

# Property guardian coordination agreements

Information for First Nations and Indigenous Peoples about PGT property guardian services

## Territorial acknowledgement

We acknowledge the territories of First Nations around British Columbia and we are grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities and concerns of all Indigenous Peoples – First Nations, Métis, and Inuit – respecting and acknowledging their cultures, histories, rights, laws and governments.

We also recognize the painful legacy of colonialism and the tragedy of the residential school system, including the discoveries of unmarked graves. We honour the survivors and the memories of the children who never came home. We further acknowledge the ongoing negative impacts of the current child and family services system in British Columbia for Indigenous children. We commit to meaningful reconciliation, including working with Indigenous Peoples on improving outcomes for the children and youth we serve.

## About the Public Guardian and Trustee

We are here to help children and youth under the age of 19, adults who may be incapable, or those who are deceased.

The Public Guardian and Trustee (PGT) has the mandate to:

- Protect the legal and financial interests of [children](#) under the age of 19 years
- Protect the legal, financial, personal and health care interests of [adults](#) who need help with decision-making
- Administer [estates](#) of deceased persons and missing persons

The PGT operates independently from government when acting for its clients. Independence is an essential aspect of the work of the PGT because sometimes our client's interests are different from those of the government.



# Background

Bill 38, the Indigenous Self-Government in Child and Family Services Amendment Act, recognizes and affirms the inherent right of Indigenous Communities to provide their own child and family services. This legislation aims to remove colonial barriers to First Nations in British Columbia exercising jurisdiction over their child and family services.

Under British Columbia's legal framework, child guardianship is divided into two components:

- 1. Personal Guardianship**, which involves responsibility for a child's day-to-day personal, health and wellness needs
- 2. Property Guardianship**, which involves responsibility for a child's legal and financial interests

Currently, where jurisdiction for child guardianship resides with the Province, the PGT and the Ministry of Children and Family Development (MCFD) are co-guardians. The PGT serves as property guardian for children and youth who are in the continuing care and in some cases temporary care, of the Province, undergoing adoption or who have no legal guardian. In this role, the PGT protects a child's legal interests, secures financial benefits to which a child may be entitled and serves as trustee of a child's property. MCFD, and Indigenous Child and Family Service Agencies (ICFSAs also known as Delegated Aboriginal Agencies) serve as personal guardian for children in continuing care.

The changes made to Provincial laws through Bill 38 remove some of the existing barriers and provide some supports for Indigenous Governing Bodies (IGBs) to take on the role of guardianship for their children and youth in accordance with Indigenous laws. In some cases, this will mean a transfer of both personal and property guardianship from MCFD and PGT to IGBs.

Alternatively, IGBs may choose to provide personal guardianship services to their children and youth while entering into an agreement to have the PGT provide property guardianship services.

These agreements are called PGT Coordination Agreements.

An IGB is defined under the British Columbia Declaration on the Rights of Indigenous Peoples Act (DRIPA) as "an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by s. 35 of the Constitution Act, 1982".

## PGT coordination agreements

The PGT will enter into a coordination agreement with an IGB upon request. This will usually occur when there is a child or youth entering the jurisdiction of the Nation. The agreement will describe the roles and responsibilities of the PGT and IGB when the PGT is acting as property guardian for an Indigenous child under IGB personal guardianship.

Examples of issues addressed in the coordination agreement include:

- Roles and responsibilities of the IGB and PGT respectively
- Information sharing authority, types of information shared, methods for sharing information, use and security of shared information, and accuracy of shared information
- Communication procedures and protocols
- Other agreement terms

The PGT is committed to working alongside IGBs to adjust our services and service delivery so that the property guardian services we provide to Indigenous children and youth are culturally appropriate and child centred.

The PGT will support IGBs who choose to exercise jurisdiction over their child and family services whether or not they work with us as co-guardians. We are committed to supporting IGBs to be successful in whatever role(s) they take regarding child and family services.

# Coordination agreement process



\* PGT provides an overview of the PGT's role and statutory mandate as it relates to property guardianship and other aggregate information about the Nation's children and youth served by the PGT

## PGT property guardian services

The PGT provides various services to children and youth in British Columbia through the Child and Youth Services (CYS) division. As property guardian, the PGT carries out a number of key activities that support the financial and legal interests of children and youth in care. This includes, but is not limited to:

- Pursuing financial benefits and entitlements
- Applying for identification documents like Birth Certificates and Social Insurance Numbers (SINs)
- Applying for and maintaining Registered Disability Savings Plans (RDSPs)
- Delivering financial wellness workshops to youth
- Receiving and holding funds in trust until the child or youth reaches age of majority
- Reviewing and responding to fund requests from the child or youth, social worker or support services
- Receiving, reviewing and taking action on critical incident reports of injury or harm from a range of sources
- Reviewing, investigating and pursuing various legal claims
- Assisting youth in preparing to transition out of care at age 19 by providing information about managing their money and any ongoing legal issues that concern them

The PGT also regularly engages in public education and shares information about property guardianship services with social workers and other professionals who support children and youth.

**Post majority trust services:** The PGT offers post majority trust services to youth transitioning out of care at age 19. These services are voluntary and can last until the youth reaches age 27; the youth can amend or end services at anytime.

When using post majority trust services, the youth and the PGT work together to identify appropriate financial goals and plans to help achieve them. Goals may include investing or budgeting with regular payments to support the individual's needs.

**Jurisdiction:** The PGT recommends that Nations explore and plan for the financial considerations of property guardian service delivery. The PGT does not charge a Nation or individual children and youth for its services as property guardian. The PGT does charge fees as laid out in the PGT Fee Regulation for its trustee services when statutorily required (as is the case for any child or youth in B.C.). Nations who are considering exercising jurisdiction either with the PGT as co-guardian under agreement or those taking on both personal and property guardian services should consider their funding needs for taking on these services. In the event that it is required, Nations should also explore and consider liability insurance as they move forward with exercising jurisdiction. Please reach out to the PGT for more information.

More information about the PGT's property guardian services is available in our Child and Youth Guardianship Services Reports, found on our website's [Reports and publications page](#).

## Our accountability

To the PGT, accountability means taking responsibility for our actions and decisions. We are accountable to clients, the provincial government, the legislature, our service partners and the public through:

- **Service Delivery Plans:** Every year, the PGT creates a service delivery plan (SDP) for the next three years that the provincial government reviews and approves. The SDP outlines what the PGT wants and needs to achieve in its operations
- **Annual Reports:** Our annual reports document our activities, financials and SDP results for every fiscal year. Our annual reports and SDPs are publicly available on our website's [Reports and publications page](#)
- **Auditing:** The PGT undergoes independent auditing each year. An external auditor verifies the PGT's reporting on results and assesses how well the PGT managed client and corporate funds. This helps ensure that the PGT is accurate when publicly reporting its activities

## Our commitment

The PGT is committed to building respectful relationships with Indigenous communities and supporting IGBs in their journeys to reclaim jurisdiction over child and family services.

We strive to ensure that our service provision practices align with the priorities of the provincial government's Declaration on the Rights of Indigenous Peoples Act, and we support the United Nations' Convention on the Rights of the Child. For the past three years, our commitment to truth and reconciliation has been led by our '[Seeking Truth, Pursuing Reconciliation](#)' strategy. This includes incorporating territorial acknowledgements in official communications and events, using inclusive hiring practices and providing ongoing Indigenous learning for staff.

## Connect with us

For questions and inquiries about the coordination agreement process and the PGT's property guardian services to Indigenous communities, please contact Child and Youth Services at [CYS@trustee.bc.ca](mailto:CYS@trustee.bc.ca).

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