

Indigenous Families: Rights & Agreements with MCFD/DAAs

This guide explains voluntary agreements and the child-protection process for First Nations, Inuit and Métis families in British Columbia. It reflects laws as of October 29 2025 and does not replace legal advice. Contact a lawyer or advocate if you have questions.

Flow of support & protection: Report or concern → Safety plan & support → Voluntary agreement? → Family Case Planning Conference (FCPC) → Presentation hearing & court.



Guiding Principles & Laws

Two laws shape child welfare for Indigenous peoples:

- *Act respecting First Nations, Inuit and Métis Children, Youth and Families* (federal) affirms the inherent right of Indigenous self-government and sets national standards. It requires that Indigenous communities be involved in decisions about their children.
- The *BC Child, Family and Community Service Act* (CFCSA) says Indigenous families and communities share responsibility for raising children. Services must preserve kinship ties and cultural identity, and decisions must be sensitive to the impact of residential schools and colonial policies.

Your child has the right to learn and practise their language, culture and traditions. MCFD or a delegated agency must involve your band or community when planning services and choosing placements. You can request that a representative from your band or community attend meetings or court.



Kinship Care & Extended Family Program

Kinship care means that a child lives with relatives or other trusted adults who have a close relationship with the family. This can be informal (parents arrange placement themselves) or formal (under a court order or agreement such as adoption or guardianship). Kinship care helps children stay connected to family, culture and community.

The **Extended Family Program (EFP)** is a formal type of kinship care. If parents cannot care for their child but there are no protection concerns, the ministry or DAA can enter into an EFP agreement. The child lives with a relative or close family friend while parents remain guardians. Financial support is provided, but the agreement is temporary and does not create legal permanency. EFPs help keep children out of foster care while families address temporary issues.

- You can ask for your child to be placed with a family member or community caregiver. Provide names of relatives or friends who could care for your child.
- If your child is removed, you or your band can request an out-of-care order so the child can stay with family or community. Kinship caregivers must complete safety checks and can receive support.

- Kinship care can include other arrangements, such as adoption or guardianship within the family, if longer-term plans are needed.



Voluntary Agreements & Special Needs

Voluntary agreements allow families to receive support without court orders. Parents remain guardians and must be involved in planning. Indigenous families can request that their community participate.

- **Special-Needs Agreement (SNA)** – Used when a child has a long-term or permanent disability. Services (respite, in-home support, funding) are provided while the child stays at home. The initial term is up to six months and can be renewed for 12-month periods. Families should meet every six months to review progress and may be asked to contribute financially based on income.
- **Voluntary Care Agreement (VCA)** – When parents face a short-term crisis (such as hospitalization, treatment, or housing problems) and cannot care for the child, the child may live in foster or kinship care. Agreements last up to three months for children under five and up to six months for older children, with limited renewals. Parents remain guardians and should work with the social worker to plan for reunification.
- **Support-Service Agreements** – Provide services like counselling, parenting programs, respite or other support while keeping the child at home. These agreements last up to six months and can be renewed.

Always involve your band or community in planning voluntary agreements. You can ask for mediation or a family case planning conference to resolve disagreements.



Investigation & Court Process

If MCFD or a DAA believes your child may need protection, a child protection social worker will open an investigation. They must use the least intrusive measures first and work with you and your community to create a safety plan.

- **Initial contact & safety plan** – The social worker explains the concerns. Ask questions, share your perspective, request an interpreter or advocate, and involve your band. Work together to keep your child at home.
- **Family Development Response (FDR)** – If concerns are low, a voluntary plan using services and support may avoid a formal investigation. If risks increase, the case may move to a full investigation.
- **Investigation** – The social worker interviews you, your child and others. You have the right to know the concerns, provide names of family members, and have a band or community representative present.
- **Family Case Planning Conference (FCPC)** – A meeting with family, community and service providers to create a plan for safety and well-being.

- **Removal & report** – If no safe alternative exists, your child may be removed. The ministry must notify your band, file a report and place the child with family or community if possible.
- **Presentation hearing** – Held within seven days of removal. The judge decides whether the child can return home, stay with family, or remain in temporary care until the next hearing.
- **Protection hearing** – Scheduled within 45 days after the presentation hearing. The court decides whether the child needs protection and may order: a supervision order (child remains at home under supervision), a temporary custody order, or a continuing custody order. The judge must consider your child's cultural identity and the placement priority described above.

You have the right to legal counsel and to access information in your case. Ask for an interpreter or cultural support if needed. You can request that your child be placed with family or community members at any stage.



Indigenous Agencies & Community Support

British Columbia has 24 Indigenous Child and Family Service Agencies (ICFSAs) that operate under delegation agreements with the province. These agencies deliver services that reflect the values and needs of the communities they serve.

- **Adoption delegated agency** – Full child protection, guardianship, voluntary services and adoption authority.

- **C6 agencies** – Full child protection and guardianship authority.
- **C4 agencies** – Guardianship and voluntary services (no authority to remove children).
- **C3 agencies** – Voluntary services and foster-home recruitment.

If your community is served by a delegated agency, contact them for support. They can attend meetings, help develop plans and speak on your behalf in court. Ask for culturally relevant services, interpreters, Elders and support persons.

Other resources:

- Legal Aid BC and Parents Legal Centres provide free legal advice for child protection matters.
- The BC First Nations Justice Council and Indigenous Community Legal Clinics offer culturally appropriate legal support and can connect you with advocates.
- Your band or nation may have a social development worker or child and family services team. Invite them to attend meetings and support you.



Important Timelines & Summary of Rights

Agreement & court timelines

Event	Timeline
Voluntary Care Agreement (initial)	Up to 3 months (child under 5) or 6 months (child 5+) with limited renewals
Special-Needs Agreement (initial)	Up to 6 months; renewals up to 12 months
Extended Family Program Agreement	Up to 3 months (child under 5) or 6 months (child 5+) with renewals
Support-Service Agreements	Up to 6 months with renewals
Presentation Hearing	Within 7 days after removal; notice at least 7 days in advance
Protection Hearing	Date set within 45 days after presentation hearing; notice at least 10 days before
SNA Review	At least every 6 months

Key rights

- **Information & consultation:** Understand why the ministry is involved and take part in planning. You must receive clear information and can ask for copies of reports.
- **Least disruption:** Social workers must prioritize safety while keeping children with family whenever possible. Out-of-care and kinship placements should be considered before foster care.

- **Legal & advocacy support:** Seek legal advice, bring an advocate to meetings and court, and know your child's right to a lawyer (12 years and older).
- **Cultural connections:** Indigenous children have the right to stay connected to their Nation and culture. Indigenous communities must be involved in planning.
- **Timely hearings:** Removal must be reviewed promptly. Courts must ensure cases proceed without delay.
- **Review & complaint:** You can request reviews, complain about conduct, or appeal decisions. Contact the Representative for Children and Youth or the Ombudsperson for help.



Getting Help

- Call **Legal Aid BC** (1-866-577-2525) to see if you qualify for a lawyer.
- Bring a support person or advocate to meetings and court.
- Involve your band council, Elders or delegated Aboriginal agency as early as possible.
- Ask for an interpreter if English is not your first language or if you need an ASL interpreter.

- Contact the **BC First Nations Justice Council** or Indigenous Community Legal Clinics for culturally appropriate legal help.