

Title: Children's Act Revision Consultation Plan

Introduction/Background:

In June 2003, Cabinet directed the Minister of Health & Social Services to begin the necessary work to bring forward revisions to the Children's Act within a "flexible timeframe" of two years. Cabinet expected the initial planning work to include a preliminary consultation with First Nations to determine the most effective approach to reviewing the act. The resulting consultation plan was presented to Cabinet for approval prior to commencement of the consultation.

A project team began work in mid October 2003 on this initiative. The team consists of:

- Project Advisors: Lynne Morris and Barb Hume
- First Nation Policy Advisor: Victoria Fred
- Policy Analyst: Ewa Dembek
- CYFN Co-chair: Corinne McKay
- YTG Co-chair: Anne Westcott
- Administrative Assistant: Judy Adams
- Legislative Drafter: Jim Almstrom

There are two co-chairs of the project, one representing Yukon First Nations and the other representing the Yukon Government. The role of the part-time independent advisors is to listen to the views expressed during the consultation stages of the project; interpret what they heard during the consultation; and, provide input and advice regarding the consultation process and the policy options proposed for inclusion in the new bill.

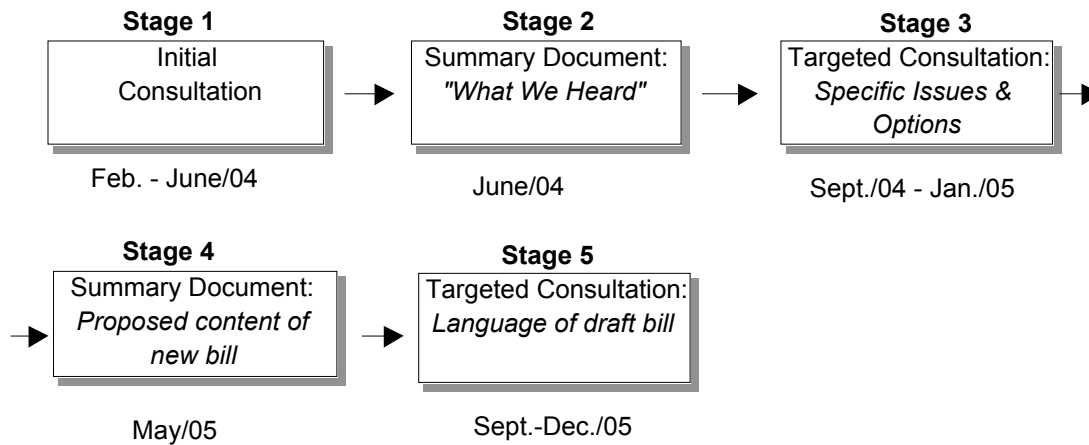
Detailed discussions were held during November and December 2003 to determine how First Nation governments and key agencies & special interest groups would want to be involved in the revision of the Children's Act. All Yukon First Nation governments, 35 non-governmental organizations and 16 departments and agencies of the territorial and federal governments were contacted during the consultation planning stage.

Summary of Consultation Plan:

The purpose of the consultation is:

- to ensure the views of all Yukoners are taken in to account in the development of any new legislation regarding the care and custody of Yukon children
- to reflect a "government to government" relationship between the Yukon Territorial Government and Yukon First Nation governments; and,
- to produce a bill that has received careful consideration by all potential users.

The consultation will take place in five stages:



- **first**, an open gathering of views from First Nation governments, community stakeholders affected by the act and the general public on what works and what doesn't work in Yukon's current statute, and a gathering of ideas on possible changes to the act. This stage would take place between February and June 2004 and would provide necessary information about the existing legislation, to enable a broader group of citizens to participate in the legislative policy-development process;
- **second**, provision of a document summarizing "What We Heard" during the first stage of the consultation. This document would be released in June 2004;
- **third**, a targeted consultation with First Nations, selected NGOs and special interest groups on specific issues and options for inclusion in the new bill. This stage would use small group meetings, policy forums, letters and focus groups and take place between September 2004 and January 2005;
- **fourth**, public release in May 2005 of a document summarizing the proposed content of the new bill;
- **fifth**, a targeted consultation with First Nation governments and selected stakeholders on the language of the draft bill. This stage would take place from September to December 2005.

Issues for Discussion:

The Children's Act provides the legal framework for the determination of who is a parent; who may have custody of, or access to a child; who may adopt a child; and, when the state should intervene to protect a child. The revision project will focus on these four subjects, and will organize the consultation around several topic areas.

A discussion guide will be produced for each topic area. The purpose of the discussion guides will be to ensure input is received on matters essential to the development of the new bill, and to stimulate discussion on all areas of the legislation. The discussion guides will not take a position on any issue, but rather will provide an overview of the existing law in the Yukon, point to approaches in other jurisdictions, and set out a number of questions relevant to the design of the new bill. The guides will also encourage input on any other aspect of the legislation not addressed in the discussion questions.

The 11 areas for discussion are as follows:

- Promotion of Healthy Families
- Child Protection
- Adoption
- First Nation Governance of programs
- Children in the Care of the State
- Resolution of Custody/Access disputes between parents and/or other caregivers, Guardianship of Children
- Child Protection Court Procedures
- Child Status and Identification of Parentage
- Quality Assurance for programs that care for children
- Philosophy of the Act

Consultation Methods:

Many of the people contacted during the planning phase have asked for an introductory briefing on the content of the existing statute. A short briefing package has been prepared and circulated. While this does give an overview of the subjects dealt with in the current act, the project team has been urged to include a more detailed orientation as a first step in the consultation. A clear benefit of such an orientation would be the expansion of the range of people who could be fully involved in the consultation, beyond professionals who work with the act every day.

The approaches that will be used to seek input on issues and proposed changes to the legislation are:

- facilitated public meetings in Whitehorse and each of 13 Yukon communities:
Burwash Dawson City Watson Lake Faro
Teslin Carcross/Tagish Haines Junction Carmacks
Pelly Mayo Old Crow Ross River
Beaver Creek
- facilitated meetings with each First Nation, including participants identified by Chief and Council
- facilitated meetings with members of tribal councils, on request
- facilitated meetings with identified stakeholders (NGOs, YTG departments, RCMP)

- focus group meetings with special interest groups (e.g. foster parents; teens in care; adoptive parents; adult adoptees; parents whose children were in care; and, Fathers)
- focus groups and facilitated meetings will be planned in such a way as to encourage the full participation of employees, clients and other members of the general public who may not feel comfortable expressing their views in a public forum
- written submissions in any format (letter; e-mail)
- use of the Yukon government website
- convening of one or more “policy forums” on selected issues, to explore policy solutions with key stakeholders

Involvement of First Nations:

In October 2003 the Minister of Health & Social Services and the leadership of the Council of Yukon First Nations reached an agreement on the manner in which direction will be given to the project team. The project team will be co-chaired by two people, one a Yukon Government employee and the other selected from among the First Nation people on the project team. The Minister and the Chiefs’ Committee on Health will hold quarterly meetings to review the progress of the project, and to approve key project milestones. The full project team will attend the quarterly meetings of the Minister and the Chiefs’ Committee on Health, providing an opportunity for open discussion of the consultation findings and proposed policy options.

The key project milestones to be approved by the Minister and the Chiefs’ Committee on Health include the draft consultation plan, draft policy options and the draft bill.

Each Yukon First Nation will also be involved independently in the consultation process, following the approach set out in the recently signed First Nation/YTG Consultation Protocol. The protocol has not been formally invoked for this initiative, however the steps set out in the protocol will guide the work of the project team. The principal features of the protocol include: advance notice; sufficient time to respond; meaningful consideration of any response; reasonable efforts to accommodate the views of the First Nation; feedback on which of the First Nation’s views were accepted and, where not accepted, an explanation of the reasons YTG chose another course.

Several First Nations have indicated an interest in examining the Children’s Act issues with other members of their tribal council.

Involvement of Key Stakeholders:

Most groups contacted have asked for bilateral meetings between the panel and their group. Women's groups are also interested in holding a joint meeting for similar agencies, which would include the Women's Directorate. All groups have said they want more than just one meeting. They hope our process will allow them to hear about and comment on the policy options as they are being developed. Some groups have asked to review the draft language of the bill as it is prepared. The majority of organizations want to include their front-line staff, and their clientele in the consultation. Very few organizations have indicated an interest in providing written submissions.

Public Consultation:

The views of members of the general public will be sought in the following ways:

- advertising:
 - print media advertising
 - radio advertisements
 - rolling ads
 - page on the YTG website
 - small posters posted in locations such as YTG and First Nation government offices
- public meetings in Whitehorse and thirteen rural communities
- confidential voice mail to permit members of the public to provide their comments at a time convenient to them
- use of focus groups for special interest groups, such as: adoptive parents; adult adoptees; teens in care; parents who have past involvement with the child protection matters; parents who have past involvement with custody/access applications. A special effort will be made to solicit the participation of Fathers in these focus groups. We will advertise publicly for people who would want to participate in these groups, and also enlist the aid of lawyers and social workers to alert their clients to the planned focus groups. Each focus group will "focus" on one topic or set of related topics, soliciting the views of consumers of a particular part of the act
- all of the organizations contacted during the planning stage have been asked for their advice on how best to reach out to the general public during this consultation. Many organizations have offered their assistance in facilitating this contact with their own constituencies.

Reporting on the Consultation:

Each meeting will be recorded and the record made available to participants on request. Also, a summary of what we are hearing during the consultation will be posted on the website at regular intervals. Published records of the meetings will not identify names of participants and every effort will be made to avoid personally identifying information in project reports. A final report summarizing "What We Heard" during the second stage of the consultation will be produced

for public release and posting on the website. Finally, a document summarizing the main features of the proposed new bill will be released to the public to allow for public comment on the proposals.

Timelines:

- Stage one: February to June 2004
- Stage two: June 2004
- Stage three: September 2004 to January 2005
- Stage four: May 2005
- Stage five: September to December 2005

Revised March 26, 2004