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## Assembly of First Nations

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May 24, 2023

***By Email***

Judy Dubois  
Registry Operations  
Canadian Human Rights Tribunal  
240 Sparks Street, 6<sup>th</sup> Floor West  
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**Re: First Nations Child and Family Caring Society of Canada et al v. Attorney General of Canada (File No. T#1340/7008)**

I write in response to the Tribunal's correspondence dated March 16, 2023. This letter provides the Assembly of First Nations' response to the four questions posed by the Panel regarding updates on the implementation of the Panel's Orders. In its letter, the Panel invited the Parties to provide detailed updates on the following:

1. A further detailed update of the implementation of orders 1-8 issued March 24, 2022, in ruling 2022 CHRT 8 at paragraph [172]. Please provide as many details as possible. The Tribunal may schedule a case management conference upon reception and review of this update.
2. A detailed update on the progress of the implementation of the 2016 CHRT 2 order at paragraph [481] to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. This also includes long-term reform.
3. A detailed update on the implementation of the Tribunal's compensation orders which include the compensation process and the outstanding work required to effectively distribute the compensation ordered by this Tribunal.
4. The Tribunal received a 2022 update report on Jordan's Principle from the Caring Society, the Tribunal requests the parties' detailed views on the information contained in this report and the purpose that it may serve, in the implementation of Jordan's Principle and the reform ordered by this Tribunal. The Tribunal requests the parties' submissions on how they wish for the Tribunal to address this new information.

**1) Update on Orders 1-8 under 2022 CHRT 8**

The following is a detailed update on Orders 1-8 of the 2022 CHRT 8 decision.

1. *Reform to the First Nations Child and Family Services Program (“FNCFS Program”) shall reflect a performance-informed budgeting approach, with consideration of the well-being indicators defined in the Institute for Fiscal Studies and Democracy (“IFSD”) Measuring to Thrive framework.*

The AFN continues to work closely with the Institute for Fiscal Studies and Democracy’s (“IFSD”) on the Measuring to Thrive framework, including piloting the implementation of a performance budgeting approach, which is projected to be completed in September 2023. The results of the IFSD’s research will assist the Parties in implementing the appropriate set of indicators into the reformed FNCFS Program. However, at present, there is still no agreement on the set of indicators for the reformed FNCFS program. Indigenous Services Canada (“ISC”) is exploring the development of an alternative indicator set and has not fully engaged the Parties on this matter. While ISC asserts that their proposed indicators are comparable to Measuring to Thrive, the Measuring to Thrive indicators are a comprehensive set determined by research guided by First Nations, and are not intended to be selectively altered without proper consultation and further research, as doing so may compromise the ability to measure and monitor the structural factors driving children into care (e.g. poverty, poor housing, mental health, addictions, and domestic violence). The AFN has been informed that ISC intends to form a separate working group to discuss an appropriate set of indicators premised on the Measuring to Thrive indicators, however at an April 2022 meeting ISC confirmed that a working group on the Measuring to Thrive indicators had already been convened. The AFN has not been made aware of any further meetings to discuss these indicators.

2. *Canada shall fund at actual cost post-majority care to youth ageing out of care and young adults who were formerly in care up to and including the age of 25 across all provinces and territories (“post-majority care”). This funding shall be accessible through the actuals process for maintenance and protection reimbursed at the actual cost to the First Nations authorized post-majority service provider and shall be available until March 31, 2023. After this time, funding for post-majority care will be made available through the reformed FNCFS Program’s funding formulas, policies, procedures and agreements in an evidence- informed way agreed to by the Parties.*

Canada began funding the actual cost of post-majority support services on April 1, 2022. Provision of post-majority services was based on the interim consent of the Parties. The funding enables service providers to support youth aging out of care and young adults formerly in care across all provinces and the Yukon, from the age of majority up to their 26th birthday or the age, as defined in the provincial/Yukon legislation (whichever is greater). Reimbursement at actual cost can be requested using the actuals claims process, or other funding mechanisms already in place through existing agreements. To support delivery of Post-Majority Support Services (“PMSS”) an information sheet was created with oversight and input of a sub-working group of the National Advisory Committee on First Nation Child and Family Services Reform (NAC) that provided a comprehensive, but not exhaustive, list of post majority supports, activities, and costs and eligible for reimbursement. This information followed up on with a PMSS toolkit, and regional resource list, which is available on the ISC website (which is updated as needed).

The Parties have agreed that Canada will continue to pay for PMSS at their actual costs until March 31, 2024, so that data can be collected to support the transition to a long-term funding approach to PMSS. In order to provide eligible recipients of PMSS with a hub for information on where and how to access PMSS, the Parties jointly agreed that Kids Help Phone would be the interim provider of this service, while Canada pursued a request for proposals for a long-term provider. ISC has signed a contribution agreement with Kid's Help Phone dated January 1, 2023, for the remainder of the 2022-23 fiscal year and for the 2023-24 fiscal year. In this agreement Kid's Help Phone is mandated to provide First Nations youth and young adults with access to 24/7 telephone, text and web-based supports or information relating to post-majority support services.

- 3. Given Canada's commitment to non-discrimination and substantive equality, Canada shall assess the resources required to provide assistance to families and/or young adults in identifying supports for needed services of high needs Jordan's Principle recipients past the age of majority (as defined in the applicable First Nations or provincial/territorial statute). Canada shall consult with the Parties within sixty (60) days of the order to discuss the scope and scale of these transition supports and how such funding capacity can be incorporated into the Jordan's Principle long-term reform.*

The Parties have not made substantive progress on discussions regarding the provision of Jordan's Principle service navigation to post-majority recipients. ISC has met twice with the Parties to discuss post-majority navigation supports for Jordan's Principle recipients on March 28, 2022, and April 22, 2022. These discussions focused on defining "high needs Jordan's Principle recipients" and the scope of the navigation assistance required for Jordan's Principle recipients and their families, and have not substantively addressed the question of implementation of these supports. The matter has also been raised at the Jordan's Principle Operations Committee, where ISC was asked to provide an update on post-majority navigation supports for Jordan's Principle on March 28, 2023; however, ISC did not provide an update on implementation of supports at that time, rather noting that supports are part of the Final Settlement Agreement and that discussions are ongoing.

It is the AFN's view that additional efforts need to be made with respect to implementing this component of the immediate measures order, including the development of a proposal by ISC into its intention to fulfill its obligations therein. These efforts should include discussions with First Nations and Service Coordinators to understand the current capacity and the necessary financial supports to implement post-majority service navigation on a priority basis, as well as understand the scope and landscape of services that are available to youth past the age of majority.

The AFN continues to advocate that Canada should push beyond mere navigation and seek to develop funding mechanisms for the provision of services to these young adults, and is of the opinion that the Parties need to come to some form of resolution with respect to funding the provision of post-majority services for these individuals, which are often costly or unattainable for individuals. In speaking with families and Service Coordinators who have sought support from AFN, we have heard that there is tremendous stress on families with youth aging out of Jordan's Principle eligibility, affecting the wellbeing of the youth, their caregivers and family, including their mental health, physical health, and ability to participate fully in their communities.

Jordan's Principle fills significant gaps in health, social and education services for youth and meets the needs of thousands of First Nations children that the Government of Canada otherwise fails to fill. The current process of aging out under Jordan's Principle perpetuates the gaps in services. The AFN is of the view that this problem requires urgent and decisive action to ensure that substantive equality is achieved by meeting the needs of First Nations youth past the age of majority, and that the gaps in services are addressed.

4. *Canada shall fund the following research through the Institute for Fiscal Studies and Democracy ("IFSD"):*
  - a. *the IFSD Phase 3 Proposal (including stage 5): Implementing a well-being focused approach to First Nations child and family services through performance budgeting, dated July 22, 2021;*
  - b. *the IFSD needs assessment regarding the real needs of First Nations not served by an agency to identify their needs as they relate to prevention, operations and to further identify remedies to gaps that need to be closed as part of long-term reform (the "Non-Agency First Nations Needs Assessment");*
  - c. *the IFSD assessment regarding available data on the use of Jordan's Principle to inform a future cost assessment of Canada's implementation of Jordan's Principle and program reform (the "Jordan's Principle Data Needs Assessment"); and*
  - d. *upon completion of the Jordan's Principle Data Assessment, the IFSD needs assessment regarding a long-term funding approach for Jordan's Principle, including but not limited to identifying and addressing formal\* equality gaps, in keeping with the Tribunal's rulings, including but not limited to 2016 CHRT 2, 2017 CHRT 35, [2020 CHRT 20](#) and [2020 CHRT 36](#) (the "Jordan's Principle Long Term Funding Approach Research").*

IFSD's Phase 3 research is being funded by Canada as identified in 2022 CHRT 8. In their research plan, the IFSD set out timelines in a series of research benchmarks and corresponding briefings. There have been no delays or changes to the research timelines outlined in the agreement between the AFN and IFSD, dated May 22, 2021. All Parties have been informed by the IFSD that FNCFS Agency Budgets and full results from Measuring to Thrive will be ready for dissemination for Interim Report #4, due on September 1, 2023 (see timelines below), which will contain the data Canada requires for budgeting purposes. It is the AFN's understanding that ISC has sought a mandate from cabinet or central authorities to continue to negotiate past March 31, 2023, which was made necessary in light of AFN Resolution 04/2022, which called on Canada to extend negotiation timelines to correspond with IFSD's research as well as mandated the AFN to ensure that First Nations rights to Free, Prior, and Informed Consent (FPIC) with regards to the FSA. The AFN and First Nations Child and Family Caring Society (Caring Society) have proposed negotiation timelines in concert with the remaining research benchmarks to respond to the Resolution's mandate to engage First Nations on the FSA. Canada has not yet obtained a revised political mandate with respect to continuing the negotiation of long-term reform in line with AFN Resolution 04/2022 and the AFN and Caring Society's joint proposal.

Research timelines:

- March 31, 2023: Initial results from IFSD Phase 3 piloting of Measuring to Thrive and FNCFS Agency budgets were received and shared with the Parties on April 19, 2023.
- Subsequent IFSD Phase 3 research update and milestones are as follows:
  - Interim report #4 September 1, 2023
  - Interim report #5 March 1, 2024
  - Interim report #6 September 1, 2024
  - Draft final report November 14, 2024
  - Final report January 15, 2025
  - Project completed February 28, 2025

Jordan's Principle research timelines have been identified as the following:

- September 2023: Non-Agency First Nations' funding approach recommendations.
- Regarding Jordan's Principle research, a final report from the IFSD for the Jordan's Principle data assessment was released on September 1, 2022.
- The recommended Jordan's Principle needs assessment research is anticipated to be complete by December 2024.

5. *Canada shall fulfil all IFSD data requests within ten (10) business days or propose reasonable alternative timelines required to protect privacy.*

AFN has been made aware of delays in fulfilling IFSD data requests related to Phase 3 research. However, it is the AFN's understanding that ISC and IFSD have collaborated to fulfill the outstanding data requests and clarifications IFSD has requested for data sets they have received. To facilitate provision of data, ISC and IFSD have negotiated information-sharing agreements for requests related to Jordan's Principle and the FNCFS Program; however, recently there have been significant delays in Jordan's Principle data to support IFSD research, which could potentially impact the research timeline identified above. IFSD has advised the AFN that ISC has made efforts to remediate these delays.

6. *Canada shall consult with the Parties and implement the mandatory cultural competency training and performance commitments for employees within Indigenous Services Canada. Canada shall also work with the Parties to establish an expert advisory committee within sixty (60) days of this order to develop and oversee the implementation of an evidence-informed work plan to prevent the recurrence of discrimination. Canada shall take reasonable measures to begin implementing the work plan.*

Canada, the Caring Society, and the AFN have worked together to identify experts from across the country to establish an Expert Advisory Committee ("EAC") to guide an Independent Third-Party Evaluation for ISC reform, per Order 6. The EAC is co-chaired by the Caring Society, the AFN and ISC and has had six official meetings since April 2022, as well as eight sub-working group meetings. To support the EAC, a sub-committee has been working with Evaluation Specialists contracted by ISC on the development of the evaluation framework and the statement of work that will provide the basis of a request for proposals for the Independent Third-Party Evaluator(s). It is these Third-Party Evaluators who will conduct the evaluation for ISC reform beginning in 2023-2024. These are positive steps, however, there is much work left to be done with respect to

fulfilling this order. ISC has reported to the Parties that they have established a cultural competency unit in ISC's Corporate Secretariat in September 2022 and that each employee is expected to complete a mandatory 15 hours, or 2 days, of Indigenous cultural competency learning on an annual basis. It is the AFN's view that this provides a good start, but more training is required to address systemic discrimination within the Department and devastating effects it has had on First Nations children and families.

AFN's recommendation that 15 hours of mandatory Indigenous cultural competency learning can only be considered a start has been echoed by the EAC and more recommendations on the development of ISC's cultural competency tools have been made, such as greater employee access to learning tools and opportunities to develop cultural competency skills. The AFN is hopeful that some of these concerns may be addressed through a contract signed in November 2022 with Drs. Melro, Bombay, and Matheson to further develop and launch a second pilot training program 'Understanding the Root Causes of Health and Social Inequities Between Indigenous and Non-indigenous (Settler) People in Canada'. The curriculum for the 2nd pilot training is underway and is supported by ISC officials and guided by an Elder.

7. Pursuant to paragraph 413(3) of [2018 CHRT 4](#), adding the following paragraph to the Tribunal's order in 2018 CHRT 4 [421.1]: *In amendment to paragraphs 410, 411, 420 and 421 Canada shall, as of **April 1, 2022**, fund prevention/least disruptive measures at \$2500 per person resident on reserve and in the Yukon in total prevention funding in advance of the complete reform of the FNCFS Program funding formulas, policies, procedures and agreements. Canada shall fund the \$2500 on an ongoing basis adjusted annually based on inflation and population until the reformed FNCFS Program is fully implemented. This amount will provide a baseline for the prevention element in the reformed FNCFS Program pursuant to paragraph 1 of the Consent Order. Flexibility will be provided on the implementation for First Nations governments and FNCFS agencies not ready on the start date, which will require more time due to exceptional circumstances that will be further defined with the parties. Funds will be directed to the First Nations and/or First Nations child and family service providers(s) responsible for the delivery of prevention services.*

*These funds shall be eligible to be carried forward by the First Nation and/or First Nations child and family service providers(s).*

8. Pursuant to [2021 CHRT 12](#) at paragraph [42\(5\)](#), adding the following paragraph to the Tribunal's order in 2021 CHRT 12:

*[42.1] In amendment to paragraph 42(1), Canada shall, as of April 1, 2022, fund prevention/least disruptive measures for non-Agency First Nations (as defined in [2021 CHRT 12](#)) at \$2500 per person resident on reserve and in the Yukon, on the same terms as outlined in [2018 CHRT 4](#) at paragraph [421.1](#) with respect to FNCFS Agencies.*

As of April 1, 2022, Canada is funding prevention services at \$2,500 per First Nations person resident on-reserve or in the Yukon. This funding is allocated to First Nations and FNCFS agencies to deliver prevention services that support the safety and well-being of families with the aim of

reducing the risk that the child will be brought into care. ISC provided additional funding in 2022-23 to mitigate any disruption in services or reduction in funding for the 2022-23 transition year. FNCFS agencies and service providers received prevention funding equal to 2020-21 expenditures and funding was readjusted based on 2021-2022 expenditures in the fall of 2022. Further, First Nations not served by a delegated FNCFS agency received the entire \$2,500 per capita amount.

In the case of First Nations served by an FNCFS agency, the \$2,500 per capita was allocated between the agency and their respective First Nation(s). This split allocation method was discussed with the Parties and information about the funding was disseminated to First Nations and Agencies with input from the Parties as well. However, feedback to ISC to provide transparency about how the funding allocation formula was determined in the letters to First Nations was not taken up by ISC and AFN heard from many unsatisfied First Nations on the lack of transparency with regards to how the allocation amounts were determined. Since the initial roll out of the prevention funds, it should be noted that approximately 10% of First Nations have provided a Band Council Resolution to ISC advising the Department that it is requesting that 100% of the prevention funding flow to the First Nation government directly. The AFN has advocated that ISC responds positively to these Resolutions and does not anticipate that these Resolutions will have impacts to the prevention services FNCFS Agencies provide, as funding for least disruptive measures mandated by provincial/territorial legislation currently flows to agencies as part of their protection and maintenance funding.

Information about prevention funding was developed for circulation to First Nations and service providers with the oversight and input of a NAC sub-committee on prevention in the fall of 2021 and winter of 2022, leading up to April 1, 2022. A comprehensive, but not exhaustive, list of eligible prevention activities was developed and included in the Transitional FNCFS Terms and Conditions, which are available on ISC's FNCFS website: <https://www.sac-isc.gc.ca/eng/1648577221890/1648577242550#chp4>.

Otherwise, prevention funding continues to be discussed by the Parties to the negotiations on long-term reform to ensure funding formulas, policies, and procedures adhere to the Panel's Orders and are evidence-informed and respect the desires of First Nations. Further, it must be noted that the \$2500 per capita for prevention does not include funding for staffing, program development, infrastructure, or other operations related to prevention services. The AFN and other Parties have recently pressed ISC to provide further options to support First Nations and Agencies to spend funding in surplus, some of which may be due to the allocation of Prevention funds where no infrastructure or human capital exists to expend those funds.

## **2) Update on the progress of the implementation of the 2016 CHRT 2 order at paragraph [481] and long-term reform.**

*The Panel is generally supportive of the requests for immediate relief and the methodologies for reforming the provision of child and family services to First Nations living on reserve, but also recognizes the need for balance espoused by AANDC. AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of*



*Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle.*

This section provides a detailed update on the Parties progress with respect to implementing 2016 CHRT 2 order to cease discriminatory practices and reform to the FNCFS Program and Ontario's 1965 Agreement. Further, this section highlights initiatives and additional funding recommended by the Parties related to long-term reform of the FNCFS Program and Jordan's Principle.

### *Immediate Relief and Additional Funding Provided*

To respond to the 2016 CHRT 2 Order to reform the FNCFS Program, Canada provided additional funding for immediate relief.

The AFN can report that negotiations on the long-term reforms identified as necessary by the Panel continue to progress. However, critical research still needs to be completed in order to fully understand the scope of what is needed to successfully design, implement and transition to the reformed FNCFS funding approach. This includes IFSD's Phase 3 as previously discussed. The AFN and the Caring Society have circulated a proposed joint path forward to continue to work while the Parties wait for IFSD's research to be completed. Canada is seeking instructions in relation to that proposal.

### *FNCFS and Jordan's Principle Reform Updates*

#### *Analysis of Needs Assessments and Alternative Funding Methodology for the FNCFS Program Capital Needs Assessment/Feasibility Studies for FNCFS and Band Representative Services ("BRS") (Ontario)*

To support needs assessment, the AFN contracted the IFSD through a competitive request for proposals process for research funded by Canada. The IFSD went on to develop and execute a three-phase study to address discrimination in the FNCFS program and implement measures to ensure that discrimination does not recur. IFSD's Phase 1 study was completed in 2018 and addresses the CHRT's order to conduct a needs assessment and analysis of existing FNCFS agencies. Phase 2 addresses the CHRT's order to examine alternative funding methodologies for the FNCFS by costing out the needs identified in the Phase 1 and proposes a performance-based, bottom-up funding methodology to support reform based on full scope funding of FNCFS.

IFSD's Phase 1 and 2 Reports have informed the funding methodology agreed to by all Parties in the Agreement-in-Principle on Long-Term Reform of the FNCFS Program (AIP). The Parties are now awaiting Phase 3 outcomes of modelling and implementing the funding approach developed in Phases 1 and 2 with First Nations partners. The AFN has been advised by the IFSD that these results will be available by September 1, 2023, at which time Canada will have the data they require to fully cost out reform of FNCFS. Findings delivered to the AFN after September 1, 2023, will focus on program implementation at the Agency and/or First Nation level. These findings will be shared with the Parties to inform and support First Nations and Agencies in developing and implementing reform.



### *Research Capital Needs Assessments/Feasibility Studies for FNCFS and BRS (Ontario)*

The AFN is aware that research continues to be conducted and looks forward to further discussion with the Parties upon completion of this research. As this matter is Ontario specific, the Chiefs of Ontario is the lead negotiating Party with respect to same, and as such AFN does not have further comment on this matter.

### *Remoteness and Geography*

The issue of remoteness is currently being addressed through long-term reform discussions between Canada and NAN, the lead negotiating Party on the issue of remoteness, along with the Remoteness Quotient (RQ) Table and National Assembly of Remote Communities (NARC). However, the AFN continues to collaborate with the IFSD on their funding methodology for First Nations not represented by NAN and NARC, or for whom the NAN-developed approach may not work for reasons specific to the context of those First Nations. A remoteness and geography funding methodology were developed in IFSD's Phase 2 research and continues to be refined over the course of Phase 3.

### *Prevention Funding for Non-Agency First Nations*

Prevention funding continues to be discussed by the Parties in the negotiations on long-term reform to ensure funding formulas, policies, and procedures adhere to the Orders of this Panel. As of April 1, 2022, Canada is funding prevention services at \$2,500 per First Nations person resident on-reserve or in the Yukon. First Nations not served by a delegated FNCFS agency received the entire \$2,500 per capita amount. The AFN has been made aware that some First Nations have not been able to spend their Prevention funds due to lack of staff, space or programming opportunities. As a result, the AFN has pressed Canada to work with the Parties to develop methods to support non-Agency First Nations in spending their prevention fund.

### *Capital Long-Term Reforms*

With respect to funding capital assets, the Parties continue to work towards developing an approach to capital as part of the long-term reform of the FNCFS Program. Funding for capital projects under 2021 CHRT 41 has, since February 2022 provided First Nations and FNCFS delegated agencies/service providers, as well as Jordan's Principle providers, with funding for the full cost of the purchase or construction of major capital assets supporting the delivery of child and family services and Jordan's Principle. Moreover, Canada has provided information on making Capital requests on the Government of Canada website – *Funding for capital assets: Jordan's Principle and First Nations child and family services* (<https://www.sac-isc.gc.ca/eng/1644603745673/1644603776364#ch4>). This capital guide was developed with oversight and input from the NAC. Despite these communications, AFN has heard from First Nations – particularly in the context of capital for Jordan's Principle – that there is insufficient information available and that more must be done to ensure First Nations know how to access

funding, what projects may be eligible, and the like. Further work to communicate with First Nations about the capital projects funding must be a priority and joint effort amongst the Parties going forward.

Canada regularly provides the Parties with updates on CHRT 41 requests via program statistics. While these updates are welcomed by the AFN, more detailed reports with qualitative descriptions of the projects that do not get funded or remain under review by ISC for longer than average periods of time would support the information dissemination needs identified in the paragraph above.

The Parties are currently working to determine a long-term capital approach to FNCFS and Jordan's Principle. The IFSD has included capital building costs in their Phase 2 and Phase 3 research, including developing a capital needs assessment for First Nations use but also as a data collection tool. Data collected through 2021 CHRT 41 capital funding requests will also support a long-term capital funding approach.

#### *Revising Service Level Agreements ("SLA")*

Discussions on the Ontario *1965 Agreement* continue to take place through Final Settlement Agreement negotiations, as between Chiefs of Ontario and Canada; as such, AFN has no further comment on this matter.

#### *ISC Internal Reform and the Establishment of the Expert Advisory Committee and the Revision of Policies and Procedures*

The AFN and the NAC have supported Canada's efforts to reform the Department, including the revision of FNCFS Terms and Conditions to account for changes within the Program and to provide details on the flexible approach to funding FNCFS. Additionally, ISC has established an Expert Advisory Committee to guide an Independent Third-Party Evaluation for ISC reform, which the AFN co-chairs with the Caring Society and ISC. As noted previously in this submission, Canada has also introduced mandatory cultural competency training for employees. While this effort is a start, the AFN feels strongly that further action must be taken to compel employees to advance their cultural competency building, to ensure enduring reforms and fundamentally shift away from discriminatory ways of thinking and conducting business within ISC and elsewhere within the federal government.

### **3. A detailed update on the implementation of the Tribunal's Compensation Orders**

Canada, the AFN and Class Counsel have signed a Final Settlement Agreement on compensation in April 2023, which was endorsed by the First Nations-in-Assembly on April 4, 2023 by way of AFN Resolution 04/2023, *Revised Final Settlement Agreement on Compensation for First Nations Children and Families*, found here: [https://www.afn.ca/wp-content/uploads/2023/04/2023-April-SCA-Resolutions\\_EN-final-3.pdf](https://www.afn.ca/wp-content/uploads/2023/04/2023-April-SCA-Resolutions_EN-final-3.pdf). Canada, the AFN and the Caring Society have also signed

Minutes of Settlement to address the CHRT class members. The motion materials will be forthcoming on this matter.

#### **4. IFSD 2022 Needs Assessment for Jordan's Principle Update**

The AFN received the IFSD data needs assessment entitled "Data assessment and framing of analysis of substantive equality through the application of Jordan's Principle", published in September 2022. The Jordan's Principle Data Assessment highlights where there are significant gaps in other federal programs and services for First Nations children and youth that Jordan's Principle is currently filling, most predominantly mental wellness and education. The Jordan's Principle Data Assessment also highlighted that many requests being received and approved by Jordan's Principle are for low dollar value requests (under \$5,000) that provide significant benefits for the recipient, and signalled a significant uptick in requests over time.

The AFN has significant concerns stemming from the results of the IFSD's Data Assessment and is awaiting the results of its Phase 2 study to better understand the gaps that Jordan's Principle is currently filling in order to inform the long-term reforms and approach to Jordan's Principle. The AFN is concerned by the number of requests going to Jordan's Principle for supports that likely could – with minor or no alterations to current authorities – be covered under existing ISC programs and services, including Non-Insured Health Benefits (e.g., medical transportation and mental wellness requests, etc.) and High-Cost Special Education (e.g., education requests, etc.). While the Parties await the findings of the next phase of the IFSD's research on this matter, the AFN is hopeful that Canada will take urgent action to address the gaps highlighted by the IFSD's initial study on Jordan's Principle.

The IFSD is now under contract through the Caring Society to conduct the Jordan's Principle needs assessment research as identified in the data assessment report. The Parties continue to work together on operational improvements and Jordan's Principle and no further assistance is required from the Tribunal at this time.

We trust that this submission fully answers the Panel's Orders and questions posed in its most recent letter directed to the Parties. The AFN is happy to provide further detail or clarification if required by the Panel.

Respectfully,



Stuart Wuttke  
General Counsel

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