

ʔaʔuθmct – To Understand What Someone Is Saying

LETTER OF UNDERSTANDING

This Letter of Understanding ("LOU") is made on this

2nd day of December, 20 22 ("Effective Date") between:

The Tla'amin Nation ("ʔaʔamin Nation")

AND

**His Majesty the King in right of the Province of British Columbia as represented by
the Minister of Children and Family Development** ("Province")

(Collectively referred to herein as the "Parties" and individually, as a "Party")

WHEREAS:

1. In 2015, the Truth and Reconciliation Commission of Canada ("TRC") released its Calls to Action which call on federal and provincial governments to commit to reducing the number of Aboriginal children in care and to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* (the "UN Declaration").
2. The Canadian Human Rights Tribunal's decision in *First Nations Child and Family Caring Society v. Attorney General of Canada*, 2016 CRT 2, found racial discrimination against First Nations children by Canada in the funding and provision of child and family services and reflected the urgent need for transformation of child and family services (CFS) for First Nations children.
3. In 2017, the Province committed to implementing the TRC Calls to Action and the UN Declaration.
4. On April 1, 2019, amendments to the Child, Family and Community Service Act (CFCSA) came into force to enable the Director to enter into agreements with Indigenous communities, allowing for greater collaboration and involvement of the Indigenous community in planning and decision-making for their children, youth and families under the CFCSA.
5. On November 28, 2019, the Declaration on the Rights of Indigenous Peoples Act (DRIPA) came into force to advance meaningful reconciliation by committing the Province to take all necessary measures, in consultation and cooperation with Indigenous peoples, to ensure the Province's laws are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

6. In 2020, the *Act respecting First Nations, Inuit and Metis children, youth and families* ("Federal Act") came into force. The Federal Act sets out national standards and principles for the provision of CFCSA services in relation to Indigenous children and families and affirms the inherent right of self-government recognized in section 35 of the *Constitution Act, 1982*, including legislative authority to administer and enforce laws in relation to child and family services.
7. On October 26, 2022, the Province introduced Bill 38, Indigenous Self-Government in Child and Family Services Amendment Act, a package of amendments to the Adoption Act, RSBC 1996, c and Child, Family and Community Services Act, RSBC 1996, c 46 ("CFCSA") to align with the UN Declaration and to recognize Indigenous jurisdiction in relation to CFS.
8. The Parties are committed to strengthening their relationship by entering into this LOU and undertaking discussions in good faith to develop an agreement or agreements relating to the delivery of CFS to łaʔamin čičuy (children & youth), and łaʔa[ɛ] (families).
9. łaʔamin Nation is a self-governing Modern Treaty Nation, and is pursuing full jurisdiction to deliver CFS on and off Tlaʔamin Lands

NOW THEREFORE the Parties agree as follows:

10. The Parties mutually recognize that the existing Protocol Agreement (2015) is out of date.
11. The Parties will work together with tiyhčgen mčtem¹ to negotiate one or more agreements to support the delivery of CFS by (to?) łaʔamin Nation.
12. The Parties agree that łaʔamin łaʔow (traditional knowledge and teachings) such as those listed as Values & Guiding Principles in the Comprehensive Nation Plan, the łaʔamin Constitution and łaʔamin Treaty will guide the work, and form the foundation, of an agreement between the Parties.

¹ tiyhčgen mčtem | "lee-heh-guhn meh-luhm" | Integrity
Both parties will be a living example of the change they want to see. The parties will ensure that they are trustworthy to both each other and especially Tlaʔamin children and families.

OBJECTIVES:

13. The Parties share the following objectives:

- a) To achieve a shared vision of an interim CFS process for the Parties while fa?amin Nation pursues full CFS jurisdiction;
- b) To explore and develop an agreement or agreements that is or are consistent with the fa?amin Nation's Treaty and the Child, Family and Community Service Act, or to explore or develop an agreement, or agreements, respecting CFS that is, or are, consistent with fa?amin Nation's self-determination, the CFCSA and the Declaration Act;
- c) To develop terms of reference, a work plan and dispute resolution process to support the Parties' objectives; and,
- d) Share information, where possible and in the spirit of ?a?athem², that supports the development of an agreement.

PROCESS:

14. The Parties each have unique, specialized expertise that they will draw upon to meet the objectives described above.
15. By mutual agreement, the Parties may invite the participation of other groups or individuals. The Parties will agree on the nature and scope of their participation through q?cqwastowt³.
16. To facilitate the objectives of this LOU, in the spirit of tiystem⁴, the Parties will establish Bilateral Working Groups, each involving designated representatives from each of the Parties, including the following:
 - a) Main Table Group: A decision-making body that will provide oversight, guidance, direction and monitor progress; and,
 - b) Technical Working Group: A group of technicians who will carry out tasks and activities under this LOU.

² ?a?athem | "ah-ah-thuhm" | Sharing
Interdependence and cooperation are what gives the Parties their strength to best work for Tla'amin children and families. Nothing is wasted by sharing with one another.

³ q?cqwastowt | "Kweh-kway-stow-thl" | Communication
Parties agree to be careful with their words and actions with themselves and to each other. Consultation between parties will be meaningful, significant, and inclusive. The parties will respect the teachings, policies, and procedures of one another even when they do not match with their own.

⁴ tiystem | "tee-stuhm" | Respect
Parties will work to honour the current and future agreements put in place regarding Tla'amin children and families such as DRIPA, the Tla'amin Final Agreement, the MCFD Service Plan, and more.

GENERAL PROVISIONS:

17. For clarity, this LOU or the resulting discussions do not replace any existing or future discussions or negotiations respecting CFS that any agency or government department or ministry may currently have underway with additional partners, nor does it preclude such discussions or negotiations being initiated.
18. The Parties agree that this LOU:
 - a) is not legally binding and does not constitute a treaty or land claim agreement;
 - b) does not create, affirm, define, limit, amend, abrogate, or derogate from any 1a?amin Nation title or rights; and
 - c) does not interfere with, or fetter in any manner, the exercise of any decision-making authority of the respective Parties.
19. The Parties will discuss establishing a joint communications approach in relation to this LOU which may include details on how and when the Parties would jointly inform the public or the media of the fact of this LOU and its contents.
20. This LOU may be entered into by each Party signing a separate copy of the LOU and delivering it to the other Party by facsimile or electronic transmission. All executed counterparts taken together will constitute one and the same document.

AMENDMENTS OR TERMINATION:

21. This LOU will come into effect on the date on which the last party executes and delivers the LOU.
22. This LOU may be amended or replaced upon written agreement of the Parties.
23. This LOU may be terminated by any Party on 30 days written notice to the other Parties setting out the reasons for the termination and the date upon which the termination is to take effect. If notice of an intent to terminate is issued, the Parties will make reasonable and good faith efforts to resolve the dispute or issue and commit to attending one meeting to explore the possibilities of resolving the issue.

CONTACTS:

Lead (primary contact) for 1a?amin Nation is:

Lead (primary contact) for the Province is:

Ryan Pielle
Child Welfare Reform Coordinator

Todd Koverchuk
Director, Indigenous Partnerships &
Engagements

IN WITNESS WHEREOF the Parties have executed this LOU as set out below:

SIGNED ON BEHALF OF 1a?amin NATION:

John HACKETT (name)
[Signature] (signature)
Nov 21/2022 (date)

1a?amin Nation witness:

Mariane Paul (name)
[Signature] (signature)
Nov. 21/2022 (date)

SIGNED ON BEHALF OF THE PROVINCE

Denise Devenny (name)
[Signature] (signature)
December 2, 2022 (date)

Province witness:

Todd Koverchuk (name)
[Signature] (signature)
December 2, 2022 (date)