



SPECIAL CHIEFS ASSEMBLY

DATE: DECEMBER 7-9, 2021

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First Nations Child and Family Services and Jordan's Principle Long-Term Reform

Assembly of First Nations (AFN) Dialogue Session

December 6, 2021 – 1:00 pm ET



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ASSEMBLÉE EXTRAORDINAIRE DES CHEFS

DU 7 AU 9 DÉCEMBRE 2021



History of AFN's Advocacy

- AFN has advocated for First Nations children and families at the Canadian Human Rights Tribunal (CHRT) since 2007
- CHRT issued landmark ruling in 2016 and ordered Canada to immediately overhaul the First Nations Child and Family Services (FNCFS) Program, fully implement Jordan's Principle and pay compensation for the kids and family harmed by the programs
- AFN launched Class Action lawsuit in 2020 for similar compensation and additional compensation



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Current Status

- On October 29, 2021, Canada agreed to enter into intensive negotiations with the AFN, Caring Society and other Parties to the CHRT and AFN's Class Action
- Working towards an Agreement-in-Principle that includes a full section on long-term reform of the FNCFS Program and Jordan's Principle
- Goal of long-term reform is to end the discriminatory funding in the federal FNCFS Program and Jordan's Principle



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Proposal for Long-Term Reform for FNCFS

Long-term reform of the FNCFS Program AFN will advocate for:

- Must address the discrimination identified by the CHRT
- Require a shift in how FNCFS is funded, based on the wellbeing of First Nations children, families and communities and address the drivers of the overrepresentation of First Nations children in FNCFS
- Extend transition supports for youth aging out of care until age 25
- Shift to a performance-based federal funding model that addresses critical funding gaps in FNCFS and is grounded in First Nations control and self-determination



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Funding Approach for Long-Term FNCFS Reform

Funding components should include:

- **Baseline:** Actual costs of child protection and maintenance based on existing FNCFS budgets or average cost of child in care (\$63,000)
- **Poverty:** Funding to address challenges of poverty (e.g., housing, water, food insecurity, etc.) that lead to involvement with FNCFS
- **Prevention:** Per capita funding for culturally-relevant, community-based services that support First Nations children and families, reduce risk of FNCFS involvement
- **Geography:** Funding to address costs of remoteness



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Funding Approach for Long-Term FNCFS Reform (cont.)

- **Capital asset funding:** Funding to support maintenance, purchase, renovation or construction of FNCFS capital assets (e.g., vehicles, buildings)
- **Information technology (IT):** Funds to purchase, upgrade and maintain IT equipment, based on standards of non-profit service organizations
- **Results:** Funds to hire and employ staff to manage data systems to track results
- **Emergency funds:** Funds for emergency situations that increase demand on FNCFS



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Funding Approach for Long-Term FNCFS Reform (cont.)

- **Population:** Funds to account for population growth, based on data sources chosen by First Nations
- **Inflation:** increases to baseline budget to account for inflation
- **Secretariat:** Neutral, First Nations-led, non-profit secretariat to support First Nations and FNCFS Agencies with technical and operational support, and national-level data mechanism
- **Representative Services:** Funding for First Nations Representative Services to ensure services meet First Nations' needs



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Proposal for Long-Term Reform for Jordan's Principle

Long-term reform of Jordan's Principle should:

- Ensure the full and proper implementation of its meaning and scope, in accordance with the CHRT's orders
- Address systemic gaps in services and supports for First Nations children
- Address long-standing operational concerns that lead to delays and gaps for children



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Proposal for Long-Term Reform for Jordan's Principle (cont.)

- Emphasize community-based services and funding for First Nations, including enhancing service coordination and supporting youth reaching the age of majority
- Support exploring and establishing oversight, advocacy and complaints mechanism for Jordan's Principle
- Call for collaboration with provinces and territories for the full implementation of Jordan's Principle



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Next Steps

- Parties need to conclude an Agreement-in-Principle that includes long-term reform and compensation.
- Negotiations on a final agreement to commence at a future date.
- Consultations with regions and First Nations on the proposed content of long-term reform in the final agreement will occur.
- A final agreement will be presented at the July 2022 Annual General Assembly or a Special Chiefs Assembly for review and approval.