that assist families to provide a safe and nurturing environment for children.<sup>5</sup> MCFD covers the cost of child care services if the parents agree to enter into a service agreement with MCFD. The service agreement is available for a six-month period, and can be renewed for subsequent terms of up to 6 month.<sup>6</sup> The support services are then provided through an MCFD file. In the case of families involved with MCFD due to child protection concerns, the support services are provided through the existing child protection file.

This, understandably, raises concerns for parents and causes them to forego the needed support services, since there is no clear distinction between the child protection matter and the support services that are now provided through child protection file. From the perspective of the parents, the child protection file remains open if they want child care, although there are no longer child protection concerns. The parents that participated in both of our projects were very clear about the choice they would make; they would choose to forego child care for fear of further involvement by MCFD and to avoid stigma. This is especially concerning for Indigenous families and communities. Given the overrepresentation of Indigenous children in the child protection system, as well as the legacy of residential schools, forced assimilation and ongoing state interference in family

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<sup>2</sup> *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2, at paragraph 120

<sup>3</sup> *Aboriginal Children in Care Report to Canada's Premiers*, July 2015, , available online: <https://fncaringociety.com/sites/default/files/Aboriginal%20Children%20in%20Care%20Report%20%28July%2015%29.pdf>, p.44

<sup>4</sup> Grand Chief Ed John, Special Advisor on Indigenous Children in Care, "Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions: A Report on Indigenous Child Welfare in British Columbia" (2016), available online: <http://cwrp.ca/sites/default/files/publications/en/final-report-of-grand-chief-ed-john-re-indig-child-welfare-in-bc-november-2016.pdf>, p. 11

<sup>5</sup> *CFC SA*, supra note 1, section 2 (c)

<sup>6</sup> *CFC SA*, supra note 1, section 5

relationships and culture, Indigenous families and communities have a deep and historically rooted mistrust of MCFD.<sup>7</sup>

This also raises the specter of the following vicious cycle: a family relies on a service agreement for child care to address child protection concerns and support the parents to parent, but the agreement is not renewed after 6 months, and the family is then back within the purview of child protection because they have lost this vital support and are again struggling to parent. This cycle undermines the best interests of children, the rights of parents to parent, and the mandate of the Ministry to keep families together where possible.

## **KEY CONSIDERATIONS**

The current MCFD policies and practices relating to the provision of support services are counterproductive as they impeded access to preventative measures and undermine MCFD's legislative mandate. These practices undermine the meaningful and effective delivery of much needed support services that would assist parents to meet their children's best interests and avoid child protection concerns. In addition to undermining MCFD's legislative mandate, these policies and practices impede the implementation of the child welfare Truth and Reconciliation calls to action. They are also contrary to MCFD's goals set out in *Strong, Safe and Supported: A Commitment to B.C.'s Children and Youth*,<sup>8</sup> including the goals to:

- place a primary focus on preventing vulnerability in children and youth by providing strong supports for individuals, families and communities;
- provide early intervention services to vulnerable children and youth within their families and communities; and
- provide intervention services and supports based on the assessment of individual needs.

We recognize that there must be a process through which support services are delivered. However, it is not acceptable that parents are forced to forego available support services that could either prevent or avoid recurring incidents of child protection concerns simply because of administrative policies and practices. The current state is in no one's interest, neither MCFD nor families, and must be improved.

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<sup>7</sup> Kathleen Jamieson, *An Environmental Scan of Public Policy and Programs for Young Aboriginal Children in BC: A Cold Wind Blows* (West Vancouver, BC Aboriginal Child Care Society, 2014) p. 35, available online:

<sup>8</sup> *Strong, Safe and Supported: A Commitment to B.C.'s Children and Youth*, MCFD, available online [https://www.metiscommission.com/images/pdf/strong\\_safe\\_supported.pdf](https://www.metiscommission.com/images/pdf/strong_safe_supported.pdf)

## **RECOMMENDATIONS**

With the foregoing in mind, we make the following recommendations to MCFD:

- Create clear administrative distinction between child protection files and service agreement files, where the sole intent should be to provide support services. This will encourage parents to request support services before child protection concerns arise.
- Ensure child care services are provided through MCFD's child care division, regardless of whether or not the family initially engaged with MCFD due to child protection concerns.
- Ensure families continue to receive child care support services until there is no need for these services, rather than requiring parents to enter into new service agreements every 6 months.