

Terms of Reference
Advisory Committee
Child and Family Services Act Review

The Yukon's *Child and Family Services Act* (CFSA) came into force in April 2010. The Act requires that a review be carried out every five years by an Advisory Committee established by the Minister.

PURPOSE

The purpose of the Terms of Reference is to set out the overarching principle, vision, mandate, and procedures of the Advisory Committee, hereafter called "the Committee".

OVERARCHING PRINCIPLE

The safety and well-being of Yukon's children, youth and families are at the centre of this review. Every decision will be guided by the vision set out below and the goal of improving outcomes for children, youth and families.

VISION

We want every child to reach their full potential in their own home, family, community and culture: they have the right to be healthy, happy, safe and secure, and to feel loved, valued and respected in their tradition. The safety and well-being of Yukon's children, youth and families are at the centre of this review.

While carrying out the review, the Committee will pay particular attention to the over representation of Indigenous children in care and will be mindful of the Truth and Reconciliation Commission's Calls to Action on child welfare.

(Refer to Appendix A to read: "What is Culture?" and "Traditional Knowledge and Traditional life")

MANDATE

The members of the Committee agree to work together and collectively provide recommendations on improving services to children, youth and families to allow for achievement of the purposes and principles of the *Child and Family Services Act*.

The Committee will engage First Nations governments, community organizations, key stakeholders, experts and Yukon citizens who are invested in improving child welfare outcomes. Input is critical, especially from First Nations, youth, families and service providers involved in child protection and family support systems.

The review will be conducted from a strengths based focus where the collective strengths of our children, youth, families and communities and the capacity to care for children is emphasized as a basis to see opportunities, hope and solutions. A strengths based approach will redirect the focus from deficits, problems, and weaknesses, to mobilizing, capitalizing and developing strengths with the final objective being to promote better outcomes.

Child and Family Services Act Legislative Requirements

Guiding Principles – section 2

This Act shall be interpreted and administered in accordance with the following principles

- (a) the best interests of the child shall be given paramount consideration in making decisions or taking any action under this Act;*
- (b) a child has a right to be protected from harm or threat of harm;*
- (c) knowledge about family origins is important to the development of a child's sense of identity;*
- (d) the cultural identity of a child, including a child who is a member of a First Nation, should be preserved;*
- (e) family has the primary responsibility for the safety, health and well-being of a child;*
- (f) a child flourishes in stable, caring and long-term family environments;*
- (g) the family is the primary influence on the growth and development of a child and as such should be supported to provide for the care, nurturance and well-being of a child;*

- (h) extended family members should be involved in supporting the health, safety and well-being of a child;
- (i) a child, a parent and members of their extended family should be involved in decision making processes regarding their circumstances;
- (j) First Nations should be involved as early as practicable in decision-making processes regarding a child who is a member of the First Nation;
- (k) the safety and well-being of a child is a responsibility shared by citizens; and
- (l) prevention activities are integral to the promotion of the safety, health and well-being of a child. S.Y. 2008, c.1, s.2

Service Delivery Principles – section 3

The following principles apply to the provision of services under this Act

- (a) in making decisions, providing services and taking any other actions under this Act, a child's sense of time and developmental capacity should be respected;
- (b) families and children should receive the most effective but least disruptive form of support, assistance and protection that is appropriate in the circumstances;
- (c) programs and services should be planned and delivered in ways that are sensitive to the cultural heritage of the families participating in the programs or receiving the services;
- (d) communities should be involved in the planning and delivery of programs and services to their residents;
- (e) First Nations should be involved in the planning and delivery of programs and services to their members;
- (f) collaboration builds on the collective strengths and expertise of children, families, First Nations, and communities; and
- (g) a child and members of the family and extended family should have an opportunity to seek a timely review of decisions made under this Act which affect them. S.Y. 2008, c.1, s.3

These principles can be grouped thematically into five broad themes:

1. Family centred approach,

2. Safety, health and well-being of children,
3. Involvement of First Nations in planning and decision making,
4. Inclusive, collaborative decision making processes, and
5. Open, accountable services and review processes.

Section 183(1) - The operation of this Act shall be reviewed every 5 years by an advisory Committee established by the Minister.

Section 183(2) - The Committee shall report to the Minister on the operation of the Act including, whether in its opinion, the purposes and principles of the Act are being achieved.

Section 183(6) - The Minister shall present a copy of the Committee's report to the legislative Assembly not later than 30 days after receiving it and if the Legislative Assembly is not then sitting, within 15 days of the beginning of the next sitting.

TERM OF THE ADVISORY COMMITTEE

The Committee will commence its work in June 2018 and will complete its report and recommendations by April 15, 2019. Any extensions required for the Committee to complete its work will be approved by the Minister of Health and Social Services in consultation with the Chair and Deputy Chair of the Committee.

MEMBERSHIP

Due to the over representation of First Nations children in the child welfare system, five of the six Committee members are First Nations.

The members of the Committee are:

- Doris Anderson
- Maureen Caley-Verdonk, Chair (designated by Minister as per section 183(5) of the CFSA)
- Lori Duncan
- Deborah (Deb) Hoffman
- Rosemary Rowlands
- Raymond (Ray) Sydney, Deputy Chair (selected by Committee members)

The Committee will seek advice from youth, elders and others as needed.

PROCEDURES

Procedures for the operation of the Committee are set out in the *Child and Family Services Act - Advisory Committee Procedure Regulation*.

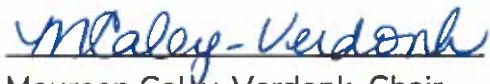
- The Chair or Deputy Chair, and three additional members must be present to hold a meeting of the Committee.
- The Chair/Deputy Chair is responsible for calling meetings, setting agendas, presiding at meetings and supervising and directing the work of the Committee
- Meetings will take place in person, through teleconference or videoconference
- Decisions of the Committee will be made by consensus, and where consensus cannot be reached, by majority vote.
- Engagement activities to carry out the review may be conducted by one or more of the Committee members.

The Committee may establish any further procedures necessary for the efficient administration of their duties.

COMMUNICATIONS

- All information about the Committee and the Review provided to the public by Health and Social Services (e.g. advertising in newspapers, websites) will be approved by the Chair/Deputy Chair prior to placement.
- Release of the final report and associated communication with the media will be made jointly by the Minister and members of the Committee.

The following signatures represent acceptance of these Terms of Reference:



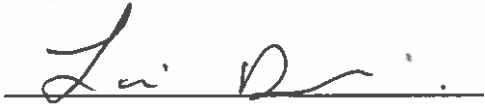
Maureen Caley-Verdonk, Chair



Raymond Sydney, Deputy Chair



Doris Anderson



Lori Duncan



Deborah Hoffman



Rosemary Rowlands

Appendix A

DEFINITIONS

(Excerpt from Yukon First Nation Cultural Orientation and Protocols Toolkit- ©2011 with permission for use received from Council of Yukon First Nations))

What is Culture

"Anthropology is the study of humans, past and present. Culture as defined in anthropology, is "the system of shared beliefs, values, customs, behaviours and artifacts (things) that the members of society use to cope with their world and one another, and that are transmitted from generation to generation through learning" (Plog and Bates, 1988). In practical terms, **culture** has been defined as the things we do every day, every week, every month and every year – it is embodied in our way of seeing the world seeing other human beings, assessing "goodness" or risk and understanding of our past, present and future – we all have a culture.

While we associate the term "culture" with ethnicity, culture is not genetic. We do not inherit our culture in the same way that we inherit skin tone or eye colour. Culture is learned. When we are very young, we learn our culture by observing and communicating with our family and other members of our community. By the time we are grown up, the values and beliefs of our culture have become a part of us. In this way, culture affects how we see the world; how we make sense of the things that happen in the world; and how we behave in the world. Because it is learned, culture is fragile and must be protected, nurtured and reinforced in order to survive."

Traditional Knowledge and Traditional Life

"**Traditional knowledge** is held sacred by Yukon First Nations and is to be protected. This principle must always be respected."

"**Traditional life** of First Nations people is closely tied to the land and the seasons. It is supported by a depth of knowledge of the natural world and a strong sense of community solidarity."

"Children are deeply valued as the most important asset of the family and community. The more children in the family, the richer the family is considered by the community. With a larger number of children, there are more children to care for the older people in their Elderhood to ensure greater ease of life. Elders are deeply respected. The values and beliefs that support successful living are embedded in stories, legends and myths and passed down through the generations. The foundation of traditional life is respect for other human beings, the Creator and all of creation."