
Authority Determination Process (ADP)

FREQUENTLY ASKED QUESTIONS (FAQs)

1. What is the ADP?

The Authority Determination Process (ADP) is a new process being introduced into Manitoba's child and family services system in advance of the restructuring of this system.

Under the restructured system, Aboriginal families will be able to receive services delivered under the auspices of a culturally appropriate Child and Family Services Authority. The ADP is the standardized process that will help families:

- Identify the most culturally appropriate Authority for each family member;
- Choose the Authority who will be responsible for service provision to them; and
- Identify a specific agency that will deliver direct services to them.

2. Why is the ADP being introduced?

The ADP is being introduced to help families understand the choices they have, and support them in making the best choice for their children, families and communities.

Under the restructured system, responsibility for child and family services will no longer be based on where a family lives. Families will be able to choose one of four new Child and Family Services Authorities to be responsible for the child and family services they receive no matter where they live in the province.

The ADP is being introduced now, before the changes are made to the child and family services system, so that the families who wish to be receive service from a culturally appropriate agency can be identified. This is a very important step that will assist in the restructuring and help to organize services for these families.

3. What is determined through the ADP?

Three main things will be determined through the ADP:

a. Culturally Appropriate Authority

There will be four new child and family service Authorities that will oversee services to all families who need child and family services in Manitoba. Three of these new authorities will be responsible for services to Aboriginal children and families -- one for First Nation families of Northern Manitoba; one for First Nation families of Southern Manitoba; and one for Metis families. There is one more authority, called the General Authority, that will be responsible for services to all other children and families.

A person's Culturally Appropriate Authority will be determined through the ADP based on their cultural background. For example, if a child in care is Aboriginal,

the Culturally Appropriate Authority will be one of the Aboriginal Authorities. If a child is not Aboriginal, the Culturally Appropriate Authority will be the General Child and Family Services Authority. As a person's Culturally Appropriate Authority is based on their "culture of origin", it will not change through time.¹

b. Authority of Service

The Authority of Service will be responsible for monitoring services to the child or youth and their family. The family is able to choose their Authority of Service. In most cases it is expected that the Authority of Service will be the Culturally Appropriate Authority. However, the family (or in some cases the youth themselves) may choose another Authority to be responsible for services.

An exception is children who are currently permanent wards. In the case of these children, their Culturally Appropriate Authority will automatically become their Authority of Service.

c. Service Provider

The Service Provider will also be determined through the ADP. The Service Provider is the child and family services agency that will deliver direct services to the family.

4. How is the ADP conducted?

The ADP will be done as part of intake for families accessing child and family services for the first time. For families already receiving services, the ADP will be done during a meeting with the family's worker from the agency currently providing the services.

The ADP will involve an interview between a CFS worker and the family of origin. The worker will ask some questions to determine the most Culturally Appropriate Authority. The family will be encouraged to choose this Authority but will be able to choose a different Authority for services if they wish. The worker will provide information to help the family understand the process and their choices.

5. What choices are available through the ADP?

As part of the ADP, families will be able to choose the Authority of Service that they want to be responsible for the child and family services provided to them.

The Authority of Service, not the family, chooses the Service Provider. The Authority of Service's selection will be based on:

- Information provided by the family through the ADP; and
- Agencies which are, or will be, providing services in the local area.

¹ The Culturally Appropriate Authority is also called the "Authority of Record" or "AOR". It is sometimes also referred to as the "Most Appropriate Cultural Authority" or "MACA".

6. Can one family have more than one Authority of Service?

A family can typically have only one Authority of Service. In a situation where family members have different cultural backgrounds, the ADP will determine the most Culturally Appropriate Authority for each family member and help the family choose a single Authority of Service. The Authority of Service chosen by the family will be responsible for the services provided to all members of the family.

Exceptions might occur. For example, a minor parent might choose a different Authority of Service than that of their parents. However, in terms of the ADP, the minor parent and their child(ren) become a new "family".

7. Who is involved in choosing the Authority of Service?

The adults in the family with ongoing and primary care responsibilities for the child/ren jointly choose the Authority of Service. Depending on their level of maturity, the child/ren and youth in the family may also have the opportunity to participate in the choice. But it is the adult members of the family, who make the final decision.

There are exceptions to the adult members of the family choosing the Authority of Service:

- During the transition period, the most Culturally Appropriate Authority will become the Authority of Service for children and youth who are permanent wards. The views of these children and youth will still be included as part of the process, but the ADP will be done by the agency currently providing child and family services using information already available on the agency's file. The Culturally Appropriate Authority of permanent wards will automatically be assigned as their Authority of Service.
- During the transition period, youth in care who are in Independent Living programs will be able to make their own decision on which Authority will be responsible for the provision of services, even if they are permanent wards. While other adult family members may provide advice, the choice is up to the youth.

During and after the transition period, youth who are parents themselves will be able to make their own decision on which Authority will be responsible for the provision of services. As with the previous exception, this choice is up to the youth though other adult family members will be able to provide them with advice to support them in this decision.

8. Who will be the Authority of Service if the family is unable to agree on this decision?

If the adult caregivers in a family are unable to agree on the Authority of Service, unwilling to participate in the ADP, or cannot be located, the Culturally Appropriate Authority of the primary caregiver will be assigned as the Authority of Service for the family.

9. If families choose an Authority different than the culturally appropriate one to be their Authority of Service, why are they asked for the reasons for their choice?

Manitoba's restructured CFS system has been designed based on the assumption that most families will want to receive services from the most Culturally Appropriate Authority. Should the family choose a different Authority, the most Culturally Appropriate Authority will want to understand the reasons for this choice. This will help that Authority identify ways its services might be changed or improved in the future.

The family is not required to provide their reasons for choosing a different Authority of Service. If the family does volunteer this information, their written consent is required before the reasons can be shared with the Culturally Appropriate Authority. The information shared with this Authority will not identify the family.

10. What rights does the Culturally Appropriate Authority have in the event that a family chooses a different Authority to be their Authority of Service?

If the family provides written consent, the Culturally Appropriate Authority will have the right to request a meeting with the family before the ADP is finalized. This meeting would provide the Authority with the opportunity to offer the family information on its agencies and their services, as well as a chance to identify possible reasons why the Culturally Appropriate Authority may be a more appropriate choice for the family. Even when the family provides written consent, the family is not under any obligation to meet with the Culturally Appropriate Authority.

Although not part of the ADP, the Authority will also have the right to apply for legal guardianship should the ADP determine that it is the Culturally Appropriate Authority for a child or youth who becomes the subject of a permanent guardianship application at a later time.

11. How does the ADP apply to foster families?

The ADP does not apply to foster families. It applies to the children in the care of foster families, and to the families of origin of these children.

12. How does the ADP apply to those who have applied or will be applying to be adoptive families?

The ADP will be undertaken with families who are newly applying to be adoptive families at the time of application. For those families who have already had their applications accepted, the ADP will be undertaken over time, beginning with those who have been on the adoption list for the longest period of time, or when a planned contact has occurred.

13. Can families change their Authority of Service later?

Yes, but families will not be able to change their Authority of Service after the ADP has been completed by simply indicating that they want a change.

Families wanting a change will need to request a change and demonstrate why a change should be approved. If their request is not granted by their Authority of Service, they may appeal this decision to an independent arbiter. The arbiter will have the power to approve a change in the Authority of Service if the family provides compelling evidence that a change should be made.

14. Will the Service Provider be one of the agencies affiliated with the Authority of Service?

Yes in most, but not in all cases. In many areas of the province, each Authority will have at least one agency in place to provide services to families. In some areas of the province, however, the number of families for which an Authority is responsible for may be limited, therefore unable to support the local operation of an agency.

Should a family choose an Authority of Service that does not have an agency operating in the area, the Authority will have entered into a service agreement with one of the Authorities that does have a local agency in place. Through the service agreement, the local agency will deliver service on behalf of the Authority of Service. In such cases, the family's chosen Authority of Service will maintain the right and responsibility to monitor the services delivered to the family.

15. Which agencies will provide child and family services in First Nations communities?

Unless other arrangements are in place, the First Nations agency currently providing child and family services in a First Nations community will continue to provide these services to families living in that community. All families in the community will be able to choose an Authority of Service, but the First Nations agency may, under a service agreement, provide the direct services on behalf of any of the other three Authorities.

As with all other service agreements, agencies providing services on behalf of another Authority will be responsible for case management. The Authority of Service, as chosen by the family, will have the right and responsibility to monitor the services delivered to the family.

The restructured system does allow for other agencies to deliver services in First Nations communities based on a written agreement between the Authority of Service and either the First Nation or the CFS Authority responsible for service provision in that community.

16. Can the Authority of Service decline to be responsible for service provision for a family?

No. A chosen Authority of Service can ask to meet with the family to discuss the reasons for their choice, but the final decision is up to the family.

17. How will the Culturally Appropriate Authority be determined for non-status Aboriginal persons?

As part of the ADP, non-status Aboriginal persons will be asked if they identify as First Nations, Metis or Inuit. If they identify as First Nations, one of the First Nations Authorities will be the Culturally Appropriate Authority. If they identify as Metis or Inuit, the Metis Authority will be the Culturally Appropriate Authority.

If they do not identify as First Nations, Metis or Inuit, they will be asked to select an Authority to be their Culturally Appropriate Authority.

18. Which of the Authorities will be the Culturally Appropriate Authority for persons from non-Aboriginal cultures?

The General Child and Family Services Authority will be the Culturally Appropriate Authority for all persons who are from non-Aboriginal cultures of origin.

19. How will the Culturally Appropriate Authority be determined for First Nation children and families who were born outside Manitoba?

The Culturally Appropriate Authority for "Out of Province" First Nations persons will be determined based on their familial or community connection with a Metis or First Nations community in Manitoba. If they do not have such a connection, the determination will be based on their place of residence in Manitoba. For residents of Winnipeg, the determination will be based on the province where their First Nation is located.

20. Is the information provided through the ADP confidential?

Yes, the information provided by a family through the ADP is protected and confidential under *The Child and Family Services Act* of Manitoba.

21. When will the responsibility for services be transferred based on the results of the ADP?

The transfer will take place on a region-by-region basis. It is anticipated that it will begin in September 2003 and will be completed by the fall of 2004. These dates represent a change by three months to time lines presented earlier in 2003.