

# Child & Family Court Resources

## MISSION STATEMENT

To ensure that every Nisga'a child involved in child and family court proceedings preserves his or her Nisga'a cultural identity.

Sayt-K'ilim-Çoot

One heart, one path, one nation

## WHAT IS THE NISGA'A LISIMS GOVERNMENT DESIGNATED REPRESENTATIVE?

The Director of Programs & Services of Nisga'a Lisims Government (NLG) is designated as the representative for the Nisga'a Nation, as represented by Nisga'a Lisims Government, under British Columbia child and family legislation, including the *Child, Family Community Services Act* (CFCSA), the *Family Law Act* (FLA) and the *Adoption Act*. As the NLG Designated Representative, the Director of Programs & Services receives notice each time the issue of the custody or guardianship of a Nisga'a child comes before the courts anywhere in the province of British Columbia. The Director of Programs & Services, together with the NLG Court Resources Team, participate in child and family court proceedings on behalf of NLG to ensure that Nisga'a children retain their Nisga'a cultural identity and maintain their connection to Nisga'a family and to the Nisga'a community.

### LEGISLATION & TREATY RIGHTS & RESPONSIBILITIES:

**Nisga'a Final Agreement (Treaty):** Nisga'a Government has standing in any judicial proceeding in which custody of a Nisga'a child is in dispute, and the court will consider any evidence and representations in respect of Nisga'a laws and customs. See Chapter 11, paras. 94-95, and 98.

**Child, Family and Community Services Act:** The Ministry of Child and Family Development (MCFD) director must inform NLG when a Nisga'a child is the subject of a presentation hearing or an application for a temporary or continuing custody order. A representative for NLG may then appear and participate in these court proceedings.

See sections 33.1(4)(d), 34(3)(e), 36(2.1)(f), 38(1)(c.1), and 42.1(3)(c).

**Family Law Act:** If an application for guardianship is made in respect of a Nisga'a child, the applicant must serve NLG with notice of the proceeding. See section 208.

**Adoption Act:** Before a Nisga'a child may be placed for adoption, a director of adoption or an adoption agency must make reasonable efforts to discuss the child's placement with NLG. See section 7(1)(a.1).

## What does this mean?

Once the NLG Designated Representative receives a notice of significant measures involving a Nisga'a child regarding non-court related matters, such as investigations, safety plans, Special Needs Agreements, Youth Agreements, Extended Family Program, Family Service Resource and Voluntary Care Agreements, a member of the Court Resource Team may attend and participate in planning.

When the Designated Representative received notice of court proceedings involving the custody or guardianship of a Nisga'a child, a member of the Court Resources Team can attend court and participate in the proceedings in order to ensure that the Nisga'a heritage of the child and the connection with Nisga'a family and community is protected.



## Frequently asked Questions:

**1. Does the NLG Designated Representative and the Court Resources Team respond to notices of court proceedings involving Nisga'a children all over BC?**

**Answer: Yes.** While it is not always possible to appear in person in court, if the NLG Designated Representative receives notice of a proceeding involving a Nisga'a child, a member of the Court Resources Team will contact social workers to ensure they take into account Nisga'a family, culture and community when considering a plan of care for the child. We will also ask to participate by phone if we can't appear in court in person.

**2. Is the Designated Representative and Court Resources Team part of Nisga'a Child and Family Services (NCFS)?**

**Answer: No.** The Director of Programs & Services, as the Designated Representative for NLG, and the Court Resources Team do not fill the role of social worker nor are they part of NCFS.

## Frequently asked Questions (continued)

### 3. Is the Designated Representative able to act on behalf of the parent as an advocate?

**Answer: No.** The Director of Programs & Services and the Court Resource Team do not act as advocates for parents or family. Our role in child protection proceedings is to ensure that Nisga'a children retain their cultural identity and connection to family. Depending on the situation, the Court Resource Team may collaborate with social workers to encourage a Nisga'a child's attendance to cultural activities, including rites of passages, Hobiye and seasonal harvesting.

### 4. How do you ensure the child's Nisga'a culture is retained?

**Answer:** The court resources team liaises with various agencies on cultural planning and provides cultural information packages. We encourage the involvement of Nisga'a families and huwilp in family group conferences and other planning meetings, and often attend these meetings in a liaison role outside the Nass Valley.

### 5. How do you support the child's Nisga'a citizenship?

**Answer:** The Court Resource Team connects the family or social workers with the Nisga'a Citizenship Registry Manager and can also provide citizenship application documents. Eligibility and Enrolment as a Nisga'a citizen is a legislated process under the *Nisga'a Citizenship Act*. The Court Resource Team is not involved in reviewing or deciding citizenship applications.

### 6. Do you attend court?

**Answer: Yes.** Members of our Court Resource Team often attend court in person or by telephone on behalf of the designated representative. When we attend court processes, our function is to draw the judge's attention to the importance of ensuring a child's Nisga'a culture and family connections are retained and honoured.

While the Designated Representative receives notice of matters involving Nisga'a children from NCFS, the Court Resources Team does not attend these matters unless there are extenuating circumstances, because NCFS will ensure the connection to Nisga'a culture is maintained.



## NISGA'A CHILD & FAMILY COURT RESOURCES

*For more information on the family and court services available to Nisga'a children, please contact NLG Director of Programs and Services or Court Resource Team at:*

**EMAIL** [courtresourceteam@nisgaa.net](mailto:courtresourceteam@nisgaa.net)

**TEL** 1 250 633 3000

**NISGA'A CHILD & FAMILY COURT RESOURCES**

101 - 4441 Lakelse Avenue / Terrace / BC V8G 1P1



**Nisga'a Lisims Government**

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