

Court File No. T-402-19
T-141-20
T-1120-21

FEDERAL COURT

B E T W E E N:

XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his litigation guardian, Jonavon Joseph Meawasige) AND JONAVON JOSEPH MEAWASIGE

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

T-141-20

BETWEEN:

ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON (by his litigation guardian, Carolyn Buffalo) CAROLYN BUFFALO AND DICK EUGENE JACKSON also known as RICHARD JACKSON

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

T-1120-21

B E T W E E N:

ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

MOTION RECORD

September 7, 2022

CONWAY BAXTER WILSON LLP/S.R.L.
400-411 Roosevelt Avenue
Ottawa ON K2A 3X9

M. Alyssa Holland LSO#: 66653G
aholland@conwaylitigation.ca
David P. Taylor LSO#: 63508Q
dtaylor@conwaylitigation.ca
Tel: (613) 288-0149
Fax: (613) 688-0271

CLARKE CHILD & FAMILY LAW
36 Toronto Street Suite 950
Toronto, ON M5C 2C5

Sarah Clarke LSO#: 57377M
sarah@childandfamilylaw.ca
Tel: (416) 260-3030
Fax: (647) 689-3286

ANNE LEVESQUE
University of Ottawa
Faculty of Law, Fauteaux Hall
57 Louis Pasteur St.
Ottawa ON K1N 6N5

anne@equalitylaw.ca
Tel: (613) 447-4699

Solicitors for the Proposed Intervener, First
Nations Child and Family Caring Society of
Canada

TO: **The Chief Administrator**
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa ON K1A 0H9

AND TO: **SOTOS LLP**
1200-180 Dundas Street West
Toronto, On M5G 1Z8

David Stern LSO# 36274J
dsterns@sotos.ca
Mohsen Seddigh LSO#: 70744I
mseddigh@sotosllp.com

Tel: (416) 977-5229
Fax: (416) 977-0717

KUGLER KANDESTIN
1 Place Monseigneur Charbonneau
Suite 1170
Montreal, QC H3B 2A7

Robert Kugler
rkugler@kklex.com

Tel: (514) 360-8882
Fax: (514) 875-8424

MILLER TITERLE + CO.
300-638 Smithe Street
Vancouver, BC V6B 1E3

Joelle Walker
joelle@millertiterle.com

Tel: (604) 681-4112
Fax: (604) 681-4113

Counsel for the Plaintiff, Xavier Moushoom, Jeremy Meawasige (By His Litigation Guardian, Jonavon Joseph Meawasige), Jonavon Joseph Meawasige, And Zacheus Joseph Trout

AND TO: **DEPARTMENT OF JUSTICE**
Civil Litigation Section
50 O'Connor Street, 5th Floor Ottawa ON
K1A 0H8

Jonathan Tarlton
Jonathan.tarlton@justice.gc.ca
Paul Vickery
Paul.Vickery@justice.gc.ca
Counsel for the Respondent, Attorney General of Canada

AND TO: **NAHWEGAHBOW CORBIERE**

Barristers & Solicitors
109-5884 Rama Road
Rama, On L3v 6h6

Dianne Corbiere LSO#: 401720

Dgcorbiere@Nncfirm.Ca

Tel: (705) 325-0520

Fax: (705) 325-7204

Fasken Martineau DuMoulin

1300-55 Metcalfe St
Ottawa, ON K1P 6L5

Peter Mantas LSO#: 35269H

pmantas@fasken.com

D. Geoffrey Cowper, Q.C

gcowper@fasken.com

Tel: (613) 696-6886

Fax: (613) 230-6423

Counsel for the Plaintiff, Assembly of First Nations, Ashely Dawn Louise Bach,
Karen Osachoff, Melissa Walterson, Noah Buffalo-Jackson By His Litigation
Guardian, Carolyn Buffalo, Carolyn Buffalo, And Dick Eugene Jackson Also
Known as Richard Jackson

AND TO: **CONSUMER LAW GROUP**

102-1030 Berri Street
Montreal, Qc H2l 4c3

Jeffrey Orenstein LSO#: 59631G

Jorenstein@Clg.Org

Tel: (514) 266-7863

Fax: (514) 868-9690

Counsel for the Respondent

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Court File No. T-402-19
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**NOTICE OF MOTION OF THE FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA
(Motion for leave to intervene, to be heard in writing)**

Pursuant to Rules 109 and 369 of the Federal Courts Rules

TAKE NOTICE THAT the First Nations Child and Family Caring Society of Canada (“**Caring Society**”) will make a motion to the Court in writing under Rules 109 and 369 of the *Federal Courts Rules* (“**Rules**”).

THE MOTION IS FOR an Order that:

1. Pursuant to Rule 109, the Caring Society be granted leave to intervene in this Appeal on the following terms:

- (a) Following the filing of a motion for settlement approval in this proceeding, the Caring Society may file a memorandum of fact and law of no more than 15 pages, or such other length as this Court may direct;
- (b) The Caring Society shall accept the record as adduced by the parties and shall not file any additional evidence;
- (c) The Caring Society may participate in any future case conferences that pertain to this proceeding;
- (d) Any documents served on any party in this proceeding must also be served on the Caring Society;
- (e) The style of cause for this proceeding be amended to add the First Nations Child and Family Caring Society of Canada as an intervener; and
- (f) The Caring Society may not seek costs or have costs awarded against it in this proceeding.
- (g) Such further and other terms as this Honourable Court deems just.

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2. The style of cause for this Appeal be amended to add the First Nations Child and Family Caring Society of Canada as an intervener.
3. The Caring Society shall not seek costs and no costs will be awarded against it on this motion.

THE GROUNDS FOR THE MOTION ARE:

1. The Caring Society will make useful submissions that are different from those expected to be made by the parties to this proceeding. These submissions will draw on the Caring Society's extensive experience and recognized expertise in the harms experienced by First Nations children, youth and families as a result of Canada's approach to funding child and family services and its failure to fully implement Jordan's Principle. They will also draw on the Caring Society's experience as a co-complainant, with the Assembly of First Nations, in a 2007 complaint made to the Canadian Human Rights Commission that remains the subject of litigation before the Canadian Human Rights Tribunal. The Final Settlement Agreement for which the parties to this proceeding are expected to seek this Honourable Court's approval settles both the compensation aspects of that complaint, as well as the class proceedings in Court Files T-402-19, T-141-20 and T-1120-021.
2. The Caring Society will be directly affected by the outcome of this proceeding and it has a genuine interest in the reasonableness of any proposed settlement. The Caring Society will dedicate the necessary knowledge, experience, skills, and resources to assist the Court to the best of its abilities.
3. The Caring Society's intervention is in the interests of justice:
 - (a) The proposed settlement for which this Court's approval is expected to be sought is the largest in Canadian history, totalling \$20 billion. The proposed settlement is broad in scope, as it addresses harm caused to children, youth and families from 1991 to 2022. As such, this settlement has assumed such a public, important and complex dimension that the

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Court would benefit from the perspectives of those beyond the particular parties to this proceeding;

- (b) The proposed settlement affects one of the most vulnerable segments of Canadian society: First Nations children, youth and families. In the context of Tribunal's finding of discrimination, it is particularly important that this Court engage in searching review of any proposed settlement. Permitting the Caring Society to make submissions, informed by its expertise in the needs and experiences of First Nations children, youth and families, is appropriate in such circumstances.
- (c) The Caring Society's motion for leave is limited to making written submissions in response to a motion for settlement approval. No such motion has been filed to date, and the Caring Society will comply with any timelines for the filing of submissions as may be set by the Court.

4. The Caring Society does not seek costs on this motion and, if granted leave, will not seek costs on the Appeal. The Carding Society asks that no costs be awarded against it;

5. Rules 109 and 369 of the *Rules*; and

6. Such further and other grounds as counsel may advise and this Court may permit.

7. Such further and other grounds as the solicitors may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- 1. Affidavit of Cindy Blackstock affirmed September 7, 2022.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 7th day of September, 2022.



September 7, 2022

CONWAY BAXTER WILSON LLP/S.R.L.
400-411 Roosevelt Avenue
Ottawa ON K2A 3X9

M. Alyssa Holland LSO#: 66653G
aholland@conwaylitigation.ca
David P. Taylor LSO#: 63508Q
dtaylor@conwaylitigation.ca
Tel: (613) 288-0149
Fax: (613) 688-0271

CLARKE CHILD & FAMILY LAW
36 Toronto Street Suite 950
Toronto, ON M5C 2C5

Sarah Clarke LSO#: 57377M
sarah@childandfamilylaw.ca
Tel: (416) 260-3030
Fax: (647) 689-3286

ANNE LEVESQUE
University of Ottawa
Faculty of Law, Fauteaux Hall
57 Louis Pasteur St.
Ottawa ON K1N 6N5
anne@equalitylaw.ca
Tel: (613) 447-4699

Solicitors for the Proposed Intervener, First
Nations Child and Family Caring Society of
Canada

TO: **The Chief Administrator**
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa ON K1A 0H9

-6-

AND TO: **SOTOS LLP**
1200-180 Dundas Street West
Toronto, On M5G 1Z8

David Stern LSO# 36274J
dsterns@sotos.ca
Mohsen Seddigh LSO#: 70744I
mseddigh@sotosllp.com

Tel: (416) 977-5229
Fax: (416) 977-0717

KUGLER KANDESTIN
1 Place Monseigneur Charbonneau
Suite 1170
Montreal, QC H3B 2A7

Robert Kugler
rkugler@kklex.com

Tel: (514) 360-8882
Fax: (514) 875-8424

MILLER TITERLE + CO.
300-638 Smithe Street
Vancouver, BC V6B 1E3

Joelle Walker
joelle@millertiterle.com

Tel: (604) 681-4112
Fax: (604) 681-4113

Counsel for the Plaintiff, Xavier Moushoom, Jeremy Meawasige (By His Litigation Guardian, Jonavon Joseph Meawasige), Jonavon Joseph Meawasige, And Zacheus Joseph Trout

AND TO: **DEPARTMENT OF JUSTICE**
Civil Litigation Section
50 O'Connor Street, 5th Floor Ottawa ON
K1A 0H8

Jonathan Tarlton
Jonathan.tarlton@justice.gc.ca

Paul Vickery
Paul.Vickery@justice.gc.ca

Counsel for the Respondent, Attorney General of Canada

-7-

AND TO: NAHWEGAHBOW CORBIERE

Barristers & Solicitors
109-5884 Rama Road
Rama, On L3v 6h6

Dianne Corbiere LSO#: 401720
Dgcorbiere@Nncfirm.Ca

Tel: (705) 325-0520
Fax: (705) 325-7204

Fasken Martineau DuMoulin

1300-55 Metcalfe St
Ottawa, ON K1P 6L5

Peter Mantas LSO#: 35269H
pmantas@fasken.com
D. Geoffrey Cowper, Q.C
gcowper@fasken.com

Tel: (613) 696-6886
Fax: (613) 230-6423

Counsel for the Plaintiff, Assembly of First Nations, Ashely Dawn Louise Bach, Karen Osachoff, Melissa Walterson, Noah Buffalo-Jackson By His Litigation Guardian, Carolyn Buffalo, Carolyn Buffalo, And Dick Eugene Jackson Also Known as Richard Jackson

AND TO: CONSUMER LAW GROUP

102-1030 Berri Street
Montreal, QC H2l 4C3

Jeffrey Orenstein LSO#: 59631G
Jorenstein@Clg.Org

Tel: (514) 266-7863
Fax: (514) 868-9690

Counsel for the Respondent

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-2-

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AFFIDAVIT OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Ottawa, in the Province of Ontario, SOLEMNLY AFFIRM THAT:

1. I am a member of the Gitksan Nation and a professor at McGill University's School of Social Work. I am also the Executive Director of the proposed intervener, the First Nations Child and Family Caring Society of Canada (the "**Caring Society**") and have held this position since 2002. As such, I have personal knowledge of the facts deposed to in this affidavit, except where stated to be on information and belief, and where so stated, I believe them to be true.

2. I have worked in the field of child and family services for over thirty-five years. I hold a doctorate in social work from the University of Toronto (2009), a Master of Management from McGill University (2003), a Master of Jurisprudence in Children's Law and Policy from Loyola University Chicago (2016) and a Bachelor of Arts from the University of British Columbia (1987).

3. I have received honorary doctorates from Blue Quills First Nations University, the Western University, the University of Saskatchewan, Waterloo University, Thompson Rivers University, the University of Northern British Columbia, Mount St Vincent, the University of Winnipeg, the University of Manitoba, Ryerson University, Osgoode Hall Law School, St John's College, Memorial University, Dalhousie University, the University of Ottawa, the University of Toronto, the University of Victoria, Trent University, the University of Lethbridge, Laurentian University and the University of Calgary.

4. I was appointed as an Honourary Witness by the Truth and Reconciliation Commission in 2014. I was appointed an Officer of the Order of Canada on June 29, 2018. I received Amnesty International's Ambassador of Conscience Award, the Law

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Society of Upper Canada's Human Rights Award and the Janusz Korczak Medal for Children's Rights Advocacy. In 2018, I was the inaugural recipient of the Children's Aid Foundation of Canada's Lynn Factor Stand Up for Kids National Award. In 2019, I was also awarded the Canadian Public Health Association's National Public Health Hero Award and in 2020 I was admitted as an Honorary Member to the Canadian Paediatric Society and received the National Indian Child Welfare Association (U.S.A.) Champion for Native Children Award. In 2021, I received the Canadian Psychological Association's Humanitarian Award and in 2022 I received the Key to the City of Winnipeg.

5. Prior to working at the Caring Society, I was the Executive Director at the Caring Society for First Nations Children Society in British Columbia (1999-2002), Assistant to the Social Development Director for the Squamish First Nation (1995-1999), and a senior social worker with the Province of British Columbia (1987-1995).

6. I have also served on international committees and working groups focusing on the rights of Indigenous children with a particular emphasis on culturally based equity. Most recently, I served as a Commissioner for the Pan American Health Commission's study on Health Equity and Inequity, which had a particular focus on Indigenous peoples and persons of Afro-descent.

7. Through my various positions and education, I have gained significant knowledge regarding the intersecting and compounding barriers often experienced by First Nations children, youth and their families, the rights of Indigenous children, youth and peoples, and the development of equality and human rights in Canada and abroad, particularly as they affect First Nations children, youth, families and their communities. A copy of my curriculum vitae is attached hereto as **Exhibit "A"**.

8. I affirm this affidavit in support of the Caring Society's motion for leave to intervene in the above noted proceeding. I am authorized by the Caring Society to affirm this affidavit.

1. ABOUT THE CARING SOCIETY

A. THE CARING SOCIETY'S MANDATE

9. First founded in 1998, the Caring Society is a national non-profit organization committed to research, training, networking, policy, and public education to promote the well-being of First Nations children, youth, and families, including those living on reserve. The Caring Society believes First Nations communities are in the best position to design and implement their own child and safety and wellbeing solutions. As a national organization, it is our role to provide quality resources for First Nations communities to draw upon and to assist them in developing community-focused solutions for children, youth and families.

B. THE CARING SOCIETY'S NATIONAL AND INTERNATIONAL WORK

(i) National Initiatives and Research

10. The Caring Society engages in a number of national initiatives and research. A part of the Caring Society's research mandate is the First Nations Children's Action and Research Education Services initiative. This initiative is a partnership with the University of Alberta aiming to generate and distribute research related to First Nations children's services and children's engagement in reconciliation to inform best practices and policies benefiting First Nations children, youth, families and Nations.

11. The Caring Society also edits and publishes the First Peoples Child and Family Review online journal. The journal is a free online resource used by many students and instructors, as well as people working in child welfare, including front line practitioners and policy makers.

12. The Caring Society is a nationally recognized leader in reconciliation education through our Reconciling History initiative, which is a partnership between Beechwood Cemetery, former Truth and Reconciliation Commissioner Marie Wilson, historian John Milloy, the Project of Heart, KAIROS and Indigenous youth. We erect historically accurate plaques of those involved in residential schools who are buried at Beechwood.

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We then translate the research into free learning materials for children and youth across Canada and conduct free public education tours. In 2021, over 2,000 people attended the free Reconciling History walks at Beechwood Cemetery on Orange Shirt Day (September 30, now also known as the National Day for Truth and Reconciliation).

13. As part of our training mandate, the Caring Society created and delivers the Touchstones of Hope program, which is a reconciliation framework that supports and promotes First Nations communities and allies in developing and implementing culturally based vision of healthy families, youth and children. The Touchstone of Hope program has been used by many First Nations across Canada, and by Indigenous Peoples in the United States and in Taiwan. It was also cited as a best practice in the Truth and Reconciliation Commission's final report.

14. The Caring Society conducts numerous public education lectures and events. Our public education activities in 2021 included 85 public education events to audiences in Canada and around the globe and we appeared in over 250 media pieces.

15. With respect to our public engagement and policy activities, the Caring Society works closely with First Nations and First Nations child-serving agencies/organizations, assisting them in working with local and national governments to address the needs of the community. For example, the Caring Society worked closely with the Attawapiskat First Nation and the family of Shannen Koostachin to promote Shannen's Dream, which is an initiative to secure access to equitable and culturally based education for First Nations children and youth. The Caring Society has also engaged in efforts to ensure that the federal government implements Shannen's Dream Motion 571, which was unanimously adopted by the House of Commons in 2012.

16. The Caring Society has also been heavily involved in advocating for the rights of First Nations children and families in court and administrative proceedings. This involvement has taken the form of intervening in proceedings, which will be described in more detail below. It has also taken the form of the Caring Society bringing claims

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that seek redress for the rights violations experienced by First Nations children, youth, and their families.

17. In February 2007, the Caring Society and the Assembly of First Nations (the “**AFN**”) filed a joint complaint with the Canadian Human Rights Commission (the “**Commission**”) alleging that the federal government’s failure to properly implement Jordan’s Principle and its provision of First Nations child and family services were discriminatory on the basis of race and national or ethnic origin, contrary to the *CHRA* (the “**Complaint**”). On January 26, 2016, after five administrative law proceedings in the Federal Courts between 2008 and 2013, the Canadian Human Rights Tribunal (the “**Tribunal**”) substantiated the Complaint. In 2019, the Tribunal awarded \$40,000—the maximum award under the *CHRA*—to children, youth and families as compensation for Canada’s discrimination (the “**Compensation Decision**”). More information on the Complaint is set out below.

(ii) International Work

18. One of the Caring Society’s key goals is to ensure the experiences of First Nations children and families are included in international discussions relevant to services and matters that affect First Nations children, youth, and families. The Caring Society has prepared and presented submissions to the United Nations, including: the United Nations Committee on the Rights of the Child (“**UNCRC**”), the United Nations Permanent Forum on Indigenous Issues, the Committee on Economic, Social and Cultural Rights, the Universal Periodic Review, and the Subgroup on Indigenous Child Rights.

19. In my capacity as the Caring Society’s Executive Director, I have made presentations in South Africa, New Zealand, Norway, Ireland, Taiwan, Australia, Switzerland, Colombia, Mexico, the United Kingdom, and the United States, making important connections with Indigenous Peoples and international child rights organizations.

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20. The Caring Society works actively to promote the United Nations Convention on the Rights of the Child, particularly as it applies to First Nations children in Canada. In my capacity as Executive Director of the Caring Society, I convened the Indigenous Sub-Group, which consisted of child rights and Indigenous rights experts from all over the world, that assisted the UNCRC in developing and drafting General Comment 11 on Indigenous Children and their Rights. The General Comment was adopted by the UNCRC in 2009.

21. The Caring Society follows and comments on Canada's implementation of its obligations pursuant to the United Nations Convention on the Rights of the Child through its publications and ongoing research, and has presented reports and submissions to the UNCRC, the Universal Periodic Review, the Committee on the Elimination of all forms of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Inter-American Commission on Human Rights addressing Canada's systemic underfunding of public services for First Nations children, youth and families.

2. THE CARING SOCIETY'S LEGAL INTERVENTIONS

22. As part of its mandate to promote the rights of the First Nations children, youth, and their families, and given the impact that legal decisions can have on their rights and realities, the Caring Society has engaged in several legal interventions to promote First Nations children's rights and to try to assist courts in their determination where these rights are affected. These interventions include:

- (a) The Caring Society was granted leave to intervene by the Québec Court of Appeal in the *Reference to the Court of appeal of Québec in relation with the Act respecting First Nations, Inuit and Métis Children, Youth and Families, Québec (Attorney General) v Canada (Attorney General)* (Court File No. 500-09-028751-196, 2022 QCCA 185). The Caring Society made submissions regarding the scope of the federal government's responsibility in relation to the well-being of First

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Nations children; the responsibility of both the federal and provincial governments in relation to the well-being of First Nations children due to Jordan's Principle; and the importance of First Nations' self-government to achieving equitable outcomes in First Nations child and family services. The Caring Society is a respondent on the Attorney General of Quebec's appeal to the Supreme Court of Canada (Court File No. 40061) from the Québec Court of Appeal's decision and an intervener as-of-right on the Attorney General of Canada's appeal.

- (b) The Caring Society was granted leave to intervene by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The Caring Society made submissions regarding the impact of administrative decision-making on First Nations children and families. The Caring Society stressed the importance of maintaining a focus on the best interests of the child in evaluating the reasonableness of decisions impacting children.
- (c) The Caring Society was granted leave to intervene by the Supreme Court of Canada in *Canadian Human Rights Commission v Attorney General of Canada*, 2018 SCC 31. The Caring Society made submissions regarding the importance of ensuring that the *CHRA* is interpreted in a manner that confers the broadest protections to First Nations children, youth, and families, arguing in particular that the conferral of Registered Indian status entails eligibility to a range of services and benefits related to the recognition of one's identity, thus falling within the definition of "service" under the *CHRA*.
- (d) On May 11, 2022, the Caring Society was granted leave to intervene at the Court of Queen's Bench of Manitoba in *Manitoba Human Rights Commission v The Government of Manitoba, et al* and *The Government of Manitoba v Manitoba Human Rights Commission, et al* (Court File

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Nos. CI20-01-28360 and CI20-01-28403). This application for judicial review addresses the provision of services to children living on-reserve by Manitoba. The Caring Society will make submissions regarding the scope and impact of Jordan's Principle in the provincial sphere. The hearing of these applications for judicial review has not yet been scheduled.

- (e) The Caring Society was granted leave to intervene at the Federal Court in *Shiner (in her personal capacity and as guardian of Josey K. Willier) v Canada (Attorney General)* (Court File No. T-492-16, 2017 FC 515). The Caring Society made submissions regarding the relevance of the right to equality and the best interests of the child in discretionary decisions impacting First Nations children. In particular, the Caring Society argued that Canada must not, by its laws, policies and discretionary decisions reinforce the perverse incentives created by its child welfare program funding formulas, which lead to removing First Nations children from their homes and communities. The application for judicial review was dismissed in *Shiner v Canada (Attorney General)*, 2017 FC 515. This decision was appealed to the Federal Court of Appeal, where the Caring Society was also granted intervener status. The appeal was settled prior to the hearing.
- (f) The Caring Society was granted leave to intervene at the Federal Court of Appeal in *Canada (Attorney General) v Pictou Landing Band Council et al* (Court File No. A-158-13, 2014 FCA 21). The Caring Society made submissions regarding: (i) the proper interpretation and scope of Jordan's Principle; (ii) the inappropriateness of narrowly construing Jordan's Principle, and the potential impact of such an approach on First Nations children living primarily on reserve; and (iii) the impact of narrowly construing Jordan's Principle on Canada's obligations under the United Nations Convention on the Rights of the

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Child. Canada discontinued its appeal on July 11, 2014, prior to the hearing.

- (g) The Caring Society was granted leave to intervene by the Supreme Court of Canada in *Moore v British Columbia (Education)*, 2012 SCC 61. The Caring Society made submissions regarding the remedial role of human rights legislation in relation to historically disadvantaged groups, such as First Nations Peoples; the inappropriateness of strictly requiring a formal comparator groups analysis and the potential impact of such an analysis on the *sui generis* situation of First Nations Peoples in the context of a human rights complaint; and the need for, and appropriateness of, cross-jurisdictional analysis in assessing certain claims of discrimination.

3. THE HUMAN RIGHTS COMPLAINT OF THE CARING SOCIETY AND THE AFN

23. As referenced above, the Caring Society and the AFN jointly filed the Complaint with the Commission on February 26, 2007. The Complaint focused on two substantive issues: (i) inequitable and discriminatory provision of children and welfare services on-reserve and (ii) the failure to implement Jordan's Principle; both to the detriment of First Nations children and their families.

24. In Canada, child welfare services for First Nations children and families living on reserve and in the Yukon are provided by the federal government through the First Nations Child and Family Services Program (the "**FNCFS Program**"). The program funds services to First Nations children, youth and families on reserve and in the Yukon and controls such agencies through various funding criteria, formulae, policies and practices.

25. Notwithstanding the broad powers conferred on the federal government pursuant to the Constitution and the Indian Act, until the coming into force *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c.

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24, on January 1, 2020, the federal government had chosen not to legislate in the area of the First Nations child welfare. Instead, the federal government required recipients under the FNCFS Program to deliver services in accordance with provincial/territorial child welfare statutes.

26. The Complaint alleged that the federal government's failure to fully and properly implement Jordan's Principle results in First Nations children being denied, disrupted or delayed receipt of public services they need when they need them even when such services are normally available to all other children, contrary to section 5 of the *CHRA*.

27. Like the FNCFS Program, Jordan's Principle is not codified in statute, although it has been affirmed in common law, for instance by the Federal Court of Canada in *Pictou Landing Band Council v. Canada (Attorney General)*, 2013 FC 342, a case related to home care support under Aboriginal Affairs and Northern Development Canada and Health Canada programs.

28. The Tribunal ruled in favour of the complainants on January 26, 2016 (2016 CHRT 2), finding that Canada's FNCFS Program and the federal approach to Jordan's Principle discriminated against First Nations children, youth and families on the grounds of race and national and ethnic origin contrary to the *CHRA*. In particular, the Tribunal found that Canada's child welfare funding formulas promote negative outcomes for First Nations children and families and create incentives to take children into care. Moreover, the Tribunal found that Canada's flawed implementation of Jordan's Principle resulted in adverse differentiation and service denials.

29. The Tribunal subsequently made a number of non-compliance orders regarding immediate relief on April 26, 2016 (2016 CHRT 10); September 14, 2016 (2016 CHRT 16); May 26, 2017 (2017 CHRT 14, amended by 2017 CHRT 35); February 1, 2018 (2018 CHRT 4), February 21, 2019 (2019 CHRT 7). The Tribunal ordered \$40,000 in compensation to the victims of Canada's discrimination who had suffered the worst impacts on September 6, 2019 (2019 CHRT 39, the Compensation Decision). On July

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17, 2020 (2020 CHRT 20), the Tribunal also ruled that Canada could not restrict the scope of Jordan's Principle to only First Nations children with Indian Act status or living on-reserve. The Tribunal also issued a ruling with respect to Canada's abuse of process related to failure to meet disclosure obligations (2019 CHRT 1) and an order requiring Canada to provide immediate relief to First Nations not served by agencies (2021 CHRT 12). The Tribunal ruled that Canada is required to provide funding for capital projects to support the delivery of First Nations Child and Family Services and services provided under Jordan's Principle for First Nations children ordinarily resident on-reserve (2021 CHRT 41). The Tribunal also ordered, on consent of the parties, that Canada fund, at actual cost, post-majority care to youth aging out of care and adults formerly in care up to and including age 25, and to assess the resources required to extend Jordan's Principle supports to young adults past the age of majority (2022 CHRT 8).

30. The Tribunal also granted, in a decision indexed as 2021 CHRT 7, a consent order approving a detailed *Framework for the Payment of Compensation under 2019 CHRT 39* and accompanying schedules (the "**Compensation Framework**"). A copy of the Compensation Framework is attached and marked as **Exhibit "B"** to my affidavit.

31. Canada filed an application for judicial review seeking to quash the Compensation Decision and 2020 CHRT 20, as well as other related orders (2020 CHRT 7, 2020 CHRT 15, 2020 CHRT 36, 2021 CHRT 6 and 2021 CHRT 7). This application for judicial review was dismissed on September 29, 2021 (2021 FC 969). Canada's appeal to the Federal Court of Appeal is currently in abeyance (Court File No. A-290-21). The Tribunal remains seized of this matter, and a motion regarding a proposed settlement of the compensation issue, discussed below, is currently pending before the Tribunal.

32. On January 4, 2022, Canada announced that Agreements-in-Principle had been reached on the resolution of two issues: (1) compensation for First Nations children,

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youth and families on reserve and in the Yukon who were removed from their homes, as well as for children, parents and caregivers impacted by Canada's failure to fully implement Jordan's Principle; and (2) long-term reform of the First Nations Child and Family Services Program and a renewed approach to Jordan's Principle, in order to eliminate discrimination and prevent its recurrence. The Caring Society is a party to the Agreement-in-Principle on long-term reform but is not a party to the Agreement-in-Principle on compensation. Attached and marked as **Exhibit "C"** to my affidavit is a press release issued by Indigenous Services Canada on January 4, 2022 announcing the Agreements-in-Principle.

4. THE CARING SOCIETY'S INTEREST IN THE PRESENT PROCEEDING

33. The Caring Society's interest in this proceeding also arises from its long history of commitment to the full, fair, and robust implementation of Jordan's Principle. Jordan's Principle is named after Jordan River Anderson, of Norway House Cree Nation. It is a child-first principle ensuring that First Nations children can access the public services they need, when they need them. Consistent with substantive equality, Jordan's Principle requires government to ensure that jurisdictional disputes or other administrative procedures do not delay, disrupt, or deny a First Nations child from getting culturally appropriate services they need to meet their distinct needs and circumstances. The Caring Society routinely consults Jordan's family on matters related to Jordan's Principle and assists First Nations children, youth, and their families to ensure Canada's compliance with the Tribunal's orders.

34. The Caring Society seeks leave to intervene in this proceeding to assist this Honourable Court in its consideration of the reasonableness of the Final Settlement Agreement signed by Canada, AFN and class counsel on June 30, 2022. If granted leave, the Caring Society's submissions will be informed by its expertise with First Nations children, youth and families, its direct experience with the wide range of services children, youth and families request through Jordan's Principle, and its expert knowledge of the very real impacts that denials of such services can have.

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35. The Caring Society specifically seeks to assist the Court by making submissions on to two specific aspects of the Final Settlement Agreement: (a) eligibility for compensation with respect to Jordan's Principle and the impact of vague eligibility criteria on a victim's ability to meaningfully exercise the right to opt out; and (b) the exclusion of the estates of parents from compensation under the Final Settlement Agreement. Attached and marked as **Exhibit "D"** to my affidavit is a copy of the relevant excerpts of the Final Settlement Agreement on which the Caring Society seeks to make submissions. Attached and marked as **Exhibit "E"** is a copy of the Framework of Essential Services, obtained from the website of Sotos LLP, class counsel, at the following URL: <https://www.sotosclassactions.com/wp-content/uploads/2022/08/Framework-of-Essential-Services-August-19-2022.pdf>

36. On July 22, 2022, Canada and AFN filed a motion before the Tribunal seeking a declaration that the Final Settlement Agreement is fair, reasonable, and satisfies the Tribunal's Compensation Decision and all related orders. In the alternative, the motion asks the Tribunal to vary its Compensation Decision, the related Compensation Framework and other compensation orders, to conform to the Final Settlement Agreement. While the Caring Society has several technical concerns with the Final Settlement Agreement, the essence of the Caring Society's position before the Tribunal is that it disentitles an unknown number of victims, including victims of the "worst-case scenarios" of discrimination identified by the Tribunal, from compensation, without the victims' consent and introduces uncertainty into the compensation amounts for a troubling number of other victims. A copy of the AFN's notice of motion is attached and marked as **Exhibit "F"** to my affidavit.

37. Canada's own news release regarding the Final Settlement Agreement, attached and marked as **Exhibit "G"** to my affidavit, states that the \$20 billion compensation package prescribed in the settlement is the largest in Canadian history. This large amount arises from the long duration of harm dealt with in both the underlying class actions and the Complaint, which together date from 1991, and the vast number of children and families egregiously harmed by Canada's conduct. An actuarial report

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prepared by Peter Gorham, Nico Trocmé and Marie Saint-Girons filed in support of AFN's motion to the Tribunal states that between 100,000 and 110,000 First Nations children are estimated to have been removed from their families between 1991 and 2019. This report is attached and marked as **Exhibit "H"** to my affidavit.

38. The litigation presently unfolding before the Tribunal is distinct from the proceedings currently underway in this Court, which arises in the context of class proceedings rather than a human rights complaint. However, given that the Final Settlement Agreement purports to settle both the human rights and class proceedings, the Caring Society is directly interested in the outcome of this proceeding, particularly as it relates to the anticipated motion for approval of the settlement by this Court.

5. THE CARING SOCIETY'S PROPOSED INTERVENTION

39. As outlined in its Written Representations on this motion, the Caring Society's proposed submissions, if it is granted leave, will differ from those of the parties to this proceeding. The Caring Society will not raise new issues and it will not adduce any evidence.

40. The Caring Society will not seek any costs either on this motion or in the underlying proceeding, if leave to intervene is granted. It will also ask that no costs be awarded against it.

Affirmed by Cindy Blackstock at the City of Ottawa, in the Province of Ontario, before me at the City of Ottawa on September 7th, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Jasmine Kaur
LSO#: P16915

Cindy Blackstock

This is **Exhibit "A"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September,
2022

A handwritten signature in blue ink, appearing to read "Jaur", is positioned above a horizontal line.

Jasmine Kaur
LSO#: P16915

Cindy Blackstock (Gitxsan First Nation)

Executive Director, First Nations Child and Family Caring Society of Canada

Professor, School of Social Work, McGill University

ACADEMIC RECORD (*4 Academic degrees; 21 Honorary Doctorates*)

PhD (Social Work)	University of Toronto, Toronto, Ontario (2009)
Master Degree (Jurisprudence)	Loyola University (Faculty of Law) Chicago, Illinois (2016)
Master Degree (Management)	McGill University Montreal, Quebec (2003)
Bachelor of Arts (Psychology)	University of British Columbia Vancouver, British Columbia (1987)
Doctor of Laws (Honorary)	University of Northern British Columbia Prince George, BC (2012)
Doctor of Letters (Honorary)	Thompson Rivers University, Kamloops, BC (2015)
Doctor of Laws (Honorary)	University of Saskatchewan (2016)
Doctor of Iyiniw Kiskeyihtamowingq Asonamakew (Passing Knowledge on)	Blue Quills First Nations University (2016)
Doctor of Laws (Honorary)	Western University (2016)
Doctor of Laws (Honorary)	Waterloo University (2016)
Doctor of Letters (Honorary)	Mount Saint Vincent University (2016)
Doctor of Laws (Honorary)	University of Winnipeg (2017)
Doctor of Laws (Honorary)	Ryerson University (2017)
Doctor of Laws (Honorary)	Osgoode Law School (2017)
Doctor of Cannon Law (Honorary)	St. John's College (November 2017)
Doctor of Laws (Honorary)	University of Manitoba (May 2018)
Doctor of Laws (Honorary)	University of Toronto (June 2018)
Doctor of Laws (Honorary)	Memorial University (June 2018)
Doctor of Laws (Honorary)	University of Ottawa (June 2018)
Doctor of Laws (Honorary)	Dalhousie University (May 2018)
Doctor of Laws (Honorary)	University of Victoria (2018)
Doctor of Laws (Honorary)	McMaster University (2018)
Doctor of Laws (Honorary)	Trent University (2019)
Doctor of Laws (Honorary)	University of Lethbridge (2019)
Doctor of Laws (Honorary)	University of Calgary (2020)

AWARDS AND HONORS (92)

2021	BC General Employees' Union Spirit of Leadership Award
2021	Canadian Psychological Association Humanitarian Award
2021	BCGEU Leadership Award
2021	Because Mothers Matter Award
2021	Macleans Magazine: The Power List: 50 Canadians who are shaping how we think and live
2020	Fraser Mustard Lecture
2020	CSWE Lecture
2020	Canadian Paediatric Society, Honorary Life Membership
2020	National Indian Child Welfare Association of the USA: Champion for Native Children
2020	Child Welfare League of Canada, COVIDCARING recognition
2020	Federation of Saskatchewan Indigenous Nations: Star blanket Honouring
2019	Unreserved: Class of 2019
2019	Officer of the Order of Canada: Investiture
2019	American Society of Pediatric Otolaryngology Kerschner Lecture
2019	National Public Health Hero Award: Canadian Public Health Association
2019	Human Concern International: Canadian Women Making a Positive Difference
2019	Chatelaine Magazine: Women of the Year
2018	TD Spotlight on Achievement, Family Physicians Assoc. of Canada
2018	Mahatma Gandhi Peace Prize, Mahatma Gandhi Assoc. of Canada
2018	Officer, Order of Canada
2018	Women Making an Impact: Status of Women Canada
2018	Indspire: Promising Practice: Spirit Bear and children make history
2018	Stand Up for Kids Inaugural Award
2018	Profile, The Lancet (http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30429-X/abstract)
2017	Newsmaker of 2018 (CBC)
2017	Chiefs of Ontario Honouring
2017	Gitksan First Nation Honouring
2017	Treaty 8 Honouring for work on Jordan's Principle and the CHRT
2017	Senior Fellow, Raoul Wallenberg Centre for Human Rights
2017	Fellow, Broadbent Institute
2017	Presbyterian Church of Canada, Dr. E. H. Johnson Memorial Award
2017	United Church of Canada, Human Rights Award
2017	Amnesty International, Ambassador of Conscience Award
2017	Canadian Labour Congress, Award for Outstanding Service to Humanity
2017	Janusz Korczak Medal for Children's Rights Advocacy
2017	Jack Layton Progress Prize, Broadbent Institute
2017	Law Society of Upper Canada, Human Rights Award
2017	150 Great Canadians @Canadians150
2016	Canadian Institute of Child Health Award
2016	Ontario Association of Social Workers: Social Change and Human Rights Champion award
2016	Assembly of Manitoba Chiefs Honoring

2016	Neil Reimer Award: UNIFOR
2016	Jordan's Principle Honoring: Norway House Cree Nation
2016	Champion for Children: Defense for Children International
2016	Honorary Recipient, Peter Henderson Bryce Award
2016	Honoring: BC First Nations Leadership Forum on Child Welfare
2016	Golden Whistleblower Award: Canadians for Accountability
2016	Liberty Award (individual): BC Civil Liberties Association
2016	Honouring, Assembly of First Nations
2016	Order of the Buffalo Hunt, Government of Manitoba
2015	Assembly of First Nations Honoring for work on Canadian Human Rights Tribunal
2015	Courage in Law Award, UBC Indigenous Law Students
2015	Distinguished Patron, Defense for Children International
2014	Canadian Society for Training and Development, President's Award
2014	Canadian Civil Liberties Association, Community Award
2014	University of Alberta, Community Scholar Award
2014	Honorary Witness, Truth and Reconciliation Commission
2014	The Federation of Community Social Services of BC Award of Excellence
2013	Human Rights Activist, 16 Days of Activism, Nobel Women's Initiative
2013	Human Rights Defender, Frontline Defenders (Dublin, Ireland)
2013	Friend of Child and Youth Award, North American Council on Adoptable Children
2013	Distinguished Person endorsing the Joint Statement against the Physical Discipline of Children
2013	Champion of Child and Youth Rights Award, First Call (BC)
2012	Recognition, Canadian Journalists for Free Expression
2012	Honorary Lifetime Member, Indigenous Bar Association
2012	Essential Piece Award: Kasohkowew Child Wellness Society
2012	Trudeau Foundation Mentor
2011	National Aboriginal Achievement Award (Public Policy)
2011	Ashoka Fellow (announced 2010 and formally inducted in 2011)
2010	J.W. McConnell Family Foundation Social Innovation Generation Fellows
2010	Canadian Association of Social Workers Outstanding National Service Award
2010	Ontario Municipal Social Services Association, Outstanding Human Services Award
2009	Manitoba First Nation Child Welfare Gala Leadership Award
2009	Yellowhead Tribal Services Recognition Award
2009	Atkinson Foundation Economic and Social Justice Fellowship
2009	Defense for Children International, Canada: Champion for Children Award
2008	University of Western Australia, Healthway Indigenous Scholar Fellowship
2008	Leader in Social Work, National Social Work Week, Ontario Association of Social Workers
2008	Adel Sedra Distinguished Scholar Award, University of Toronto
2008	Inclusion in the United Nations database on Indigenous experts and professionals, United Nations Permanent Forum on Indigenous Issues
2007	Assembly of Manitoba Chiefs Recognition Award, Jordan's Principle
2007	Perry Shawana Aboriginal Child Care Advocacy and Leadership Award
2007	Norway House Cree Nation Recognition Award for Jordan's Principle

2007	Canada Graduate Scholarship (PhD), Social Science and Humanities Council
2006	Wi Chi Ti Zon Group Home Recognition Award
2006	Victor Marchessault Advocacy Award, Canadian Paediatric Society.
2005	Honorary Foster Parent, Aboriginal Foster Doll Project, BC Youth in Care Network; Aboriginal Foster Parents Association and the BC Federation of Foster Parents
2003	Sarah Berman Memorial Award for Public Speaking, North American Council on Adoptable Children
2003	Queen's Golden Jubilee Medal
2003	Yellowhead Tribal Services Child and Family Services Recognition Award
2002	Caring for First Nations Children Society Recognition Award
2001	Province of British Columbia Ministry for Child and Family Development, Instructor Recognition Award
1998	Sto:lo Nation recognition for Instruction of the Aboriginal Social Worker Training Program

ACADEMIC APPOINTMENTS (7)

2018-Present	University of Alberta, Adjunct Professor, Faculty of Education
2014–2015	OISE, University of Toronto, External Scholar, Faculty of Graduate Studies
2013	Dalhousie University, External Scholar, Faculty of Graduate Studies
2011–2015	University of Ottawa, Faculty of Women's Studies and Graduate Studies
2005	University of Toronto, Senior Instructor
2005	University of Victoria, Adjunct Professor
2000	University of Manitoba, Professional Affiliate

PROFESSIONAL APPOINTMENTS (7)

2016–Present	Professor, McGill University, School of Social Work
2011–2016	Associate Professor (tenured), University of Alberta, Faculty of Extension
2003–Present	Executive Director First Nations Child and Family Caring Society www.fnacaringsociety.com
1999–2003	Executive Director Caring for First Nations Children Society www.cfncs.com
1995–1999	Assistant to the Social Development Director The Squamish First Nation
1987-1995	Senior Social Worker Province of British Columbia

RESEARCH (15)

2019	SSHRC Aid to Scholarly Journals Grant Supplement: 2018–2021 – 5K per annum for 3 years (15K).
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- 2018-2021 SSHRC Insight Research Grant: Just because we are small doesn't mean we can't stand tall (teacher's perceptions of children's direct engagement in reconciliation based social justice). Principle Investigator: Cindy Blackstock
- 2018-2021 SSHRC Aid to Scholarly Journals Grant for First Peoples Child and Family Review (2019–2022): Principle Investigator: Cindy Blackstock 26.5 per annum for 3 years (79.5)
- 2015-2019 SSHRC Journal Grant for First Peoples Child and Family Review (2015–2018): Principal Investigator: Cindy Blackstock.
- 2015 Advisor, New Zealand Royal Society Marsden Fund Research Program “Children visiting a museum: information gathering or creative capacity building?”
- 2012 Building Capacity with First Nations and mainstream Youth Protection services in Quebec. Collaborator: Principal Investigator: Nico Trocmé.
- 2011 SSHRC grant for First Peoples Child and Family Review. Principal Investigator: Cindy Blackstock
- 2007-2009 Nova Scotia Department of Community Services and Mi'kmaw Family and Children's Services. *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia.*
- 2007 National Collaborating Centre on Aboriginal Health. *Development of the Scientific Vision for NCCAH.* 2007. Public Health Agency of Canada and the United Nations Committee on the Rights of the Child. *Supporting the development of the UNCRC general comment on Indigenous child rights.*
- 2005 Department of Indian Affairs and Northern Development. *Wen:de: The Journey Continues.* Available on line at www.fncaringsociety.com
- 2005 Department of Indian Affairs and Northern Development. *Wen:de: We are coming to the light of day.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Bridging Econometrics with First Nations child and family service practice.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Staying at Home: Least Disruptive Measures*
- 2004 Health Canada. *Keeping the Promise: The United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children and Young People*
- 2003–2004 Voluntary Sector Initiative, Government of Canada. *Caring Across the Boundaries: Exploring the Nature and Extent of Engagement of the Voluntary Sector with First Nations Children and Families.*

SERVICES RELATED TO RESEARCH (19)

- 2020 Co-convenor, Working group on COVID-19.

- 2017-2019 Research Steering Group Member, Global Child CIHR project to develop compliance indicators for the UN Convention on the Rights of the Child.
- 2016 Co-convenor, Reimagining Child Welfare Symposium. Partnership with Osgoode Law School, TAG, African Canadian Legal Centre and the Caring Society
- 2016 Moderator: Big Thinking Lecture by Noaimi Klein; Federation of the Humanities and Social Sciences
- 2015 Moderator: Big Thinking Lecture by Justice Murray Sinclair: Federation of Humanities and Social Sciences.
- 2015 Symposium participant, Neocolonialism and Indigenous children's rights: University of Technology, Sydney: AU
- 2014 Moderator, Big Thinking Lecture by Dr. Jim Miller, House of Commons, Federation of Humanities and Social Sciences.
- 2014 Board Member, Federation of the Humanities and Social Sciences
- 2013–Present Director, First Nations Children's Action Research and Education Centre (FNCARES), University of Alberta
- 2010 Reviewer, Research Grants for the Social Science and Humanities Council
- 2009 Advisor, Centre of Excellence for Child and Youth Mental Health at CHEO
- 2006–2009 Facilitating consultation with the Indigenous Sub Group for the United Nations Committee on the Rights of the Child in the development of the General Comment on Indigenous Child Rights
- 2006 Reviewer, Harvard University John F. Kennedy School of Government, American Indian Program evaluation of the Longitudinal Survey on Aboriginal Health
- 2006–2008 Expert Panel on Health Literacy, Canadian Public Health Association
- 2004–2008 Canadian Incident Study on Reported Child Abuse and Neglect, research team member.
- 2003–2009 Co-director, Centre of Excellence for Child Welfare
- 2001 Grant Reviewer, Centre of Excellence for Child Welfare.
- 1997–2002 Advisory Committee Member, Joint National Policy Review of First Nations Child and Family Services, the Assembly of First Nations and Department of Indian Affairs and Northern Development.
- 2000–2002 Advisory Committee Member, Centre of Excellence for Child Welfare.

ADVISORY BOARDS/EXPERT ADVISOR/EXPERT WITNESS (14)

- 2021 Advisor, Alaskan Native child welfare collective
- 2020 Witness, Laurent Commission: First Nations children.

2018	Witness, Commission d'enquete sur les relations entre les Autochones et certain services publics au Quebec.
2018	Expert Witness, Murdered and Missing Indigenous Women's Inquiry
2016–Present	Commissioner, Pan American Health Organization, Review of Health Inequities and Inequalities in the Americas.
2017–Present	Advisory, Hand to Hold Campaign to ensure children who are medically transported in Quebec can travel with a guardian/other caring adult.
2014	Reviewer, Indigenous Ethics of Predictive Risk Modeling for Maori Children and Families
2011–2013	Expert Advisor, UNICEF on UN Declaration on the Rights of Indigenous Peoples
2010–2011	Advisor to Microsoft Corporation Canada, First Nations education initiative
2010–2012	Ashoka Changemaker's First Nations, Metis and Inuit Changemaker's Competition Advisory Committee
2010–2012	Mount Royal University, Continuing Education Department. Child and Youth Human Rights Extension Certificate Advisory Committee
2010	Member, Audit Advisory Committee, Auditor General of Canada
2010	Expert Child Welfare Committee, Northwest Territory Government
2010	Expert Panelist, United Nations Permanent Forum on Indigenous Issues

EXECUTIVE PRODUCER OF FILMS AND PHOTOGRAPHY EXHIBIT CURATOR

2021	<i>For Love</i> , Production of Carrier-Sekani Family Services and Walk Tall Productions, Inc. Shania Twain (Narrator), Matt Smiley (Director), Mary Teegee Producer, Warner Adam and Cindy Blackstock , Executive Producers.
2020	<i>Spirit Bear and Children Make History</i> . Film adaptation of book by the same name. Cindy Blackstock – co-book author, co-wrote screen play, voice actor and executive producer. Presented by The First Nations Child and Family Caring Society of Canada and Spotted Fawn Productions.
2016	<i>(Dis)placed: indigenous youth and the child welfare system.</i> Cindy Blackstock , co-producer. Melisa Brittain, Director and film maker.
2013	<i>Fighting for Shannen and all the kids too!</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director and film maker.
2013	<i>Letters to Canada.</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director.
2012	<i>I am a witness: A short film.</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director.
2009	Caring Across Boundaries: Reconciliation in a child's world. Cindy Blackstock , Curator, with photography by Liam Sharp. Premiered at First Canadian Place (Bank of

Montreal headquarters) in Toronto. Since toured to the AFN Special Chiefs Assembly, New Brunswick First Nations, University of Ottawa and the Canadian Labour Congress National Conference.

REFEREED JOURNAL EDITORIAL BOARDS/REVIEWS (22)

2021	Reviewer, <i>Canadian Journal of Family Law</i>
2020	Reviewer, <i>Canadian Journal of Family Law</i>
2020	Reviewer, <i>Paediatrics & Child Health</i>
2020	Reviewer, <i>Canadian Journal of Family Law</i>
2019	Reviewer, <i>Canadian Journal of Family Law</i>
2017	Reviewer, <i>Lancet</i>
2015	Reviewer, Fernwood Publications
2014	Editor in Chief, <i>First Peoples Child and Family Review</i>
2014	Reviewer, <i>International Indigenous Policy Journal</i>
2013	Reviewer, <i>Canadian Medical Association Journal</i>
2012	Reviewer, <i>Child Abuse and Neglect</i>
2012	Reviewer, <i>Child Abuse and Neglect</i>
2012	Reviewer, <i>First Peoples Child and Family Review</i>
2011	Reviewer, <i>Violence Against Women</i>
2011	Reviewer, <i>Child Abuse Review</i>
2009–Present	Reviewer, <i>First Peoples Child and Family Review</i>
2007	Co-wrote editorial, <i>First Peoples Child and Family Review</i>
2007	Reviewer, <i>Violence Against Women</i>
2006	Reviewer, <i>Violence Against Women</i>
2005	Guest Editor, <i>Pediatrics and Child Health</i>
2004–Present	Founding Editorial Board Member, <i>First Peoples Child and Family Review</i>
2003	Guest Editor, <i>Journal on Developmental Disabilities</i>

PUBLICATIONS IN REFEREED JOURNALS (47)

Asmundson, G., **Blackstock, C.**, Bourque, M., Bimacombe, G., Crawford, A., Deacon, S., McMullen, K., McGrath, P., (2020). Easing the disruption of COVID-19: supporting the mental health of people of Canada- October 2020- an RSC Policy Briefing. *FACETS*, 5(1), 22 December 2020.

Blackstock, C., Bamblett, M. & Black, C. (2020). Indigenous ontology, international law and the application of the Convention to the over-representation of Indigenous children in out of home care in Canada and Australia. *Child Abuse & Neglect*.

Hay, T., Kirlew, M. & **Blackstock, C.** (2020). Dr. Peter Bryce (1832-1932): whistleblower on residential schools. *Canadian Medical Association Journal (CMAJ)*, 192 (9) E2223-E2224.

Blackstock, C. (2019). Revisiting the breath of life theory. *British Journal of Social Work*, 2019 (49), 854-859.

- Blackstock, C.** (2019). Indigenous child welfare legislation: A historical change or another paper tiger? *First Peoples Child and Family Review*, 14(1). Retrieved May 5, 2019 at <http://journals.sfu.ca/fpcftr/index.php/FPCFR/article/view/367/299>
- Blackstock, C.** (2019). Learning to babble: Why children are essential to social justice and reconciliation. *Every Child Australia*, 25 (1), 4-7.
- Blackstock, C.** (2017). The United Nations Committee on the Rights of the Child: Does its structure and working methods optimize efficacy and promote child participation? *Canadian Journal of Children's Rights*, 4(1), 116-126.
- Blackstock, C.** (2016). The Complainant: The Canadian Human Rights Tribunal on First Nations Child Welfare. *McGill Law Journal*, 62:2, 285-328.
- King, J., Wattam, J. & **Blackstock, C.** (2016). Reconciliation: the kids are here! *Canadian Journal of Children's Rights*, 3 (10), 32-45.
- Blackstock, C.** (2016). Toward the full and proper implementation of Jordan's Principle: An elusive goal to date. *Paediatric Child Health* 21(5), 245-246.
- Blackstock, C.** (2016). Social movements and the law: addressing engrained government-based discrimination against Indigenous children. *Australian Indigenous Law Review*. 19 (1),5-19.
- Levesque, A., Clarke S. & **Blackstock, C.** (2016). La plainte de discrimination devant le Tribunal des droits de la personne canadien de portant sur les services d'aide a l'enfance aux enfants des Premiere Nations Principe et le de Jordan. *Journal enfance, famille, generations*, 16 (25).
- Cross, T., **Blackstock, C.**, Formsma, J., George, J. & Brown, I. (2015). Touchstones of hope: still the best guide to Indigenous child welfare. *First Peoples Child and Family Review* 10(2), 6-11.
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.** & Sinha, V. (2015). Exploring alternate specification to explain agency-level effects in placement decisions regarding Aboriginal children: Part C. *Child Abuse & Neglect* (May, 2015), 97-106.
- Blackstock, C.** (2015). Should governments be above the law? The Canadian Human Rights Tribunal on First Nations child welfare. *Children Australia*, 40 (2), 95-104.
- Blackstock, C.** (2013). Opening statement of the First Nations Child and Family Caring Society of Canada: Canadian Human Rights Tribunal. *Kanata*, 6 (Winter, 2013), 16-21.
- Blackstock, C.** & Auger, A. (2013). Pursuing human rights for community level resilience: the Jordan's Principle case, process and initiative as resilient community action. *International Journal of Child and Journal Resilience*, 1 (1).
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.**, Maclaurin, B., & Tonmyr, L. (2013). Placement decisions and disparities among Aboriginal children: further analysis of the Canadian Incidence Study on Reported Child Abuse and Neglect part A: comparisons of the 1998 and 2003 surveys. *Child Abuse and Neglect*, 37 (1), 47-60.
- Blackstock, C.** (2012). Aboriginal child welfare self-government and the rights of Indigenous children: A book review. *Children and Youth Services Review*, 34(12), 2504-2506.
- Blackstock, C.** (2012). Jordan's Principle: Canada's broken promise to First Nations children? *Paediatrics and Child Health*, 17(7), 368-370.
- Cross, T. & **Blackstock, C.** (2012). We are the manifestations of our ancestor's prayers. *Child Welfare*, 91 (3), 9-14.
- Blackstock, C.** (2011). Wanted moral courage in child welfare. *First Peoples Child and Family Review*, 6 (2), 36-47.
- Blackstock, C.** (2011). The emergence of the breath of life theory. *Journal of Social Work Values and Ethics*, 8(1), 1-16. Retrieve at <http://www.socialworker.com/jswwv/content/view/143/73/>

- Blackstock, C.** (2011). Why if Canada wins, Canadians lose: The Canadian Human Rights Tribunal on First Nations child welfare. *Children and Youth Services Review*, 33 (2011), 187-194.
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- Blackstock, C. (2012).** A National Crime: Canada faces charges of racial discrimination against First Nations children in 2010. In Ellen Murray (Ed.), *Children Matter: Exploring child and human rights issues in Canada*, pp. 87-111.
- Blackstock, C. (2012).** The Canadian Human Rights Tribunal: why if Canada wins; equality and justice lose. In Michelle Webber & Kate Bezanson (Eds.), *Rethinking society in the 21st century; critical readings in sociology*. Toronto: Canadian Scholars Press.
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- Blackstock, C.** (2008). Reconciliation means not saying sorry twice: lessons from child welfare. *From truth to reconciliation: transforming the legacy of residential schools* (pp. 163-178). Ottawa: Aboriginal Healing Foundation.
- Blackstock, C.,** Brown, I., & Bennett, M. (2007). Reconciliation in child welfare (2007). In Brown, Chaze, Fuchs, Lafrance, McKay & Thomas Prokop (Eds.) *Putting a human face on child welfare: voices from the prairies*, (pp. 59-89). Toronto: Center of Excellence for Child Welfare.
- Blackstock, C.** (2007). Dream Catcher: The UN Convention on the Rights of the Child and the lived experiences of First Nations children. In *International Indigenous Child Rights*, Philip Cook, Cynthia Price-Cohen, Eds.
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RESEARCH REPORTS (8)

Saint-Girons, M., Lefebvre, R., Fallon, B. & Blackstock, C. (2020). (In)Equity in the context of covid-19: Information sheet. Montreal: Canadian Child Welfare Research Portal.

Blackstock, C. (2009). *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia*. University of Toronto: Toronto, ON.

Loxley, J.; DeRiviere, L.; Prakash, T.; **Blackstock, C.,** Wien, F. & Thomas Prokop, S. (2005). *Wen:de – the Journey Continues*. Ottawa: First Nations Child and Family Caring Society of Canada.

- Blackstock, C.,** Prakash, T., Loxley, J., & Wien, F. (2005). *Wen:de: We are Coming to the Light of Day*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Trocme, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T., Tonmyr, L., **Blackstock, C.,** Barter, K., Truscott, D., Cloutier, R. (2005). *Canadian Incidence Study on Reported Child Abuse and Neglect: Major Findings-2003*. Ottawa: Public Health Agency of Canada
- Blackstock, C.,** Clarke, S., Cullen, J. D' Hondt, J. & Formsma, J. (2004). *Keeping the Promise: the United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Nadjiwan, S. & **Blackstock, C.** (2003). *Annotated Bibliography on the Nature and Extent of Collaboration Between the Voluntary Sector and First Nations Child and Family Services Agencies in Canada*. Ottawa: First Nations Child and Family Caring Society.
- Bennett M. & **Blackstock, C.** (2002). *First Nations Child and Family Services and Indigenous Knowledge as a Framework for Research, Policy and Practice*. Available on line at www.cccw-cccw.ca.

BOOK REVIEWS (3)

- Blackstock, C.** (2012). Aboriginal Child Welfare Self-Government and the Rights of Indigenous Children: A book review. *Children and Youth Services Review* 34(12), 2504-2506.
- Blackstock, C.** (2009). *Review of walking this path together*. Walking this path together. Susan Strega and Jeannine Carriere Eds. (Cover). Winnipeg: Fernwood Publishing.
- Blackstock, C.** (2007). The story of Tikinagan Child and Family Services: A book review. *Ontario Association of Children's Aid Societies Journal*, Winter 2007, 51 (1), 27-28.

CURRICULUM WRITING (11)

- | | |
|------|---|
| 2017 | First Peoples Social Work, Bachelor of Social Work, McGill University |
| 2018 | Advocacy Course, Master of Social Work, McGill University |
| 2011 | Mosquito Advocacy. Master degree level course. Faculty of Extension, University of Alberta |
| 2008 | <i>Touchstones of Hope: Bachelor of Social Work Course</i> . Centre of Excellence for Child Welfare, University of Toronto. |
| 2005 | <i>Leadership and Followership: the Honor of Both in Effective Indigenous ECD Management</i> . University of Victoria. |
| 2002 | <i>Negotiations Module, Supervisory Training</i> , Aboriginal Social Worker Training Project (1/2-day course) |
| 2002 | <i>Ethics Module</i> , First Nations Partnership Program, University of Victoria |
| 2002 | Blackstock, C and Kovach, M. <i>Social Work 451 Curriculum</i> . Faculty of Social Work, University of Victoria. |
| 2000 | <i>Aboriginal Child and Family Service Programs</i> , Aboriginal Social Worker Training Program (1/2-day course) |
| 2000 | <i>Team Assistant Training Curriculum</i> , Ministry for Children and Families |

1999 *Aboriginal Child and Family Services, Ministry for Children and Families CORE Training (1-day course)*

LITIGATION (13)

In the following litigation, I was the instructing client for First Nations Child and Family Caring Society of Canada and also assisted with legal research and writing of legal submissions. I also testified 6 times over the various legal proceedings and have submitted numerous affidavits. According to Government of Canada estimates, this litigation has resulted in an additional \$634 million in First Nations child and family services funding in addition to over 777,000 services, products and supports for First Nations children via Jordan's Principle between 2016 and 2020. The litigation is ongoing. I wish to acknowledge the exceptional contributions of Caring Society staff and legal counsel in achieving these results as well as those of the other parties to the proceedings.

- 2021 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2021 CHRT 12. Over \$500 million provided in prevention services to First Nations children and families served by federally funded provincial and territorial child welfare providers.
- 2020 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2020 CHRT 36. Non-status First Nations children granted access to Jordan's Principle.
- 2019 *Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al.*, 2019 FC 1529. Federal Court dismisses Canada's application to stay the Tribunal's compensation order (2019 CHRT 39).
- 2019 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2019 CHRT 39. Award maximum compensation to victims of Canada's discrimination.
- 2019 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2019 CHRT 7. Interim order ensuring non-status children off reserve can access Jordan's Principle in urgent circumstances.
- 2019 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2019 CHRT 1. Cost award v. Canada for failing to disclose.
- 2018 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2018 CHRT 4. Order to fund First Nations child and family services prevention, legal, building repairs, intake and assessment and band representatives and mental health at actual cost retroactive to January 26, 2016 and on a go forward basis.
- 2017 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2017 CHRT 35. Amendment of 2017 CHRT 14 to allow for some documentation re: Jordan's Principle.

- 2017 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2017 CHRT 14. Order for Canada to fully implement Jordan's Principle.
- 2016 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2016 CHRT 2. Order substantiating the complaint filed by the First Nations Child and Family Caring Society and the Assembly of First Nations in 2007 alleging that Canada's systemic under-funding of First Nations children's services was discriminatory on the prohibited grounds of race and national or ethnic origin.
- 2016 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2016 CHRT 10. Non-compliance order with 2016 CHRT 2.
- 2016 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2016 CHRT 16. Non-compliance order with 2016 CHRT 2.
- 2013 *Attorney General of Canada v. First Nations Child and Family Caring Society et al.* 2013 FCA 75. Federal Court of Appeal upholds Federal Court decision to overturn Tribunal decision to dismiss.
- 2012 *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2012 FC 445. Federal Court overturns Tribunal decision to dismiss the case.

UNITED NATIONS COMMITTEES AND INTERNATIONAL ORGANIZATIONS

(23)

- 2021 Presenter, UNICEF side event at UN Permanent Forum on Indigenous Issues (Impacts of COVID on First Nations children)
- 2021 Presenter, Indigenous youth delegation from Canada, UN Permanent Forum on Indigenous Issues (Advocacy and leadership in international human rights law)
- 2021 Participant, UN Social Development Goals Task Team Frontier Dialogue, Addressing Structural racial and ethnicity-based discrimination in COVID 19 recovery plans.
- 2019 Presenter: Pan American Health Organization (Health equity and inequity)
- 2018 Delegate, UN Committee on the Rights of the Child Day of Discussion: Children as Human Rights Defenders
- 2018 Presenter, Universal Periodic Review: Pre-session for Canada
- 2018 Presenter, Inter-American Commission on Human Rights
- 2017 Presenter, United Nations Committee on the Elimination of Racial Discrimination
- 2016 Presenter, Inter-American Commission on Human Rights
- 2016 Commissioner, Pan American Health Organization Review of Equity and Health Inequalities in the Americas.
- 2013 Presenter, Special Rapporteur on Indigenous Issues, Ottawa, Canada
- 2012 Presenter, United Nations Committee on the Rights of the Child pre-session for review of Canada, Geneva
- 2012–2013 Expert Advisor, UNICEF New York

2011	Presenter, United Nations Permanent Forum on Indigenous Issues side event on Indigenous children and youth, New York
2010	Expert Member, United Nations Permanent Forum on Indigenous Issues forum on Indigenous children and youth, Vancouver, BC
2009	Presenter, United Nations Permanent Forum on Indigenous Issues. Side Event, New York
2006–2009	Assisted the United Nations Committee on the Rights of the Child in the development of a General Comment on Indigenous child rights.
2007	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event, New York
2007	Presenter, United Nations Committee on the Rights of the Child, Geneva
2006	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event. New York
2006	Presenter, United Nations Committee on Economic, Social and Cultural Rights, Geneva
2006	Presenter, NGO Group for the UN Convention on the Rights of the Child, Geneva
2004	Presenter, United Nations Permanent Forum on Indigenous Issues Side Event, New York
2003	Participant, United Nations Committee on the Rights of the Child Day of General Discussion on Indigenous Children

PRESENTATIONS TO SENATE COMMITTEES AND HOUSE OF COMMONS COMMITTEES (16)

2019	Presentation to the House of Commons on Indigenous and Northern Affairs (Bill C-92)
2019	Presentation to the Senate Committee on Indigenous Peoples (Bill C-92)
2017	Presentation to the House of Commons Committee on Heritage (racial discrimination and First Nations children)
2017	Presentation to the House of Commons Committee on Indigenous Affairs (youth suicide)
2016	Presentation to the House of Commons Finance Committee
2016	Presentation to the House of Commons Indigenous Affairs Committee
2016	Presentation to the House of Commons Finance Committee
2014	Presentation to the Special House of Commons Committee on Violence Against Indigenous Women
2011	Presentation to the Standing Committee on Women on First Nations child and family services
2010	Presentation to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on First Nations Adoption
2010	Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare funding
2009	Presentation to the Senate Committee on Human Rights
2007	Presentation to the Senate Committee on Sexual Exploitation

- 2006 Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare policy
- 2006 Presentation to the Senate Standing Committee on Human Rights on First Nations child welfare policy
- 2005 Presentation to the Senate Standing Committee on Aboriginal children off reserves who come into contact with the child welfare system

PROVINCIAL/TERRITORIAL/JUDICIAL CHILD WELFARE REVIEW SERVICES
(9)

- 2017 Presenter, Alberta Ministerial Panel on Child Intervention
- 2016 Witness, Inquiry into the deaths of 7 First Nations youth, Thunder Bay, ON
- 2016 Presenter: Government of Manitoba Premier's Council on First Nations Child Welfare
- 2014 Presenter: Government of Manitoba Premier's Council on First Nations child welfare
- 2014 Presenter: Government of Alberta on First Nations child welfare
- 2014 Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
- 2013 Expert Witness, Phoenix Sinclair Inquiry
- 2013 Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
- 2010 Expert Committee Member, Standing Committee of the Legislature, Northwest Territories Review on child welfare
- 2010 Expert Committee Member, Auditor General of Canada: Audit of Nunavut child and family services
- 2009 Advisor, New Brunswick Child and Youth Advocate review of First Nations child welfare

PRESENTATIONS AT JURIED CONFERENCE (150)

- 2021 McGill-wide Department of Medicine Medical Grand Rounds (TRC Calls to Action, Jordan's Principle)
- 2021 Emergency Department Rounds, Children's Hospital of Eastern Ontario (TRC Calls to Action, Jordan's Principle)
- 2021 Keynote, International Childhood Trauma Symposium
- 2021 Keynote, Canadian Psychological Association
- 2020 Keynote, Fraser Mustard Lecture, Kids Brain Health Network
- 2020 CSWE Conference: Hokenstad International Lecture
- 2019 Keynote, Women in Medicine (Jordan's Principle)
- 2019 Keynote, American Society of Pediatric Otolaryngology (equity and Indigenous child health)
- 2019 Keynote, College of Alberta School Superintendents (Jordan's Principle)
- 2018 Keynote, Provincial Court Judges of British Columbia (CHRT)
- 2018 Grand Rounds, Montreal Children's Hospital (Jordan's Principle)
- 2018 Keynote: Early Childhood Australia (children's engagement in reconciliation)
- 2018 Workshop: Early Childhood Australia (mosquito advocacy)

- 2018 Conversation: Jackson Lecture, OISE U Toronto (First Nations children's rights)
- 2018 Keynote: International Social Work Conference (children's engagement in reconciliation)
- 2017 Keynote: Indspire (First Nations children's equity)
- 2017 Keynote: Yukon Bar Association (Canadian Human Rights Tribunal Case)
- 2017 Keynote: PSA Super Conference (First Nations children and reconciliation)
- 2017 Keynote: Ontario Tribunals (Canadian Human Rights Tribunal Rights Case)
- 2017 Keynote: Yukon Bench Association (Canadian Human Rights Tribunal Case)
- 2017 Keynote: Federal Family Court of Australia (Indigenous child welfare)
- 2017 Keynote: University of New South Wales, Bringing them Home 20th Anniversary (Engaging children in reconciliation)
- 2017 Keynote: City of Ottawa (Reconciliation and Municipalities)
- 2017 Keynote, Alberta School Superintendents Association (Equity and First Nations children)
- 2017 Keynote, Expanding Horizons for Early Years (Stigma and effect on First Nations children)
- 2017 Keynote, Legal Education Action Fund (LEAF), Vancouver
- 2017 Keynote, Equity and Child Welfare, London, UK (engaging children in equity)
- 2017 Grand Rounds, Queens University School of Medicine (Jordan's Principle)
- 2016 Keynote, ISPCAN (First Nations children's equity)
- 2016 Keynote, Prairie Child Welfare Consortium (First Nations children's equity)
- 2016 Big Thinking Lecture, Parliament Hill (The Perils of Incremental Equality for First Nations children).
- 2016 Keynote, 50th Anniversary of Sir Wilfred Laurier Faculty of Social Work
- 2016 Keynote, Office of the Senior Practitioner, New South Wales, AU (Child participation in reconciliation)
- 2016 Keynote, Crown Counsel Summer School (Canadian Human Rights Tribunal)
- 2016 Keynote, Gov't Great Failure: Not Doing Better for First Nations Children when they Knew Better (Congress 2016)
- 2016 Panel Presentation, Ontario Court of Justice (Reconciliation and Children's Rights)
- 2016 Keynote, Pathways to Reconciliation (Reconciliation and children)
- 2016 Keynote, Defense for Children International (Canadian Human Rights Tribunal)
- 2016 Keynote, Indigenous Health Conference (Equity)
- 2016 Workshop, Royal Society of Rural and Remote Physicians (Jordan's Principle)
- 2016 Webinar, Canadian Bar Association (Canadian Human Rights Tribunal)
- 2016 Keynote, Jack Layton Lecture, Ryerson, ON (Indigenous children's rights)
- 2016 Keynote, Broadbent Institute Progress Summit, Ottawa, ON (Incremental equality)
- 2016 Keynote, Upstream, Ottawa, ON (Incremental equality)
- 2016 Keynote, Better Outcomes, Connexus (Reconciliation)
- 2015 Panel presentation, SNAICC, Perth, AU (Neocolonialism and child welfare)
- 2015 Workshop, SNAICC, Perth, AU (Mosquito Advocacy)
- 2015 Panel presentation, Federation of the Humanities and Social Sciences Congress (Equity and Aboriginal children)
- 2015 Keynote, C & K Conference, Brisbane, AU: Reconciliation: the children's version
- 2015 Master class, C & K Conference: Mosquito Advocacy

- 2015 Panel Presentation, SPUR Festival, Disposable Lives: Murdered and Missing Indigenous Women
- 2015 Keynote, CIEC Diversity, Equity and Inclusivity Symposium (Equity)
- 2015 Keynote, Royal Society of Rural and Remote Medicine (Jordan's Principle)
- 2015 Keynote, MacEwan University: Aboriginal lecture series (Reconciliation)
- 2015 Expert panel: 6th International Meeting on Indigenous Health (equity)
- 2015 Keynote: Weld Kernohan Lecture, Dalhousie University
- 2015 Keynote: Wiichitaakewin Lecture, Confederation College
- 2015 Keynote: Woodrow Lloyd Lecture, University of Regina
- 2014 Keynote: Una Ridley Lecture, University of Lethbridge Faculty of Health Sciences: Reconciliation
- 2014 Keynote: SSHRC Imagining Canada's Future: Reconciliation
- 2014 Keynote: Mallory Lecture, McGill University: First Nation's Children's Equity
- 2014 Master class: Childhood Trauma Conference, Melbourne, AU: Mosquito Advocacy
- 2014 Expert panel: Childhood Trauma, Melbourne, AU
- 2014 Keynote: Childhood Trauma Conference, Melbourne, AU: Touchstones of Hope
- 2014 Keynote: Leading Practice Conference, Sydney, AU: Reconciliation and children
- 2014 Keynote: W.K. Kellogg Foundation American Healing Panel: Addressing Indigenous children at the international level (Indigenous children's rights)
- 2014 Keynote: Wunusweh Lecture on Aboriginal Law, (First Nations children's rights, University of Saskatchewan.
- 2013 Keynote: Inaugural Kagedan Lecture on Social Work and Human Rights, (Equity Matters), McGill University
- 2013 Workshop presenter, (Equity Matters), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
- 2013 Plenary panel presenter, (Prevention- moving from ideas to action across the lifespan), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
- 2013 Keynote speaker, SNAICC (Canadian Human Rights Tribunal and child engagement), Cairns, Australia
- 2013 Master class presenter, SNAICC (Mosquito Advocacy), Cairns, Australia
- 2013 Keynote speaker, Mowafaghian Visiting Scholar Lecture, Simon Fraser University (Mosquito advocacy)
- 2013 Keynote speaker, Rheal Brant Memorial Lecture, Carleton University (First Nations children's rights)
- 2013 Keynote speaker, Connexus, Ottawa, ON (Children's Voices have Power)
- 2013 Keynote speaker, *Te Rangi Pūahotanga, Otaki, New Zealand (Children standing in solidarity with First Nations children)*
- 2013 Keynote speaker, Montreal Women's Canadian Club (Children's Voices have Power)
- 2013 Carol Harrison Memorial Lecture, Sick Kids Hospital, Toronto
- 2012 Keynote speaker, British Columbia Association of Social Workers (Moral Courage: Kids have it and adults need it)
- 2012 Keynote speaker, National Child Maltreatment Symposium (UN Convention on the Rights of the Child and First Nations Children)

- 2012 Speaker, Montreal Children's Hospital Grand Rounds (First Nations child welfare)
- 2012 Keynote speaker, New Zealand Public Health Association (Mosquito Advocacy)
- 2012 Keynote speaker, World Conference on Social Work, Stockholm (First Nations human rights)
- 2012 Keynote speaker, University of Saskatchewan Indigenous Law Conference (First Nations child welfare case and UNDRIP)
- 2012 Keynote speaker, Ottawa/Carleton Elementary Teachers Federation (human rights for First Nations children)
- 2011 Panel presenter, Canadian Association of Health Sciences
- 2011 Keynote speaker, First Nations Education Steering Committee
- 2011 Keynote speaker, British Columbia Nurses Union
- 2011 Presenter, Indigenous Bar Association, Ottawa
- 2011 Presenter, Canadian Association of School Boards, Ottawa
- 2011 Presenter, Grand Rounds, Children's Hospital Eastern Ontario
- 2011 Presenter, Webinar Canadian Association of Social Workers
- 2011 Keynote speaker, Hidden Legacy Conference
- 2011 Plenary speaker, US National District Attorneys Association
- 2010 Keynote speaker, Ontario Association of Social Workers
- 2010 Keynote speaker, World Indigenous Women's Conference, Darwin, Australia
- 2010 Keynote speaker, SNAICC conference, Alice Springs, Australia
- 2010 Workshop presenter, SNAICC conference, Alice Springs, Australia
- 2010 Keynote speaker, PrevNet conference, McMaster University
- 2010 Keynote speaker, Canadian Pediatric Society Resident's Seminar
- 2010 Keynote speaker, Waterloo University, Social Innovation Generation Speakers Series
- 2010 Panel presenter, Osgoode Law School, Post-Gladue Conference
- 2010 Keynote speaker, National Indian Child Welfare Conference, Portland, Oregon
- 2010 Workshop presenter, National Indian Child Welfare Conference, Portland, Oregon
- 2010 Keynote speaker, Alberta Association of Social Workers Conference, Edmonton
- 2010 Keynote speaker, Early Childhood Conference, Victoria
- 2009 Keynote speaker, Indigenous Child Welfare Research, Victoria
- 2009 Keynote speaker, Canadian Council on Social Development, Calgary
- 2009 Keynote speaker, Towards 2020 Conference, Ottawa
- 2009 Presenter, Aboriginal Health Conference, Taipei
- 2009 Keynote speaker, Compassion International Conference on Child Welfare, Taipei
- 2009 Keynote speaker, Aboriginal Head Start, Edmonton
- 2009 Keynote speaker, Ontario Children's Mental Health Organization conference, Toronto
- 2008 Keynote speaker, Department of Community Services, Sydney, Australia
- 2008 Keynote speaker, World Conference for Women's Shelters, Edmonton
- 2008 Keynote speaker, Legal Services Society, Vancouver
- 2008 Keynote speaker, Association of Child Welfare Agencies, Sydney, Australia
- 2008 Presenter, Association of Child Welfare Agencies, Sydney, Australia
- 2008 Keynote speaker, North American Council on Adoptable Children, Ottawa
- 2008 Keynote speaker, Cultural Diversity and Vulnerable Families, Universite du Quebec, Montreal

- 2008 Presenter, Community of Practice Tele-symposium. American Institute for Research, Washington, DC
- 2007 Keynote speaker, Canadian Association of Pediatric Health Centers, Annual Conference, Montreal, Quebec
- 2007 Keynote speaker, Childhoods conference. Hamilton, New Zealand
- 2007 Keynote speaker, SNAICC conference, Adelaide, Australia
- 2007 Keynote speaker, Yellowhead Tribal Services National Conference on First Nations child welfare, Edmonton
- 2007 Keynote speaker, Indigenous Law Conference, Toronto, Ontario
- 2007 Workshop presenter, National Indian Child Welfare Conference, Oklahoma City, USA
- 2007 Plenary speaker, National Indian Child Welfare Conference, Oklahoma, USA
- 2007 Keynote speaker, Third International Conference on Domestic Violence, London, Ontario
- 2007 Plenary speaker, North American Indigenous Health Conference, Montreal
- 2007 Workshop presenter, North American Indigenous Health Conference, Montreal
- 2007 Abstract co-presenter, North American Indigenous Health Conference, Montreal
- 2006 Keynote speaker, C and K Early Education Conference, Cairns, Australia
- 2006 Keynote speaker, Forum on Epidemiology, University of Ottawa School of Medicine.
- 2006 Keynote speaker, Aboriginal Health Symposium, University of Ottawa, School of Medicine.
- 2006 Keynote speaker, National Indian Child Welfare Association Conference, San Diego, USA.
- 2005 Keynote speaker, World Indigenous Peoples Conference on Education, Hamilton, New Zealand
- 2005 Keynote speaker, Many Hands: One Dream Conference on Aboriginal Child Health, Victoria, BC
- 2005 Keynote speaker, Canadian Association for Community Living, Saskatoon
- 2005 Keynote speaker, Millennium Scholarship Conference. Ottawa
- 2005 *Structural Risks to Aboriginal Children*, Workshop, Childhoods Conference, Oslo, Norway
- 2005 *Indigenous Children's Rights*, Workshop, United Nations Permanent Forum on Indigenous Peoples, New York, USA.
- 2005 Plenary speaker, Rethinking Development, Antigonish, NS
- 2005 Keynote speaker, Resiliency Conference, Halifax, NS
- 2005 *National Policy Review*, Workshop, Yellowhead Tribal Services National Conference, Victoria, BC
- 2005 Plenary speaker, Courageous Conversations, Harvard University
- 2005 Keynote speaker: Sparrow Lake Alliance Conference, Sparrow Lake, ON
- 2005 Keynote speaker: Walking in Both Worlds, Winnipeg, MB
- 2004 Keynote speaker, What Works in Social Policy, New Zealand
- 2004 Keynote speaker, Pacific Islander Indigenous Research Fono, New Zealand.
- 2004 Plenary speaker, ISPCAN Conference, Brisbane, Australia
- 2004 *Caring Across the Boundaries*, ISPCAN Conference, Brisbane, Australia
- 2004 Plenary speaker, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON

- 2004 *Making Child Welfare Research Accessible: Workshop for Young People,*
International Conference Promoting Resiliency for Children Receiving Care.
Ottawa, ON
- 2004 Keynote speaker, Rheel Brant-Hall Memorial Lecture, Carleton University.
Ottawa, ON
- 2003 Keynote speaker, International Promises into Practice Conference
- 2003 Keynote speaker, North American Council on Adoptable Children, Vancouver,
BC
- 2003 Keynote speaker, Association of Native Child Welfare Agencies conference. Sault
St. Marie, ON
- 2002 Keynote speaker, Canada's Children: Canada's Future. Toronto, ON
- 2000 Keynote speaker, Child Welfare Symposium. Cornwall, ON

PRESENTATIONS AT COMMUNITY EVENTS/CONFERENCES (327)

- 2021 Virtual Presentation: Merkur Lecture Series (TRC)
- 2021 Virtual Presentation: First Nations Children's Action Research and Education
Service Fall Panel (CHRT)
- 2021 Virtual Presentation: BC Public Interest Disclosure Conference (Dr. Bryce)
- 2021 Virtual Presentation: Night for Rights by Society for Children and Youth of BC
(2019 FN/CIS, CHRT)
- 2021 Presentation: Canadian Institute for the Administration of Justice (C-92)
- 2021 Virtual Lecture: University of British Columbia Dean's Distinguished Lecture
(Colonialism, CHRT, 2019 FN/CIS)
- 2021 Virtual Presentation: The Early Childhood Development Association of Prince
Edward Island Fall Conference (Dr. Bryce, 2019 FN/CIS, CHRT)
- 2021 Virtual Presentation: North Shore Tribal Council Technical Committee
(CHRT, 2019 FN/CIS)
- 2021 Virtual Presentation: Federation of Sovereign Indigenous Nations (CHRT and
C-92 funding)
- 2021 Virtual Presentation: Directors of Child Welfare (2019 FN/CIS)
- 2021 Virtual Presentation: Directors of Child Welfare (Caring Society Updates)
- 2021 Virtual Lecture: McGill Faculty of Medicine Annual Osler Lecture (Colonialism,
Dr. Bryce, CHRT)
- 2021 Presentation: MoveUP Convention (historic and continuing inequity, CHRT)
- 2021 Virtual Presentation: Carrier-Sekani Family Services Annual General Assembly
(CHRT, C-92)
- 2021 Virtual Presentation: The Law Society of Manitoba Access to Justice Week Panel
(TRC, CHRT)
- 2021 Virtual Presentation: The Law Society of Manitoba Annual Child Protection
Program (Jordan's Principle, CHRT)
- 2021 Virtual Presentation: McGill University 4th International Congress on Whole
Person Care (Dr. Bryce, 2019 FN/CIS, CHRT)
- 2021 Presentation: City of Victoria Reconciliation Dialogue No. 4 (Spirit Bear: Echoes
of the Past)
- 2021 Virtual Presentation: Manitoba College of Social Workers Annual General
Meeting & Education Event (historic and continuing inequity, CHRT)

- 2021 Presentation: Child Welfare Legislation Updates to Gitxsan Child and Family Services (CHRT, C-92)
- 2021 Presentation: CHRT and C-92 Funding Consideration to Grand Council Treaty 3
- 2021 Virtual Presentation: BC Aboriginal Child Care Society Conference (Dr. Bryce, Jordan's Principle, CHRT)
- 2021 Virtual Presentation: Law Class 272 – Queen's University for Professor Sarah Clarke (historic and continuing injustice, CHRT)
- 2021 Virtual Presentation: Loyola University Coffee Talk (residential schools, Dr. Bryce, CHRT)
- 2021 Virtual Presentation: Kings University College Veritas Lecture Series (Dr. Bryce, CHRT)
- 2021 Virtual Presentation: UN Committee on the Rights of the Child Day of General Discussion on Children's Rights in Alternative Care
- 2021 Virtual Keynote: British Columbia Teachers' Federation (Dr. Bryce, TRC, CHRT)
- 2021 Virtual Presentation: Royal College of Physicians (Dr. Bryce, CHRT)
- 2021 Virtual Presentation: University of British Columbia EDST 565 (Dr. Bryce, CHRT)
- 2021 Virtual Panel: Spirit Bear Teacher Professional Summer Retreat (TRC, historic and continuing inequity)
- 2021 Virtual Presentation: McGill University Law/Arts Faculty At-Home Homecoming (historic and continuing inequity)
- 2021 Virtual Presentation: Ottawa Community Pediatricians (Spirit Bear, Dr. Bryce)
- 2021 Virtual Presentation: Easter Seals Social Justice Speaker Series (youth activism)
- 2021 Virtual Presentation: Canadian Women's Initiative & Deloitte Indigenous (current and past litigation with the government)
- 2021 Virtual Presentation: Dodem Kanonhsa' Indigenous Education and Culture Facility (Spirit Bear)
- 2021 Virtual Presentation: Ontario's Children Advancement Coalition (systemic racism)
- 2021 Virtual Presentation: Canadian Psychological Association Annual General Meeting Convention Address (Spirit Bear)
- 2021 Virtual Presentation: BC Aboriginal Child Care Society Directors Forum (CHRT and Jordan's Principle update)
- 2021 Virtual Presentation: Canadian Society for the History of Medicine Annual Conference (colonialism)
- 2021 Virtual Presentation: Australia Childhood Foundation International Childhood Trauma Symposium (trauma of colonization)
- 2021 Virtual Lecture: McGill Indigenous Field Course (2019 FN/CIS, C-92)
- 2021 Virtual Presentation: Saskatchewan Association of Social Workers Annual General Meeting (C-92)
- 2021 Virtual Presentation: Chiefs of Ontario C-92 Forum
- 2021 Virtual Presentation: Commentary for OCAC Child and Youth Day (Jordan's Principle)
- 2021 Virtual Presentation: Wabano Bear Witness Day (Spirit Bear and Jordan's Principle)
- 2021 Virtual Keynote: Diversity, Equity and Inclusion Conference at Appleby College

- 2021 Virtual Panel: AFN Quebec and Labrador: Systemic discrimination and Joyce's Principle
- 2021 Virtual Panel: National Indian Child Welfare Association and First Nations Child and Family Caring Society (Touchstones of Hope: Non-discrimination).
- 2021 Virtual Presentation: First Nations Leadership Council (Jordan's Principle judicial review)
- 2021 Virtual Presentation: In Path (Arts as advocacy)
- 2021 Juniper Elementary School: Spirit Bear
- 2020 Keynote, Okanagan Nation Child Wellbeing Event
- 2020 Virtual Keynote: Person's Day: University of Windsor: Invisible colonialism
- 2020 Virtual Keynote: BC Women's Transition Houses: Inequity
- 2020 Virtual Keynote: Kempe Centre, Denver, Colorado: Systemic racism
- 2020 Panel: book launch: Fighting for a Hand to Hold
- 2020 Virtual Panel: UNICEF Canada: UNICEF report card 16
- 2020 Virtual Keynote: Youth in Care Canada and the Child Welfare League of Canada (advocacy)
- 2020 Virtual Keynote: Together Ensemble: Moral Courage and Reconciliation
- 2020 Virtual Keynote: ISPCAN Webinar: First Nations Children's Equity
- 2020 Keynote: Council of Yukon First Nations: CHRT and C-92
- 2020 Keynote: BC Indigenous Heath: First Nations Children's Equity
- 2019 Keynote: QATSICPP Conference, Brisbane, AU (Child Engagement)
- 2019 Master Class: QATSICPP, Brisbane, AU (Mosquito Advocacy)
- 2019 Panel: University of Ottawa IFSD: Democracies: Non-violent struggles for recognition
- 2019 Panel: Young Public Servants Conference (How does Government learn?)
- 2019 Keynote: Early Childhood Education BC (Jordan's Principle)
- 2019 Keynote: Aboriginal Child Welfare Conference, MCFD (Jordan's Principle and CHRT)
- 2019 Keynote: Walpole Island First Nation (Jordan's Principle)
- 2019 Presentation: Walpole Island Elementary School (Spirit Bear)
- 2018 Keynote: Ontario School Counsellors Association (Child engagement in reconciliation)
- 2018 Keynote: Seven Oaks School Division (Child engagement in reconciliation)
- 2018 Keynote: Vision Institute (Jordan's Principle)
- 2018 Keynote: Indigenous Bar Association (Child rights litigation)
- 2018 Keynote: Mahatma Gandhi Assoc./U Manitoba (CHRT)
- 2018 Keynote: Mi'kmaw Confederacy of PEI
- 2018 Keynote: AFN Jordan's Principle Conference (Jordan's Principle)
- 2018 Keynote: Prince George Friendship Center (CHRT)
- 2018 Keynote: Mozilla Foundation (Reconciliation)
- 2018 Panel: Finding Peter Bryce (Peter Henderson Bryce)
- 2018 Keynote Speaker: Elementary Teacher's Federation of Ontario
- 2018 Keynote Speaker: CUPE (Reconciliation)
- 2018 Keynote Speaker: City of Ottawa International Women's Day (human rights)
- 2018 Panel: McGill University Have a Heart Day
- 2018 Keynote: Dawson College Montreal (First Nations children and reconciliation)
- 2017 Presentation: Rotaract Ottawa

- 2017 Presentation: Canadian Association of Pediatric Health Centers (Jordan's Principle)
- 2017 Chiefs of Ontario: (Child Welfare Reform)
- 2017 Treaty 8 Jordan's Principle Conference (Jordan's Principle)
- 2017 Presentation: FNCARES (Incremental Equality)
- 2017 Keynote: Elizabeth Fry Society of the Yukon Territory (First Nations children and reconciliation)
- 2017 Keynote: Elizabeth Fry Society of Quebec in collaboration with the Universite de Montreal (First Nations children and reconciliation)
- 2017 Keynote: Presbyterian Women's Organization (Learning from history to engage in reconciliation today)
- 2017 Panel presentation: Peter Henderson Bryce: Honouring a Man of Conscience (reconciliation)
- 2017 Presentation: Bringing them Home in University of Technology in Sydney in collaboration with the Jumbunna Indigenous House of Learning (First Nations child welfare tribunal and child engagement).
- 2017 Keynote: Presbyterian Church of Canada (Reconciling history).
- 2017 Keynote: Community Foundations of Canada (BELONG), First Nations children's equity)
- 2017 Presenter: Canadian Labour Congress (First Nations children's equity)
- 2017 Ottawa Muslim Women's Association (human rights and First Nations children)
- 2017 Keynote: Manitoba Nurses Association (Jordan's Principle)
- 2017 Keynote: Representative for Children and Youth BC (CHRT)
- 2017 Manitoba School Superintendents Conference, Winnipeg (First Nations children's equity and Shannen's Dream)
- 2017 Panel: TIFF (Foster Child) Panel with Jesse Wentz
- 2017 Master Class: McGill Students Indigenous Solidarity Week (advocacy)
- 2017 Keynote: Student Nurses Association of Canada
- 2017 Keynote: McGill Global Nursing Conference
- 2017 Presentation: McGill Journal on Health and the Law
- 2016 Keynote: McGill Indigenous Alumni Gathering
- 2016 Keynote: Rotary Winnipeg
- 2016 Panel: Ontario Bar Association: 2016 CHRT 2
- 2016 Keynote: TAG- the action group to access justice, enveloping legal cases in social movements
- 2016 Keynote: Rotary Clubs Zone 23 and 32 Institute, First Nations children and reconciliation
- 2016 Question period: Calgary International Film Festival ("We Can't Make the Same Mistake Twice")
- 2016 Question period: Toronto International Film Festival ("We Can't Make the Same Mistake Twice")
- 2016 Keynote: QCAIPP, Gold Coast, Australia (Mosquito Advocacy)
- 2016 Keynote: New Brunswick First Nations CFS (CHRT case)
- 2016 Keynote: UFCW North American Women's Conference
- 2016 Keynote: High Risk Youth Conference (First Nations human rights)
- 2016 Panel: Ontario Court of Justice AGM (Canadian Human Rights Tribunal)
- 2016 Keynote: Lighting the Fire (First Nations education and Jordan's Principle)
- 2016 Keynote: BC First Nations Leadership Forum

- 2016 Keynote: Law Society of Upper Canada (Canadian Human Rights Tribunal)
- 2016 Keynote: Association of Native Child and Family Service Agencies in Ontario
- 2016 Panel: Economic Club of Ottawa (Leadership)
- 2016 Keynote: University of Alberta Alumni Association- Edmonton (Reconciliation and First Nations children)
- 2016 Keynote: University of Alberta Alumni Association- Calgary (Reconciliation and First Nations children)
- 2016 Keynote: School Board 57 Aboriginal Education (First Nations children and education).
- 2016 Keynote: Walpole Island First Nation Special Needs Conference
- 2016 Keynote: McGill Faculties of Law and Social Work (Canadian Human Rights Tribunal)
- 2016 Keynote: Aboriginal Nurses Association (Jordan's Principle)
- 2015 Presentation: Assembly of First Nations Special Chiefs Assembly (Tribunal update).
- 2015 Keynote: BC Non-Profit Housing Conference (First Nations children's rights)
- 2015 Keynote: First Nations Education Steering Committee (First Nations education)
- 2015 Panel: University of Alberta (Reconciliation in Post-Secondary)
- 2015 Presentation: Indigenous Bar Association (Mosquito Advocacy)
- 2015 Workshop: Federation for the Humanities and Social Sciences and SSHRC (Touchstones of Hope)
- 2015 Panel: Assembly of First Nations (First Nations Child Welfare)
- 2015 Presentation: Voices-Voix Parliamentary Breakfast
- 2015 Briefing: Union of BC Indian Chiefs (First Nations Child Welfare Tribunal)
- 2015 Keynote: Toronto Rotary Club (Reconciliation)
- 2015 Keynote: UNIFOR (Reconciliation)
- 2015 Briefing: First Nations Summit (First Nations Child Welfare Tribunal)
- 2015 Presentation: First Nations of Quebec and Labrador (Canadian Human Rights Tribunal and Best Practices in First Nations child welfare)
- 2015 Master class: First Nations child welfare (Secwepemc Child and Family Services, Kamloops)
- 2015 Presentation: Union of BC Indians (Canadian Human Rights Tribunal and best practices in First Nations child welfare)
- 2015 Moderator: Youth Panel, Journey to Reconciliation, Edmonton
- 2015 Keynote: University of Alberta Indigenous Knowledge Conference
- 2015 Master class: Independent First Nations of Ontario Youth Gathering (Mosquito advocacy)
- 2015 Keynote: Independent First Nations of Ontario Youth Gathering (First Nations' children's rights)
- 2015 Keynote: Wabano Health Center
- 2015 Workshop: National Indian Child Welfare Association of the USA: Touchstones of Hope
- 2015 Keynote: Lawyer's Rights Watch (Canadian Human Rights Tribunal case on First Nations child welfare)
- 2014 Keynote: University of Alberta Gall Lecture on Human Rights
- 2014 Presentation: Assembly of First Nations (Canadian Human Rights Tribunal on First Nations child welfare)
- 2014 Presentation: FNCARES (Government surveillance)

- 2014 Keynote: LEAF Ottawa
- 2014 Keynote: LEAF Edmonton
- 2014 Keynote: Wikwemikong First Nation (First Nations children's rights)
- 2014 Presentation: Whitefish River First Nation (First Nations children's rights)
- 2014 Keynote: Prairie Child Welfare Consortium, Saskatoon, Sask. (First Nations child welfare human rights tribunal)
- 2014 Keynote: IAP2 Conference, Winnipeg Manitoba (Reconciliation: the children's version). Collaboration with Fiona Cavanagh, Faculty of Extension U Alberta).
- 2014 Keynote: British Columbia Teachers' Federation (First Nations children's human rights)
- 2014 Presentation: Alberta First Nations Child and Family Service Agencies (Canadian Human Rights Tribunal on First Nations child welfare)
- 2014 Keynote: Catholic Women's Association, Thunder Bay (Reconciliation and children)
- 2014 Presentation: Sioux Lookout Health Authority (First Nations child rights and the Canadian Human Rights Tribunal)
- 2014 Keynote: Ontario Association of School Board Trustees (Equity in First Nations education)
- 2014 Presentation: Federation of Saskatchewan Indian Nations Health and Social Services Forum (Canadian Human Rights Tribunal)
- 2014 Moderator: Truth and Reconciliation Commission Youth Panel (Toronto Event)
- 2014 Keynote: Mi'kmaq Confederacy of PEI and Canada World Youth Aboriginal Youth Gathering (Indigenous children's rights)
- 2014 Presentation: First Nations Child and Family Services Directors' Forum (Canadian Human Rights Tribunal)
- 2014 Keynote: Justice, Diversity and Inclusion for All (Children's Rights)
- 2014 Keynote: Central Alberta Social Worker's Association (Mosquito Advocacy)
- 2014 Plenary Presentation: Privacy Conference hosted by Faculty of Extension of U Alberta (Domestic Government surveillance of Human Rights Defenders)
- 2014 BC Civil Liberties Association (Domestic Government surveillance of Human Rights Defenders)
- 2014 Workshop presenter: National Indian Child Welfare Association, Fort Lauderdale (trajectories of First Nations children in care)
- 2014 Moderator: Truth and Reconciliation Commission Youth Panel (Edmonton Event)
- 2014 Keynote: Moving forward- building culturally safe organizations (First Nations children's equity)
- 2014 Keynote: Ontario Association of Social Workers (First Nations children's equity)
- 2014 Panel Discussion: Hi-Ho Mistahey, FNCARES
- 2014 Presentation: Aboriginal Youth Advisory Circle, Alta. Child and Youth Advocate (Mosquito advocacy)
- 2014 Keynote: Alberta Association of Services for Children and Families (First Nations children's rights)
- 2013 Keynote: HIPPY Canada, Calgary (First Nations children's rights)
- 2013 Keynote: Peel Teachers Association, Shannen's Dream
- 2013 Keynote: (First Nations child welfare tribunal), Best practices in legal representation, Jasper, Alta.

- 2013 Testimonial: Frontline Defenders, Dublin, Ireland (Civil society and protection against government repression)
- 2013 Keynote Presenter: Aboriginal Foster Parent's Federation of BC, Penticton (equity and First Nations children)
- 2013 Keynote Presenter: Prevention Matters, Saskatoon, Saskatchewan (children's rights and child welfare)
- 2013 Keynote Presenter: Waving the Magic Wand, Enoch Cree Nation, Alberta (structural risks and responses)
- 2013 Presenter: Pacific Business and Law Institute (First Nations child welfare human rights tribunal)
- 2013 Keynote Presenter: Algonquin College Aboriginal Graduation
- 2013 Keynote Presentation: Alberta Aboriginal Child Welfare Forum (Structural risks and solutions)
- 2013 Keynote Presenter: Walkers of Nishiyuu Youth Forum (First Nations human rights)
- 2013 Keynote Presenter: Elementary Teachers Federation of Ontario (First Nations children's rights)
- 2013 Keynote Presenter: University of Ottawa Education Student's Forum (First Nations children's rights)
- 2013 Keynote Presenter: First Call (First Nations children's rights)
- 2013 Keynote Presenter: Indigenous Physicians Association of Canada (First Nations children's rights and Jordan's Principle)
- 2013 Ontario University Students Association
- 2012 Plenary Presenter: Assembly of First Nations Special Chiefs Assembly
- 2012 Keynote Presenter: West Region CFS (First Nations child rights)
- 2012 Keynote Presenter: Advocate's Society (First Nations child rights)
- 2012 Keynote Presenter: Atlantic Policy Congress Health Conference (Canadian Human Rights Tribunal on FN Child Welfare and Jordan's Principle)
- 2012 Human Concern International and Youth for Northern Communities (First Nations children's rights)
- 2012 Keynote Presenter: West Region CFS Women's Gathering (First Nations Child Rights)
- 2012 Keynote Presenter: BC Association of Social Workers (Moral Courage)
- 2012 Keynote Presenter: Manitoba First Nations (First Nations child welfare)
- 2012 Keynote Presenter: KAIROS (Mosquito advocacy)
- 2012 Presenter: Assembly of First Nations education forum (First Nations children's human rights)
- 2012 Keynote: Temagami First Nation (Children's voices have power)
- 2012 CUP Annual General Meeting (Children's voices have power)
- 2012 Presentation: Directors of Child Welfare (First Nations child welfare)
- 2012 Keynote presentation: QCAIPP, Brisbane, Australia (Voices of children in human rights)
- 2012 Presentation: Yirkalla Community, Australia (First Nations children human rights)
- 2012 Keynote presentation: Supporting Aboriginal Children Together, Darwin, Australia (Children have voices)
- 2012 Keynote presentation: United Church of Canada General Council, Ottawa (Residential school and First Nations children today)

- 2012 Panel presentation: Assembly of First Nations Annual General Assembly
- 2012 University of Ottawa, Forum on Reconciliation (Reconciliation: implications for the current generation of FN children)
- 2012 Keynote presentation: Wabano Health Centre (Structural issues for FN children and Touchstones of Hope)
- 2012 Keynote presentation: Westboro Church, Ottawa (Equity and Social Justice for FN children)
- 2012 Keynote presentation: University of Ottawa Bachelor of Education Conference (Shannen's Dream)
- 2012 Plenary presentation: BC Government (Touchstones of Hope)
- 2012 Keynote presentation: Ottawa/Carleton Native Studies Teachers Conference (Shannen's Dream)
- 2012 Keynote presentation: Best Start Conference, Ontario (First Nations children's rights)
- 2012 Keynote presentation: Chiefs of Ontario ECD conference (structural risks and human rights)
- 2012 Presentation: Canadian Council of Child Advocates (structural risks and human rights)
- 2011 Presentation: Sir Wilfrid Laurier Secondary School. (Shannen's Dream, Jordan's Principle and I am a witness campaigns)
- 2011 Panel presentation: Assembly of First Nations Special Chiefs Assembly (First Nations children's rights)
- 2011 Keynote presentation: Indian Child Welfare Forum in Saskatoon (First Nations children's rights)
- 2011 Workshop: Assembly of First Nations Health Forum (Mosquito Advocacy)
- 2011 Panel presentation: Assembly of First Nations Health Forum (Jordan's Principle)
- 2011 Keynote: Cowichan Tribes Child Welfare Forum (7 ways to make a difference)
- 2011 Northern BC Chiefs Forum (First Nations children's rights)
- 2011 Keynote, KAIROS Women of Courage Tour (Social Justice)
- 2011 Keynote, Whitefish River First Nation (Touchstones of Hope)
- 2011 Keynote, Manitoba FN CFS (Touchstones of Hope)
- 2011 Keynote, Native Women's Association AGM (First Nations children's rights)
- 2011 Presentation, Combined Voices, Brisbane, Australia
- 2011 Keynote, Victoria Council of Social Services, Melbourne, Australia
- 2011 Keynote, Queensland Council of Social Services, Brisbane, Australia
- 2011 Keynote, Victoria Leadership Forum, Adelaide, Australia
- 2011 Master Class: Berry Street Family Services, Melbourne, Australia
- 2011 Panel Presentation, Queensland Council of Social Services, Brisbane, Australia
- 2011 Panel Presentation, Two Ways Together, Melbourne, Australia
- 2011 Presentation, Assembly of First Nations Social Development Forum
- 2011 Presentation, Assembly of First Nations Education Forum
- 2011 Keynote Presentation CAPDHHE Conference, Edmonton
- 2011 Presentation, KAIROS Banner March, Ottawa, ON
- 2011 Presenter: Building Bridges, Carleton Place
- 2011 Keynote Presentation, OASIS
- 2011 Presentation: Anglican Church Conference
- 2011 Keynote Presentation, Building Bridges Partnership

- 2011 Keynote Presentation, UBC Aboriginal Social Work Gathering
- 2011 Keynote Presenter, Guelph Children's Aid Society Aboriginal Conference
- 2011 Panel Presenter, Manitoba School Board's Association
- 2011 Keynote speaker, Ontario Aboriginal Child Welfare Conference
- 2011 Keynote speaker, Wesley Prankard's Camp out, Niagara Falls
- 2011 Workshop, Attawapiskat First Nation
- 2011 Catholic High school, Ottawa
- 2011 Presenter, UCFW Human Rights Committee
- 2011 Keynote speaker, Payukotayno CFS, Moose Factory FN
- 2011 Plenary speaker, International Indigenous Health Conference
- 2011 Keynote speaker, Early Childhood Development Support Services, Edmonton
- 2011 Keynote speaker, National Aboriginal Health Survey Conference
- 2011 Keynote speaker, Chiefs of Ontario Health Forum
- 2011 Keynote speaker, Wabano Health Center Youth Forum
- 2011 Presenter, Public Service Alliance of Canada, Aboriginal Forum
- 2011 National Women's Legal Association Forum
- 2010 Workshop presenter, Rise up for Rights, Canadian Labour Congress
- 2010 Keynote speaker, National Youth in Care Network 25th anniversary
- 2010 Keynote speaker, Native Women's Centre of Hamilton
- 2010 Workshop presenter, Rise up for Rights, Ottawa
- 2010 Workshop presenter, Covenant Chain Aboriginal Conference
- 2010 Keynote speaker, Assembly of First Nations Youth Gathering
- 2010 Workshop presenter, Yellowhead Tribal Services National Conference
- 2010 Keynote speaker, Saskatchewan Association of Social Workers
- 2010 Keynote speaker, the Charter and You, Ontario Bar Association
- 2010 Plenary speaker, Post-Gladue, Osgoode Law School
- 2010 Keynote speaker, Carrier-Sekani Northern Chiefs Summit on Child Welfare
- 2010 Keynote speaker, BC Provincial Touchstones of Hope Forum
- 2010 Keynote speaker, Treaty 6, 7 and 8 Chiefs Health Forum
- 2010 Keynote speaker, Carleton University Aboriginal Awareness Week
- 2009 Keynote speaker, CECW International Prevention of Child Abuse Event, Toronto
- 2009 Keynote speaker, Manitoba First Nations CFS Gala
- 2009 Keynote speaker, New Brunswick Ombudsman's Expert Panel
- 2009 Keynote speaker, Northern Social Workers Conference, Whitehorse
- 2009 Keynote speaker, George Hull Centre, Toronto
- 2009 Keynote speaker, Uniting Care, Australia
- 2009 Keynote speaker, SNAICC, Australia
- 2009 Keynote speaker, Department of Communities, Australia
- 2009 Keynote speaker, Allied Iroquois and Algonquin Indians Health Retreat, Niagara Falls, Ontario
- 2009 Keynote speaker, Nicola Valley Institute of Technology, Burnaby, BC
- 2009 Keynote speaker, Nurturing Families, Prince George, BC
- 2009 Keynote speaker, Southern First Nations Network of Care, Winnipeg
- 2009 Touchstones of Hope Conference, Toronto, Ontario
- 2009 Keynote speaker, Ktunaxa Kinbasket Child and Family Services Conference, Cranbrook, BC
- 2008 Keynote speaker, Treaty 7 Child and Family Service Conference, Calgary, AB

- 2008 Keynote speaker, Northern Social Workers Association, Yellowknife, NWT
- 2008 Keynote speaker, University of Western Australia Rural and Indigenous Health, Geraldton, Australia
- 2008 Keynote speaker, Vancouver Island Chiefs Forum, Vancouver, BC
- 2008 Keynote speaker, Benevolent Society, Orange, Australia
- 2008 Presentation, Government of Australia FACSIA, Canberra, Australia
- 2008 Keynote speaker, Indigenous Child at the Centre 2, Vancouver, BC
- 2008 Keynote speaker, Vancouver Island Chiefs Forum, Duncan, BC
- 2004 Keynote speaker, Indigenous Research Symposium, University of Victoria, BC
- 2005 Keynote speaker, Canadian Association of Social Workers Conference, Toronto, ON
- 2008 Keynote speaker, Quebec First Nations, Quebec City, PQ
- 2008 Keynote speaker, University of Alberta Medical School, Edmonton, AB
- 2008 Keynote speaker, Indigenous Child at the Centre Forum, Vancouver
- 2007 Speaker, Alberta Ministry for Children's Services Native Unit, Calgary AB.
- 2007 Keynote speaker, 50th Anniversary of the New Brunswick Community Living Association Conference, Fredericton, NB
- 2007 Keynote speaker. North Peace School Board
- 2007 Keynote speaker, Wee-chi-te-win CFS
- 2007 Keynote speaker, Ontario Association of Municipal Social Services
- 2007 Keynote speaker, Federation of Saskatchewan Indian Nations
- 2007 Keynote speaker, Many Hands One Dream, Ottawa
- 2007 Keynote speaker, Council of Health and Social Development, First Nations of Quebec
- 2007 Workshop presenter, National Children's Alliance, Middle Childhood Forum, Ottawa.
- 2007 Keynote speaker, Superintendents of Schools, Regina
- 2006 Keynote speaker, Superintendents of Schools Association, Winnipeg
- 2006 Keynote speaker, Wi Ci Ti Zon Child Welfare Conference, Saskatoon
- 2006 Keynote speaker, Awasis FNCFS Annual General Meeting, Prince Albert
- 2006 Presenter, Assembly of First Nations Executive Council, Rama First Nation.
- 2006 Keynote speaker, Métis Nation of Ontario, Annual General Assembly. Garden River First Nation, Sault St. Marie.
- 2006 Keynote speaker, National Association of Friendship Centers National Youth Forum, Saskatoon
- 2006 Keynote speaker, Boys and Girls Clubs of Canada
- 2006 Keynote speaker, Canadian Political Science Students Association
- 2005 Presentation, Amnesty International
- 2005 Presenter, Joining Hands Across the World for Indigenous Children, Toronto
- 2005 Keynote speaker, Annual General Meeting of Superintendents of Schools, Winnipeg, Manitoba
- 2005 Keynote speaker, Nog da win da min Child and Family Services Annual General Meeting.
- 2005 Plenary speaker, Rethinking Development Conference, St. Francis Xavier University, Nova Scotia.
- 2005 Keynote speaker, Resiliency Conference, Halifax, Nova Scotia
- 2005 Keynote speaker, Heart of the Matter, Malaspina University College

2005	Workshop, <i>Caring Across the Boundaries</i> , Heart of the Matter, Malaspina University College.
2005	Workshop, <i>Community Development and First Nations Child Welfare</i> , Heart of the Matter, Malaspina University College
2004	Plenary speaker, International Indigenous Child Rights Symposium, University of Victoria.
2004	Keynote speaker, Policy Link Conference, New Brunswick
2004	Plenary speaker, Assembly of First Nations General Assembly
2004	Keynote speaker, Saskatchewan Adoptive Parents Association
2004	Plenary speaker, National Indian Child Welfare Association Conference
2004	Presenter, Big Brothers Big Sisters of Canada Annual Meeting
2004	Keynote speaker, Family Resource Programs of Canada Annual General Meeting
2004	Keynote speaker, First Nations Youth at Risk Conference
2004	Keynote speaker, Yellowhead Tribal Services Agency, National Conference
2004	Panel presentation, National Children's Alliance Annual Meeting
2003	Keynote speaker, Winnipeg Planning Council, AGM
2003	Keynote speaker, Prairie Child Welfare Consortium Conference
2003	Presenter, FNCFCFS Indigenous Research Workshop, Halifax
2003	Presenter, Malaspina College Conference

ACADEMIC PLACEMENT SUPERVISION/PhD COMMITTEE SERVICE (32)

2021	PhD External, Tania Tautari-Clife, University of Auckland (underway)
2020/21	Hannah Crawford, Laurier MSW
2018	PhD External, La Trobe University (Misha McMahan)
2017	MSW Thesis Supervisor (Tyson Kensall), McGill University
2017	PhD Internal, McGill University (Amal El Sana), McGill University
2016	MSW Placement Supervisor, Carleton University
2015	BSW Placement Supervisor, Carleton University
2015–Present	PhD Committee Member: York University (Farihah Ali)
2015	MSW Placement Supervisor, Carleton University
2015	External Examiner, Australian Catholic University, AU (Bindi Bennett) “Developing identity as a light-skinned Aboriginal person with little or no community and/or kinship ties.”
2015	BSW Placement Supervisor, Carleton University
2014	BSW Placement Supervisor, University of Calgary
2014	External Examiner, UTS, Sydney, AU (Susan Green) “The History of Aboriginal Welfare in the Colony of NSW”
2014	BSW Placement Supervisor, Carleton University
2014	External Examiner, University of Toronto OISE
2014	BSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Laurentian University
2013	MSW Placement Supervisor, Carleton University
2012–2015	Doctoral Committee Member, McGill University, School of Social Work (student withdrew from program)

2012–2020	Doctoral Committee Member, Dalhousie University, School of Social Work (candidate: Nancy MacDonald)
2012	BSW Placement Supervisor, Carleton University
2012	BSW Placement Supervisor, Sir Wilfred Laurier University
2011	Placement Supervisor, University of Ottawa
2011	BSW Placement Supervisor, Carleton University
2011	MSW Placement Supervisor, University of Victoria
2010-2011	BSW Placement Supervisor, Carleton University
2010-2016	Doctoral Committee Member, University of Ottawa (candidate: Cynthia Stirbys)
2010	Lauren Scholar Supervisor, McGill University
2009	Lauren Scholar Supervisor, University of British Columbia
2007	MSW Social Work Placement Supervisor, Carleton University and the University of Lapland, Finland
2005	MSW Social Work Student Placement Supervisor, Carleton University
2004	MSW Social Work Student Placement Supervisor, Carleton University
2003	BSW Social Work Placement Supervisor, Carleton University
1999	BSW Social Work Placement Supervisor, University of British Columbia

SELECTED INVITED TEACHING (140)

2021	Selkirk College: invisible colonialism and systemic racism
2020	University of Dublin: International Social Work
2020	Lougheed College: Public Policy and Inequity
2020	McGill School of Social Work: Child Protection
2020	McGill School of Social Work: Anti-oppressive Practice
2020	University of Windsor: Invisible colonialism
2020	Brock University, School of Child and Youth Care: Systemic Discrimination
2020	CHEO/University of Ottawa Faculty of Medicine: Reconciliation
2020	University of Toronto Faculty of Social Work: Research Methods
2020	UBC Faculty of Law: CHRT
2019	Mount Allison University: Is it Genocide?
2019	First Nations University: Is it Genocide?
2019	Dalhousie University, Policy Matters: Equity
2019	Monmouth University, Greta Singer Memorial Lecture: Moral Courage
2019	Monmouth University, Bachelor of Social Work: Indigenous Peoples
2019	Queens University, Thomas Courchene Lecture: Equity and Reconciliation
2019	McGill Debating Team, Equity and Reconciliation
2019	Dalhousie University, Kawaskimhon National Law Moot
2019	Dalhousie University, Faculty of Law (Mosquito Advocacy)
2019	Thompson Rivers University, Faculty of Law (CHRT)
2019	Thompson Rivers University, School of Nursing (Jordan's Principle)
2018	Harvard University, Faculty of Law (CHRT)
2018	University of Victoria, Faculties of Social Work and Indigenous Studies (First Nation's children's equity)
2018	McMaster University, Faculties of Social Work and Indigenous Studies (CHRT, ethics, etc.)

- 2018 Charles Sturt University, Australia (Breath of Life theory)
- 2018 Charles Sturt University, Australia (Moral Courage)
- 2018 Yale University, Faculty of Law, USA (CHRT case and Social Movements)
- 2018 McGill University, School of Social Work (Advocacy)
- 2018 University of Alberta, Faculty of Education (Child Engagement)
- 2017 St. Thomas University, School of Social Work (First Nations human rights)
- 2017 McGill University, Indigenous Student's Assoc. (Mosquito Advocacy)
- 2017 Thompson Rivers University Faculty of Global Studies (Equity)
- 2017 Thompson Rivers University Faculties of Social Work/Nursing (CHRT)
- 2017 University of Ottawa, Faculty of Education (Equity and reconciliation)
- 2016 University of Ottawa, Faculty of Education (Equity and Reconciliation)
- 2016 University of Alberta, School of Public Health (Mosquito Advocacy)
- 2015 University of Toronto, Faculty of Social Work (Breath of Life Theory)
- 2015 University of Toronto, Faculty of Social Work (Mosquito Advocacy)
- 2015 University of Toronto, Faculty of Social Work (Reconciliation)
- 2015 Charles Sturt University, Bathurst AU (Breath of Life Theory)
- 2015 Charles Sturt University, Bathurst AU (Mosquito Advocacy)
- 2015 University of Alberta, Sociology (Privacy)
- 2015 University of Alberta, Human Ecology (Mosquito Advocacy)
- 2015 University of Ottawa, Faculty of Management (Communications)
- 2015 University of Ottawa, Faculty of Education (First Nations education)
- 2015 University of Ottawa, Faculty of Law (Mosquito Advocacy)
- 2015 University of Regina, Indigenous Students Association (Leadership)
- 2015 University of British Columbia, Faculty of Law (First Nations children's rights)
- 2014 University of Alberta, Public Health (Mosquito Advocacy)
- 2014 University of Calgary, Faculty of Social Work (First Nations children's rights)
- 2014 University of British Columbia Okanagan, Faculty of Social Work (First Nations children's equity)
- 2014 University of Saskatchewan, Faculty of Law (First Nations child welfare tribunal and Jordan's Principle)
- 2014 University of Alberta, Human Ecology (Mosquito Advocacy)
- 2014 University of Ottawa, Faculty of Education (First Nations Education)
- 2014 University of Toronto, Faculty of Social Work (Quantitative methods)
- 2013 University of Alberta, Public Health, (Mosquito Advocacy)
- 2013 Vanier College, Social Sciences, (Children's voices have power)
- 2013 University of Ottawa, Political Science, Indigenous Peoples
- 2013 University of Alberta, Human Ecology (First Nations children's human rights)
- 2013 University of Alberta, Sociology (First Nations children's human rights)
- 2013 University of Alberta, Extension (Breath of Life Theory)
- 2013 University of Ottawa, Indigenous Studies (Mosquito Advocacy)
- 2013 McGill University, Indigenous Studies (First Nations children's rights)
- 2013 Kew Beach Public School, Toronto (Shannen's Dream)
- 2013 University of Toronto, Faculty of Social Work (Evidence based advocacy)
- 2013 University of Toronto, Social Work
- 2012 University of Alberta, Faculty of Public Health (Mosquito Advocacy)
- 2012 Sacred Heart Secondary School (Children's Voices have Power)
- 2012 University of Ottawa, Faculty of Law (First Nations child welfare tribunal)

- 2012 McGill University Faculty of Social Work and Faculty of Law (First Nations child welfare tribunal)
- 2012 Georgian Bay College (First Nations children's human rights)
- 2012 University of Moncton (First Nations children's human rights)
- 2012 University of Manitoba (First Nations children's human rights)
- 2012 Red River College (First Nations children's human rights)
- 2012 University of Ottawa, Graduate Students Association (Shannen's Dream and Jordan's Principle)
- 2012 Dalhousie University, Faculty of Political Science, (structural risks)
- 2012 Workshop, Milne Valley Middle School, Toronto (Equity for FN children)
- 2012 McGill University, School of Social Work (structural risks and human rights)
- 2012 Carleton University, Bachelor of Social Work (Breath of Life Theory)
- 2012 University of Alberta, Human Ecology (structural risks and human rights)
- 2012 Pierre Elliott Trudeau Elementary School (Have a Heart for First Nations Children Day)
- 2012 University of Alberta Aboriginal Student's Association (structural risk and human rights)
- 2012 University of Ottawa, Faculty of Law (human rights case)
- 2012 University of Toronto, The case for courage in quantitative research for First Nations children
- 2012 University of Ottawa, Faculty of Law
- 2012 University of Ottawa, Faculty of Law
- 2012 York University, Children and Youth Studies
- 2012 University of Ottawa, Faculty of Law
- 2011 University of Alberta (CUP), Evidence base for advocacy
- 2011 Carleton University, Aboriginal Students Association (First Nations Human Rights)
- 2011 University of Ottawa Law School (Human Rights Case)
- 2011 University of Northern British Columbia (Breath of Life Theory)
- 2011 Dalhousie University, School of Social Work (First Nations children's rights)
- 2011 University of Alberta, Faculty of Nursing (First Nations children's rights)
- 2011 University of British Columbia, Aboriginal Forum (Breath of Life Theory)
- 2011 NVIT, Social Work
- 2011 Carleton University, Social Work
- 2011 St. Pius X Catholic High School, Ottawa
- 2010 St. Paul University, Social Work
- 2010 University of Toronto, Faculty of Law
- 2010 Ryerson University, Faculty of Social Work
- 2010 University of Ottawa, International Development
- 2010 University of Toronto, Research Methods, Faculty of Social Work
- 2009 University of Toronto, Faculty of Social Work
- 2009 Queensland University of Technology, Australia
- 2009 University of Queensland, Australia
- 2009 James Cook University, Australia
- 2009 Nicola Valley Institute of Technology, Faculty of Social Work
- 2009 University of Toronto, Faculty of Social Work
- 2009 University of Manitoba, School of Social Work
- 2009 Ryerson University, School of Social Work

2009	Carleton University, School of Social Work
2008	Faculty of Social Work, University of Toronto
2008	University of Ottawa Law School
2008	School of Graduate Studies, University of Toronto
2008	Faculty of Social Work, University of Toronto
2008	Symposium, University of New South Wales, Australia
2008	Symposium, Murdoch University, Australia
2008	Symposium, University of Western Australia
2008	Faculty of Social Work, University of Victoria
2008	Faculty of Social Work, University of Toronto
2007	Faculty of Social Work, University of Toronto
2006	Human Rights, Carleton University
2006	Faculty of Social Work, University of Toronto,
2006	Department of Aboriginal Health, University of Western Australia.
2005	Master of Social Work program, University of Toronto
2005	American Indian Program, Harvard University
2005	Human Rights, Carleton University.
2004	MSW program, Carleton University
2004	PhD. and MSW programs, University of Toronto
2003	MSW program, Carleton University
2003	School of Social Work, University College of the Caribou

INSTRUCTION (15)

2021	Instructor, First Peoples Social Work, McGill University
2020	Instructor, Evidence Informed Advocacy, McGill University
2020	Instructor, First Peoples Social Work, McGill University
2019	Instructor, Evidence Based Advocacy, McGill University
2019	Instructor, First Peoples Social Work, McGill University
2018	Instructor, Community Organization: Advocacy, McGill University
2018	Instructor, First Peoples Social Work, McGill University
2014	Instructor, Mosquito Advocacy, University of Alberta
2012	Instructor, Mosquito Advocacy, University of Alberta
2006	Instructor, Aboriginal Early Childhood Development Program, University of Victoria
2002	Instructor, Aboriginal Social Work module, Provincial Social Worker Training Program, Justice Institute of British Columbia
2002	Instructor, Aboriginal Social Worker Training Program
2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Justice Institute of British Columbia
1998–2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Province of British Columbia
1998	Instructor, Pilot Program of the Aboriginal Social Worker Training Program.

SELECTED MEDIA COVERAGE (389)

2022	Indian Country Today: Agreement in principle
2022	APTN Investigates
2022	Sirius XM Same Six Questions
2022	SiriusXM The Kim Wheeler Show
2022	CTV News: Indigenous youth in foster care
2022	Wall Street Journal Podcast – The journal on the CHRT case
2022	CBC: CHRT case
2022	APTN: CHRT case
2022	The Walrus: CHRT case
2022	CTV News – Realities and Racism Panel: Agreement in principle
2022	BBC World News: CHRT case
2022	CTV Your Morning: CHRT case
2022	CBC Radio The Current: CHRT case
2022	CTV Power Play: CHRT case
2022	CBC Power and Politics: CHRT case
2021	Global News: CHRT case
2021	CTV: Vatican visit for residential school apology
2021	CBC, Canadian Press: CHRT case
2021	CTV News Power Play: CHRT case
2021	Canadian Press: CHRT case
2021	Cable Public Affairs Channel: Child welfare compensation
2021	CBC Power and Politics: Child welfare compensation
2021	CBC Radio: Child welfare compensation
2021	Radio-Canada: Child welfare compensation
2021	CBC News: CHRT case
2021	APTN: Child welfare compensation
2021	Global News: CHRT case
2021	CBC News: Child welfare compensation
2021	SiriusXM Dahlia Kurtz Canada's National Talk Show
2021	CTV Your Morning: Compensation for First Nations schools
2021	CBC Power and Politics: Court ruling and government's decision regarding an appeal
2021	CTV Power Play and National News
2021	APTN
2021	Global News: The Pope's potential apology
2021	CTV News: Appeal ruling
2021	CBC: On Chretien
2021	CBC
2021	APTN: CHRT
2021	Globe and Mail; Response to Prime Minister appeal comments
2021	CBC Power and Politics: Reaction to Prime Minister visit to Tk'emlups
2021	CTV Question Period: Federal court ruling, National Day for Truth and Reconciliation
2021	CBC Pedro Sanchez: PH Bryce and learning from the past
2021	CBC Adrian Harewood: PH Bryce and learning from the past
2021	CBC Radio The Current: Federal court Judicial review

- 2021 CTV National News
- 2021 CityNews: Federal court
- 2021 Global News National: National Day for Truth and Reconciliation
- 2021 CBC News Power and Politics: Federal Court
- 2021 CTV Morning Live: Beechwood event
- 2021 Your Morning - Bell Media: National Day for Truth and Reconciliation
- 2021 CTV National News: National Day for Truth and Reconciliation
- 2021 Rogers- Breakfast Television: Residential schools and foster care
- 2021 Globe and Mail: Beechwood event
- 2021 SiriusXM Dahlia Kurtz Canada's National Talk Show: What the government needs to do moving forward
- 2021 CTV National News: Catholic Bishops and Canada's Appeal
- 2021 Global News: National Day for Truth and Reconciliation
- 2021 CBC Radio: Federal election and Indigenous peoples
- 2021 Global News: Election promises and Indigenous kids in care
- 2021 Swiss Public Broadcaster SRF: Residential schools, intergenerational trauma, and continuing inequity
- 2021 CTV News: Federal government postponing release of MMIWG action plan
- 2021 CTV News: Fact-checking the English language debate
- 2021 Al Jazeera: The election and the rights of Indigenous peoples
- 2021 Al Jazeera: residential schools and mass graves
- 2021 Global News: Liberal platform promises
- 2021 DeutschlandFunk (German Radio): Residential schools and foster care system discrimination
- 2021 APTN: Federal leader debate questions
- 2021 CTV: Federal election overshadowing residential school graves
- 2021 CBC Radio: Federal election
- 2021 CTV Your Morning: Federal funding to search for residential school graves
- 2021 Global News: Residential schools and how to charge abusers
- 2021 Al Jazeera: Residential schools, government funding
- 2021 CTV: Residential schools, government funding
- 2021 CBC: Indigenous children in foster care
- 2021 CBC Radio: Child welfare agreement signing between federal government and Cowessess First nation, new Governor General
- 2021 CTV: Child welfare agreement signing between federal government and Cowessess First Nation, new Governor General
- 2021 CTV National News: Kuper Island Residential School
- 2021 BBC: Indigenous children in foster care
- 2021 Australia Broadcasting Corporation: Unmarked graves at residential schools
- 2021 Global News: Cowessess First Nation discovery
- 2021 CTV Your Morning: Cowessess First Nation discovery
- 2021 Global National: Cowessess First Nation discovery
- 2021 CTV National News: Cowessess First Nation discovery
- 2021 BBC: Cowessess First Nation discovery
- 2021 Al Jazeera: 215 children in Tk'emlups (panel)
- 2021 Espaces Autochtones Radio-Canada: Discrimination in education and health services
- 2021 Rabble Off The Hill: 215 children in Tk'emlups, TRC, reconciliation

2021	Global News: Indigenous children in foster care
2021	KALW Radio (San Francisco): 215 children in Tk'emlups and Canada's litigation v. First Nations Children
2021	IndigiNews: Judicial Review
2021	SiriusXM: Judicial Review
2021	CBC News Canada Tonight: Judicial Review
2021	CTV Power Play: Judicial Review
2021	CBC All in a Day: Judicial Review
2021	CBC Radio As It Happens: Judicial Review
2021	CTV News: Judicial Review
2021	CTV Your Morning: Judicial Review
2021	CTV News: Jordan's Principle court case
2021	CBC Kids: How Canadian children can be better allies to Indigenous communities
2021	The Canadian Press: Canadian Human Rights Tribunal and Jordan's Principle
2021	BBC London: Indigenous children in foster care
2021	SiriusXM National morning show with Dahlia Kurtz
2021	CTV News: Dr. Bryce
2021	CTV Your Morning: 215 children in Tk'emlups
2021	CBC Power and Politics: NDP Motion
2021	CTV Power Play: NDP Motion
2021	Global News National: Indigenous children in foster care
2021	CTV Your Morning: 215 children in Tk'emlups
2021	CTV News Channel (Panel)
2021	National Post: Truth and Reconciliation Commission Calls to Action
2021	CBC: 215 children in Tk'emlups
2021	CityNews National: 215 children in Tk'emlups
2021	Democracy Now: 215 children in Tk'emlups
2021	CBC The National: 215 children in Tk'emlups
2021	Global News: 215 children in Tk'emlups
2021	CBC Radio: Peter Henderson Bryce and Memorials
2021	CTV News: 215 children in Tk'emlups
2021	Al Jazeera: 215 children in Tk'emlups
2021	CBC The National: 215 children and Canada's litigation v. First Nations children
2021	CTV Power Play: 215 children in Tk'emlups
2021	CTV National News: 215 children in Tk'emlups
2021	Rabble: Indigenous rights and reconciliation
2021	CTV National News: MMIWG report
2021	APTN
2021	APTN: Judicial Review Submissions
2021	Global News: Judicial review of Jordan's Principle order
2021	APTN: Nation to Nation: Judicial review of Jordan's Principle order
2021	Maclean's Magazine: Vision for the future
2020	CTV News: Systemic racism
2020	Global News: Reconciling History
2020	CTV News: John A. Macdonald
2020	CBC National News: John A. Macdonald
2020	Chatting with Homies: Shannen's Dream and the AFN protocol on child welfare

2020	CTV: AFN protocol on child welfare
2020	CBC Sunday Edition: Michael Enright's last broadcast (systemic racism)
2020	The West Block, Global News: Systemic racism
2020	Two Crees and a Pod: Breath of Life Theory
2020	CTV National News: MMIWG
2020	APTN in Focus: Shannen Koostachin
2020	APTN In Focus: Peter Henderson Bryce
2020	CTV National News: MMIWG
2020	APTN Nation to Nation: CHRT Compensation
2019	Wall Street Journal: CHRT Compensation
2019	CBC Mainstreet Halifax: CHRT Compensation
2019	CTV Regina: CHRT Compensation
2019	APTN Nation to Nation: CHRT Compensation
2019	CBC the House: CHRT Compensation
2019	CBC National News: CHRT Compensation
2019	CTV Power Play: CHRT Compensation
2019	CBC As it Happens: CHRT Compensation
2019	CBC Radio Winnipeg: CHRT Compensation
2019	CBC: Unreserved: Profile of Cindy Blackstock
2019	BBC5: MMIW
2019	BBC4: MMIW
2019	The Guardian: MMIW
2019	CTV News: MMIW
2019	CBC Metro Morning: MMIW
2019	CBC News: MMIW
2019	New York Times; MMIW
2019	CBC the Current: RCMP sexual assault interview with First Nations youth in care.
2019	CTV Powerplay: CHRT
2019	CBC Power and Politics: Jane Philpott and SNC Lavalin
2019	APTN: Bill C-92
2019	APTN: CHRT compensation
2019	CTV National News: Budget 2019
2019	APTN National News: Budget 2019
2019	CBC World at Six: Budget 2019
2019	CBC The National: Budget 2019
2019	Winnipeg Free Press: Budget 2019
2018	CBC the House: CHRT and Indigenous child welfare legislation
2018	APTN: Indigenous child welfare legislation
2018	CTV: Child Welfare and Spirit Bear
2018	Globe and Mail: MMIW and child welfare
2018	CTV: Stand Up for Kids Award
2018	Australian Broadcasting Corporation (radio): early childhood involvement in reconciliation
2018	Australian Broadcasting Corporation: Indigenous theory and children's rights
2018	Gamechangers with Tom Parkin (change leadership)
2018	TVO: Reconciliation in education in Ontario
2018	CBC the Current: Removal of John A. MacDonald's statue

- 2018 CBC News: Budget 2018
- 2018 APTN News: Budget 2018
- 2018 CBC the House: Emergency Meeting on First Nations Child Welfare
- 2018 CBC National News: CHRT non-compliance order
- 2018 APTN Nation to Nation: CHRT non-compliance and budget 2018
- 2018 CTV PowerPlay: CHRT non-compliance order
- 2017 CBC the House: Jordan's Principle Judicial Review
- 2017 CTV PowerPlay, Census data on Indigenous children
- 2017 Globe and Mail: Census data on Indigenous children
- 2017 CTV Winnipeg: Caring Society Gala and Spirit Bear
- 2017 The Guardian, First Nations youth suicide
- 2017 CBC, First Nations youth suicide and equity
- 2017 CBC, PM Trudeau's statements about Indigenous Peoples in Rolling Stone Magazine
- 2017 APTN Face to Face, CHRT and Jordan's Principle
- 2017 Global Television, Jordan's Principle
- 2017 Chatelaine Magazine <http://www.chatelaine.com/news/first-nations-kids-cindy-blackstock/>
- 2017 CBC: As it Happens (Budget 2017- CHRT Non-Compliance Hearings)
- 2017 CBC the National (Budget 2017- First Nations children)
- 2017 APTN: Canadian Human Rights Tribunal non -Compliance Hearings
- 2017 CPAC: Budget 2017 and CHRT Non-Compliance Hearings
- 2017 Toronto Star: Canada's non-compliance with Jordan's Principle
- 2017 APTN Nation to Nation: Jordan's Principle
- 2016 Global News: Canada's non-compliance with CHRT orders
- 2016 Canadian Press: Canada's non-compliance with CHRT orders
- 2016 Aljazeera, Canadian Human Rights Tribunal
- 2016 CCTV America, The Heat (Inequity for First Nations children)
- 2016 McGill Reporter (Cindy Blackstock joins Faculty of Social Work)
- 2016 The National, Attawapiskat Suicide Crisis
- 2016 CBC Peter Mansbridge One on One: Systemic discrimination
- 2016 CTV Canada AM: Canadian Human Rights Tribunal
- 2016 CBC: The National: Canadian Human Rights Tribunal
- 2016 Sunday Edition: Cultural Diversity?
- 2016 Global National News: Canadian Human Rights Tribunal
- 2016 APTN National News: Canadian Human Rights Tribunal
- 2015 APTN National News: Federal election
- 2015 CBC National News: First Nations water
- 2015 Sunday Edition: Canadian Values?
- 2015 CBC Radio: Dr. Peter Henderson Bryce
- 2015 APTN: Dr. Peter Henderson Bryce
- 2015 CTV: Truth and Reconciliation Commission Report
- 2015 CBC National News: Truth and Reconciliation Commission Report
- 2015 APTN National News: Truth and Reconciliation Commission Report
- 2015 CBC Winnipeg: Connection between childhood inequity and MMIW
- 2015 CTV National News: Child in care assault in Manitoba
- 2015 APTN Nation to Nation: Access to Information
- 2015 APTN In Focus: Jordan's Principle

- 2015 CBC Halifax: First Nations child welfare tribunal
- 2015 CBC Regina: First Nations children's equity
- 2015 Global TV Regina: Woodrow Lloyd Lecture
- 2015 CTV Regina: First Nations children's equity
- 2015 Georgia Straight: Equity for First Nations children
- 2015 APTN In Focus: Jordan's Principle
- 2014 CBC Ottawa: Big Thinking Lecture with Jim Miller
- 2014 CBC Thunder Bay, Jordan's Principle
- 2014 CBC Edmonton AM: Truth and Reconciliation Commission
- 2014 APTN Nation to Nation: First Nations child welfare tribunal
- 2014 CTV Powerplay: First Nations education announcement
- 2014 CBC As it Happens: First Nations education announcement
- 2014 CBC National News: Phoenix Sinclair Inquiry
- 2014 APTN National News: Run away children in foster care
- 2013 CBC Sunday Edition: What do we owe the future?
- 2013 CBC radio, Edmonton (Over-representation of Aboriginal children in child welfare care)
- 2013 APTN, Canadian Human Rights Tribunal
- 2013 Irish Medical Times: First Nations children's equity
- 2013 CTV National News: Nutrition Experiments on Indigenous children
- 2013 ABC Life Matters: Children's rights in Indigenous communities
- 2013 Koorie Radio: Canadian Human Rights Tribunal
- 2013 CTV Powerplay, Privacy Commissioner's report
- 2013 Maclean's magazine, Privacy Commissioner's report
- 2013 CBC Power and Politics, Privacy Commissioner's report
- 2013 Toronto Star, Privacy Commissioner's report
- 2013 APTN National News, Privacy Commissioner's report
- 2013 CBC As it Happens: Privacy Commissioner's report
- 2013 Globe and Mail, Canada withholding documents in Indigenous human rights case.
- 2013 Aboriginal Peoples Television Network: Canada withholding documents in FN child welfare case.
- 2013 CTV National News: Federal Budget 2013
- 2013 CBC radio, Yukon: Federal Court of Appeal
- 2013 CBC radio, Saskatchewan: Federal Court of Appeal
- 2013 APTN National News: First Nations child welfare tribunal
- 2013 CBC radio, Ottawa: First Nations child welfare tribunal
- 2013 Nationtalk, First Nations child welfare tribunal
- 2013 CBC radio, Saskatoon: First Nations child welfare tribunal
- 2013 CBC radio, Northern BC: First Nations child welfare tribunal
- 2013 Metro News, First Nations youth employment
- 2013 CBC Sunday Edition: Idle no More
- 2013 CTV National News: Idle no More
- 2012 Toronto Star: Retaliation complaint CHRT
- 2012 CBC Radio: As it Happens: Retaliation complaint CHRT
- 2012 APTN: UNCRC concluding observations for Canada
- 2012 Canadian Press: Federal government spending millions on advertising while cutting social programs

- 2012 CTV Powerplay: Canada spending millions to avoid hearing on FN child welfare case
- 2012 Globe and Mail: Canada spending millions to avoid hearing on FN child welfare case
- 2012 Toronto Star: Canada spending millions to avoid hearing on FN child welfare case
- 2012 CBC radio: Canada spending millions to avoid hearing on FN child welfare case
- 2012 APTN National News: Dates set for FN child welfare case
- 2012 CTV National News: Assembly of First Nations AGA
- 2012 Aboriginal Peoples Television Network: Assembly of First Nations National Chief Election
- 2012 CTV Newshour: Assembly of First Nations National Chief Election
- 2012 Prince George Citizen: Cindy Blackstock to receive Honorary doctorate degree from UNBC
- 2012 National Maori Radio, New Zealand: First Nations children's health
- 2012 CTV National News: First Nations health
- 2012 CTV National News: Federal budget and First Nations education
- 2012 CBC BC Region: Federal budget and First Nations education
- 2012 CBC the Current: UN attention to First Nations child rights
- 2012 APTN: First Nations Child Welfare Federal Court Case
- 2012 Ottawa Citizen: Have a Heart for First Nations Children's Day
- 2012 CBC: First Nations Child Welfare Federal Court Case
- 2012 Toronto Star: First Nations Youth Ambassadors
- 2012 CTV: First Nations Child Welfare Federal Court Case
- 2012 Edmonton Journal: First Nations Child Welfare Case
- 2012 CTV Powerplay: Crown-First Nations gathering
- 2012 CBC Power and Politics: Crown-First Nations gathering
- 2012 Aljazeera: Crown- First Nations gathering
- 2012 CBC National Radio: Trailblazers: Profile of Cindy Blackstock
- 2012 Guelph Mercury: Canada's native communities deserve justice now
- 2012 APTN: CHRT Chair Chotalia responsible for harassment of staff
- 2011 Toronto Star: Three women who fought back against the Conservatives
- 2011 CTV Powerplay: Monitoring by the Government of Canada
- 2011 CTV: Sexual abuse and First Nations Communities
- 2011 CBC, the Current: Government surveillance of Native youth advocate
- 2011 Midnorth Monitor: From nightmare to dream
- 2011 Montreal Gazette: FN school conditions
- 2011 National Post: Residential school memorial and education inequities
- 2011 Vancouver Sun: UNCRC report with KAIROS
- 2011 Winnipeg Free Press: UNCRC report with KAIROS
- 2011 CBC NWT: UN CRC report with KAIROS
- 2011 CBC Atlantic: UN CRC report with KAIROS
- 2011 CTV: UN CRC report with KAIROS
- 2011 Rutherford Show, Alberta: UNCRC report
- 2011 CBC Yukon: UN CRC report with KAIROS
- 2011 Toronto Star: UN CRC report with KAIROS
- 2011 Australian Broadcasting Company: Indigenous child welfare
- 2011 Aboriginal Peoples Television Network: Jordan's Principle

- 2011 Canada AM: Shannen's Dream
- 2011 Reuters: Our Dreams Matter Too
- 2011 Silobreaker: Our Dreams Matter Too
- 2011 India Times: Our Dreams Matter Too
- 2011 CNBC: Our Dreams Matter Too
- 2011 Money Magazine (on line): Our Dreams Matter Too
- 2011 La Press Canadien Ottawa négligerait les jeunes autochtones dans le domaine de l'éducation
- 2011 Frankfurter Rundschau: Our Dreams Matter Too
- 2011 Toronto Star: Atkinson Fellowship
- 2011 CTV: First Nations Child Welfare and Education (AFN)
- 2011 The Globe and Mail: First Nations Child Welfare and Education (AFN)
- 2011 Toronto Star: Risks to First Nations Students Attending School Away from Home
- 2011 CBC the Current: Shannen's Dream
- 2011 CKVU radio: Shannen's Dream
- 2011 Toronto Star: Aboriginal Child Welfare Summit
- 2011 National Post: letter to the Editor on Child Welfare
- 2011 CBC Radio: Child Welfare Northwest Territory
- 2011 CBC Radio: FN children's equity as an election issue
- 2011 Global Television and APTN: Aboriginal Achievement Awards
- 2011 APTN: Child Welfare Tribunal Rules
- 2011 APTN Investigates: Child Welfare Tribunal
- 2011 APTN In Focus: Jordan's Principle
- 2010 CBC Radio: Shannen's Dream
- 2010 CTV Powerplay: Shannen's Dream
- 2010 Aboriginal Peoples Television Network: *Sisters in Spirit*
- 2010 Aboriginal Peoples Television Network, In Focus: *Child Welfare*
- 2010 Caama Radio, Alice Springs, Australia: *Human Rights Tribunal*
- 2010 CBC Sunday Edition: *Human Rights Tribunal*
- 2010 CBC The Current: *Native Child Welfare*
- 2010 Aboriginal Peoples Television Network: *First Nations Child Welfare Tribunal*
- 2010 CBC radio, Yukon Territory: *First Nations Child Welfare Tribunal*
- 2009 Toronto Star: *Caring Across Boundaries Photography Exhibit*
- 2009 CBC The Current: *Jordan's Principle*
- 2009 Toronto Star: *Atkinson Social Justice Fellowship*
- 2009 Toronto Star: Shortage of Funds: Surplus of Suffering
- 2009 CBC radio: Yukon Territory: *First Nations Child Welfare Tribunal*
- 2009 Aboriginal Peoples Television Network: *First Nations Gala*
- 2009 CHOU radio: *Canadian Human Rights Tribunal*
- 2009 The Aboriginal Peoples Television Network: *Canadian Human Rights Tribunal*
- 2009 The Devoir: *First Nations Child Welfare*
- 2009 The Courier Mail, Queensland: *First Nations Child Welfare*
- 2009 Contact, Aboriginal Peoples Television Network-*Child and Family Services*
- 2009 Globe and Mail: *Federal Budget*
- 2009 Aboriginal Peoples Television Network: Is this our Canada? project
- 2008 CBC radio: *First Nations Child Welfare Tribunal*
- 2008 CBC radio: *Dr. PH Bryce and Cindy Blackstock*

- 2008 Aboriginal Peoples Television Network: *Canadian Human Rights Complaint*
- 2008 Globe and Mail: *Child Welfare in BC*
- 2008 The Australian: ACWA Conference
- 2008 Indigenous radio-Northern Territory, Australia
- 2008 APTN: *Human Rights Case in Child Welfare*
- 2008 CBC news: *Attawapiskat School*
- 2008 APTN: Nomination for International Children's Peace Prize
- 2008 Maclean's Magazine: *First Nations child welfare*
- 2008 Victoria Times Colonist: *Jordan's Principle*
- 2008 Aboriginal Peoples Television Network: *Jordan's Principle*
- 2007 Australian Broadcasting Network (ABC): *Jordan's Principle*
- 2007 Te Ao Hou: The Maori Magazine: *Human Rights Complaint and Jordan's Principle*
- 2007 CBC news: *Manitoba Child Welfare*
- 2007 CBC news: *Jordan's Principle CMAJ editorial*
- 2007 Globe and Mail: *Jordan's Principle CMAJ editorial*
- 2007 Edmonton Sun: *Jordan's Principle CMAJ editorial*
- 2007 Belleville Intelligencer Newspaper: *First Nations child welfare*
- 2007 Press conference: Launch of the First Nations family and community institute in Saskatchewan, Saskatoon
- 2007 CTV news: *Launch of First Nations family and community institute in Saskatchewan*
- 2007 CBC radio: *Many Hands One Dream*
- 2007 Aboriginal Peoples Television Network: *Jordan's Principle tabled in the House of Commons*
- 2007 News conference- House of Commons, Canada: *Jordan's Principle*
- 2007 Aboriginal Peoples Television Network: *Norway House Cree Nation and Jordan's Principle*
- 2007 CBC radio, Winnipeg: *Norway House Cree Nation and Jordan's Principle*
- 2007 News conference, House of Commons, Canada: *Human Rights Complaint*
- 2007 CBC radio, Montreal: *Human Rights Complaint*
- 2007 Aboriginal Peoples Television Network: *Human Rights Complaint*
- 2006 Aboriginal Peoples Television Network:
Contact: Aboriginal child welfare
- 2005 CBC Television:
Adoption of Aboriginal children
- 2005 CBC Radio:
Reconciliation in Child Welfare
- 2005 Global Television Network:
Reconciliation in Child Welfare
- 2005 Aboriginal Peoples Television Network:
Reconciliation in Child Welfare

COMMUNITY WORK AND PROFESSIONAL MEMBERSHIPS (22)

2020-Present	Member, Leadership Council of Global Systemic Racism Working Group
2020-Present	Member, First Nations Leadership Council, funding technical table
2018-2020	interim Board Member: 60's scoop Foundation
2015-Present	Chair of Reconciliation Historical Plaque Working Group, Beechwood Cemetery
2016-2017	Juror, Samara Everyday Political Citizen Youth Awards
2016-Present	Member, IAM Committee, McGill School of Social Work
2015-2017	Advisory Board Member, Canadian Difference
2015-2018	Member, City of Winnipeg, Indigenous Advisory Circle
2014-Present	Registered Social Worker, Alberta Association of Social Workers
2009-Present	Member, Ontario Association of Social Workers
2014-2018	Board Member, Federation of the Humanities and Social Sciences
2014-2018	Chairperson, Equity Committee, Federation of the Humanities and Social Sciences
2011-Present	Member, Indigenous Bar Association
2014-Present	Member, BC Civil Liberties Association
2014-Present	Member, International Commission of Jurists Canada
2009-2014	Member, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2005-2009	Co-convener, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2006-2008	Board Member, Canadian Education Association
2005-2008	Board Member, Boys and Girls Clubs of Canada
2005-2006	Member, Youth Engagement Ethical Guidelines Sub Group
2004- 2005	Board Member, Canadian Coalition of the Rights of the Child
2004-2014	Member, NGO Group, Convention on the United Nations Rights of the Child

This is **Exhibit "B"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September,
2022



Jasmine Kaur
LSO#: P16915

**FRAMEWORK FOR THE PAYMENT OF
COMPENSATION
UNDER 2019 CHRT 39**

Framework for the Payment of Compensation under 2019 CHRT 39

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Framework for the Payment of Compensation under 2019 CHRT 39

1. Purpose of the Framework

- 1.1. This document has been prepared in accordance with the Canadian Human Rights Tribunal (“**Tribunal**”) decision dated September 6, 2019, 2019 CHRT 39 (“the **Compensation Entitlement Order**”), with particular attention to the directions at paragraphs 258-270. The Tribunal directed the Attorney General of Canada (“**Canada**”) to enter into discussions with the complainants Assembly of First Nations (“**AFN**”) and the First Nations Child and Family Caring Society of Canada (“**Caring Society**”), to propose ways of distributing the compensation to the beneficiaries described in the Compensation Entitlement Order (“the **Compensation Process**”). Several experts were retained to inform the Compensation Process, and input was invited from the Canadian Human Rights Commission (“**CHRC**”) and the interested parties Chiefs of Ontario (“**COO**”) and Nishnawbe Aski Nation (“**NAN**”).
- 1.2. The Framework is intended to be consistent with the Tribunal’s Compensation Entitlement Order. Where there are discrepancies between this Framework and the Compensation Entitlement Order, or such further orders from the Tribunal as may be applicable, those orders will prevail and remain binding.
- 1.3. The Framework is intended to facilitate and expedite the payment of compensation to the beneficiaries described in the Compensation Entitlement Order, as amended by subsequent Tribunal decisions.
- 1.4. Throughout this document, the word “**Parties**” is used to refer collectively to the complainants, the AFN and the Caring Society, and the respondent Canada.

2. Guiding Principles

The following principles shall guide the application of this Framework:

- 2.1. The compensation distribution process will be managed by a **Central Administrator** that is agreed to by the Parties and is outside of the public service.
 - 2.2. The compensation distribution process will take all reasonable measures to safeguard the best interests of child beneficiaries.
 - 2.3. Beneficiaries will be located and treated in a culturally safe manner and the administrative burden on beneficiaries will be minimized.
 - 2.4. The compensation distribution process shall be applied and administered pursuant to the principles of procedural fairness and natural justice with due attention to the privacy rights of beneficiaries.
 - 2.5. The Parties shall develop an implementation and distribution guide (the “**Guide**”) that shall govern the Central Administrator’s process of distribution. The Guide shall include, but is not limited to, the following requirements to be followed by the Central Administrator:
 - a) required training for the Central Administrator;
 - b) claim forms, document retention and any other documents to be completed by potential beneficiaries;
 - c) standards related to processing of claims and any necessary evidence or documents required to support a claim; and
 - d) any other requirements agreed to by the Parties.
- 2.5.1. In developing standards related to processing of claims by living or deceased persons, the Guide shall recognize that claimants’ circumstances may require flexibility in the type of documentation necessary to support the claim due to challenges such as, but not limited to, the child’s age or developmental status at the time of the events, the

disappearance of records over time, retirement or death of professionals involved in a child's case, systemic barriers to accessing professionals, etc.

2.6. Processes adopted to facilitate payments to beneficiaries will be as simple as possible and will include information that is easy to understand, having regard to the beneficiary's age and any disability or special/distinct needs of that individual.

2.7. Beneficiaries can opt out of the Compensation Process as outlined in section 3.0.

3. Acceptance of Compensation

3.1. Beneficiaries under the Compensation Entitlement Order shall be presumed to opt into the Compensation Process.

3.2. Potential beneficiaries under the Compensation Entitlement Order can opt out of the Compensation Process and are not required to accept compensation. This Framework will not apply to those potential beneficiaries who choose not to accept it by opting out. Those individuals remain free to pursue other legal remedies.¹

3.3. The Parties and the Central Administrator shall develop an opt-out process that is easy to understand and ensures potential beneficiaries are duly notified of the Compensation Process and their right to opt out.

4. Definitions of Beneficiaries

4.1. A “**beneficiary**” of compensation is a person, living or deceased, described at paras. 245-257 of the Compensation Entitlement Order,² as expanded by the Tribunal's decision in 2020 CHRT 7.³

¹ See 2019 CHRT 39, at para. 201.

² “beneficiary” includes “potential beneficiaries” for the purpose of applying for compensation.

³ 2020 CHRT 7 at paras 125-129.

4.2. For greater certainty, the following definitions apply for the purpose of identifying beneficiaries:

4.2.1. **“Necessary/Unnecessary Removal”** includes:

- a) children removed from their families and placed in alternative care pursuant to provincial/territorial child and family services legislation, including, but not limited to, kinship and various custody agreements entered into between authorized child and family services officials and the parent(s) or caregiving grandparent(s);
- b) children removed due to substantiated maltreatment and substantiated risks for maltreatment; and
- c) children removed prior to January 1, 2006, but who were in care as of that date.

4.2.2. **“Essential service”** means a support, product and/or service recommended by a professional that was reasonably necessary to ensure:

- a) substantive equality in the provision of services, products and/or supports to the child (accounting for historical disadvantage, geographic circumstances, and the need for culturally appropriate services, products and/or supports); and
- b) the best interests and safety of the child;

4.2.2.1. For the purposes of s. 4.2.2, “reasonably necessary” means that the failure to provide the support, product or service could have:

- a) caused the child to experience mental or physical pain or suffering; or
- b) widened the gap in health outcomes between the First Nations child and children in the rest of Canadian society.

4.2.2. For the purposes of s. 4.2.2. “recommended by a professional” must be interpreted in a manner such that a claimant’s inability to provide proof of assessment, referral or recommendation contemporaneous with the necessity of support, product and/or service will not automatically disentitle the individual from eligibility for compensation. For example, particularly in remote communities there may not have been timely access to specialists, but there may have been access to community health nurses, social support workers, mental health workers. However, these individuals may not have designations in a specific profession related to the service being recommended. In these situations, flexibility is necessary to ensure that First Nations children who were unable to access an assessment, referral or recommendation in a timely manner due to systemic barriers (e.g. lack of approval to travel, long wait time prior to physician, therapist or specialist visits in community) are not unfairly excluded from compensation eligibility. Further guidance on this matter will be included in the Guide referenced at s. 2.5.

4.2.3. **“Service gap” means** a situation where there was a service, and/or product and/or support based on the child’s confirmed need that:

- a) was necessary to ensure substantive equality in the provision of services, products and/or supports to the child;
- a.1) was recommended by a professional with expertise directly related to the child’s need(s). Documentation provided by a medical professional or other registered professional is conclusive, unless Canada can demonstrate to the satisfaction of the Central Administrator that, based

on clinical evidence available at the time, the potential risk to the child of the service, product and/or support outweighed the potential benefit;
or

- a.2) an Elder or Knowledge Keeper, who is recognized by the child's specific First Nations community, recommends a linguistic or cultural product, support and/or service; and
- c) the child's needs were not met.

4.2.3.1. For purposes of s. 4.2.2. "confirmed needed" and "recommended by a professional" must be interpreted as per 4.2.2.2.

4.2.3.2. For greater certainty, the discriminatory definitions and approach employed by the federal government demanded satisfaction of all of the following criteria during the following time periods:

- a) Between December 12, 2007 and July 4, 2016
 - A child registered as an Indian per the *Indian Act* or eligible to be registered and resident on reserve;
 - Child with multiple disabilities requiring multiple service providers;
 - Limited to health and social services;
 - A jurisdictional dispute existed involving different levels of government (disputes between federal government departments and agencies were excluded);
 - The case must be confirmed to be a Jordan's Principle case by both the federal and provincial Deputy Ministers); and
 - The service had to be consistent with normative standards
- b) Between July 5, 2016 and November 2, 2017

- A child registered as an Indian per the *Indian Act* or eligible to be registered and resident on reserve (July 5, 2016 to September 14, 2016);
- The child had a disability or critical short- term illness (July 5, 2016 to May 26, 2017);
- The service was limited to health and social services (July 5, 2016 to May 26, 2017).

4.2.4. “**Unreasonable delay**” will be presumed where a request was not determined within 12 hours for an urgent case, or 48 hours for other cases. In exceptional cases and subject to a high threshold, Canada may rebut the presumption of unreasonable delay in any given case with reference to the following list of contextual factors, none of which is exclusively determinative:

- a) the nature of the product, support and/or service sought;
- b) the reason for the delay;
- c) the potential for the delay to adversely impact the child’s needs, as informed by the principle of substantive equality;
- d) whether the child’s need was addressed by a different service, product and/or support of equal or greater quality, duration and quantity, otherwise provided in a reasonable time;
- e) the normative standards for providing the support, product and/or service– in force in the province or territory in which the child resided, or received the service, at the time of the child’s need.

4.2.4.1. As part of the Guide, the Parties will agree on a process for Canada to provide the Central Administrator with child specific information applying the factors noted above in the child’s case in order to rebut the presumption.

4.2.5. “**First Nations child**” means a child who:

- a) was registered or eligible to be registered under the *Indian Act*;
- b) had one parent/guardian who is registered or eligible to be registered under the *Indian Act*;
- c) was recognized by their Nation for the purposes of Jordan’s Principle; or
- d) was ordinarily resident on reserve, or in a community with a self-government agreement.

4.2.5.1 Children referred to in section 4.2.5(d) (ordinarily resident on reserve or in a community with a self-government agreement (“First Nations community”)) who do not meet any of the eligibility criteria in section 4.2.5(a) to (c) will only qualify for compensation if they had a **meaningful connection** to the First Nations community. The factors to be considered and carefully balanced include (without any single factor being determinative):

- a) Whether the child was born in a First Nations community or whose parents were residing in a First Nations community at the time of birth;
- b) How long the child has lived in a First Nations community;
- c) Whether the child’s residence in a First Nations community was continuous;
- d) Whether the child was eligible to receive services and supports from the First Nation community while residing there (e.g. school, health services, social housing, bearing in mind that there may have been inadequate or non-existent services in the First Nations community at the time); and
- e) The extent of the connection of the child’s parents and/or other caregivers to the First Nation community, excluding those non-status individuals working on a reserve (i.e., RCMP, teachers, medical professionals, and social workers)

4252 The timeframe for children referred to in section 4.2.5(b) to (d) above are eligible for compensation in relation to denials, gaps and unreasonable delays with respect to essential services is January 26, 2016 to November 2, 2017.

4253 Children referred to in section 4.2.5(b) to (d) as well as their parents (or caregiving grandparents) are eligible for compensation in the amount of \$20,000 for pain and suffering pursuant to s. 53(2)(e) of the *Canadian Human Rights Act* for pain and suffering in relation to denials, gaps and unreasonable delays with respect to essential services, but are not eligible for compensation under s. 53(3) of the *Canadian Human Rights Act* for wilful and reckless discrimination.

4.3. For greater certainty, where a child was receiving palliative care with a terminal illness, and a professional with relevant expertise recommended a service, support and/or product to safeguard the child's best interests that was not provided through Jordan's Principle or another program, the service, product and/or support will be considered essential and the delay will be considered unreasonable.

4.4. Multiple removals – The maximum amount of compensation payable to each child for removal, regardless of the number of removals, is \$40,000. Where a child was removed more than once, the parents (or one set of caregiving grandparents) shall be paid compensation for a removal at the first instance. A different grandparent or set of grandparent(s) (or the child's parents where they were not the primary caregivers at the time of the first or prior removal) may be entitled to compensation for a subsequent removal where they assumed the primary caregiving role where the parents (or the other grandparents) were not caring for the child. For clarity, each parent or grandparent who was a primary caregiver for the child may only be compensated once with respect to the removal of the same child, even if that child was removed from their care multiple times.

5. Locating Beneficiaries

5.1. A Notice Plan to Potential Beneficiaries (the “**Notice Plan**”) is set out at Schedule “A” to this Framework. The Notice Plan describes the intended process for informing children, youth and their families, legal guardians and persons exercising legal authority over the affairs of any persons who have been deemed incapable of making decisions regarding their finances or property under applicable provincial and territorial laws, as well those exercising legal authority over the Estates of deceased persons, that they may come within the classes of individuals entitled to receive compensation under the Compensation Entitlement Order. The Notice Plan has been designed by the Parties to satisfy the Tribunal’s requirement that beneficiaries be identified in a culturally relevant and safe manner. This Notice Plan is necessary, as Canada’s records concerning the names and addresses of the children, parents and grandparents affected by discrimination by the First Nations Child and Family Services Program (“**FNCFS Program**”), the 1965 Agreement, and by Canada’s implementation of Jordan’s Principle, cannot identify all victims. A proactive, highly publicized approach that is based on beneficiaries’ circumstances and is sensitive to their experience of discrimination will be required to inform beneficiaries of their eligibility for compensation and to support them in submitting a claim. Measures taken to identify beneficiaries should reflect any challenges particular to the area where the beneficiary resides. Special measures may be necessary to inform beneficiaries with special/distinct needs (i.e. persons with disabilities, those located in rural or remote communities, incarcerated persons, homeless persons, or persons in domestic violence shelters). Canada will work with First Nations to address the needs of beneficiaries in their communities.

5.2. As described in the Notice Plan, Indigenous Services Canada (“**ISC**”) and the Central Administrator will post notice products about the Compensation Entitlement Order and Compensation Process on a dedicated website (the

“**Compensation Website**”) and distribute them through print and broadcast media and social media mechanisms. Where appropriate, communications will be adapted to the particular cultural, historical and geographical (including rural and remote communities) circumstances of the communities in question.

5.3. In addition to providing this general notification, ISC will call upon professionals and service providers with whom it has relationships to help identify beneficiaries.

5.4. Given the significant demands on the network of professionals and service providers referred to in section 5.3, additional resources will be required in order to ensure there is no impact to the important work of the professional(s) or groups in the categories noted below:

a) First Nations Child and Family Service Agencies (“**FNCFS Agencies**”); and,

b) Health, early childhood, education and social service providers in First Nations communities.

In order to ensure that the Compensation Process proceeds without delay, these resources will be provided by ISC on the condition that these resources be dedicated to the Compensation Process.

5.5. Other service providers will be approached for their collaboration in identifying beneficiaries, including:

a) ISC-employed nurses in community health centres and nursing stations;

b) over 30,000 registered service providers under the Non-Insured Health Benefits Program (the “**NIHB Program**”); and

c) provincial/territorial government ministries and agencies.

ISC also has a partnership agreement with Correctional Services Canada that will be leveraged to identify potential beneficiaries within the federal correctional system.

5.6 The report entitled “Canadian Human Rights Tribunal (CHRT) Ruling 2019 CHRT 39: Taxonomy of compensation categories for First Nations children, youth and families” dated November 2019 and authored by Marina Sistovaris, PhD, Professor Barbara Fallon, PhD, Marie Saint Girons, MSW and Meghan Sangster, Med, MSW of the Policy Bench: Fraser Mustard Institute for Human Development will assist in the identification of potential beneficiaries (the “**Taxonomy**”). The Taxonomy is attached as Schedule “B”.

- a) The Taxonomy was designed for child and family services providers to assist in the process of identifying and locating potential beneficiaries; however, a feasibility investigation is underway to determine if, and how, it can assist other service providers to identify beneficiaries.
- b) Canada will fund any adaptations required to apply this Taxonomy to meet the needs of specific service provider communities, as determined by the independent experts who drafted the taxonomy in Schedule “B”.
- c) Identifying children who were necessarily and unnecessarily removed will likely require assistance from child and family service agencies across the country. The Taxonomy is intended to guide their review of individual records in their possession so as to expedite the process of identifying and locating potential beneficiaries and ultimately validation of claims for compensation.

5.7 As requested by the Caring Society and the AFN, Canada will write to all provincial and territorial Deputy Ministers responsible for child and family services, health, and education to encourage them to meet with the Parties and collaborate in the following areas:

- a) Identifying ways in which provincial/territorial data systems can assist in identifying and locating beneficiaries;
- b) Providing supports in the Compensation Process, including exemption of any compensation payments from taxation and social assistance payments or benefit “claw backs” (see 6.5 below); and
- c) Leveraging processes, if any, that provinces/territories have established for the receipt of compensation for children in care.

Canada will also write to provincial and territorial Assistant Deputy Ministers responsible for correctional facilities and community facilities to solicit their cooperation.

5.8 Collaboration with provinces and territories, as well as with self-governing First Nations governments, may be required to locate potential beneficiaries.

6. Support to Beneficiaries Throughout the Compensation Process

6.1 In order to minimize the risk of traumatizing or unduly inconveniencing potential beneficiaries of the Compensation Entitlement Order, Canada will fund the following supports:

- a) **A toll-free phone line** (and/or other toll-free means of communication) Line Operators will provide information on the Compensation Process in addition to suggesting mental health, cultural and other services that beneficiaries may require arising from the Compensation Process. Operators of the toll-free phone line and/or other toll-free means of communication will be sensitive to child and youth development, as well as the cultural and contextual diversity of beneficiaries. The line should also be accessible in some First Nations languages to reflect the linguistic diversity of beneficiaries.

b) Navigators

Navigators will promote communications under the Notice Plan, support beneficiaries in the Compensation Process, and provide referrals to mental health, cultural, or other services beneficiaries may require arising from the Compensation Process. Navigators' duties will vary across the country based on decisions by First Nations on how navigation services can be best provided.

Where the duties of a Navigator are taken up by a First Nation or First Nations organization, Canada will ensure that the First Nation or First Nation organization providing navigation consents to providing supports to beneficiaries of compensation, and that sufficient resources are provided to those Navigators so as not to impede the quality or range of services already provided by these existing mechanisms. Canada will also ensure that the new resources are dedicated to the Compensation Process.

c) Mental health and cultural supports

Where possible, these supports will be provided through First Nations organizations that have established expertise and trust in communities through their support of other survivors of trauma. This may include those who provided support through processes relating to the Truth and Reconciliation Commission, the Indian Residential Schools Settlement Agreement, the Sixties Scoop class action and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

In particular, the Parties have recognized the need for greater access to child and youth mental health supports within, but not limited to, NIHB Program service providers and existing mental health teams. Canada will ensure that mental wellness teams have the capacity to accommodate the Compensation Process. In order to accomplish this goal, Canada may

accept service providers who are not currently registered under the NIHB Program but are capable of providing mental health services in a manner that responds to the specific developmental needs of children and young people.

Mental health supports will be provided throughout the Compensation Process in a way that is responsive to beneficiaries' needs (e.g.: private counselling, at events, in a family setting, or in group sessions, tele-health), at no charge to beneficiaries.

6.3 First Nations will require adequate resources to provide support to beneficiaries. Canada will assist First Nations where requested by providing reasonable financial or other supports. In providing these supports and determining what constitutes “reasonable financial or other supports” and what constitutes “sufficient resources” in section 6.2(b), consideration will be given to all relevant factors, including the particular needs and realities of rural and remote First Nations with limited resources or infrastructure for providing support to beneficiaries, and who face increased costs in provision of services due to remoteness.

7. Timeline for the Claims Process

7.1. Once the Tribunal's order implementing this Framework is final⁴ the Parties will meet within 15 business days to set an “**Implementation Date**” for the Compensation Process. The Parties agree to work towards the earliest Implementation Date possible.

7.2. Claims for compensation may be received up to, and including, the “**Initial Claims Deadline**”, which will be twenty-four (24) months from the date that the Notice to beneficiaries is posted on the Compensation Website, social media platforms and in at least four national media sources agreed to by the Parties.

⁴ “Final” means no longer subject to judicial review or appeal.

7.3. Claims for compensation may be received after the Initial Claims Deadline if received by the “**First Extended Claims Deadline**”, which will be twelve (12) months from the date of the Initial Claims Deadline. The First Extended Claims Deadline shall be available in communities or for individuals in the circumstances detailed below:

In a community, where any of the following events occur:

- a) There was a delay implementing the Notice Plan to all, or a portion of the beneficiaries;
- b) There is a consensus among service providers and professionals that more time is required to identify potential beneficiaries in the community;
- c) Child and family service providers do not respond, or are delayed in responding to request(s) to apply the Taxonomy as adapted from the Notice Plan at Schedule “A” to assist in identifying beneficiaries;
- d) There was a delay in implementing navigation services in the community;
- e) There were disruptions in the Compensation Process related to unforeseen circumstances such as epidemics, pandemics, natural disasters, community-based emergencies or service disruptions at a national, regional or community level; and/or
- f) Such other reasons in respect of which the Parties may agree.

For any individual, where any of the following events occur:

- a) A beneficiary is unable to complete the process due to medical or mental health reasons documented by a relevant professional;
- b) A beneficiary was a minor at the time of the expiration of the Initial Claims Deadline and no claim was made on their behalf;

- c) Canada failed to respond in a timely way to a beneficiary's reasonable request for information the beneficiary required in order to submit their claim and/or
- d) Such other reasons in respect of which the Parties may agree.

7.4. Claims for compensation may be received following the First Extended Claims Deadline if received by the “**Second Extended Claims Deadline**”, which will be six (6) months from the date of the First Extended Claims Deadline. Claims shall be considered pursuant to the Second Extended Claims Deadline in any community or for any individual in which any of the events noted in clause 7.3 have not yet resolved before the First Extended Claims Deadline.

7.5. Canada acknowledges that once the Central Administrator has completed its work, there may still be some beneficiaries who were unable to make a claim due to their age, or where their guardian failed to make a claim on their behalf. In order to guide Canada in dealing with such claims, the Parties and the Central Administrator shall develop a guide (the “**Post Claim Period Guide**”) to ensure that the administration of these claims by Canada reflects the experience and best practices of the Central Administrator. The Post Claim Period Guide must be completed before the Central Administrator winds up its operations.

8. Validation of Compensation Claims

8.1. ISC shall preserve and manage all of its records, documents, electronic data and any other relevant information in relation to potential beneficiaries for a period not less than twenty (20) years. ISC shall make all necessary information available to potential beneficiaries and the Central Administrator without delay and with due regard for the privacy of record holders.⁵ Where there are concerns that the

⁵ The information necessary to validate claims may be information covered by the *Privacy Act*. The authority of Canada to share such information with the Central Administrator is s. 8(2)(m)(ii), because the information would “clearly benefit the individual to whom the information relates.” Because the AFN is also a party to this agreement, s. 8(2)(k) would also permit the sharing of information.

provision of the requested information contravenes legislation or court order, ISC shall notify the beneficiary of the reason for the delay and undertake to provide all records in whole or part that may be disclosed.

- 8.2. All records developed or produced by the beneficiaries are the property of each individual beneficiary and shall be destroyed five years after the payment of their compensation or the final decision on compensation. Further details concerning the final disposition of records shall be dealt with in the Guide.
- 8.3. As ISC and FNCFS Agencies, First Nations, provincial/territorial government ministries and agencies and the professionals and service providers with whom ISC has relationships work to identify beneficiaries as outlined in sections 5.3-5.8, they will record the names of beneficiaries who, based on a file review, meet the requirements of the Taxonomy as adapted pursuant to section 5.6, on a “**Compensation List**” to be provided to the Central Administrator. The Compensation List shall consist of persons for whom there is agreement between ISC and another knowledgeable professional or group identified above that the person should be a beneficiary.
- 8.4. The entities noted in section 8.3 will also, based on the judgment of the social worker at the time of the removal as recorded in the file, list parents or caregiving grandparents who sexually, physically or psychologically abused their children on an “**Exclusion List**”. Generally, both parents or grandparents will be denied compensation in these circumstances. However, where a non-offending parent or grandparent did not know the abuse was occurring, or was incapable of stopping it, they may be entitled to compensation where, for example:
- a non-offending parent or grandparent was also a victim of abuse by the other parent;
 - a non-offending parent or grandparent was absent from the home for extended periods for unavoidable reasons (e.g. military service);

- a non-offending parent or grandparent suffers from a disability that either prevented them from intervening or of being aware of the abuse.

8.5. Where an individual is excluded from compensation due to sexual, physical or psychological abuse of their child(ren) or grandchild(ren), and upon their request, the Central Administrator may refer the individual to existing services that might ameliorate trauma or behaviours related to child maltreatment.

8.6. When claims are submitted, they shall be deemed valid by the Central Administrator if a beneficiary's name appears on the Compensation List.

8.7. If a beneficiary's name does not appear on the Compensation List, the Central Administrator shall consider the claim pursuant to the Guide noted in section 2.5.

8.7.1. With respect to Jordan's Principle claimants whose names do not appear on the Compensation List, Canada will take positive measures to ensure its information/database on the historical and socio-economic circumstances of First Nations is up to date. It will also provide the Central Administrator with access to any and all information/databases in its possession regarding the historical and socio-economic circumstances of First Nations communities, including Indigenous Services Canada's Synergy in Action Community Profiles Database, in order to assess the cultural, linguistic, historical and geographic factors that may impact eligibility for compensation. The Central Administrator will make use of this information to inform the determination of what was an "essential service", a "service gap" or "unreasonable delay".

8.8. For greater certainty, individual claims are required in all cases, even where more than one child in a community faced similar unmet needs due to the lack of access to the same or similar essential services.

9. Processing of Compensation Claims

- 9.1. All claims will be sent to a Central Administrator identified in the notice products developed under the Notice Plan and on the Compensation Website. The two-level claims process outlined below will be conducted by the Central Administrator.
- 9.2. The Central Administrator will be agreed to by the Parties and funded by Canada.
- 9.3. All claims will be initially reviewed by a trained and duly qualified first-level reviewer according to service standards agreed to by the Parties and approved by the Tribunal.
- a) First-level reviewers will have authority to
 - i) ensure the information is complete, and to assist the beneficiary if it is not;
 - ii) screen in potential beneficiaries where information is complete; and
 - iii) approve claims and refer claims for expeditious payment.
 - b) First-level reviewers will have no authority to reject claims.
 - c) First level reviewers must understand the Tribunal's compensation decisions. All relevant training will be funded by Canada to ensure that first-level reviewers can competently fulfill their responsibilities.
 - d) Quality assurance of the first-level review process will be supported by random case audits and calibration of the review process.
 - e) An expedited process will be put in place to prioritize urgent requests for beneficiaries who are terminally ill or in palliative care, or who have been accepted into a high school completion program, post-secondary program or job skills training program.

9.4. Any completed claim that is not approved by a first-level reviewer will be referred to a second-level committee composed of at least three First Nations experts, with demonstrated knowledge of, and experience in, First Nations child and family services and Jordan's Principle, selected and approved by the Parties, and hosted by the Central Administrator. The second-level committee will rely on standards (including time frames) and processes approved by the Parties, including the following:

- a) The second-level committee may engage independent experts with expertise relevant to the particular circumstances of specific cases when needed, with proper authorization from the beneficiary or the beneficiary's guardian, or in the case of a deceased beneficiary, the deceased beneficiary's authorized representative.⁶
- b) The second-level committee shall be composed of persons who do not hold any political office, and have not held any political office in the past four (4) years and are independent of the federal public service.

9.5. Where the committee denies a claim, it shall provide written and specific reasons for its decision in simple language, as well as information on appeal processes and supports to understand and/or appeal the decision.

9.6. Potential beneficiaries denied compensation can request the second-level review committee to reconsider the decision if new information that is relevant to the decision is provided, or appeal to an appeals body composed of individuals agreed to by the Parties and hosted by the Central Administrator. The appeals body will be non-political and independent of the federal public service. The Parties agree that decisions of the appeals body may be subject to further review by the Tribunal. The reconsideration and appeals process will be fully articulated in the Guide.

⁶ It is the Parties' intention that no parent or grandparent on the Exclusion List should receive compensation.

10. Supports for Beneficiaries Relating to the Payment of Compensation

- 10.1. Where the beneficiary has the legal capacity to manage their own financial affairs, the compensation shall be paid directly to the beneficiary.
- 10.2. Where the beneficiary is deceased and is represented by a person exercising legal authority over the beneficiary's Estate, the compensation shall be paid directly to the beneficiary's Estate.
- 10.3. Where the beneficiary does not have the legal capacity to manage their own financial affairs, the compensation shall be held in trust for the beneficiary.
- 10.4. The Parties will select up to three (3) business entities that specialize in holding, administering and distributing funds held in trust for the benefit of the beneficiaries who do not have the legal capacity to manage their own financial affairs (the "**Appointed Trustees**"). The administration fees charged by the Appointed Trustees shall be paid for by Canada and shall not encroach on the beneficiaries' entitlement.
- 10.5. The Appointed Trustees shall hold the funds in trust pursuant to a trust agreement agreed to by the Parties (the "**Trust Agreement**"). The Trust Agreement shall outline the following requirements:
 - a) The powers, responsibilities and requirements of the trustee to hold and manage the funds for the benefit of the beneficiaries;
 - b) The distribution provisions for income and capital;
 - c) The criteria for encroachment on capital;
 - d) The removal and replacement of trustees;
 - e) The accounting and report requirements; and

f) Any other appropriate related provisions.

10.6. Upon an individual being identified as an eligible recipient for compensation, ISC will ensure that the Central Administrator provides the beneficiary with financial literacy information in a form and content agreed to by the Parties, and at no cost to the beneficiary. To the extent possible, these supports will be adapted to reflect beneficiaries' cultural, historical, geographical (including rural and remote communities) needs and circumstances. In addition to information in writing, workshops, presentations or other meetings may be used to provide financial literacy information with the goal of supporting beneficiaries to:

- a) receive the compensation;
- b) manage the compensation payment;
- c) plan and save for the future; and
- d) prevent financial exploitation, fraud and financial abuse.

10.7. Financial literacy supports will include resources and information on how to access personal financial advice when requested by the beneficiary. The beneficiary is under no obligation to use the financial literacy resources.

10.8. Every compensation payment shall be accompanied by notification of the toll-free communication options (see s. 6.1(a)), financial literacy information, and information on how to access other supports. These supports will be provided at no cost to the beneficiary and with no obligation to use any particular service provider or institution. This information will also be provided on the Compensation Website in English, French, ASL/LSQ and First Nations languages identified in the Notice Plan.

10.9. The Canada Revenue Agency (“**CRA**”) has advised that compensation received will not be treated as “income” for income tax assessment purposes.

10.10. ISC, in collaboration with other federal government departments, will take positive measures to obtain the agreement of the provinces, territories and self-governing First Nations that the receipt of any payments pursuant to the Tribunal's Compensation Entitlement Order will not adversely affect the quantity, nature or duration of any post-majority care services, post-secondary education assistance, social benefits, social assistance benefits, federal benefits related to the COVID-19 pandemic or employment insurance benefits payable to a beneficiary.

10.11. Canada will take positive measures to obtain the agreement of the relevant Departments of the Government of Canada that the receipt of any payments pursuant to the Tribunal's Compensation Entitlement Order will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a beneficiary. Such payments include those made under any Canadian social benefit programs such as Old Age Security, Canada Pension Plan or the Canada Child Benefit and those benefits provided by Canada related to the COVID-19 pandemic.

11. Non-assignment of Benefits

11.1. No amount payable under this Framework can be assigned and any such assignment is null and void.

12. Monitoring of the Framework

12.1. The Parties recognize that despite the trauma mitigation measures identified above, the process is likely to have a significant emotional impact on many beneficiaries. Where unanticipated needs of beneficiaries arise, mechanisms and processes will be adapted or established to address those needs.

12.2. The Parties will continue to work collaboratively to develop criteria to identify and expedite the processing of potentially complex claims (for example, a child removed multiple times, with removals involving different parents and grandparents). The Parties have agreed to develop further guidance on this issue,

which would weigh factors such as (a) who the biological parent(s) are; and (b) legal guardianship of the child and other relevant matters.

12.3. The Parties will meet with the Central Administrator every three (3) months to monitor the implementation of the Compensation Process and to consider adjustments to this Framework as are necessary to ensure that it is achieving the objectives of facilitating and expediting the payment of compensation to beneficiaries in ways that minimize the risk of traumatizing or unduly inconveniencing beneficiaries. The Parties will have particular regard for populations and/or groups of beneficiaries whose distinct needs require adjustment to the Compensation Process not contemplated in this Framework.

13. Further Development of the Framework

13.1. The Framework is intended to provide general guidance to facilitate the Compensation Process. As noted above, the Parties will continue to work on tools that may provide more precision to guide the implementation of the Framework. Processes can and should be amended where the Parties agree amendment is necessary. Such amendments do not require the approval of the Tribunal. Where the Parties disagree on the necessity for amendment, or the wording of any amendment, the Tribunal shall determine the issue on motion from the party requesting the amendment.

13.2. The parties will discuss the development of these tools with the Commission and with the Interested Parties, as appropriate, in keeping with the scope of their status as Interested Parties in this proceeding.

**Compensation Process for Discrimination in
Federally-funded Child and Family Services and under
Jordan's Principle**

Notice Plan

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Introduction

This Notice Plan is designed to notify First Nations children youth and their families, who were harmed by Canada's discriminatory provision of First Nations child and family services or failure to properly implement Jordan's Principle, of compensation awarded by the Canadian Human Rights Tribunal's (the "Tribunal") decision in *First Nations Child and Family Caring Society of Canada v Canada*, 2019 CHRT 39 (the "Compensation Entitlement Order"), as further described in 2020 CHRT 7. This Notice Plan will highlight the nature of the compensation, the Notice Plan methodology and phases, and the options for First Nations children, youth and their families eligible for compensation, as well as their guardians or personal representatives, if applicable, by virtue of the Compensation Entitlement Order (individually a "beneficiary", collectively "beneficiaries"), as further described at paras. 245-257 of the Compensation Entitlement Order and the Tribunal's decision in 2020 CHRT 7, to participate in the process established by the Tribunal for the distribution of compensation (the "Compensation Process").

KEY MESSAGES

The key messages of the Notice Plan are to ensure that the beneficiaries as described in the Compensation Entitlement Order, as well as their guardians or personal representatives, if applicable, are: (1) fully informed of the beneficiaries entitlements to receive compensation; and (2) advised they may access compensation by submitting a request or may opt-out of the compensation scheme by submitting a X form by (Date).

Background

The Tribunal awarded compensation to First Nations children living on reserve and in the Yukon who were removed from their families and who were subject to Canada's First Nations child and family services program. With respect to the Tribunal determined that it would include:

- \$40,000 to each First Nations child unnecessarily removed after January 1, 2006.
- \$40,000 to each child removed from their home and taken into care for compensable reasons prior to January 1, 2006, but who remained in care as of this date.
- \$40,000 to each First Nations parent or grandparent of a child unnecessarily removed after January 1, 2006.
- \$40,000 to each First Nation child necessarily removed but placed outside of their families and/or communities after January 1, 2006.

With respect to a First Nations child living on or off reserve, the Tribunal also determined that compensation would include:

- \$40,000 to each First Nations child that was unnecessarily removed to obtain essential services, or wasn't removed from their family but experienced gaps or delays of services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017.
- \$40,000 to each First Nations parent or grandparent who had their child removed and placed in care to access services, or wasn't removed from their family but experienced gaps or delays of services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017.

Compensation remains available to the Estate of deceased individuals who qualify as a beneficiary. Individuals who are eligible for compensation can opt out of this compensation scheme for any reason. Further, a trust will be established to hold and administer payments to be made to children and youth who are below the age of majority, in the places they reside, until they reach the age of majority... A trust will also be available for those who lack legal capacity.

NOTICE PLAN SUMMARY

Objective:

The objective of the Notice Plan is to advise all of the beneficiaries as described in the Compensation Entitlement Order and their guardians or personal representatives, if applicable, of the Compensation Process established by the Tribunal. Eligible beneficiaries have the legal right to opt out of the Compensation Process. The Parties will meet as and when required to ensure that any measures taken under the Notice Plan are likely to reach the intended beneficiaries and carried out according to industry standards. The Parties may choose to retain a communications firm to design and implement the Notice Plan. If the Parties choose to hire a communications firm, the cost will be assumed by Canada.

Notice Plan Phases:

The Notice Plan is divided into two main phases: (a) the Preparation Phase; and (b) the Distribution Phase.

a) Preparation Phase - Finalizing Notices and Training

In preparation for implementation of the Tribunal's Compensation Entitlement Order, the Parties developed a series of notice products to make potential beneficiaries, as well as their guardians or personal representatives, if applicable, aware that they may be entitled to compensation. These products will include a claim form, easily understandable in French and English by persons with various literacy levels, and will accommodate persons with disabilities, children and youth and those located in rural or remote communities. These products may be distributed by some or all of the following means: social media; a multi-media campaign; pamphlets; posters; postcards; and videos. Each method used will contain information about the compensation process in both French and English and as many First Nations languages as possible.

Canada will retain a Central Administrator to process compensation requests. Individuals tasked by the Central Administrator with the processing of applications and the provision of Notice Plan-related services, such as phone line-operators and Navigators, must receive culturally appropriate training to ensure beneficiaries are not revictimized by the Compensation Process. The training will convey the particular sensitivities associated with youth and child development. The training will entail a detailed review of the Notice Plan information, including the Tribunal-approved Claim Form. Scripted training products will also be provided to all employees tasked with interacting with potential beneficiaries and providing information or other support services. This will help ensure consistent information messaging. This will also help ensure that all employees of the Central Administrator have an accurate and clear understanding of the information, including the details of the Claim Form. Staff must be able to advise claimants where to go to seek further information about the compensation process and other related supports. All Central Administrator employees must be clearly advised that it is not their role to provide legal advice.

A 24-hour toll-free Compensation Process and Support phone line is available where Line Operators will provide information on the Notice Plan materials and Compensation Process, in addition to suggesting mental health, cultural and other services that potential beneficiaries may require arising from the Compensation Process. As noted, these Line Operators will be trained to ensure that they are sensitive to child and youth development, as well as the cultural and

contextual diversity of beneficiaries. The line is available in some First Nations languages to reflect the linguistic diversity of beneficiaries.

Throughout the Compensation Process, including the Preparation Phase, Canada will provide and fund mental health supports for beneficiaries, including the provision of mental health support workers, who will be made available to beneficiaries in a manner that is responsive to the beneficiaries' needs (e.g.: private counselling, at events, in a family setting, group sessions, 24 hour tele-health or by way of the Compensation Process and Support Line).

Where possible, mental health supports and workers will be provided through First Nations organizations that have established expertise and built trust in First Nations communities. Training for mental health support workers will be conducted at a series of meetings¹. It is expected that each training session will take approximately one-half day (4 to 5 hours).

The training will focus on educating mental health support workers on the notice materials and process to enable them to provide emotional and traditional support and provide neutral information to beneficiaries and their families. Efforts will be made to ensure that support workers are trained in child and youth mental health and, where such professionals are not available in particular communities, that the mental health workers are aware of professionals trained in child and youth mental health. The support workers will either staff the Compensation Process and Support Line or be located in or visit First Nations communities and/or organizations, to provide support services and answer questions from beneficiaries, most times in the First Nations language of the community.

The Assembly of First Nations and Caring Society will also collaborate with Aboriginal Financial Officers Association (AFOA) Canada and the Royal Bank of Canada to prepare financial literacy materials to support recipients prior to and upon receipt of compensation funds. This will include resources and information on how to access personal financial advice, both of which will also address the particular cultural, historical and geographical circumstances of different First Nations communities.

¹ The identity of the trainers and the content will be determined at a later date by the Parties.

The Assembly of First Nations will develop and operate an independent and neutral Information Line, to be staffed by Information Line Liaison(s) (described further below). A framework will be established in consultation with the Parties to ensure consistent and clear messaging to beneficiaries, including comparable training to the Central Administrator's Line Operators associated with the Compensation Process and Support Line, as well as its Navigators. The Line Operators, Navigators, mental health support workers, and Information Line Liaison(s) will not provide any legal advice.

b) Distribution Phase – Disseminating Information

After the notice Preparation Phase, the Distribution Phase will begin where information will be disseminated to the beneficiaries. The Distribution Phase is further broken down into four sub-phases, as detailed below. Phases 1 to 3 will be conducted within the first six months of the Implementation Date set out in the Framework. Phase 4 will be carried out over two years.

Compensation is also being sought in two cases underway but not completed in the Federal Court: *Moushoom et al v Canada (Attorney General)*, Federal Court Registry No. T-402-19, and *The Assembly of First Nations et al v Her Majesty the Queen*, Federal Court Registry No. T-141-20. An individual's right to receive compensation may be affected by those cases, or any others that may be filed.

Phase 1 – Multi-media Campaign: Notice Plan information will be distributed through various print, television, radio or social media, depending on what is likely to be most effective in different parts of the country. Accommodations will be made for persons with unique needs (i.e. persons with disabilities, those located in rural or remote communities, incarcerated persons, homeless persons, or persons in domestic violence shelters), persons who speak First Nations languages and persons with various literacy levels in French and English. Indigenous Services Canada ("ISC") and the Central Administrator will launch and post the Notice Plan materials on a dedicated website (www.FNChildCompensation.ca), and establish the toll-free Compensation Process and Support phone line that will be in service throughout the Compensation Process, including Phases 1-4. The AFN's Information Line will also be in service to provide support to the beneficiaries, as administered by its Information Line Liaison(s).

Phase 2 – Distribution of Posters and Information Packages: Information packages, posters, social media posts, and postcards will be sent to First Nations communities, First Nations child and family service agencies and other children’s service providers, First Nations Organizations, Friendship Centres, Correctional Centres, Tribal Councils, and other partners/stakeholders. Further mail-outs may occur throughout the Distribution Phase. To protect beneficiaries’ confidentiality, these will be provided in bulk in a general-distribution approach. The Parties will agree to a distribution list.

Phase 3 – Community Notices: Canada will work with the Assembly of First Nations and First Nations Child and Family Caring Society and will partner with First Nations communities across Canada to provide notice on local radio stations, local newsletters and online. Wherever possible, These notices will be in the language(s) of the respective community.

Phase 4 – Ongoing Information for the Duration of the Claim Period: The dedicated compensation website and Compensation Process and Support Line will be maintained throughout the Claim Period starting on the Implementation Date in order to provide information to beneficiaries.

Geographical Scope:

Beneficiaries and their families reside in urban, rural, northern and remote/isolated communities across Canada. Some beneficiaries may reside in health care facilities, domestic violence shelters, or may be homeless, or incarcerated. The Notice Plan is designed to reach all beneficiaries in Canada, regardless of geographic location.

Some beneficiaries may reside outside of Canada, and consequently may not be exposed to or be able to access the Notice Plan information via Canadian media or First Nations organizations in Canada. Accordingly, Canada will make reasonable efforts to provide the Notice Plan information to those beneficiaries who reside outside of Canada and request the information.

Language:

Notice Plan materials will be created in a variety of languages appropriate to the media source and location. All elements of the mailing packages (described below), including the Claim Form, will be produced in English and French and American Sign Language (ASL)/Langue des signes du Quebec (LSQ). The dedicated compensation website will appear in English

(www.FNChildWelfareCompensation.ca) and French (www.PNProtectionLenfance.ca). Additionally, the beneficiaries will be able to access English and French Compensation Process and Support Line Operators, as well as have access to the Navigators and mental health support workers who have the capacity to provide information in various First Nations languages and in a manner suitable for persons with limited literacy.

Delivery:

The Notice Plan will focus on ensuring beneficiaries understand why compensation is available and how the application process works. The messaging must be culturally sensitive, attempt to limit any trauma to beneficiaries, and address concerns that beneficiaries may have. Care will be taken throughout the Notice Plan to respect the privacy and confidentiality of beneficiaries.

On-going support and information will be available for beneficiaries throughout the first three phases of the Distribution Phase from Navigators, mental health support workers, the Compensation Process and Support Line Operators, and the AFN Information Line Liaison(s).

All products designed for beneficiaries must be easy to read and understand. The products will contain consistent messaging, be presented in plain and concise language, with an identifiable look, headline, and graphic. The various types of products – and the Notice Plan in its entirety – are intended to ensure that beneficiaries understand who is eligible for compensation and how the process works, if they chose to seek compensation pursuant to the Compensation Process.

If during the course of the Notice Plan it is determined that other products need to be developed to meet evolving needs or address specific issues, said products and/or materials will be prepared and agreed to by the Parties in a manner consistent with the Tribunal-approved Claim Form.

Responding to Inquiries:

During the claim period, Canada will provide resources to the AFN and the Caring Society in order to facilitate the dissemination of Notice Plan materials and associated information to beneficiaries. This will include funding Information Line Liaisons, whose role will be to respond to questions about the Notice Plan and facilitate the dissemination of Notice Plan materials in a culturally appropriate and sensitive manner. Canada will also fund mental health supports and mental health workers, who will provide information, assistance and support. Finally, Canada will fund third parties to provide financial literacy materials and experts, who will conduct workshops,

presentations or other meetings in order to support beneficiaries, having regard to their particular cultural, linguistic and geographical needs and circumstances.

NOTICE SCHEDULE

Preparation Phase Schedule:

Below is a schedule that outlines the expected timeframe for activities that must be completed prior to the launch of the Distribution Phase. Due to the sensitivity and potential impacts of the Notice Plan, the launch of the Distribution Phase will commence on the Implementation Date.

ACTIVITY	TIMEFRAME
Draft, design and finalize products	One month from date Compensation Entitlement Order is final
Translate products	Two months from date Compensation Entitlement Order is final
Produce videos (including ASL and LSQ)	Two months from date Compensation Entitlement Order is final
Produce social media posts	Two months from date Compensation Entitlement Order is final
Print products and create packages	Two months from date Compensation Entitlement Order is final
Training Sessions for Mental Health Support Workers	Two months from date Compensation Entitlement Order is final
Launch Distribution Phase	On Implementation Date

Distribution Phase Schedule:

Below is a timeline for Distribution Phase. Details for each phase follow.

PHASE	TIMEFRAME
Phase 1 – Multi-media Campaign	Commence on Implementation Date and run for at least 12 months
Phase 2 – Mailouts of Packages	Commence on Implementation Date and run for at least 12 months
Phase 3 – Local Community Notices	Commence on Implementation Date and run for at least 12 months

Phase 4 – On-going Notice	January 1, 2021 – date determined by the Tribunal
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Phase 1 – Multi-Media Campaign (DATES):

The timing of the individual notices and media placements may vary within the notice period. Phase 1 will commence on the Implementation Date for at least a 12-month period. Below is a detailed breakdown of appearance.

a) *First Nations Television Notice*

During the 12-month period, approximately 750 Television Notices may be broadcast throughout Canada on First Nations television networks. Contingent on network agreement, notices will run on Aboriginal Peoples Television Network (“APTN”). Notices will also appear on Canadian Broadcasting Corporation (“CBC”) North.

Television Notices will appear in a wide variety of programs and time slots, from early morning to late at night. The schedule should include many of the most popular programs on APTN and CBC North.

A total of four Television Notices will be created and appear in three different languages: English, French, and a First Nations language to be agreed to by the parties. These will be 30-second informational announcements in English and 60-seconds in French (longer length due to translation) on APTN and CBC North. First Nations language spots will also appear in 30- or 60-second formats, depending on the language being spoken.

In addition to the paid television broadcasts, First Nations version(s) of the English television spot will be sent to CBC television for national broadcast as public service announcements (“PSA”). The English television spots for regional broadcast in the Northwest Territories will be sent to CBC.

b) *Radio Notice*

The Radio Notice will be produced and broadcast in 17 languages/dialects, including English, French, Quebec Cree, Déné, Ojibway, North Slavey, South Slavey, Denesuline, Tlicho, Gwich’n, South Tutchone, Tlingit, Innu, Atikamekw, Oji-Cree, Mi’kmaq, and Cree. The Radio Notice will air

on each network/station, in accordance with the language(s) of their programming and/or the predominant language(s) used by their listeners. Networks with multiple language programming will receive a higher number of spots, to ensure effective exposure of each version of the Notice. The radio spots will air over a four-week period.

Spots will be broadcast on radio stations with FirstFirst Nations communications organizations and radio networks, such as:

Organization/Network	Languages
Aboriginal Multi Media Society of Alberta	English, Cree
James Bay Cree Communications Society Network	English, Québec Cree
Missinipi Broadcasting Corp. Network Radio (MBC)	English, Cree, Dene
Native Communications Inc. (NCI-FM)	English, Ojibway, Cree
Native Communications Society of the Western NW	English, Tlicho, North Slavey,
Northern Native Broadcasting Terrace (CFNR-FM)	English
Northern Native Broadcasting Yukon (CHON-FM)	English, Gwitch'n, Southern
Société de Communications Atikamekw-Montagnais	Innu, Atikamekw, French
Wawatay Radio Network (WRN)	English, Oji-Cree, Cree

c) Radio PSAs

The Radio Notice will be packaged and distributed to mainstream radio stations as a PSA. The PSA package will include an audio recording of the Radio Notice (both English and French) as well as a message to the Public Service Director explaining the importance of the Notice and requesting the station air the message. PSAs provide an easy and simple way to more widely distribute the Notice.

d) Print Publication Notices

Notices will also be placed in mainstream newspapers and local newsletters in order to increase the reach of the Notice Plan, particularly for urban residents. Notices will appear once in seven different mainstream newspapers across Canada. The Notice should be approximately five inches by ten inches. Notices should appear in a prominent place in the newspaper in a manner accessible to non-paying readers, primarily in the Main News section.

The Notice may appear in the following mainstream newspapers:

Newspaper	City/Area	Province
<i>Chronicle Herald</i>	Halifax	Nova Scotia

<i>Edmonton Sun</i>	Edmonton	Alberta
<i>Saskatoon Star Phoenix</i>	Saskatoon	Saskatchewan
<i>The Globe and Mail</i>	Toronto	National
<i>The National Post</i>	Toronto	National
<i>The Toronto Star</i>	Toronto	Ontario
<i>Winnipeg Sun</i>	Winnipeg	Manitoba
<i>Whitehorse Daily Star</i>	Whitehorse	Yukon
<i>Vancouver Sun</i>	Vancouver	British Columbia

Notices will also appear, as a full-page unit, in 32 highly targeted First Nations publications. First Nations publications provide local and regional news to a large portion of First Nations communities. In bilingual publications, multiple Notices will appear, once in English or French, and again in the primary First Nations language(s) of the publication.

The Notice may appear in the following First Nations publications:

Publication	Coverage	Ad Language
<i>Alberta Native News</i>	Alberta	English
<i>Anishinabek News</i>	Ontario	English
<i>Eagle Feather News</i>	Saskatchewan	English
<i>Eastern Door</i>	Québec	English
<i>Elsipogtogeoei</i>	New Brunswick	English
<i>First Nations Drum</i>	National	English
<i>First Nations Voice</i>	National	English
<i>Grassroots News</i>	Manitoba	English
<i>Ha-Shilth-Sa</i>	British Columbia	English
<i>Inuvik Drum</i>	Northwest Territories	English
<i>L'Action</i>	Ontario	French
<i>L'Aquilon</i>	Northwest Territories	French
<i>Le Journal Innuvelle</i>	Québec	French
<i>Le Metropolitain</i>	Ontario	French
<i>Le Regional</i>	Ontario	French
<i>Le Rempart</i>	Ontario	French
<i>L'horizon</i>	Ontario	English
<i>Mi'kmaq-Maliseet Nations News</i>	Nova Scotia	English
<i>Native Journal</i>	National	English
<i>Nunatsiaq News</i>	Northwest Territories	English
<i>NWT News/North</i>	Northwest Territories	English
<i>Prince Albert Grand Council Tribune</i>	Saskatchewan	English
<i>Secwepemc News</i>	British Columbia	English
<i>The Chief</i>	British Columbia	English

<i>The Hay River Hub</i>	Northwest Territories	English
<i>The Nation</i>	Québec/Ontario	English
<i>Turtle Island News</i>	Ontario	English
<i>Tusaayaksat</i>	Northwest Territories	English
<i>Tusaayaksat</i>	Northwest Territories	Siglit
<i>Wawatay News</i>	Ontario	English
<i>Wawatay News</i>	Ontario	Oji-Cree
<i>Yellowknifer</i>	Northwest Territories	English

e) Online Notice

The online portion of the Notice Plan includes banner advertisements, which will run for a 30-day period, or longer as required. Notices will be formatted to accommodate mobile devices.

The banner advertisements will run on a rotating basis on website such as the following:

- FirstNationsVoice.com
- FirstNationsDrum.com
- WawatayNews.ca
- WindSpeaker.com
- AlbertaNativeNews.com
- AnishinabekNews.ca
- NORJ.ca
- Grassrootsnewsmb.ca

The banner will appear in English or French on the selected websites, unless the website permits it to appear in both English or French and a First Nations language.

Banner ads may also appear on Facebook.com targeting individuals in Canada whose interests include “Indigenous”, “First Nations” and “First Nations children”.

Social media channels including Twitter, Facebook, TikTok and Instagram will also be used to share information about the Notice Plan. Notices will direct beneficiaries, family members and others to the dedicated website, or other on-line locations where they can find relevant information.

f) Videos

One video will be made to provide a range of information on the Compensation Process. The use of this video will provide flexibility to viewers enabling them to obtain information on the nature of the Claim Process. The video will be included in the information packages (described below) on USB keys, will be made available in DVD format, and will also be accessible on You Tube with a link on the dedicated website.

The video will be called “Overview of the Compensation Process for Federally-funded First Nations Child and Family Services and Jordan’s Principle,” and provide beneficiaries with information on the Compensation Process, including general information about filing a claim.

g) “Earned Media” Activities

Earned media activities are means of obtaining coverage in credible news sources that do not involve the purchase of paid advertising. These would include the use of news releases, media advisories, personal contact with reporters, and other activities designed to encourage stories to be written about the Notice Plan. As part of this process, an Information news release conforming to the Tribunal-approved Claim Form will be issued to provide a fair and neutral statement of the Notice Plan and encourage media interest.

Phase 2 – Mail-outs of Information Packages

Phase 2 of the Distribution Phase will coincide with Phase 1. After the initial mail-outs are complete, on-going mail-outs will continue throughout the Distribution Phase. Success in building awareness among all audience segments will be determined by the Parties’ ability to put information directly in front of the audience through media that are highly visible, have “stopping power”, and afford the opportunity to deliver a number of key messages in clear and simple language. Success will also be determined by the Parties’ ability to leverage one of their key communications opportunities – the direct link to their audience that is provided by the respective network of First Nations Band Offices, First Nations child and family service agencies, and Friendship, Youth and Women’s Centres across Canada. A key focus of the Parties’ effort in marketing to public segments should be in the development and production of Compensation displays that can be distributed to and placed in Centres, in essence serving as billboards that deliver key messaging, require little effort to maintain, and frankly, would be difficult for visitors to the Centres to ignore.



Information packages will be mailed to over 1,200 organizations including First Nations communities, First Nations Organizations that work with beneficiaries, Friendship Centres, Youth in Care Canada, Federal and Provincial Correctional Centres, Tribal Councils, and other partners and stakeholders. These packages will also include a USB key with videos and with printable notice products such as posters, pamphlets, post cards, and forms. The material will be available in English, French, and other First Nations languages.

Organizations can also provide links on their websites to the dedicated website for those beneficiaries wanting more information. Under no circumstances shall an organization charge a fee to beneficiaries for accessing information.

Phase 3 – Community Radio Stations, Local Newsletters and Websites

The Parties will reach out and partner with First Nations communities across Canada to provide notice on local radio stations, local newsletters and links on their websites. These notices will be in the language of the community media type.

A major consideration is that a significant proportion of the target audience cannot access written materials. This, obviously, poses a significant challenge to disseminating the Compensation Process message out to the target audience. The solution to this challenge is to provide prepared audio materials to broadcast media, including both radio and television. These materials could spur interest in the Compensation Process with outlets unfamiliar with the process, subsequently resulting in additional coverage that may not have resulted from the news release and follow-up approach.

These audio news releases will consist of a prepared radio spot lasting about 30 or 40 seconds that could be broadcast in its entirety, along with pre-recorded messages that could be used by the broadcast outlet in its preparation of its own report.

A Q&A will be included in the media information kit. The information will be directed at potential beneficiaries and will provide basic information on the Notice Plan, the Compensation Process, how to make a claim for compensation, as well the available resources that are available to potential beneficiaries and beneficiaries in need of support.

Relevant information could be formatted into fact sheets covering topics such as CHRT rulings, more in-depth information about when and how to access compensation, as well as a summary of the Compensation Process. Inclusion of facts sheets and/or a short general information sheet would provide a quick reference for the casual reader who may not take the time to read all relevant information in its entirety.

Phase 4 – Ongoing Information for the Duration of the Claim Period

The dedicated compensation website and Compensation Process and Support Line will be maintained throughout the Claim Period.

Additional

The Parties shall take steps to address any misinformation, fraudulent advertisements, etc. that are intended to scam or phish for information.

ANNEX A

BACKGROUND

More First Nations children have been removed from their families and are in foster care today than were in residential schools at the height of the operation of that system. First Nations children are 12 times more likely to be placed in care due to neglect driven by poverty, poor housing, parental substance misuse, and domestic violence. The Government of Canada's ("Canada") provision of inequitable child and family services and other public services via Jordan's Principle made it more difficult for families to address risk factors and thus more First Nations children were placed in care and stayed there.

Canada requires child and family services on reserve to be delivered in accordance with provincial child and family services laws as a condition of federal funding. Off reserve, provincial funding and child and family service laws apply. First Nations child and family service agencies began operating in the 1970's with over 100 being established by 2005. These agencies were serving a higher needs population owing to the legacies of residential schools and colonialism and received less funding than provincial agencies received for other children off reserve. The most serious area of shortfall was in services intended to prevent child maltreatment or to mitigate risks to prevent the removals of children from their families whenever possible.

As the Tribunal noted, this chronic under-funding has persisted for many years despite available solutions. The Auditor General of Canada found Canada's provision of the First Nations Child and Family Services Program to be inequitable in 2008 and again in 2011. A 2005 report commissioned by the Assembly of First Nations and Canada and authored by the First Nations Child and Family Caring Society of Canada (Caring Society) found that funding for child and family and health services for First Nations children in Canada fell 30% below what was needed without accounting for the higher risks for First Nations children arising from residential schools and other colonial harms. Further, a 2000 study commissioned by Canada and authored by the Assembly of First Nations revealed that 22 percent less funding was available on a per child basis for First Nations children living on reserve than was provided to children living off reserve in the average province.

In addition to shortfalls in child and family services funding on reserve, First Nations children and families were being deprived of access to other public services they needed due to Canada's

failure to properly implement Jordan's Principle. Jordan's Principle is named in memory of Jordan River Anderson of Norway House Cree Nation in Manitoba. Born in 1999, Jordan remained in hospital for medical reasons for two years until his condition reached a point where he could be discharged to a medically trained foster home near the hospital with a longer-term plan of reuniting Jordan with his family in Norway House. If Jordan had been a non-First Nations child, he would have been discharged. However, Manitoba refused to pay for the service because Jordan was a registered Indian and his family lived on reserve. Canada's Departments of Health and Indian Affairs also argued over which department was supposed to pay for Jordan's services and in the end Jordan was forced to remain in the hospital while the various levels of government argued over the fiscal responsibility for his services. Jordan remained in hospital for another two years unnecessarily before he slipped into a coma and tragically died at age 5. In 2005, the Caring Society study found 393 other children were being denied services due to these types of payment disputes. Jordan's Principle was developed with the support of Jordan's family and adopted by Parliament in 2007. It allows for First Nations children to receive the public services they need when they need them, compelling the government to fund the requisite services and argue about responsibility for providing said services after the fact. Unfortunately, Canada failed to implement Jordan's Principle and, until the Canadian Human Rights Tribunal ruled in 2016, took the position that there were no Jordan's Principle cases.

These inequalities have continued to perpetuate many of the generational problems fostered by the *Indian Act* and the residential school system, and the insufficient resources and supports in place has been found to result directly in elevated rates of abuse and even death in care.

In February 2007, the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations filed a complaint under the *Canadian Human Rights Act* alleging that Canada's inequitable provision of child and family services services to 163,000 First Nations children, along with its flawed implementation of Jordan's Principle, was discriminatory on the prohibited grounds of race and national ethnic origin. Canada made eight unsuccessful attempts to get the case dismissed on technical grounds.

On 26 January 2016, the Canadian Human Rights Tribunal substantiated the complaint and ordered Canada to cease its discriminatory conduct. The Tribunal found that the First Nations Child and Family Services (FNCFS) Program denied services to many First Nations children and families living on-reserve and resulted in adverse impacts for them because it was based on

flawed assumptions about First Nations communities that did not reflect the actual needs of those communities. The Tribunal also found that the FNCFS Program's three main funding mechanisms for First Nations child and family services incentivized removing First Nations children from their families.

The Tribunal further found that Canada's narrow interpretation and implementation of Jordan's Principle resulted in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on reserve. Jordan's Principle is a child-first principle that provides that First Nations children ought to receive the public services they need when they need them, further to the principles of substantive equality and the best interests of the child. Canada was ordered to cease applying the discriminatory definition and approach in its application of Jordan's Principle.

Since the original ruling, the Tribunal has issued nine non-compliance orders in an attempt to force Canada to comply with its original ruling. On September 6, 2019, the Tribunal ordered Canada to provide compensation per the Compensation Entitlement Order.

The *Canadian Human Rights Act* (CHRA) allows the Tribunal to award up to \$20,000 for pain and suffering to a victim of a discriminatory practice (s. 53.2(e)). It also allows the Tribunal to award up to an additional \$20,000 per victim if the discrimination was willful and reckless (s. 53(3)). The total compensation under these sections of the *CHRA* cannot exceed \$40,000 per discriminatory practice. Any reference to the Tribunal awarding \$40,000 to a victim in this case includes both pain and suffering (\$20,000) and special compensation for discrimination that was willful and reckless (\$20,000).

ANNEX B

METHODOLOGY FOR THE DEVELOPMENT OF THE NOTICE PROGRAM

In the Compensation Entitlement Order, the Tribunal ordered the Government of Canada (“Canada”) to work with the Caring Society and Assembly of First Nations to develop a compensation process to distribute the compensation the Tribunal ordered Canada to pay. For several months the Assembly of First Nations and Caring Society worked apart from Canada as Canada did not appoint representatives for the compensation discussion until January 2020. This process involved seeking input and advice from a variety of sources including First Nations youth in care or formerly in care. The Assembly of First Nations, developed a draft Notice Plan, as it has participated in the design of a number of notice programs comparable in scope and complexity. In developing the draft Notice Plan, the Assembly of First Nations collaborated with the Caring Society. Further, a number of All-Party meetings addressed the messaging and approach of the Notice Plan. Participants provided a wide range of helpful albeit sometimes competing ideas and suggestions, which were considered by the Parties and influenced the development of the Notice Plan and related Notice products.

FIRST NATIONS CHILD SERVICES COMPENSATION PROCESS: BENEFICIARY CLAIM FORM

Advisory: Filling out this Beneficiary Claim Form may be emotionally difficult or traumatic for some people, including being mindful of the possible impacts on children and youth, or those caring for children and youth.

If you are experiencing emotional distress and want to talk, free counselling and crisis intervention services are available from the Hope for Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca.

The toll-free number and website are available 24 hours a day, 7 days a week.

Free assistance to complete the Beneficiary Claims Form is available from the Child Services Compensation Support Line at 1-800-XXX-XXXX.

BENEFICIARY CLAIM FORM

FIRST NATIONS CHILD SERVICES COMPENSATION

Compensation has been made available to some First Nations children who were removed from their homes at a time when their parents lived on reserve or in the Yukon and were served under Canada's First Nations Child and Family Services program. In some circumstances, parents and grandparents who had a child removed and were resident on reserve or in the Yukon at the time of the removal are eligible for compensation too.

Compensation has also been made available to some First Nations children living on or off reserve who were removed from their families to obtain essential services that should have been available under Jordan's Principle. Children and youth and families who did not experience a child removal, but instead experienced denials, gaps or unreasonable delays in essential services (like X) or products (like wheelchairs, percussion vests, learning technology) that would have been available under Jordan's Principle are eligible for compensation too.

BENEFICIARY CLAIM DUE BY: [DATE]

Assistance and advice:

Potential beneficiaries can seek advice about their eligibility and the Compensation Process by calling the Child Services Compensation Support Line at 1-800-XXX-XXXX, or by emailing compensation@EMAIL.ca.

Potential beneficiaries can also reach out to the First Nations Compensation Help Desk, accessible by calling 1-800-XXX-XXXX or by emailing helpdesk@afn.ca

You can also get more information by visiting the Child Welfare Compensation Process Website, accessible at <http://childservicescompensation.ca>

Important Information Regarding Beneficiary Eligibility:

On January 26, 2016, the Canadian Human Rights Tribunal (the “Tribunal”) found that Canada was discriminating against First Nations children in the child welfare system and by failing to implement Jordan’s Principle.

On September 6, 2019, the Tribunal ordered that the victims of Canada’s discrimination are entitled to compensation (the “Compensation Entitlement Order”).

There are two broad categories for eligible beneficiaries:

- 1. Canada’s First Nations Child and Family Services Program**
- 2. Jordan’s Principle**

Canada’s First Nations Child and Family Services Program

The Compensation Entitlement Order provides compensation of **\$40,000** for First Nations children and their families who lived on reserve or in the Yukon and who were subjected to removal from their homes by Canada’s First Nation Child and Family Services program. Those entitled to this compensation include:

- a First Nations child removed from their homes, families and communities before January 1, 2006 and who was still in care on that date;
- a First Nations child removed from their homes, families and communities on or after January 1, 2006;
- a parent, or a grandparent who was the primary caregiver for a First Nations child who was removed from their homes, families and communities before January 1, 2006 for reasons other than physical, sexual or emotional abuse whose child was still in care on that date; and
- a parent, or a grandparent who was the primary caregiver for a First Nations child who was removed from their homes, families and communities on or after January 1, 2006 for reasons other than physical, sexual or emotional abuse.

Note that any parent who engaged in physical, sexual or emotional abuse of a child is not eligible for compensation.

Indigenous Services Canada and First Nations Child and Family Services Agencies have made a Compensation List based on their records. If your name is on that list, your Claim will be approved. If your name is not on that list, your

Claim will still be reviewed to see if you are eligible to receive compensation. If the reviewers have questions, they may contact you for more information.

Jordan's Principle

Compensation in the amount of **\$40,000** has also been made available to First Nations children and their families living on or off reserve in the following circumstances:

- a First Nations child who was unnecessarily removed to obtain essential services, between December 12, 2007 and November 2, 2017 (cannot be combined with First Nations Child and Family Services compensation);
- a First Nations child who was not removed from their family but experienced a denial, gap or unreasonable delay in the delivery of essential services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017;
- a parent, or a grandparent who was the primary caregiver for a First Nations child who was removed and placed in care to obtain essential services, between December 12, 2007 and November 2, 2017 (cannot be combined with First Nations Child and Family Services compensation); and
- a parent, or a grandparent who was the primary caregiver for a First Nations child who was not removed from their family, but experienced a denial, gap or unreasonable delay in the delivery of essential services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017.

The Compensation Order, 2019 CHRT 39, describes the compensation at paragraphs 245-257. You can find it here:

<https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/453537/index.do>

Part 1: Beneficiary Information			
Beneficiary's Name and Last Name (required)			
First Name:			
Middle Name (if any)			
Last Name:			
Other name(s) (if any) <i>Examples: name at time you were removed from home, maiden name, adopted name or nickname</i>			
Beneficiary's Date of Birth (required)	If Beneficiary has died, Date of Death	Beneficiary's Indian Status Card Number	
___/___/___ DD/MM/YY	___/___/___ DD/MM/YY		
Details re claims based on child's experiences (if beneficiary is a parent/grandparent)			
Child's Name	Child's Date of Birth	Child's Indian Status Card Number	Type of claim (Child Welfare or Jordan's Principle)
	___/___/___ DD /MM/YY		
	___/___/___ DD /MM/YY		
	___/___/___ DD /MM/YY		
Beneficiary Contact Details (required)			
Street Number and Name	Apartment number (if applicable)		
Box number, Rural route, Station Number			
City/Town/Municipality			
Province/Territory	Postal Code	Country	
Home Telephone Number	Cell Phone Number		
Email Address (if available)			
Beneficiary's current Home Community or Communities (if applicable) Examples: Name of First Nation, Town, Hamlet, or Settlement			

Part 2: Are you applying as a Representative of a Beneficiary?

If you are filling this Claim form out for yourself, please go to Part 3.

Fill this part out if you are filling this form out for a Beneficiary who cannot complete this claim form on their own because they are not able to manage their own affairs (for example because they are a child, they are sick, or they are lack legal capacity) or are deceased.

You cannot receive payment or compensation from a Beneficiary specifically for filling out this Claim Form for them.

If applicable, a Personal Representative must be either:

Appointed by law to manage or make reasonable judgments or decisions in respect of the affairs of the person under disability.

OR

The Estate Executor or Administrator, appointed by a Court or Indigenous Services Canada (ISC) on behalf of a Claimant who is deceased.

To become appointed as a Personal Representative for a deceased Claimant that lived on reserve, please contact ISC at **1-800-567-9604**.

All other appointments are managed by the local Province or Territory. Contact the Child Services Compensation Support Line at **1-800-XXX-XXXX** if you are not sure what documents you need to prove that you can be a Representative.

If you are applying as a Representative, on behalf of a Beneficiary, check this box.

Yes

If you selected Yes, the Representative must provide the details on the next page.

You will also have to attach documents confirming your legal status as a representative.

REPRESENTATIVE CONTACT INFORMATION		
Representative Full Name - First, Last		
Representative Address: Street Name and Number; Unit Number		
City/Town/Community		
Province/Territory	Postal Code	Country
Telephone Number		Email Address (if available)
Relationship to Beneficiary:		
Documentation Required- please attach a photocopy of the following:		
Powers of Attorney	Executors/Administrators	
<ul style="list-style-type: none"> • Court Order; • Documentation that shows you have Power of Attorney over the Beneficiary's finances; or • Birth Certificate, affidavit or other legal document confirming you are the parent of a Beneficiary who has not yet reached the provincial/territorial age of majority. 	<ul style="list-style-type: none"> • Death Certificate and a Will (if available); • Revenue Quebec Estate Form; or • Order or Grant of Administration from a Court; or • Letter of Administration from ISC 	

Part 3: Beneficiary Claim Information

Go to **Part 3A** on the next page if you are asking for compensation because, while you lived on-reserve, you were removed from your home, family and community as a child, or because your child was removed from your home, family or community for reasons other than physical, sexual or emotional abuse.

Go to **Part 3B** on page X if you are asking for compensation because, while you lived on-reserve or off-reserve, you were removed from your home to access essential services, or because your child was removed from your home, family and community to access essential services.

Go to **Part 3C** on page X if you are asking for compensation because you experienced a denial, gap or unreasonable delay in the delivery of essential services that would have been available under Jordan's Principle.

Part 3A: Canada's First Nations Child and Family Services Program

3 (A) - Beneficiary Eligibility – FNCFS Program	
<p>I confirm that I am seeking compensation under the Compensation Order.</p> <p>In terms of my evaluating my eligibility as a beneficiary of the Compensation Order, I confirm the following details surrounding my experience:</p>	
<p>I lived on reserve or in the Yukon and I believe I am:</p> <p>A) a First Nations child removed from my home and placed outside of my family or community before January 1, 2006 and was still in care on January 1, 2006.</p> <p>B) a First Nations child removed from my home and placed outside of my family and community on or after January 1, 2006.</p> <p>C) a parent, or a grandparent who was the primary caregiver for a First Nation child removed from my home before January 1, 2006 for reasons other than physical, sexual or emotional abuse and placed outside of my child's family or our community, and whose child was still in care on January 1, 2006.</p> <p>D) a parent, or a grandparent who the primary caregiver for a First Nations child who was removed from my home on or after January 1, 2006 for reasons other than physical, sexual or emotional abuse and placed outside of my child's family or our community.</p>	<p>Please check one:</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Unsure about your background? Check the boxes that apply to you</p> <p>I was a First Nations child who was removed from their home, family and community and was in care as of January 1, 2006 or was removed after that but don't know:</p> <p>a) If I got services from the FNCFS program</p> <p>b) I was removed but don't know if my placement counts as a family or community placement.</p>	<p>Check the Boxes that apply</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

3 (A) - Beneficiary Eligibility – FNCFS Program (cont'd)	
<p>Unsure about some of your information background? Check the boxes that apply to you</p> <p>I am a parent or grandparent who was caring for my child at the time of their removal AND I lived on reserve or in the Yukon AND my child was in care as of January 1, 2006 or sometime after that but I don't know (check all that apply):</p> <ul style="list-style-type: none"> a) If I got services from the FNCFS Program b) The reasons why my child/grandchild was removed c) Whether my child's placement counts as a family or community placement. 	<p>Check the Boxes that apply</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

3 (A) - Beneficiary Eligibility – FNCFS Program (cont'd)	
Claim Particulars (child)	
I confirm that I was removed from my family by Canada's First Nations Child and Family Services Program on DD _____ MM _____ YY _____.	
Reserve, Location or Community	
Province or Territory	
Claim Particulars (Parent or grandparent, include any further children on extra pages)	
Name of my child or grandchild- <i>include any additional names, including name when removed from home, maiden name, adopted name or nickname</i>	
Child/ grandchild's Date of Birth	Day _____ Month _____ Year _____
Child/ grandchild's Date of Death (if applicable)	Day _____ Month _____ Year _____
My child's/grandchild's Indian Status Card number	
I confirm that my child/grandchild was removed from my family by Canada's First Nations Child and Family Services Program on DD _____ MM _____ YY _____.	
Reserve, Location or Community	
Province or Territory	

Part 3B: Jordan's Principle – Removals to access services

3(B) - Beneficiary Eligibility – Jordan's Principle Removal	
<p>I confirm that I am seeking compensation under the Compensation Order. I confirm that I am not seeking compensation for a removal under the FNCFS Program (3A).</p> <p>In terms of my evaluating my eligibility as a beneficiary of the Compensation Order, I confirm the following details surrounding my experience with a removal for service access:</p>	
<p>I lived on or off reserve and I believe I am:</p> <p>A) a First Nations child who was removed from my home, family and community to obtain essential services that would have been available under Jordan's Principle.</p> <p>B) a parent or grandparent caring for a First Nations child whose child was removed from my home and placed in care outside my child's family or our community in order to access essential services that would have been available under Jordan's Principle.</p> <p>I confirm the removal occurred on or between December 12, 2007, and November 2, 2017.</p>	<p>Please check one:</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>Unsure about some of your information background? Check the boxes that apply to you</p> <p>I don't know (Check all that apply):</p> <p>a) if that service/product would have been covered by Jordan's Principle;</p> <p>b) my child/grandchild's need for the service/product was the reason I was removed</p> <p>c) whether my child/grandchild received the service/product once removed.</p>	<p>Check the Boxes that apply</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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3 (B) - Beneficiary Eligibility – Jordan’s Principle Removal (cont’d)	
Claim Particulars (child)	
I confirm that I was removed from my family to access essential services on DD_____MM_____YY .	
Reserve, Location or Community	
Province or Territory	
Claim Particulars (Parent or grandparent, include any further children on extra pages)	
Name of my child or grandchild- <i>include any additional names, including name when removed from home, maiden name, adopted name or nickname</i>	
Child/ grandchild’s Date of Birth	Day_____Month_____Year_____
Child/ grandchild’s Date of Death (if applicable)	Day_____Month_____Year_____
My child’s/grandchild’s Indian Status Card number	
I confirm that my child/grandchild was removed from my to access essential services on DD_____MM_____YY .	
Reserve, Location or Community	
Province or Territory	

3(C) - Beneficiary Eligibility – Jordan’s Principle Service Denial/Gap/Delay	
<p>I confirm that I am seeking compensation under the Compensation Order. I confirm that I am not seeking compensation for a removal to obtain essential services (3B).</p> <p>In terms of my evaluating my eligibility as a beneficiary of the Compensation Order, I confirm the following details surrounding my experience with accessing essential services:</p>	
<p>I lived on or off reserve and I believe I am:</p> <p>A) a First Nations child who was not removed from my family and experienced a denial, gap or unreasonable delay in the delivery of essential services or products that would have been available under Jordan’s Principle.</p> <p>B) a parent or grandparent caring for a First Nations child who was not removed from my home but who experienced a denial, gap or unreasonable delay in the delivery of essential services that would have been available under Jordan’s Principle.</p> <p>I confirm the removal or gap/delay in services occurred on or between December 12, 2007, and November 2, 2017.</p>	<p>Please check one:</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Unsure about some of your information background? Check the boxes that apply to you</p> <p>I am not sure if:</p> <p>a) If that service or product would have been covered by Jordan’s Principle.</p> <p>b) I/my child/my grandchild got the service or product professionals said I needed.</p> <p>c) I/my child/my grandchild got the product/services they needed but we had to wait and I am not sure if that counts as an unreasonable delay.</p>	<p>Check the Boxes that apply</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

3 (C) - Beneficiary Eligibility – Jordan’s Principle Service Denial/Gap/Delay (cont’d)	
Claim Particulars (child)	
I confirm that I requested the following essential service from Canada, OR a professional recommended that I required the following essential service:	
Name of professional who recommended the service:	
Date of service request or professional recommendation:	
Date of Denial (if any):	
Date service was received (if any):	
Claim Particulars (Parent or grandparent, include any further children on extra pages)	
Name of my child or grandchild- <i>include any additional names, including name when removed from home, maiden name, adopted name or nickname</i>	
Child/ grandchild’s Date of Birth	Day_____Month_____Year_____
Child/ grandchild’s Date of Death (if applicable)	Day_____Month_____Year_____
My child’s/grandchild’s Indian Status Card number	
I confirm that I requested the following essential service from Canada, OR a professional recommended that I required the following essential service:	
Name of professional who recommended the service:	
Date of service request or professional recommendation:	
Date of Denial (if any):	
Date service was received (if any):	

3 (D) – Beneficiary Identification

Please ensure that you attach a photocopy of a piece of government issued identification. Acceptable forms include Indian Status Card, Driver's license, Provincial/Territorial ID card, birth certificate, etc.

Should you not have any identification, a Sworn Declaration/Solemn Affirmation will be required in the form attached at 3(F). The person who witnesses your signature does not need to read the rest of your Claim Form.

Part 4: Beneficiary and Witness Signature		
<p>Central Administrator: I recognize that the Central Administrator and its employees tasked with the review of claims <u>do not</u>:</p> <ul style="list-style-type: none"> • represent Canada; • act as an agent or legal counsel for any party, and do not offer legal advice; and, • have any duty to identify or protect legal rights of any party, or to raise an issue not raised by any party. 		
<p>Privacy: I understand that it may be necessary:</p> <ul style="list-style-type: none"> • for the Central Administrator to disclose information provided in this Claim for verification to: Canada, the First-level Reviewers, Second-level Committee or the Appeals Body; • for Canada to disclose information in its possession to: the Central Administrator, the First-level reviewers, Second level Committee (if applicable) and the Appeals Body. 		
<p>Information in Beneficiary Claim Form: I confirm that all of the information provided in this Beneficiary Claim Form is true to the best of my knowledge and belief. Where someone helped me complete this Claim Form, that person has read to me everything they wrote and included with this Claim Form.</p>		
<p>Consent: <i>I understand that by signing this Beneficiary Claim Form and submitting it to the Central Administrator, I am consenting to the above, and to the disclosure of my personal information to be used and disclosed in accordance with the direction of the Canadian Human Rights Tribunal and the Compensation Order.</i></p>		
Signature of Beneficiary (required)	Date DD____MM____YY____	
<p>The Witness must only see the Beneficiary sign this page. They are not required to read the Claim nor to verify the accuracy of the information herein.</p>		
Signature of Witness (required)	Date DD____MM____YY____	
Witness Full Name – First, Last		
Witness Address: Street Name and Number; Unit Number		
City/Town/Community		
Province/Territory	Postal Code	Country
Witness Telephone Number		Witness Email Address (if available)

**4(A) Sworn Declaration/Solemn Affirmation
(only complete if you do not have government ID)**

A sworn declaration/solemn affirmation is a statement signed by the Beneficiary and any one of the following Guarantors with the following Titles- Notary Public or Commissioner of Oaths, an Elected Official or Community Leader (e.g. Chief or Councilor) or another Professional (e.g. Lawyer, Doctor/Physician, Accountant (CPA), Police Officer)

Sworn Declaration or Solemn Affirmation of the Beneficiary Claimant

I solemnly swear/affirm that the information I have provided is true to the best of my knowledge

Signature of Beneficiary

Date:

DD____MM____YY____

This Declaration Must be witnessed by a Guarantor. **The guarantor only needs to see the Beneficiary sign this page.** As Guarantor, you are **not required** to read the Form or verify the accuracy of the events described in this Form.

The Guarantor must complete the following fields. The Guarantor can also witness the claimant signature in Part 4.

Guarantor Name	Position	Organization
----------------	----------	--------------

Guarantor Address: Street Name and Number; Unit Number (if applicable)

City/Town/Municipality

Province/Territory

Postal Code

Country

Telephone Number

Email Address (if available)

Signature of Guarantor

Guarantor

Date:

DD____MM____YY____

Part 5: Retention of Claim Form and Documents	
<p>You can choose to have your Beneficiary Claim Form and supporting documents attached to the form:</p> <p>Please check one:</p> <p style="padding-left: 40px;">A) Securely Destroyed;</p> <p style="padding-left: 40px;">B) Returned to you;</p> <p>If you do not make a choice, your records will be destroyed five years after compensation is paid to you, or five years after your claim is finally decided.</p>	<p>Destroy <input type="checkbox"/></p> <p>Return <input type="checkbox"/></p>

Submission Process	
CLAIM DUE BY: [DATE]	
Before sending, please make sure your Claim Form package includes the following:	
<input type="checkbox"/>	Beneficiary name and contact information in Part 1.
<input type="checkbox"/>	For Representatives. Complete Part 2 only if you are a representative submitting the claim on behalf of the Beneficiary. Ensure you attach a photocopy of the required documentation.
<input type="checkbox"/>	Attached a photocopy of government issued piece of identification (e.g. Indian Status Card, Driver's license, etc.) or if unavailable, had a guarantor sign the claim form (page X) in Part 3(F).
<input type="checkbox"/>	Provided all claim particulars as well as any additional information or supporting documents.
<input type="checkbox"/>	Signatures of Beneficiary and Witness in Part 4.
PLEASE SEND YOUR CLAIM PACKAGE	
To: Child Services Compensation Central Administrator, c/o	
By Mail:	
By Fax:	
By Email:	
Please make a copy of your Beneficiary Claim Form and any attached documents for your personal records.	
Original photographs or records are not required.	
For questions or to report a change of address, please contact the Compensation Process and Support Line at 1-800-XXX-XXXX.	

TV (PSA) Notice Template - First Nations Child and Family Services Compensation Process

Concept: To provide potential beneficiaries with notice of the Compensation Process and information on the resources available to assist potential beneficiaries in pursuing a claim for compensation.

Runtime: ~30 secs

Audio

Music: peaceful music playing lightly in the background.

Narrator Script:

- You may be a beneficiary of a decision of the Canadian Human Rights Tribunal and entitled to compensation if you are a First Nation child, or the parent or grandparent (where acting as the primary caregiver) to a First Nations child, who was removed from their home on reserve or in the Yukon on or after January 1, 2006 or experienced a gap in child and family services and/or products, a delay or denial in child services and/or products that should have been available under Jordan's Principle between December 12, 2007 and November 2, 2017.
- Some First Nations children and their parent or grandparent acting as their primary caregiver who were in care on reserve and in the Yukon as of January 1, 2006 but removed before that date are also eligible.
- Parents or grandparents who had a child removed due to physical, sexual or emotional abuse are not eligible for compensation.
- Compensation remains available to the Estate of beneficiaries who are deceased.
- A Compensation Process has been established for eligible beneficiaries, as well as their guardians or personal representatives, as applicable, wishing to claim compensation.
- The deadline to submit a beneficiary claim is _____.

Visual:

- Appropriate and sensitive video footage (of some sort) with narrator's script on-screen.

- | | |
|---|--|
| <ul style="list-style-type: none">▪ For more information please visit the dedicated Child and Family Services Compensation Website at www. or contact the toll-free Compensation Process and Support line at: 1-800-000-0000. | |
|---|--|

Radio (PSA) Notice Template - First Nations Child and Family Services Compensation Process

Concept: To provide potential beneficiaries with notice of the Compensation Process and information on the resources available to assist potential beneficiaries in pursuing a claim for compensation.

Runtime: ~30 secs

Audio

Music: peaceful music playing lightly in the background.

Narrator Script:

- You may receive compensation because of a Canadian Human Rights Tribunal decision if you are a First Nation child, who was removed from their home on reserve or in the Yukon on or after January 1, 2006.
- or you were denied, or experienced an unreasonable delay in accessing child health, education or social services and products that should have been provided under Jordan's Principle between December 12, 2007 and November 2, 2017.
- Some First Nations children and their caregivers who were in care as of January 1, 2006 but removed on reserve or in the Yukon before that date are also eligible.
- Parents or grandparents acting as the primary caregiver to a First Nations child may be eligible too, but parents or grandparents who had a child removed due to physical, sexual or emotional abuse are not eligible for compensation.
- Compensation remains available to the Estate of a beneficiary who is deceased.
- A Compensation Process has been established for eligible beneficiaries, as well as their guardians or personal representatives, as applicable, wishing to claim compensation.
- The deadline to submit a beneficiary claim is_____.
- For more information please visit the dedicated Child and Family Services Compensation Website at www----- or contact the toll-free Compensation Process and Support line at: 1-800-000-0000.

First Nations Child and Family Services Compensation Template - News
Article – Ads

First Nations Child and Family Services Compensation Process

THE DEADLINE TO SUBMIT A BENEFICIARY CLAIM IS _____.

Why is this compensation available?

A complaint was filed in 2007 under the *Canadian Human Rights Act* alleging that the Government of Canada (“Canada”) was discriminating in its delivery of child and family services to First Nations children and in its implementation of Jordan’s Principle. In 2016, the Tribunal agreed that Canada’s conduct was discriminatory and released a decision on September 6, 2019, ordering Canada to provide compensation to the victims of its discrimination (2019 CHRT 39, the “Compensation Entitlement Order”).

The Tribunal has ordered a Compensation Process for how Canada is to pay compensation to the beneficiaries according to the Compensation Entitlement Order. A Notice Plan is currently in effect to make sure that people who may be eligible, as well as their guardians or personal representatives, if applicable, know about the Compensation Process and the supports which are available to help them with their claim.

Are you an eligible beneficiary?

The Compensation Entitlement Order provides compensation in the amount of **\$40,000** to First Nations children and their families who lived on reserve or in the Yukon and who experienced Canada’s discrimination. Those entitled to compensation as a beneficiary include:

- a First Nations child removed on or after January 1, 2006 or alternatively, who was removed prior to January 1, 2006, but remained in care as of that date;
- a First Nations parent or grandparent acting as the primary caregiver to a First Nations child of a child removed after on or January 1, 2006, or alternatively, who was removed prior to January 1, 2006, but remained in care as of that date. Parents or grandparents who had a child removed due to physical, sexual or emotional abuse are not eligible.
- a First Nations child necessarily removed but placed outside of their families or community on or after January 1, 2006, or alternatively, who was removed prior to January 1, 2006, but remained in care as of that date.

Compensation in the amount of **\$40,000** has also been made available to First Nations children and their families living on or off reserve¹, and includes:

- a First Nations child that was unnecessarily removed to obtain essential services, or was not removed from their family but experienced gaps or delays in the delivery of services and/or products that would have been available under Jordan’s Principle between December 12, 2007, and November 2, 2017; and

¹The Parties should note that this language is subject to clarification from the Tribunal in a judgment under reserve.

- a First Nations parent or grandparent acting as the primary caregiver to a First Nations child who had their child removed and placed in care to access service and/or products, or was not removed from their family but experienced gaps or delays in the delivery of services and/or products that would have been available under Jordan's Principle between December 12, 2007 and November 2, 2017.

Compensation is available for the estate of eligible beneficiaries who are deceased.

The Compensation Entitlement Order, 2019 CHRT 39, outlines the terms of compensation at paragraphs 245-257. You can read it here:

<https://www.canlii.org/en/ca/chrt/doc/2019/2019chrt39/2019chrt39.html?resultIndex=1>

Where can I find more information about submitting a claim?

If you think you, a minor for whom you act as guardian, or an estate which you are administering should receive compensation you can find out about eligibility and learn more about the Compensation Process by contacting the Compensation Process and Support Line at 1-800-000-0000, or by email at supportlineemail@canada.ca.

Alternatively, potential beneficiaries, as well as their guardians or personal representatives, as applicable, can also reach out to the Compensation Process Help Desk, accessible by phone at 1-800-000-0000 or by email at _____.

Further information can also be accessed by visiting the Child and Family Services Compensation Process Website, accessible at www.

How do I apply for compensation?

You can ask for compensation by completing the Beneficiary Claim Form and sending it to the Central Administrator _____.

The deadline to apply for compensation is (Date). Copies of the Beneficiary Claims Form are available at (www._).

You do not need a lawyer to complete the form. If you ask a lawyer for assistance, you may be required to pay for that service.

(Add documentation needed for application)

How will payments be calculated?

The Central Administrator is responsible for reviewing your Beneficiary Claim Form in accordance with a review process as directed by the Tribunal to determine whether you qualify for compensation. If your claim is approved, the Central Administrator will provide you with confirmation that your claim has been accepted. Payment will either accompany the confirmation or be provided shortly thereafter.

If compensation is denied, you will be provided with reasons for the decision and information on processes and supports to ensure you understand the decision, as well as how to appeal the decision. If a beneficiary is not satisfied with the outcome of their application for compensation and has new relevant information, they will have an opportunity to have their application reviewed and reconsidered by the Central Administrator. Alternatively, an appeal process will be available.

Applying for reconsideration

If compensation is denied, you will be provided with the reasons why. You will also be given help to make sure you understand the decision, and how you can appeal. If you are not satisfied with the outcome of their application for compensation and have new information that could make a difference to the result, you will have an opportunity to have your application reviewed and reconsidered by the Central Administrator's appeal body.

Ultimately, if you are still unsatisfied, you can raise your concern with the Tribunal.

Further Support

A 24-hour toll-free Compensation Process and Support phone line is available to provide information on the Compensation Process, in addition to providing access to mental health, cultural and other services for beneficiaries.

Mental health support workers are available to help beneficiaries throughout the Child and Family Services Compensation Process. Their job is to give mental health support in a manner that is appropriate to your situation (e.g. private counselling, family setting, group sessions, tele-health or the Compensation Process and Support Line).

You can contact health support workers at the following:

(Mental Health Support Workers Information)

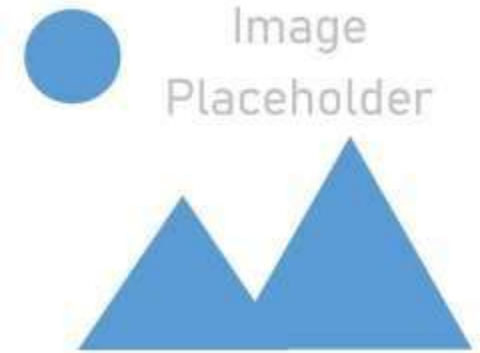
For more information

For more information about the Compensation Process, or for help with forms, please contact the Compensation Process and Support phone line or access the dedicated First Nations Child and Family Services Compensation Website at the following:

Toll-Free Phone: _____

Online: [www.](#)

First Nations Child and Family Services Compensation Process



You may be entitled to compensation under the Canadian Human Rights Tribunal orders if: 1) you are a First Nations child, or the parent or grandparent acting as the primary caregiver of a First Nations child who was in care as of January 1, 2006 or brought into care after that date and you were served by the federally funded child and family services system or 2) you experienced a gap, a delay or the denial of services and/or products that would have been available under Jordan's Principle between December 12, 2007 and November 2, 2017.

WHAT IS THE FIRST NATIONS CHILD SERVICES COMPENSATION PROCESS?

- In February 2007, the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations filed a *Canadian Human Rights Act* complaint. The complaint said the federal government was discriminating against First Nations children and families because its child and family services did not meet First Nations' needs **on-reserve and in the Yukon**. The complaint also said the federal government was not doing enough to implement Jordan's Principle, so First Nations children were not getting important services and products they needed.
- On 26 January 2016, the Canadian Human Rights Tribunal agreed and ordered the Canadian Government to stop its discriminatory conduct.
- Compensation is now available for First Nations children, as well as the parents or grandparents (where acting as the primary caregiver) to First Nations children, who were victims of this discrimination. A Compensation Process has been established so that people who qualify for this compensation can claim it.

What is Jordan's Principle?

Named in memory of Jordan River Anderson of Norway House Cree Nation, Jordan's Principle ensures First Nations children receive services or products they need when they need them. Jordan's Principle ensures First Nations children do not experience service denials, delays, or disruptions related to their First Nations status.

What is the First Nations Child and Family Services Program?

The federal government funds child and family services on reserve and in the Yukon. In some cases, they funded First Nations child and family service agencies and in other cases they funded provinces and territories to provide child and family services. Federal funding levels fell far below what First Nations children and families needed and this was found to be discriminatory. Children who were removed and placed outside of their families and communities are entitled to compensation. In some cases, their primary caregiver (parent or grandparent) is also entitled to compensation. The parties remain eligible for

compensation whether living or deceased.

Who can apply for compensation?

Compensation is available for each First Nations child and their parents (or grandparents if the primary caregiver) who have been harmed by the child and family services system on-reserve or in the Yukon, whether living or deceased.

If you are a **First Nation child who was removed through the First Nations child and family services system and you were in care on or after January 1, 2006 or were denied or delayed the receipt of a health or service under Jordan's Principle between December 12, 2007 and November 2, 2007 you, along with your parents or grandparents (if the primary caregiver) may be entitled to compensation.**

The amount of compensation per beneficiary (\$40,000) consists of both pain and suffering (\$20,000) and special compensation for discrimination that was willful and reckless (\$20,000). Each category of compensation is as follows:

For a First Nations child on reserve or in the Yukon who was removed from their family and was served by the First Nations Child and Family Services Program:

- \$40,000 to each First Nations child removed on or after January 1, 2006, or removed before January 1, 2006 but who remained in care as of this date, and placed outside of their family and community.

\$40,000 to each First Nations parent (where acting as the primary caregiver) to a First Nations child removed for reasons other than physical, sexual or emotional abuse on or after January 1, 2006, or removed before January 1, 2006, but who remained in care as of this date, and placed outside of the child's family and community. For a First Nations child living on or off reserve:

- \$40,000 to each First Nations child removed from their families to obtain essential services and/or products;
- \$40,000 for each First Nations child who was not removed from their family but experienced gaps or delays of services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017.
- \$40,000 to each First Nations parent or grandparent (where

acting as the primary caregiver) to a First Nations child who was removed and placed in care to access services,

- \$40,000 to each First Nations parent or grandparent (where acting as the primary caregiver) to a First Nations child who had a child who wasn't removed from their family but experienced gaps or delays of services that would have been available under Jordan's Principle between December 12, 2007, and November 2, 2017

Why doesn't the compensation period go back farther?

The dates associated with a claim for compensation have been fixed by the Canadian Human Rights Tribunal, in accordance with the provisions of the *Canadian Human Rights Act*.

Do I need to take the compensation?

It is your decision to either take the compensation or not. If you file a Beneficiary Claim form you are assumed to accept the compensation. If you need help making this decision then contact a lawyer (who you may have to pay) or you can get non-legal information for free at (insert).

What if I am a minor?

If you are younger than your province's age of majority, compensation paid will be secured in a trust fund and held for your benefit. Further, a Beneficiary Claim Form will need to be submitted by your legal guardian.

What if the beneficiary is deceased?

Personal representatives can seek compensation on behalf of a deceased beneficiary by submitting a Beneficiary Claim Form accompanied by documentation reflecting their status as the Estate's legal representative.



FIRST NATIONS CHILD AND FAMILY SERVICES COMPENSATION PROCESS

TO LEARN MORE ABOUT THE COMPENSATION PROCESS, CONTACT:

First Nations Child and
Family Services
Compensation Process
and Support Line
Toll-Free: 1888-888-8888

First Nations Child and
Family Services
Compensation Process
dedicated website
www.

Compensation Liaisons
Phone:
Email:

You may be a beneficiary and entitled to compensation per the Canadian Human Rights Tribunal orders if: 1) you are a First Nations child, or the parent or grandparent acting as the primary caregiver of a First Nations child, who was in care as of January 1, 2006 or brought into care after that date and you were served by the federally funded child and family services system or 2) you experienced a gap, a delay or the denial of services and/or products that would have been available under Jordan's Principle between December 12, 2007 and November 2, 2017. Compensation is also available to the Estate of beneficiaries who are deceased.

- Beneficiary Claim Forms are available at (insert website).
- The deadline to submit a claim form is _____.

Overview of the First Nations Child and Family Services Compensation Process Concept: To provide potential beneficiaries with notice of the Compensation Process and information on the resources available to assist potential beneficiaries in pursuing a claim for compensation. Runtime: ~2 min		
Audio	Visual	
<ul style="list-style-type: none"> ▪ Music – peaceful music playing lightly in the background. <p>Narrator will read the on-screen text.</p>	<p>Background - two options:</p> <ul style="list-style-type: none"> ▪ solid colour – with text below on screen. ▪ Appropriate and sensitive video footage of some sort with text below. <p>First Nations Child and Family Services Program</p> <p><u><i>Why is this compensation available?</i></u> In 2016, the Canadian Human Rights Tribunal found that Canada discriminated against First Nations children and their families in its provision of child and family services on-reserve and in the Yukon, as well as in its implementation of Jordan’s Principle. In September of 2019, the Tribunal ordered Canada to pay \$40,000 to each eligible person who suffered from Canada’s discriminatory conduct.</p>	
<ul style="list-style-type: none"> ▪ 	<p>On-screen text:</p> <p>On-screen text will fade and new text will emerge that states:</p> <ul style="list-style-type: none"> • You may entitled to compensation if you are a First Nation child, or the parent or grandparent acting as the primary caregiver to a First Nations child, who was 	<p>1</p> <p>Time – ~30 secs</p>

	<p>removed from their home on reserve or in the Yukon on or after January 1, 2006. You may also be eligible if you or your child experienced an unreasonable delay in accessing child health, education or social services and products that should have been provided under Jordan's Principle between December 12, 2007 and November 2, 2017. Parents or grandparents who had a child removed due to physical, sexual or emotional abuse will not receive compensation.</p> <ul style="list-style-type: none"> • Some First Nations children and their parent or grandparent acting as their primary caregiver who were removed from their homes on reserve and in the Yukon before January 1, 2006 but were still in care on that date that date are also eligible. • Compensation remains available to the Estate of beneficiaries who are deceased. <ul style="list-style-type: none"> ▪ A Tribunal directed Notice Plan is currently in effect to ensure all potential beneficiaries know about the Compensation Process and the help that is available to beneficiaries submitting a claim. 	
		<p style="text-align: center;">2</p> <p>Time – ~1 min</p>
Narrator will read on-screen text.	<p>The second set of on-screen text will fade and a third set of text will emerge that states:</p> <p>A Compensation Process has been established for eligible beneficiaries, their guardians or their personal</p>	<p style="text-align: center;">3</p> <p>Time – ~30 secs</p>

	<p>representatives, as applicable, wishing to claim compensation.</p> <p><i>Where can I find more information and submit a claim?</i></p> <ul style="list-style-type: none">▪ The deadline to submit a beneficiary claim is _____.▪ For more information please visit the dedicated Child and Family Services Compensation Website at www. or contact the toll-free Compensation Process and Support line at: 1-800-000-0000.	
--	--	--

Canadian Human Rights Tribunal (CHRT) Ruling 2019 CHRT 39 — Taxonomy of Compensation Categories for First Nations Children, Youth and Families —

Briefing Note
November 2019



UNIVERSITY OF
TORONTO

POLICY BENCH

Fraser Mustard Institute for
Human Development



Policy Bench

Fraser Mustard Institute for Human Development

Policy Bench Co-Leads:

Barbara Fallon, Ph.D.
Professor
Factor-Inwentash Faculty of
Social Work
University of Toronto

Steven Miller, M.D.
Head of Neurology
Division of Neurology
The Hospital for Sick Children

Policy Bench Advisory Committee:

Catherine Birken, M.D.
Staff Pediatrician
Pediatric Medicine
The Hospital for Sick Children

Steven Miller, M.D.
Head of Neurology
The Hospital for Sick Children

Avram Denburg, M.D.
Staff Oncologist and Clinical
Scientist
The Hospital for Sick Kids

Faye Mishna, Ph.D.
Professor
Factor-Inwentash Faculty of Social
Work
University of Toronto

Barbara Fallon, Ph.D.
Professor
Factor-Inwentash Faculty of
Social Work
University of Toronto

Marla Sokolowski, Ph.D.
Professor
Department of Cell and Systems
Biology
University of Toronto

Jennifer Jenkins, Ph.D.
Professor
Department of Applied
Psychology and Human
Development
University of Toronto

Suzanne Stewart, Ph.D.
Professor
Ontario Institute for Studies in
Education
University of Toronto

Joel Levine, Ph.D.
Professor
Department of Biology
University of Toronto

Principal Researcher:

Marina Sistovaris, Ph.D.
Research Associate
Factor-Inwentash Faculty of
Social Work
University of Toronto

Contributors:

Marie Saint Girons, MSW
Research Assistant
Centre for Research on Children
and Families
McGill University

Meghan Sangster, MEd, MSW
Research Assistant
Centre for Research on Children
and Families
McGill University

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List of Acronyms

AFN	Assembly of First Nations
CANLII	Canadian Legal Information Institute
CFS	Child and Family Services
CHRA	Canadian Human Rights Act
CHRT	Canadian Human Rights Tribunal
FC	Federal Court
FN	First Nations
FNFCS	First Nations Family Caring Society
OHRC	Ontario Human Rights Commission
PEI	Prince Edward Island

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Canadian Human Rights Tribunal (CHRT) Ruling 2019 CHRT 39

—Taxonomy of Compensation Categories for First Nations Children, Youth and Families —

1.0 Purpose

The purpose of this briefing note is to: (1) develop a taxonomy of compensation categories; and (2) frame questions that will help guide individuals appointed by the Canadian Human Rights Tribunal (CHRT) to carry out the process of identifying individuals eligible to receive compensation according to the conditions set out by 2019 CHRT 39. The development of compensation categories and framing of questions involved:

- a) a content review of the 2019 CHRT 39 ruling;
- b) mapping out the compensation categories, identifying common themes and defining key terms and concepts;
- c) reviewing provincial and territorial child welfare legislation, identifying and defining key terms and concepts;
- d) analyzing and synthesizing information concerning the 2019 CHRT 39 ruling and child welfare legislation in Canada; and
- e) framing questions corresponding to the compensation categories.

2.0 Background

On September 6, 2019, the CHRT issued the eighth non-compliance order—2019 CHRT 39—concerning compensation for First Nations children, youth and families negatively impacted by Canada’s child welfare system. The CHRT found that Canada’s “willful and reckless conduct” and discriminatory child welfare practices have contributed to the ongoing pain and suffering of First Nations children, families and communities. According to the Tribunal’s ruling, the Government of Canada is required to pay First Nations children, youth and families the maximum amount of compensation permitted under the *1985 Canadian Human Rights Act (CHRA)* who were: unnecessarily placed in care since January 1, 2006; necessarily placed in care but outside of their extended families since January 1, 2006 or denied or delayed receiving services between December 12, 2007 and November 2, 2017 as a result of the Government of Canada’s discriminatory application of Jordan’s Principle.

Data from the *2011 Canadian National Household Survey* reveal that Aboriginal children continue to be overrepresented in foster care relative to Canada’s non-Aboriginal child population. Statistics show that Aboriginal children between the ages of 0 and 15 represent only seven

percent of Canada's total child population, but account for 49 percent of the total foster child population (Wray and Sinha, 2015, p. 1). First Nations children accounted for the greatest share of children—approximately 40 percent—between the ages of 0 and 15 in foster care, followed by children identifying as Métis (approximately six percent) and Inuit (approximately two percent) (Wray and Sinha, 2015, p. 3).¹ The disparity between Aboriginal and non-Aboriginal children in care is even more pronounced when examining rates of Aboriginal children in foster care with those of non-Aboriginal foster children. The *2011 Canadian National Household Survey* found that at the national level, the rates of Aboriginal children in foster care according to the various aboriginal identity categories were between six and 15 times higher than the rate of non-Aboriginal foster children (3 per 1,000 children) (Wray and Sinha, 2015, p. 1). The rate of First Nations children in foster care was the highest, with an overall population rate of 45 per 1,000 children followed by children identifying as Inuit (28 per 1,000 children) and Métis (17 per 1,000 children) (Wray and Sinha, 2015, pp. 1, 4).

In 2008, neglect was identified as the primary category of substantiated child maltreatment investigations involving First Nations children, with approximately 46 percent (or 28 per 1,000 First Nation children) of all cases involving some form of neglect (Vandna, Trocmé, Fallon et al., 2011, p. xix).² This included: failure to supervise (physical harm); physical neglect; educational neglect; abandonment; medical neglect; failure to supervise (sexual abuse); permitting criminal behaviour; and failure to provide physiological treatment (Vandna, Trocmé, Fallon et al., 2011, p. 95). The data suggests the overrepresentation of First Nations children in care is driven by child maltreatment cases involving neglect which is closely associated with “household/family structural factors and caregiver risk concerns like those identified in a large proportion of First Nations investigations; factors such as poverty, caregiver substance abuse, social isolation and domestic violence can impede caregiver’s abilities to meet children’s basic physical and psychosocial needs” (Vandna, Trocmé, Fallon et al., 2011, p. xix).³

¹ The percentage of Indigenous children in care can reach 100 percent in some provinces and territories (Ontario Human Rights Commission, 2018).

² Exposure to intimate partner violence accounted for 33 percent (or 20 per 1,000 First Nations children) of substantiated maltreatment investigations involving First Nations children followed by physical abuse and emotional maltreatment each accounting for nine percent (or 6 per 1,000 First Nations children) and finally, sexual abuse for two percent (or 1 per 1,000 First Nations children)” (Vandna, Trocmé, Fallon et al., 2011, p. xix).

³ On April 12, 2018, the Ontario Human Rights Commission (OHRC) released, *Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Ontario Child Welfare*. The report outlines the findings of the OHRC’s inquiry into the over-representation of Indigenous and Black children in Ontario’s child welfare system. The OHRC’s (2018, p. 2) inquiry found that the overrepresentation of Indigenous children in Canada’s foster care system can be attributed to a number of “complex and multi-faceted” issues stemming largely from the intergenerational effects of colonialism and associated child welfare practices.

The Assembly of First Nations (AFN) (2019, n.p.) estimates up to 54,000 children may be eligible for compensation. According to estimates by a Government of Canada official, compensation under the terms of the 2019 CHRT 39 ruling could reach \$6 billion if compensation is distributed to eligible victims by 2020 and an estimated \$8 billion if delays in the compensation process extend implementation into 2025/2026 (Perron Affidavit, 2019, para. 39).

3.0 Status

The CHRT has ordered the Government of Canada and the complainants in the proceedings—First Nations Family Caring Society (FNFCs) and the AFN—to devise a plan of action identifying who qualifies for compensation and the best method for the distribution of compensation covered by the CHRT’s decision. The CHRT has given the parties until December 10, 2019 to submit their proposals for review.⁴ On October 4, 2019—three days before the October 7, 2019 deadline to appeal—the Government of Canada filed an application to the Federal Court for a judicial review and a stay of the CHRT’s compensation ruling. In its application, the Government of Canada claims awarding compensation to those eligible under the terms of the Tribunal’s decision is “inconsistent with the nature of the complaint, the evidence, past jurisprudence and the [CHRA].”⁵ On October 11, 2019, the Federal Court appointed Justice Paul Favel as Case Management Judge to manage the parties involved in the case.⁶ Hearings on Canada’s stay application will be held in Federal Court on November 25 and 26, 2019.

⁴ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 269.

⁵ See *Attorney General of Canada v First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Canadian Human Rights Commission, Chiefs of Ontario, Amnesty International, Nishnawbe Aski Nation*, 2019 CHRT 39, Notice of Application for Judicial Review to FC.

⁶ See *Attorney General of Canada and First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Canadian Human Rights Commission, Chiefs of Ontario, Amnesty International and Nishnawbe Aski Nation*. Order.

4.0 Compensation Categories

Three central compensation categories are extrapolated from the 2019 CHRT 39 ruling:

Category 1: Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System;

Category 2: Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

Category 3: First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Services that Would Have Been Available under Jordan's Principle.

These have been further divided into subcategories, for which the eligibility requirements are explained below.

4.1 Compensation Category 1 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

Table 1: Compensation Category 1

Compensation Category 1 – First Nations children and their parents or grandparents in cases of unnecessary removal of a child in the child welfare system

Time Period: *January 1, 2006 (date following last WEN DE report) ⁷ until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1A) First Nations children living on reserve and in the Yukon Territory who

- Were **unnecessarily apprehended** *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* **placed in care** outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, **did not benefit from prevention services** in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities⁸
- *EVEN IF* they were **reunited with the immediate and extended family** at a later date
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 245-246.

Compensation: \$20,000 (para. 246) + \$20,000 (paras. 253-254) = \$40,000

(Continued on Next Page)

⁷ See First Nations Caring Society (2005).

⁸ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

4.1 Compensation Category 1 – First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

Table 1: Compensation Category 1

Compensation Category 1: First Nations children and their parents or grandparents in cases of unnecessary removal of a child in the child welfare system

Time Period: *January 1, 2006 (date following last WEN DE report) ⁹ until earliest of - either (1) Panel decides that unnecessary removal of FN children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1B) First Nations parents *or* grandparents living on reserve and in the Yukon Territory who

- Had their child **unnecessarily apprehended** *due to* substantiated neglect *driven by*:
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* **placed in care** outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, **did not benefit from prevention services** in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities¹⁰
- *EXCEPT IF*
 - the parents *or* grandparents **sexually, physically, *OR* psychologically abused** their children
 - *OR* qualify for compensation under CHRT 39, para. 251 (see Categories 3C, 3D)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 247 and 255.

Compensation: \$20,000 each child (para. 248) + \$20,000 (paras. 253-254) = \$40,000

⁹See First Nations Caring Society (2005).

¹⁰ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

4.2 Compensation Category 2 – Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

Table 2: Compensation Category 2

Compensation Category 2: First Nations children in cases of necessary removal of a child in the child welfare system.

Time Period: *January 1, 2006 until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

2) First Nations children living on reserve and in the Yukon territory who

- Were **necessarily apprehended** from their homes
- *BUT* placed in care **outside of their extended families and communities**, and therefore did not benefit from prevention services
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 249.

Compensation: \$20,000 (para. 249) + \$20,000 (paras. 253-254) = \$40,000

4.3 Compensation Category 3 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Supports, Services, and/or Products that Would Have Been Available under *Jordan's Principle*

Table 3: Compensation Category 3

Compensation Category 3: Compensation for First Nations children and their parents or grandparents in cases of unnecessary removal of a child to obtain essential supports, services, and/or products and/or experienced gaps, delays and denials of supports, services, and/or products that would have been available under *Jordan's Principle*
Jordan's Principle applies to children, parents, or grandparents living on or off reserve. Substantive equality is a legal requirement in *Jordan's Principle* and applies to **Compensation Category 3.**

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the *Jordan's Principle* motion)¹¹ and November 2, 2017 (date of Tribunal's CHRT 35 ruling on *Jordan's Principle*).¹²*

Eligibility Requirements:

- 3A) First Nations children, living on or off reserve, who**
- Were **deprived of essential services** as a result of:
 - a gap, delay *AND/OR* denial of services
 - **AND placed in care** outside of their homes, families, or communities **in order to receive those services**

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

- 3B) First Nations children, living on or off reserve, who**
- **WITHOUT being placed in out-of-home care**
 - **DID NOT benefit from services** covered by *Jordan's Principle* as defined in 2017 CHRT 14 and 35,
 - *OR* who **received such services after an unreasonable delay**
 - *OR upon reconsideration ordered by the Tribunal*

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

(Continued on Next Page)

¹¹ See Canada. Parliament, House of Commons, Journals, 39th Parliament, 2nd sess., 2007 December 12, Number 036.

¹² See *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 35.

4.3 Compensation Category 3 – First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Supports, Services, and/or Products That Would Have Been Available Under *Jordan's Principle*

Table 3: Compensation Category 3

Compensation Category 3: Compensation for First Nations children and their parents or grandparents in cases of unnecessary removal of a child to obtain essential supports, services, and/or products and/or experienced gaps, delays and denials of services that would have been available under *Jordan's Principle*.

Jordan's Principle applies to children, parents, or grandparents living on or off reserve. Substantive equality is a legal requirement in Jordan's Principle and applies to Compensation Category 3.

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling)¹³ and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's Principle).¹⁴*

Eligibility Requirements:

3C) First Nations parents or grandparents, living on or off reserve, who

- Were **deprived of essential services** for their child *as a result of*:
 - a gap, delay *AND/OR* denial of services
- *AND* had their **child placed in care** outside of their homes, families, or communities **in order to receive these services** and *therefore*, did not benefit from services covered under Jordan's Principle as per 2017 CHRT 14 and 35
- *EXCEPT IF* the parents or grandparents **sexually, physically, OR psychologically abused** their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

3D) First Nations parents or grandparents, living on or off reserve,

- Whose child was **not removed from the home**
- *BUT* was **denied services**
 - *OR* **received services after an unreasonable delay**
 - *OR* **upon reconsideration ordered by the Tribunal**
- *EXCEPT IF* the parents or grandparents **sexually, physically, OR psychologically abused** their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

¹³ See Canada. Parliament, House of Commons, Journals, 39th Parliament, 2nd sess., 2007 December 12, Number 036.

¹⁴ See *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 35.

5.0 Glossary of Terms

5.1 Emotional Maltreatment

Emotional Maltreatment:¹⁵ “The child has suffered, or is at substantial risk of suffering, emotional harm at the hands of the person looking after the child” (Sinha, Trocmé, Fallon, et al., 2011, p. 154). It includes: terrorizing or threat of violence; verbal abuse or belittling; isolation or confinement; inadequate nurturing or affection; and exploiting or corrupting behaviour” (Sinha, Trocmé, Fallon, et al., 2011, p. 154). “Witnessing or exposure to domestic violence is considered a form of emotional maltreatment under some legislation” (Child Welfare Research Portal, n.d., *Emotional Maltreatment*).

5.2 Extended Family

Extended Family: “[I]ncludes a person whom a child considers to be a close relative or whom the Indigenous group, community or people to which the child belongs considers, in accordance with the customs, traditions or customary adoption practices of that Indigenous group, community or people, to be a close relative of the child” (*An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24).

5.3 First Nations¹⁶

First Nations: “The term “First Nations” refers to one of three distinct groups recognized as “Aboriginal” in the *Constitution Act* of 1982. The other two distinct groups characterized as “Aboriginal” are the Métis and the Inuit” (Assembly of First Nations, n.d.). There is no legal definition of First Nations, but the “term ‘First Nations (people)’ generally applies to both Status and Non-Status Indians” (Government of Canada, 2015) – that is, people who are registered for Indian status and those who are eligible to register for status pursuant to the *Indian Act, 1985*, s 6 (see **Appendix A: Measures/Terminology Used at a National Level**)¹⁷. The “term is to be preferred over “Indian” except in certain cases” (Government of Canada, 2015).

¹⁵ The term “emotional maltreatment” is not consistently used and defined in all provincial and territorial statutes and interchangeable concepts such as ‘psychological ill-treatment’ and ‘psychological abuse’ have been used to refer to the same concept. Refer to **Appendix K: Provincial and Territorial Terminology for Emotional Maltreatment** for a full list of these interchangeable terms and definitions of “emotional maltreatment” according to the respective provincial and territorial jurisdictions.

¹⁶ The term “First Nations” is neither used nor consistently defined in all provincial and territorial statutes. Refer to **Appendix E: Provincial and Territorial Definitions of First Nations and Associated Concepts** for a full list of these interchangeable terms and associated terminology according to the respective provincial and territorial jurisdictions.

¹⁷ Please note that individuals who are recognized as members or citizens of their respective First Nation community might be added subject to future Tribunal orders.

5.4 Jordan's Principle

Jordan's Principle is a legal requirement in Canada guiding the provision of services and products to First Nations children per *2016 CHRT 2* and subsequent Canadian Human Rights Tribunal orders as well as the 2013 Federal Court Decision, *Pictou Landing Band Council and Maurina Beadle v. Attorney General of Canada* in 2013 FC 342 (2013 FC 342). Pursuant to *2017 CHRT 35 para. 135*:

- A. "As of the date of this ruling, Canada shall cease relying upon and perpetuating definitions of Jordan's Principle that are not in compliance with the Panel's orders in 2016 CHRT 2, 2016 CHRT 10, 2016 CHRT 16 and in this ruling."
- B. "As of the date of this ruling, Canada's definition and application of Jordan's Principle shall be based on the following key principles:
 - i. Jordan's Principle is a child-first principle that applies equally to all First Nations children, whether resident on or off reserve. It is not limited to First Nations children with disabilities, or those with discrete short-term issues creating critical needs for health and social supports or affecting their activities of daily living.
 - ii. Jordan's Principle addresses the needs of First Nations children by ensuring there are no gaps in government services to them. It can address, for example, but is not limited to, gaps in such services as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy.
 - iii. When a government service, **including a service assessment**, is available to all other children, the government department of first contact will pay for the service to a First Nations child, without engaging in **administrative** case ————— conferencing, policy review, service navigation or any other similar administrative procedure before **the recommended service is approved** and funding is provided. **Canada may only engage in clinical case conferencing with professionals with relevant competence and training before the recommended service is approved and funding is provided to the extent that such consultations are reasonably necessary to determine the requestor's clinical needs. Where professionals with relevant competence and training are already involved in a First Nations child's case, Canada will consult those professionals and will only involve other professionals to the extent that those professionals already involved cannot provide the necessary clinical information. Canada may also consult with the family, First Nation community or service providers to fund services within the timeframes specified in paragraphs 135(2)(A)(ii) and 135(2)(A)(ii.1) where the service is available, and will make every reasonable effort to ensure funding is provided as close to those timeframes where the service is not available. Once** After the **recommended service is approved and funding is provided**, the government department of first contact can seek reimbursement from another department/government;

- iv. When a government service, **including a service assessment**, is not necessarily available to all other children or is beyond the normative standard of care, the government department of first contact will still evaluate the individual needs of the child to determine if the requested service should be provided to ensure substantive equality in the provision of services to the child, to ensure culturally appropriate services to the child and/or to safeguard the best interests of the child. Where such services are to be provided, the government department of first contact will pay for the provision of the services to the First Nations child, without engaging in **administrative case ————— conferencing**, policy review, service navigation or any other similar administrative procedure before **the recommended service is approved and funding is provided. Clinical case conferencing may be undertaken only for the purpose described in paragraph 135(1)(B)(iii). Canada may also consult with the family, First Nation community or service providers to fund services within the timeframes specified in paragraphs 135(2)(A)(ii) and 135(2)(A)(ii.1) where the service is available, and will make every reasonable effort to ensure funding is provided as close to those timeframes where the service is not available. ¶¶¶ After the recommended service is provided, the government department of first contact can seek reimbursement from another department/government.**
- v. While Jordan's Principle can apply to jurisdictional disputes between governments (i.e., between federal, provincial or territorial governments) and to jurisdictional disputes between departments within the same government, a dispute amongst government departments or between governments is not a necessary requirement for the application of Jordan's Principle.
- C. Canada shall not use or distribute a definition of Jordan's Principle that in any way restricts or narrows the principles enunciated in order 1(b)."

Note: Canada has chosen not to apply Jordan's Principle to non-status First Nations children recognized by their communities and resident off reserve. The Caring Society disputed Canada's limited definition before the Tribunal. In January of 2019, the Tribunal issued an interim order requiring Canada to apply Jordan's Principle to non-status First Nations children living off reserve who are recognized by their communities and are facing urgent situations. The Tribunal has taken the decision under reserve as to whether all First Nations children living off reserve who are recognized by their communities regardless of urgent situation (2019 CHRT 7).

5.5 Least Disruptive Measures

Least Disruptive Measures:¹⁸ “[D]ecision making process to determine the most appropriate level of service needed by a family whose children are at risk of being abused. Child removal also known as apprehension should only be used as a last resort after having explored all other options. In deciding whether or not a child should remain in their home, [First Nations and child and family services agencies] must consider the degree of risk, the level of family cooperation, degree of social supports and the availability of appropriate services to redress identified risk factors. Service response times and intensity levels also play in the safety assessment process” (Shangreux, 2004, p. 30).

Please refer to the definition of “**maltreatment prevention services**” (Section 5.7) for an explanation of services that fall under least disruptive measures.

5.6 Levels of Substantiation

Proof of maltreatment can occur at three levels:

1. **“Substantiated:** An allegation of maltreatment is considered substantiated if the balance of evidence indicates that abuse or neglect has occurred.
2. **Suspected:** An allegation of maltreatment is suspected when there is insufficient evidence to substantiate maltreatment, but enough evidence that maltreatment cannot be ruled out.
3. **Unfounded:** An allegation of maltreatment is unfounded if the balance of evidence indicates that abuse or neglect did not occur.” (Tonmyr et al., 2019, p. 79).

5.7 Maltreatment Prevention Services

Maltreatment prevention services can occur at three levels (Indigenous and Northern Affairs Canada, n.d.; MacMillan et al., 2009, p. 250; Shangreux, 2004, p. 24):

1. **Primary prevention services:** try to prevent the occurrence of maltreatment before it occurs for all families/communities (universal)
2. **Secondary prevention services:** try to prevent the occurrence of maltreatment in families that are at higher risk for maltreatment
3. **Tertiary prevention services:** try to prevent the recurrence of maltreatment or adverse outcomes of maltreatment in families already affected by maltreatment. This includes the provision of services to remediate maltreatment risk whilst the child is in care to promote family reunification

¹⁸ The term “least disruptive measures” is not consistently used in all provincial/territorial statutes. Please refer to **Appendix M: Provincial and Territorial Treatment of Least Disruptive Measures** for measures according to the respective provincial and territorial jurisdictions.

These interventions can “both reduce **risk factors** and promote **protective factors**¹⁹ to ensure the wellbeing of children and families” (Child Welfare Information Gateway, n.d., *What Is Prevention and Why is it Important?*).

Examples of prevention services include²⁰:

- a) Parent Education or Support Services:** Services that offer support or education to parents (e.g., parenting instruction course, home-visiting program, Parents Anonymous, Parent Support Association) (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- b) Family or Parent Counselling:** Family or parent counselling (e.g., couples or family therapy) (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- c) Drug/Alcohol Counselling or Treatment:** “Addiction program (any substance) for caregiver(s) or children” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- d) Psychiatric/Mental Health Services:** “Child or caregiver referral to mental health or psychiatric services (e.g., trauma, high-risk behaviour or intervention)” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- e) Intimate Partner Violence Services:** Services/counselling “regarding [intimate partner violence], abusive relationships, or the effects of witnessing violence” (Sinha, Trocmé, Fallon et al., 2011, p. 149).
- f) Cultural services:** Services to help children and families to learn, maintain, and preserve the “fundamental values of their histories and cultures” (p. 553) in a way that is embedded in their community’s “ways of knowing and being” (Greenwood, 2005, p. 554). Amongst other things, this can include Indigenous people’s “relationship to the land and the universe, spirituality, and expansive concepts of time that recognize obligations to ancestors and future generations” (Pan American Health Organization, 2019, p. 71)
- g) Other possible services include:** Respite care, Services for improving the family’s financial situation; Services for improving the family’s housing; Mediation of disputes; Services to assist the family to deal with the illness of a child or a family member; and Other services agreed to by the agency and the person who has lawful custody of the child (Shangreaux, 2004, p. 31) such as products that the child or family require to support the child’s needs (Government of Canada, 2019a).

¹⁹ Note: A definition of the terms “risk factors” and “protective factors” is provided in **5.0 Glossary of Terms**.

²⁰ Note: This list is non-exhaustive.

5.8 Neglect

Neglect:²¹ “The child has suffered harm or the child’s safety or development has been endangered as a result of a failure to provide for or protect the child” (Sinha, Trocmé, Fallon, et al., 2011, p. 153). This includes:

- a) **“Failure to Supervise: Physical Harm:** The child suffered physical harm or is at risk of suffering physical harm because of the caregiver’s failure to supervise or protect the child adequately. Failure to supervise includes situations where a child is harmed or endangered as a result of a caregiver’s actions (e.g., drunk driving with a child or engaging in dangerous criminal activities with a child).
- b) **Failure to Supervise: Sexual Abuse:** The child has been or is at substantial risk of being sexually molested or sexually exploited, and the caregiver knows or should have known of the possibility of sexual molestation and failed to protect the child adequately.
- c) **Permitting Criminal Behaviour:** A child has committed a criminal offence (e.g., theft, vandalism, or assault) because of the caregiver’s failure or inability to supervise the child adequately.
- d) **Physical Neglect:** The child has suffered or is at substantial risk of suffering physical harm caused by the caregiver’s failure to care and provide for the child adequately. This includes inadequate nutrition/clothing and unhygienic, dangerous living conditions. There must be evidence or suspicion that the caregiver is at least partially responsible for the situation.
- e) **Medical Neglect (Includes Dental):** The child requires medical treatment to cure, prevent, or alleviate physical harm or suffering and the child’s caregiver does not provide, or refuses, or is unavailable or unable to consent to the treatment. This includes dental services when funding is available.
- f) **Failure to Provide Psychological Treatment:** The child is suffering from either emotional harm demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, or a mental, emotional, or developmental condition that could seriously impair the child’s development, and the child’s caregiver does not provide, refuses to provide, or is unavailable or unable to consent to treatment to remedy or alleviate the harm. This category includes failing to provide treatment for school-related problems such as learning and behaviour problems, as well as treatment for infant development problems such as non-organic failure to thrive. A parent awaiting service should not be included in this category.

²¹ The term ‘neglect’ is not used in all provincial and territorial statutes, but interchangeable concepts include ‘failure to care and provide for or supervise and protect,’ ‘does not provide,’ ‘refuses or is unavailable or unable to consent to treatment’ are often used. Please refer to **Appendix G: Provincial and Territorial Terminology for Neglect** for a full list of these interchangeable terms according to the respective provincial and territorial jurisdictions.

- g) *Abandonment:*** The child's parent has died or is unable to exercise custodial rights and has not made adequate provisions for care and custody, or the child is in a placement and parent refuses/is unable to take custody.
- h) *Educational Neglect:*** Caregivers knowingly permit chronic truancy (5+ days a month), fail to enroll the child, or repeatedly keep the child at home." (Sinha et al., 2011, p. 153)

5.9 Out-of-Home Care/Placement

Out-of-Home Care/Placement: "[E]ncompasses the placements and services provided to children and families when children are removed from their home due to abuse and/or neglect" (Child Welfare Information Gateway, n.d.: *Overview Out-of-Home Care*). Placement outcomes include:

- a) *Kinship Out of Care:*** An informal placement has been arranged within the family support network; the child welfare authority does not have temporary custody.
- b) *Customary Care:*** [A] model of Indigenous child welfare service that is culturally relevant and incorporates the unique traditions and customs of each First Nation.
- c) *Kinship in Care:*** A formal placement has been arranged within the family support network; the child welfare authority has temporary or full custody and is paying for the placement.
- d) *Foster Care (Non-Kinship):*** Include any family-based care, including foster homes, specialized treatment foster homes, and assessment homes.
- e) *Group Home:*** Out-of-home placement required in a structured group living setting.
- f) *Residential/Secure Treatment:*** Placement required in a therapeutic residential treatment centre to address the needs of the child." (Fallon et al., 2015, p. 105).

Out-of-home placement can sometimes lead to **reunification, adoption, or legal guardianship:**

Reunification: "[T]he return of children to their family following placement in out-of-home care" (Canadian Child Welfare Research Portal, n.d., *Reunification*).

Adoption: "The social, emotional, and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family" (Child Welfare Information Gateway, n.d., *Glossary*).

Legal guardianship: "Guardianship is most frequently used when relative caregivers wish to provide a permanent home for the child and maintain the child's relationships with extended family members without a termination of parental rights. Caregivers can assume legal guardianship of a child in out-of-home care without termination of parental rights, as is required for an adoption." (Child Welfare Information Gateway, n.d., *Guardianship*).

5.10 Physical Abuse

Physical Abuse:²² “The child [is] physically harmed or could [suffer] physical harm as a result of the behavior of the person looking after the child” (Sinha, Trocmé, Fallon, et al., 2011: 152). It “includes any non-accidental action that causes, or could cause physical harm to a child such as hitting, shaking, or the unreasonable use of force to restrain a child” (Child Welfare Research Portal, n.d.: *Physical Abuse*).

5.11 Primary Caregiver

Primary Caregiver: “[T]he person primarily responsible for the care and upbringing of a child” (Employment and Social Development Canada, 2018, n.p.).

5.12 Protective Factors

Protective Factors: “[C]haracteristics associated with a lower likelihood of negative outcomes or that reduce a risk factor’s impact. Protective factors may be seen as positive countering events” (Substance Abuse and Mental Health Services Administration, n.d., p. 1).

5.13 Risk Factors

Risk Factors: “[C]haracteristics at the biological, psychological, family, community or cultural level that precede and are associated with a higher likelihood of negative outcomes” (Substance Abuse and Mental Health Services Administration, n.d, p. 1).

5.14 Sexual Abuse

Sexual Abuse:²³ “The child has been sexually molested or sexually exploited. This includes oral, vaginal or anal sexual activity; attempted sexual activity; sexual touching or fondling; exposure; voyeurism; involvement in prostitution or pornography; and verbal sexual harassment” (Sinha, Trocmé, Fallon, et al., 2011, p. 153).

²² The term “physical abuse” is not consistently defined in all provincial and territorial statutes. Please refer to

Appendix I: Provincial and Territorial Definitions of Physical Abuse for definitions of “physical abuse” according to the respective provincial and territorial jurisdictions.

²³ The term “sexual abuse” is not consistently defined in all provincial and territorial statutes. Please refer to **Appendix J: Provincial and Territorial Definitions of Sexual Abuse** for definitions of “sexual abuse” according to the respective provincial and territorial jurisdictions.

5.15 Key Terms and Concepts for Jordan's Principle

Unreasonable Delay (Received services after a): Unreasonable delays to accessing health, social, and educational services and supports occur when a First Nations child is unable to receive services and/or products responsive to their needs and circumstances within a similar timeframe that would be normally available to a non-Indigenous child (First Nations Child and Family Caring Society, 2005, p. 51). 2017 CHRT 35 para 135 specifies timelines for decisions on individual and group requests, the timeframe for case conferencing is also specified:

- Urgent individual requests: Reasonable efforts must be taken to provide crisis intervention supports immediately. Evaluation and determination of the request will be made in 12 hours of initial contact for a service request.
- Non-urgent individual requests: Must be evaluated and provided with a determination in 48 hours of initial contact for a service request. If information is lacking the Government of Canada must work with the requestor to obtain the necessary information and make a determination as close to the 48-hour timeframe as possible.
- Urgent group requests: Where irredeemable harm is reasonably foreseeable Canada must take all reasonable efforts to provide immediate crisis interventions supports until an extended response can be developed and implemented. In all other urgent group cases, the evaluation and determination of the request shall be made within 48 hours.
- Group requests: The evaluation and determination of group requests must occur within 1 week of the initial contact for a service request.

Any service delays which occur due to a lack of information on clinical needs must be tracked and reported to the Canadian Human Rights Tribunal. Canada cannot delay services due to “administrative case conferencing, policy review, service navigation or any other similar administrative procedure before the recommended service is approved and funding is provided” (2017, CHRT 35, para 135. 2.A.iii).

Gap: 2017 CHRT 35 specifies, “Jordan’s Principle addresses the needs of First Nations children by ensuring there are no gaps in government services to them. It can address, for example, but is not limited to, gaps in such services as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy.” (2017 CHRT 35 para 135.B.ii)

Delay (Received services or products after a): Any Jordan’s Principle request which are not provided a decision within the timeframes detailed in 2017 CHRT 35 para 10 ii, ii1, and iii is considered delayed. The 2017 CHRT 35 has detailed the required timelines and the role of case conferencing for the provision of Jordan’s Principle services, outside of which a delay to accessing Jordan’s Principle occurs. Despite this specificity, delays have occurred when federal focal point workers seek “all necessary information” in advance of submitting a Jordan’s Principle request. Delays in reimbursement after approval have also delayed access to Jordan’s Principle services for First Nations children. (Source: Sinha, Vives and Gerlach, 2018, pp. 68-69;

Sangster, Vivies, Chadwick, Gerlach, and Sinha, 2019, pp. 69-71). Delays can be caused by but are not limited to the following factors: funding models and funding gaps, jurisdictional disputes, disputes between departments within the same government, and/or being ordinarily a resident on a reserve (The Jordan's Principle Working Group, 2015, pp. 25-27).

Denial: When services or products are not provided to First Nations children. (First Nations Child and Family Caring Society, 2005, p. 179)

Substantive Equality: Substantive equality considers the social, political, and legal context of discrimination. For First Nations people in Canada this includes but is not limited to “a legacy of stereotyping and prejudice through colonialism, displacement and residential schools”. (2016 CHRT 2, para 402). The federal government of Canada provides the following definition of substantive equality within Jordan's Principle:

“Substantive equality is a legal principle that refers to the achievement of true equality in outcomes. It is achieved through equal access, equal opportunity, and, most importantly, the provision of services and benefits in a manner and according to standards that meet any unique needs and circumstances, such as cultural, social, economic and historical disadvantage. Pursuant to the CHRT May 26, 2017 decision as amended, the Government of Canada is to ensure substantive equality in the provision of services to the child, to ensure culturally appropriate services and to safeguard the best interests of the child. This requires Canada to provide all First Nations children, on and off reserve, with publicly funded benefits, supports, programs, goods and services in a manner and according to a standard that meets their particular needs and circumstances.” (Government of Canada, 2019b)

6.0 Compensation Questions

6.1 Compensation Category 1 Questions – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child in the Child Welfare System

6.1.1 Compensation Category 1A Questions

Table 4: Eligibility Requirements — Compensation Category 1A Questions

Time Period: *January 1, 2006 (date following last WEN DE report) ²⁴ until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1A) First Nations children living on reserve and in the Yukon Territory who

- Were unnecessarily apprehended *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* placed in care outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, did not benefit from prevention services in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities²⁵
- *EVEN IF* they were reunited with the immediate and extended family at a later date
- *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 245-246.

Compensation: \$20,000 (para. 246) + \$20,000 (paras. 253-254) = \$40,000

²⁴ See First Nations Caring Society (2005).

²⁵ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

*For concepts in bold, please refer to 5.0 **Glossary of Terms**. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.*

1. Was the child placed in care outside of their homes, families, or communities between January 1st, 2006 and the current date – even if he/she was eventually **reunited** with their family?

Yes No (not eligible for compensation under category 1A)
2. At the time of placement – was this child a **First Nations** child with Indian Status or eligible for Indian status?

Yes No (not eligible for compensation under category 1A)
3. At the time of placement – did the child ordinarily live on reserve or in the Yukon Territory?

Yes No (not eligible for compensation under category 1A)
4. Was the child placed in care due to a **substantiation** of neglect?

Yes No (not eligible for compensation under category 1A)
5. Was the neglect substantiation driven by one or more of the following **risk factors**: poverty, no housing/deemed inappropriate housing, and/or substance abuse?

Yes No (not eligible for compensation under category 1A)
6. Does the child meet the criteria for compensation under compensation category 3A or 3B?

No Yes (not eligible for compensation under category 1A)

If the child is not eligible for compensation under category 1A. They might still be eligible for compensation under categories 2, 3A, and 3B. Please refer to questions within those sections to determine their eligibility.

6.1.2 Compensation Category 1B Questions

Table 5: Eligibility Requirements — Compensation Category 1B Questions

Time Period: *January 1, 2006 (date following last WEN DE report)²⁶ until earliest of - either (1) Panel decides that unnecessary removal of FN children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

1B) First Nations parents *or* grandparents living on reserve and in the Yukon Territory who

- Had their child unnecessarily apprehended *due to* substantiated neglect *driven by*
 - poverty,
 - no housing *OR* deemed inappropriate housing,
 - *AND/OR* substance abuse
- *AND* placed in care outside of their homes, families, *or* communities
- *AND* especially in regards to substance abuse, did not benefit from prevention services in the form of least disruptive measures or other prevention services permitting them to keep their child safely in their homes, families and communities²⁷
- *EXCEPT IF*
 - the parents *or* grandparents sexually, physically, *OR* psychologically abused their children
 - *OR* qualify for compensation under CHRT 39, para. 251 (see Categories 3C, 3D)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 247 and 255.

Compensation: \$20,000 each child (para. 248) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

²⁶ See First Nations Caring Society (2005).

²⁷ 2016 CHRT 2 ruling found that First Nations children living on-reserve were discriminated against by the Canadian government in part because they did not receive adequate prevention services. This finding was not the subject of a judicial review by the Canadian Government and has therefore been assumed to be true throughout the Briefing Note.

Canadian Human Rights Tribunal Ruling 2019 CHRT 39

1. Was the parent or grandparent's **child placed in care** outside of their homes, families, or communities between January 1st, 2006 and the current date – even if the child was eventually **reunited** with their family?

Yes No (not eligible for compensation under category 1B)
2. Was the parent or grandparent the **primary caregiver** of the child at the time of placement?

Yes No (not eligible for compensation under category 1B)
3. At the time of placement of their child or grandchild – was the parent or grandparent **First Nations** with **Indian Status** or eligible for status?

Yes No (not eligible for compensation under category 1B)
4. At the time of placement of their child or grandchild – did the parent or grandparent ordinarily live on reserve or in the Yukon Territory?

Yes No (not eligible for compensation under category 1B)
5. Was their child or grandchild placed in care due to a **substantiation of neglect**?

Yes No (not eligible for compensation under category 1B)
6. Was the neglect substantiation driven by one of the following **risk factors**: poverty, no housing/deemed inappropriate housing, and/or substance abuse?

Yes No (not eligible for compensation under category 1B)
7. Did the parent or grandparent **sexually abuse, physically abuse, or psychologically abuse** the child placed in care?

No Yes (not eligible for compensation under category 1B)
8. Does the parent/grandparent who was the primary caregiver for the child at the time of the removal meet the criteria for compensation under compensation category 3C or 3D?

No Yes (not eligible for compensation under category 1B)

Please answer these questions for each primary caregiver who had primary responsibility of the child between January 1st 2006 and the current date at the time the child was placed in care. Multiple placements can occur in this timeframe.

If the parent or grandparent is not eligible for compensation under category 1B. They might still be eligible for compensation under categories 3C, and 3D. Please refer to questions within those sections to determine their eligibility.

6.2 Compensation Questions: Category 2 – Compensation for First Nations Children in Cases of Necessary Removal of a Child in the Child Welfare System

6.2.1 Compensation Category 2 Questions

Table 6: Eligibility Requirements — Compensation Category 2 Questions

Time Period: *January 1, 2006 until earliest of - either (1) Panel decides that unnecessary removal of First Nations children has ceased; (2) Parties agreed on a settlement agreement for long-term relief; or (3) Panel ceases to retain jurisdiction and amends the order.*

Eligibility Requirements:

- 2) First Nations children living on reserve and in the Yukon territory who
- Were necessarily apprehended from their homes
 - *BUT* placed in care outside of their extended families and communities, *and therefore* did not benefit from prevention services
 - *EXCEPT IF* qualify for compensation under CHRT 39, para. 250 (see Categories 3A, 3B)

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 249.

Compensation: \$20,000 (para. 249) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the child **placed in care** outside of their **extended families**, and communities between January 1st, 2006 and the current date?

Yes No (not eligible for compensation under category 2)
2. At the time of placement – was this child a **First Nations** child with Indian Status or eligible for Indian status?

Yes No (not eligible for compensation under category 2)
3. At the time of placement – did the child ordinarily live on reserve or in the Yukon Territory?

Yes No (not eligible for compensation under category 2)
4. Will the child be receiving compensation under compensation category 3A or 3B?

No Yes (not eligible for compensation under category 2)

If the child is not eligible for compensation under category 2. They might still be eligible for compensation under categories 1A, 3A, and 3B. Please refer to questions within those sections to determine their eligibility.

6.3 Compensation Questions: Category 3 – Compensation for First Nations Children and their Parents or Grandparents in Cases of Unnecessary Removal of a Child to Obtain Essential Services and/or Experienced Gaps, Delays and Denials of Services that Would Have Been Available Under Jordan's Principle.

6.3.1 Compensation Category 3A Questions

Table 7: Eligibility Requirements — Compensation Category 3A Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

3A) First Nations children, living on or off reserve, who

- Were deprived of essential services, supports, and/or products *as a result of*:
 - a gap, delay *AND/OR* denial of services
- *AND* placed in care outside of their homes, families, or communities in order to receive those services

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the child deprived of **essential services, supports, and/or products** due to a **gap, denial, and/or delay** of services between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3A)
2. Was the child **placed in care** outside of their home, family, or community between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3A)
3. At the time of placement - was the child a **First Nations** child with Indian Status or eligible for Indian Status (living on OR off reserve)?

Yes No (not eligible for compensation under category 3A)

4. Did the placement occur in order to receive the **essential services, supports, and/or products** the **child** was deprived of due to a **gap, denial, and/or delay**?

Yes

No (not eligible for compensation under category 3A)

If the child is not eligible for compensation under category 3A. They might still be eligible for compensation under categories 1A, 2, and 3B. Please refer to questions within those sections to determine their eligibility.

6.3.2 Compensation Category 3B Questions

Table 8: Eligibility Requirements — Compensation Category 3B Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

3B) First Nations children, living on or off reserve, who

- *WITHOUT* being placed in out of home care
- *DID NOT* benefit from services covered by Jordan's Principle as defined in 2017 CHRT 17 and 35, *OR* who received such services after an unreasonable delay *OR* upon reconsideration ordered by the Tribunal

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at para. 250.

Compensation: \$20,000 (para. 250) + \$20,000 (paras. 253-254) = \$40,000

*For concepts in bold, please refer to 5.0 **Glossary of Terms**. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.*

1. Was the child *NOT* placed in **out-of-home care** between December 12, 2007 and November 2, 2017?

Yes

No (not eligible for compensation under category 3B)

2. Was the child a **First Nations** child with Indian Status or eligible for Indian Status (living on or off reserve)?

Yes

No (not eligible for compensation under category 3B)

If question #1, #2 and any one or multiple of question #3 are answered with a yes, the child qualifies for compensation:

3. A) Did the child *not* receive adequate services, supports, and/or products covered by **Jordan's Principle**? This includes children who were unable to apply for Jordan's Principle.

Yes

No (please continue to following questions if yes or no)

- B) Did the child receive **Jordan's Principle** services, supports, and/or products after an **unreasonable delay**?

Yes

No (please continue to following questions if yes or no)

If the child is not eligible for compensation under category 3B. They might still be eligible for compensation under categories 1A, 2, and 3A. Please refer to questions within those sections to determine their eligibility.

6.3.3 Compensation Category 3C Questions

Table 9: Eligibility Requirements — Compensation Category 3C Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

- 3C)** First Nations parents *or* grandparents, living on or off reserve, who
- Were deprived of essential services, supports, and/or products for their child *as a result of*:
 - a gap, delay *AND/OR* denial of services, supports, and/or products
 - *AND* had their child placed in care outside of their homes, families, *or* communities in order to receive these services, supports, and/or products *and therefore*, did not benefit from services covered under Jordan's Principle as per 2017 CHRT 17 and 35
 - *EXCEPT IF* the parents *or* grandparents sexually, physically, *OR* psychologically abused their children

Source: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

For concepts in bold, please refer to 5.0 Glossary of Terms. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.

1. Was the parent or grandparent's child deprived of **essential services, supports, and/or products** due to a **gap, denial, and/or delay** or services at any time between December 12, 2007 and November 2, 2017?

Yes No (not eligible for compensation under category 3C)
2. Was their child placed in care outside of their home, family, or community between December 12, 2007 and November 2, 2017 in order to receive the **essential services, supports, and/or products** the child was deprived of due to a **gap, denial, and/or delay**?

Yes No (not eligible for compensation under category 3C)
3. Was the parent or grandparent the **primary caregiver** of the child at the time of placement?

Yes No (not eligible for compensation under category 3C)

4. Was the parent or grandparent **First Nations** (living on or off reserve) at the time of placement?
- Yes No (not eligible for compensation under category 3C)
5. Did the parent or grandparent **sexually abuse**, **physically abuse**, or **psychologically abuse** the child?
- No Yes (not eligible for compensation under category 3C)

Please answer these questions for each primary caregiver who had primary responsibility of the child between December 12, 2007 and November 2, 2017 at the time the child was placed in care. Multiple placements can occur in this timeframe.

If the parent or grandparent is not eligible for compensation under category 3C. They might still be eligible for compensation under categories 1B or 3D. Please refer to questions within those sections to determine their eligibility.

6.3.4 Compensation Category 3D Questions

Table 10: Eligibility Requirements — Compensation Category 3D Questions

Time Period: *Between December 12, 2007 (date of adoption in the House of Commons of the Jordan's Principle ruling) and November 2, 2017 (date of Tribunal's CHRT 35 ruling on Jordan's principle).*

Eligibility Requirements:

3D) First Nations parents *or* grandparents, living on or off reserve,

- Whose child was not removed from the home
- *BUT* was denied services, supports and/or products *OR* received services, supports, and/or products after an unreasonable delay *OR* upon reconsideration ordered by the Tribunal
- *EXCEPT IF* the parents *or* grandparents sexually, physically, *OR* psychologically abused their children

Source: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*, 2019 CHRT 39 at paras. 251 & 255.

Compensation: \$20,000 (para. 251) + \$20,000 (paras. 253-254) = \$40,000

*For concepts in bold, please refer to 5.0 **Glossary of Terms**. For concepts that are underlined, you can refer to appendices that provide the corresponding provincial, territorial, or national definitions.*

1. A) Was the parent or grandparent's child **denied services, supports, and/or products** covered by **Jordan's Principle** between December 12, 2007 and November 2, 2017? Substantive equality is a legal requirement within Jordan's Principle and therefore applies to this question.

Yes No (please continue to following questions if yes or no)

- B) Did the child receive **Jordan's Principle services, supports, or products** after an **unreasonable delay** between December 12, 2007 and November 2, 2017?

Yes No (please continue to following questions if yes or no)

If 1 A or B have a response of YES please complete the next set of questions. If both 1 A and B have a response of NO, the parent or grandparent is not eligible for compensation under category 3D.

2. At the time of the **denial or delay of services, supports, and/or products**, was the parent or grandparent the **primary caregiver** of the child?

Yes No (not eligible for compensation under category 3D)

3. Was the parent or grandparent **First Nations** (living on or off reserve) at the time of the placement?

Yes No (not eligible for compensation under category 3D)

4. Was the child *NOT* placed in **out of home care**?

Yes No (not eligible for compensation under category 3D)

5. Did the parent or grandparent **sexually abuse**, **physically abuse**, or **psychologically abuse** the child?

No Yes (not eligible for compensation under category 3D)

Please answer these questions for each primary caregiver who had primary responsibility of the child between December 12, 2007 and November 2, 2017 when a delay or denial of services, supports, and/or products occurred. Multiple delays or denials can occur within this timeframe.

If the parent or grandparent is not eligible for compensation under category 3D. They might still be eligible for compensation under categories 1B or 3C. Please refer to questions within those sections to determine their eligibility.

Appendix A: Measures/Terminology Used at a National Level

Please note: These are not universally agreed-upon measures of these concepts. They are included here **for reference only**.

Table 11: Measure/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Band	As defined by the <i>Indian Act, 1985</i> , s 2 (1) "band means a body of Indians (a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951, (b) for whose use and benefit in common, moneys are held by Her Majesty, or (c) declared by the Governor in Council to be a band for the purposes of this Act"
Housing	<ul style="list-style-type: none"> • Type of housing, overcrowding, number of moves in the past year; housing safety (accessible weapons, drugs or drug paraphernalia, drug production or trafficking in home, chemicals or solvents used in production, other home injury hazards, other home health hazards) (Sinha, Trocmé, Fallon et al., 2011, p. 148). • Type of housing; dwelling in need of major repairs; housing suitability (whether housing has enough bedrooms for size and composition of household) (Statistics Canada, 2017).
Indian	As defined by the <i>Indian Act, 1985</i> , s 2 (1), "Indian means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian"

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

(Continued on Next Page)

Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <p>s. 6 (1) Subject to section 7, a person is entitled to be registered if</p> <ul style="list-style-type: none"> • (a) that person was registered or entitled to be registered immediately before April 17, 1985; • (a.1) the name of that person was omitted or deleted from the Indian Register, or from a band list before September 4, 1951, under subparagraph 12(1)(a)(iv), paragraph 12(1)(b) or subsection 12(2) or under subparagraph 12(1)(a)(iii) pursuant to an order made under subsection 109(2), as each provision read immediately before April 17, 1985, or under any former provision of this Act relating to the same subject matter as any of those provisions; • (a.2) that person meets the following conditions: <ul style="list-style-type: none"> ▪ (i) they were born female during the period beginning on September 4, 1951 and ending on April 16, 1985 and their parents were not married to each other at the time of the birth, ▪ (ii) their father was at the time of that person's birth entitled to be registered or, if he was no longer living at that time, was at the time of death entitled to be registered, and ▪ (iii) their mother was not at the time of that person's birth entitled to be registered; • (a.3) that person is a direct descendant of a person who is, was or would have been entitled to be registered under paragraph (a.1) or (a.2) and <ul style="list-style-type: none"> ▪ (i) they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth, or ▪ (ii) they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985; • (b) that person is a member of a body of persons that has been declared by the Governor in Council on or after April 17, 1985 to be a band for the purposes of this Act; • (c) (c.01-c.02), (c.1-c.6) Repealed, 2017

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <ul style="list-style-type: none"> • (d) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, under subparagraph 12(1)(a)(iii) pursuant to an order made under subsection 109(1), as each provision read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as any of those provisions; • (e) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, <ul style="list-style-type: none"> ▪ (i) under section 13, as it read immediately prior to September 4, 1951, or under any former provision of this Act relating to the same subject-matter as that section, or ▪ (ii) under section 111, as it read immediately prior to July 1, 1920, or under any former provision of this Act relating to the same subject-matter as that section; or • (f) both parents of that person are entitled to be registered under this section or, if the parents are no longer living, were so entitled at the time of death. <p>s. 6 (2) Subject to section 7, a person is entitled to be registered if one of their parents is entitled to be registered under subsection (1) or, if that parent is no longer living, was so entitled at the time of death.</p> <p>s. 6 (2.1) A person who is entitled to be registered under both paragraph (1)(f) and any other paragraph of subsection (1) is considered to be entitled to be registered under that other paragraph only, and a person who is entitled to be registered under both subsection (2) and any paragraph of subsection (1) is considered to be entitled to be registered under that paragraph only.</p>

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons entitled to be registered:</p> <p>s. 6 (3) For the purposes of paragraphs (1)(a.3) and (f) and subsection (2),</p> <ul style="list-style-type: none"> • a person who was no longer living immediately prior to April 17, 1985 but who was at the time of death entitled to be registered shall be deemed to be entitled to be registered under paragraph (1)(a); • (b) a person who is described in paragraph (1)(a.1), (d), (e) or (f) or subsection (2) and who was no longer living on April 17, 1985 is deemed to be entitled to be registered under that paragraph or subsection; and • (c) [Repealed, 2017, c. 25, s. 2.1] • (d) a person who is described in paragraph (1)(a.2) or (a.3) and who was no longer living on the day on which that paragraph came into force is deemed to be entitled to be registered under that paragraph. • R.S., 1985, c. I-5, s. 6 • R.S., 1985, c. 32 (1st Supp.), s. 4, c. 43 (4th Supp.), s. 1 • 2010, c. 18, s. 2 • 2017, c. 25, s. 2 • 2017, c. 25, s. 2.1 <p>s. 7 (1) The following persons are not entitled to be registered:</p> <ul style="list-style-type: none"> • (a) a person who was registered under paragraph 11(1)(f), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and whose name was subsequently omitted or deleted from the Indian Register under this Act; or • (b) a person who is the child of a person who was registered or entitled to be registered under paragraph 11(1)(f), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and is also the child of a person who is not entitled to be registered.

*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Indian	<p>Persons not entitled to be registered: s. 7 (2) Paragraph (1)(a) does not apply in respect of a female person who was, at any time prior to being registered under paragraph 11(1)(f), entitled to be registered under any other provision of this Act.</p> <p>s. 7 (3) Paragraph (1)(b) does not apply in respect of the child of a female person who was, at any time prior to being registered under paragraph 11(1)(f), entitled to be registered under any other provision of this Act. R.S., 1985, c. I-5, s. 7 R.S., 1985, c. 32 (1st Supp.), s. 4</p>
Poverty	<ul style="list-style-type: none"> • Household regularly runs out of money for basic necessities (e.g. food, housing, utilities, telephone/cell phone, transportation, medical care including dental and mental health); source of primary income (e.g. social assistance/ employment insurance/other benefits). (Sinha, Trocmé, Fallon et al., 2011, pp. 146, 148) • Market Basket Measure: family lives in poverty if it does not have enough income to purchase a specific basket of goods and services in its community (Statistics Canada, 2019) • Low-Income Measure: individuals live in low income if their household after-tax income falls below half of the median after-tax income (Statistics Canada, 2019) • Low Income Cut-Off: family lives in poverty if they spend 20% or more of their income than the average family on basic necessities of food shelter and clothing (Statistics Canada, 2015).
Reserve	<p>As defined by the <i>Indian Act, 1985</i>, s 2 (1), “reserve (a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and (b) except in subsection 18(2), sections 20 to 25, 28, 37, 38, 42, 44, 46, 48 to 51 and 58 to 60 and the regulations made under any of those provisions, includes designated lands”</p>
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

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Table 11: Measures/Terminology Used at a National* Level

Measure/ Terminology	Description/Definition
Substance Abuse	<ul style="list-style-type: none"> • “Problematic consumption” of alcohol, prescription drugs, illegal drugs, or solvents. (Sinha, Trocmé, Fallon et al., 2011, p. 151) • In DSM-V (APA 2013) ‘substance use disorder’ is operationalized according to the following criteria (2-3 mild; 4-5 moderate; 6 or more severe): <ul style="list-style-type: none"> ▪ taking the substance in larger amounts or for longer than you're meant to; ▪ wanting to cut down or stop using the substance but not managing to; • spending a lot of time getting, using, or recovering from use of the substance; • cravings and urges to use the substance; • not managing to do what you should at work, home, or school because of substance use; • continuing to use, even when it causes problems in relationships; • giving up important social, occupational, or recreational activities because of substance use; • using substances again and again, even when it puts you in danger; • continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance; • needing more of the substance to get the effect you want (tolerance); and development of withdrawal symptoms, which can be relieved by taking more of the substance.
<p>*Note: These measures are also used at the provincial level; however, variations may exist across jurisdictions with respect to the operationalization of each measure/term.</p>	

Appendix B: National Legislation Relating to Child Welfare

Table 12 identifies national legislation governing the provision of child protection services and Indigenous Peoples of Canada.

Table 12: National Legislation Relating to Child Welfare and Indigenous Peoples of Canada

Indian Act, 1985
Youth Criminal Justice Act, 2002
Criminal Code, 1985
An Act Respecting First Nations, Inuit and Métis Children, Youth and Families (Received Royal Assent on June 21, 2019; Scheduled to come into force on January 1, 2020)

Appendix C: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families

An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, which comes into force on January 1, 2020, empowers “Indigenous communities [to] recover, develop, and enforce their own laws about child and family services. They can then choose to exercise partial or full jurisdiction over child and family services, or to work towards exercising full jurisdiction over a period of time” (Hensel Barristers, 2019, n.p.). “When an Indigenous community enforces its own laws over child and family services, the Indigenous community’s law will prevail over both federal and provincial laws. When a law “prevails” it means that when there is conflict between the Indigenous community’s law and a federal or provincial law, the Indigenous law applies and the other law doesn’t apply” (Hensel Barristers, 2019, n.p.). However, “[t]he Indigenous law still has to comply with the [*Canadian Charter of Rights and Freedoms, 1982*], the *Canadian Human Rights Act, 1985* and the national [standards] set out in the...*Act* that apply to providing child and family services to Indigenous children” (Hensel Barristers, 2019, n.p.). Table 13 identifies the national standards set by the *Act*.

Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Purpose: S (8) “The purpose of this Act is to</p> <ul style="list-style-type: none"> (a) affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services; (b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and (c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.” <p>Principle—Best Interests of Child: S 9 (1) “This Act is to be interpreted and administered in accordance with the principle of the best interests of the child.”</p>

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Principle—Cultural Continuity: S 9 (2) “This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:</p> <p>(a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people;</p> <p>(b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity;</p> <p>(c) a child’s best interests are often promoted when the child resides with members of his or her family and the culture of the Indigenous group, community or people to which he or she belongs is respected;</p> <p>(d) child and family services provided in relation to an Indigenous child are to be provided in a manner that does not contribute to the assimilation of the Indigenous group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people;</p> <p>and</p> <p>(e) the characteristics and challenges of the region in which a child, a family or an Indigenous group, community or people is located are to be considered.”</p>

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Purpose and Principles	<p>Principle—Substantive Equality: S 9 (3) “This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:</p> <p>(a) the rights and distinct needs of a child with a disability are to be considered in order to promote the child’s participation, to the same extent as other children, in the activities of his or her family or the Indigenous group, community or people to which he or she belongs;</p> <p>(b) a child must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(c) a child’s family member must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;</p> <p>(d) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which a child belongs must be able to exercise without discrimination the rights of the Indigenous group, community or people under this Act, including the right to have the views and preferences of the Indigenous group, community or people considered in decisions that affect that Indigenous group, community or people; and</p> <p>(e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.”</p>
Best Interests of Indigenous Child	<p>Best Interests of Indigenous Child: S 10 (1) “The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.”</p>

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Best Interests of Indigenous Child	<p>Primary consideration: S 10 (2) “When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child’s physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child’s connections to his or her culture.”</p> <p>Factors to Be Considered: S 10 (3) “To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including</p> <ul style="list-style-type: none"> (a) the child’s cultural, linguistic, religious and spiritual upbringing and heritage; (b) the child’s needs, given the child’s age and stage of development, such as the child’s need for stability; (c) the nature and strength of the child’s relationship with his or her parent, the care provider and any member of his or her family who plays an important role in his or her life; (d) the importance to the child of preserving the child’s cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs; (e) the child’s views and preferences, giving due weight to the child’s age and maturity, unless they cannot be ascertained; (f) any plans for the child’s care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs; (g) any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and (h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child. <p>Consistency: S 10 (4) “Subsections (1) to (3) are to be construed in relation to an Indigenous child, to the extent that it is possible to do so, in a manner that is consistent with a provision of a law of the Indigenous group, community or people to which the child belongs.”</p>

(Continued on Next Page)

Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Provision of Child and Family Services	<p>Effect of Services: S 11 “Child and family services provided in relation to an Indigenous child are to be provided in a manner that</p> <ul style="list-style-type: none"> (a) takes into account the child’s needs, including with respect to his or her physical, emotional and psychological safety, security and well-being; (b) takes into account the child’s culture; (c) allows the child to know his or her family origins; and (d) promotes substantive equality between the child and other children. <p>Notice: S 12(1) “In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child’s parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.”</p> <p>Personal information: S 12 (2) “The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child’s family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body’s coordination agreement.”</p> <p>Representations and Party Status: S 13 “In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child,</p> <ul style="list-style-type: none"> (a) the child’s parent and the care provider have the right to make representations and to have party status; and (b) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs has the right to make representations.”

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Placement of Indigenous Child	<p>Priority to Preventive Care: S 14 (1) “In the context of providing child and family services in relation to an Indigenous child, to the extent that providing a service that promotes preventive care to support the child’s family is consistent with the best interests of the child, the provision of that service is to be given priority over other services.”</p> <p>Prenatal Care: S 14 (2) “To the extent that providing a prenatal service that promotes preventive care is consistent with what will likely be in the best interests of an Indigenous child after he or she is born, the provision of that service is to be given priority over other services in order to prevent the apprehension of the child at the time of the child’s birth.”</p> <p>Socio-economic Conditions: S 15 “In the context of providing child and family services in relation to an Indigenous child, to the extent that it is consistent with the best interests of the child, the child must not be apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider.”</p> <p>Reasonable Efforts: S 15 (1) “In the context of providing child and family services in relation to an Indigenous child, unless immediate apprehension is consistent with the best interests of the child, before apprehending a child who resides with one of the child’s parents or another adult member of the child’s family, the service provider must demonstrate that he or she made reasonable efforts to have the child continue to reside with that person.”</p> <p>Priority: S 16 (1) “The placement of an Indigenous child in the context of providing child and family services in relation to the child, to the extent that it is consistent with the best interests of the child, is to occur in the following order of priority:</p> <ul style="list-style-type: none"> (a) with one of the child’s parents; (b) with another adult member of the child’s family; (c) with an adult who belongs to the same Indigenous group, community or people as the child; (d) with an adult who belongs to an Indigenous group, community or people other than the one to which the child belongs; or (e) with any other adult.”

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Table 13: National Standards, Act Respecting First Nations, Inuit and Métis Children, Youth and Families

National Standard	Definition
Placement of Indigenous Child	<p>Placement With or Near Other Children: S 16 (2) “When the order of priority set out in subsection (1) is being applied, the possibility of placing the child with or near children who have the same parent as the child, or who are otherwise members of the child’s family, must be considered in the determination of whether a placement would be consistent with the best interests of the child.”</p> <p>Customs and Traditions: S 16 (2.1) “The placement of a child under subsection (1) must take into account the customs and traditions of Indigenous peoples such as with regards to customary adoption.”</p> <p>Family Unity: S 16 (3) “In the context of providing child and family services in relation to an Indigenous child, there must be a reassessment, conducted on a ongoing basis, of whether it would be appropriate to place the child with (a) a person referred to in paragraph (1)(a), if the child does not reside with such a person; or (b) a person referred to in paragraph (1)(b), if the child does not reside with such a person and unless the child resides with a person referred to in paragraph (1)(a).”</p> <p>Attachment and Emotional Ties: S 17 “In the context of providing child and family services in relation to an Indigenous child, if the child is not placed with a member of his or her family in accordance with paragraph 16(1)(a) or (b), to the extent that doing so is consistent with the best interests of the child, the child’s attachment and emotional ties to each such member of his or her family are to be promoted.”</p>

Appendix D: Provincial and Territorial Child Welfare Legislation

Table 14 identifies provincial and territorial child welfare legislation governing the provision of child protection services. On January 1, 2020, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* will come into force. The *Act* empowers Indigenous communities to develop and enforce their own laws concerning Indigenous child and family services. Under provisions of the *Act*, laws affecting child and family services passed by Indigenous communities prevail over both federal and provincial laws; however, they must adhere to provisions of the 1982 *Canadian Charter of Rights and Freedoms*, the 1985 *Canadian Human Rights Act* and the national standards set for the provision of child and family services to Indigenous children by the *Act*. See **Appendix C: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families** for a brief overview of the *Act* and a list of key national standards.

Table 14: Provincial and Territorial Child Welfare Legislation

Province/ Territory	Primary Child Welfare Legislation	Associated Child Welfare Legislation
Alberta	Child, Youth and Family Enhancement Act, 2000	<ul style="list-style-type: none"> • Drug Endangered Children Act, 2006 • Adoption Regulation, 2004 • Child, Youth and Family Enhancement Regulation, 2004 • Court Rules and Forms Regulation, 2002 • Publication Ban (Court Applications and Orders) Regulation, 2004 • Protection Against Family Violence Act, 2000
British Columbia	Child Family and Community Service Act, 1996	<ul style="list-style-type: none"> • Adoption Act, 1996 • Infants Act, 1996 • Representative For Children And Youth Act, 2006 • Child, Family and Community Service Regulation, 1995
Manitoba	Child and Family Services Act, 1985	<ul style="list-style-type: none"> • Adoption Act, 1997 • The Intercountry Adoption(Haugue Convention) Act, 1995 • The Child and Family Services Authorities Act, 2003
New Brunswick	Family Services Act, 1980	<ul style="list-style-type: none"> • Intercountry Adoption Act, 1996

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Table 14: Provincial/Territorial Child Welfare Legislation

Province/ Territory	Primary Child Welfare Legislation	Associated Child Welfare Legislation
Newfoundland and Labrador	Children, Youth and Families Act, 2018	<ul style="list-style-type: none"> • Adoption Act, 2013
Northwest Territories	Child and Family Services Act, 1997	<ul style="list-style-type: none"> • Child and Family Services Regulations, 1998
Nova Scotia	Children and Family Services Act, 1990	<ul style="list-style-type: none"> • Children and Family Services Regulations, 2016 • Adoption Information Act, 1996
Nunavut	Child and Family Services Act, 1997	N/A
Ontario	Child, Youth and Family Services Act, 2017	<ul style="list-style-type: none"> • Children’s Law Reform Act, 1990 • Family Law Act, 1990
Prince Edward Island	Child Protection Act, 1988	<ul style="list-style-type: none"> • Adoption Act, 1988
Quebec	Youth Protection Act, 1984	N/A
Saskatchewan	Child and Family Services Act, 1989- 1990	<ul style="list-style-type: none"> • Adoption Act, 1998 • Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations, 2002
Yukon	Child and Family Services Act, 2008	<ul style="list-style-type: none"> • Child and Youth Advocate Act, 2009 • Children’s Act, 2002

Appendix E: Provincial and Territorial Definitions of First Nations and Associated Concepts

The term ‘First Nations Child’ is neither used nor consistently defined in all provincial and territorial statutes. Table 15 identifies key terms and associated definitions of First Nations Child according to the relevant jurisdiction. Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from corresponding provincial or territorial primary child welfare legislation.

Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Alberta	Band	“means band within the meaning of the <i>Indian Act (Canada)</i> ” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (a.4)
	Council of the Band	“means council of the band within the meaning of the <i>Indian Act (Canada)</i> ” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (g)
	First Nation Individual	“means an Indian as defined in the <i>Indian Act (Canada)</i> ” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (j.3)
	Indigenous	“includes First Nations, Metis and Inuit” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (m.01)
		“child is a First Nation Individual or a member of a band” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 53 (1) (1.1) (1)
	“[child is] a resident of a reserve” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 107 1(a) (i)	
	Reserve	“means reserve within the meaning of the <i>Indian Act (Canada)</i> ” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, ss 1(1) (t) (t.1)

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
British Columbia	First Nation	<p>“means any of the following: (a) a band as defined in the <i>Indian Act</i> (Canada); (b) an Indigenous legal entity prescribed by regulation” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>
	First Nation child	<p>“a child who is a member or is entitled to be a member of a First Nation” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>
	Indigenous child	<p>“a child (a) who is a First Nation child, (b) who is a Nisga'a child, (c) who is a Treaty First Nation child, (d) who is under 12 years of age and has a biological parent who (i) is of Indigenous ancestry, including Métis and Inuit, and(ii) considers himself or herself to be Indigenous, or (e) who is 12 years of age or over, of Indigenous ancestry, including Métis and Inuit, and considers himself or herself to be Indigenous” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1a-1e)</p>
	Treaty First Nation	<p>“in relation to a Treaty First Nation child, means the Treaty First Nation of which the child is a Treaty First Nation child” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, ss 1(1)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Manitoba	Indian Child	<p>“child is registered or is entitled to be registered as an Indian under the <i>Indian Act</i> (Canada)” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 30 (1)e</p> <p>“child is registered or is entitled to be registered as an Indian under the <i>Indian Act</i> (Canada)” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 77 (2) (c.2)</p>
New Brunswick	N/A	<p>No relevant terminology found as the Act is 40 years old and is currently being rewritten. New Brunswick is guided by Operational Protocols between the New Brunswick’s Department of Social Development and First Nation Child and Family Service Agencies (Savoury, 2018, p. 16). Ten key areas covered by the Operational Protocols are as follows: (1) child protection; (2) resources for placement facilities; (3) emergency social services; (4) legal administrative support services; (5) requests for assistance involving child welfare services; (6) the sharing of all information relating to child welfare legislation, regulations, standards, policies, rates, and procedures; (7) training of individuals as it relates to child welfare work; (8) child death review committee; (9) adoption; and (10) consultations involving disputes regarding the Operational Protocols (New Brunswick Department of Social Development and First Nation Child and Family Service Agencies, n.d., pp. 1-9).</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Newfoundland and Labrador	Indigenous Child	"Indigenous child" means: an Inuit child; a Métis child, an Innu, Mi'kmaq or other First Nations child, a child who has a parent who considers the child to be Indigenous, or a person who is at least 12 years of age but under the age of 16 and who considers himself or herself to be Indigenous" Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) n (i-iv)
	Indigenous Youth	"Indigenous youth" means: an Inuit youth, a Métis youth, an Innu, Mi'kmaq or other First Nations youth, or a youth who considers himself or herself to be Indigenous" Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) q (i-iv)
	Labrador Inuit rights	"This Act and regulations made under this Act shall be read and applied in conjunction with the <i>Labrador Inuit Land Claims Agreement Act</i> and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the <i>Labrador Inuit Land Claims Agreement Act</i> , the provision, term or condition of the <i>Labrador Inuit Land Claims Agreement Act</i> shall have precedence over the provision of this Act or a regulation made under this Act." Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 3

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Newfoundland and Labrador	Cultural Connection Plan	“a description of the arrangements made or being made to foster an Indigenous child's or Indigenous youth's connection with his or her culture, heritage, traditions, community, language and spirituality to preserve the Indigenous child's or Indigenous youth's cultural identity” Source: <i>Children, Youth and Families Act</i> , SNL2018 Chapter C-12.3, s 2 (1) f
Northwest Territories	Best Interests of the Child	“Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination: (c) the child's cultural, linguistic and spiritual or religious upbringing and ties” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s3 and ss 3(c)
Nova Scotia	Aboriginal Child	“a child who is registered under the <i>Indian Act</i> (Canada) and includes a Mi'kmaq child” Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (a)
	Band	“a band as defined in the <i>Indian Act</i> (Canada) within the Province of Nova Scotia” Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (b)

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Nunavut	Best Interests of the Child	<p>“Where there is a reference in this Act to the best interests of a child, all relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:</p> <p>(c) the child's cultural, linguistic and spiritual or religious upbringing and ties”</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997</i>, c.13, s3 and ss 3(c)</p>
Ontario	Band	<p>“has the same meaning as in the <i>Indian Act (Canada)</i>”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	Extended Family	<p>“persons to whom a child is related, including through a spousal relationship or adoption and, in the case of a First Nations, Inuk or Métis child, includes any member of,</p> <p>(a) a band of which the child is a member,</p> <p>(b) a band with which the child identifies,</p> <p>(c) a First Nations, Inuit or Métis community of which the child is a member, and</p> <p>(d) a First Nations, Inuit or Métis community with which the child identifies”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	First Nations, Inuit or Métis Community	<p>“a community listed by the Minister in a regulation made under section 28 [of the Act]”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 2(1)</p>
	Regulations Listing First Nations, Inuit and Métis communities	<p>“The Minister may make regulations establishing lists of First Nations, Inuit and Métis communities for the purposes of this Act.”</p> <p>Source: <i>Child, Youth and Family Services Act, 2017</i>, SO 2017, c 14, Sch 1, s 68 (1)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Ontario	Child's/Young Person's Bands	<p>"a reference to a child's or young person's bands and First Nations, Inuit or Métis communities includes all of the following:</p> <ol style="list-style-type: none"> 1. Any band of which the child or young person is a member. 2. Any band with which the child or young person identifies. 3. Any First Nations, Inuit or Métis community of which the child or young person is a member. 4. Any First Nations, Inuit or Métis community with which the child or young person identifies" <p>Source: <i>Child, Youth and Family Services Act</i>, 2017, SO 2017, c 14, Sch 1, s 2 (4)</p>
	Designation Of Child And Family Service Authority	<p>"A band or First Nations, Inuit or Métis community may designate a body as a First Nations, Inuit or Métis child and family service authority."</p> <p>Source: <i>Child, Youth and Family Services Act</i>, 2017, SO 2017, c 14, Sch 1, s 70 (1)</p>
Prince Edward Island	Aboriginal Child	<p>"a child who</p> <ol style="list-style-type: none"> (i) is registered in accordance with the <i>Indian Act</i> (Canada), (ii) has a biological parent who is registered in accordance with the <i>Indian Act</i> (Canada), (iii) is under 12 years old and has a biological parent who <ol style="list-style-type: none"> (A) is a descendant from an aboriginal person, and (B) considers himself or herself to be aboriginal, or (iv) is 12 years old or more, a descendant of an aboriginal person and considers himself or herself to be aboriginal" <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1 (a)</p>
	Band	<p>"a body of Indians as defined by the <i>Indian Act</i> (Canada)"</p> <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(e)</p>
	Band Council	<p>"band council" means the governing body for a band, as defined by the <i>Indian Act</i> (Canada)"</p> <p><i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(f)</p>
	Designated Representative	<p>"a person designated by the band council to represent the band respecting an aboriginal child"</p> <p><i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 1(n)</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Quebec		No relevant terminology identified.
Saskatchewan	Band	<p>“a band as defined in the <i>Indian Act</i> (Canada) and includes the council of a band”</p> <p>Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 2 (1) (a.1)</p>
	Band list	<p>“a band list as defined in the <i>Indian Act</i> (Canada)”</p> <p>Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 2 (1) (b)</p>
	Status Indian	<p>“a person who is: (i) registered as an Indian; or (ii) entitled to be registered as an Indian; pursuant to the.”</p> <p>“child is a status Indian: (i) whose name is included in a Band List; or (ii) who is entitled to have his or her name included in a Band List”</p> <p>Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 2 (1) (s)</p>
Yukon	First Nation	<p>“means one of the following:</p> <p>(a) Carcross/Tagish First Nation;</p> <p>(b) Champagne and Aishihik First Nations;</p> <p>(c) Kluane First Nation;</p> <p>(d) Kwanlin Dun First Nation;</p> <p>(e) Liard First Nation;</p> <p>(f) Little Salmon/Carmacks First Nation;</p> <p>(g) First Nation of Nacho Nyak Dun;</p> <p>(h) Ross River Dena Council;</p> <p>(i) Selkirk First Nation;</p> <p>(j) Ta’an Kwach’an Council;</p> <p>(k) Teslin Tlingit Council;</p> <p>(l) Tr’ondëk Hwëch’in;</p> <p>(m) Vuntut Gwitchin First Nation; or</p> <p>(n) White River First Nation”</p> <p>Source: <i>Child and Family Services Act</i>, SY 2008, c 1, s 1 (a) – 1 (n).</p>

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Table 15: Provincial and Territorial Definitions of First Nations Child and Associated Concepts

Province/ Territory	Term	Definition
Yukon	First Nations Service Authority	“means an authority designated under section 169 [of the <i>Child and Family Services Act</i> , SY 2008, c 1]” Source: <i>Child and Family Services Act</i> , SY 2008, c 1, s (1)
	Member of a First Nation	“means: (a) when used in respect of a First Nation that has a final agreement, a person enrolled or eligible to be enrolled under the final agreement, and (b) when used in respect of a First Nation that is a band under the provisions of the <i>Indian Act</i> (Canada) a person who is a member of the band under that Act” Source: <i>Child and Family Services Act</i> , SY 2008, c 1, s (1)

Appendix F: Provincial and Territorial Age of Protection and Definitions of Child and/or Youth

Age of protection “refers to the age of the identified ‘child’ engaged in the child welfare process. Each province and territory has its own legislation in regards to mandated age of service. Consequently, the identified age depending on legislation is the maximum age that may be serviced by child welfare organizations. Ages range from anywhere between 16 to 19 years as the top age that may be serviced” (Sturtridge, 2013: 1-2). Table 16 identifies the age of protection for each province and territory along with corresponding definitions of child and/or youth. Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from corresponding provincial or territorial primary child welfare legislation.

Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Alberta	under 18	“a person under the age of 18 years and includes a youth unless specifically stated otherwise” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1 (d)	“a child who is 16 years of age or older” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1 (z) (cc)
British Columbia	under 19	“a person under 19 years of age and includes a youth” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 1 (1)	“a person who is 16 years of age or over but is under 19 years of age” Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 1 (1)

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Manitoba	under 18	<p>“a person under the age of majority” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, ss 77 (2) (c.2) *age of majority in Manitoba is 18</p>	no definition
New Brunswick	<p>under 19 “aged 19 and over for mentally incompetent people categorized as “neglected adults” (Public Health Agency of Canada, 2019, p. 13).</p>	<p>“a person actually or apparently under the age of majority*, unless otherwise specified or prescribed in [the] Act or the regulations, and includes: (a) an unborn child; (b) a stillborn child; (c) a child whose parents are not married to one another; (d) a child to whom a person stands in loco parentis, if that person’s spouse is a parent of the child; and (e) when used in reference to the relationship between an adopted person and the person adopting or the relationship between a person and his birth mother or birth father, a person who has attained the age of majority*” Source: <i>Family Services Act</i>, SNB 1980, c F-2.2, s 1 *age of majority in New Brunswick is 19</p>	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
New Brunswick		<p>“Current provisions ...provide for protective services for neglected or abused adults and provide that a child in care who reaches adulthood, who is mentally incompetent and who does not have an adult who could assume responsibility for the child’s care can be treated as a neglected adult by the court. The Act permits the Minister to continue to provide care and support for a child who has been in care under a guardianship order who has reached the age of majority.* The eligibility for continued care and support is set out in the Child in Care Program Practice Standards” (Public Health Agency of Canada, 2019, p. 13).”</p> <p>*age of majority in New Brunswick is 19</p>	
Newfoundland and Labrador	<p>under 16</p> <p>between 16 and 18 if child has limited mental capacity</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 21 (1) c</i></p>	<p>“a person actually or apparently under the age of 16 years”</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 2(1) d</i></p>	<p>“a person who is at least 16 years of age but under 18 years of age”</p> <p><i>Source: Children, Youth and Families Act, SNL2018 Chapter C-12.3, s 2(1) ff</i></p>

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Northwest Territories	under 19 separate protection scheme for youth between 16 and 19 Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 29	“a person who is or, in the absence of evidence to the contrary, appears to be under 16 years of age” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 1	“a person who has attained the age of 16 years but has not attained the age of majority*” Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s 1 *age of majority is 19 in the Northwest Territories
Nova Scotia	under 19 “Children older than 16 and younger than 19 who are in need of protective services may enter into agreements with an agency for placement or services. A court can order a care and custody order to extend past the child’s 19 th birthday if the child is under a disability, in which case the order can extend to the child’s 21 st birthday” (Public Health Agency of Canada, 2019, p. 13).” See also <i>Children and Family Services Act</i> , 1990 s 19	“a person under nineteen years of age” Source: <i>Children and Family Services Act</i> , 1990 s 3 (1) (e)	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of "Child"	Definition of "Youth"
Nunavut	under 19	"child" means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under subsection 47(3) or 48(2)" Source: <i>Child and Family Services Act</i> , SNWT (Nu) 1997, c 13, s (1)	"a person who has attained the age of 16 years but has not attained the age of majority." *age of majority is 19 in Nunavut Source: <i>Child and Family Services Act</i> , SNWT (Nu) 1997, c 13, s (1)
Ontario	under 18	"a person younger than 18" Source: <i>Child, Youth and Family Services Act</i> , 2017, SO 2017, c 14, Sch 1, s 2(1)	no definition
Prince Edward Island	under 18	" a person under the age of 18 years" Source: <i>Child Protection Act</i> , RSPEI 1988, c C-5.1, s 1(h)	"a person over 12 and under 18" Source: <i>Child Protection Act</i> , RSPEI 1988, c C-5.1, s 1(y)
Quebec	under 18	"a person under the age of 18 years" Source: <i>Youth Protection Act</i> , CQLR c P-34.1, s 1(c)	no definition

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Table 16: Provincial and Territorial Ages of Protection and Corresponding Definitions of Child and/or Youth

Province/ Territory	Age of Protection	Definition of “Child”	Definition of “Youth”
Saskatchewan	under 16 age 16 and 17 in “circumstances of an exceptional nature” <i>Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 18 (1)</i>	<p>“except where a contrary intention is expressed, an unmarried person actually or apparently under 16 years of age” <i>Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 2 (1) (d)</i></p> <p>“a person who is 16 or 17 years of age is in need of care and supervision and: (a) there is no parent willing to assume the responsibility for the person; or (b) the person cannot be re-established with his or her family; the director may, by agreement with the person, provide residential services, financial assistance or both to that person” <i>Source: Source: The Child and Family Services Act, SS 1989-90, c C-7.2, s 10 (1)</i></p>	no definition
Yukon	under 19	<p>“a person under 19 years of age” <i>Source: Child and Family Services Act, SY 2008, c 1, s1</i></p>	<p>“a person who is 16 years of age or over but is under 19 years of age” <i>Source: Child and Family Services Act, SY 2008, c 1, s1</i></p>

Appendix G: Provincial and Territorial Terminology for Neglect

The term ‘neglect’ is not consistently defined in all provincial and territorial statutes, but interchangeable concepts include ‘failure to care and provide for or supervise and protect,’ ‘does not provide,’ ‘refuses or is unavailable or unable to consent to treatment.’ Table 17 identifies terms and/or concepts for neglect according to the respective provincial and territorial jurisdictions. For detailed definitions of neglect according to province and territory, see *Appendix H: Provincial and Territorial Definitions of Neglect*.

Table 17: Provincial and Territorial Terminology for Neglect

Province/ Territory	Provincial and Territorial Terminology for Neglect
Alberta	<ul style="list-style-type: none"> • abandoned • neglect • cruel and unusual treatment or punishment Source: Public Health Agency of Canada (2019, p. 18)
British Columbia	<ul style="list-style-type: none"> • deprivation • abandonment Source: Public Health Agency of Canada (2019, pp. 18-19)
Manitoba	<ul style="list-style-type: none"> • act or omission • lack of adequate care, supervision or control • failure or refusal to provide Source: Public Health Agency of Canada (2019, p. 18)
New Brunswick	<ul style="list-style-type: none"> • lack of adequate care, supervision or control • unfit or improper circumstances • failure or refusal to provide or obtain • neglects or refuses to ensure Source: Public Health Agency of Canada (2019, pp. 19-20).
Newfoundland and Labrador	<ul style="list-style-type: none"> • failure or refusal to obtain or permit • abandonment • left without adequate supervision Source: Public Health Agency of Canada (2019, pp. 19-20)
Northwest Territories	<ul style="list-style-type: none"> • failure to provide or consent to treatment • failure to obtain services or treatment • abandoned • failure to provide or consent to provision of services Source: Public Health Agency of Canada (2019, pp. 19-20).

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Table 17: Provincial and Territorial Terminology for Neglect

Province/ Territory	Provincial and Territorial Terminology for Neglect
Nova Scotia	<ul style="list-style-type: none"> • neglect • substantial risk of neglect Source: Public Health Agency of Canada (2019, p. 21)
Nunavut	<ul style="list-style-type: none"> • failure to provide or consent • failure to provide or consent to treatment • unavailable, unable or unwilling to properly care for the child • malnutrition • abandonment Source: Public Health Agency of Canada (2019, pp. 21-22)
Ontario	<ul style="list-style-type: none"> • failure to provide or consent to treatment • unable to care for child Source: Public Health Agency of Canada (2019, p. 21)
Prince Edward Island	<ul style="list-style-type: none"> • neglect • inadequate supervision or protection • failure to obtain or consent • abandonment • fails to obtain or consent to treatment Source: Public Health Agency of Canada (2019, pp. 23-24)
Quebec	<ul style="list-style-type: none"> • abandoned • neglected, • psychological ill-treatment • do not exercise stable supervision Source: Public Health Agency of Canada (2019, p. 23)
Saskatchewan	<ul style="list-style-type: none"> • need of protection • failure to provide • failure to remedy Source: Public Health Agency of Canada (2019, pp. 23-24)
Yukon	<ul style="list-style-type: none"> • protective intervention • deprivation • prevent imminent serious physical or mental harm • alleviate severe pain • abandonment • failure to provide or consent to services Source: Public Health Agency of Canada (2019, p. 24)

Appendix H: Provincial and Territorial Definitions of Neglect

Each province and territory has unique legislation defining and describing responses to neglect. Table 18 provides provincial and territorial definitions of neglect. Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Alberta	<p>“A child is neglected if the guardian (a) is unable or unwilling to provide the child with the necessities of life, (b) is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or (c) is unable or unwilling to provide the child with adequate care or supervision”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 2 (2.1)</p>
British Columbia	<p>“Neglect is failure to provide for a child’s or youth’s basic needs. It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child or youth. Neglect may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child’s or youth’s physical health, development or safety is, or is likely to be, harmed”</p> <p>Source: Government of British Columbia (2017, p. 25)</p> <p>“Physical Indicators [of neglect include:] [i]njuries where medical care has been unusually delayed or avoided; [i]njuries resulting from a lack of supervision; [m]edical or dental needs that are consistently unattended to; [f]ailure to thrive” in a child where no medical reason has been found; [c]lothing consistently inadequate for weather conditions; [p]ersistent hunger; [p]oor or inadequate nutrition; or [p]oor personal hygiene”</p> <p>Source: Government of British Columbia (2017, p. 28)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
British Columbia	<p>“Behavioural [i]ndicators [of neglect include:] [f]orages for, hoards or steals food; [d]evelopmental delay or setbacks related to a lack of stimulation; [p]oor school attendance; [i]nappropriately takes on a caregiver role for a parent or siblings; [t]ired or unable to concentrate at school; [a]ppears sad or has flat affect; [r]eluctant to go home; speaks of being or appears to be left alone at home a lot, unsupervised; [i]s involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting; or [d]oes not respond to affection or stimulation” Source: Government of British Columbia (2017, p. 29)</p>
Manitoba	<p>“a child is in need of protection where the life, health or emotional well-being of the child is endangered by the act or omission of a person” Source: <i>The Child and Family Services Act</i>, C.C.S.M. c. C8, s 71 (1)</p>
New Brunswick	<p>“<i>Physical [n]eglect</i> [occurs w]hen parents or caregivers fail to provide a child's basic needs. Physical neglect might include failing to provide children with proper food, clothing, or shelter. It may also involve lack of attention to, or refusal to provide, proper healthcare treatment. Neglect also happens when a person caring for a child does not, or cannot, control and supervise the child. This includes failing to make the child go to school, or stopping the child from harming himself or others” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Emotional maltreatment [r]efers to both emotional abuse and <i>emotional neglect</i>. This might include repeated attacks on a child's sense of self-worth, insults, isolation, rejection, unrealistic expectations or constant criticism. It might also involve terrorizing a child such as threatening to kill the family pet” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Newfoundland and Labrador	<p>“A child is in need of protective intervention where the child:</p> <p>(a) is being, or is at risk of being, physically harmed by the action or <i>lack of appropriate action by the child’s parent</i>;</p> <p>(c) is being, or is at risk of being, emotionally harmed by the parent’s conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, <i>failure to act or pattern of neglect</i> on the part of the child’s parent;</p> <p>(e) is being, or is at risk of being, sexually abused or exploited by a person and the child’s <i>parent does not protect the child</i>;</p> <p>(f) is being, or is at risk of being, emotionally harmed by a person and the child’s <i>parent does not protect the child</i>;</p> <p>(g) is in the custody of a parent who <i>refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment</i> to be given to the child when recommended by a qualified health practitioner;</p> <p>(h) is <i>abandoned</i>;</p> <p>(i) has no living parent and <i>no adequate provision</i> has been made for the child’s care;</p> <p>(j) has no parent available to care for the child and the <i>parent has not made adequate provision</i> for the child’s care;</p> <p>(k) has <i>no parent able or willing to care for the child</i>;</p> <p>(o) has been left <i>without adequate supervision appropriate to the child’s developmental level</i>; or</p> <p>(p) is actually or apparently under 12 years of age and has</p> <p>(i) allegedly killed or seriously injured another person or has caused serious damage to another person’s property, or</p> <p>(ii) on more than one occasion caused injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing, either with the parent’s encouragement or because the <i>parent does not respond adequately to the situation</i>.</p> <p>Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (1) (a-p)</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Northwest Territories	<p>“A child needs protection where</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(c) the child has been sexually molested or sexually exploited by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was <i>unwilling or unable to protect the child</i>;</p> <p>(d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is <i>unwilling or unable to protect the child</i>;</p> <p>(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm</i>;</p> <p>(f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm</i>;</p> <p>(g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition</i>;</p> <p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child</i>;</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Northwest Territories	<p>(i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child</i>;</p> <p>(j) the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's"</p> <p>Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7 (3)</p>
Nova Scotia	<p>"[N]eglect" means the chronic and serious failure to provide to the child (i) adequate food, clothing or shelter, (ii) adequate supervision, (iii) affection or cognitive stimulation, or (iv) any other similar failure to provide"</p> <p>Source: <i>Children and Family Services Act</i>, 1990, s 3 (1) (p)</p>
Nunavut	<p>"A child needs protection where (a) the child has suffered physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the <i>parent's unwillingness or inability to care and provide for or supervise and protect the child adequately</i>;</p> <p>(c) the child has been sexually molested or sexually exploited by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was <i>unwilling or unable to protect the child</i>;</p> <p>(d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is <i>unwilling or unable to protect the child</i>;</p> <p>(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm</i>;</p> <p>(f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's <i>parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm</i>;</p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Nunavut	<p>(g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent <i>does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;</i></p> <p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child;</i></p> <p>(i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's <i>parent is unavailable, unable or unwilling to properly care for the child;</i></p> <p>(j) the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's"</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997, c.13, s 7 (3)</i></p>
Ontario	<p>"failure to adequately care for, provide for, supervise or protect the child, or pattern of neglect in caring for, providing for, supervising or protecting the child"</p> <p>Source: <i>Child, Youth and Family Services Act, 2017, SO 2017, c 14, Sch 1, s 2 (a)</i> (i)</p>
Prince Edward Island	<p>"[F]ailure to provide a child with adequate care and guidance, or other acts of omission by a parent respecting a child, that are inappropriate for the child or likely to be harmful to the child"</p> <p>Source: <i>Child Protection Act, RSPEI 1988, c C-5.1, s 1 (r)</i></p>
Quebec	<p>"[R]efers to (1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs, i. failing to meet the child's basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources; ii. failing to give the child the care required for the child's physical or mental health, or not allowing the child to receive such care; or iii. failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to ensure that the child receives a proper education and, if applicable, that he attends school as required under the <i>Education Act</i> (chapter I-13.3) or any other applicable legislation; or (2) a situation in which there is a serious risk that a child's parents or the person having custody of the child are not providing for the child's basic needs in the manner referred to in subparagraph 1"</p> <p>Source: <i>Youth Protection Act, CQLR c P-34.1, s 38 (b) (1)</i></p>

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Table 18: Provincial and Territorial Definitions of Neglect

Province/ Territory	Definition of Neglect
Saskatchewan	<p>“Neglect [refers to] failing to provide a child with enough food, proper clothing, shelter, health care, or supervision” (Government of Saskatchewan, n.d., p. 1). Physical indicators of neglect include: “abandonment; unattended medical or dental needs; lack of supervision; hunger; inappropriate dress; poor hygiene; persistent health conditions (e.g., scabies, head lice, diaper rash or other skin disorder); and developmental delays (e.g., language, weight)” (Government of Saskatchewan, n.d., p. 3). Child behavioural indicators of neglect include: “displays fatigue or listlessness, falls asleep in class; steals food; reports that no caregiver is at home; and frequently absent or late for school” (Government of Saskatchewan, n.d., p. 3).</p> <p>“A child is in need of protection if: (a) <i>as a result of action or omission by the child’s parent:...(iv) medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child; (v) the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; ... (b) there is no adult person who is able and willing to provide for the child’s needs, and physical or emotional harm to the child has occurred or is likely to occur; or (c) the child is less than 12 years of age and: ... (ii) the child’s parent is unable or unwilling to provide for the child’s needs</i>” Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 11</p>
Yukon	<p>“Neglect [is defined as] failing to provide for a child’s basic needs, including essential food, appropriate clothing, shelter, health care or supervision” Source: Yukon Health and Social Services (2017, p. i)</p> <p>Possible physical indicators of neglect include: “abandonment; unattended medical or dental needs; consistent lack of supervision; consistent hunger, inappropriate dress for weather conditions and poor hygiene; persistent and untreated conditions (e.g., scabies, head lice, diaper rash or other skin disorder); and developmental delays (e.g., language, weight)” Source: Yukon Health and Social Services (2017, p. 9)</p> <p>Possible behavioral indicators of neglect include: regularly displays fatigue or listlessness or falls asleep in class; steals food, begs from classmates; reports that no caretaker is at home; frequently absent or late; self-destructive; school drop-outs (adolescents); lack of parental participation; misuse of alcohol or drugs; [and/or] lack of trust in others” Source: Yukon Health and Social Services (2017, p. 9)</p>

Appendix I: Provincial and Territorial Definitions of Physical Abuse

Each province and territory has unique legislation defining and describing responses to physical abuse. Table 19 provides provincial and territorial definitions of physical abuse. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Alberta	<p>“[A] a child is <i>physically injured</i> if there is substantial and observable injury to any part of the child’s body as a result of the non-accidental application of force or an agent to the child’s body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 3 (b)</p>
British Columbia	<p>“Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child or youth. It includes the use of unreasonable force to discipline a child or youth or prevent a child or youth from harming him/herself or others. The injuries sustained by the child or youth may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death. The likelihood of physical harm to a child or youth increases when the child or youth is living in a situation where there is domestic violence by or towards a person with whom the child or youth resides. Domestic violence is a pattern of intentionally coercive and violent behaviour toward an individual with whom there is or has been an intimate relationship. It includes physical abuse such as hitting, slapping, pushing, choking, assault with a weapon, locking out of the house or the threat of physical abuse”</p> <p>Source: Government of British Columbia (2017, p. 23)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Manitoba	<p>“Physical abuse can be a single incident or repeated pattern including: the intentional use of force or pain on any part of a child's body; [and/or] any contact or action that causes physical injuries. Some <i>behavioural signs of physical abuse</i> could include but are not limited to: inconsistent explanation for injuries or cannot remember; wary of adults; flinch if touched unexpectedly; extremely aggressive or extremely withdrawn; feels deserving of punishment; apprehensive when others cry; frightened of parents afraid to go home. Some <i>physical signs of physical abuse</i> could include but are not limited to: injuries not consistent with explanation; numerous injuries in varying stages of recovery or healing; presence of injuries over an extended period of time; facial injuries; and injuries inconsistent with the child's age and developmental phase”</p> <p>Source: Manitoba Child and Family Services (n.d., <i>Physical Abuse</i>)</p>
New Brunswick	<p>“Physical abuse [refers to t]he use of unreasonable force against a child. What is considered reasonable will depend on the age of the child, the severity of the actions and its lack of healthy corrective purpose regarding the child's behaviour. This might include, for example, hitting, slapping, shaking, choking, kicking or burning a child. It also includes any conduct by a caregiver that might put the child's life, health or well-being at risk”</p> <p>Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Signs of [p]hysical [a]buse [include the following:] child has welts, bite marks, unexplained bruises, scars, burns, fractures or head injuries; child runs away from home or will not go home; [and/or] child has repetitive injuries or unattended injuries”</p> <p>Source: Public Legal Education and Information Service of New Brunswick (2007, p. 3)</p>
Newfoundland and Labrador	<p>“action on the part of the parent in which a child/youth sustained or is likely to sustain a physical injury. Injury to the child/youth may be current or may have occurred in the past”</p> <p>Source: Newfoundland and Labrador, Department of Children, Seniors and Social Development (n.d., <i>How Do You Define</i>)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Northwest Territories	<p>“A child needs protection where;</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7.3 (a-b)</p> <p>“any physical injury of a child which is not accidental”</p> <p>Source: Northwest Territories (2012, p. 7)</p>
Nova Scotia	<p>“the intentional use of force on any part of a child's body that results in injury”</p> <p>Source: Government of Nova Scotia (n.d., <i>Physical Abuse</i>)</p>
Nunavut	<p>“A child needs protection where;</p> <p>(a) the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;</p> <p>(b) there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately”</p> <p>Source: <i>Child and Family Services Act</i>, SNWT (Nu) 1997, c.13, s 7.3 (a-b)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/ Territory	Definition of Physical Abuse
Ontario	<p>“any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse”</p> <p>Source: Ontario Association of Children’s Aid Societies (n.d., <i>Physical Abuse</i>)</p>
Prince Edward Island	No definition identified.
Quebec	<p>“[R]efers to (1) a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation; or (2) a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation”</p> <p>Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (e)</p>
Saskatchewan	<p>“Physical abuse [refers to] any action, including discipline, causing injury to the child’s body” (Government of Saskatchewan, n.d., p. 1). Physical indicators include: injuries (bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered; the presence of several injuries over a period of time; any bruising on an infant; facial injuries in preschool children (e.g., cuts, bruises, sores, etc.); and injuries inconsistent with the child’s age and development” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>Behavioural indicators include: “cannot recall how injuries occurred, or offers an inconsistent explanation; reluctant to go home; frequent absences from school; fear of adults; may cringe or flinch if touched unexpectedly; may display a vacant stare or frozen watchfulness; extremely aggressive or withdrawn; [and] extremely compliant and/or eager to please</p> <p>Source: Government of Saskatchewan (n.d, p. 3)</p>

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Table 19: Provincial and Territorial Definitions of Physical Abuse

Province/Territory	Definition of Physical Abuse
Yukon	<p>“Physical abuse [refers to] any deliberate, non-accidental assault or use of force against a child that results in physical harm. This can include excessive or inappropriate discipline that causes injury to the child’s body” Source: Yukon Health and Social Services (2017, p. i)</p> <p>Possible <i>physical indicators of physical abuse</i> include: “injuries (bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered (e.g., extensive bruising to one area); the presence of several injuries over a period of time; any bruising on an infant; facial injuries in preschool children (e.g., cuts, bruises, sores, etc.); injuries inconsistent with the child’s age and development; [and/or] injuries that form a shape or pattern that resemble the object used to make the injury (e.g., buckle, hand, teeth, cigarette burns)” Source: Yukon Health and Social Services (2017, p. 6)</p> <p>Possible child <i>behavioural indicators of physical abuse</i> include: “cannot recall how injuries occurred, or offers an inconsistent explanation; wary of adults or reluctant to go home, absences from school; may cringe or flinch if touched unexpectedly; may display a vacant stare or frozen watchfulness; extremely aggressive or extremely withdrawn; wears long sleeves to hide injury; extremely compliant and/or eager to please; sad, cries frequently; and describes self as bad and deserving to be punished” Source: Yukon Health and Social Services (2017, p. 6)</p>

Appendix J: Provincial and Territorial Definitions of Sexual Abuse

Each province and territory has unique legislation defining and describing responses to sexual abuse. Table 20 provides provincial and territorial definitions of sexual abuse. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Alberta	<p>“[A] child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 1(3) (c)</p>
British Columbia	<p>“Sexual abuse is when a child or youth is used (or likely to be used) for the sexual gratification of another person. It includes: [t]ouching or invitation to touch for sexual purposes; [i]ntercourse (vaginal, oral or anal); [m]enacing or threatening sexual acts, obscene gestures, obscene communications or stalking; [s]exual references to the child’s or youth’s body/behaviour by words/gestures; [r]equests that the child or youth expose their body for sexual purposes; [d]eliberate exposure of the child or youth to sexual activity or material; and [s]exual aspects of organized or ritual abuse”</p> <p>Source: Government of British Columbia (2017, p. 24)</p> <p>“Sexual exploitation is a form of sexual abuse that occurs when a child or youth engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Sexual activity includes: [p]erforming sexual acts; [s]exually explicit activity for entertainment; [i]nvolvement with escort or massage parlour services; and [a]ppearing in pornographic images. Children and youth living on the street are particularly vulnerable to exploitation”</p> <p>Source: Government of British Columbia (2017, pp. 24-25).</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
British Columbia	<p>“[A] child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be, (a) encouraged or helped to engage in prostitution, or (b) coerced or inveigled into engaging in prostitution.”</p> <p>Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 13 (1) (1.1)</p>
Manitoba	<p>“Sexual abuse is exposing a child to sexual contact, activity or behaviour, including: any sexual touching; [and/or] intercourse, exploitation or exposure. Some behavioural signs of sexual abuse could include but are not limited to: sexual knowledge or play inappropriate to age; sophisticated or unusual sexual knowledge; prostitution; poor peer relationships; delinquent or runaway; reports sexual assault by caretaker; change in performance in school; sleeping disorders; aggressive behavior; and self-harm (ex. cutting, suicide attempts). Some physical signs of sexual abuse could include but are not limited to: unusual or excessive itching in the genital or anal area; stained or bloody underwear; pregnancy; injuries to the vaginal or anal areas; sexually transmitted infections; difficult walking or sitting; pain when peeing; vaginal/penile discharge; excessive masturbation; [and] urinary tract infections”</p> <p>Source: Manitoba Child and Family Services (n.d., <i>Sexual Abuse</i>)</p>
Newfoundland and Labrador	<p>“Sexual Abuse: includes any sexual contact between an individual and a child/youth regardless of whether the sexual contact occurs by force, coercion, duress, and deception or whether the child/youth understands the sexual nature of the activity. Sexual contact includes sexual penetration, touching, harassment, invitation to sexual touching, sexual acts such as exposure, voyeurism, or sexually exploiting the child/youth by involving the child/youth in the sex trade or pornography.”</p> <p>Source: Newfoundland and Labrador, Department of Children, Seniors and Social Development (n.d., <i>How Do You Define</i>)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Northwest Territories	<p>“involving a child in sexual touching or any form of sexual activity. Sexual abuse may also include forcing or allowing a child to watch or look at sexual activity, pornographic materials, or books, magazines or videos containing sexual material that is inappropriate or unsuitable for a child” Source: Northwest Territories (2012, p. 7)</p> <p>“A child needs protection where: (c) the child has been sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child; (d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child.” Source: <i>Child and Family Services Act</i>, SNWT 1997, c.13, s 7.3 (c-d)</p>
Nova Scotia	<p>“[S]exual abuse” means (i) the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct, or (ii) the use of a child in, or exposure to, prostitution, pornography or any unlawful sexual practice.” Source: <i>Children and Family Services Act</i>, 1990, s 3 (1) (v)</p>
Nunavut	<p>“A child needs protection where: (c) the child has been sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child; (d) there is a substantial risk that the child will be sexually molested or sexually exploited by the child’s parent or by another person in circumstances where the child’s parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child.” Source: <i>Child and Family Services Act</i>, SNWT (Nu) 1997, c.13, s 7.3 (c-d)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Ontario	<p>“Sexual abuse occurs when a child is used for the sexual gratification of an adult or an older child. The child may co-operate because he or she wants to please the adult or out of fear. It includes sexual intercourse, exposing a child’s private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos, or engage in prostitution.”</p> <p>Source: Ontario Association of Children’s Aid Societies (n.d.: <i>Physical Abuse</i>)</p>
Prince Edward Island	<p>“(g) the child has been harmed as a result of being sexually exploited for the purpose of prostitution and the parent has failed or been unable to protect the child; (h) the child is at substantial risk of being sexually exploited for the purpose of prostitution and the parent has failed or been unable to protect the child”</p> <p>Source: <i>Child Protection Act</i>, RSPEI 1988, c C-5.1, s 9 (g-h)</p>
Quebec	<p>“[S]exual abuse” refers to (1) a situation in which the child is subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, including any form of sexual exploitation, and the child’s parents fail to take the necessary steps to put an end to the situation; or (2) a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, including a serious risk of sexual exploitation, and the child’s parents fail to take the necessary steps to put an end to the situation”</p> <p>Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (d) (1-2)</p>

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Table 20: Provincial and Territorial Definitions of Sexual Abuse

Province/Territory	Definition of Sexual Abuse
Saskatchewan	<p>“Sexual abuse [refers to] any action involving a child in sexual exploitation or sexual activity including touching, exposure, using a child in the making of/or viewing pornography” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>“Physical indicators of sexual abuse include: “unusual or excessive itching in the genital or anal area; pregnancy or sexually transmitted infection; [and] injuries to the genital or anal areas (e.g., bruising, swelling or infection)” Source: Government of Saskatchewan (n.d., p. 3)</p> <p>“Behavioural indicators of sexual abuse include: age-inappropriate sexual play with toys, self, others (e.g., replication of explicit sexual acts); age-inappropriate, sexually explicit drawings and/or descriptions; bizarre, sophisticated or unusual sexual knowledge; involvement in sexual exploitation; cruelty to animals; fear of home, excessive fear of adults; [and] depression or other mental health challenges)” Source: Government of Saskatchewan (n.d., p. 3)</p>
Yukon	<p>“[A] child has been or is likely to be sexually abused or exploited if the child has been or is likely to be (a) inappropriately exposed or subjected to sexual contact, activity or behaviour; including prostitution related activities; or (b) encouraged or counselled to engage in prostitution” Source: Child and Family Services Act, SY 2008, c 1, 21 (2) (a-b)</p>

Appendix K: Provincial and Territorial Terminology for Emotional Maltreatment

Each province and territory has unique legislation defining and describing responses to emotional maltreatment, also referred to as: emotional abuse; psychological abuse; emotional harm; emotionally injured; psychological ill treatment; or psychological abuse. Table 21 identifies terminology for emotional maltreatment used by provinces and territories. For detailed provincial and territorial definitions, see *Appendix L: Provincial and Territorial Definitions for Emotional Maltreatment*.

Table 21: Provincial and Territorial Terminology for Emotional Maltreatment

Province/ Territory	Provincial and Territorial Terminology for Emotional Maltreatment
Alberta	<ul style="list-style-type: none"> • emotional injury Source: Public Health Agency of Canada (2019, p. 18)
British Columbia	<ul style="list-style-type: none"> • emotional harm Source: Public Health Agency of Canada (2019, pp. 18-19)
Manitoba	<ul style="list-style-type: none"> • well-being of the child Source: Public Health Agency of Canada (2019, p. 18)
New Brunswick	<ul style="list-style-type: none"> • emotional well-being of the child Source: Public Health Agency of Canada (2019, pp. 19-20)
Newfoundland and Labrador	<ul style="list-style-type: none"> • emotional harm Source: Public Health Agency of Canada (2019, p. 19-20)
Northwest Territories	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, pp. 19-20)
Nova Scotia	<ul style="list-style-type: none"> • emotional abuse • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, p. 21)
Nunavut	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition • emotional or mental well-being Source: Public Health Agency of Canada (2019, pp. 21-22)
Ontario	<ul style="list-style-type: none"> • emotional harm • mental, emotional or developmental condition Source: Public Health Agency of Canada (2019, p. 21)

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Table 21: Provincial and Territorial Terminology for Emotional Maltreatment

Province/ Territory	Provincial and Territorial Terminology for Emotional Maltreatment
Prince Edward Island	<ul style="list-style-type: none"> • emotional harm • emotional condition or harm suffered Source: Public Health Agency of Canada (2019, pp. 23-24)
Quebec	<ul style="list-style-type: none"> • psychological ill-treatment Source: Public Health Agency of Canada (2019, p. 23)
Saskatchewan	<ul style="list-style-type: none"> • serious impairment of mental or emotional functioning • emotional harm Source: Public Health Agency of Canada (2019, pp. 23-24)
Yukon	<ul style="list-style-type: none"> • emotional harm • mental harm Source: Public Health Agency of Canada (2019, p. 24)

Appendix L: Provincial and Territorial Definitions for Emotional Maltreatment

Each province and territory has unique legislation defining and describing emotional maltreatment. Table 22 provides provincial and territorial definitions of emotional maltreatment. Please refer to *Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019* for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Unless otherwise indicated, all definitions are extracted from primary provincial or territorial child welfare legislation.

Table 22: Provincial and Territorial Definitions for Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Alberta	<p>“[A] child is emotionally injured (i) if there is impairment of the child’s mental or emotional functioning or development, and (ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of (A) rejection, (A.1) emotional, social, cognitive or physiological neglect, (B) deprivation of affection or cognitive stimulation, (C) exposure to family violence or severe domestic disharmony, (D) inappropriate criticism, threats, humiliation, accusations or expectations of or toward the child, (E) the mental or emotional condition of the guardian of the child or of anyone living in the same residence as the child; (F) chronic alcohol or drug abuse by the guardian or by anyone living in the same residence as the child”</p> <p>Source: <i>Child, Youth and Family Enhancement Act</i>, RSA 2000, c C-12, s 1(1) (3a)</p>
British Columbia	<p>“[A] child is emotionally harmed if the child demonstrates severe (a) anxiety, (b) depression, (c) withdrawal, or (d) self-destructive or aggressive behaviour.”</p> <p>Source: <i>Child, Family and Community Service Act</i> [RSBC 1996] Chapter 46, s 13 (2)</p> <p>“Reason to believe that a child or youth needs protection from being emotionally harmed may arise due to emotional abuse from a parent. This may range from the parent ignoring to habitually humiliating the child or youth to withholding life-sustaining nurturing. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect. Emotional abuse can include a pattern of: [s]capegoating; [r]ejection; [v]erbal attacks on the child; [t]hreats; [i]nsults; or humiliation. Emotional harm may also be caused by the child or youth living in a situation where there is domestic violence by or towards a person with whom the child or youth resides. Domestic violence may involve physical abuse, threats, verbal insults or psychological abuse such as stalking”</p> <p>Source: Government of British Columbia (2017, p. 4)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
British Columbia (Continued)	<p>“Physical Indicators [of emotional maltreatment include:] [b]ed wetting and/or frequent diarrhea; or [f]requent psychosomatic complaints, headaches, nausea, abdominal pains. Behavioural indicators [of emotional maltreatment include:] [m]ental or emotional development lags; [i]solated and has no friends or complains of social isolation; [b]ehaviours inappropriate for age; [f]ear of failure, overly high standards, reluctant to play; [f]ears consequences of actions, often leading to lying; [e]xtreme withdrawal or aggressiveness, mood swings; [o]verly compliant, too well-mannered; [e]xcessive neatness and cleanliness; [e]xtreme attention-seeking behaviours; [p]oor peer relationships; [s]evere depression, may be suicidal; [r]unaway attempts; [v]iolence is a subject for art or writing; [f]orbidden contact with other children; [s]hows little anxiety towards strangers; or [u]nusual severe anxiety or worries”</p> <p>Source: Government of British Columbia (2017, p. 28)</p>
Manitoba	<p>“Emotional abuse is usually a repeated pattern that includes: repeated exposure to alcohol or drug abuse; repeated verbal attacks, humiliation or rejection; repeated exposure to violence or fighting; forced isolation, restraint or causing fear”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p> <p>“Some behavioural signs of emotional abuse could include but are not limited to: depression; withdrawal or aggressive behavior; overly compliant; too neat and clean; habit disorders (sucking, biting, rocking, etc.); learning disorders; sleep disorders; unusual fearfulness; obsessive compulsive behavior; phobias; harming themselves; extreme behavior; suicide attempts; developmental delays”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p> <p>“Some physical signs of emotional abuse could include but are not limited to: bed-wetting; headaches; nausea; speech disorders; lags in physical development; [and] disruptive behavior”</p> <p>Source: Manitoba Child and Family Services (n.d.: <i>Emotional Abuse</i>)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
New Brunswick	<p>“Emotional maltreatment [r]efers to both emotional abuse and emotional neglect. This might include repeated attacks on a child’s sense of self-worth, insults, isolation, rejection, unrealistic expectations or constant criticism. It might also involve terrorizing a child such as threatening to kill the family pet. The law also considers children at risk of emotional abuse if they live in situations of family violence” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p> <p>“Signs of emotional abuse [include]: child is often alone (at home and around the school); child is passive or acts out aggressively; child has low self-esteem; [and] child is depressed or talks of suicide” Source: Public Legal Education and Information Service of New Brunswick (2007, p. 2)</p>
Newfoundland and Labrador	<p>“the indicators of emotional harm exhibited or demonstrated by a child may include: depression; significant anxiety; significant withdrawal; self-destructive behaviour; aggressive behaviour; or delayed development” Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (2) (a-f)</p> <p>“parental conduct or living situations that may lead to emotional harm or risk of emotional harm to the child may include: rejection; social deprivation; deprivation of affection; deprivation of cognitive stimulation; subjecting the child to inappropriate criticism, threats, humiliation, accusations or expectations; living in a situation where the mental or emotional health of a parent is negatively affecting the child; living in a situation where a parent is an abuser of alcohol or drugs; or living in a situation where there is violence” Source: <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3, s 10 (3) (a-h)</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Northwest Territories	<p>“emotional neglect [refers to] the child's deeper needs for love and affection, a sense of belonging, guidance and stability are not being met” Source: Northwest Territories (2012, p. 7)</p> <p>“emotional abuse [refers to] anything that seriously hurts a child mentally or emotionally. This could include being exposed to constant 'put-downs' and verbal attacks, repeated rejection, or violence in the home” Source: Northwest Territories (2012, p. 7)</p> <p>“(e) the child has demonstrated severe anxiety, depression, withdrawal, self destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e), and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm; (g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition; (h) the child has been subject to a pattern of neglect that has resulted in physical or emotional harm to the child; (i) the child has been subject to a pattern of neglect and there is a substantial risk that the pattern of neglect will result in physical or emotional harm to the child; (j) the child has been exposed to domestic violence by or towards a parent of the child, the child has suffered physical or emotional harm from that exposure and the child's parent fails or refuses to obtain services, treatment or healing processes to remedy or alleviate the harm; (k) the child has been exposed to domestic violence by or towards a parent of the child and there is a substantial risk that the exposure will result in physical or emotional harm to the child and the child's parent fails or refuses to obtain services, treatment or healing processes to prevent the harm;</p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/ Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Northwest Territories	(l) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (m) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm" Source: <i>Child and Family Services Act</i> , SNWT 1997, c.13, s3 and s 3 (e-m)
Nova Scotia	"[E]motional abuse" means acts that seriously interfere with a child's healthy development, emotional functioning and attachment to others such as (i) rejection, (ii) isolation, including depriving the child from normal social interactions, (iii) deprivation of affection or cognitive stimulation, (iv) inappropriate criticism, humiliation or expectations of or threats or accusations toward the child, or (v) any other similar acts;" Source: <i>Children and Family Services Act</i> , 1990 s 3(1) (la) (i-v)
Nunavut	(e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm; (f) there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm; (g) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;"

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Nunavut	<p>(h) the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child; (i) there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child"</p> <p>Source: <i>Child and Family Services Act, SNWT (Nu) 1997, c.13, s 7(3) (e-i)</i></p>
Ontario	<p>"Emotional abuse is a pattern of behaviour that attacks a child's emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on a child beyond his or her capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the child. It may also include exposure to domestic violence."</p> <p>Source: Ontario Association of Children's Aid Societies (n.d.: <i>Physical Abuse</i>)</p>
Prince Edward Island	<p>"(k) the child has suffered emotional harm inflicted by a parent, or by another person, where the parent knew or ought to have known that the other person was emotionally abusing the child and the parent failed to protect the child; (l) the child is at substantial risk of suffering emotional harm caused by a parent, or by another person, where the parent knew or ought to have known, that the other person was emotionally abusing the child and the parent failed to protect the child; (m) the child has suffered physical or emotional harm caused by being exposed to domestic violence by or towards a parent; (n) the child is at substantial risk of suffering physical or emotional harm caused by being exposed to domestic violence by or towards a parent; (o) the child requires specific medical, psychological or psychiatric treatment to cure, prevent or ameliorate the effects of a physical or emotional condition or harm suffered, and the parent does not, or refuses to, obtain treatment or is unavailable or unable to consent to treatment; (p) the child suffers from a mental, emotional or developmental condition that, if not addressed, could seriously harm the child and the parent does not or refuses to obtain treatment or is unavailable or unable to consent to services or treatment to remedy or ameliorate the effects of the condition"</p> <p>Source: <i>Child Protection Act, RSPEI 1988, c C-5.1, s 9 (k-p)</i></p>

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Table 22: Provincial and Territorial Definitions of Emotional Maltreatment or Psychological Abuse

Province/Territory	Definitions of Emotional Maltreatment or Psychological Abuse
Quebec	<p>“[P]sychological ill-treatment” refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child’s parents or another person that could cause harm to the child, and the child’s parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, excessive control, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child’s capacity, and exposure to conjugal or domestic violence;” Source: <i>Youth Protection Act</i>, CQLR c P-34.1, s 38 (2) (c)</p>
Saskatchewan	<p>“(ii) the child has suffered or is likely to suffer a serious impairment of mental or emotional functioning; (v) the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; or (vi) the child has been exposed to interpersonal violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child” Source: <i>The Child and Family Services Act</i>, SS 1989-90, c C-7.2, s 11 (a) (ii, v, vi)</p>
Yukon	<p>“[A] child has been, or is likely to be, emotionally harmed by the conduct of a parent or other person if the parent or other person demonstrates a pattern of behaviour that is detrimental to the child’s emotional or psychological well-being.” Source: <i>Child and Family Services Act</i>, SY 2008, c 1, s 21 (3)</p>

Appendix M: Provincial and Territorial Treatment of Least Disruptive Measures

Table 23 provides a summary of “whether or not [provincial and territorial CFS agencies may offer, should offer, or must consider, or must offer family support services as a least disruptive measure prior to the removal of a child from their family” (Shangreau, 2004, pp. 30-31). Please refer to **Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019** for legislative amendments and/or regulatory changes that came into force from 2006 through 2019 (if applicable).

Table 23: Provincial and Territorial Provisions of Family Support Services as a Least Disruptive Measure

Province/ Territory	“May Offer” Family Support Services	“Should Offer” Family Support Services	“Must Consider” Family Support Services	“Must or Shall Offer” Family Support Services
Alberta	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
British Columbia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Manitoba	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
New Brunswick	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Newfoundland and Labrador	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Northwest Territories	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nova Scotia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nunavut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ontario	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Prince Edward Island	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Quebec	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Saskatchewan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Yukon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Shangreaux (2004, pp. 30-31)

There is lack of consistency across legislation in the specification of the types of family support services that a CFS agency “*may, should, must consider, must or shall offer* as a least disruptive measure” (Shangreaux, 2004, p. 31). Various least disruptive measures and/or family support services that are identified in provincial and territorial CFS legislation include: “family

counseling, guidance and assessment; in-home support, parent aides; child care, respite care; parenting programs; services for improving the family's financial situation; services for improving the family's housing; drug or alcohol treatment and rehabilitation; mediation of disputes; services to assist the family to deal with the illness of a child or a family member; and other services agreed to by the agency and the person who has lawful custody of the child" (Shangreaux, 2004, p. 31).

Table 24: Alberta—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	"The family as the basic unit of society and its well-being should be supported and preserved; further, the family has the right to the least invasion of its privacy and interference with its freedom."
Provision of Services and Family Preservation	"If it is not inconsistent with the protection of a child who may be in need of protective services, the child's family should be referred to community resources for services that would support and preserve the family and prevent the need for any other intervention under this Act...Agencies may enter into support agreement with families to prevent the removal of a child."
Least Disruptive Alternatives and Family Preservation	"If protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family insofar as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family."
Least Disruptive Alternatives and Removal of Child	"A child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security or development of the child."
Note: Categories were developed using four guiding statements developed by Shangreaux's (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.	

Source: Shangreaux (2004, pp. 30-31).

Table 25: British Columbia—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“A family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents.”
Provision of Services and Family Preservation	“Agencies have a responsibility to integrate the planning and delivery of preventative and support services to families and children. “
Least Disruptive Alternatives and Family Preservation	“If a child needs protection, after the assessment, the director may offer support services to the child and family...The plan of care developed by means of a family conference must include the director’s consent and may include provision for services to support and assist the family and to make the family safe for the child.”
Least Disruptive Alternatives and Removal of Child	“At a presentation hearing relating to the removal of a child under section 30, the director must present to the court a written report that includes information about any less disruptive measures considered by the director before removing the child.”

Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.

Source: Shangreaux (2004, pp. 32-33).

Table 26: Manitoba—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	The family is the basic unit of society and its well-being should be supported and preserved. Families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibility of society.
Provision of Services and Family Preservation	Families are entitled to receive preventive and supportive services directed to preserving the family unit...every agency shall: provide family counseling, guidance and other services to families for the prevention of circumstances requiring the placement of children in protective care or in treatment programs.
Least Disruptive Alternatives and Family Preservation	Child protective services must consider the child's best interests, including the child's sense of continuity and need for permanency with the least possible disruption.
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreux's (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive measures approach to intervention and child protection services.	

Source: Shangreux (2004, p. 33).

Table 27: New Brunswick—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Whereas it is recognized that the basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom.”
Provision of Services and Family Preservation	“The Minister may enter into an agreement with the parent of the child that specifies what is and what is not to be done to ensure that the security or development of the child is adequately protected.”
Least Disruptive Alternatives and Family Preservation	“Where the Minister places a child under protective care he shall make adequate provision for his care, and he may leave the child in his own home and may provide social services when the provision of social services is adequate to ensure his proper care...Legislation also allows for orders of supervision.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, p. 33).

Table 28: Newfoundland and Labrador—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The family is the basic unit of society, health and wellbeing of the child; services shall be provided using the least intrusive means of intervention.”
Provision of Services and Family Preservation	“Prevention activities are integral to the promotion of the safety, health and well-being of a child; families shall be provided, to the extent possible, with services which support the safety, health and well-being of their children.”
Least Disruptive Alternatives and Family Preservation	“Where a child is in need of protective intervention; the director or social worker must take into consideration whether or not the child’s safety could be assured without removing the child with the provision of protective intervention services. “
Least Disruptive Alternatives and Removal of Child	“Prior to the removal of a child, the director or social worker must believe that a less intrusive course of action is not available.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 30-31).

Table 29: Northwest Territories and Nunavut—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Whereas the family is the basic unit of society and its well-being should be supported and promoted.”
Provision of Services and Family Preservation	“Children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family. The Director may enter into a written agreement ... to support and assist that person’s family to care for the child.”
Least Disruptive Alternatives and Family Preservation	“The application of best interests guidelines include the consideration of: the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent. A plan of care for a child may include provision for support services to make the child’s home safe for the child.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 30-31).

Table 30: Nova Scotia—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The family exists as the basic unit of society, and its well-being is inseparable from the common well-being. The basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom that is compatible with their own interests and of society’s interest in protecting children from abuse and neglect...and whereas parents or guardians have responsibility for the care and supervision of their children and children should only be removed from that supervision, either partly or entirely, when all other measures are inappropriate. “
Provision of Services and Family Preservation	“Among other functions, an agency is to: (a) work with other community and social services to prevent, alleviate and remedy the personal, social and economic conditions that might place children and families at risk; (b) provide guidance, counselling and other services to families for the prevention of circumstances that might require intervention by an agency; and (c) develop and provide services to families to promote the integrity of families, before and after intervention pursuant to this Act.”
Least Disruptive Alternatives and Family Preservation	“The Minister and the agency shall take reasonable measures to provide services to families and children that promote the integrity of the family...using the least intrusive means of intervention and, in particular, to enable a child to remain with the child’s parent or guardian or be returned to the care of the child’s parent or guardian.”
Least Disruptive Alternatives and Removal of Child	“An agency shall not enter into a temporary-care agreement unless the agency...is satisfied that no less restrictive course of action, such as care in the child’s own home, is appropriate for the child in the circumstances...The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family...[have failed, are refused or are inadequate to protect the child].”

Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive

Source: Shangreaux (2004, pp. 34-35).

Table 31: Ontario—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“To recognize that while parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent...To recognize that the least disruptive course of action that is available and is appropriate in a particular case to help a child should be considered.”
Provision of Services and Family Preservation	“The functions of a children’s aid society include a duty to provide guidance, counseling and other services to families for protecting children or the prevention of circumstances requiring the protection of children. “
Least Disruptive Alternatives and Family Preservation	“A society shall not make a temporary care agreement unless the society is satisfied that no less disruptive course of action, such as care in the child’s own home, is appropriate for the child in the circumstances.”
Least Disruptive Alternatives and Removal of Child	“Least disruptive alternatives preferred: The court shall not make an order removing the child from care of the person who had charge of him or her immediately before intervention under this Part unless the court is satisfied that alternatives that are less disruptive to the child, including non-residential services and the assistance referred to in subsection (2), would be inadequate to protect the child.”
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 35-36).

Table 32: Prince Edward Island—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“Parents have the right and responsibility for the care and supervision of their children, and children should only be removed from that care and supervision when other measures have failed or are inappropriate. The rights of children, families and individuals are guaranteed by the rule of law, intervention into the affairs of individuals and families should be governed by law so as to protect those rights and preserve the autonomy and integrity of the family wherever possible.”
Provision of Services and Family Preservation	“Where the Director concludes, after an investigation, that a child is in need of protection, the Director may offer child welfare services to the parent.”
Least Disruptive Alternatives and Family Preservation	“The Director may apprehend a child, where there are reasonable grounds to believe that...a less intrusive course of action will not adequately protect the health or safety of the child. “
Least Disruptive Alternatives and Removal of Child	“The Court requires that the Director provide evidence that...a less intrusive course of action will not adequately protect the health or safety of the child.”
Note: Categories one through four were developed using four guiding statements developed by Shangreux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreux (2004, pp. 30-31).

Table 33: Quebec—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The primary responsibility for the care, maintenance and education of a child and for ensuring his supervision rests with his parents...every decision made under this Act must contemplate the child’s remaining with his family. “
Provision of Services and Family Preservation	“The director may propose as voluntary measures that may be included in an agreement (a) that the child remain with his family and that the child’s parents report periodically to the director on the measures they apply in their own regard or in their child’s regard to put an end to the situation in which the security or development of the child is in danger; (b) that the child and the child’s parents undertake to take an active part in the application of the measures designed to put an end to the situation in which the security or development of the child is in danger; (f) that a person working for an institution or body provide aid, counseling or assistance to the child and the child’s family. “
Least Disruptive Alternatives and Family Preservation	“The director shall periodically review the case of every child whose situation he has taken in charge. He shall, where applicable, satisfy himself that every measure designed to ensure the child’s return to his parents is taken, if such a return is in his interest, or ensure that the child has living conditions appropriate to his needs and his age.”
Least Disruptive Alternatives and Removal of Child	N/A
Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive	

Source: Shangreaux (2004, pp. 36-37).

Table 34: Saskatchewan—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

Category	Description
Family	“The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner.”
Provision of Services and Family Preservation	“The Minister may provide family services to, or for, the benefit of a parent or a child where the minister considers them essential to enable the parent to care for the child; a director may enter into an agreement with the parent for the provision of family services. “
Least Disruptive Alternatives and Family Preservation	“Where, on investigation, an officer concludes that a child is in need of protection, the officer shall take all reasonable steps that he or she considers necessary to provide for the safety of the child, including, the offer of family services where practicable.”
Least Disruptive Alternatives and Removal of Child	N/A

Note: Categories were developed using four guiding statements developed by Shangreaux’s (2004, pp. 30-31) analysis of provincial and legislative provisions regarding a least disruptive

Source: Shangreaux (2004, pp. 30-31).

Table 35: Yukon—Requirements for a Least Disruptive Measures Approach to Intervention and Child Protection Services

It is the policy of the Minister and the director to supply services as far as is reasonably practicable to promote family units and to diminish the need to take children into care or to keep them in care.

Source: Shangreaux (2004, pp. 30-31).

Appendix N: Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Please note that the following is not an exhaustive list of amendments and non-legislative changes to provincial and territorial child welfare legislation and regulatory provisions for the period from 2006 through 2019. Individuals are advised to consult the respective provincial and territorial statutes and regulatory provisions for a complete and up to date list of amendments and non-legislative changes affecting the provision of child welfare services.

Table 36: Alberta—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description of Amendment/Regulatory Change
2018	<ul style="list-style-type: none"> • added “First Nation Individual” which means an Indian as defined in the <i>Indian Act</i> (Canada)” • added “Indigenous [which] includes First Nations, Metis and Inuit” • “domestic violence” substituted with “family violence” Source: <i>Child, Youth and Family Enhancement Act</i> , RSA 2000, c C-12, s 1(1.1) (m)
2013-2018	<ul style="list-style-type: none"> • “[amendments to]provisions regarding the rights of previous caregivers who seek to become guardians of a child • changes to the quality assurance provisions of the <i>Act</i> • [amendments to]provisions permitting children of any age to appeal court decisions made under the <i>Act</i> (previously, only children over the age of 12 had a right of appeal) • changes to the appeals panel hearing appeals of decisions of directors • [amendments to] provisions regarding publication bans where a child is deceased • removal of the requirement of “willfulness” in the offence of causing a child to be in need of protection” Source: Public Health Agency of Canada (2019, p. 4)

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Table 36: Alberta—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description of Amendment/Regulatory Change
2013-2018	<ul style="list-style-type: none"> • Implementation of the Child Intervention Practice Framework • “The Framework outlines principle-based practice for child intervention. Practice Strategies supporting this Framework were implemented in 2014. These strategies guide decision-making for caseworkers from initial contact with the family, and support the “slowing down” of the Intake and Investigation to better service the needs of families. The Strategies require caseworkers to focus on kinship as priority to reduce trauma, loss and grief for the child, to involve extended family and cultural connections early in the process to build sustainable safety plans, and to ensure children in care maintain connections to family, community and culture” <p>Source: Public Health Agency of Canada (2019, p. 8)</p> <ul style="list-style-type: none"> • Adoption of Collaborative Service Delivery • “This province-wide initiative focuses on improved assessment, collaboration, and engagement with service providers and families, with a focus on prioritizing improved outcomes for at-risk children, youth and families. It supports the implementation of the Casework Practice Model and compliments the core principles of Signs of Safety.” <p>Source: Public Health Agency of Canada (2019, p. 8)</p>
2006	<ul style="list-style-type: none"> • Drug Endangered Children Act, 2006: “[S]tates that children under 18 who are exposed to drug manufacture and trafficking are victims of abuse and require protection.” <p>Source: Gough (2006, p. 2)</p>

Table 37: British Columbia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “[A]mendments to p]rovisions allowing the director to make an agreement with prospective adoptive parents to care for a child; • [amendments to p]rovisions permitting agreements for services to children over 19 years of age • [c]hanges to the grounds for protection to include emotional harm caused by living in a situation where there is domestic violence, and to clarify that the presence of domestic violence increases the risk of physical harm to a child • [ch]anges to the possible responses to a report that a child needs protection, in order to allow for services to be provided without a determination that the child is in need of protection • [c]hanges to the provisions regarding restraining orders • [c]hanges to allow for children to be placed in the permanent custody of someone other than their parent” <p>Source: Public Health Agency of Canada (2019, p. 4)</p>
2018	<ul style="list-style-type: none"> • Child, Family, and Community Service Amendment Act, 2018 <ul style="list-style-type: none"> • Consists of a number of amendments designed to “reduce the over-representation of Indigenous children in the child-welfare system by increasing the involvement of Indigenous communities in child welfare decisions.” • Includes changes to the definitions, principles and rights section of the <i>Act</i> [which] clarify and recognize: the shared responsibility of Indigenous families and Indigenous communities in caring for their children (Guiding principles, Section 2); the impact of residential schools (Service delivery principles, Section 3); and the definition of the “best interest of a child test” to include the importance of a child belonging to, learning about and practicing their Indigenous traditions, customs and language.” <p>Source: Federation of Community Social Services of British Columbia. (2018, n.p)</p>

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Table 37: British Columbia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2015	<p>“In May 2015, the province imposed a moratorium on the use of hair-strand drug and alcohol testing in child protection cases, following the discovery of concerns regarding the reliability of testing conducted at the Motherisk Lab at the Hospital for Sick Children in Toronto.”</p> <p>Source: Public Health Agency of Canada (2019, p. 8)</p>
2006	<ul style="list-style-type: none"> • Representative For Children And Youth Act, 2006 <ul style="list-style-type: none"> • “The <i>RCY Act</i> was enacted to improve services for children, youth and families receiving services in three areas...found to be deficient following the 2001-2002 core services review: advocacy for children and youth; the monitoring of government’s performance in protecting and providing services; for children and youth; and the system for reviewing child deaths, including how these reviews are addressed within the [Ministry of Child and Family Services].” <p>Source: British Columbia. Representative for Children and Youth. (n.d, <i>Backgrounder</i>).</p>

Table 38: Manitoba—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2019	<ul style="list-style-type: none"> • Announce in 2017, the Government of Manitoba is in the process of reviewing the province’s system child welfare. Four key areas of reform are: <ul style="list-style-type: none"> • [the development of] a community-based prevention model through the implementation of four demonstration sites; • [the creation of] opportunities for lifelong connections for children by introducing innovative and evidence-based reunification and permanence strategies (including customary care and subsidized adoption); • [the implementation of] block funding pilots to provide child and family services agencies to have much more flexibility in using funds to support families and prevent children from coming into care; and • a comprehensive review of Manitoba’s legislative framework including the <i>Child and Family Services Act</i> and the <i>Child and Family Services Authorities Act</i>. <p>Source: Public Health Agency of Canada (2019, p. 50)</p>
2013-2018	<p>No significant amendments to either statute during this period Source: Public Health Agency of Canada (2019, p. 4)</p>

Table 39: New Brunswick—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2016-2018	<p>“[A number of amendments] relating to the release of confidential information, particularly concerning adoptions” Source: Public Health Agency of Canada (2019, p. 5)</p>
2016	<p>“In March 2016, New Brunswick ended the use of hair-strand tests for drug and alcohol in child protection cases. The province cited concerns about the overall reliability of such tests, following the discovery of serious problems with the testing performed by the Motherisk Lab at the Hospital for Sick Children in Toronto.” Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 40: Newfoundland and Labrador—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2019	<p>On June 28, 2019 the <i>Children, Youth and Families Act</i>, SNL2018 Chapter C-12.3 came into force.</p> <ul style="list-style-type: none"> • “The new <i>Children, Youth and Families Act</i> which replaces the <i>Children and Youth Care and Protection Act</i>, is child and youth-centred, family-focused and culturally responsive. The new <i>Act</i> enhances the focus on maintaining children and youth within families where it is safe to do so and expands opportunities to create permanency for children and youth who are declared in need of protective intervention.” • “[The <i>Act</i>] contains significant updates aimed at strengthening service delivery to Indigenous children, youth and their families by recognizing the importance of preserving an Indigenous child or youth’s cultural identity, and providing for the involvement of Indigenous governments and organizations in decisions that will keep children safe, and where possible, at home with their families and culture.” • “[E]xpands the identification and support of youth in need of protection by increasing the scope of the duty to report to include youth aged 16-17, and removing restrictions so that all youth under a voluntary Youth Services Agreement can receive services until their 21st birthday.” <p>Source: Newfoundland and Labrador. Ministry of Children, Seniors and Social Development. (2019, n.p)</p>
2013	<p>“In 2013, the province implemented a mandatory decision-making framework for child protection, the Risk Management Decision Making Model. In 2016, a plan was put in place to transition from the Risk Management Decision Making Model to the Structured Decision Making Model, which was adapted for use in Newfoundland and Labrador.”</p> <p>Source: Public Health Agency of Canada (2019, p. 13)</p>

Table 41: Northwest Territories—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2016-2017	<p>“The province implemented the Structured Decision-Making System for Child Protection, which was adapted to serve the people and context of the NWT. Four of the six SDM tools were implemented between January 2016 and March 2017.”</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>
2016	<ul style="list-style-type: none"> • Revisions which came into force in 2016 included: <ul style="list-style-type: none"> • “[a] new definition of youth and protections and services available to youth; • [a] new provision requiring the Director to notify a child and the child’s parents of the right to be represented by legal counsel; • [a] new provision providing for mediation and other alternative dispute mechanisms; • [t]he extension of services to age 23 for permanent custody youth to support independent living; • [a]mended criteria for determining when a child or youth needs protection as it relates to domestic violence and prostitution; • [a] new provision requiring notification of Aboriginal organizations of orders relating to Aboriginal children, and permitting the organizations’ participation in hearings; • [t]ime limits for temporary custody, depending on the child’s age; [and a] • new provision requiring a review of the Child and Family Services Act every five years.” <p>Source: Public Health Agency of Canada (2019, p. 5)</p> <ul style="list-style-type: none"> • “Amendments in 2016 provided that exposure to domestic violence no longer has to be “repeated”; prostitution and prostitution-related acts are now set out in the grounds for intervention.” <p>Source: Public Health Agency of Canada (2019, p. 20)</p>
2014	<p>“The Building Stronger Families Action Plan was implemented by the Department of Health and Social Services in 2014 to improve and enhance the child and family services system in the NWT. This Action Plan has led to the establishment of a new accountability framework, manual revisions, and information system replacement. The 2016 changes to the legislation were also part of this Action Plan.”</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 42: Nova Scotia—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “The grounds of intervention have expanded in the last five years. Some of the specificity of the subsections was changed to allow a broader interpretation of the statute. For example, the previous subsection on domestic violence was revised to remove the requirements that the abuse be repeated, that it have occurred in the home, and that there be demonstrated harm as a result. “ <p>Source: Public Health Agency of Canada (2019, p. 22)</p>
2017	<ul style="list-style-type: none"> • “[Amendments that came into effect in 2017] include: <ul style="list-style-type: none"> • [e]xpansion of the definition of a child in need of protective services, to allow services to be provided in more cases; • [p]rovisions to encourage permanency for children in care; • [p]rovisions to allow voluntary services to be provided to children between 16 and 18 years old; • [p]rovisions defining the duty to report; • [p]rovisions allowing social workers to interview a child without parental consent; and • [p]rovisions emphasizing the importance of a child’s culture.” <p>Source: Public Health Agency of Canada (2019, p. 6)</p>
2016	<p>“In May 2016, Nova Scotia suspended use of hair-strand drug and alcohol tests in child protection cases. This came in response to the discovery of serious flaws in hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children. Nova Scotia hair samples had been tested at labs in Toronto, including the Motherisk Lab, prior to the suspension of testing by the government. “</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 43: Nunavut—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “[S]ubstantive revisions to the Act [which] came into force in 2014...include: <ul style="list-style-type: none"> • [n]ew provisions which require the Act to be administered and interpreted so as to reflect specific Inuit societal values; • [n]ew provisions setting limits for the amount of time in which children can be in temporary care; • [a]mendments extending the age at which a youth can no longer receive voluntary services from 18 to 26; • [a] prohibition on maliciously making a false report claiming a child needs or may need protection; • [t]he addition of new grounds for a finding that a child is in need of protection: exposure to or involvement in child pornography, repeated exposure to family violence, and significant contact with a person who possesses child pornography; • [a] requirement that the Director respond within 60 days to recommendations of coroner’s inquests following deaths of children in care; and • a requirement that the Minister table the Director’s annual report before the Legislative Assembly.” <p>Source: Public Health Agency of Canada (2019, p. 6)</p> <ul style="list-style-type: none"> • “New grounds of intervention were added: exposure to or involvement in child pornography; repeated exposure to family violence; and significant contact with a person who possesses child pornography. “ <p>Source: Public Health Agency of Canada (2019, p. 22)</p>

Table 44: Ontario—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2018	<ul style="list-style-type: none"> • A number of changes came into force in 2018, impacting four key areas: “prevention and protection, quality improvement, governance and accountability, and relationships with First Nations, Inuit and Métis peoples.” Source: Ontario Ministry of Children, Community and Social Services (n.d.: <i>Legislation</i>) • Revisions included: <ul style="list-style-type: none"> • “[a] new Preamble, new purposes of the legislation, and changes to the best interests test; • [r]ecognition of Jordan’s Principle and the UN Declaration on the Rights of Indigenous Peoples; • [p]rovisions requiring agencies to pursue plans for customary care for First Nations, Inuk or Métis children; • [r]aising the age of protection from 16 to 18; • [p]rovisions permitting the apprehension and return of children subject to interprovincial child protection proceedings; • [i]mproved oversight of service providers; [and u]pdated language, including “extended society care” in place of “Crown wardship <p>Source: Public Health Agency of Canada (2019, p. 6)</p> <ul style="list-style-type: none"> • “The new legislation removed “abandonment” as a ground for intervention, and added the ground for children aged 16 and 17 (“the child is 16 or 17 and a prescribed circumstance or condition exists”). Source: Public Health Agency of Canada (2019, p. 6) • “Part X is a new section of the <i>Child, Youth and Family Services Act</i>. It sets out a legislative privacy framework for Ontario’s child and youth sector. Once it comes into effect on January 1, 2020, it will establish new rules for the collection, use, and disclosure of, and access to, personal information held by ministry-funded and licensed service providers.” Source: Ontario Ministry of Children, Community and Social Services (n.d., <i>Part X: Personal Information</i>)
2016	<p>“In 2016, Ontario implemented new Child Protection Standards governing the work of child protection workers. It also revised the province’s Eligibility Spectrum, which is designed to assist children’s aid society staff in making consistent and accurate decisions about eligibility for service at the time of referral.” Source: Source: Public Health Agency of Canada (2019, p. 9)</p>

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Table 44: Ontario—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2015	<p>“In April 2015, the Ontario government issued a policy directive to all children’s aid societies, requiring them to cease using or relying on hair-strand drug and alcohol testing in child protection services. This was in response to the discovery of serious problems with the reliability of hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children.”</p> <p>Source: Public Health Agency of Canada (2019, p. 9)</p>

Table 45: Prince Edward Island—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2017	<ul style="list-style-type: none"> “In 2017, the Act was amended to allow a court to admit certain forms of hearsay, including hearsay evidence of the child who is the subject of the hearing.” Source: Public Health Agency of Canada (2019, p. 7)
2016	<ul style="list-style-type: none"> “In 2016, the province implanted a “HUB” model for dealing with high-risk cases. Representatives from key government and community groups that work with families in crisis come together at what is called a “situation table”. Cases involving multiple risk factors cutting across disciplines and departments are brought to this situation table to determine the required level of risk response. The group connects the individuals and families to services and coordinated collaborative interventions. This model is intended to prevent apprehensions or calls to police through information-sharing and collaborative responses.” Source: Public Health Agency of Canada (2019, p. 10)
2016	<p>“In November 2016, the advisory committee made sixty-six recommendations based on what Islanders had to say about protecting children in PEI that fall into the two broad categories: service delivery and public policy. The government stated that it will act on the recommendations beginning with six priority areas to improve accountability and further enhance front-line service delivery. They identified six priority areas: 1) Strengthen the voices of children. 2) Increase supports for grandparents as primary caregivers. 3) Improve data collection, analysis and reporting processes related to outcomes for children. 4) Address legislative changes required to better protect the interest of the child. 5) Implement an evidence-based decision-making model to support the delivery of consistent and thorough child protection services. 6) Develop a social policy framework for better accountability and integrated collaboration.”</p> Sources: Public Health Agency of Canada (2019, p. 52); Prince Edward Island Family and Human Services (2016, n.p.)
2015	<p>“In November 2015, the Minister of Family and Human Services appointed an advisory committee to carry out a review of the Child Protection Act.”</p> Source: Public Health Agency of Canada (2019, p. 52)

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Table 45: Prince Edward Island—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013	<ul style="list-style-type: none"> <li data-bbox="513 380 1516 520">• “In 2013, the Act was amended to permit the Director of Child Protection to disclose information required for an investigation or inquest under the Coroner’s Act.” Source: Public Health Agency of Canada (2019, p. 7) <li data-bbox="513 569 1516 894">• “In December 2013, a formalized protocol was developed between the province’s Child Protective Services and the Mi’kmaq Confederacy of PEI. This protocol provides clarity on roles, responsibilities and procedures in the delivery of child protection services involving PEI First Nation children and families. The goal of the protocol is to ensure child protection services are provided to PEI First Nation children and families in a manner that preserves and promotes the Aboriginal cultural identity of children and families.” Source: Public Health Agency of Canada (2019, p. 10)

Table 46: Quebec—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “The definition of “psychological ill-treatment” was amended to include situations in which a child is subjected to “excessive control.” Source: Public Health Agency of Canada (2019, p. 23)
2017	<ul style="list-style-type: none"> • “Amendments that came into force in 2017 include: <ul style="list-style-type: none"> • [t]he inclusion of cultural identity as a best interests factor; • [r]equirements that placements for Indigenous children attempt to preserve their cultural identity; and • [p]rovisions requiring child protection services to inform Indigenous communities when a child is removed, and to seek the communities’ cooperation.” Source: Public Health Agency of Canada (2019, p. 7)

Table 47: Saskatchewan—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<ul style="list-style-type: none"> • “An explicit reference to sexual exploitation was added, and “domestic violence” was changed to “interpersonal violence”. Source: Public Health Agency of Canada (2019, p. 24)
2017	<ul style="list-style-type: none"> • Amendments to the <i>Act</i> in 2017 included: <ul style="list-style-type: none"> • “[p]rovisions establishing the criteria for the disclosure of personal information;[and] • provisions clarifying the requirements for agreements delegating the Minister’s powers to provide child protection services to Aboriginal bands and organizations.” Source: Public Health Agency of Canada (2019, p. 7)
2014	<p>“In 2014, changes were made to the Saskatchewan Child Abuse Protocol in order to enhance the province’s coordinated and integrated approach to child abuse investigations, while clarifying responsibilities for protecting children. The duty to report suspected child abuse was clarified, and the protocol was shortened and made more user-friendly.”</p> Source: Public Health Agency of Canada (2019, p. 10)
2013	<p>“Effective October 2013, the Ministry began a pilot for a Flexible Response program. The model allows for different responses to reports of child abuse and neglect depending on the level of urgency and severity. The pilot is being expanded to the south service area before it is rolled out province-wide.”</p> Source: Public Health Agency of Canada (2019, p. 10)
2012	<p>“The new Structured Decision Making (SDM) Model was implemented across the province and in two First Nation child and family services agencies in June 2012. “</p> Source: Public Health Agency of Canada (2019, p. 10)
2011	<p>“The first HUB program in Canada, where child welfare agencies work with other social service agencies and police to identify and intervene with families at risk, was started in Prince Albert in 2011. This model has expanded throughout Saskatchewan since [2011].”</p> Source: Public Health Agency of Canada (2019, p. 10)

Table 48: Yukon—Key Legislative Amendments and Non-Legislative Changes to the Provision of Child Welfare Services, 2006-2019

Date	Description
2013-2018	<p>“Non-legislative changes in recent years include increased use of family group conferencing; Integrated Supports for Yukon Youth, a pilot project providing one-stop after-hours access to a variety of government services, including child protective services; and expansion of Family Support Services and preventative programming.”</p> <p>Source: Public Health Agency of Canada (2019, p. 11)</p>
2008	<p>“There have been no significant [legislate] amendments since [the Act] came into force.”</p> <p>Source: Public Health Agency of Canada (2019, p. 7)</p>

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This is **Exhibit "C"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915



Government
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Agreements-in-Principle reached on compensation and long-term reform of First Nations child and family services and Jordan's Principle

From: [Indigenous Services Canada](#)

News release

January 4, 2022 — Ottawa, Traditional Algonquin Territory, Ontario —
Indigenous Services Canada

The Government of Canada is pleased to announce that Agreements-in-Principle have been reached on a global resolution related to compensation for those harmed by discriminatory underfunding of First Nations child and family services and to achieve long-term reform of the First Nations Child and Family Services program and Jordan's Principle, to ensure that no child faces discrimination again.

This is a result of discussions between Canada, the Assembly of First Nations, the First Nations Child and Family Caring Society, the Chiefs of Ontario, the Nishnawbe Aski Nation, and counsel for the Moushoom and Trout class actions.

We begin by acknowledging the generations of First Nations who have advocated so strongly for their children including Residential School Survivors, Sixties Scoop Survivors and children, young people and families whose lives

are touched by this case. Their strength and the advocacy of First Nations leaders and service providers have made this step toward change possible. No amount of money can reconnect First Nations children and youth with their cultures nor reverse the suffering experienced by First Nations children, youth, their families and communities. We recognize the harms experienced by the children, youth and families who continue to suffer because of Canada's discrimination related to the First Nations Child and Family Services program and Jordan's Principle found by the Canadian Human Rights Tribunal (CHRT).

We would also like to extend our gratitude and appreciation to the Honourable Murray Sinclair and his team, who assisted all Parties in reaching this significant milestone by chairing the discussions. We thank him for his time, energy, and dedication over these past weeks.

This has been a challenging time. The unmarked graves of children who attended Residential Schools, climate change emergencies and the pandemic have deepened the disadvantages that many First Nations families and communities face.

Reforming the First Nations Child and Family Services program to provide culturally-based and substantially equal family supports is especially urgent given these additional pressures on families. It is imperative that First Nations leadership, Elders, and service providers have the supports they need for their critical work.

These Agreements-in-Principle provide a basis for final settlement agreements to be negotiated over the coming months. Once the final settlement agreements are reached and the necessary CHRT and Federal Court orders are made, children and families harmed by discriminatory underfunding will be compensated and measures will be implemented to better meet the needs of children, youth and families and to prevent this type of discrimination from recurring. This will chart a path for long-term reform of the First Nations Child

and Family Services program and Jordan's Principle, reducing the number of First Nations children in care, keeping children connected to their families, communities and cultures and ensuring that First Nations children have access to the services they need, when they need them.

The Agreements-in-Principle include:

- \$20 billion in compensation for First Nations children on-reserve and in the Yukon, who were removed from their homes between April 1, 1991 and March 31, 2022, and for their parents and caregivers. This also includes compensation for those impacted by the government's narrow definition of Jordan's Principle between December 12, 2007 and November 2, 2017, as well as for children who did not receive or were delayed receiving an essential public service or product between April 1, 1991 and December 11, 2007. Our shared goal is to achieve a settlement that can be delivered to families as soon as possible.
- Approximately \$20 billion, over five years, for long-term reform of the First Nations Child and Family Services program to ensure that the discrimination found by the CHRT never repeats itself. This includes funding to support young First Nations adults aging out of the child welfare system and prevention services to build on the multi-generational cultural strengths to help children and families in staying together that will be implemented as early as April 2022. There is also new funding for on-reserve housing to support these prevention initiatives.

This important work respects the diversity of First Nations and takes into consideration regional realities, such as remoteness. It is also important to note the integral role that provinces and territories fulfill in improving First Nations child and family services through tripartite tables, technical working groups and regional advisory committees.

The Parties will continue to work together to reach final settlement agreements on both compensation and long-term reform of the First Nations Child and Family Services program. These agreements would support future work on reforms of Jordan's Principle and other initiatives by Indigenous Services Canada. This process will unfold over the course of 2022, and more information will be forthcoming.

Quotes

"For too long, the Government of Canada did not adequately fund or support the wellness of First Nations families and children. First Nations leadership and advocates have long pushed the Federal Government to change these discriminatory practices. First Nations children thrive when they can stay with their families, in their communities, surrounded by their culture. No compensation amount can make up for the trauma people have experienced, but these Agreements-in-Principle acknowledge to survivors and their families the harm and pain caused by the discrimination in funding and services. The Agreements-in-Principle outline how equitable care will be funded and provided, and support First Nations-led solutions for family wellness. I thank the many partners and people that have worked to forge this fairer path that will result in a stronger and healthier country for everyone."

The Honourable Patty Hajdu
Minister of Indigenous Services

"From the beginning, we committed to compensating those harmed by Canada's discriminatory funding practices, as well as to investing the necessary resources to help keep First Nations children with their families and communities. This global resolution allows us to do both. We are aware that reaching this milestone has been a long time coming for families who were torn apart, and we know that our work is not done. We will continue working with the Parties so that future generations of First Nations children will never face the same injustices - and can thrive, surrounded by their loved ones, languages and cultures."

The Honourable Marc Miller
Minister of Crown-Indigenous Relations

Contacts

For more information, media may contact:

Andrew MacKendrick
Office of the Honourable Patty Hajdu
Minister of Indigenous Services
andrew.mackendrick2@sac-isc.gc.ca

Media Relations
Indigenous Services Canada
819-953-1160
SAC.media.ISC@canada.ca

Renelle Arsenault
Director of Communications
Office of the Honourable Marc Miller

Minister of Crown-Indigenous Relations

renelle.arsenault@sac-isc.gc.ca

Media Relations

Crown-Indigenous Relations and Northern Affairs Canada

819-934-2302

RCAANC.media.CIRNAC@canada.ca

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Date modified:

2022-01-05

This is **Exhibit "D"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915

**First Nations Child and Family Services,
Jordan's Principle, Trout Class Settlement
Agreement**

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SCHEDULES

Schedule A: Consolidated Action Certification Order

Schedule B: Trout Action Certification Order

Schedule C: Framework for Supports for Claimants in Compensation Process

Schedule D: Provincial and Territorial Ages of Majority

Schedule E: Summary Chart of Jordan’s Principle / Trout Approach

Schedule F: Examples Chart of Removed Child Family Class Approach

Schedule G: Investment Committee Guiding Principles

SETTLEMENT AGREEMENT

THIS AGREEMENT is dated effective as of March 31, 2022 (“**Effective Date**”).

BETWEEN:

XAVIER MOUSHOOM, JEREMY MEAWASIGE by his Litigation Guardian, Jonavon Joseph Meawasige, and **JONAVON JOSEPH MEAWASIGE**

(together, the “**Moushoom Plaintiffs**”)

AND:

ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON by his Litigation Guardian, Carolyn Buffalo, **CAROLYN BUFFALO**, and **DICK EUGENE JACKSON** also known as **RICHARD JACKSON**

(together, the “**AFN Plaintiffs**”)

AND:

ASSEMBLY OF FIRST NATIONS and **ZACHEUS JOSEPH TROUT**

(together, the “**Trout Plaintiffs**”)

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

(“**Canada**”)

(collectively, “**Parties**”)

WHEREAS:

- A. On March 4, 2019, the Moushoom Plaintiffs commenced a proposed class action in the Federal Court under Court File Number T-402-19 (the “**Moushoom Action**”), seeking compensation for discrimination dating back to April 1, 1991.
- B. On January 28, 2020, the AFN Action Plaintiffs also filed a proposed class action in the Federal Court under Court File Number T-141-20 (the “**AFN Action**”) regarding similar allegations dating back to April 1, 1991.
- C. On July 7, 2021, the Honourable Justice St-Louis ordered that the Moushoom Action and the AFN Action be consolidated with certain modifications (the “**Consolidated Action**”).
- D. The parties to the Consolidated Action engaged in mediation in accordance with the Federal Court Guidelines for Aboriginal Law Proceedings (dated April 2016) to resolve all or some of the outstanding issues in the Consolidated Action. The Honourable Leonard Mandamin acted as mediator from November 1, 2020 to November 10, 2021.

- E. On July 16, 2021, the Trout Plaintiffs filed a proposed class action in the Federal Court under Court File Number T-1120-21 (the “**Trout Action**”) regarding the Crown’s discriminatory provision of services and products between April 1, 1991 and December 11, 2007.
- F. On September 29, 2021, in reasons indexed at 2021 FC 969, Justice Favel of the Federal Court of Canada upheld the Canadian Human Rights Tribunal (the “**Tribunal**”) decision made in Tribunal File: T1340/7008 (the “**CHRT Proceeding**”) indexed at 2019 CHRT 39 (the “**Compensation Order**”) in which the Tribunal awarded compensation to Children and their caregiving parents or caregiving grandparents impacted by Canada’s systemic discrimination in the underfunding of child and family services on reserve and in the Yukon, and its narrow interpretation of Jordan’s Principle.
- G. On or about November 1, 2021, the parties entered into negotiations outside of the Federal Court mediation process.
- H. The parties, by agreement, appointed the Honourable Murray Sinclair to act as chair of the negotiations.
- I. The parties worked collaboratively to determine the class sizes of the Consolidated Action and the Trout Action.
- J. The parties separately engaged experts (“**Experts**”) to prepare a joint report on the estimated size of the Removed Child Class, as defined herein, on which the parties would rely for settlement discussions (the “**Joint Report**”).
- K. The Experts relied on data provided by Indigenous Services Canada (“**ISC**”) in preparing the Joint Report. ISC communicated to the experts and plaintiffs counsel that the data often came from third-party sources and was in some cases incomplete and inaccurate. The Joint Report referred to and took into account these factors.
- L. The Experts estimated that there were 106,200 Removed Child Class Members from 1991 to March 2019. The Experts advised that this class size must be adjusted to 115,000 to cover the period from March 2019 to March 2022 (the “**Estimated Removed Child Class Size**”). The Estimated Removed Child Class Size was determined based on the data received from ISC and modelling taking into account gaps in the data.
- M. Canada provided to the plaintiffs estimates of the Jordan’s Principle Class Size, which were between 58,385 and 69,728 for the period from December 12, 2007 to November 2, 2017 (the “**Jordan’s Principle Class Size Estimates**”). The Parties understand that the Jordan’s Principle Class Size Estimates were based on a single 2019-2020 quarter.
- N. Based on the Jordan’s Principle Class Size Estimates, the plaintiffs estimated the size of the Trout Class, as defined below, to be approximately 104,000.

- O. Based on the Parliamentary Budget Officer Report, *Compensation For The Delay and Denial of Services to First Nations Children*, dated February 23, 2021, there are 1.5 primary caregivers per First Nations child.
- P. On November 26, 2021, the Federal Court granted certification of the Consolidated Action on consent of the parties.
- Q. On February 11, 2022, the Federal Court granted certification of the Trout Action on consent of the parties.
- R. The Moushoom Plaintiffs, the AFN Plaintiffs and the Trout Plaintiffs (collectively, the “**Representative Plaintiffs**”) and Canada concluded an agreement in principle (“**AIP**”) on December 31, 2021 which set out the principal terms of their agreement to settle the Consolidated Action and the Trout Action (collectively, the “**Actions**”) and which forms the basis of this Agreement.
- S. On March 24, 2022, the Tribunal established March 31, 2022, as the end date for compensation to individuals included in the Removed Child Class and the Family of Removed Child Class.
- T. In drafting this Agreement, the Parties:
- i) Intend a fair, comprehensive and lasting settlement of all claims raised or capable of being raised in the consolidated action, the Trout action and the CHRT proceeding including that:
 - (a) Canada knowingly underfunded child and family services for First Nations Children living on Reserve and in the Yukon;
 - (b) Canada’s failure to comply with Jordan’s Principle, a legal requirement designed to safeguard First Nations Children’s existing substantive equality rights guaranteed in the *Canadian Charter of Rights and Freedoms* (“**Charter**”); and
 - (c) Canada’s failure to provide First Nations Children with essential services available to non-First Nations Children or which would have been required to ensure substantive equality under the *Charter*;
 - ii) Intend that the Claims Process be administered in an expeditious, cost-effective, user-friendly, culturally sensitive, and trauma-informed manner;
 - iii) Desire to:
 - (a) safeguard the best interests of the Class Members who are minors and Persons under Disability;
 - (b) minimize the administrative burden on Class Members; and

(c) ensure culturally informed and trauma-informed mental health and cultural support services, as well as navigational assistance are available to Class Members.

U. This settlement agreement is designed such that some Class Members, or subsets of Class Members, receive direct compensation, while some others indirectly benefit from the settlement agreement without receiving direct compensation.

NOW THEREFORE in consideration of the mutual agreements, covenants, and undertakings set out herein, the Parties agree as follows:

ARTICLE 1 – INTERPRETATION

1.01 Definitions

In this Agreement, the following definitions apply:

“**Abuse**” means sexual abuse or serious physical abuse causing bodily injury, but does not include neglect nor emotional maltreatment.

“**Actions**” has the meaning set out in the Recitals.

“**Actuary**” means the actuary or firm of actuaries appointed by the Court on the recommendation of the Settlement Implementation Committee who is, or in the case of a firm of actuaries, at least one of the principals of which is, a Fellow of the Canadian Institute of Actuaries.

“**Administrator**” means the administrator appointed by the Court and its successors appointed from time to time pursuant to the provisions of Article 3.

“**AFN**” means the Assembly of First Nations.

“**AFN Supports**” has the meaning set out in Article 8.

“**Age of Majority**” means the age at which a Class Member is legally considered an adult under the provincial or territorial law of the province or territory where the Class Member resides, attached hereto as Schedule D.

“**Agreement**” means this settlement agreement, including the Schedules attached hereto.

“**AIP**” has the meaning set out in the Recitals.

“**Approved Jordan’s Principle Class Member**” means a Jordan’s Principle Class Member whose Claim has been accepted by the Administrator, or on appeal by the Third-Party Assessor.

“**Approved Jordan’s Principle or Trout Family Class Member**” means a Jordan’s Principle or Trout Family Class Member whose Claim has been accepted by the Administrator, or on appeal by the Third-Party Assessor.

“Approved Removed Child Class Member” means a Removed Child Class Member whose Claim has been accepted by the Administrator, or on appeal by the Third-Party Assessor.

“Approved Removed Child Family Class Member” means the Caregiving Parent or Caregiving Grandparent of a Removed Child Class member, whose Claim has been accepted by the Administrator, or on appeal by the Third-Party Assessor.

“Approved Trout Child Class Member” means a Trout Child Class Member whose Claim has been accepted by the Administrator, or on appeal by the Third-Party Assessor.

“Assessment Home” means a home designed for an initial short-term placement where the needs of a Child are being assessed in order to match them to a longer term placement.

“Auditors” means the auditors appointed by the Court and their successors appointed from time to time pursuant to the provisions of Article 15.

“Band List” has the meaning set out in sections 10-12 of the *Indian Act*.

“Band” has the meaning set out in the *Indian Act*.

“Base Compensation” means the amount of compensation (excluding any applicable Enhancement Payment) approved by the Court as agreed to by the Plaintiffs, or the Settlement Implementation Committee based on advice from the Actuary, as part of the Claims Process, to be paid to an Approved Removed Child Class Member, an Approved Jordan’s Principle Class Member, an Approved Trout Child Class Member, an Approved Removed Child Family Class Member, or an Approved Jordan’s Principle or Trout Family Class Member. Such Base Compensation may be different for different Classes and may be made in more than one installment as the implementation of the Claims Process may require.

“Budget” means each of the Budgets set out in Article 6.

“Business Day” means a day other than a Saturday or a Sunday or a day observed as a holiday under the laws of the province or territory in which the person who needs to take action pursuant to this Agreement is ordinarily resident or a holiday under the federal laws of Canada applicable in the said province or territory.

“Canada” has the meaning set out in the preamble.

“Caregiving Grandparent” and **“Caregiving Grandparents”** means a biological or adoptive caregiving grandmother or caregiving grandfather who lived with and assumed and exercised parental responsibilities over a Removed Child Class Member at the time of removal of the Child, or a Jordan’s Principle Class Member or a Trout Child Class Member at the time of the Child’s Confirmed Need for an Essential Service. Relationships

of a foster parent or stepparent to a Child are excluded from giving rise to a Caregiving Grandparent relationship under this Agreement.

“Caregiving Parent” and **“Caregiving Parents”** means the caregiving mother or caregiving father, living with, and assuming and exercising parental responsibilities over a Removed Child Class Member at the time of removal of the Child, or a Jordan’s Principle Class Member or a Trout Child Class Member at the time of the Child’s Confirmed Need for an Essential Service. Caregiving Parent includes biological parents, adoptive parents and Stepparents. A foster parent is excluded as a Caregiving Parent under this Agreement.

“Certification Orders” mean collectively the order of the Court dated November 26, 2021, certifying the Consolidated Action as a class proceeding and the order of the Court dated February 11, 2022, certifying the Trout Action as a class proceeding, copies of which are attached hereto as Schedules A and B.

“Child” or **“Children”** for the purposes of the Removed Child Class means a person who was, at the time of removal, under the Age of Majority of the person’s place of residence as set out in Schedule D, Provincial and Territorial Ages of Majority, and for the purposes of the Jordan’s Principle Class and Trout Child Class means a person under the provincial and territorial Age of Majority of the person’s place of residence as set out in Schedule D, Provincial and Territorial Ages of Majority at the time of the existence of the Confirmed Need for an Essential Service.

“Claim” means a claim for compensation made by or on behalf of a Class Member.

“Claimant” means a person who makes a Claim by completing and submitting a Claims Form to the Administrator, or on whose behalf a Claim is made by such Class Member’s Estate Executive, Estate Claimant or Personal Representative.

“Claims Deadline” means the date that is:

- (a) three (3) years following the delivery of the initial notice of approval of settlement for Class Members who have reached the Age of Majority by the date on which notice is delivered;
- (b) for class members under the Age of Majority, three (3) years after reaching the Age of Majority, so long as that date is at least three years from the date in (a); or
- (c) a reasonable extension of the Claims Deadline for individual Class Members approved on request by the Administrator on the grounds that the Claimant faced extenuating personal circumstances and was unable to submit a Claim as a result of physical or psychological illness or challenges, including homelessness, incarceration or addiction, or due to unforeseen community circumstances such as epidemics, community internet connectivity, pandemics, natural disasters,

community-based emergencies or service disruptions at a national, regional or community level.

“Claims Form” means a written declaration in respect of a Claim by a Class Member with Supporting Documentation or such other form as may be recommended by the Administrator and agreed to by the Settlement Implementation Committee.

“Claims Process” means the process, including a distribution protocol, to be further designed and detailed in accordance with this Agreement for the distribution of compensation under this Agreement to eligible Class Members. The Claims Process also includes, but is not limited to, the Incarcerated Class Members Process and such other processes as may be recommended by the Administrator and experts, agreed to by the Plaintiffs and approved by the Court, for the submission of Claims, determination of eligibility, assessment, verification, determination of possible enhancement, payment of compensation to Class Members, and the role of the Third-Party Assessor.

“Class” means Jordan’s Principle Class, Jordan’s Principle Family Class, Removed Child Class, Removed Child Family Class, Trout Child Class, and Trout Family Class, collectively. Reference to a “class” or “classes” with a lower case “c” is to any of the Jordan’s Principle Class, Jordan’s Principle Family Class, Removed Child Class, Removed Child Family Class, Trout Child Class, or Trout Family Class as may apply within the context of such reference.

“Class Counsel” means Sotos LLP, Kugler Kandestin LLP, Miller Titerle + Company, Nahwegahbow Corbiere, and Fasken LLP, collectively.

“Class Member” and **“Class Members”** means any one or more individual members of the Class.

“Confirmed Need” means the need of a member of the Jordan’s Principle Class or Trout Child Class as confirmed by Supporting Documentation as defined for Jordan’s Principle Class or Trout Child Class.

“Court” means the Federal Court of Canada.

“Cy-près Fund” has the meaning set out in Article 7, established to primarily benefit Class Members who may not receive direct compensation under this Agreement.

“Delay” means where a member of the Jordan’s Principle Class or Trout Child Class requested an Essential Service from Canada and they received a determination on their request beyond a timeline to be agreed to by the Parties and specified in the Claims Process.

“Denial” means where a member of the Jordan’s Principle Class or Trout Child Class requested an Essential Service from Canada and that request was either denied or the member of the Jordan’s Principle Class or Trout Child Class did not receive a response as to acceptance or denial.

“Eligible Deceased Class Member” has the meaning set out in Article 13.02.

“Eligibility Decision” has the meaning set out in Article 5.02.

“Enhancement Factor” means any objective criterion agreed to by the Plaintiffs and approved by the Court that may be used by the Administrator to enhance the Base Compensation of some members of the Removed Child Class, Jordan’s Principle Class or Trout Child Class.

“Enhancement Payment” means an amount, based on Enhancement Factors, that may be payable to an Approved Removed Child Class Member, an Approved Jordan’s Principle Class Member, or a Trout Child Class Member, in addition to a Base Payment.

“Essential Service” means a service that was required due to the Child’s particular condition or circumstance, the failure to provide which would have resulted in material impact on the Child, as assessed in accordance with the Framework of Essential Services.

“Estate Administrator” includes an executor or administrator appointed or designated under federal, provincial or territorial legislation, as applicable under the circumstances.

“Estate Executor” means the executor, administrator, trustee or liquidator of an Eligible Deceased Class Member’s estate.

“First Nations” means:

- (a) with respect to the Removed Child Class, Jordan’s Principle Class, Trout Child Class, and Stepparents: individuals who are registered pursuant to the Indian Act;
- (b) with respect to the Removed Child Class, Jordan’s Principle Class, and Trout Child Class: individuals who were entitled to be registered under sections 6(1) or 6(2) of the *Indian Act*, as it read as of February 11, 2022 (the latter date of the Certification Orders);
- (c) with respect to the Removed Child Class: individuals who met Band membership requirements under sections 10-12 of the *Indian Act* by February 11, 2022 (the latter date of the Certification Orders) such as where their respective First Nation community assumed control of its own membership by establishing membership rules and the individuals were found to meet the requirements under those membership rules and were included on the Band List;
- (d) with respect to the Jordan’s Principle Class only: individuals who met Band membership requirements under sections 10-12 of the *Indian Act* pursuant to paragraph (c), above, AND who suffered a Delay, Denial, or Service Gap between January 26, 2016 and November 2, 2017;
- (e) with respect to the Jordan’s Principle Class only: individuals who were recognized as citizens or members of their respective First Nation by February 11, 2022 (the

latter date of the Certification Orders) as confirmed by First Nations Council Confirmation, whether under final agreement, self-government agreement, treaties or First Nations' customs, traditions and laws, AND who suffered a Delay, Denial, or Service Gap between January 26, 2016 and November 2, 2017.

“First Nations Council Confirmation” means a written confirmation, the form and contents of which will be agreed upon amongst the Plaintiffs subject to the Court's approval, from a First Nation designed for the purposes of the Claims Process to the effect that an individual is recognized as a citizen or member of their respective First Nation whether under treaty, agreement or First Nations' customs, traditions or laws.

“Framework of Essential Services” is an approach to Essential Services to be agreed to by the Plaintiffs for the purposes of the Claims Process, with assistance from experts, in order to assess those Essential Services that, if subject to Delay, Denial or a Service Gap, would have resulted in material impact on the Child.

“Group Home” means a staff operated home funded by ISC where several Children are living together. Some Group Homes are parent-operated, where a couple with professional youth care training operate a Group Home together.

“Implementation Date” means the later of:

- (a) the day following the last day on which a Class Member may appeal or seek leave to appeal the Settlement Approval Order; or
- (b) the date on which the last of any appeals of the Settlement Approval Order is finally determined.

“Incarcerated Class Members Process” means the process for notice and claims specific to Class Members incarcerated in federal penitentiaries, provincial prisons, and other penal and correctional institutions.

“Income Tax Act” means the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp).

“Indian Act” means the *Indian Act*, R.S.C. 1985, c. 1-5.

“Investment Committee” means an advisory body constituted in accordance with this Agreement and Schedule G, Investment Committee Guiding Principles.

“ISC” has the meaning in the Recitals and includes any predecessor or successor department.

“Jordan's Principle Class” or **“Jordan's Principle Class Member”** means First Nations individuals who, during the period between December 12, 2007 and November 2, 2017 (the **“Jordan's Principle Class Period”**), did not receive from Canada (whether by reason of a Denial or a Service Gap) an Essential Service relating to a Confirmed Need, or whose receipt of said Essential Service relating to a Confirmed Need was delayed by Canada, on grounds, including but not limited to, lack of funding or lack of jurisdiction, or

as a result of a Service Gap or jurisdictional dispute with another government or governmental department while they were under the Age of Majority.

“Jordan’s Principle Family Class” means all persons who are the brother, sister, mother, father, grandmother or grandfather of a member of the Jordan’s Principle Class at the time of Delay, Denial or Service Gap. Amongst the Jordan’s Principle Family Class, only the Caregiving Parents or Caregiving Grandparents may receive direct compensation if otherwise eligible under this Agreement.

“Jordan’s Principle” means a child-first substantive equality principle named after the late Jordan River Anderson that applies equally to all First Nations Children whether resident on or off reserve, including the Northwest Territories.

“Non-kin Foster Home” means any family-based care funded by ISC.

“Non-paid Kin or Community Home” means an informal placement that has been arranged within the family support network; the child welfare authority does not have temporary custody and the placement is not funded by ISC.

“Northern or Remote Community” means a community as agreed upon by the Plaintiffs and set out in the Claim Process.

“Notice Plan” means the Notice Plan as recommended by the Administrator and agreed by the Parties, subject to the Court’s approval.

“Ongoing Fees” has the meaning set out in Article 16.03.

“Opt-Out” means: (a) the delivery by a Class Member to the Administrator of an opt-out form or a written request to be removed from the Actions before the Opt-Out Deadline; or (b) after the Opt-Out Deadline, a Class Member obtaining leave of the Court to opt out of the Actions in accordance with this Agreement.

“Opt-Out Deadline” means the one hundred eightieth (180th) day following the publication of the notice of certification, after which Class Members may no longer Opt-Out of the Actions, except with leave from the Court.

“Ordinarily Resident on Reserve” means:

- (a) a First Nations individual who lives in a permanent dwelling located on a First Nations Reserve at least 50% of the time and who does not maintain a primary residence elsewhere;
- (b) a First Nations individual who is living off-Reserve while registered full-time in a post-secondary education or training program who is receiving federal, Band or Aboriginal organization education/training funding support and who:
 - a. would otherwise reside on-Reserve;
 - b. maintains a residence on-Reserve;

- c. is a member of a family that maintains a residence on-Reserve; or
 - d. returns to live on-Reserve with parents, guardians, caregivers or maintainers when not attending school or working at a temporary job.
- (c) a First Nations individual who is temporarily residing off-Reserve for the purpose of obtaining care that is not available on-Reserve and who, but for the care, would otherwise reside on-Reserve;
- (d) a First Nations individual who is temporarily residing off-Reserve for the primary purpose of accessing social services because there is no reasonably comparable service available on-Reserve and who, but for receiving said services, would otherwise reside on-Reserve;
- (e) a First Nations individual who at the time of removal met the definition of ordinarily resident on reserve for the purpose of receiving child welfare and family services funding pursuant to a funding agreement between Canada and the province/territory in which the individual resided (including, but not limited to, ordinarily resident on reserve individuals funded through the cost-shared model under the Canada-Ontario 1965 Indian Welfare Agreement).

“Out-of-home Placement” means a distinct location where a Removed Child Class Member has been placed pursuant to a removal, such as an Assessment Home, Non-kin Foster-home, Paid Kinship-home, Group Home, a Residential Treatment Facility, or other similar placement funded by ISC.

“Paid Kinship Home” means a formal placement that has been arranged within the family support network and paid for by ISC, where the child welfare authority has temporary or full custody.

“Parties” means the Plaintiffs and Canada;

“Person Under Disability” means:

- (a) a person under the Age of Majority under the legislation of their province or territory of residence; or
- (b) an individual who is unable to manage or make reasonable judgments or decisions in respect of their affairs by reason of mental incapacity including those for whom a Personal Representative has been appointed, or designated by operation of the law, pursuant to the applicable provincial, territorial or federal legislation.

“Personal Representative” means the Person appointed, or designated by operation of the law, pursuant to the applicable provincial, territorial or federal legislation to manage or make reasonable judgments or decisions in respect of the affairs of a Person Under Disability who is an eligible claimant and includes an administrator for property.

“Plaintiffs” means collectively the Moushoom Plaintiffs, the AFN Plaintiffs and the Trout Plaintiffs.

“Professional” means a professional with expertise relevant to a Child’s Confirmed Need(s), for example: a medical professional or other registered professionals available to a Class Member in their place of residence and community (particularly in a Northern or Remote Community where there may not have been, or be, access to specialists, but there may have been access to community health nurses, social support workers, and mental health workers), or an Elder or Knowledge Keeper who is recognized by the Child’s specific First Nations community.

“Recitals” means the recitals to this Agreement.

“Removed Child Class” or **“Removed Child Class Member”** means First Nations individuals who, at any time during the period between April 1, 1991 and March 31, 2022 (the **“Removed Child Class Period”**), while they were under the Age of Majority, were removed from their home by child welfare authorities or voluntarily placed into care, and whose placement was funded by ISC, such as an Assessment Home, a Non-kin Foster Home, a Paid Kinship Home, a Group Home, or a Residential Treatment Facility or another ISC-funded placement while they, or at least one of their Caregiving Parents or Caregiving Grandparents, were Ordinarily Resident on a Reserve or were living in the Yukon, but excluding children who lived in a Non-paid Kin or Community Home through an arrangement made with their caregivers and excluding individuals living in the Northwest Territories at the time of removal.

“Removed Child Family Class” means all persons who are the brother, sister, mother, father, grandmother or grandfather of a member of the Removed Child Class at the time of removal.

“Reserve” means a tract of land, as defined under the *Indian Act*, the legal title to which is vested in the Crown and has been set apart for the use and benefit of a Band.

“Residential Treatment Facility” means a treatment program for several Children living in the treatment facility with 24 hours a day trained staff, including locked or secure and unlocked residences, funded by ISC.

“Service Gap” means each of the Essential Services that are identified as a Service Gap in accordance with the Framework of Essential Services.

“Settlement Approval Hearing” means a hearing of the Court to determine a motion to approve this Agreement.

“Settlement Approval Order” means the draft order submitted to the Court regarding the approval of this Agreement, the form and content of which will be agreed upon amongst the Parties.

“Settlement Funds” means a total of \$20,000,000,000 (\$20 billion), which Canada will pay to settle the claims of the Class in accordance with this Agreement.

“Settlement Implementation Committee” or **“Settlement Implementation Committee and its Members”** means a committee established pursuant to Article 12.

“Settlement Implementation Report” has the meaning set out in Article 12.03.

“Spell in Care” means a continuous period in care, which starts when a Child is taken into out-of-home care and ends when the Child is discharged from care, by returning home, moving into another arrangement in a Non-paid Kin or Community Home, being adopted, or living independently at the Age of Majority. ISC data considers a Spell in Care by the start and end dates of each continuous period of Out-of-home Placement.

“Stepparent” means a person who is a First Nations spouse of the biological parent of a Removed Child Class Member, Jordan’s Principle Class Member, or Trout Child Class Member, and lived with that Child’s biological parent and contributed to the support of the Child for at least three (3) years prior to the removal of the Child, or the occurrence of the Delay, Denial or the Service Gap.

“Supporting Documentation” means:

- (a) for the Removed Child Class: such documentation as may be required to be submitted by a Removed Child Class Member in accordance with this Agreement to substantiate eligibility and compensation under the applicable Claims Form;
- (b) for the Jordan’s Principle Class and Trout Child Class: such documentation as may be required to be submitted by a member of the Jordan’s Principle Class and Trout Child Class in accordance with this Agreement to substantiate eligibility and compensation under the applicable Claims Form;
- (c) for the Removed Child Family Class: such documentation as may be required to be submitted by a member of the Removed Child Family Class in accordance with this Agreement to substantiate eligibility and compensation under the applicable Claims Form;
- (d) for the Jordan’s Principle Family Class: such documentation as may be required to be submitted by a member of the Jordan’s Principle Family Class in accordance with this Agreement to substantiate eligibility and compensation, if any, under the applicable Claims Form;
- (e) for the Trout Family Class: the documentation to be required to be submitted by a member of the Trout Family Class in accordance with this Agreement to substantiate eligibility and compensation, if any, under the applicable Claims Form; and

- (f) for Eligible Deceased Class Members: the documentation to be required to be submitted in accordance with this Agreement to substantiate eligibility and compensation, if any, under the applicable Claims Form.

“Time in Care” means the total amount of time that a Removed Child Class Member spent in care regardless of the number of Spells in Care.

“Third-Party Assessor” means the person or persons appointed by the Court to carry out the duties of the Third-Party Assessor as stated in this Agreement, to be particularized in the Claims Process and their successors appointed from time to time, as approved by the Court.

“Trout Child Class” or **“Trout Child Class Member”** means First Nations individuals who, during the period between April 1, 1991 and December 11, 2007 (the **“Trout Child Class Period”**), while they were under the Age of Majority, did not receive from Canada (whether by reason of a Denial or a Service Gap) an Essential Service relating to a Confirmed Need, or whose receipt of said Essential Service was delayed by Canada, on grounds, including but not limited to, lack of funding or lack of jurisdiction, or as a result of a Service Gap or jurisdictional dispute with another government or governmental department.

“Trout Family Class” means all persons who are the brother, sister, mother, father, grandmother or grandfather of a member of the Trout Child Class at the time of Delay, Denial or Service Gap. Amongst the Trout Family Class, only the Caregiving Parents or Caregiving Grandparents may receive direct compensation if otherwise eligible under this Agreement.

“Trust” means the trust established pursuant to Article 14.

“Trust Fund” has the meaning set out in Article 4.

“Trustee” means the trustee appointed by the Court pursuant to Article 14 for the purposes of this Agreement.

1.02 Headings

The division of this Agreement into paragraphs and the use of headings are for convenience of reference only and do not affect the construction or interpretation of this Agreement.

1.03 Extended Meanings

In this Agreement, words importing the singular number include the plural and vice versa, and words importing any gender or no gender include all genders. The term “including” means “including without limiting the generality of the foregoing”. Any reference to a

- 7) The Third-Party Assessor's decision on an appeal pursuant to Article 5.02(6) will be final and not subject to judicial review, further appeal or any other remedy by legal action.
- 8) The Third-Party Assessor will comply with the procedure and timeline standards established in the Claims Process for an appeal from a decision of the Administrator.
- 9) There will be no right of appeal by a Class Member who belongs to a category, such as brothers and sisters, that is not entitled to receive direct payment under this Agreement.

ARTICLE 6 - COMPENSATION

6.01 General Principles Governing Compensation

- 1) The Plaintiffs will design a Claims Process with the goal of minimising the risk of causing trauma to Class Members.
- 2) No member of the Removed Child Class, Jordan's Principle Class or Trout Child Class will be required to submit to an interview, examination or other form of *viva voce* evidence taking.
- 3) The Plaintiffs will agree to require fair and culturally appropriate Supporting Documentation in accordance with this Agreement tailored to each different class for the purposes of the Claims Process.
- 4) A Class Member may claim compensation starting one year before they reach the Age of Majority, provided that no compensation is paid to that Class Member until after the Age of Majority. A Class Member may only receive compensation under the terms of this Agreement after the Age of Majority, except in the case of an Exceptional Early Payment in accordance with Article 6.07.01. The Claims Process will include a means by which a Child may register with the Administrator at any time in order to receive updates on the implementation of this Agreement.
- 5) Enhancement Factors have been selected as appropriate proxies for harm, based on expert opinion, and are designed to enable proportionate compensation to the Removed Child Class, the Jordan's Principle Class, and the Trout Child Class.
- 6) Compensation under this Agreement will take the form of either direct payment to eligible Class Members who have claimed through the Claims Process and been approved by the Administrator or indirect benefit to the Class through the Cy-près Fund.
- 7) A Class Member who qualifies for compensation as a member of more than one class will receive the higher amount for which the Class Member qualifies amongst the applicable classes, and compensation under the classes will not be combined, with the following exception: a Class Member who qualifies as a member of the Removed Child Class and the Removed Child Family Class will be entitled to a combined amount of compensation as a member of both of those classes.

6.02 Governing Principles on Removed Children

- 1) This Agreement seeks to adopt a trauma-informed and culturally sensitive approach to compensating the Removed Child Class and the Caregiving Parents or Caregiving Grandparents of the Removed Child Class.
- 2) To the extent possible and based on objective criteria, the Agreement seeks to bring proportionality to the compensation process such that members of the Removed Child Class who suffered the most harm may receive higher compensation in the Claims Process.
- 3) For the Removed Child Class, eligibility for compensation and Enhancement Factors will be based on objective criteria and data primarily from ISC and Supporting Documentation as the case may be.

6.03 Removed Child Class Compensation

- 1) Base Compensation payable to an Approved Removed Child Class Member will not be multiplied by the number of Spells in Care.
- 2) An Approved Removed Child Class Member will be entitled to receive Base Compensation of \$40,000.
- 3) An Approved Removed Child Class Member may be entitled to an Enhancement Payment based on the following Enhancement Factors (“**Removed Child Enhancement Factors**”):
 - (a) the age at which the Removed Child Class Member was removed for the first time;
 - (b) the Time in Care;
 - (c) the age of a Removed Child Class Member at the time they exited the child welfare system;
 - (d) whether a Removed Child Class Member was removed to receive an Essential Service relating to a Confirmed Need;
 - (e) whether the Removed Child Class Member was removed from a Northern or Remote Community; and
 - (f) the number of Spells in Care for a Removed Child Class Member and/or, if possible, the number of Out-of-home Placements applicable to a Removed Child Class Member who spent more than one (1) year in care.
- 4) The Plaintiffs will design a system of weighting the Removed Child Enhancement Factors for the Removed Child Class based on the input of experts that will reflect the relative importance of each Enhancement Factor as a proxy for harm.
- 5) The Plaintiffs have estimated a Budget of \$7.25 billion for the Removed Child Class.

6.04 Caregiving Parents or Caregiving Grandparents of Removed Child Class

- 1) Amongst the Removed Child Family Class, only the Caregiving Parents or Caregiving Grandparents may receive direct compensation if otherwise eligible under this Agreement. Brothers and sisters are not entitled to direct compensation but may benefit indirectly from this Agreement through the Cy-près Fund.
- 2) A foster parent is not entitled to compensation under this Agreement and is not entitled or permitted to claim compensation on behalf of a Child under this Agreement.
- 3) The Base Compensation of an Approved Removed Child Family Class Member will not be multiplied based on the number of removals or Spells in Care for a Child or the number of Children in care. No Approved Removed Child Family Class Member will receive more than one Base Compensation.
- 4) A Caregiving Parent or Caregiving Grandparent who has committed Abuse that has resulted in the Removed Child Class member's removal is not eligible for compensation in relation to that Removed Child. However, a Caregiving Parent or Caregiving Grandparent is not barred from receiving compensation if the Caregiving Parent or Caregiving Grandparent is otherwise eligible for compensation as a member of another class defined under this Agreement.
- 5) The Plaintiffs have estimated a Budget of \$5.75 billion for the Removed Child Family Class.
- 6) If a Child lived with a Caregiving Grandparent at the time of removal, such a Caregiving Grandparent may be eligible to seek compensation.
- 7) A maximum compensation amount of two Base Compensation payments per Child among Caregiving Parents and Caregiving Grandparents of a Child, regardless of number of Spells in Care or removals, may be distributed under this Agreement, if otherwise eligible, according to the following priority list:
 - (a) Category A: Caregiving Parents who are biological parents; then
 - (b) Category B: Caregiving Parents who are adoptive parents or Stepparents, if applicable; then
 - (c) Category C: Caregiving Grandparent(s).
- 8) The Parties have budgeted the Base Compensation for an Approved Removed Child Family Class Member to be \$40,000.
- 9) An Approved Removed Child Family Class Member may receive an increased Base Compensation in the event that more than one Child of the Approved Removed Child Family Class Member has been removed. Such Base Compensation is budgeted to be \$60,000.

- 10) If the Settlement Implementation Committee has allocated a Trust Fund Surplus to Approved Removed Child Family Class Members pursuant to Article 6.08(5), the Settlement Implementation Committee may determine that the maximum combined amount of base and additional compensation to be awarded to an Approved Removed Child Family Class Member who has had more than one Child removed may be greater than \$60,000.
- 11) The final quantum of Base Compensation to be paid to each Approved Removed Child Family Class Member will be determined by the Settlement Implementation Committee in consultation with the Actuary, having regard to the number of Approved Removed Child Family Class Members and the Budget for the Removed Child Family Class under this Article, subject to Court approval.
- 12) Payments to Approved Removed Child Family Class Members who may be entitled to receive compensation under this Article before the expiration of the Claims Deadline may be staggered into installments in order to ensure sufficient funds exist to pay like amounts to like Claimants regardless of when they submitted their Claim.

6.04.01 Priorities in Compensation for Removed Child Family Class Members

- 1) Where one or two Category A Caregiving Parents have submitted a Claim, the Administrator will determine their Claim in accordance with the timelines specified in Article 5.02(4), and if they are determined to be Approved Removed Child Family Class Members, the Administrator will pay their compensation in accordance with the timelines specified in Article 6.11, subject to all other applicable limitations under this Agreement.
- 2) The Administrator will not pay any Claims by adoptive or Stepparent Caregiving Parents (Category B) or Caregiving Grandparents (Category C) until after the expiration of the Claims Deadline in order to determine:
 - (a) whether more than two Caregiving Parents or Caregiving Grandparents have submitted a Claim with respect to the same Child; and
 - (b) the amount of compensation, if any, payable to each such Claimant in accordance with this Article.
- 3) Where two Category A Caregiving Parents have submitted Claims that have been approved (including if separated with joint custody of the Removed Child Class member), Category B adoptive or Stepparent Caregiving Parents and Category C Caregiving Grandparents of one Removed Child Class Member will not receive a Base Compensation under this Agreement.
- 4) In the following situations, the Category B adoptive or Stepparent Caregiving Parents and the Category C Caregiving Grandparents of one Removed Child Class Member will share pro rata the Base Compensation available:

- (a) Category C Caregiving Grandparents will share pro rata two times the Base Compensation where all the following conditions are met:
 - i) greater than two Category C Caregiving Grandparents are approved for compensation; and
 - ii) no Category A biological Caregiving Parent or Category B adoptive or Stepparent Caregiving Parent has been approved for compensation.
 - (b) Category C Caregiving Grandparents will share pro rata one Base Compensation where all the following conditions are met:
 - i) no Category A biological Caregiving Parent has been approved for compensation;
 - ii) Only one Category B adoptive or Stepparent Caregiving Parent has been approved for compensation; and
 - iii) greater than one Category C Caregiving Grandparents is approved for compensation.
 - (c) Category B adoptive or Stepparent Caregiving Parents or Category C Caregiving Grandparents will share pro rata one Base Compensation where all the following conditions are met:
 - i) only one Category A biological Caregiving Parent is approved for compensation; and
 - ii) greater than one Category B adoptive or Stepparent Caregiving Parent or greater than one Category C Caregiving Grandparent is approved for compensation.
 - (d) Category B adoptive or Stepparent Caregiving Parents will share pro rata two times the Base Compensation where all the following conditions are met:
 - i) no Category A biological Caregiving Parent is approved for compensation; and
 - ii) more than two Category B adoptive and Stepparent Caregiving Parents are approved for compensation.
- 5) The Claims Process may include provisions for exceptional circumstances to the following effect: The Administrator may determine a Claim by an adoptive or Stepparent Caregiving Parent (Category B) or a Caregiving Grandparent (Category C) before the expiration of the Claims Deadline in accordance with the timelines specified in Article 5.02(4), and if they are determined to be Approved Removed Child Family Class Members, the Administrator will pay their compensation in accordance with the timelines specified in Article 6.11, subject to all other applicable limitations under this Agreement only if the

Claimant has submitted Claims Forms and Supporting Documentation substantiating that all other biological parent(s), adoptive parent(s), Stepparent(s), if applicable, and grandparent(s) of the Child have become deceased or have expressly renounced their entitlement to make a Claim under this Agreement.

- 6) Any dispute amongst Caregiving Parents or Caregiving Grandparents will be subject to a summary adjudicative determination by the Third-Party Assessor in accordance with the Claims Process.
- 7) A summary of this Article as an interpretive aid is attached as Schedule F: Examples Chart of Removed Child Family Class Approach. In the case of a conflict, the Articles in this Agreement will govern.

6.05 Governing Principles Regarding Jordan's Principle and Trout Classes

- 1) To the extent possible, this Agreement applies the same methodology to the Jordan's Principle Class and Trout Child Class.
- 2) This Agreement intends to:
 - (a) be trauma-informed regarding the Jordan's Principle Class and the Trout Child Class;
 - (b) avoid subjective assessments of harm, individual trials, or other cumbersome methods of making Eligibility Decisions with respect to this class; and
 - (c) use objective criteria to assess Class Members' needs and circumstances as a proxy for the significant harm inflicted on such Class Members in a discriminatory system.
- 3) The Base Compensation of an Approved Jordan's Principle Class Member or an Approved Trout Child Class Member will not be multiplied based on the number of Essential Services that have been confirmed to have been needed by the Child.

6.06 Jordan's Principle and Trout

- 1) The Plaintiffs will design the portion of the Claims Process with respect to members of the Jordan's Principle Class, Jordan's Principle Family Class, the Trout Child Class, and the Trout Family Class in accordance with this Article. A summary of the approach in this Article as an interpretive aid is attached as Schedule E: Summary Chart of Jordan's Principle / Trout Approach. In the case of a conflict, the Articles in this Agreement will govern.
- 2) Eligibility for compensation for members of the Jordan's Principle Class and the Trout Child Class will be determined based on those Class Members' Confirmed Need for an Essential Service if:
 - (a) a Class Member's Confirmed Need was not met because of a Denial of a requested Essential Service;

- (b) a Class Member experienced a Delay in the receipt of a requested Essential Service for which they had a Confirmed Need; or
 - (c) a Class Member's Confirmed Need was not met because of a Service Gap even if the Essential Service was not requested.
- 3) The Framework of Essential Services will establish a method to assess two categories of Essential Services based on advice from experts relating to objective criteria:
 - (a) Essential Services relating to Children whose circumstances, based on an Essential Service that they are confirmed to have needed, are expected to have included significant impact ("**Significant Impact Essential Service**"); and
 - (b) Essential Services that are not expected to have necessarily related to significant impact ("**Other Essential Service**").
- 4) The Plaintiffs will follow the following timeline in collaborating to create the Framework of Essential Services:
 - (a) The Plaintiffs will confer with experts to review the Framework of Essential Services by June 15, 2022, or such other date as agreed to by the Parties.
 - (b) The Plaintiffs will prepare a final Framework of Essential Services by August 5, 2022.
 - (c) The Plaintiffs will have an expert report in support of the finalized Framework of Essential Services by August 19, 2022.
- 5) A Claimant will be considered to have established a Confirmed Need if the Claimant has provided Supporting Documentation and has been approved by the Administrator.
- 6) Supporting Documentation will include proof of a recommendation by a Professional consistent with the following principles:
 - (a) Permissible proof includes contemporaneous and/or current proof of assessment, referral or recommendation to account for the difficulties in retaining and obtaining historic records during the Trout Child Class Period and Jordan's Principle Class Period.
 - (b) Permissible proof includes proof of assessment, referral or recommendation from a Professional within that Professional's expertise as may be available to the Class Member in their place of residence, including those in a Northern and Remote Community.
 - (c) In order to establish a Confirmed Need, the proof from a Professional must specify in all cases the Essential Service that the Claimant needed, and the reason for the need, and when the need existed.

- (d) A Claimant may establish that they requested an Essential Service from Canada during the Trout Child Class Period or Jordan's Principle Class Period by way of a statutory declaration. Proof of a request for an Essential Service is the only instance where a statutory declaration may be adduced as Supporting Documentation for the purposes of the Trout Child Class, Jordan's Principle Class, Jordan's Principle Family Class, and the Trout Family Class.
- 7) If the Administrator, or the Third-Party Assessor on appeal, determines that a Class Member has provided Supporting Documentation establishing a Confirmed Need for an Essential Service, the Administrator, or the Third-Party Assessor on appeal, will determine whether the Claimant faced a Denial, Delay or a Service Gap.
- 8) Where a Class Member has provided Supporting Documentation establishing a Confirmed Need for an Essential Service and where the Administrator has determined that the Class Member experienced a Denial, Delay or a Service Gap, that Class Member will be:
- (a) an Approved Jordan's Principle Class Member if the Claimant's Confirmed Need occurred within the Jordan's Principle Class Period; or
 - (b) an Approved Trout Child Class Member if the Claimant's Confirmed Need occurred within the Trout Child Class Period.
- 9) The Plaintiffs have estimated a Budget of \$3.0 billion dollars for the Jordan's Principle Class, subject to Articles 6.08, 6.09 and 6.10 ("**Jordan's Principle Budget**").
- 10) The Plaintiffs have estimated a Budget of \$2.0 billion dollars for the Trout Child Class, subject to Articles 6.08, 6.09 and 6.10 ("**Trout Child Budget**").
- 11) An Approved Jordan's Principle Class Member will receive a minimum of \$40,000 in compensation if:
- (a) They have established a Confirmed Need for a Significant Impact Essential Service; or
 - (b) They have established a Confirmed Need for an Other Essential Service and have suffered higher levels of impact than other Jordan's Principle Claimants with a Confirmed Need for an Other Essential Service including, but not limited to, impact by reason of conditions and circumstances such as an illness, disability or impairment. Such impact is to be measured based on objective factors assessed through culturally sensitive Claims Forms and a questionnaire designed in consultation with experts. Subject to the Court's approval, the selection of which Claimants qualify under this category will be based on objective factors such as the severity of impact on the Child and the number of eligible Claimants.
- 12) An Approved Trout Child Class Member will receive a minimum of \$20,000 in compensation if:

- (a) They have established a Confirmed Need for a Significant Impact Essential Service; or
 - (b) They have established a Confirmed Need for an Other Essential Service and have suffered higher levels of impact than other Trout Child Claimants with a Confirmed Need for an Other Essential Service including, but not limited to, impact by reason of conditions and circumstances such as an illness, disability or impairment. Such impact is to be measured based on objective factors assessed through culturally sensitive Claims Forms and a questionnaire designed in consultation with experts. Subject to the Court's approval, the selection of which Claimants qualify under this category will be based on objective factors such as the severity of impact on the Child and the number of eligible Claimants.
- 13) An Approved Jordan's Principle Class Member who has shown a Confirmed Need for Other Essential Services and has not established a claim under Article 6.06(11)(b) will receive up to but not more than \$40,000 in compensation based on a pro rata share of the Jordan's Principle Budget after deducting the total estimated amount of compensation to be paid to Approved Jordan's Principle Class Members who have established a claim under Article 6.06(11).
- 14) An Approved Trout Child Class Member who has shown a Confirmed Need for Other Essential Services and has not established a claim under Article 6.06(12)(b) will receive up to but not more than \$20,000 in compensation having regard to the Trout Child Class Budget, based on a pro rata share of the Trout Child Budget after deducting the total amount of compensation to be paid to Approved Trout Child Class Members who have established a claim under Article 6.06(12).
- 15) In the event of a Trust Fund Surplus pursuant to Article 6.08 based on advice from the Actuary after approved Claims under Article 6.06(13) and Article 6.06(14) are paid, the Approved Jordan's Principle Class Members and Approved Trout Child Class Members who have established a claim under Article 6.06(11) and Article 6.06(12) may be entitled to an Enhancement Payment.
- 16) Only Caregiving Parents or Caregiving Grandparents of the Approved Jordan's Principle Class Members and Approved Trout Child Class Members who have established a Claim under Article 6.06(11), Article 6.06(12), Article 6.07(3) or Article 6.07(4) may be entitled to compensation (i.e. "Approved Jordan's Principle and Trout Family Class"). All other Caregiving Parents or Caregiving Grandparents of the Approved Jordan's Principle Class Members and Approved Trout Child Class Members will not receive direct compensation under this Agreement.
- 17) The Approved Jordan's Principle and Trout Family Class will receive a fixed amount of \$2.0 billion dollars in compensation under this Agreement ("**Jordan's Principle and**

Trout Family Budget”). There will be no reallocation to these classes of any surpluses or revenues.

6.07 Safety Clause for Exceptional Jordan’s Principle and Trout Cases

- 1) The non-inclusion of a service on the Framework of Essential Services may not be grounds for the exclusion of a Claimant from eligibility if the following circumstances are established in accordance with this Agreement:
 - (a) The Claimant has submitted Supporting Documentation identifying a service and establishing a Confirmed Need for that service during the Class Period;
 - (b) The service identified in Article 6.07(1)(a) does not qualify as an Essential Service according to the Framework of Essential Services;
 - (c) The Supporting Documentation satisfactorily establishes the reason(s) why the service identified in Article 6.07(1)(a) was essential to the Claimant as a Child; and
 - (d) The Claimant requested the service identified in Article 6.07(1)(a) from Canada but the request was subject to a denial or unreasonable delay taking into consideration the context and the Child’s needs.
- 2) Where a Claimant has met all the conditions in Article 6.07(1), that Claimant will be:
 - (a) an Approved Jordan’s Principle Class Member if the Claimant’s Confirmed Need occurred within the Jordan’s Principle Class Period; or
 - (b) an Approved Trout Child Class Member if the Claimant’s Confirmed Need occurred within the Trout Child Class Period.
- 3) An Approved Jordan’s Principle Class Member under this Article will receive a minimum of \$40,000 in compensation if they have established a Confirmed Need in accordance with Article 6.07(1), and have suffered higher levels of impact than Class Members in Article 6.06(13) including, but not limited to, impact by reason of conditions and circumstances such as an illness, disability or impairment. Such impact is to be measured based on objective factors assessed through culturally sensitive Claims Forms and a questionnaire designed in consultation with experts. Subject to the Court’s approval, the selection of which Claimants qualify under this category will be based on objective factors such as the severity of impact on the Child and the number of eligible Claimants.
- 4) An Approved Trout Child Class Member under this Article will receive a minimum of \$20,000 in compensation if they have established a Confirmed Need in accordance with Article 6.07(1), and have suffered higher levels of impact than Class Members in Article 6.06(14) including, but not limited to, impact by reason of conditions and circumstances such as an illness, disability or impairment. Such impact is to be measured based on objective factors assessed through culturally sensitive Claims Forms and a questionnaire designed in consultation with experts. Subject to the Court’s approval, the selection of

which Claimants qualify under this category will be based on objective factors such as the severity of impact on the Child and the number of eligible Claimants.

- 5) An Approved Jordan's Principle Class Member who has not met the conditions in Article 6.07(3), will receive up to but not more than \$40,000 in compensation based on a pro rata share of the Jordan's Principle Budget after deducting the total estimated amount of compensation to be paid to Approved Jordan's Principle Class Members who have established a claim under Article 6.06(11) and Article 6.07(3), collectively.
- 6) An Approved Trout Child Class Member who has not met the conditions in Article 6.07(4), will receive up to but not more than \$20,000 in compensation having regard to the Trout Child Class Budget, based on a pro rata share of the Trout Child Budget after deducting the total amount of compensation to be paid to Approved Trout Child Class Members who have established a claim under Article 6.06(12) and Article 6.07(4), collectively.

6.07.01 Exceptional Early Payment of Compensation Funds

- 1) Notwithstanding Article 6.01(4), the Administrator may exceptionally approve the payment of compensation prior to a Claimant having reached the Age of Majority in accordance with this Article.
- 2) An individual under the Age of Majority may be eligible to receive an amount of compensation to fund or reimburse the cost of a life-changing or end-of-life wish experience (the "**Exceptional Early Payment**"), if they provide Supporting Documentation establishing that:
 - (a) they meet the requirements, other than age, to be an Approved Removed Child Class Member or an Approved Jordan's Principle Class Member; and
 - (b) they are suffering from a terminal or non-curable life-threatening condition that has placed their life in jeopardy.
- 3) An individual who establishes eligibility for an Exceptional Early Payment in accordance with this Article must provide reasonable proof of a chosen life-changing or end-of-life wish experience and the approximate cost of that experience.
- 4) The Administrator will assess a Claimant's eligibility for an Exceptional Early Payment to fund or reimburse the cost in an amount up to, but no more than \$40,000.
- 5) The Administrator will determine the Claim for an Exceptional Early Payment in the best interests of the Child and on an expedited basis. The Administrator will require such documentation in good faith as is required to assess:
 - (a) the Claimant's eligibility;
 - (b) the Claimant's terminal or non-curable life-threatening condition;
 - (c) the validity of the Claimant's life-changing or end-of-life experience request;

(d) the age and circumstances of the Child and whether the Child needs any protection; and

(e) the approximate cost of the life-changing or end-of-life wish experience.

- 6) Where a Class Member has received an Exceptional Early Payment and later submits a Claim for compensation, the amounts paid as Exceptional Early Payment will be deducted from that Claimant's total entitlement, if any, to compensation under this Agreement.

6.08 Priorities in Distribution of Surplus

- 1) On the advice of the Actuary or a similar advisor, the Settlement Implementation Committee may determine at any time or from time to time that there are unallocated or surplus funds on the Settlement Funds in the Trust Fund (a "**Trust Fund Surplus**").
- 2) The Settlement Implementation Committee may propose that a Trust Fund Surplus be designated and that there be a distribution of any Trust Fund Surplus for the benefit of the Class Members in accordance with this Article and the Claims Process, subject to the approval of the Court.
- 3) The Settlement Implementation Committee, having proposed that a surplus be designated and that there be a distribution of such Trust Fund Surplus, will bring motions before the Court for approval of the designation of a surplus and the proposed distribution of any Trust Fund Surplus. The designation and any allocation of a Trust Fund Surplus will be effective on the later of:
 - (a) the day following the last day on which an appeal or a motion seeking leave to appeal of either of the approval orders in respect of such designation and allocation may be brought under the *Federal Courts Rules*, SOR /98-106; and
 - (b) the date on which the last of any appeals of either of the approval orders in respect of such designation and allocation is finally determined.
- 4) In no event will any amount from the Trust Fund, including any Trust Fund Surplus, revert to Canada, and Canada will not be an eligible recipient of any Trust Fund Surplus.
- 5) In allocating the Trust Fund Surplus, the Settlement Implementation Committee will have due regard to the order of priorities set out below:
 - i) Approved Removed Child Class Members;
 - ii) Approved Jordan's Principle Class Members;
 - iii) Approved Trout Child Class Members;
 - iv) Approved Removed Child Family Class Members.

6.09 Reallocation of Budgets

- 1) The Settlement Implementation Committee will adopt the budgets with respect to compensation allocated to different classes (each, a “**Budget**”) in accordance with the amounts listed in Article 6.03, 6.04, and 6.06.
- 2) The Settlement Implementation Committee will arrange for an actuarial review of the Trust Fund to be conducted at least once every three years and more frequently if the Settlement Implementation Committee considers it appropriate. The actuarial review will be conducted by the Actuary in accordance with accepted actuarial practice in Canada. The actuarial review will determine:
 - (a) the value of the assets available to meet all outstanding and future expected Claims;
 - (b) the present value of all outstanding and future expected Claims using where necessary such reasonable assumptions as determined by the Actuary to be appropriate;
 - (c) an actuarial buffer to provide a reasonable margin of protection due to adverse deviations from the assumptions utilised; and
 - (d) the actuarial surplus and/or the actuarial deficit of funds in a Budget.
- 3) If based on the Actuary’s advice the total compensation to be paid to the number of approved Class Members within a class is, or is expected to be, below the Budget, the Settlement Implementation Committee may transfer some amount from that Budget to another Budget, which, on the Actuary’s advice, has a higher than estimated total compensation to be paid to approved Class Members.
- 4) If more than one (1) Budget has a higher than estimated total compensation to be paid to the number of approved Class Members, the Settlement Implementation Committee may make such transfer of funds in accordance with the following order of priorities, subject to Court approval:
 - i) Approved Removed Child Class Members;
 - ii) Approved Jordan’s Principle Class Members;
 - iii) Approved Trout Child Class Members;
 - iv) Approved Removed Child Family Class Members.

6.10 Income on Trust Fund

The Settlement Implementation Committee may allocate income earned by the Trust Fund to any class, in its discretion, in accordance with the following order of priorities, favouring those classes where higher than estimated total compensation to be paid to the approved Class Members exists:

- 2) The Investment Committee will be constituted of up to two (2) members that are not investment professionals but have relevant board experience regarding the management of funds and one (1) independent investment professional (the “**Investment Professional Member**”).
- 3) The Investment Committee members will be nominated by the Settlement Implementation Committee to five (5) year renewable terms, subject to approval by the Court.
- 4) The reasonable fees of the Investment Committee, including the Investment Professional Member, will be payable by Canada to a maximum of four quarterly meetings per annum and will be subject to Court approval. The reasonable fees of any investment consultant retained by the Investment Committee will be payable by Canada, subject to Court Approval. Canada will not be responsible for the payment of fees for investment managers retained by the Investment Committee.
- 5) The Investment Committee will meet quarterly, or more frequently as required, during the first five (5) years following its establishment. In subsequent years, the Investment Committee will meet at least once annually, or more frequently if required and approved by the Settlement Implementation Committee. The Investment Committee will periodically, and no less than annually, review the viability of the investment strategy of the Trust Fund and submit such a review to the Settlement Implementation Committee.

ARTICLE 13 - PAYMENTS FOR DECEASED INDIVIDUAL CLASS MEMBERS AND PERSONS UNDER DISABILITY

13.01 Persons Under Disability

If a Claimant who submitted a Claim to the Administrator within the Claims Deadline is or becomes a Person Under Disability prior to their receipt of compensation, the Personal Representative of the Claimant will be paid the compensation to which the Claimant would have been entitled under the Claims Process.

13.02 General Principles for Compensation if Deceased

Only the Estates of the deceased members of the Removed Child Class, Jordan’s Principle Class or Trout Child Class may be eligible for compensation under this Agreement (“**Eligible Deceased Class Member**” or “**Eligible Deceased Class Members**”). The Estates of the Removed Child Family Class, the Jordan’s Principle Family Class or the Trout Family Class are not eligible for compensation, unless a complete Claim was submitted by the member of the Removed Child Family Class, the Jordan’s Principle Family Class or the Trout Family Class prior to death.

13.03 Compensation if Deceased: Grant of Authority or the Like

- 1) Where an Estate Executor or Estate Administrator of an Eligible Deceased Class Member has been appointed under the *Indian Act* or under the governing provincial or territorial legislation, the Estate Executor or Estate Administrator may submit a Claim for compensation in accordance with this Agreement.
- 2) In support of a Claim made pursuant to Article 13.01, the Estate Executor or Estate Administrator for an Eligible Deceased Class Member will submit to the Administrator, in each case in a form acceptable to the Administrator:
 - (a) A Claims Form (if a Claims Form was not submitted by such Eligible Deceased Class Member or their Personal Representative prior to their death);
 - (b) Evidence that such Eligible Deceased Class Member is deceased and the date on which such Eligible Deceased Class Member died;
 - (c) Evidence in the following form identifying such representative as having the legal authority to receive compensation on behalf of the estate of the Eligible Deceased Class Member:
 - i) If the claim to entitlement to receive compensation on behalf of a decedent estate is based on a will or other testamentary instrument or on intestacy, a copy of a grant of probate or a grant and letters testamentary or other document of like import, or a grant of letters of administration or other document of like import, issued by any court or authority in Canada; or
 - ii) If in Quebec, a notarial will, a probated holograph will, a probated or other document of like import made in the presence of witnesses in accordance with the *Civil Code of Quebec* and the *Indian Act*.

13.04 Compensation if Deceased: No Grant of Authority or the Like

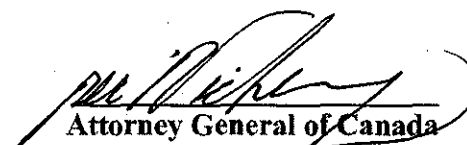
- 1) For the purpose of this Article a “spouse” means a person who:
 - (a) is legally married;
 - (b) persons who are not married, but:
 - i) have a common law relationship for a period of not less than one year, the time prescribed in accordance with the *Indian Act*, at the time of death; or
 - ii) have a relationship of some permanence if they are the parents of a child.
- 2) If a Claims Form is submitted to the Administrator on behalf of an Eligible Deceased Class Member without proof of a will or the appointment of an Estate Executor or Estate Administrator, the Administrator may, upon receiving Supporting Documentation, treat the Eligible Deceased Class Member’s Claim in accordance with

the priority level of heirs under the *Indian Act* in respect of distribution of property on intestacy as follows:

- (a) The spouse of the Eligible Deceased Class Member at the time of death.
 - (b) Where the Eligible Deceased Class Member has no spouse, the Child or Children of the eligible Deceased Class Member. Any Child of the Eligible Deceased Class Member will be able to submit a Claim to the Administrator if so entitled pursuant to the priorities herein. The compensation will be divided pro rata amongst all the Children of the Eligible Deceased Class Member who are living at the time when the Claim is received by the Administrator.
 - (c) Where the Eligible Deceased Class Member has no spouse and no child/children, the Caregiving Parents or Caregiving Grandparents of the Eligible Deceased Class Member, as applicable. Any surviving Caregiving Parent or Caregiving Grandparent of the Eligible Deceased Class Member may advance a claim to the Administrator if so entitled pursuant to the priorities herein. The compensation will be divided pro rata between the Caregiving Parents or Caregiving Grandparents of the Eligible Deceased Class Member who are alive when the Claim is received by the Administrator.
 - (d) Where an Eligible Deceased Class Member leaves no spouse, child, or Caregiving Parent or Caregiving Grandparent, the sibling(s) of the Eligible Deceased Class Member. Any sibling of the Eligible Deceased Class Member may advance a Claim to the Administrator if so entitled pursuant to the priorities herein. The compensation will be distributed equally among the siblings of the Eligible Deceased Class Member who are alive when the claim is received by the Administrator.
- 3) Subject to sections 4(3) and 42 to 51 of the *Indian Act*, Canada, as represented by the Minister of Indigenous Services Canada, may administer or appoint administrators for the estates of Eligible Deceased Class Members who are under Canada's jurisdiction and who have or are entitled to receive direct compensation under this Agreement.
 - 4) Canada may consult with the Settlement Implementation Committee to utilize the existing ISC framework for the administration of the estates of Eligible Deceased Class Members consistent with the exercise of Ministerial discretion considering individual circumstances. Canada will conduct the administration process in a trauma-informed manner and with a view to ensuring that it is as expeditious, cost-effective, user-friendly, and culturally sensitive as possible. This may include:

Signed at *Ottawa*, this *30th* day of June 2022.

CANADA, as represented by the Attorney General of Canada
BY:


Attorney General of Canada
for the defendant

THE PLAINTIFFS, as represented by class counsel
BY:

Sotos LLP/ Kugler Kandestin LLP/Miller Titerle + Co
for the plaintiffs
Xavier Moushoom, Jeremy Meawasige (by his litigation guardian Jonavon Meawasige),
Jonavon Joseph Meawasige, and Zacheus Joseph Trout

Nahwegahbow, Corbiere/ Fasken LLP/ Stuart Wuttke
for the plaintiffs
Assembly of First Nations, Ashley Dawn Bach, Karen Osachoff, Melissa Walterson, Noah
Buffalo-Jackson by His Litigation Guardlan, Carolyn Buffalo, Carolyn Buffalo and Dick
Eugene Jackson Also Known as Richard Jackson

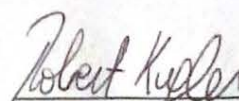
Date signed June 30, 2022

Signed at Montreal, this 30th day of June 2022.

CANADA, as represented by the Attorney General of Canada
BY:

Attorney General of Canada
for the defendant

THE PLAINTIFFS, as represented by class counsel
BY:



Sotos LLP/ Kugler Kandestin LLP/Miller Titerle + Co
for the plaintiffs

**Xavier Moushoom, Jeremy Meawasige (by his litigation guardian Jonavon Meawasige),
Jonavon Joseph Meawasige, and Zacheus Joseph Trout**

Nahwegahbow, Corbiere/ Fasken LLP/ Stuart Wuttke
for the plaintiffs

**Assembly of First Nations, Ashley Dawn Bach, Karen Osachoff, Melissa Walterson, Noah
Buffalo-Jackson by His Litigation Guardian, Carolyn Buffalo, Carolyn Buffalo and Dick
Eugene Jackson Also Known as Richard Jackson**

Date signed June 30, 2022

Signed at Rama First Nation , this 30th day of June 2022.

**CANADA, as represented by the Attorney General of Canada
BY:**

**Attorney General of Canada
for the defendant**

**THE PLAINTIFFS, as represented by class counsel
BY:**

**Sotos LLP/ Kugler Kandestin LLP/Miller Titerle + Co
for the plaintiffs
Xavier Moushoom, Jeremy Meawasige (by his litigation guardian Jonavon Meawasige),
Jonavon Joseph Meawasige, and Zacheus Joseph Trout**



**Nahwegahbow, Corbiere/ Fasken LLP/ Stuart Wuttke
for the plaintiffs
Assembly of First Nations, Ashley Dawn Bach, Karen Osachoff, Melissa Walterson, Noah
Buffalo-Jackson by His Litigation Guardian, Carolyn Buffalo, Carolyn Buffalo and Dick
Eugene Jackson Also Known as Richard Jackson**

Date signed June 30, 2022

This is **Exhibit "E"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915

First Nations Child and Family Services and Jordan's Principle Class Action

Framework of Essential Services

Who can claim compensation for not receiving an essential service from Canada or receiving it after delay?

A claim for compensation can be made if:

1. An essential service was needed by the claimant; and
2. The claimant or someone on behalf of the claimant asked Canada for an essential service that was denied or delayed in being provided. Or, the claimant needed the essential service, but it was not available or accessible to them (there was a gap in services), even if they did not ask for the service.

What is an “essential service”?

A service is considered essential if the claimant's condition or circumstances required it and the delay in receiving it, or not receiving it at all, caused material impact on the child.

Examples of types and categories of essential services are attached as an appendix to this Framework.

If the claimant needed a service that is not on the list of examples, it may still be considered an essential service under the settlement if not receiving the service had a material impact on the child.

What timeframe is covered?

Claimants are covered by this settlement if they needed the essential service as a child at any time from April 1, 1991 to November 2, 2017.

How to make a claim?

1. If the claimant requested a service from Canada that was delayed or denied, they may provide a copy of the letter, email or other document submitted to Canada requesting the service. If they do not have a copy, they may provide a statutory declaration confirming that they requested the service.
2. If the claimant did not request a service from Canada but required an essential service that was not available or accessible, they need to provide confirmation from a professional saying what essential service they needed, why it was essential and when they needed it, either through historical documentation or contemporary confirmation by a professional.

Confirmation can be in two forms depending on the answer to the following question:

Does the claimant have any kind of historical document stating that an essential service was needed?

If the answer is **YES**, please follow **Procedure A**.

If the answer is **NO**, please follow **Procedure B**.

Procedure A (to be completed if claimant has historical documentation confirming that an essential service(s) was/were needed)

1. Complete the Claim Form (when available).
2. Provide copies of the historical documentation confirming that an essential service(s) was/were needed.
3. If the historical documentation lacks specifics on the confirmed need for the identified essential service, a professional may complete the Professional Confirmation of Essential Services Form.
4. Complete the questionnaire (when available).

Procedure B (to be completed if the claimant has NO historical documentation stating that an essential service(s) was needed.

1. Complete the Claim Form (when available).
2. A professional completes the Professional Confirmation of Essential Services Form (when available).
3. Complete the questionnaire (when available).

What is historical documentation?

Historical documentation refers to old documents such as a health record or an assessment conducted by a health, social care professional, educator, or other professional or individual with expertise and knowledge of the need for this essential service and/or support.

Is there help in claiming compensation?

Yes. Once the claim form and other supporting documents are available, they will be released online at www.fnchildcompensation.ca. Support in completing these forms will be available through the Administrator.

Appendix – Examples of Essential Services

1. Some services provided by, or under the guidance and direction of, health, social care, and educational professionals who specialize in:
 - a) Recommending services and supports with activities of daily living and safety in the home, school and community (e.g., occupational therapists, *adapted feeding devices*)
 - b) Helping individuals with expressive and receptive language skills (e.g., speech and language pathologists, *augmentative and alternative communication*)
 - c) Helping individuals with movement of their hands, arms, and legs (e.g., physiotherapists, *mobility devices*)
 - d) Giving and interpreting hearing tests and recommending assistive devices related to hearing (e.g., assessment of hearing by audiologists, *hearing devices*)
 - e) Testing vision and recommending corrective eyewear (e.g., optometrists, *advising on eyewear*)
 - f) Teaching children with learning needs (e.g., special needs education teachers; supported child development consultants)
 - g) Promoting infant, early childhood or adolescent development¹ (e.g., infant development consultants, child and youth workers, or early childhood educators).
 - h) Conducting psychoeducational assessments, and provision of counselling (e.g., psychologists, social workers)
 - i) Addressing delayed or problematic behaviours (e.g., early childhood educators, behavioural specialists, child and youth workers, social workers,)
 - j) Recommending a specialized diet or nutritional intake (e.g., nutritionist, dietitian)
2. Equipment, products, processes, methods and technologies that are recommended in a cognitive assessment or individualized education plan.
3. Medical equipment, such as:
 - a) Equipment, products and technology used by people to assist with daily activities (e.g., environmental aids, including lifts and transfer aids and professional installation thereof)

¹ Development refers to physical, social, cognitive, and mental health development

- b) Products and technology for personal indoor and outdoor mobility and transportation (e.g., mobility aids that include standing and positioning aids and wheelchairs)
 - c) Hospital bed
 - d) Medical equipment related to diagnosed illnesses (e.g., percussion vests, oxygen, insulin pumps, feeding tubes)
 - e) Prostheses and orthotics
 - f) Specialized communication equipment (e.g., equipment, products, and technologies that allow people to send and receive information that would otherwise be done verbally)
4. Medical transportation related to access to essential services, supports or products where the lack of transportation prevented access to the recommended service (e.g., people in remote/isolated, semi-isolated communities)
 5. Specialized dietary requirements
 6. Treatment for mental health and/or substance misuse, including inpatient treatment
 7. Oral health (excluding orthodontics), such as:
 - a. Oral surgery services, including general
 - b. Restorative services, including cavities and crowns
 - c. Endodontic services, including root canals
 - d. Dental treatment required to restore damage resulting from unmet dental needs
 8. Respite care
 9. Surgeries

This is **Exhibit "F"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915

Tribunal File No: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous Services
Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**NOTICE OF MOTION FOR APPROVAL OF THE
COMPENSATION FINAL SETTLEMENT AGREEMENT**

TAKE NOTICE THAT THE COMPLAINANTS AND RESPONDENT will make a motion in writing to the Canadian Human Rights Tribunal (the “CHRT”) located at 240 Sparks Street, 6th Floor West, Ottawa, Ontario, as soon thereafter as it may be heard.

AND TAKE NOTICE THAT THIS MOTION IS MADE under Rule 3 of the Tribunal’s *Rules of Procedure (Proceedings Prior to July 11, 2021)* and is for orders under paragraph 53(2)(b) of the *Canadian Human Rights Act* (the “CHRA”) and under Rule 1(6) and 3(2)(d) and pursuant to the Tribunal’s continuing jurisdiction in this matter. The proposed motion will be heard in person, subject to the Panel’s direction for a hearing or further submissions.

AND TAKE NOTICE THAT THIS MOTION IS FOR confirmation that the Compensation Final Settlement Agreement (the “**Settlement**”) satisfies the compensation orders and framework for compensation made by this Tribunal.

AND TAKE NOTICE THAT THE GROUNDS FOR THE MOTION ARE:

Tribunal Proceedings and Orders

1. In February 2007, the Assembly of First Nations (the “**AFN**”) and the First Nations Child and Family Caring Society (the “**Parties**”) filed complaints under the CHRA. The complaint stated that the Government of Canada was discriminating against First Nations children and families by underfunding the First Nations Child and Family Services (“**FNCFS**”) Program on-reserve and in the Yukon, and by failing to fully implement Jordan’s Principle.
2. On January 26, 2016, (2016 CHRT 2) the Tribunal ordered Canada to (i) cease its discriminatory practices and reform the FNCFS Program and *1965 Agreement* to reflect the findings in this decision; (ii) cease applying its narrow definition of Jordan’s Principle and to take measures to implement the full meaning and scope of Jordan’s Principle; and (iii) take measures to prevent the recurrence of the discrimination found by the Tribunal (the “**Merits Decision**”).
3. On September 6, 2019 (2019 CHRT 39) the Tribunal ordered Canada to compensate certain victims of discrimination under the FNCFS Program who were removed from their homes, families and communities and their parents or caregiving grandparents, and ordered Canada to compensate certain victims of Canada’s discriminatory application of Jordan’s Principle. Included in the decision were First Nations children on-reserve and in the Yukon who were unnecessarily removed from their homes and communities from 2006 onwards, and First Nations children who were denied the essential services and other supports needed, or received after a delay, because the Government of Canada failed to meet the legal requirements of Jordan’s Principle.
4. The Tribunal did not order Canada to immediately pay compensation to the particular victims set out in the Compensation Entitlement Decision. Instead, it ordered Canada to consult with the First Nations Child and Family Caring Society (the “**Caring Society**”) and

the AFN to develop a compensation distribution framework to arrive at a final order for compensation.

5. On October 4, 2019, Canada applied for judicial review of the Compensation Entitlement Decision and sought a stay of the Tribunal's proceedings. After the Federal Court dismissed the stay motion on November 27, 2019, Canada agreed to work with the Caring Society and the AFN on the framework.
6. On February 21, 2020, the Caring Society, the AFN, and Canada submitted a draft compensation framework to the Tribunal (the "**Compensation Framework**"). From February 2020 to December 2020, the Caring Society, the AFN and Canada worked to finalize the Compensation Framework, as the Tribunal made further orders on issues related to eligibility for the estates of deceased victims (2020 CHRT 7); definitions of "service gap", "essential service" and "unreasonable delay" for the purpose of Jordan's Principle compensation (2020 CHRT 15); and an order that compensation owing to minor beneficiaries and those without legal capacity be held in trust (2021 CHRT 6). On February 12, 2021, the Tribunal directed that compensation be paid out pursuant to the Compensation Framework. Shortly thereafter, Canada amended its Notice of Application and indicated its intent to seek judicial review of the Compensation Payment Decision.
7. On March 17, 2021 (2021 CHRT 12), the Tribunal approved an order on consent of the Parties regarding non-agency First Nations, requiring Canada to develop and implement an interim funding model for First Nations that receive services under the FNCFS Program but not through a FNCFS Agency. Funding is to ensure substantive equality, the best interest of the child, and accounts for inflation, population growth, and supports governance and capacity development.
8. On June 14-18, 2021, the Federal Court heard Canada's application for judicial review of the Compensation Entitlement Decision, the Compensation Payment Decision, and the Tribunal's orders regarding eligibility under Jordan's Principle (2020 CHRT 20 and 2020 CHRT 36). On September 29, 2021, the Federal Court (2021 FC 969) dismissed Canada's applications in their entirety.

9. On October 29, 2021, Canada appealed the Federal Court’s order (2021 FC 969) upholding the Compensation Entitlement Decision and the Compensation Payment Decision to the Federal Court of Appeal (Federal Court of Appeal File No. A-290-21), but indicated its desire to move forward with intensive negotiations to settle the outstanding compensation for First Nations children who had been discriminated against via the FNCFS Program, in terms of the receipt of services under Jordan’s Principle, as well as the necessary reforms to the FNCFS Program. Canada’s appeal was put into abeyance with the consent of the Parties. The AFN insisted that discussions on compensation also include a separate track on long-term reform. Canada also intended and therefore agreed that it was open to negotiations on both compensation and long-term reform.

Reaching a Compensation Final Settlement Agreement

10. In the Fall of 2021, the Parties entered into negotiations and reached an Agreement-in-Principle (the “AIP”) on Compensation for the discrimination that First Nations children and families experienced under the Government of Canada’s FNCFS Program and narrow application of Jordan’s Principle. The Parties were assisted by the Honourable Murray Sinclair.
11. On December 31, 2021, the Parties reached an AIP on Compensation which was announced on January 4, 2022. The AIP on Compensation includes children who were denied the essential services and other supports they needed or received them after an unreasonable delay, because Canada failed to meet the essential needs of First Nations children and failed to meet the legal requirements of Jordan’s Principle. Some of the caregivers of these children will also be compensated.
12. As part of the AIP, the Complainants and Respondent committed to reforming the FNCFS Program by March 31, 2023, as well as improving compliance with and reforming Jordan’s Principle.
13. On June 30, 2022, the Complainants and Respondent executed a Settlement in line with Compensation Decision of 2019 CHRT 39 and subsequent Orders and the Compensation Framework. Adjustments were made to ensure the Settlement stayed within the parameters

of the compensation provided by Canada and the settlement is broader in some respects than the orders of this Tribunal. The Settlement is designed so Class Members, or subsets of Class Members, receive direct compensation, while some others indirectly benefit from the Settlement without receiving direct compensation through mechanisms the Parties have provided.

Endorsement of the Compensation Final Settlement Agreement

14. The AFN and Canada seek the following Orders:

- a) a declaration that the Compensation Final Settlement Agreement is fair, reasonable, and satisfies the Tribunal's Compensation Order 2019 CHRT 39, and all related clarifying orders.
- b) In the alternative, the AFN and Canada seek a variation of the Tribunal's Compensation Decision, Compensation Framework, and other compensation related orders, to conform to the proposed Final Settlement Agreement.
- c) in either event, that the Tribunal's endorsement of the Final Settlement Agreement or variation of its Compensation Decision to conform to the terms thereof shall remain contingent on the Federal Court of Canada's approval of the terms of the Final Settlement Agreement.

15. The Parties further rely on subsection 91(24) of the *Constitution Act, 1867*; Section 53(2) of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6; Rules 1(6), 3(1), and Rule 3(2) of this Tribunal's *Rules of Procedure (Proceedings prior to July 11, 2021)*; the Tribunal's implied jurisdiction to control its own processes; and such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The affidavit of Janice Ciavaglia, dated July 22, 2022;
- (b) The affidavit of Valerie Gideon, dated July 6, 2022; and

(c) Such further and other materials as counsel may advise and this Tribunal may permit.

Dated: July 22, 2022



Stuart Wuttke
Adam Williamson

Counsel for the Assembly of First Nations

ORIGINAL TO: CANADIAN HUMAN RIGHTS TRIBUNAL
c/o Judy Dubois, Registry Officer
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4

AND TO:

DEPARTMENT OF JUSTICE CANADA
Paul Vickery, Christopher Rupar, Jonathan Tarlton
Department of Justice Canada
50 O'Connor Street
Ottawa, ON K1A 0H8

Counsel for the Respondent, Attorney General of Canada

CONWAY BAXTER WILSON LLP
David Taylor
Suite 400
411 Roosevelt Avenue Ottawa, Ontario
K2A 3X9

CLARKE CHILD & FAMILY SERVICES
Sarah Clarke
36 Toronto Street, Suite 950
Toronto, ON M5C 2C5

Counsel for the Complainant, Frist Nations Child and Family

Caring Society of Canada Canada

CANADIAN HUMAN RIGHTS COMMISSION

Anshumala Juyal and Jessica Walsh

344 Slater Street, 8th Floor

Ottawa, ON K1A 1E1

Counsel for the Canadian Human Rights Commission

OLTHUIS KLEER TOWNSHEND LLP

Maggie E. Wentz

250 University Avenue, 8th Floor

Toronto, ON M5H 3E5

Counsel for the Interested Party, Chiefs of Ontario

STOCKWOODS LLP

Justin Safayeni

TD North Tower

77 King Street West, Suite 4130

Toronto, ON M5K 1H1

Counsel for the Interested Party, Amnesty International

FALCONERS LLP

Julian N. Falconer

10 Alcorn Avenue, Suite 204

Toronto, ON M4V 3A9

Counsel for the Interested Party, Nishnawbe Aski Nation

COURTESY COPIES TO:

NAHWEGAHBOW CORBIERE
Dianne Corbiere, Karen Osachoff
5884 Rama Road, Suite 109
Rama, ON L3V 6H6

FASKEN MARTINEAU DUMOULIN LLP
Geoff Cowper, Nathan Surkan
550 Burrard Street, Suite 2900
Vancouver, British Columbia V6C 0A3

Counsel for the AFN Class Action

SOTOS CLASS ACTIONS
David Sterns, Mohsen Seddigh
Sotos Class Actions
180 Dundas Street West #1200
Toronto, ON M5G 1Z8

KUGLER KADENSTINE
Robert Kugler
Kugler Kadenstine
1 Place Ville Marie #1170
Montreal, QC H3B 2A7

Counsel for the Moushoom Class Action

This is **Exhibit "G"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915



Government
of Canada

Gouvernement
du Canada

[Canada.ca](#) > [Indigenous Services Canada](#)

Final settlement agreement on compensation signed for First Nations children and families

From: [Indigenous Services Canada](#)

News release

July 4, 2022 — Ottawa, Traditional Algonquin Territory, Ontario — Indigenous Services Canada

Today, Canada, the Assembly of First Nations (AFN), and the plaintiffs in the Moushoom and Trout class actions announced that a final settlement agreement has been signed, regarding compensation for First Nations children and families harmed by discriminatory underfunding of the First Nations Child and Family Services program and the federal government's narrow definition of Jordan's Principle. Together, the Parties arrived at this historic settlement agreement – the largest in Canadian history – which recognizes harm to First Nations children and their families. The agreement ensures fair compensation for survivors and their families who suffered because of the discriminatory underfunding of services.

To reach this agreement, Canada, the Assembly of First Nations and counsel representing the plaintiffs in the Moushoom and Trout class actions have worked collaboratively and tirelessly over the past six months since

announcing Agreements-in-Principle. Plaintiffs and their counsel took the lead on proposing a structure and roll-out of compensation that best meet the needs of the class members.

The next step is to bring the final settlement agreement to the Canadian Human Rights Tribunal asking for the Tribunal's confirmation that the settlement satisfies its orders on compensation. The final settlement agreement will then be brought to the Federal Court of Canada for approval. If approved, the process to implement the settlement will begin.

The agreement provides \$20 billion and, once approved by the Federal Court and the Canadian Human Rights Tribunal, the following groups will be eligible for compensation:

- children who were removed from their homes under the First Nations Child and Family Services program between April 1, 1991 and March 31, 2022
- children who were impacted by the government's narrow definition of Jordan's Principle between December 12, 2007 and November 2, 2017
- children who did not receive or were delayed in receiving an essential public service or product between April 1, 1991 and December 11, 2007
- caregiving parents or caregiving grandparents of the children above may also be eligible for compensation

With respect to long-term reform of the First Nations Child and Family Services program, Parties are working hard at reaching a final settlement agreement to ensure a solid, reformed system to end the discrimination found by the Tribunal. On April 1, 2022, Canada implemented immediate measures to help reduce the number of First Nations children in care, and to provide additional supports to First Nations children, youth and families. These investments, amounting to approximately \$2.7 billion to date, represent an 80% increase in funding from 2020-21. They include increased funding in all provinces and the

Yukon Territory for prevention, for First Nations representative services, and for the expansion of post-majority care services for young adults formerly in care up to their 26th birthday.

In reaching a resolution on compensation and in continuing the work to reform the First Nations Child and Family Services program, the shared goal is to prioritize the well-being of First Nations children and their families. Canada stands with First Nation partners in the commitment to make sure that a better system is in place for current and future generations.

Quotes

"Historic harms require historic reparations. While no amount of compensation can make up for the grief and trauma that the actions of the Government of Canada caused to First Nations children and families, this final settlement agreement is an important step forward to acknowledging the harm done and beginning the hard work of healing. I am hopeful that the court process for approving the agreement will be quick, and people and families can have the certainty and resolution they have asked for. Canada must never repeat these discriminatory actions. We must all work together to ensure that every First Nations child has equal opportunity to succeed, surrounded by family, culture, and community."

The Honourable Patty Hajdu
Minister of Indigenous Services

"While this is an important and necessary step forward to compensate those hurt by discriminatory funding practices, it has come at the cost of terrible pain and suffering. Nothing we can do will ever erase the harm that has been caused, or give back the years children lost with their families, languages and cultures. I hope that this agreement on compensation will bring us closer to a future where all First Nations children can grow and thrive with their families and communities, as we continue to work with partners to reform child and family services."

The Honourable Marc Miller
Minister of Crown-Indigenous Relations

"Truth and reconciliation challenges all of us to think and act in new ways. Our journey will be filled with moments such as this where, as a government, we need to recognize where injustices and harm have been experienced by First Nations children and families. This agreement presents a renewed opportunity to work together to build a positive, healing future for First Nations children and families in Canada. I believe that if we move forward together—with openness and determination—we can build a better future with Indigenous Peoples."

The Honourable David Lametti, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

"After three decades of advocacy, and months of negotiations, the AFN is pleased with reaching terms of this historic compensation agreement for our children and families impacted by the discriminatory First Nations Child and Family Services Program and the narrow implementation of Jordan's Principle. First Nations children have always deserved to be treated fairly and equitably, and this \$20 billion compensation settlement recognizes that this was not the policy nor the practice. We look forward to its ratification by the Canadian Human Rights Tribunal and the Federal Court, so that compensation can begin to reach the children and families impacted."

Assembly of First Nations Manitoba Regional Chief Cindy Woodhouse

"While money can never compensate for the loss of a childhood or the pain of family separation, this settlement will provide meaningful payments to tens of thousands of affected children and their families to help them rebuild their lives. The process of applying for compensation will be addressed by the courts in the coming months if the settlement is approved."

Sotos LLP, Kugler Kandestin LLP and Miller Titerlie + Company, three of the law firms representing the class

Associated links

- [Agreements-in-Principle reached on compensation and long-term reform of First Nations child and family services and Jordan's Principle](#)

- Long-term reform of First Nations Child and Family Services and long-term approach for Jordan's Principle

Contacts

For more information, media may contact:

Alison Murphy

Press Secretary

Office of the Honourable Patty Hajdu

Minister of Indigenous Services

Alison.Murphy@sac-isc.gc.ca

Justine Leblanc

Press Secretary

Office of the Honourable Marc Miller

Minister of Crown-Indigenous Relations

justine.leblanc@rcaanc-cirnac.gc.ca

Chantalle Aubertin

Press Secretary

Office of the Minister of Justice and Attorney General of Canada

(613) 992-6568

Chantalle.Aubertin@justice.gc.ca

Kelly Reid

Communications Officer

Assembly of First Nations

613-292-0857 (mobile)

kreid@afn.ca

David Sterns*

Partner

Office: 416.977.5229

Cell: 647.242.6911

180 Dundas Street West, Suite 1200

Toronto, Ontario M5G 1Z8

www.sotosclassactions.com

**Practising through a professional corporation*

Media Relations

Indigenous Services Canada

819-953-1160

media@sac-isc.gc.ca

CIRNAC Media Relations:

Email: RCAANC.Media.CIRNAC@sac-isc.gc.ca

Phone: 819-934-2302

Media Relations

Department of Justice Canada

613-957-4207

media@justice.gc.ca

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Date modified:

2022-07-11

This is **Exhibit "H"**
to the affidavit of
Cindy Blackstock
affirmed before me this
7th day of September, 2022



Jasmine Kaur
LSO#: P16915

Report on the
Estimated Class Size –
First Nations Children in Care 1991 to 2019
Xavier Moushoom v. Attorney General of Canada

Peter Gorham, F.C.I.A., F.S.A.
JDM Actuarial Expert Services Inc.
313 Powell Rd., Whitby, ON L1N 2H5
(905) 999-4763

Prof. Nico Trocmé, MSW, PhD, RSW
Director of the School of Social Work
Philip Fisher Chair in Social Work
3506 University Street, Montreal, Québec H3A 2A7
(514) 398-7068

Marie Saint-Girons, MSW
Research Assistant, Centre for Research on Children and Families
McGill University, School of Social Work
3506 University Street, Montreal, Québec H3A 2A7
(514) 588-8925

18 January 2021

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A. Purpose

1. This is a joint expert report prepared by experts separately retained by the plaintiffs and defendants in the matter of Xavier Moushoom and the Attorney General of Canada (the “**Moushoom Matter**”).
2. Peter Gorham is president and actuary with JDM Actuarial Expert Services Inc. He regularly provides actuarial consulting services as well as actuarial expert testimony. He is a fellow of the Canadian Institute of Actuaries and of the Society of Actuaries. He received his Actuarial Fellowship in 1980 and has provided pension, benefits and actuarial consulting services for approximately 42 years. A copy of his curriculum vitae is attached as Appendix 1.
3. Prof. Nico Trocmé is the Director of the School of Social Work and the Philip Fisher Chair in Social Work at McGill University. He has been leading studies on Canadian provincial and First Nations child welfare services since the early 1990s and has authored over 200 scientific publications based on this research. He has acted as a child welfare policy and program consultant to several provincial governments and First Nations organizations and has presented expert evidence at various inquests and tribunals. A copy of his curriculum vitae is attached as Appendix 2.
4. Our work was greatly enhanced through the contributions and insights provided by Marie Saint-Girons, Research Assistant, Centre for Research on Children and Families, McGill University. She currently supports the coordination of the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect 2019 (FN/CIS-2019), a national study examining the overrepresentation of First Nations children in the child welfare system across Canada. A copy of her curriculum vitae is attached as Appendix 3.
5. We understand and acknowledge that as experts, we have a duty to provide evidence in this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within our area of expertise; and
 - c. to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
6. We acknowledge that the duty referred to above prevails over any obligation that we may owe to any party by whom or on whose behalf we are engaged. Copies of Form 53 acknowledging those duties are attached as Appendix 7, Appendix 8, and Appendix 9.

7. The purpose of this report is to assist counsel for the plaintiffs and counsel for the defendants in their exploratory discussions by providing various estimates of the number of First Nations children who were taken into care in Canada between 1 April 1991 and 1 March 2019 and who remained in care for various specified durations. We were specifically requested:
 - a. to the extent possible, provide separate estimates of the number of children who were taken into permanent care and those taken into non-permanent care;
 - b. to the extent possible, provide estimates of the number of children based on total time in care using six-month intervals; and
 - c. provide summary statistics of the average time in care based on age at entering care and age at leaving care.
8. The data to which we had access did not readily permit splitting the number of children between temporary and permanent care. We have therefore only presented estimates of the total number of children who were taken into care as well as the number of children in care based on six-month intervals of total time in care.
9. The intended users of this report are the two parties to this matter together with their respective counsel. This report is not suitable nor intended in its current form to be filed with the courts. The report should not be provided to anyone who is not an intended user except as may be required by law. The findings herein should not be relied upon by any party other than an intended user.

B. Background

10. In 2018, Canada settled a number of class actions regarding First Nations children who had been taken into care between 1951 and 31 March 1991 (the “**Sixties Scoop**”).
11. An expert report was prepared by Gorham for purposes of settlement discussions in the Sixties Scoop matter (the “**Gorham Report for Sixties Scoop**”). That report set out the estimated number of First Nations children that entered care in each fiscal year 1951 to 1990.
12. The Moushoom Matter covers First Nations children who ordinarily live on reserve and who were taken into care between 1 April 1991 and 1 March 2019.
13. The Moushoom Matter also includes issues related to Jordan’s Principle. This report does not cover any aspect of the allegations involving Jordan’s Principle. This report is solely focussed on providing an estimate of the number of First Nations children who ordinarily live on reserve and who were taken into care between 1 April 1991 and 1 March 2019.
14. Trocmé and Gorham were requested by plaintiff’s and defendant’s counsel to work together in reviewing available information and preparing a preliminary estimate of the class size in the Moushoom Matter. We met numerous times via online conference call to review and discuss the data and the methodology to be used in preparing our estimate. Most of our work was focussed on two key items, the care models to be used and analysis of data to prepare a distribution of duration in care for First Nations children.

Status of Children in Care

15. We were asked to provide an estimate of the number of children taken into permanent care and those taken into other than permanent care.
16. The data maintained by Indigenous Services Canada (“**ISC**”) differentiates between three types of status of children in care – permanent, voluntary and temporary.
17. Most of the data that we had available for analysis does not indicate the status of the children in care. The data on children in care beginning 1 April 2013 does provide the status of care for each child. However, we were advised by ISC that the status of the child in care is entered into the system by the childcare worker assigned to the child and is not verified. Consequently, the status is believed to be susceptible to errors. ISC was unable to provide any indication of the extent of such errors.

18. Since we had very little data about the type of care by children, we have not split the estimates of children entering care by temporary, voluntary and permanent. If requested, we could provide that information based on an assumption that the split by type of care in 2013 to 2018 is the same split that applied prior to 2013.

Data for First Nations Children in Care

19. We were provided with **aggregate data** from ISC showing
- a. the total number of First Nations children ordinarily resident on reserve in care as of 31 March in each year from 1970 to 1977, 1981 and from 1992 to 2017; and
 - b. the total number of care days in each fiscal year from 1969-70 to 2016-17 with the exception of 2012-13.
20. Unless otherwise specified, whenever we refer to a year, we are referring to the fiscal year starting on April 1st of that year.
21. Because a child that is in care for five years will be included in the data at least five times, one cannot simply add these numbers together to get the total number of children in care during the class period 1 April 1991 to 1 March 2019. Consequently, we created a model to follow children through their time in care. By adding up the estimated number of children that entered care in each year, we determined an estimated total number of children in care during the period 1991 to 2019.
22. ISC also provided us with three sets of **data files regarding individual children in care**. This data was used to determine a distribution of time in care and of ages entering and leaving care for First Nations children.
- a. The **Ontario Data** provided information about each First Nations child in care in Ontario for each fiscal year (1 April to 31 March) 2000, 2002, and 2004 to 2012. That data included information about children who first entered care prior to 2000 and who were in care in any of the above years. There is no information about the status of children in care.
 - b. The **BC Data** provided information about each First Nations child in care in British Columbia from April 2011 to August 2019. The data includes children who entered care for the first time prior to 2011 and who were in care at any time on or after April 2011. The status of children in care is included for some of the children.
 - c. The **Canada Data** provided information about each First Nations child in care in all provinces and territories beginning 1 April 2013. This data showed the first and last dates that an expense had been submitted for a specific child between 1 April 2013 and 31 March 2018 as well as the status of children in care.

C. The Care Models

23. We created three care models: the Duration Model, the Status of Children in Care Model and a Mean Estimation Model. Each one models the children's time in care from their entry into care until they exit care.
24. The purpose of each model is to estimate the number of children that enter care. The total of the children entering care is the estimated class size.
25. The Duration Model is the one we considered provided the best and most reliable estimates and the one we used for presenting results in this report. The other two models were utilised as a check on the reasonableness of the Duration Model.

The Duration Model

26. The Duration Model does not consider the status of children in care. This model only considers the time in care statistics that we developed from the Ontario and Canada Data (see paragraphs 69 -79).
27. For this model, we cannot just start modelling from 1991. We need to develop a distribution of the children in care as of 1 April 1991 for the model to work.
28. Consequently, we started with the children in care in 1970. We assumed that the distribution of children by duration in 1971 was approximately similar to the duration we determined for 2000 to 2005. Having an accurate distribution for 1970 is not necessary, as any errors will have worked their way out of the projections by 1991.
29. From 1970 to 1990, the children were modelled moving through care every six-months in the same way as described in paragraphs 81 to 83. In this manner, the number entering care in each year 1970 to 1990 was determined and they formed the basis of the 31 March 1991 distribution of children by time in care – from newly entered to 21 years in care.
30. The Duration Model looks at each six-month period separately. Every six months, children are moved through care.
 - a. Some of the children who entered care during the prior period leave care. The rest are moved to the category 6 – 12 months in care.
 - b. Some of the children who had been 6 to 12 months in care during the prior period leave care and the rest are moved to the category 12-18 months in care.
 - c. This process is repeated for each six-month category until all the children that were in care in the prior period have either left care or moved to the next category.

- d. At this point, the number of children who remain in care are added together and compared with the total number that were reported to have been in care. The difference is the number entering care during that period.
31. The main assumption used for the Duration Model is the distribution of time in care – the probability that a child will exit care during a specified six-month period.

The Status of Children in Care Model

32. The Status of Children in Care Model was developed from the Care Model utilised in the Gorham Report on Sixties Scoop. That model split the total number of children in care in each year between an assumed number in permanent care and the balance in non-permanent care (called temporary care in the Gorham Report on Sixties Scoop). The children in permanent care were then modelled using assumptions about time in care to produce an estimate of the number of children entering permanent care in each year. No modelling was performed, or required, of the children in temporary care for purposes of the Gorham Report on Sixties Scoop.
33. For the Status of Children in Care Model, we first allocated the total number of children in care in each year between those assumed to be in permanent and temporary care.
34. An initial distribution of children by the number of years in temporary care was developed in the same manner as described in paragraphs 27 to 29. An initial distribution of children in permanent care based on their age was developed by assuming the distribution was the same as produced by the Sixties Scoop model for 1990-91. An initial distribution of children in voluntary care based on their age was produced by assuming the same distribution applied to them as for those in permanent care.
35. The children assumed to be in temporary care were modelled using a process similar to the Duration Model described above.
36. The children assumed to be in permanent or voluntary care were modelled using a similar process, but based on their age rather than the time in care.

Mean Estimation Model

37. Based on the analysis of the Ontario Data, we determined the mean time in care by year as well as the median and decile breaks for time in care.

38. The Mean Estimation model applied the average number of days in care to the total days in care for all children to give a very rough estimate of the total number of children.

Summary

39. Both the Status of Children in Care Model and the Mean Estimation model were used solely for the purpose of a reasonableness check of the results from the Duration Model.
40. Results from the Status of Children in Care Model and the Mean Estimation model are not used other than as a reasonableness check and are not reported on herein. All results contained in this report are based on the Duration Model.

D. Data Review and Analysis

41. We reviewed each of the data files for reasonableness and completeness having regard to the nature of our work. Complete accuracy is not required since we are dealing with thousands of children and small errors will disappear in the rounding. In particular, an error that is material on an individual basis is unlikely to affect the results within the overall group of children. However, systematic errors could become material if not adequately addressed.

Total Children in Care by Year

42. We reviewed the number of First Nations children in care as of 31 March in each year 1991 to 2018 at both the national level and the regional levels.
- a. We confirmed that the national totals are the sum of the regional totals.
 - b. We reviewed the changes in the numbers from year to year for reasonableness. Anomalous regional patterns in year-to-year changes are discussed below and highlighted in italic and in yellow in tables 48a and 48b.
43. **Atlantic Region:** There was a significant increase in the number of children in care between 2004 and 2006 from 623 to 1,085. That total then declined by 2008 to the previous levels. Assuming no error in those numbers, the change in the total number of care days during that period suggests the spike was over a few months and was for children who remained in care for a very short period of time.
44. **Quebec Region:** The number of children in care as of 31 March increased from 814 in 2001 to 1,084 in 2005. The number decreased to 593 in 2006 before returning to historic levels in 2007 and later years. There was no significant change in the total number of care days during that period. There appears to be an error in either, or both, the count of children as of 31 March and the number of care days during the years 2002 to 2005. We are unable to determine either an appropriate correction or a reasonable explanation for these numbers. Depending on which data are incorrect, our use of these numbers may cause an overstatement in the estimate of class size.
45. **Manitoba Region:** The number of children in care on 31 March increased gradually from 1,551 in 2004 to 2,517 in 2010 and then remained at that level. The total number of care days also increased over that period, leading us to conclude that these numbers are likely accurate.
46. **Saskatchewan Region:** The number of children in care on 31 March increased from 1,123 in 2006 to 2,124 in 2007 and then returned to historic levels in 2008. There was also a less dramatic one-year increase of 150,000 in the total number of care days. We

were unable to determine if this represents a short period with a significant increase of children taken into care or if it is a one-year error in reporting. We have utilised the numbers as shown which, if there was a reporting error, may result in overstating the estimated class size.

47. **Alberta Region:** The number of children in care increased from 905 in 1992 to 1,587 in 1995 and then decreased for two years before increasing to 1993 in 2000. The total care days moved in a similar manner, leading us to conclude that these numbers are likely accurate.
48. Table 48a shows the number of children in care as of 31 March in each year by region. Table 48b shows the total number of care days in each fiscal year. The highlighted and italicised numbers are those discussed above.

Table 48a – First Nations Children in Care as of 31 March in Each Year

Year	Atlantic	Quebec	Ontario	Manitoba	Saskat- chewan	Alberta	BC and Yukon	National
1991	-	-	-	-	-	-	-	-
1992	283	488	1,323	1,382	470	905	607	5,458
1993	216	557	668	1,337	383	1,119	551	4,831
1994	239	508	492	1,276	285	1,527	527	4,854
1995	273	420	472	1,318	411	1,587	643	5,124
1996	327	567	733	1,203	357	1,268	844	5,299
1997	366	626	670	1,064	536	1,381	697	5,340
1998	390	615	747	1,317	765	1,583	803	6,220
1999	491	737	931	1,270	951	1,895	945	7,220
2000	572	782	1,048	1,363	980	1,993	1,024	7,762
2001	632	814	1,245	1,468	1,070	1,652	1,138	8,019
2002	611	858	1,304	1,585	1,012	1,704	1,000	8,074
2003	591	890	1,463	1,406	1,117	1,782	976	8,225
2004	623	1,005	1,545	1,551	1,133	2,090	902	8,849
2005	813	1,084	1,536	1,594	1,099	1,810	900	8,836
2006	1,085	1,005	1,513	1,669	1,123	1,933	824	9,152
2007	760	593	1,440	1,769	2,124	1,580	827	9,093
2008	541	720	1,427	2,176	1,166	1,744	822	8,596
2009	537	714	1,458	2,403	1,114	1,762	818	8,806
2010	535	685	1,502	2,517	1,207	1,486	754	8,686
2011	607	839	1,537	2,474	1,139	1,779	866	9,241
2012	670	846	1,585	2,459	1,123	1,833	907	9,423
2013	748	888	1,566	2,659	1,076	1,801	744	9,482
2014	596	789	1,502	2,223	1,169	1,664	732	8,675
2015	587	793	1,381	2,291	1,113	1,550	713	8,427

Year	Atlantic	Quebec	Ontario	Manitoba	Saskat- chewan	Alberta	BC and Yukon	National
2016	553	882	1,350	2,298	1,106	1,607	749	8,545
2017	525	925	1,378	2,583	1,142	1,763	763	9,079

Table 48b – Total Care Days for First Nations Children by Fiscal Year Ending 31 March

Year	Atlantic	Quebec	Ontario	Manitoba	Saskat- chewan	Alberta	BC and Yukon	National
1991	61,772	149,567	243,836	438,466	134,817	407,559	215,325	1,654,457
1992	64,887	145,537	234,978	431,334	118,964	568,525	229,592	1,802,668
1993	73,738	137,847	242,054	396,165	120,283	622,432	277,391	1,870,294
1994	74,122	138,335	281,746	371,067	121,399	506,900	315,656	1,808,179
1995	73,076	178,148	235,254	371,980	169,294	483,507	228,629	1,754,736
1996	87,924	176,114	251,930	409,130	233,619	526,915	297,365	1,986,203
1997	91,130	185,468	310,782	406,621	288,374	538,197	358,171	2,186,174
1998	98,561	189,590	355,913	428,549	337,108	588,624	369,670	2,366,381
1999	96,927	251,493	415,860	434,341	383,617	578,271	375,068	2,543,857
2000	105,207	185,474	448,822	459,511	386,926	564,307	385,081	2,542,635
2001	112,514	181,151	491,502	441,166	396,305	583,172	351,624	2,553,056
2002	108,136	194,222	546,862	475,270	421,204	698,439	336,649	2,781,510
2003	108,864	206,201	557,616	521,248	426,892	598,812	321,185	2,820,859
2004	188,905	191,309	559,142	545,717	426,975	619,729	302,851	2,821,555
2005	175,832	215,637	539,728	589,840	582,264	680,727	302,131	3,084,693
2006	174,366	242,607	530,205	704,876	421,968	706,784	316,991	3,068,168
2007	144,737	249,482	532,665	733,330	429,997	731,641	360,657	3,214,957
2008	177,185	273,843	545,423	759,041	409,829	636,088	307,928	3,208,027
2009	197,624	284,982	570,333	775,343	445,257	672,976	297,561	3,242,495
2010	196,043	289,617	584,932	772,379	412,151	47,634	280,620	2,592,676
2011	205,343	-	-	-	-	-	-	-
2012	-	277,588	547,557	854,422	421,443	621,395	270,602	3,215,898
2013	215,093	306,295	517,632	856,021	420,173	586,692	264,982	3,174,050
2014	216,220	-	-	-	-	-	-	3,185,330
2015	-	-	-	-	-	-	-	3,283,074
2016	-	-	-	-	-	-	-	-
2017	-	-	-	-	-	-	-	-

49. We recommend that the data issues discussed above for the Atlantic, Quebec and Saskatchewan Regions be investigated by ISC in an attempt to explain these significant changes or find correct numbers.

Child Level Data

50. In addition to the aggregate annual totals described above, we received and reviewed three data files including more detailed child-level data.
51. The data we received included one or both name and First Nation registration number. For our work, the name and registration number were deleted and replaced by a random ID code.

Ontario Data

52. The Ontario data includes one record per First Nations child for each fiscal year they were in care.
53. The Ontario Data provided us with the means to follow children from their first entry into care through to their final exit from care. We were able to distinguish between children in continuous care and those who had multiple periods of care. For most of the children in care at the end of the Ontario Data (31 March 2013), we were able to match them up with their information in the Canada Data and thereby extend the period of time in care we could analyse.
54. In reviewing the Ontario Data, we identified a number of errors that we were able to correct satisfactorily in most cases.
 - a. Some dates of birth were clearly wrong and in most situations there were other records for the child with a correct date of birth.
 - b. For each fiscal year, there were about 60 children for whom no date of exit was included and there were no records for that child in subsequent years. On inspection, we concluded that they had most likely exited care during that year and we estimated an exit date by using a random number. The distribution of assumed exit dates was uniform throughout the year. For children who were in their first or second year of care, this would likely result in a small overstatement of the time in care. In our opinion, this is not material for the purposes of the report.
 - c. For fiscal year 2001, there was no data available.
 - i. We assumed that a child in care at the end of fiscal year 2000 who was also in care at the beginning of 2002 had remained in care continuously throughout 2001. That may overstate the time in care for any children who left and returned to care in 2001.
 - ii. Children who entered care in 2001 and who remained in care in 2002, could be identified in the 2002 data. The 2002 data included their most recent date of entry and we assumed that they had remained in care continuously from their

entry to the end of 2001. That may overstate the time in care for any children who left and returned to care in 2001.

- iii. There were about 400 children who had no exit date in the 2000 data and who were not in care in 2002. We assumed that about 60 of them had left care during the 2000 fiscal year and no exit date had been entered and that the balance had left care during the 2001 fiscal year. We used random numbers to estimate their exit dates.
 - iv. There are an unknown number of children who both entered and exited care during the 2001 fiscal year. We have no data for them. Consequently, we did not use the data for any children who entered care in 2001 for any of our analyses of overall duration in care. We were able to use those who entered care in 2001 for a separate analysis of children who were in care for over 12 months.
- d. For fiscal year 2003, there was no data available. We made similar assumptions as described above for 2001.
 - e. About 200 registration numbers were found to have been used for multiple children. For about 150 of those, we were able to determine that the children were from the same family and the registration number appeared to be a temporary number. We assumed that these were for children that had not been registered under the Indian Act and we created unique numbers for each of those children. For about 50 of those, the children with the same registration number appeared to be from different families. For a few of the numbers, there were as many as four different children with the same registration number. We created unique numbers for each of these children.
 - f. There were about 50 registration numbers where the child's name was the same or similar and the date of birth was different and did not appear to be a typing error¹. We assumed that these were different children and created unique ID numbers for them.
 - g. In matching up the Ontario Data with the Canada Data, we found 274 children who were in care on 31 March 2013 in Ontario and for whom there is no exit date but they do not appear in the Canada Data. Upon inspection, we found 232 of those children are in the Canada Data but with a different registration number. We adjusted the ID numbers for them so their data could be combined between the two

¹ For example, 2-3-2002 and 2-3-2005 would likely be a typo if the rest of the information between two records matches. However, 2-3-2002 and 14-8-2003 is much less likely to be a typing error even if the rest of the information is similar.

datasets. For the remaining 42 children, we assumed that they left care during the 2012 fiscal year and we estimated an exit date using random numbers.

55. We compared the number of children in care as of each 31 March based on the Ontario Data with the Total Children in Care reported for Ontario. The numbers are sufficiently close as to be considered equal.
56. After cleaning the Ontario Dataset, there were 8,693 unique children in the sample. Information on gender was missing for 9.4% of the children. For those with gender identified, 49.3% are female and 50.7% are male.

BC Data

57. The BC Data did not add sufficient years of information to be useful for our analyses to date.

Canada Data

58. The Canada Data has one record per First Nations child with information about dates that expenses were submitted for the child. The date of the first expense submitted on or after 1 April 2013 is included and the date of the most recent expense submitted before 1 April 2018. However, we were informed that the data for 1 April 2013 to 31 March 2018 could be incomplete as new information is added and existing information may be modified by the regions.
59. There is little we can do for data checking given the format of the data. As discussed above at paragraph 54.g, we did find 232 children where the registration numbers from the Ontario data in fiscal year 2012 and the registration numbers in the Canada Data were different.
60. We also found 18 cases where there were two records for the same child. After cleaning the Canada dataset, there were 25,686 unique children in the sample. Information on gender was missing for 0.8% of the children. For those with gender identified 49.9% are female and 50.1% are male.
61. The Canada Data has no information about date of entry to or exit from care. The only information is with respect to expense amounts and dates.
 - a. We assumed that a child who had no expense during the period 1 April 2013 to 31 March 2014 was entering care for the first time as of the date of their first expense unless data about that child was included in the Ontario dataset.

- b. We assumed that a child for whom the first expense was prior to 1 April 2014, might have entered care at any time prior to 1 April 2014 and that we could make no assumption about how long they had previously been in care.
- c. We assumed that a child who had no expense after 30 March 2018 had left care as of the date of the last expense.
- d. We assumed that a child for whom there was an expense after 30 March 2018 may have left care or may remain in care as of 1 April 2018 and, with the exception of a subset of children in the Ontario data discussed below (paragraph 70), we could make no assumption about how long they have or may spend in care after 31 March 2018.

Applicability of the Data to the Class

- 62. The results of our work are only useful to the extent that the children included in the data we used match the children included in the class definition. If the data about total number of children in care includes children that are not First Nations and/or do not ordinarily live on reserve, then the estimates we have determined from the data will not be for the same definition as applies in the Moushoom Matter.
- 63. We were advised by ISC that the three data files include only First Nations children who were ordinarily resident on reserve.
- 64. The results presented in this report are based on an assumption that:
 - a. the data includes only First Nations children that ordinarily live on reserve;
 - b. all First Nations children that ordinarily live on reserve and who were taken into care during the time periods of the data are included in the data;
 - c. all First Nations children who were placed in foster care, kinship care, group homes, and institutional care are included;
 - d. the data does not include children who were placed in informal kinship programs;
 - e. the data about duration in care as developed from the Ontario Data is representative of the duration in care for all of Canada.
- 65. The maximum age of eligibility for care differs by province. During the class period, the maximum age has changed in some provinces. The duration statistics we have used herein is based on the Ontario maximum age for the class period. Differences by province from time to time in the maximum age for care could affect the results. We do not have sufficient data to be able to determine how much of an effect that may have on the results.

66. We note that the data for 2013 to 2018 only include children for whom an expense was submitted. To the extent that there may be children who did not have an expense paid by Canada during this period, such as children in informal kinship care arrangements, they are not included in our estimates.
67. In both the Ontario and the Canada datasets, despite the correction described above, we found further inconsistencies in the child ID codes. Mismatched ID codes meant that two episodes in care experienced by the same child would be counted as two different children placed in out-of-home care. Mismatched ID codes leads to overestimating the number of children, and underestimating cumulative time spent in care. We corrected for those mismatches that we were able to detect by using other identifying information.
68. We also found that entry and exit dates did not always match information about numbers of days in care. While we were able to correct some of these inconsistencies, we suspect that we were unable to correct for all of them. We assume that the days in care numbers, which are most directly associated with payments, are accurate but that there remain errors with some entry and exit dates. Class size and time in care estimates rely therefore on the assumption that the days in care data are accurate. The entry and exit date inconsistencies primarily affect our ability to examine patterns of multiple placements; we therefore were not able to pursue such analyses as fully as we had hoped.

Analysis

69. We looked at the children who entered care for the first time in fiscal year 2000, 2002, and 2004 in Ontario and for each child determined the total time in care. Given that we were able to merge the Ontario and Canada datasets, we had information on these children until at least 13 years after their first entry.
70. Some of the children who remained in care at the end of the Ontario Data and who we were able to follow within the Canada Data, appeared to remain in care as of 31 March 2018 (subject to comments in paragraphs 58 to 61 above). For those children remaining in care as of 31 March 2018, we assumed the following using a normal distribution:
- a. Those that had been in care for more than half of their life since first entering care, would remain in care continuously until they reached the average age for leaving care, based on the averages and standard deviations described below (paragraph 71).

b. Those that had been in care for less than half of their life since first entering care are assumed to have either reached a point where they will remain in care continuously until they reach the average age for leaving care or they will remain in care proportionate to their past time in care. Combining those assumptions, we estimated the remaining time in care by assuming these children would on average be in care for half of the future time up to the average age for leaving care.

71. We calculated the average age at which children exit care by time since first entry in care for cohorts that had spent more than 13 years in care as shown in Table 71. Note that this is the total time since first entry and not the actual time in care.

Table 71 – Average Age of Leaving Care

Total Years Since First Entered Care	Average Age Leaving Care	Standard Deviation Age Leaving Care
17 or more	19.5	1.0
15 or more	19.1	1.4
13 or more	18.6	1.9

72. Having made the above estimates of future time in care, we had a series of data that we could analyse to determine the distribution of time in care for children in the Ontario and Canada datasets. In particular, this would include information on those who remain in care for the longest periods.
73. The number of moves in and out of care could not be calculated in a systematic manner from the datasets provided. Most of the children for whom we have data had not reached their maximum age for care by the final year of data. However, we were able to estimate which children were continuously in care and which children had more than one period of care on the basis of available entry and exit dates relative to the total number of days in care reported by ISC. For the 2000-2004 entry cohorts examined:
- About 62% of the children appeared to have been continuously in care – that is, only one period of care. On average, they were in care for 19 months with a median time in care of 5 months².
 - The rest of the children (38%) were assumed to have multiple periods of time in care.

² The median is the value where half of the children were in care for less time and half in care for more time. A median of 5 months means that 50% of the children who were in care continuously, left care on or before five months and 50% remained in care longer than seven months.

74. We analyzed the percentage of children leaving care after 4.5 years or more in care and found that the rates do not vary significantly between the 2000-2004 entry cohorts examined.
75. We also looked at children who entered care for the first time between 2006 and 2010 as well as those we deemed had entered care for the first time in fiscal year 2014 and 2015. We found that, although there was some variability in the percentage of children who leave care within the first few years after entry between fiscal years 2000, 2002 and 2004, the percentages do not vary significantly between the cohorts with subsequent years of first entry.
76. We concluded that:
- a. we could use the average calculated cumulative percentages of children leaving care after 5 years from the 2000-2004 entry cohorts examined to estimate the equivalent percentages for children who entered care for the first time between 2005-2010.
 - b. we could use the average calculated cumulative percentages of children leaving care after 18 months from the 2000-2010 entry cohorts examined to estimate the equivalent rates for children who we deemed had entered care for the first time in 2014 and 2015.

Time in Care Statistics

77. Table 77 presents the results of the analysis of the Ontario and Canada Data with respect to the rate at which First Nations children leave care based on the total time in care. Children with more than one period in care are included based on the actual number of months in care excluding any time not in care. For example, a child that spent 18 months in care over a five-year period is included as 18 months.

Table 77 – Percent of First Nations Children Who Have Exited Care by Months in Care

Total Months in Care	Year First Entered Care										
	2000	2002	2004	2005	2006	2007	2008	2009	2010	2014	2015
6	36.8%	41.8%	44.2%	43.4%	40.2%	47.4%	44.2%	39.9%	39.4%	43.3%	41.8%
12	51.7%	55.8%	58.9%	60.9%	53.0%	59.5%	58.8%	52.6%	55.5%	59.4%	59.2%
18	64.1%	65.0%	67.0%	68.0%	62.0%	65.1%	65.6%	63.0%	65.2%	67.9%	68.5%
24	70.4%	70.0%	73.8%	75.6%	68.6%	69.9%	70.8%	68.5%	72.4%	73.8%	
30	74.2%	73.6%	76.0%	78.6%	70.6%	72.7%	76.9%	71.6%	76.5%		
36	76.8%	77.1%	78.5%	81.0%	74.4%	75.6%	80.4%	75.3%	80.6%		
42	78.6%	79.5%	80.6%	82.6%	78.0%	77.7%	83.3%	77.5%	82.1%		
48	80.7%	80.9%	83.9%	84.0%	79.8%	78.7%	84.4%	81.0%	84.6%		
54	82.1%	81.5%	85.9%	85.5%	80.8%	80.2%					
60	83.9%	83.6%	86.5%								

72	86.4%	86.3%	87.6%
84	88.2%	87.8%	89.4%
96	89.8%	90.5%	91.2%
108	90.8%	91.7%	91.9%
120	92.3%	93.1%	92.8%
132	93.4%	93.7%	93.4%
144	94.6%	94.1%	94.1%
156	95.5%	94.8%	94.7%
168	96.0%	95.7%	95.4%
180	96.8%	97.3%	96.5%
192	97.4%	97.7%	97.2%
204	98.4%	98.2%	98.1%
216	99.1%	98.5%	99.1%
228	99.7%	98.9%	99.4%
240	99.8%	99.0%	99.4%
252	100.0%	100.0%	100.0%

78. We did not calculate time-in-care statistics for 2011 to 2013 as the timeframe was too short.
79. However, we did calculate the statistics for 2014 and 2015 since these were the only years for which we had data for all regions of Canada. Our primary purpose was to see if there was any noticeable difference between the time-in-care for the earlier years for Ontario and the time-in-care for all of Canada. We concluded that it is likely that Ontario time-in-care statistics are reasonably similar to those for all regions of Canada.
80. Further analysis of the data is contained in Appendix 6.

E. Assumptions

Duration Model

81. The Duration Model starts with the distribution of children by time in care as of 1 April 1991. That distribution was developed by starting with children entering care in 1970 and modelling them through to 1991.
 - a. The total number of children in care as of 31 March in each year was assumed to be equal to the counts provided by ISC for those years in which a count was provided (1971 to 1977 and 1981). For the other years, the number was estimated based on the total number of care days in the year, as provided by ISC, divided by 365, together with an adjustment. The adjustment was based on the relationship between total care days and number of children in care on 31 March in the years for which both numbers were available. Those are the same number of children in each of those years as used in the Status of Children in Care Model and in the Gorham Sixties Scoop Report.
 - b. The children in care as of 1 April 1970 were distributed by time in care based approximately on the average distribution from 2000 to 2004. Any errors in that distribution will likely have worked their way out of the data by 1991.
 - c. Children were modelled moving through care using the duration assumptions and methods described below (paragraph 82 to 83).
 - d. The number of children entering care in each fiscal year 1970 to 1990 was calculated so the total number of children in care in each year matched the number as reported by ISC.
 - e. By the time the model reaches 31 March 1991, all of the durations from newly entered through to 21 years in care have been populated with numbers of children in care.
82. The Duration Model looks at each 6-month period separately.
 - a. The number of children who exit care in each six-month period is calculated based on the total number who originally entered care multiplied by the percentage of those children who are assumed to leave care during that six-month period.
 - b. The number of children who remain in care is calculated to be equal to the number that were in care in the prior six-month period, minus the number that exited care.
 - c. Once the number of children remaining in care has been determined for each duration from 6-months to 20-years, the number entering care is calculated to be

the total number of children assumed to be in care for that period minus the number that remain in care from prior periods.

83. The rate at which children exit care was assumed to vary over time, recognising that policies and practices for care were subject to change. The rates that we assumed were based on the results of our data analyses and in particular the Time-in-Care statistics presented above (Table 77).
- The Time-In-Care statistics for 2005 to 2010 were only valid for the first 5 years of time in care. For periods of five-years and longer, we assumed that the average of the percentages from 2000 to 2004 applied.
 - The Time-In-Care statistics for 2014 to 2015 were only valid for the first 24 months and 18 months respectively of time in care. For the longer periods, we assumed that the average of the percentages from 2000 to 2010 applied.
 - We did not have complete data for years prior to 2000. We made approximate assumptions for the percentage of children exiting care by duration for 1991 and 1970. We reviewed the results for various assumptions and determined that there was little difference in results between assuming (1) the 2002 rates applied for all years prior to 2000 and assuming (2) rates that we extrapolated from the post-2002 rates.
 - Having developed a table of duration in care for each year of entry from 2000 to 2015, the rates were then averaged in three-year groupings, resulting in an average rate for 2002, 2006, 2010 and 2015. For years prior to 2002, the 2002 rates were used. For the intervening years, rates were interpolated on a linear basis. For years after 2015, the 2015 rates were used.

Table 83 – Assumed Rates of Exiting Care by Duration

Percent of Children Entering Care by Year That Exit by Total Months in Care				
Months	2002	2006	2010	2015
6	40.9%	43.7%	41.2%	42.6%
12	55.5%	57.8%	55.6%	58.6%
18	65.4%	65.0%	64.6%	67.2%
24	71.4%	71.3%	70.6%	72.1%
30	74.6%	74.0%	75.0%	74.6%
36	77.5%	77.0%	78.8%	77.8%
42	79.5%	79.4%	80.9%	80.1%
48	81.8%	80.8%	83.3%	82.1%
54	83.2%	82.2%	84.0%	83.2%

Percent of Children Entering Care by Year That Exit by Total Months in Care				
Months	2002	2006	2010	2015
60	84.7%	84.7%	84.7%	84.7%
72	86.8%	86.8%	86.8%	86.8%
84	88.5%	88.5%	88.5%	88.5%
96	90.5%	90.5%	90.5%	90.5%
108	91.5%	91.5%	91.5%	91.5%
120	92.7%	92.7%	92.7%	92.7%
132	93.5%	93.5%	93.5%	93.5%
144	94.2%	94.2%	94.2%	94.2%
156	95.0%	95.0%	95.0%	95.0%
168	95.7%	95.7%	95.7%	95.7%
180	96.9%	96.9%	96.9%	96.8%
192	97.4%	97.4%	97.4%	97.4%
204	98.2%	98.2%	98.2%	98.2%
216	98.9%	98.9%	98.9%	98.9%
228	99.3%	99.3%	99.3%	99.3%
240	99.4%	99.4%	99.4%	99.4%
252	100.0%	100.0%	100.0%	100.0%

Adoptions

84. We were provided with information about the number of adoptions of registered First Nations children in Canada. We assumed that all children who were adopted were first in either temporary or permanent care and were included in the data that was provided about children in care. Therefore, we have not estimated the number of adoptions, as all those children are already included in the estimates.

Summary

85. This technique of following children through their years of care should not be taken as suggesting greater accuracy than another method. We utilised this method to reflect the year-by-year fluctuations of children in care and how that could impact on actual duration of care. In the absence of additional information about average years of care, we believe that this method gives better results than simply making an assumption about the average years of care of all children during the period 1991 to 2018.

86. The use of these models explicitly recognises that the number of children in care fluctuated – in some years greatly – and that fluctuation has an impact on the determination of the number of unique children.

Survivorship to 2019

87. To estimate survivorship to 2019, we utilised Canadian population mortality tables from 1971 through to 2016 (the most recent such table available from Statistics Canada). These were combined into a series of cohort tables based on year of birth.
88. The Canadian population mortality was adjusted to reflect differences in mortality between all Canadians and First Nation Canadians. Mortality rates were projected from 2016 to 2019 using a standard projection to recognise ongoing improvements in mortality. The process is described in Appendix 5.
89. The result is a series of mortality rates that reflect the changes in First Nation peoples' mortality year by year during the period 1971 to 2019. By combining these mortality rates, we developed a table of survivorship percentages which gives the percent of children who were born in years from 1971 to 2018 and who are expected to have survived to 2019.

Table 89 - Survival Rates to 2019

Year of Birth	Year of Entering Care					
	1991	1996	2001	2006	2011	2016
1976	93.8%					
1981	95.4%	95.7%				
1986	96.6%	96.8%	97.0%			
1991	96.6%	97.8%	97.9%	98.1%		
1996		97.7%	98.7%	98.8%	99.0%	
2001			98.5%	99.4%	99.5%	99.7%
2006				98.9%	99.8%	99.9%
2011					99.1%	100.0%
2016						99.2%

90. The survivor percentages were applied to each group of children entering care based on the year of entry and assuming that they were on average aged 5 when entering care.

F. Changes from January 2020 Preliminary Report

91. In our preliminary report dated 11 January 2020, we had estimated a class size of about 136,000 children. In this report, our estimate is approximately 30,000 fewer children.
92. We had also noted that our estimates for children entering care from 2015 to 2019 were approximately 2,000 higher than the estimate obtained from an analysis of the Canada Data.
93. In the investigation of this, we found an error in the model that resulted in more children leaving care than was correct based on the assumptions. That resulted in more children entering care under the model.
94. We had also raised issues about the data and some anomalies we noted – most of which remain outstanding with this report. We examined the data further and found about 250 children where errors in the data had resulted in a child being treated as two or in a few situations, three different children.
95. In correcting those errors, the average duration in care was increased, reducing the number of children leaving care in each year and reducing the number of children assumed to enter care. Because of the multiplicative effect of taking about twelve years of data from Ontario and using it to apply to 28 years for all of Canada, this resulted in a large portion of the 30,000 decrease in our estimate.

G. Class Size Estimates

96. Based on the data from 1991 to 2019 regarding adoption and foster care of First Nation Canadians who normally reside on reserve, the number of unique children was estimated using the Duration Model.
97. These estimates are for children who first entered care on or after 1 April 1991. Any child who entered care for the first time prior to 1 April 1991 was excluded from these estimates.
98. Based on the results of our modelling, we estimate that the number of registered Indian children ordinarily resident on reserve³ who were taken into care from 1 April 1991 to 31 March 2019 is between 90,000 and 120,000.
99. In our opinion, it is likely that the number of such children is between 100,000 and 110,000.
100. These estimates are based on the results produced by the Duration Model. As we change the assumptions, the results change. We noted that the results usually lay between 100,000 and 110,000 under various assumptions.
101. Using the assumptions that we have detailed within this report, the Duration Model estimated a total of 106,200 registered Indian children normally resident on reserve entered care from 1 April 1991 to 31 March 2019.
102. The Duration Model made no distinction between children by the status of care. The following table shows our estimate of registered Indian children normally living on reserve who entered care between 1 April 1991 and 31 March 2019, broken down by the length of time in care. We estimate 106,200 children were in care of whom 43,600 exited care with between 0 and 6-months total time in care and the balance of 62,600 were in care for at least 6 months. Of those, 15,400 exited care with between 6 and 12-months total time in care and the balance of 47,200 were in care for at least 12 months.

³ Registered Indian children include all First Nation children with status under the Indian Act as well as children with at least one parent who has status under the Indian Act and who normally lives on reserve.

Table 102 – Children in Care – 1 April 1991 to 31 March 2019

Number of Months	Number in Care at Least x Months	Survived to 2019	Deceased by 2019	Number Leaving in Period	Survived to 2019 for Leaving
0 months	106,200	105,100	1,100	43,600	43,200
6 months	62,600	61,900	700	15,400	15,200
12 months	47,200	46,700	500	10,600	10,500
18 months	36,600	36,200	400	6,100	6,000
24 months	30,500	30,200	300	4,400	4,400
30 months	26,100	25,800	300	3,500	3,400
36 months	22,600	22,400	200	3,000	2,900
42 months	19,600	19,500	100	2,300	2,300
48 months	17,300	17,200	100	1,700	1,700
54 months	15,600	15,500	100	1,400	1,400
60 months	14,200	14,100	100	2,400	2,400
72 months	11,800	11,700	100	-	-

103. We were requested to split the above table between those who entered care from 1 April 1991 to 23 February 2006 and those entering care from 24 February 2006 to 31 March 2019.

Table 103a – Children in Care – 1 April 1991 to 23 February 2006

Number of Months	Number in Care at Least x Months	Survived to 2019	Deceased by 2019	Number Leaving in Period	Survived to 2019 for Leaving
0 months	56,600	55,600	1,000	23,800	23,400
6 months	32,800	32,200	600	8,400	8,300
12 months	24,400	23,900	500	5,100	4,900
18 months	19,300	19,000	300	3,600	3,500
24 months	15,700	15,500	200	1,500	1,500
30 months	14,200	14,000	200	1,800	1,800
36 months	12,400	12,200	200	1,000	900
42 months	11,400	11,300	100	1,400	1,400
48 months	10,000	9,900	100	600	600
54 months	9,400	9,300	100	1,000	1,000
60 months	8,400	8,300	100	1,100	1,100
72 months	7,300	7,200	100	-	-

Table 103b – Children in Care – 24 February 2006 to 31 March 2019

Number of Months	Number in Care at Least x Months	Survived to 2019	Deceased by 2019	Number Leaving in Period	Survived to 2019 for Leaving
0 months	49,600	49,500	100	19,800	19,800
6 months	29,800	29,700	100	7,000	6,900
12 months	22,800	22,800	-	5,500	5,600
18 months	17,300	17,200	100	2,500	2,500
24 months	14,800	14,700	100	2,900	2,900
30 months	11,900	11,800	100	1,700	1,600
36 months	10,200	10,200	-	2,000	2,000
42 months	8,200	8,200	-	900	900
48 months	7,300	7,300	-	1,100	1,100
54 months	6,200	6,200	-	400	400
60 months	5,800	5,800	-	1,300	1,300
72 months	4,500	4,500	-	-	-

H. Certification

104. We hereby certify that:

- a. in our opinion, subject to the comments made in this report, the data used is sufficient and reliable for the purposes of the report;
- b. in our opinion, the methods employed are appropriate for the purposes of this report;
- c. in our opinion, the assumptions used are, in aggregate, appropriate for the purposes of the work; and
- d. there are no subsequent events other than those discussed in this report that we are aware of that would have an impact on the results presented herein.

Peter Gorham, F.C.I.A., F.S.A.
 President and Actuary
 JDM Actuarial Expert Services Inc.

Nico Trocmé, MSW, PhD, TS, FRSC
 Director, School of Social Work
 Philip Fisher Chair in Social Work
 McGill University

Marie Saint-Cirons, MSW
 Research Assistant, Centre for Research
 on Children and Families
 McGill University, School of Social Work

18 January 2021

Appendix 1 Curriculum Vitae of Peter Gorham, F.S.A, F.C.I.A.

Position & Responsibilities Peter is the President and Actuary of JDM Actuarial Expert Services Inc. (JDM Actuarial). He provides pension and actuarial consulting advice, expert testimony, retirement planning and governance services.

Areas of Specialization Peter has provided expert advice and testimony to the legal profession since 1987. His experience includes determining:

- certification of criminal rates of interest,
- lost benefits for wrongful dismissal,
- the present value of future income and future care costs,
- valuation of life estates,
- present value of future trust plan benefits and present value of past funds under various possible investment scenarios,
- present value of future contingent events.

In the past, Peter has also provided expert evidence for:

- family law pension valuations.

He has provided expert testimony to the Supreme Court of British Columbia, Court of Queen's Bench of Alberta, Court of Queen's Bench of Manitoba, the Ontario Superior Court of Justice, La Cour Supérieure du Québec, the Ontario Unified Family Court, the High Court of Justice of Trinidad and Tobago, the Supreme Court of Bermuda, Ontario Employment Standards Tribunal, Ontario Workplace Safety and Insurance Tribunal, Canada Human Rights Tribunal and the Canadian Institute of Actuaries Disciplinary Tribunal.

Within the pension and actuarial consulting practice, Peter's main areas of expertise include the design, financing, administration and governance of pension and benefit plans. His strengths lie in providing innovative and workable solutions that address a client's needs. He is effective in communicating actuarial concepts in simple and understandable terms.

Peter is an experienced public speaker and an author of numerous articles related to pensions and benefits.

Background Peter is an actuary, receiving his fellowship in 1980. He attended the University of Toronto, graduating with a B.Sc. in Actuarial and Computer Sciences. Prior to founding JDM Actuarial in 2011, Peter spent 13 years as a partner at Morneau Shepell, and prior to that, 20 years with Aon Consulting, (formerly MLH + A inc), serving clients in the area of pension and employee benefits.

Professional & Other Affiliations Fellow of the Canadian Institute of Actuaries
Fellow of the Society of Actuaries
Faculty, Humber College PPAC program
Past-President, Rotary Club of Whitby Sunrise

Appendix 2 Curriculum Vitae of Professor Nico Trocmé, M.S.W., Ph.D., R.S.W., F.R.S.C.

Academic & Professional Positions	<p>Director, School of Social Work, McGill University (2014-present)</p> <p>Full Professor, School of Social Work, McGill University (2005-present)</p> <p>Full Professor, Faculty of Social Work, University of Toronto (2004-2005)</p> <p>Associate Professor, Faculty of Social Work, University of Toronto (1998-2004)</p> <p>Assistant Professor, Faculty of Social Work, University of Toronto (1993-1998)</p> <p>Research Fellow, Institute for the Prevention of Child Abuse (1992-1993)</p> <p>Teaching Assistant & Lecturer, Faculty of Social Work, University of Toronto (1988-1992)</p> <p>Social Worker, Sacred Heart Child and Family Services Outpatient Family Therapy (1987-1988)</p> <p>Social Worker, Children’s Aid Society of Metropolitan Toronto (1984-1987)</p>
University Education	<p>Ph.D., University of Toronto, Faculty of Social Work, 1992</p> <p>Master of Social Work, University of Toronto, Faculty of Social Work, 1983</p> <p>Honours Bachelor of Arts, University of Toronto, Trinity College, 1981</p>
Research Expertise	<p>Professor Trocmé is one of Canada’s leading experts on child welfare systems and policies. He is the principal investigator for the Canadian Incidence Study (CIS) of Reported Child Abuse and Neglect (1993, 1998, 2003 & 2008), the lead researcher for a Federal-Provincial-Territorial initiative to develop a common set of National Outcomes Measures in child welfare, directs the Canadian Child Welfare Research Portal (cwrp.ca), and is conducting a research capacity development and knowledge mobilization initiative involving child welfare and First Nations service provider agencies in Quebec.</p> <p>Professor Trocmé is the author of over 200 scientific publications, has been awarded 25 million dollars in funding through grants, contracts and gifts, and has mentored a new generation of Canadian child welfare scholars.</p> <p>Professor Trocmé has acted as a child welfare policy and program consultant to several provincial governments and First Nations organizations and has presented expert evidence at various inquests and tribunals.</p>
Professional & Other Affiliations	<p>Fellow of Royal Society of Canada</p> <p>Registered Social Worker, Ordre des travailleurs sociaux et the thérapeutes conjugaux et familiaux du Québec</p> <p>International Society for the Prevention of Child Abuse and Neglect (ISPCAN)</p>

Appendix 3 Curriculum Vitae of Marie Saint-Girons, M.S.W.

<i>Position & Responsibilities</i>	Marie is a researcher at the Centre for Research on Children and Families at McGill University's School of Social Work. She currently supports the coordination of the 2019 cycle of the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect (FN/CIS-2019), which documents the overrepresentation of First Nations children in the child welfare system.
<i>University Education</i>	Master of Social Work, McGill University, Faculty of Social Work, Montreal, 2018 Honours Bachelor of Science in Psychology, University College London, London, UK, 2013
<i>Areas of specialization</i>	<p>Marie has contributed to a number of studies and reports aimed at describing First Nations child welfare in Canada. She has, amongst other things, acted as a liaison between researchers and First Nations representatives in each province, communicated with over a hundred First Nations child welfare agencies across Canada, provided on-site trainings to Indigenous child welfare workers, produced briefs explaining the legislative and funding policies shaping First Nations child welfare by jurisdiction, and collected data to track the number of First Nations children in the child welfare system throughout the country. She has also helped produce a taxonomy of compensation categories for First Nations families following the 2019 CHRT 39 ruling.</p> <p>Her other areas of specialization include the field of cross-cultural psychiatry and complex trauma. Marie has provided mental health services to immigrant and refugee families in agencies across Montreal.</p>

Appendix 4 Documents Utilised

1. The following documents and data were provided to us for use in preparing this report. A number of the data files containing information about individual children also contained personal identification information – name, date of birth and registration number. That information was necessary for data verification work and for establishing a link between the various files of information – so that we could follow each child from date of first entry to care up to the most recent exit from care. Once data verification had been completed by Gorham, the personal identification information (name and registration numbers) were replaced by a unique ID number that was randomly generated, so that the data files no longer contained information that could identify an individual. It was that anonymised file that was shared with Trocmé and Saint-Girons for purposes of the work in preparing this report.
 - a. Statement of Claim in the matter of Xavier Moushoom and the Attorney General of Canada, filed 4 March 2019;
 - b. An excel file called “Historic CIC Counts.xls” containing data regarding the number of First Nations children in care from 1981-82 to 2008-09;
 - c. An excel file called “Modern CIC Counts.xls” containing data regarding the number of First Nations children in care from 2007-08 to 2014-15;
 - d. An excel file called “NCR-#9607185-v5-FOSTER_CARE_(CHILDREN_IN_CARE)_COUNTS_2017-07-12.xls” containing data regarding the number of First Nations children in care from 1957-58 to 2014-15;
 - e. An excel file called “1. FNCFS Children in Care 2007-2008 to 2016-2017.xls” containing data regarding the number of First Nations children in care from 2007-08 to 2016-17;
 - f. An excel file called “2. Detailed data 2013-2014 to 2016-2017.xls” containing data regarding the number of First Nations children in care from 2013-14 to 2016-17 together with information about their status;
 - g. An excel file called “3. Detailed trend analysis 2006-2007 to 2012-2013.xls” containing data regarding the cost and number of days of care for First Nations children in care from 2007-08 to 2012-13;
 - h. An excel file called “FNCFS distinct days by child 2013-2018 - PROD - 54152764.xls” containing data for each child within the IMS Database maintained by ISC setting out the date of the first and most recent expense submitted between 1 April 2013 and 31 March 2018;

- i. A series of excel files, one for each fiscal year 2000-01, 2002-03, 2004-05 through to 2012-13 (files for 2001-02 and 2003-04 were not included) containing information on each First Nations child that was in care in Ontario during those years, including dates of entry and exit from care and number of days in each fiscal year in care.
 - j. An excel file called “BC - CFS Child Application Historic 2011-present (Moushoom Litigation).xlsx” containing information on each First Nations child that was in care in British Columbia on or after 1 April 2011 and up to 30 September 2019, including the most recent date of entry to care if entered care prior to 2011, dates of entry and exit from care between 1 April 2011 and 30 September 2019 and the most recent status of children in care; and
 - k. An excel file called “Adoption Breakdown -1958 to 1990.xlsx” containing information on the number of First Nations children that were adopted between 1958 and 1990.
2. The following documents and data were obtained by us and were utilised in the preparation of this report:
 - a. “Provincial and Territorial Child Protection Legislation and Policy 2018, public Health Agency of Canada, March 2019.
 - b. “Moving In and Out of Foster Care” by David Rosenbluth, March 1995. In J. H. a. B. Galaway (Ed.), *Child Welfare in Canada: Research and Policy Implications* (pp. 233–244) Toronto: Thompson Educational Publishing, Inc.
 - c. “Canadian Incidence Study of Reported Child Abuse and Neglect: Final Report”, authored by Nico Trocmé, Bruce MacLaurin, Barbara Fallon, Joanne Daciuk, Diane Billingsley, Marc Tourigny, Micheline Mayer, John Wright, Ken Barter, Gale Burford, Joe Hornick, Richard Sullivan and Brad McKenzie, Minister of Public Works and Government Services Canada, 2001;
 - d. “Canadian Incidence Study of Reported Child Abuse and Neglect - 2003: Major Findings”, by Nico Trocmé, Barbara Fallon, Bruce MacLaurin, Joanne Daciuk, Caroline Felstiner, Tara Black, Lil Tonmyr, Cindy Blackstock, Ken Barter, Daniel Turcotte and Richard Cloutier, Minister of Public Works and Government Services Canada, 2001;
 - e. “Canadian Incidence Study of Reported Child Abuse and Neglect - 2008: Major Findings”, authored by Nico Trocmé, Barbara Fallon, Bruce MacLaurin, Vandna Sinha, Tara Black, Elizabeth Fast, Caroline Felstiner, Sonia Hélie, Daniel Turcotte, Pamela Weightman, Janet Douglas and Jill Holroyd, Minister of Public Works and Government Services Canada, 2010;
 - f. There are other documents that will be added in the Final Report.

Appendix 5 Development of the Survivorship Table

Period and Cohort Mortality

1. The most readily available mortality tables that span the years of this action are the Canada Life Tables, a series of mortality statistics produced by Statistics Canada from census data. There are tables available from 1901 to 2017 produced every 5 or 10 years (with a few recently produced annually). These tables provide information about mortality of an average Canadian.
2. Over the past century, mortality of Canadians has improved. That has been evident by the increase in life expectancy at birth from about 61 years⁴ in 1931 to about 82 years⁵ in 2016.
3. The Canada Life Tables are period tables – they provide information about mortality rates for a specific year. But individuals experience mortality from different years as they progress through life.
4. A person born in 1991 does not experience 1991 mortality as they age. That person born in 1991 is aged 20 in 2011 and benefits from all the factors that have improved mortality over the prior 20 years. To measure the mortality for a 20-year old in 2011, we should utilise the 2011 rates, not the rates that were measured in 1991 at birth.
5. Cohort mortality tables provide rates that recognise the changes in mortality as one ages. By combining the various period mortality tables produced by Statistics Canada, we can produce a series of cohort tables – one table for each year of birth.
6. Unless we make projections about future changes in mortality, a cohort table can only provide information about the rates up to the current year. While there are several tables available that project future improvements to mortality, they are not required for this matter (other than to project mortality from 2017 to 2020) and I have created cohort mortality tables with rates up to 2020 only.
7. Using the available Canada Life Tables, I constructed a series of period tables for each year from 1971 to 2020. The changes in mortality for the years between each of the Canada Life tables was calculated by me using geometric differences. To estimate mortality improvements since 2017, I utilised the Canadian Pensioner Mortality Projection Rates B for 2017 to 2020. That projection table is based on mortality improvements under the Canada Pension Plan for contributors and pensioners.

⁴ In 1931, life expectancy at birth was about 62 for males and about 60 for females.

⁵ In 2016, life expectancy at birth was about 79.9 for males and about 84.0 for females.

8. Based on the year by year period tables, I combine them to create a series of cohort tables for each birth year 1971 to 2020.

Canada and Indigenous Mortality

9. A number of studies have shown that mortality of Indigenous people differs from that of the average Canadian.
10. I found four articles comparing population mortality for Indigenous Canadians and all Canadians.
 - a. “Abridged Life Tables for Registered Indians in Canada 1976-2000” by Ravi B. P. Verma, Margaret Michalowski (Statistics Canada) and R. Pierre Gauvin (Department of Indian and Northern Development) (the “**Verma Study**”). This study looked at life expectancy for Canadians who identify as Registered Indian and compared that to Canadian life expectancy for all Canadians for the period 1976 to 2000.
 - b. “L'accroissement démographique des groupes autochtones du Canada au XXe siècle” by Norbert Robitaille and Robert Choinière (the “**Robitaille Study**”). This study compared life expectancy and mortality rates for Registered Indian, Inuit and all Canadians over the period 1941 to 1981 (although life expectancy for Registered Indians was only presented for 1961 to 1981).
 - c. “First People Lost: Determining the State of Status First Nations Mortality in Canada Using Administrative Data” by Randall Akee and Donna Feir (“**First People Lost**”), published in February 2018. This report provides ratios of First Nation mortality to all-Canadian mortality by five-year age groups.
 - d. “A Statistical Profile on the Health of First Nations in Canada: vital statistics for Atlantic and Western Canada, 2003-2007” by Health Canada, published in 2014 (the “**Health Canada Report**”). This report provides ratios of First Nation mortality for Western Canada only to all-Canadian mortality by five-year age groups.
11. The first two studies provide the results in terms of life expectancy at birth. When constructing a table of survivorship, we need to determine the underlying mortality rates⁶ rather than directly using life expectancy. A reasonable approximation to the underlying mortality rates can be obtained by applying a multiplier to the rates from another table of mortality⁷.

⁶ Both life expectancy and survivorship are calculated from the individual age-based mortality rates.

⁷ Applying a multiplier to another mortality table fails to recognise differences in relative mortality by age. However, in my experience the error is usually minor in relation to the added precision gained by having a table that gives a

12. The First People Lost and the Health Canada report provide ratios of First Nation mortality rates to the Canadian mortality rates. These ratios can be directly used to determine rates that apply to First Nations Canadians.
13. The Verma Study calculates Registered Indian life expectancy for 1995 to 2000 of 68.2 years for males and 74.5 years for females. The life expectancy for all Canadians for those years is 76.1 years for males and 81.6 years for females.
14. The Robitaille Study calculates life expectancy for Registered Indians every five years from 1961 to 1981. It also presents life expectancy for Inuit and all Canadians for those years and some prior years.

Table 14 – Life Expectancy of Registered Indians, Inuit and All Canadians 1940 to 1981

Registered Indian		Inuit		All Canadians	
Period	Life Expectancy	Period	Life Expectancy	Period	Life Expectancy
				1940-42	65
		1941-51	30	1950-52	69
				1955-57	70
1961-62	62	1951-61	38	1960-62	71
1965-68	63			1965-67	72
1971	63	1961-71	55	1970-72	73
1976	63			1975-77	74
1981	66	1971-81	65	1980-82	75

15. I have determined that by applying varying mortality multiples to the Canadian Life Tables I can obtain a life expectancy at birth that is similar to the life expectancies for Registered Indians as reported in the Verma and Robitaille Studies.

similar life expectancy to reality. For example, if there is a significant spike in mortality among the population we are looking to model at, say, ages 15 to 30, applying a multiplier to Canadian population rates will recognise those deaths, but they will be spread out over a lifetime rather than between ages 15 and 30.

Table 15 – Life Expectancy⁸ and Mortality Multiples for Registered Indians

Year	Canadian Life Expectancy	Registered Indian Life Expectancy	Difference in Life Expectancy	Mortality Multiple
1961	71	62	9	190%
1966	72	63	9	190%
1971	73	63	10	200%
1976	74	63	11	220%
1981	75	66	9	205%
1996-2000	79	71	8	195%

16. From 1961 to 2000, Canadian Registered Indians experienced mortality that was about double the mortality of the average Canadian. In my opinion, the fluctuation between 190% and 220% is not significant and could be explained by either data issues or by improvements in mortality being experienced by Registered Indians and all Canadians at different times during that period.
17. Based on the results of the above analysis, I have assumed that from 1961 to 2000, Registered Indians experienced mortality that on average was 200% of the mortality for all Canadians as measured by Statistics Canada.
18. The First People Lost report and the Health Canada report both show ratios that vary by age rather than a single ratio for all ages.
19. The ratios presented in the First People Lost report are smaller than those in the Health Canada report. Smaller ratios will produce a longer life expectancy and fewer expected deaths. Both reports are based on status Indians. The Health Canada Report studied mortality from 2003 to 2007 in the Western provinces only and the First People Lost from 1974 to 2013 (however, the mortality ratios presented in the First People Lost report are for 2010 to 2013 only). The First People Lost report also shows mortality separately for those living on and off reserve.
20. I have compared the results of the various methods of adjusting the Canada Life Tables to reflect First Nation Canadian mortality. Because we are dealing with young people, it is better to utilise the age-based ratios than a single 200% multiplier (which has the effect of redistributing deaths from younger ages to older ages).

⁸ The life expectancy shown is an average for males and females.

21. For this report, I have assumed the ratios from the Health Canada report are most appropriate for estimating the survivors.

The Survivorship Table

22. I applied the mortality ratios to the cohort mortality for the Canadian population to estimate mortality rates for First Nation Canadians. From those mortality rates, I calculated the probability of survival for those entering care during the class period. Sample survival rates to 2019 are shown in Table 22.

Table 22 - Survival Rates to 2019

Year of Birth	Year Entered Care					
	1991	1996	2001	2006	2011	2016
1976	93.8%					
1981	95.4%	95.7%				
1986	96.6%	96.8%	97.0%			
1991	96.6%	97.8%	97.9%	98.1%		
1996		97.7%	98.7%	98.8%	99.0%	
2001			98.5%	99.4%	99.5%	99.7%
2006				98.9%	99.8%	99.9%
2011					99.1%	100.0%
2016						99.2%

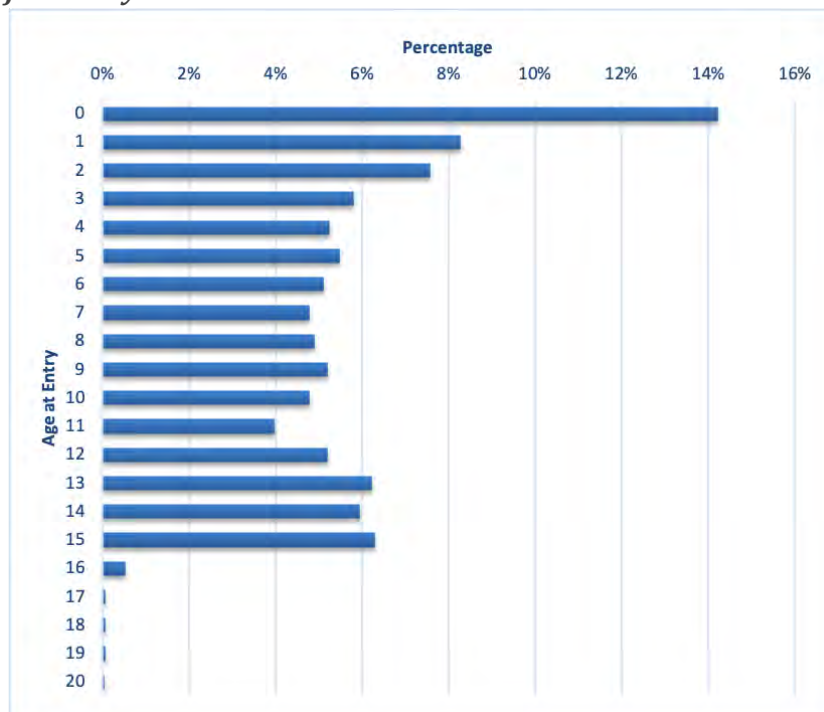
Appendix 6 Supplementary Analyses

We were asked to provide supplementary analyses regarding the following parameters: age at entry, age at exit, time in care and time in care by age at entry and exit. The analyses included below all concern children who entered care in fiscal years 2000, 2002, and 2004 as those were the cohorts for which we were able to obtain the most complete data. The children represented in this sample all come from Ontario.

Age at first entry

- Figure 1 below shows children's age at the beginning of their first entry into care. According to the results, 14.2% of children had their first episode in care before they turned 1 year old in the 2000-2004 entry cohort. The number progressively decreases until age 11, with only 4% of the cohort entering for the first time at that age. The percentage of children entering care for the first time increases again during adolescence, reaching 6.3% at 15 years of age – before dropping abruptly after 15. This drop-off point is related to the maximum age of protection in Ontario, which was 16 years-old until 2017.

Figure 1 - Percentage of children in care from entry years 2000, 2002, and 2004 by age at first entry into care



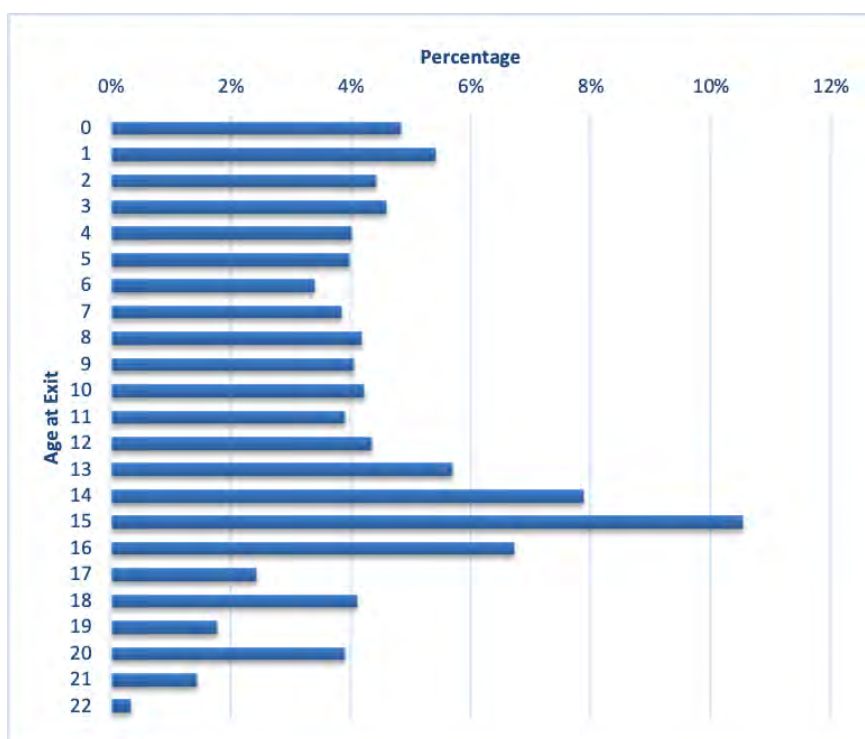
- For the 2000-2004 entry cohorts, the average age at first entry was 6 years and a half, with a standard deviation of 5.1. 50% of children first entered care at 6 years or younger. The average and median age at first entry was similar for entry years of interest for which we had

incomplete data – that is, children who entered care in fiscal years 2005, 2006, 2007, 2008, 2009, 2010, 2014, 2015, 2016.

Age at last exit

- Figure 3 below shows children’s age at the end of their last period of time in care⁹. The chart shows that 5.4% of children left care at 1 years old in the 2000-2004 entry cohort. By age 15, as many as 10.5% of the children left care.

Figure 3 - Percentage of children in entry years 2000, 2002, and 2004 by age at last exit from care



- The average age at last exit for the 2000-2004 entry cohort of interest was 10 and a half years, with a standard deviation of 6 years. 50% of the children in this cohort exited care at 11 years or younger. Average age at last exit could not be calculated for the other entry cohorts of interest because we did not have information on their full trajectory in care.

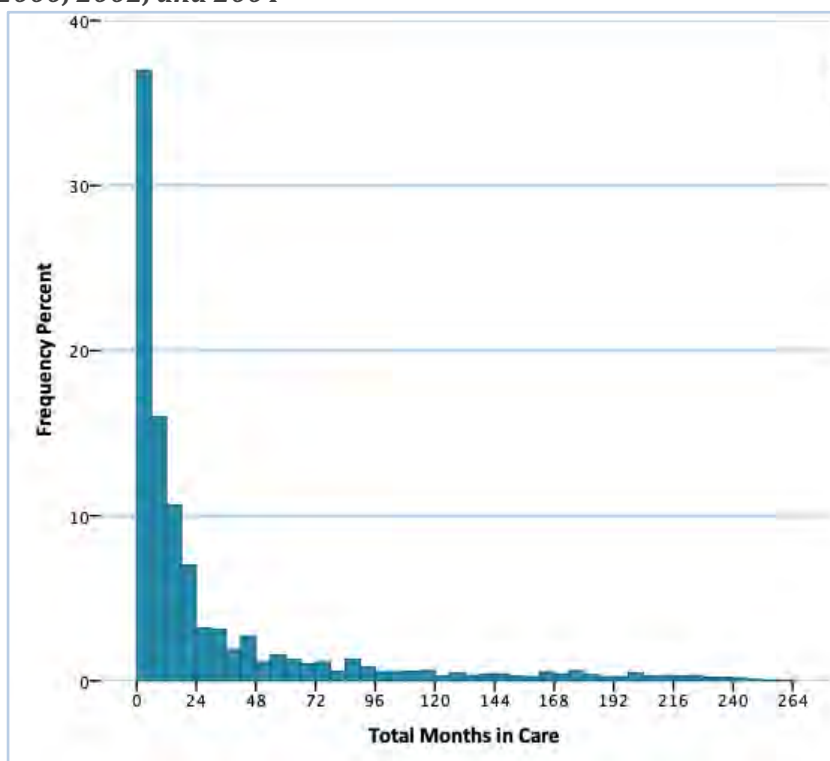
Time in care

- Figure 5 below presents the distribution of total time in care in months for children in the 2000-2004 entry cohort. Total time in care was measured by calculating the sum of each

⁹ Given that age at last exit is calculated by using exit dates, the analyses on age at exit might be impacted by issues with the dataset underlined in paragraph 68.

period of care for each child. Figure 5 shows that 37% stayed in care for 6 months or less. This number decreases significantly with every 6-month increment of time in care.

Figure 5 - Histogram of total months in care for children who entered care in fiscal years 2000, 2002, and 2004



6. According to Table 6, the average length of time in care for entry years 2000, 2002, and 2004 was 30.27 months. However, the distribution is highly skewed, as illustrated in the histogram above, with 25% of children spending less than 2 months in care, 50% of children spending less than 10 months in care, and 75% of children spending less than 32 months in care.

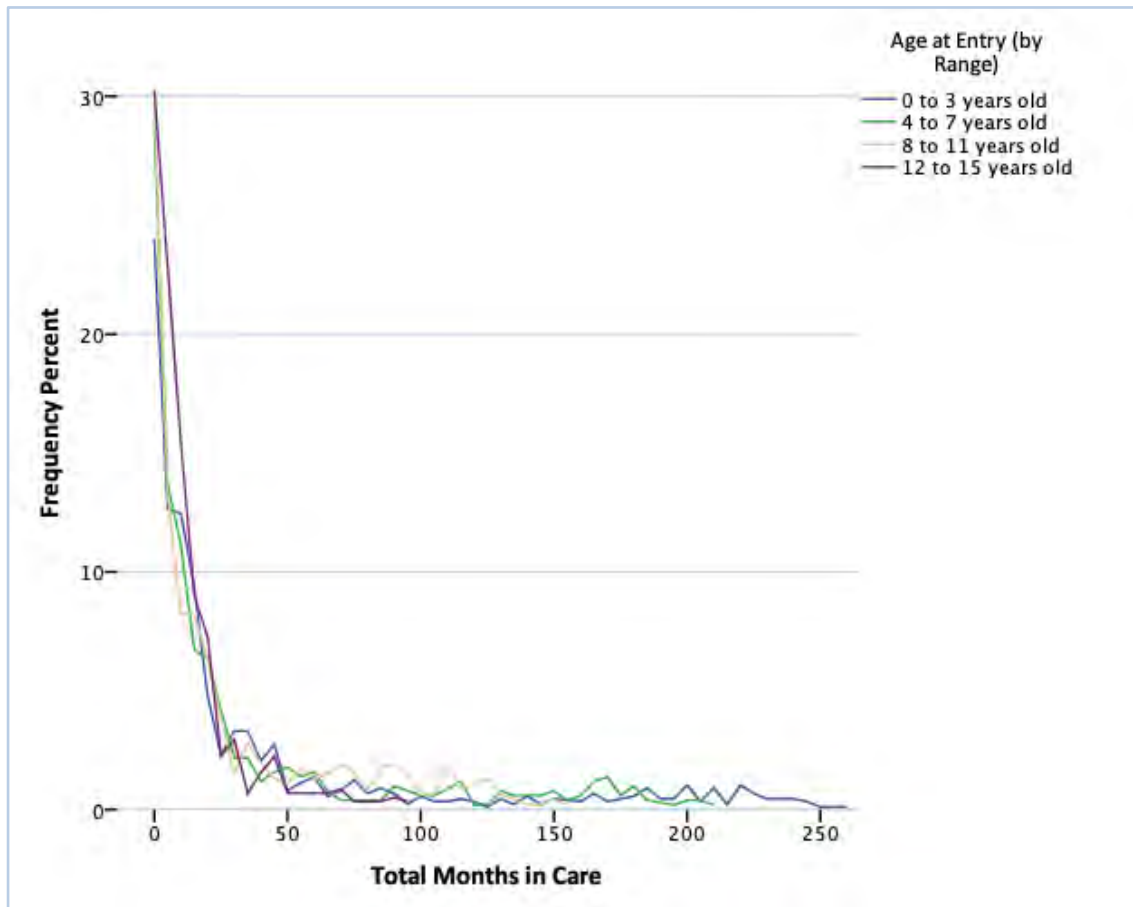
Table 6 - Descriptive Statistics - Total Months in Care for Entry Years 2000, 2002, and 2004

Number of Children	Mean	Median	Standard Deviation	Lower quartile (25%)	Higher quartile (75%)
2,439	30.27	10.00	49.3	2.00	32.00

Time in care by age at first entry

7. Figure 7 below represents the distribution of total time in care in months by age at first entry. The figure shows that the total time in care distribution is very similar for children entering care at different ages. This skewed pattern resembles the one shown in Figure 5.

Figure 7 - Time in care by age at first entry for children who entered care in fiscal years 2000, 2002, and 2004

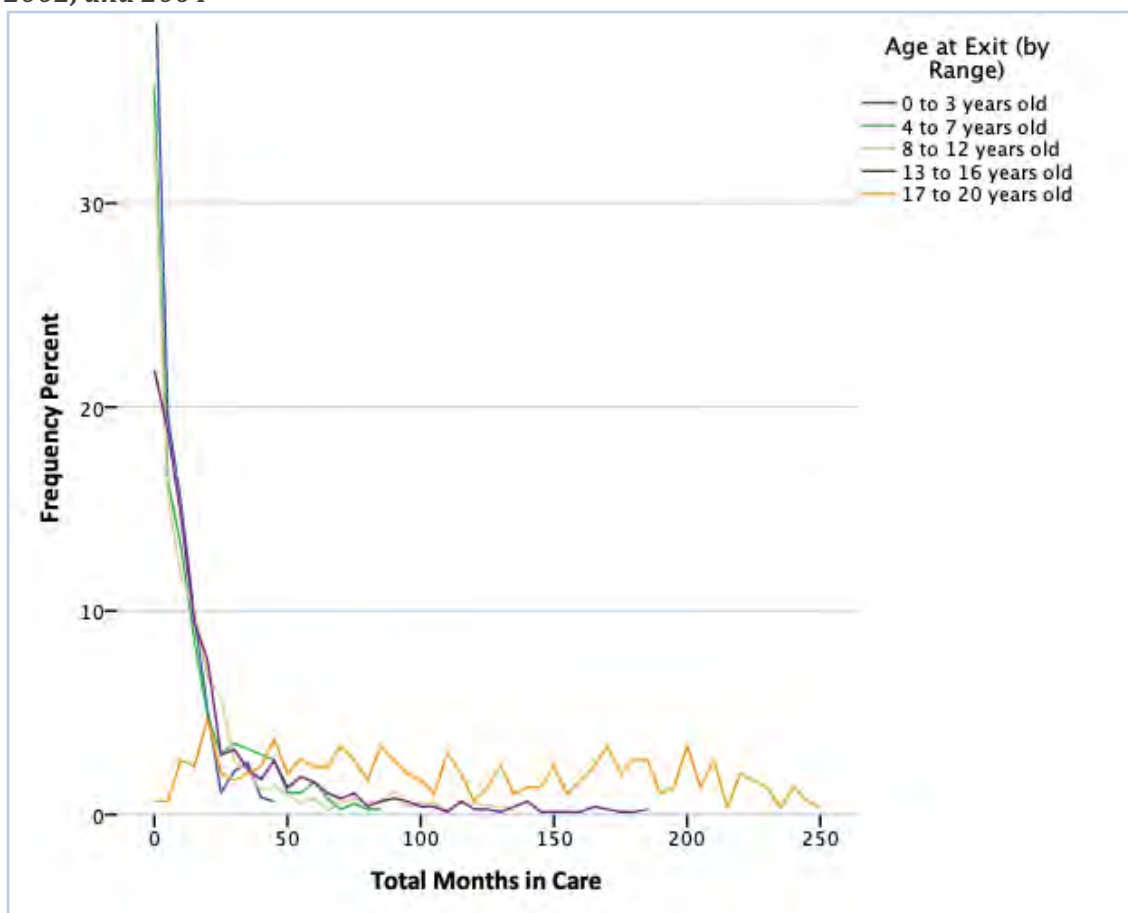


8. While the pattern of time in care remains similar across age groups, average time in care decreases progressively for children who enter care for the first time at a later age (from 41.5 months for children who entered care between 0 to 3 years to 12.7 months for children who entered care between 12 to 15 years). The shorter lengths in care for older children is to be expected since it takes less time for children entering at an older age to reach the age of discharge from care.

Time in care by age at last exit

9. Figure 9 below represents the distribution of total time in care in months by age at last exit. The figure shows that the total time in care distribution is also similar for children exiting care at different ages, with an exception for children who exit care between ages 17 to 20 years old. These children do not show the same skew for smaller values of time in care. This is likely due to the fact that, at the time, Ontario's child protection investigation mandate was limited to children aged 16 and younger. As such, children who exited care between 17 and 20 years would all have spent more than a year in care before they exited care.

Figure 9 – Time in care by age at last exit for children who entered care in fiscal years 2000, 2002, and 2004



10. While the pattern of time in care remains similar across age groups (with the exception of 17- to 20-year-olds), average time in care increases progressively when children exit care for the last time at a later age (from 7.5 months for children who exited care between 0 to 3 years to 112.6 months for children who exited care between 17 and 20 years).

Appendix 7 Certificate Concerning Code of Conduct – Peter Gorham

COURT FILE NO. T-402-19

FEDERAL COURT

BETWEEN:

Xavier Moushoom

Plaintiff

and

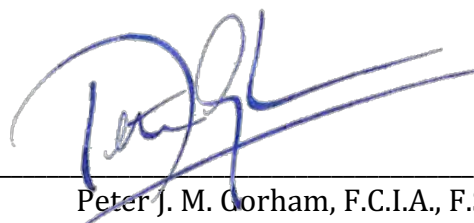
The Attorney General of Canada

Defendant

Certificate Concerning Code of Conduct for Expert Witnesses

I, Peter Gorham, having been named as an expert witness by the defendant, the Attorney General of Canada, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the *Federal Courts Rules* and agree to be bound by it.

January 18th 2021
Date



Peter J. M. Gorham, F.C.I.A., F.S.A.
JDM Actuarial Expert Services Inc.
313 Powell Rd, Whitby, ON L1N 2H5

Appendix 8 Certificate Concerning Code of Conduct – Nico Trocmé

COURT FILE NO. T-402-19

FEDERAL COURT

BETWEEN:

Xavier Moushoom

Plaintiff

and

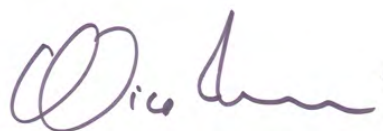
The Attorney General of Canada

Defendant

Certificate Concerning Code of Conduct for Expert Witnesses

I, Nico Trocmé, having been named as an expert witness by the plaintiff, Xavier Moushoom, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the *Federal Courts Rules* and agree to be bound by it.

January 18th 2021



Prof. Nico Trocmé, MSW, PhD, RSW
Director of the School of Social Work
Philip Fisher Chair in Social Work
3506 University Street, Montreal, Québec H3A 2A7

Appendix 9 Certificate Concerning Code of Conduct – Marie Saint-Girons

COURT FILE NO. T-402-19

FEDERAL COURT

BETWEEN:

Xavier Moushoom

Plaintiff

and

The Attorney General of Canada

Defendant

Certificate Concerning Code of Conduct for Expert Witnesses

I, Marie Saint-Girons, having been named as an expert witness by the plaintiff, Xavier Moushoom, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the *Federal Courts Rules* and agree to be bound by it.

January 18th 2021



Marie Saint-Girons
McGill University, School of Social Work
3506 University Street, Montreal, Québec H3A 2A7

Court File No. T-402-19
T-141-20
T-1120-021

FEDERAL COURT

B E T W E E N:

XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his litigation guardian,
Jonavon Joseph Meawasige) AND JONAVON JOSEPH MEAWASIGE

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

T-141-20

BETWEEN:

ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN
OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON (by his litigation
guardian, Carolyn Buffalo) CAROLYN BUFFALO AND DICK EUGENE JACKSON also
known as RICHARD JACKSON

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

T-1120-21

B E T W E E N:

ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

**WRITTEN REPRESENTATIONS OF THE PROPOSED INTERVENER, FIRST
NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

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Court File No. T-402-19
T-141-20
T-1120-021

FEDERAL COURT

B E T W E E N:

XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his litigation guardian, Jonavon Joseph Meawasige) AND JONAVON JOSEPH MEAWASIGE

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

T-141-20

BETWEEN:

ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON (by his litigation guardian, Carolyn Buffalo) CAROLYN BUFFALO AND DICK EUGENE JACKSON also known as RICHARD JACKSON

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

T-1120-21

B E T W E E N:

ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

**WRITTEN REPRESENTATIONS OF THE PROPOSED INTERVENER,
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

OVERVIEW

1. The First Nations Child and Family Caring Society (“**Caring Society**”) seeks leave to intervene in this proceeding for the limited purpose of assisting the Court in assessing the reasonableness of the Final Settlement Agreement entered into between the Attorney General of Canada (“**Canada**”), the Assembly of First Nations (“**AFN**”) and counsel to the plaintiffs in Court File Nos. T-402-19, T-141-20, T-1120-021 (“**Class Counsel**”). While the motion for settlement approval has not yet been filed, it is presently scheduled to be heard by this Honourable Court beginning on September 19, 2022.

2. The Final Settlement Agreement (the “**FSA**”) proposes to settle the class proceedings presently unfolding in this Court and a complaint filed pursuant to the *Canadian Human Rights Act* by the Caring Society and AFN in 2007. Both the complaint and the class actions involve harm to First Nations children, youth, and their families who have suffered as a direct result of Canada’s sustained and discriminatory conduct in the areas of child and family services and social services. This harm, for many, is compounded by the trauma and disadvantage wrought by residential schools and other forms of colonization.

3. The FSA is indisputably historic, valued at \$20 billion. However, it does not arise in a remedial vacuum; to the contrary, it builds upon the ground-breaking 2016 and 2019 Canadian Human Rights Tribunal (“**Tribunal**”) decisions finding liability on the part of Canada for its discriminatory conduct and awarding maximum compensation of \$40,000 per eligible victim wherein victims retain their rights to seek further legal remedies from Canada. The Tribunal’s compensation decision was upheld by this Court in 2021. While the FSA expands compensation beyond the group of victims awarded compensation by the Tribunal, it also reduces and, in some cases, entirely removes financial compensation for certain victims, many of whom are children. In addition, it introduces uncertainty, particularly with respect to the eligibility of Jordan’s Principle class members, that may make it difficult for children, their parents and guardians to determine their entitlement to compensation and whether to exercise their opt-out right. The Caring Society seeks to make useful submissions

on these issues, drawing on its expertise and involvement since 2007 in the Tribunal litigation, that will assist the Court in assessing the reasonableness of this FSA.

PART I -STATEMENT OF FACTS

A. Brief overview of the proceeding

4. The underlying class actions allege that Canada has discriminated against First Nations children in two ways: (1) by underfunding child and family services for First Nations children and creating an incentive, through its policies, agreements and funding structures, to remove children from their homes by minimizing supports to keep families together; and (2) that Canada has failed to comply with Jordan's Principle, a legal requirement aimed at preventing gaps, delays, disruptions or denials in the provision of public services to First Nations children. Both forms of discrimination are alleged to have caused severe and enduring trauma to children and their families, contrary to their equality rights as protected by section 15 of the *Charter of Rights and Freedoms*.¹

5. The causes of action in the underlying class actions echo many of the same facts giving rise to the 2007 human rights complaint filed by the Caring Society and the AFN challenging Canada's discrimination against First Nations children, youth, and families through its approach to funding child and family services and failure to fully implement Jordan's Principle (the "**Complaint**"). Years of litigation ensued, and in 2016, the Tribunal found that the federal government was discriminating against First Nations children and families under s. 5 of the *Canadian Human Rights Act* (the "**Merits Decision**").² The Tribunal found that Canada's systematic underfunding of First Nations child welfare services on-reserve and in the Yukon contributes to the significant overrepresentation of First Nations children in state care across Canada and, as such, perpetuated the same harmful impacts as the Indian Residential Schools

¹ *Moushoom v. Canada (Attorney General)*, [2021 FC 1225](#) at pp 4-6, Caring Society Book of Authorities [CS BOA], Tab 13.

² *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, [2016 CHRT 2](#) [**Merits Decision**], CS BOA, Tab 12.

system.³ The Tribunal also found that the federal government had failed to implement the full meaning and scope of Jordan’s Principle and was thus discriminating against First Nations children, youth and their families.

6. Following the Merits Decision and a series of further interim and compliance orders, the Tribunal issued its decision on compensation on March 15, 2019 (the “**Compensation Decision**”).⁴ This was followed by further orders clarifying the Tribunal’s Compensation Decision, pursuant to the Tribunal’s retention of jurisdiction.⁵ The Tribunal linked Canada’s non-compliance with its 2016 order with the deaths of two children⁶ and found that “Canada’s conduct was devoid of caution with little to no regard to the consequences of its behavior towards First Nations children and their families both in regard to the child welfare program and Jordan’ Principle.”⁷ The Tribunal also found that Canada’s conduct caused “trauma and harm to the highest degree”.⁸ As a result, the Tribunal awarded First Nations children, parents or grandparents the maximum amount of compensation allowable under section 53(3) of the *Canadian Human Rights Act* of \$40,000 each. This included \$20,000 for pain and suffering and \$20,000 as special compensation for the discriminatory practices under the FNCFS Program and Jordan’s Principle.⁹ The Tribunal’s order directed that compensation be paid to the estates of adult and child victims who experienced Canada’s discriminatory conduct but died before being able to receive compensation.¹⁰

³ *Merits Decision* at [paras 393-394, 422, 426 & 459](#), CS BOA, Tab 12.

⁴ *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2019 CHRT 39 \[Compensation Decision\]](#), CS BOA, Tab 8.

⁵ [Compensation Decision](#) at [para 277](#), CS BOA, Tab 8.

⁶ *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2017 CHRT 14](#) at [paras 88-90](#), CS BOA, Tab 9.

⁷ [Compensation Decision](#) at [para 231](#), CS BOA, Tab 8.

⁸ [Compensation Decision](#) at [para 193](#), CS BOA, Tab 8.

⁹ [Compensation Decision](#) at [paras 245-257](#), CS BOA, Tab 8.

¹⁰ [Compensation Decision](#) at [paras 77-151](#), CS BOA, Tab 8.

7. The scope of the Complaint was not unlimited. As such, the Compensation Decision requires Canada to pay individual compensation to children who were removed from their homes as of January 1, 2006, as well as children who were removed from their homes prior to January 1, 2006 and remained in care as of January 1, 2006. First Nations children whose time in care ended prior to 2006 were not included in the complaint, and thus are not eligible for compensation pursuant to the Compensation Decision. The Tribunal also awarded compensation for First Nations children and their parents or grandparents in cases of unnecessary removal to obtain essential services and/or gaps, delays, and denials of services that would have been available under Jordan's Principle between December 12, 2007 (the date the House of Commons adopted Jordan's Principle) and November 2, 2017.¹¹

8. Building on the Caring Society and AFN's success before the Tribunal and the compensation awards made in that proceeding, the underlying class actions seek remedies based on very similar harms to those addressed in the Tribunal proceeding. These various class proceedings seek compensation for many (but not all) of the victims awarded compensation by the Tribunal, as well as others who fall outside the scope of the Complaint.

9. On June 30, 2022, Canada, the AFN and Class Counsel announced that they had reached a final agreement that would resolve both the underlying class proceedings and the compensation aspect of the proceedings before the Tribunal.¹² The Caring Society is not a party to that agreement.

10. On July 22, 2022, Canada and AFN filed a motion before the Tribunal seeking a declaration that the FSA is fair, reasonable, and satisfies the Tribunal's Compensation

¹¹ [Compensation Decision](#) at [paras 250-257](#), CS BOA, Tab 8; see also *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 15](#) at [paras 7-11](#), CS BOA, Tab 10.

¹² Resolution of the Complaint also requires that the FNCFS Program and Jordan's Principle be reformed to cease the discrimination identified by the Tribunal and prevent its recurrence. Negotiations with Canada regarding such long-term reforms are ongoing.

Decision and all related orders. In the alternative, the motion asks the Tribunal to vary its Compensation Decision, the related *Framework for the Payment of Compensation Under 2019 CHRT 39* (the “**Compensation Framework**”) and other compensation orders to conform to the FSA, although specific amendments have yet to be suggested by Canada or the AFN.¹³ While the Caring Society has several technical concerns with the FSA, the essence of the Caring Society’s position is that it disentitles an unknown number of victims, including victims of the “worst-case scenarios” of discrimination identified by the Tribunal, from compensation without the victims’ consent and introduces uncertainty into the compensation amounts for a troubling number of other victims.

B. The Caring Society’s interest in this proceeding

11. The Caring Society understands that the litigation presently unfolding before the Tribunal is distinct from the proceedings currently underway in this Court, which arises in the context of class proceedings rather than a human rights complaint. However, given that the FSA purports to settle both the human rights and class proceedings, the Caring Society is directly interested in the outcome of this proceeding, particularly as it relates to the anticipated motion for approval of the settlement by this Court.

12. The Caring Society’s interest in this proceeding also arises from its long history of commitment to the full, fair, and robust implementation of Jordan’s Principle. Jordan’s Principle is named after Jordan River Anderson, of Norway House Cree Nation. It is a child-first principle ensuring that First Nations children can access the public services they need, when they need them. Consistent with substantive equality, Jordan’s Principle requires government to ensure that jurisdictional disputes or other administrative procedures do not delay, disrupt, or deny a First Nations child from getting culturally appropriate services they need to meet their distinct needs and

¹³ Notice of Motion of the Assembly of First Nations dated July 22, 2022, Affidavit of Cindy Blackstock affirmed September 7, 2022 [**Blackstock Affidavit**], Exhibit F, Motion Record of the First Nations Child and Family Caring Society of Canada [**CS MR**], Tab 2F.

circumstances. The Caring Society routinely assists First Nations children, youth, and their families to ensure Canada's compliance with the Tribunal's orders.¹⁴

13. The Caring Society also promotes the rights and interests of First Nations children, youth, and families by contributing its knowledge and experience to judicial processes. The Caring Society has extensive experience with respect to litigation and public education regarding access to services for First Nations children, families and communities including on Jordan's Principle. In addition to the proceedings leading to the above-referenced Tribunal orders, the Caring Society has intervened in judicial review applications related to denials of services to First Nations children pursuant to Jordan's Principle. The Caring Society has extensive experience making submissions before the Canadian Human Rights Tribunal, the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada in matters of administrative and human rights law.¹⁵

14. The Caring Society co-chairs the Consultation Committee on Child Welfare, which is a consultative committee ordered by the Canadian Human Rights Tribunal in February 2018 (2018 CHRT 4) to guide Canada's implementation of orders with respect to Indigenous Services Canada's First Nations Child and Family Services Program and with respect to the implementation of Jordan's Principle. It is actively involved in ongoing negotiations with Canada and the AFN regarding the long-term reform of the First Nations Child and Family Services Program and Jordan's Principle to cease and prevent the recurrence of Canada's discrimination.

15. The Caring Society's Executive Director, Cindy Blackstock, holds a doctorate degree in social work, is a full professor at McGill University School of Social Work, and has worked in child and family services for over 35 years.¹⁶ She has also assisted the United Nations Committee on the Rights of the Child with the development and adoption of General Comment No. 11 (2009) on the Rights of Indigenous Children

¹⁴ Blackstock Affidavit at para 33, CS MR, Tab 2.

¹⁵ Blackstock Affidavit at para 22, CS MR, Tab 2.

¹⁶ Blackstock Affidavit at para 2, CS MR, Tab 2.

under the United Nations Convention on the Rights of the Child, has participated in several periodic reviews including Canada's review under the Universal Periodic Review and served as a Commissioner on the Pan American Health Commission on Health Equity and Inequity.¹⁷

16. The Caring Society is well recognized for having a special expertise relating to Jordan's Principle and legal mechanisms safeguarding the rights of First Nations children, youth, families, and communities.

PART II -POINTS IN ISSUE

17. The only issue on this motion is whether the Caring Society should be granted leave to intervene in this proceeding and, if so, on what terms.

PART III -STATEMENT OF SUBMISSIONS

18. Under Rule 109 of the *Federal Courts Rules*,¹⁸ this Court has the power to grant any person leave to intervene in a proceeding. While the jurisprudence identifies several considerations that may be relevant to the exercise of discretion, a compendious test for leave was articulated by a full panel of the Federal Court of Appeal in *Canada (Citizenship and Immigration) v Canadian Council for Refugees*¹⁹ and recently restated by Stratas J. as follows:

- I. Will the proposed intervener make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues? To determine usefulness, four questions need to be asked:
 - What issues have the parties raised?
 - What does the proposed intervener intend to submit concerning those issues?
 - Are the proposed intervener's submissions doomed to fail?

¹⁷ Blackstock Affidavit at paras 6, 18, 20-21, CS MR, Tab 2.

¹⁸ [SOR/98-106](#), CS BOA, Tab 1.

¹⁹ 2021 FCA 13 at [paras 6-9](#), CS BOA, Tab 7.

- Will the proposed intervener's arguable submissions assist the determination of the actual, real issues in the proceeding?
- II. Does the proposed intervener have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervener has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?
- III. Is it in the interests of justice that intervention be permitted? The list of considerations is not closed but includes the following questions:
- Is the intervention consistent with the imperatives in Rule 3? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
 - Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
 - Has the first-instance court in this matter admitted the party as an intervener?
 - Will the addition of multiple interveners create the reality or an appearance of an “inequality of arms” or imbalance on one side?²⁰

19. The first branch, concerning the usefulness of the proposed intervener’s submissions, is the “central part” of the test for intervention.²¹ These factors are not exhaustive and are to be applied flexibly.²² The weight given to each depends on the context of the case.²³ The “salient question is whether the intervener will bring further, different and valuable insights and perspectives that will assist the Court in determining the matter.”²⁴

²⁰ *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2022 FCA 67 at [para 10](#), CS BOA, Tab 14.

²¹ *Alliance for Equality of Blind Canadians v Canada (Attorney General)*, 2022 FCA 131 at [para 12](#), CS BOA, Tab 2.

²² *Sport Maska Inc v Bauer Hockey Corp*, [2016 FCA 44](#) at [paras 41-42](#), CS BOA, Tab 15.

²³ *Sport Maska* at [para 41](#), CS BOA, Tab 15.

²⁴ *Sport Maska* at [para 40](#), CS BOA, Tab 15, quoting *Canada (Attorney General) v Pictou Landing First Nation*, [2014 FCA 21](#) at para 9, CS BOA, Tab 4.

A. The Caring Society satisfies the test and should be granted intervener status

20. The Caring Society moves for leave to intervene based on its interest in the subject-matter of this proceeding, as well as the possibility that it may be directly and adversely affected by this Court's decision. The Caring Society also has useful submissions that would assist the Court in its consideration of the anticipated motion for approval of the FSA reached by Canada, AFN, and Class Counsel on June 30, 2022, in part because the Caring Society is a party to the Complaint that is also proposed to be resolved through the FSA. Finally, the Caring Society has expertise in supporting First Nations children, youth and families, particularly with respect to children and youth in need of Jordan's Principle services, products and support.

a. The Caring Society's proposed submissions will be useful and different from those of the parties

21. The Caring Society has unique and detailed expertise in Jordan's Principle because of its long relationship with the family of Jordan River Anderson, from whom Jordan's Principle gets its name, and its national and grassroots work with First Nations families and communities in challenging Canada's denials of funding requests. The Caring Society continues to support families and communities in appealing such denials, including by directly funding the provision of denied services in some cases, without reimbursement by Canada.

22. As an organization that is committed to the wellbeing of First Nations children, youth and families, the Caring Society understands where children and families continue to struggle to get access to Jordan's Principle. It also understands the very real harms experienced by children, youth and families as a result of Canada's approach to funding child and family services and its failure to fully implement Jordan's Principle, contrary to both the human rights and *Charter*-protected equality rights of First Nations peoples in Canada. This expertise allows the Caring Society to provide useful submissions to the Court as it evaluates the reasonableness of this unprecedented FSA, particularly when viewed from the perspective of the children, youth and families whose rights are at issue in this case.

23. The Caring Society seeks to make submissions on the reasonableness of the proposed settlement that are different from those expected to be made by the parties, all of whom are parties to the FSA and are thus expected to ask the Court to approve its terms. The Caring Society brings a unique perspective to this proceeding and, if granted leave to intervene, intends to assist the Court in understanding the impact of specific aspects of the settlement on the rights and interests of class members, including child class members. The Caring Society expects that, in the absence of the Caring Society's intervention, this perspective will not be adequately put forward in this proceeding.

24. If granted leave to intervene, the Caring Society will make submissions about two specific aspects of the FSA: (a) eligibility for compensation with respect to Jordan's Principle and the impact of vague eligibility criteria on a victim's ability to meaningfully exercise the right to opt out; and (b) the exclusion of the estates of parents from compensation under the FSA.

i. Jordan's Principle

25. The FSA provides that eligibility for compensation for members of the Jordan's Principle Class and the Trout Child Class will be determined based on their "Confirmed Need" for an "Essential Service."²⁵ The FSA provides that only children in the Jordan's Principle class who have experienced a "Significant Impact", as defined through a separate Framework of Essential Services, will be guaranteed to receive a minimum of \$40,000 in compensation, the amount awarded to all First Nations children who experienced a delay, denial or service gap in an essential service by the Tribunal in its Compensation Decision. "Significant Impact" is also the threshold for members of the Trout Child Class to receive a minimum of \$20,000 in compensation under the FSA. There is significant ambiguity around the meaning of "Essential Service" and "Significant Impact" under the FSA.

²⁵ Excerpts from Final Settlement Agreement on Compensation, s 6.06(2), Blackstock Affidavit, Exhibit D, CS MR, Tab 2D.

26. “Essential Service” is undefined in the FSA and is instead defined through a separate Framework of Essential Services (the “**Framework**”) that was developed by the parties to the FSA and made public on August 19, 2022. The Framework provides that a service is “essential” if “the claimant’s condition or circumstances required it and the delay in receiving it, or not receiving it at all, caused material impact on the child.”²⁶ Although the FSA requires that the Framework be supported by an expert report by August 19, 2022, to the Caring Society’s knowledge, no such documents have been made public to date.

27. If granted leave to intervene, the Caring Society will make submissions about the significant ambiguity in this definition on the reasonableness of the motion for settlement approval. While it is important and positive that this definition allows for a contextual inquiry looking at each child’s unique circumstances, the threshold of materiality is so vague as to be meaningless. This vagueness means that a Jordan’s Principle class member cannot meaningfully assess whether their circumstances will meet this threshold.

28. Moreover, the denial or delay in receiving an “essential service” is only one threshold that must be met for a Jordan’s Principle or Trout class member to receive compensation. The FSA also contemplates that only those class members who experienced a “significant impact” because of this delay or denial will receive a minimum of \$40,000 in compensation, commensurate with the amount awarded by the Tribunal. Paragraph 6.06(3) provides that the process for distinguishing such “significant impact” from “other impact” will be prescribed in the Framework of Essential Services, as follows:

3) The Framework of Essential Services will establish a method to assess two categories of Essential Services based on advice from experts relating to objective criteria:

(a) Essential Services relating to Children whose circumstances, based on an Essential Service that they are

²⁶ Framework of Essential Services, Blackstock Affidavit, Exhibit E, CS MR, Tab 2E (emphasis added).

confirmed to have needed, are expected to have included significant impact (“**Significant Impact Essential Service**”); and

(b) Essential Services that are not expected to have necessarily related to significant impact (“**Other Essential Service**”).

29. Contrary to Paragraph 6.06(3), the Framework of Essential Services made publicly available on August 19, 2022 does not offer any guidance on how these two categories will be assessed. Nor is “Significant Impact” a defined term in the FSA. If granted leave to intervene, the Caring Society will thus make submissions on the impact of this unresolved issue on a claimant’s ability to understand what compensation, if any, they will be entitled to under the Settlement Agreement and whether it will be greater or less than the compensation awarded by the Tribunal, as the definitions used in the FSA are not part of the Tribunal’s order or process for compensation distribution. The Caring Society will also address the reasonableness of the FSA in light of its experience with the wide range of services children, youth and families request through Jordan’s Principle, and its expert knowledge of the very real impacts that denials of such services can have.

30. The Caring Society also proposes to make submissions regarding the requirement that a Jordan’s Principle request be either denied or subject to “unreasonable delay” in section 6.07(1) of the FSA, which provides a mechanism for children whose claim does not fall within the Framework of Essential Services to nonetheless obtain compensation where certain conditions are met. “Unreasonable delay” is not a defined term in the FSA. The Caring Society will argue that, because this operates as a threshold for eligibility for compensation, this term should be defined, particularly given that it is defined in the Tribunal process. The Caring Society will further assist the Court by explaining how this issue was dealt with by the Tribunal, including through its approval of the Compensation Framework which states that a delay of more than 12 hours is unreasonable for urgent requests and more than 48 hours

for non-urgent requests,²⁷ with the onus falling on Canada to show the delay had no prejudice to the child in question.²⁸

ii. Estates of Parents

31. The FSA does not offer compensation to the estates of parents who died after suffering discrimination at the hands of Canada. This is contrary to the approach taken by the Tribunal in the Compensation Decision and subsequent orders, which expressly awarded compensation to the estates of parents who would otherwise have been eligible for compensation but passed away. This is a dramatic departure from the Tribunal's approach to compensation, where it awarded \$40,000 to the estates of "all First Nations Children and parents or caregiving grandparents who have died after suffering discriminatory practices described in the Compensation Decision Order."²⁹

32. If granted leave to intervene, the Caring Society proposes to argue that it is not reasonable for the FSA to fully extinguish the claims of such estates to compensation, as this amounts to effectively disintitling certain class members to provide larger payments to other class members. As the Ontario Superior Court of Justice noted in *Baxter v. Canada (Attorney General)*, where a settlement agreement proposes to bind potential class members without providing direct compensation, "the court must apply careful scrutiny to the provisions of the settlement seeking to effect that result".³⁰

33. In the Caring Society's submissions, such scrutiny is important for this Court to exercise in assessing the reasonableness of this settlement. The Caring Society

²⁷ *Framework for the Payment of Compensation Under 2019 CHRT 39* at s 4.2.4, Blackstock Affidavit, Exhibit B, CS MR, Tab 2B.

²⁸ *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 15](#) at para [171](#), CS BOA, Tab 10; *Framework for the Payment of Compensation under 2019 CHRT 39*, Blackstock Affidavit, Exhibit B, CS MR, Tab 2B.

²⁹ *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 7](#) [[2020 CHRT 7](#)] at [para 152](#), CS BOA, Tab 11.

³⁰ *Baxter v Canada (Attorney General)*, [2006 CanLII 41673 \(ON SC\)](#) at [para 84](#), CS BOA, Tab 3.

proposes to make submissions about the approach taken to this issue by the Tribunal, which found that giving compensation to estates served a dual purpose of compensating victims for pain and suffering caused by discrimination and deterring Canada from discriminating again. The Caring Society also brings the important perspective of a complainant who has litigated the very conduct underlying the class actions against Canada since 2007 and understands that Canada's litigation strategy over the intervening 16 years has caused significant procedural delays. Removing an entitlement to compensation for estates allows Canada to benefit from these delays and incentivizes a defendant like Canada to delay resolution of such litigation.³¹ The Caring Society proposes to make submissions on this issue to assist the Court in gauging the reasonableness of the FSA.

b. The Caring Society has a genuine interest in this proceeding, will be directly affected by the outcome of this appeal, and will bring its knowledge and expertise to bear in this proceeding

34. The Caring Society is a party to the Tribunal proceedings that will be resolved by the FSA. As such, interpretations of the FSA arising from the Federal Court's decision on a motion for approval of that agreement may have implications for the Caring Society in the proceedings before the Tribunal. The Caring Society does not intend to address issues with the agreement that are properly the subject of proceedings currently underway before the Tribunal, in which the Caring Society is an active participant. The Caring Society is also a respondent to Canada's appeal of the Federal Court's decision upholding the Tribunal's Compensation Decision and related orders, which is currently held in abeyance before the Federal Court of Appeal.

35. Moreover, the Caring Society has specific expertise with First Nations children, youth and families and is directly engaged in supporting First Nations children, youth, and families, particularly where a claim for funding under Jordan's Principle has been denied. The Caring Society has demonstrated, through its many years of litigating the discrimination complaint against Canada and its tireless advocacy in support of the robust implementation of Jordan's Principle, that it is committed to ensuring justice for

³¹ 2020 CHRT 7 at [para 138](#), CS BOA, Tab 11.

First Nations children, youth and families who faced discrimination at Canada's hands. The Caring Society thus has a direct interest in ensuring that the FSA provides a reasonable settlement for all children, youth and families who are victims of Canada's discrimination.

c. The interests of justice favour granting the Caring Society leave to intervene

36. As Canada's own news release states, the \$20 billion compensation package prescribed in the settlement is the largest in Canadian history.³² This large amount arises from the long duration of harm dealt with in both the underlying class actions and the Complaint, which together date from 1991, and the vast number of children and families egregiously harmed by Canada's conduct. Between 100,000 and 110,000 First Nations children are estimated to have been removed from their families and placed in care funded by Indigenous Services Canada between 1991 and 2019.³³ Many others were harmed by Canada's discriminatory provision of services that have been linked to the deaths of some children. If the Tribunal approves the FSA, Canada is expected to seek this Court's approval of the same agreement.³⁴ This Court will then be tasked with determining whether this settlement is fair, reasonable and in the best interests of the class, which includes tens of thousands of children and young people in vulnerable situations as a whole.³⁵

37. There is undoubtedly a public interest in the Court's assessment of the settlement's reasonableness. This public interest, and the importance of the Court's

³² "Final settlement agreement on compensation signed for First Nations children and families", Indigenous Services Canada (4 July 2022) [**4 July 2022 News Release**], Blackstock Affidavit, Exhibit G, CS MR, Tab 2G.

³³ Note that this estimate is restricted to "registered Indian children ordinarily resident on reserve". Peter Gorham, Nico Trocmé, Marie Saint-Girons, *Report on the Estimated Class Size – First Nations Children in Care 1991 to 2019* (18 January 2021) at paras 98-99 and footnote 3, Blackstock Affidavit, Exhibit H, CS MR, Tab 2H.

³⁴ 4 July 2022 News Release, Blackstock Affidavit, Exhibit G, CS MR, Tab 2G.

³⁵ *Tk'emlúps te Secwépmc First Nation v Canada*, [2021 FC 988](#) at [para 74](#), CS BOA, Tab 16.

searching review, is heightened by the unique vulnerability of the class members, many of whom are minors.

38. The Caring Society is uniquely positioned to assist the Court in assessing the reasonableness of the FSA and proposes to do so with targeted submissions, based on the record that will be filed by the parties. The interests of justice favour permitting the Caring Society, which has tirelessly advocated for the interests of First Nations children, youth, and families, to intervene in this proceeding.

39. The Caring Society's motion for leave to intervene is limited to making written submissions in response to a motion for settlement approval. No such motion has been filed to date, and no prejudice arises from the Caring Society's proposed intervention at this stage of proceedings. The Caring Society will comply with any timelines for the filing of submissions as may be set by the Court and will not delay the prompt adjudication of the motion.

PART IV -STATEMENT OF THE ORDER SOUGHT

40. The Caring Society asks that it be granted leave to intervene in this proceeding on the following terms:

- 1) The Caring Society may file a memorandum of fact and law of no more than 15 pages, or such other length as this Court may direct;
- 2) The Caring Society shall accept the record as adduced by the parties and shall not file any additional evidence;
- 3) The Caring Society may participate in any future case conferences that pertain to this proceeding;
- 4) Any documents served on any party in this proceeding must also be served on the Caring Society;
- 5) The style of cause for this proceeding be amended to add the First Nations Child and Family Caring Society of Canada as an intervener; and

6) The Caring Society may not seek costs or have costs awarded against it in this proceeding.

41. The Caring Society does not seek costs and asks that no costs be awarded against it on this motion.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 7th day of September, 2022.



September 7, 2022

CONWAY BAXTER WILSON LLP/S.R.L.
400-411 Roosevelt Avenue
Ottawa ON K2A 3X9

M. Alyssa Holland
aholland@conwaylitigation.ca
David P. Taylor
dtaylor@conwaylitigation.ca
Tel: (613) 288-0149
Fax: (613) 688-0271

CLARKE CHILD & FAMILY LAW
36 Toronto Street Suite 950
Toronto, ON M5C 2C5

Sarah Clarke LSO#: 57377M
sarah@childandfamilylaw.ca
Tel: (416) 260-3030
Fax: (647) 689-3286

ANNE LEVESQUE
University of Ottawa
Faculty of Law, Fauteaux Hall
57 Louis Pasteur St.
Ottawa ON K1N 6N5

anne@equalitylaw.ca
Tel: (613) 447-4699

Solicitors for the Proposed Intervener, First Nations Child and Family Caring Society of Canada

TO: **The Chief Administrator**
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa ON K1A 0H9

AND TO: **SOTOS LLP**
1200-180 DUNDAS STREET WEST
TORONTO, ON M5G 1Z8

David Stern LSO#: 36274j
Dsterns@Sotos.Ca
Mohsen Seddigh LSO#: 70744i
Mseddigh@Sotosllp.Com

Tel: (416) 977-5229
Fax: (416) 977-0717

KUGLER KANDESTIN
1 Place Monseigneur Charbonneau
Suite 1170
Montreal, Qc H3b 2a7

Robert Kugler
Rkugler@Kklex.Com

Tel: (514) 360-8882
Fax: (514) 875-8424

MILLER TITERLE + CO.
300-638 Smithe Street
Vancouver, BC V6B 1E3

Joelle Walker
joelle@millertiterle.com

Tel: (604) 681-4112
Fax: (604) 681-4113

Counsel for the Plaintiff, Xavier Moushoom, Jeremy Meawasige (By His Litigation Guardian, Jonavon Joseph Meawasige), Jonavon Joseph Meawasige, And Zacheus Joseph Trout

AND TO: **DEPARTMENT OF JUSTICE**
Civil Litigation Section
50 O'Connor Street, 5th Floor Ottawa ON
K1A 0H8

Jonathan Tarlton
Jonathan.tarlton@justice.gc.ca
Paul Vickery
Paul.Vickery@justice.gc.ca

Counsel for the Respondent, Attorney General of Canada

AND TO: **NAHWEGAHBOW CORBIERE**
Barristers & Solicitors

109-5884 Rama Road
Rama, On L3V 6H6

Dianne Corbiere LSO#: 401720
Dgcorbiere@Nncfirm.Ca

Tel: (705) 325-0520
Fax: (705) 325-7204

FASKEN MARTINEAU DUMOULIN
1300-55 Metcalfe St
Ottawa, On K1P 6L5

Peter Mantas LSO#: 35269h
Pmantas@Fasken.Com
D. Geoffrey Cowper, Q.C
Gcowper@Fasken.Com

Tel: (613) 696-6886
Fax: (613) 230-6423

Counsel for the Plaintiff, Assembly of First Nations, Ashely Dawn Louise Bach,
Karen Osachoff, Melissa Walterson, Noah Buffalo-Jackson By His Litigation
Guardian, Carolyn Buffalo, Carolyn Buffalo, And Dick Eugene Jackson Also
Known as Richard Jackson

AND TO: **CONSUMER LAW GROUP**
102-1030 Berri Street
Montreal, Qc H2J 4C3

Jeffrey Orenstein LSO#: 59631G
Jorenstein@Clg.Org

Tel: (514) 266-7863
Fax: (514) 868-9690

Counsel For the Respondent

SCHEDULE "A"**STATUTES OR REGULATIONS**

1. *Federal Court Rules*, [SOR/98-106](#)

SCHEDULE “B”**BOOK OF AUTHORITIES**

1. *Alliance for Equality of Blind Canadians v Canada (Attorney General)*, [2022 FCA 131](#).
2. *Baxter v Canada (Attorney General)*, [2006 CanLII 41673 \(ON SC\)](#).
3. *Canada (Attorney General) v Pictou Landing First Nation*, [2014 FCA 21](#).
4. *Canada (Attorney General) v First Nations Child and Family Caring Society of Canada*, [2021 FC 969](#).
5. *Canada (Attorney General) v Witchekan Lake First Nation*, [2022 FCA 130](#).
6. *Canada (Citizenship and Immigration) v Canadian Council for Refugees*, [2021 FCA 13](#).
7. *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2019 CHRT 39](#).
8. *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2017 CHRT 14](#).
9. *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 15](#).
10. *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 7](#).
11. *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, [2016 CHRT 2](#).
12. *Moushoom v Canada (Attorney General)*, [2021 FC 1225](#).
13. *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, [2022 FCA 67](#).
14. *Sport Maska Inc v Bauer Hockey Corp*, [2016 FCA 44](#).
15. *Tk'emlúps te Secwépemc First Nation v. Canada*, [2021 FC 988](#).