

FNCFS INFORMATION BULLETIN CHILD PROTECTION SERVICE DELIVERY AND LEAST DISRUPTIVE MEASURES

- Provincial and Yukon child and family services legislation provides direction to delegated agencies, including delegated First Nation agencies, and child protection workers/social workers to deliver their child and family protection and assessment services in a least disruptive or preventative manner.
- *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) and provincial and Yukon child and family services legislation require that reasonable efforts in a least disruptive manner be exhausted prior to considering more invasive protection measures.

1. What are Least Disruptive Measures in the Context of Child Protection

- Least disruptive measures flow from a child maltreatment assessment or investigation, including a structured decision-making tool or process; and
- Least disruptive measures are critical to safety planning for children and families involved with child and family services and include:
 - targeted actions or services and their associated costs that meet the threshold of risk for involvement with a delegated First Nation agency. These actions or services seek to prevent separating the child(ren) or youth from their family (or reunite them) wherever possible, while ensuring supports are in place that mitigate risk of child maltreatment or harm; and,
 - supports to children, youth and families who have been identified by a delegated First Nation agency or other organization authorized by law as being at risk, and is undergoing an assessment of child maltreatment or harm.
- Least disruptive measures can be captured within both protection and prevention services, depending on the evolving needs and circumstances of children, youth and families, and as such are not mutually exclusive.

2. What First Nations Need to Know

First Nations¹:

- ✗ **DO NOT** have delegated authority from a provincial or Yukon government to deliver child protection services i.e.. to assess, investigate and mitigate the risk of child maltreatment. As such, this is not the role or responsibility of First Nations.
- ✓ **DO** have an important role to play in delivering prevention services, and, shall receive notice, pursuant to the Act, of significant measures. First Nations may also be involved,

¹ In instances where a First Nation has authority to deliver protection service within the FNCFS Program, the information in this bulletin regarding these delegated services would also apply.

where they choose to be, in the collaborative planning, and delivery of protection services involving a First Nation child.

- ✓ **DO**, as individuals from a First Nation (including political leaders, staff, agents and citizens) and members of the general public have an obligation to report known or suspected child maltreatment to the provincial or Yukon government or delegated agency. When the concern could be criminal in nature, there is an obligation to also report known or suspected child maltreatment to the police.

3. What Delegated First Nation Agencies Need to Know

- Where least disruptive measures are delivered within the context of child protection service delivery, these should be associated with child protection funding. ISC currently funds based on actuals for maintenance and care, which is reconciled at year end.
- Delegated First Nation agencies that have unexpended funds (which may include prevention funding) that have not been committed to specific purposes should use these funds to meet the actual needs of children, which may include actions and services to support their mandated child protection work.
- The current process for the reimbursement of maintenance and care costs, which is outlined below, may be accessed when agencies do not have sufficient funding to support targeted interventions, actions or services for identified families that meet the threshold of risk for involvement with the delegated First Nation agency.

4. How a Delegated First Nation Agency Can Access Funding for Least Disruptive Measures

- Funding to delegated First Nation agencies for protection services is provided through an initial allocation, which includes funding costs related to:

Child Protection, Guardianship and Support and Maintenance and Care Funding:

- Least disruptive measures relate to protection service delivery and longer-term family involvement where there is continued assessment of risk and a plan for service delivery to mitigate that risk.
- As outlined in the [Transitional Terms and Conditions](#) of the Program, this could include costs associated with:
 - intervention planning implementation and evaluation to address identified risks and promote protective factors;
 - services to support the delivery of culturally appropriate supports and intervention services; and,
 - placement planning, development and implementation provisions.

First Nations Child and Family Services (FNCFS) Program

- Delegated First Nation agencies can also access funding through Maintenance and Care, when least disruptive measures are related to a child or children placed outside of their home, and for the entire duration they remain in alternative care or subject to an agreement or order; which could include, as outlined in the current terms and conditions of the FNCFS Program:
 - direct costs and supports related to a child's care plan;
 - costs to support the reunification of children and youth in care with families on reserve or in Yukon; and,
 - costs to support activities to meet the needs of children in care, including land-based or cultural activities and equipment.
- Regions will work with delegated First Nation agencies to support them in reconciling these costs at year end.

Prevention Funding at \$2500 per Capita, Adjusted for Inflation and Population

- For delegated First Nation agencies receiving a prevention allocation, prevention funding can be used in a variety of ways, as outlined in the current terms and conditions of the FNCFS Program. Where a delegated First Nation agency is managing unexpended prevention funding, and is requesting additional funding through the claims on actuals process for Intake and Investigations or Maintenance and Care, ISC will work with delegated First Nation agencies to utilize this unexpended funding to support their continued service delivery, prior to approving additional funding, bearing in mind any unexpended funding plans that have been submitted.

Intake and Investigation Claims Process

- If the delegated First Nation agency does not have the financial resources to address gaps in their child protection work (including least disruptive measures), delegated First Nation agencies can continue to access the claims on actuals process for intake and investigation. When submitting reimbursements or claims, delegated First Nation agencies will be detailed in their rationale regarding the need as it relates to their mandated protection services and their targeted interventions, actions, or services, and how that additional funding directly supports mitigating risk to the identified child(ren).
- If a delegated First Nation agency is submitting a claim in advance, the agency will demonstrate that they have depleted initial allocations, including prevention, or have an unexpended funding plan in place which demonstrates use, or anticipated use, of their allocations as a result of their service delivery and child protection work. To ensure there is no service disruption, delegated First Nation agencies can access this funding when they have expended 75% of their allocations.

5. Reporting Requirements for Least Disruptive Measures

- As First Nations are not authorized to provide protection services, First Nations are not expected to deliver or report on legislated least disruptive measures. However, First Nations are strongly encouraged to continue to work collaboratively with delegated First Nation agencies to support families and provide holistic, wraparound services to families and children.

First Nations Child and Family Services (FNCFS) Program

- For delegated First Nation agencies, there is no additional tool outside of what is already required. Reporting for least disruptive measures should be included using existing reporting processes for the corresponding funding stream. As part of the reform of the FNCFS Program, ISC is reviewing these reporting requirements.

6. Prevention and Protection Services Continuum

Child and Family Services Continuum			
Primary Prevention	Secondary Prevention	Tertiary Prevention	Protection Services
Service Delivery			
Primary prevention services and activities are aimed at the community and can focus on family retention, healing, cultural engagement, connection, and building a sense of belonging.	← Least Disruptive Measures → Least disruptive measures may present in secondary and tertiary prevention levels, and are required in the delivery of protection services.		
	Secondary prevention services and activities can build on secure and responsive social relationships and support parents in meeting their family's needs. Intervention could enhance protective factors and remediate risk to a child.	Tertiary prevention services and activities are targeted services with the intention that intervention will enhance protective factors. Services attempt to mitigate the risks to the child(ren) and promote family preservation.	Protection services ensure children and youth are safe, well, healthy, and living free of harm or child maltreatment. This may include the services associated with placing child(ren) into alternate care.
Funding			
Primary prevention services can be delivered by First Nations or their authorized service providers, or by delegated agencies, within the Prevention allocation (\$2,500 per capita amount adjusted annually for population and inflation).	Secondary prevention services that are not statutorily required can be delivered by First Nations or their authorized service providers, or by delegated agencies. Statutory secondary prevention services are to be provided by those holding authority to do so. These services are provided within the Prevention allocation (\$2,500 per capita amount adjusted annually for population and inflation).	Tertiary prevention services that are not statutorily required can be delivered by First Nations or their authorized service providers, or by delegated agencies. Statutory tertiary prevention services are to be provided by those holding authority to do so. These services are provided within the Prevention allocation (\$2,500 per capita amount adjusted annually for population and inflation).	← Least Disruptive Measures Funding →
			Protection services are delivered by delegated service providers only with baseline protection allocations, that consist of maintenance and care, intake and investigations, and operations funding. Includes funding for least disruptive measures. Where necessary, funding may be supplemented for eligible activities through the actuals claims process.