

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 and
NISHNAWBE ASKI NATION**

Interested Parties

AFFIDAVIT OF BRITTANY MATHEWS

I, Brittany Mathews, of the City of Ottawa, in the Province of Ontario, **SOLEMNLY AFFIRM THAT:**

1. I am a member of the Métis Nation of Alberta and the Director of Reconciliation and Policy of the complainant, the First Nations Child and Family Caring Society of Canada (“**the Caring Society**”). As such, I have personal knowledge of the matters hereinafter deposed to save and except for those matters stated to be on information and belief and where so stated, I believe them to be true.

Roles regarding Jordan's Principle

2. I have worked at the Caring Society since 2017 first as Executive Assistant and then for several years as both the Reconciliation and Research Coordinator and the Reconciliation and Policy Coordinator. I was recently promoted to Director of Reconciliation and Policy. I have an Honours Bachelor of Arts in Indigenous Studies and a minor in Conflict Studies and Human Rights from the University of Ottawa.

3. Part of my duties, since 2018, alongside other Caring Society team members such as Jennifer King (the Caring Society's Director of Programs and Operations) and Molly Rasmussen (the Caring Society's Reconciliation and Research Coordinator), include assisting families, First Nations service coordinators, and service providers who contact the Caring Society with difficulties accessing supports, products, and services from the federal government pursuant to Jordan's Principle.

4. In this context, I attempt to assist in resolving these difficulties by raising the obstacles these requestors are experiencing directly with officials at Indigenous Services Canada's ("ISC") Headquarters who are responsible for Jordan's Principle in a manner compliant with the Canadian Human Rights Tribunal (the "**Tribunal**") orders. The Caring Society's goal in having Ms. King, Ms. Rasmussen, and me undertake these communications is to try to ensure that the underlying request for a determination, reimbursements, and funding is made in a manner consistent with the Tribunal orders, and to otherwise ensure that the concerns raised are addressed so that the needs of First Nations children are met in a culturally appropriate and compassionate manner. In addition to making direct contact with ISC Headquarters, I also provide individuals and organizations who contact the Caring Society with general information regarding Jordan's Principle, the Tribunal orders, and facilitate contact with ISC at both regional and headquarters levels.

5. My understanding is that when the Caring Society started assisting families, service coordinators, and service providers, we believed it would be on a short-term basis pending Canada setting up a reputable complaints mechanism. In my view, to date, Canada has not established any effective complaints mechanism that can resolve concerns regarding issues of Canada's non-compliance with the Tribunal orders in a manner that accounts for children's distinct needs and circumstances.

6. In addition to my work assisting First Nations children and families, I also attend meetings of the Jordan's Principle Operations Committee ("JPOC") alongside Ms. King and Ms. Rasmussen. Following the creation of the Consultation Committee on Child Welfare ("CCCW") in 2018, the Jordan's Principle Oversight Committee was struck and changed its focus to Jordan's Principle operational concerns in the form of JPOC. JPOC has been operational since November 9, 2018. JPOC reports to the CCCW, and its mandate is to:

- *Provide operational guidance on the implementation of the Jordan's Principle;*
- *Provide input into the development of a longer-term approach;*
- *Champion Jordan's Principle within ISC, other federal departments, among First Nations partners and the broader community;*
- *Discuss and provide input on key policy and operational issues;*
- *Periodically review updates on progress, performance, and the achievement of key milestones; and*
- *Keep participating organizations and the wider community informed about the work accomplished by the Jordan's Principle Operations Committee.*

7. JPOC is composed of 27 members: 6 First Nation partners, 10 First Nations regional representatives, and 11 from ISC. The Caring Society is one of those First Nations partners. JPOC is co-chaired by a First Nations member and the Senior Assistant Deputy Minister of ISC. Currently, Stephanie Wellman from the Assembly of First Nations and Samatha Wilson-Clark are the co-chairs. JPOC meetings take place roughly every 6 weeks. A true copy of the latest version of the Jordan's Principle Operations Committee Terms of Reference is attached to my affidavit as **Exhibit "1"**.

8. My understanding is that as a result of this motion, on January 8, 2024, ISC cancelled the JPOC meeting scheduled for January 24 and 25, 2024. ISC wrote that "Canada is of the view that the in person JPOC meeting scheduled for January 24 and 25 should be postponed until the position of all Parties, in respect of the non-compliance motion brought by the Caring Society to the CHRT concerning Jordan's Principle, are known". First Nations partners and representatives expressed

concern about this decision. Dr. Blackstock noted that the Caring Society had been looking forward to its participation in the upcoming JPOC meeting and indicated that JPOC's work should not be disturbed by a non-compliance motion. A true copy of the email thread regarding ISC's cancellation of the January 2024 JPOC meeting is attached as **Exhibit "2"** to my affidavit.

The Caring Society's Years-long Effort to Assist Canada in Course Correcting

9. One of the goals the Caring Society continues to prioritize is ensuring that First Nation children have access to the supports, products, and services they need when they need them under Jordan's Principle. The Caring Society has tracked Canada's adherence to the Tribunal's Jordan's Principle orders with respect to its compliance and remedying its discriminatory conduct, and we have outlined our experiences since August 2018 in the document titled Concerns with Canada's Compliance with CHRT orders on Jordan's Principle" ("**Jordan's Principle Concerns Document**"). After its creation, the Jordan's Principle Concerns Document was updated in December 2018, January 2019, April 2019, May 2019, June 2019, August 2019, November 2019, March 2020, June 2020, October 2020, and April 2021. A further version was created in June 2023, in the context of confidential mediation discussions.

10. Dr. Cindy Blackstock (the Caring Society's Executive Director), Ms. King, and I reviewed and updated the Jordan's Principle Concerns Document regularly and included suggested remedies to systemic issues that families, service coordinators, service providers, and communities were bringing forward to the Caring Society. The Caring Society shared various versions of the Jordan's Principle Concerns Document with senior ISC officials via email, as well as through JPOC. Prior to Fall 2021, we also made reference to the Jordan's Principle Concerns Document through correspondence with ISC when assisting families. True copies of the following versions of the Caring Society's Jordan's Principle concerns document are attached as the exhibits to my affidavit:

- a. **Exhibit "3"**: August 2018 Jordan's Principle Concerns Document;
- b. **Exhibit "4"**: December 2018 Jordan's Principle Concerns Document; and
- c. **Exhibit "5"**: April 2021 Jordan's Principle Concerns Document.

11. In Fall 2021, the Caring Society, including Dr. Blackstock, Ms. King, and I, met virtually on a number of occasions with senior ISC officials, including Valerie Gideon (then Associate

Deputy Minister at ISC), to discuss Canada's approach to Jordan's Principle. At that time, ISC's administration and operation of Jordan's Principle had been informed by the then-current *Standard Operating Procedures: Jordan's Principle* ("SOPs"). The SOPs were an evergreen policy and procedures document regarding Jordan's Principle. A copy of the SOPs in place as of November 9, 2019 is found in Exhibit "Q" to the affidavit of Valerie Gideon affirmed April 15, 2019. The SOPs are discussed, *inter alia*, in paragraph 39 of that affidavit.

12. At these Fall 2021 meetings, ISC acknowledged that, despite their length and detail, the SOPs were not working. As a result, it was jointly decided that ISC needed to take an approach that got "back-to-basics" of Jordan's Principle, ultimately replacing the SOPs. That starting point then formed the basis of the Caring Society's subsequent agreement regarding Jordan's Principle with Canada in the form of the "Back to Basics Approach".

13. A cornerstone of the approach agreed upon between ISC and the Caring Society was that there should be a presumption that First Nations children with needs for services, products, or supports that were confirmed by a professional with relevant expertise were facing historical, cultural, and geographical circumstances putting them beyond the normative standard of care applicable to other children in Canada. This meant that families no longer had to submit letters "proving" their need for greater supports to ensure substantive equality, thereby making the process less burdensome and more aligned with this Tribunal's orders. However, it was also my understanding that the Back-to-Basics Approach was only one of a number of other steps that ISC committed to take to address the discrimination given the requirements of the Tribunal orders.

14. On December 31, 2021, the Caring Society signed the Agreement-in-Principle on the Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle ("AIP"). Appended to the AIP was a Jordan's Principle Workplan, which included commitments for Canada to put in place a variety of measures and remedies aimed at addressing the systemic issues the Caring Society had been raising for years, including through the Jordan's Principle Concerns Document. ISC reviewed, provided feedback, and negotiated items on the AIP Workplan, which I was involved in. A true copy of the Executive Summary of Agreement-in-Principle on Long-Term Reform from ISC's website is attached as **Exhibit "6"** to my affidavit. A true copy of the Draft Record of Decision of the Jordan's Principle Operations Committee Conference call dated May 9, 2023 is attached as **Exhibit "7"** to my affidavit. A true copy of the Back-to-Basics Approach is attached as **Exhibit "8"** to my affidavit.

The Caring Society's Ongoing Involvement in Jordan's Principle Cases

15. The Caring Society receives requests for assistance and guidance in accessing Jordan's Principle from families, First Nations service coordinators, First Nations communities, and service providers in many ways, including by telephone and email. The Caring Society also receives in-person requests for assistance and guidance during presentations we deliver across the country.

16. Since January 2023, the Caring Society has raised over 160 cases regarding Jordan's Principle to ISC Headquarters and senior ISC officials. Most of these cases relate to (i) First Nations families and service coordinators not being able to reach ISC staff through the National Call Centre, regional contact centres or email, (ii) urgent requests going undetermined and ISC not putting place immediate compassionate supports, (iii) other determination delays, and (iv) reimbursement and funding delays. Of the more than 160 cases raised by the Caring Society since January 2023, less than half (roughly 75 cases) have been resolved at the level of the child. However, the fact that the same issues continue surfacing suggests that they remain systemic and that ISC has yet to address them.

17. A true copy of a table of cases, which I have prepared for the purposes of this affidavit, that sets out the Caring Society's case interventions from January 5, 2023 until January 9, 2024 is attached as **Exhibit "9"** to my affidavit.

18. In my experience when families and service coordinators contact the Caring Society, (with very few exceptions), the requests being made by families and service coordinators to Jordan's Principle are reasonable and are eligible under Jordan's Principle. I have not seen any requests that raised credible concerns about the fraudulent use of Jordan's Principle. Indeed, many families are very proud, find it challenging to ask for help, and simply want to do the best they can for their children. While I know that with any large initiative there can be the potential for misuse, the safeguard of ensuring that each request is accompanied by a professional letter or a letter from an Elder or Knowledge holder is, in my experience, effective.

19. When a family, service coordinator, or service provider reaches out to the Caring Society with concerns, my colleagues and I will then raise these concerns directly with ISC Headquarters. Particularly for concerns that I see crop up continually, I will also ask ISC what remedies or quality control mechanisms they have put in place to prevent the concern or issue from reoccurring.

20. Since 2017, my colleagues and I have been bringing cases to ISC's attention promptly after being contacted by families and service coordinators.

21. Now, however, due to increasing number of cases and families requiring repeat interventions with ISC and urgent cases requiring immediate support, that approach is no longer feasible. In fact, beginning in December 2023, my colleagues and I began sending weekly batches of "non-urgent" cases to ISC Headquarters while continuing to immediately send in urgent cases. Although I would prefer to be able to draw ISC's attention to all cases that are brought to my attention as soon as possible when a family or service coordinator reaches out to me, it is no longer possible for me to do so due to the volume of requests, particularly urgent requests, and the Caring Society's resources available for dealing with those requests.

22. I worry that families, First Nations service coordinators, and First Nations communities in need of services, supports, and funding will face further challenges and delays in accessing what they need from ISC given the Caring Society's limited ability to bring "non-urgent" Jordan's Principle issues to ISC's attention without delay. For the same reason, I also worry that service providers will continue to face barriers to accessing reasonably timely reimbursements for approved services, and may choose to discontinue providing services engaging Jordan's Principle. It is also concerning that this "batching" approach has become necessary given how many years have passed since the Tribunal's rulings in 2017 CHRT 14 and 2017 CHRT 35, and the commitments to long-term reform that Canada made in the AIP and Back-to-Basics Approach.

23. On December 1, 2023, Dr. Blackstock attended a meeting with ISC representatives, including Candice St-Aubin, Sr. Assistant Deputy Minister. Dr. Blackstock informed me, and I believe, that in this meeting, ISC committed to identifying an ISC staff person to whom the Caring Society could direct families and service coordinators who are having difficulties accessing Jordan's Principle. On December 14, 2023, Dr. Blackstock directed me to send an email to Ms. St-Aubin indicating that given this information had not been relayed to the Caring Society and that given matters were becoming more pressing with the holiday season, the Caring Society would be suggesting that families and service coordinators reach out to Ms. St-Aubin with their concerns using her publicly available contact details. I did not receive a response to this email. A true copy of the email I sent to Ms. St-Aubin on December 14, 2023 is attached as **Exhibit "10"** to my affidavit.

Illustrative Cases

24. Through my involvement in assisting families and service coordinators when they experience difficulties accessing Jordan's Principle and the Caring Society's years-long efforts to assist Canada to course correct its discriminatory conduct respecting Jordan's Principle, I have observed issues respecting:

- a. determinations of urgent cases;
- b. the National Call Centre and other contact mechanisms;
- c. backlogs in various ISC regions and at Headquarters;
- d. funding and reimbursement delays;
- e. quality control and accountability; and
- f. lack of compassionate and culturally appropriate conduct.

25. The cases I discuss below are illustrative of those issues, patterns, trends, or otherwise common concerns that families, First Nations service coordinators, First Nations communities, and service providers have raised with me and/or my colleagues over the years.

Urgent Cases

Overview

26. Since January 2023, my colleagues and I have experienced increasing rates of families and service coordinators reaching out to the Caring Society with difficulties accessing Jordan's Principle in urgent circumstances. In particular, I have experienced increasing rates of families (a) not receiving determinations within the 12-hour timeline for urgent individual cases and (b) ISC not taking immediate action to put in place compassionate and crisis supports to ensure the safety and wellbeing of the child when it is clear that a determination will not be made within the 12-hour timeline. Moreover, there have been surprising instances of ISC not responding to cases in a compassionate manner when children and families are facing urgent and detrimental circumstances.

27. Many families and service coordinators that I have spoken with understand that 2017 CHRT 35 requires Canada to take reasonable efforts to provide immediate crisis intervention supports in urgent requests. They also understand that, pursuant to the Back-to-Basics Approach, ISC has committed to ensuring a risk mitigation plan is implemented should an urgent request remain undetermined 6 hours after receipt and it is unlikely that it will be determined within the 12-hour period.

28. When I raise urgent concerns with ISC Headquarters, my experience is that officials respond by saying that the particular ISC region is reaching out to the requestor, but they often do not provide assurances that ISC will put in place an immediate compassionate plan given that the urgent request is already delayed. In my view, this approach is not representative of culturally appropriate, caring and compassionate conduct needed in these cases.

X.X.'s Case (Redacted)

29. On November 6, 2023, the Caring Society was contacted at 1:57 PM by Y.Y., who was supporting her niece, X.X., in trying to get an update on a request placed in June 2023 for her four children, all of whom were under the age of 15. A true copy of emails between the Caring Society and ISC on November 6-8, 2023 and January 5-6 and 9, 2024 regarding X.X.'s case is attached as **Exhibit "11A"** to my affidavit.

30. I have been informed by Ms. Rasmussen, and believe, that she spoke to Y.Y. on the phone at 2:42 PM and that Y.Y. told Ms. Rasmussen that X.X. required access to basic necessities, including food, diapers, rent and gas supports, to ensure her children's needs were met. In the intervening time while waiting for ISC to make a determination, the request had become urgent following one of the children having disclosed suicidal ideation (this being an urgent circumstance specifically noted in the Back-to-Basics Approach). Furthermore, since the request was placed, X.X. had to relocate from one province to another, further exacerbating difficulties the family was experiencing including a precarious and unsafe housing situation. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit and the Back-to-Basics Approach can be found in Exhibit "8" to my affidavit.

31. Y.Y. also relayed to Ms. Rasmussen that she had spoken with the relevant Region on November 2, 2023 and they had confirmed via email that they would reach out to X.X. regarding

her delayed request. Y.Y. followed up with the region, but was told to submit additional documentation and that the Region appeared to try to navigate X.X. to seek supports through the other Region. A true copy of emails exchanged in this matter from November 1-17, 2023 is attached as **Exhibit “11B”** to my affidavit.

32. At 3:12 PM on November 6, 2023, Ms. Rasmussen contacted ISC by email, flagging the urgent nature of the case and highlighting the 5-month delay. ISC confirmed receipt at 4:04 PM, indicating that the Region would be reaching out to Y.Y. Dr. Blackstock asked what measures were being taken to ensure the immediate safety of the child at 3:43 PM, 4:22 PM, and 5:03 PM. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

33. At 4:39 PM, I connected with X.X. via text to confirm that the Caring Society had been working to get the request determined immediately and to ask if there were any immediate supports that the family required. I also followed up with ISC at 5:21 PM to confirm whether immediate supports had been rendered to X.X. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

34. At 5:26 PM, ISC confirmed receipt and that they would send confirmation once they had it. At 5:47 PM, I contacted ISC to indicate that given we had not received confirmation that services and supports were determined and that X.X. had confirmed that the immediate supports remained outstanding, Dr. Blackstock provided direction for the Caring Society to extend emergency supports in the form of a \$250 e-transfer to X.X. to meet the children’s urgent needs. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

35. On November 7, 2023 at 11:16 AM Ms. Rasmussen reached out to ISC to indicate that in speaking with X.X. it was confirmed that she had yet to receive any supports beyond the \$250 transfer from the Caring Society and that the remaining supports from June 2023 remain undetermined. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

36. ISC responded at 11:36 AM confirming that some of requested items were approved on November 1, 2023, namely for groceries for family for the amount of \$450.00 bi-weekly for 2 months (November 2023 to December 2023, with the total amount being \$1,800.00), but the approval went unconfirmed as X.X. was living in a place with poor cell and internet access. ISC

also confirmed at 2:32 PM that the determination had been provided for the remaining requests. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

37. On November 14, 2023, Y.Y. contacted ISC and copied me on an email indicating that it had been arranged that X.X. and her four children would move to a safer hotel but would require support in making the deposit. Y.Y. also indicated that X.X. had not received any funding per the approved supports and indeed, the only money she did receive was from the Caring Society on November 7, 2023, which she used to get to the hotel. I emailed Ms. Wilson-Clark at 1:21 PM, asking that ISC provide support to ensure the family was in a safe hotel and that funding has been extended for the approved requests, including groceries. A true copy of my email to Ms. Wilson-Clark is found in an email thread attached as **Exhibit “11C”** to my affidavit.

38. At 2:29 PM, after speaking with X.X., I emailed Ms. Wilson-Clark to indicate that the Service Coordinator in one of the regions had phoned X.X. to indicate that she would be required to fill out additional paperwork to request the damage deposit. I indicated that this was not something that X.X. was in a position to do at this time, and Back-to-Basics requires a minimum of information to determine request. Back-to-Basics indicates that one letter of support from a recommending professional or Elder is the presumptive standard, and the recommending letter may speak to multiple needs in one letter. At 2:31 PM, Ms. Wilson-Clark indicated that she had intervened and indicated that the Service Coordinator in question had received approval from ISC and was processing the damage deposit. At 3:54 PM I asked Ms. Wilson-Clark to indicate the date by which X.X. could expect funding for approved requests, including the gas and laundry. At 5:41 PM, Ms. Wilson-Clark indicated that another regional representative was working with X.X. and they would follow-up with X.X. with regard to my questions. A copy of my exchanges with Ms. Wilson-Clark is found in Exhibit 11C.

39. I was growing concerned about the timing and therefore, after being in contact with X.X. again, at 3:55 PM on November 15, 2023, I emailed Ms. Wilson-Clark to indicate that X.X. had attempted to reach out to the Service Coordinator in question throughout the day but was not able to connect with anyone either via phone or email to confirm the funding timeline. In an automatic email, the Service Coordinator indicated that reimbursements take 7-15 business days which was concerning to X.X. as she could not wait that long. Given that neither X.X. nor the Caring Society received any communication detailing when X.X. would receive the approved supports, Dr. Blackstock directed the Caring Society to extend an additional \$350 in immediate compassionate

supports to the family. A copy of my email to Ms. Wilson-Clark on November 15, 2023 is found in Exhibit 11C.

40. On January 5, 2024 at 12:56 PM, I followed up with Liliana Gutierrez and Ms. Wilson-Clark to inquire, on X.X.'s behalf, how the Service Coordinator approved \$270 per week for meals for her four children. I flagged that this amount works out to \$67.50 per child for the week to order food from a restaurant in a hotel. I conveyed the fact that X.X. had been selective in the meals she had been ordering out of concern for her budget and that X.X. had been previously advised that she could use a food bank for assistance with meals, but was going into the weekend with no confirmed access to basic necessities in the form of meal supports (this is an urgent circumstance identified in Back-to-Basics). Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit.

41. By the end of the afternoon, it was clear to me that I would not receive a response to my email, and so Dr. Blackstock and I phoned the National Call Centre at 4:50 PM EST. We pressed 1-1 (submit a request; urgent request) and were put on hold for roughly 10 minutes. We were told that no call centre agent was available, so we left a callback number. Dr. Blackstock recorded the call to the National Call Centre using Voice Memo. Dr. Blackstock and I then phoned and spoke with Robin Buckland, the designated on-call person at ISC at that time, as the Caring Society has access to Ms. Buckland's phone number, but this is not available to the public. During the call with Ms. Buckland, Dr. Blackstock again raised concerns that the voice message had not been changed so callers can clearly indicate that their case is urgent.

42. After my call with Ms. Buckland, I received a callback from the National Call Centre at 5:29 PM EST. The National Call Centre gave me the number to contact the other Region. I told that agent that I was not confident I would reach the other Region regarding this urgent request given the time of day and advised that I was also in contact with Ms. Buckland as the on-call person from ISC Headquarters. The agent was not aware of who Ms. Buckland was or that there was an on-call person at Headquarters. Ms. Buckland advised me in a follow-up email on January 6, 2024 at 6:47 AM that X.X.'s meals and accommodations had been approved until the end of February and that her meals were approved at much higher rate. Copies of emails between the Caring Society and ISC can be found in Exhibit 11A to my affidavit. True copies of the January 5, 2024 audio recording and an unofficial transcription of that recording are attached as Exhibits 25A and 25B to the affidavit of Dr. Blackstock.

S.M.'s Case

43. On May 31, 2023, I was contacted by Rose McDonald, a service coordinator in British Columbia, who was supporting S.M., a Grandmother (Elder), in amending an approved request for her grandchild in her care to attend a Potlatch ceremony for the child's great-grandfather. The child was 8 years old. A true copy of email exchanges among the Caring Society, ISC, S.M., and Ms. McDonald is attached as **Exhibit "12A"** to my affidavit.

44. S.M. asked to extend the approved hotel supports by an additional two days to accommodate additional days for the ceremony. S.M. and Ms. McDonald contacted ISC on May 29, 2023 at 2:56 PM and 3:45 PM respectively asking ISC to process a requested additional two days and book the hotel room, indicating that this was urgent. Copies of emails between S.M. and Ms. McDonald and ISC can be found in Exhibit 12A to my affidavit.

45. ISC responded on May 30, 2023 at 10:27 AM asking what the additional requested amount was and the reason for the request. S.M. responded at 10:39 AM indicating that she had tried to contact the National Call Centre multiple times on May 29, 2023 between 8:00 AM and 12:00 AM PST and on May 30 since 8:00 AM PST to no avail. S.M. provided the rationale and again asked that ISC reach out to the hotel as soon as possible as she had to use all her borrowed funds to book the hotel room, leaving her with only enough to ensure breakfast. At 11:08 AM, ISC responded by indicating that it required more information, including asking why it was in S.M.'s grandchild's best interests to attend the ceremony and how that was child-specific. Copies of emails between S.M. and Ms. McDonald and ISC can be found in Exhibit 12A to my affidavit.

46. At 11:22 AM, S.M. provided these details, including indicating the cultural importance of her grandchild attending the Potlatch (which attendance had previously been approved). At 2:51 PM, ISC sent an email indicating that they required additional information in order to approve the requested additional dates and asked S.M. to have someone write a support letter identifying the exact date of the Potlatch, viewing, and funeral as well as how the request relates to the grandchild's specific needs. Copies of emails between S.M. and Ms. McDonald and ISC can be found in Exhibit 12A to my affidavit.

47. On May 31, 2023, at 9:52 AM, Ms. McDonald responded to ISC and copied me on the email, asking why a second letter of support was required as according to Back-to-Basics, one

letter is the presumptive standard and constitutes reasonable documentation to support a request. Ms. McDonald also asked how the questions outlined in previous emails were aligned with the Back-to-Basics approach that requires ISC to implement Jordan's Principle in a compassionate, commonsense, and reconciliation-based approach, particularly given that the family was grieving and ISC already had all the information they had been requesting. At 10:56 AM, ISC responded by indicating that the submitted letter only speaks to the grandchild's participation in the Potlatch feast and not the additional days for the funeral and viewing. Copies of emails between S.M. and Ms. McDonald and ISC can be found in Exhibit 12A to my affidavit.

48. At 2:03 PM, Ms. McDonald contacted me and indicated that S.M. had provided a support letter from the Chief and the request was for one Potlatch ceremony for the grandchild's great-grandfather. I spoke with Ms. McDonald on the phone and discussed the case with Dr. Blackstock. Based on the exchanges between May 29 and May 31 and on the fact that ISC had made multiple information requests on these days, Dr. Blackstock directed the Caring Society to extend compassionate supports to the family. A copy of the email Ms. McDonald sent me can be found in Exhibit 12A to my affidavit.

49. I emailed ISC on June 1 at 9:39 AM to indicate my concerns about S.M.'s inability to access the National Call Centre, the additional documents requested for an urgent request, and questions asked of S.M. that were not aligned with a compassionate approach. I also noted that a similar situation had occurred in Spring 2022 when S.M. requested travel assistance for her grandchildren to attend a Potlatch ceremony following the death of their mother and sibling. I found it concerning that ISC had seemingly not understood the lessons learned from that situation and continued to call into question the importance of children attending the Potlatch. A copy of the email I sent to ISC on June 1, 2023 can be found in Exhibit 12A to my affidavit. A true copy of the email I sent to ISC on May 6, 2022 about the Spring 2022 Potlatch ceremony is attached as **Exhibit "12B"** to my affidavit. S.M. had asked me to forward a PowerPoint presentation to ISC so that they may better understand the significance of Potlatch for children, and I did so in that email.

P.M.'s Case

50. On August 23, 2023, I was contacted by P.M. She indicated that she had not received a determination for the home modification request that she had submitted on August 16, 2023 (on

which I had been copied), and that the request had become time-sensitive due to the delay. Based on my phone conversations with P.M., I understood that her child has Ogden Syndrome, is on oxygen requiring safe storage, requires a wheelchair-accessible home, and must reside close to a pediatric hospital. I understand that the child has complex and serious medical needs. The child is 3 years old. A true copy of the email thread among P.M., the Caring Society, and ISC from August 16, 2023 to December 14, 2023 is attached as **Exhibit “13A”** to my affidavit.

51. P.M. told me that she made this request for home modifications after her Spring 2023 request for a new accessible home had been denied and she had been unable to find other options outside Jordan’s Principle that would meet her child’s housing needs. At the time of the initial request, the family rented a home that they were not allowed to renovate to meet the child’s needs. The family was unable to find an accessible home to buy, but eventually purchased a home that, with the approved renovation, would meet the needs of their child.

52. On August 23, 2023, I followed up with ISC to ask that they provide a determination to P.M. In that same thread, Dr. Blackstock further wrote that she strongly recommended that ISC take positive measures to ensure the child could live safely with his family. A copy of these emails is found in Exhibit 13A to my affidavit.

53. On August 25, 2023, P.M. received a phone call and email indicating the request for home renovations had been approved. A true copy of the approval email sent by L. Nanaquawetung to P.M. is attached as **Exhibit “13B”** to my affidavit.

54. However, on August 29, 2023, she received an email from L. Nanaquawetung informing her that the request was now conditionally approved pending Headquarters’ review and that additional information may be recommended and required to providing a final approval. A true copy of an email thread between P.M. and ISC that includes the discussion of the conditional approval is found at **Exhibit “13C”** to my affidavit. A copy of my email to ISC on August 30, 2023 raising these concerns is found in Exhibit 13A to my affidavit.

55. On August 30, 2023, I emailed ISC with these concerns and asked how ISC will be upholding the approval rendered on August 25 and remediate P.M.’s child’s needs. On September 1, 2023, I followed up with ISC three times, indicating that P.M. had relayed to me that she was extremely concerned and would appreciate some sort of response, particularly given that, with the

approval, she had indicated that her contractor could proceed and given notice to their landlord. At 5:57 PM, ISC responded that P.M. would receive a decision that day. P.M. emailed me to indicate that ISC only approved one component of the request, but the home renovation component of the request remained outstanding. A copy of my email exchanges with ISC is found in Exhibit 13A to my affidavit.

56. On September 5, 2023, I spoke with Liliana Gutierrez, a senior official at ISC, who indicated that ISC required additional documentation. I spoke with P.M. who confirmed that she had yet to hear anything from ISC regarding the kind of documentation that ISC required. I reminded ISC that the request was ongoing for three weeks at this point. I followed up again on September 7, 2023, and ISC responded by saying that the Alberta Region would be speaking with P.M. to clarify the scope of the request. A copy of my email exchanges with ISC is found in Exhibit 13A to my affidavit.

57. On September 8, 2023, I forwarded ISC the documentation the Alberta Region had asked P.M. to supply on September 7, 2023. The Alberta Region had indicated that they were unsure where P.M. was to submit the documents and would get back to her. This was not forthcoming and given that P.M. provides nearly around-the-clock care for her child, I found it to be unreasonable to expect her to continually follow up with ISC when there is no communication and forwarded the documents on behalf of P.M. The request was denied on September 15, 2023. A copy of my email exchanges with ISC is found in Exhibit 13A to my affidavit. A true copy of the denied Jordan's Principle request that P.M. received on September 15, 2023 is attached as **Exhibit "13D"** to my affidavit.

58. At my suggestion, P.M. had also emailed the Prime Minister's office on September 1, 2023, outlining her child's need for accessible and safe housing and the difficulties they were experiencing with Jordan's Principle. The Prime Minister's office responded on September 6, 2023, and indicated that they had forwarded the letter to Minister Hajdu's office. A true copy of the email thread between P.M. and the Prime Minister's Office is attached as **Exhibit "13E"** to my affidavit.

59. Ms. Wilson-Clark, Director General of Jordan's Principle and Inuit Child First Initiative, responded to P.M.'s email on October 11, 2023. Ms. Wilson-Clark acknowledged the child's unique circumstances and committed to working with P.M. and the professionals in the child's

circle of care to address the child's needs. The letter from Ms. Wilson-Clark mentions the September 15, 2023 denial, but mentions neither the approval rendered via phone and email on August 25, 2023 nor the conditional approval rendered on August 29, 2023. A true copy of the letter from Ms. Wilson-Clark to P.M. dated October 11, 2023 is attached as **Exhibit "13F"** to my affidavit.

60. On November 23, 2023, I wrote to Ms. Wilson-Clark and noted P.M. has confirmed with me that at no time has ISC worked with P.M. to come up with a plan to remediate the risk and meet her child's accessible housing needs. I also noted that the denial P.M. received was concerning given that she had initially received an approval for this request. Further, the reasoning behind ISC's denial was unclear to P.M. A copy of my email to Ms. Wilson-Clark is found in Exhibit 13A to my affidavit.

61. On December 1, 2023, I followed up with ISC about my email. On December 4, 2023, Ms. Wilson-Clark indicated that the appeal of the denied major renovation was underway. I followed up with Ms. Wilson-Clark on December 14, 2023. In that email, I highlighted that ISC had yet to issue an approval regarding P.M.'s child's safety and accessible housing needs and that P.M. felt as though ISC was shifting the goalposts after having approved, conditionally approved, then denied her request. A copy of these exchanges with ISC from December 2023 is found in Exhibit 13A to my affidavit.

62. On December 6, 2023, P.M. wrote to Minister Hajdu and copied me on that email. P.M. summarized her experiences with her Jordan's Principle request to date, including that her approved request was subsequently denied. In part, P.M. wrote:

So we now have a medically complex child and we don't have a proper wheelchair accessible home for him. We have sent in an appeal on October 31, 2023 and we have not received a response since. I have no idea who else can help us as Jordan's Principle has done absolutely nothing to help us provide our child with a safe and accessible home. Everyone that we ask to help us always refers us to Jordan's Principle because our son is indigenous but Jordan's Principle won't help us. Could you please help us find a government agency that will help us. We can't afford to buy another house, we got lucky to purchase this one. The houses here in [...] that have a proper design to create minimal changes start selling at over \$500,000. We cannot afford that as I stay home with our son

as he isn't allowed to go to school or daycare. My son requires 24/7 care so we are now a one income household.

A true copy of the email P.M. sent to Minister Hajdu is attached as **Exhibit "13G"** to my affidavit.

63. On December 22, 2023, P.M.'s request was denied. A true copy of the December 22, 2023 denial letter from ISC is attached as **Exhibit "13H"** to my affidavit.

J.M.'s Case

64. On August 29, 2023, J.M. contacted the Caring Society regarding requests she had placed for housing supports for her son. Her son has mobility impairments and requires a wheelchair to move, but the family home is not wheelchair accessible. Her son is 3.5 years old. J.M. indicated to me that she has to carry her son from his bedroom to his wheelchair outside the home and has to lift him in and out of bed as his lift does not fit in the bedroom with his medically required bed. J.M. placed a request to build a housing extension, which was denied in November 2022. J.M. appealed the request for a housing extension in December 2022. A true copy of my August 29-30, 2023 email exchanges with J.M. are attached as **Exhibit "14A"** to my affidavit.

65. Due to receiving the denial, J.M. submitted another request on February 28, 2023 for a wheelchair accessible modular home, accompanied by approximately fifteen supporting letters from professionals and quotes. The accessible modular home would meet all of J.M.'s son's immediate and future needs and would ensure he has his own room, his own therapy room, and storage for his equipment. The request for the accessible modular home was quoted at essentially the same cost that the extension request had been quoted at. A true copy of my August 31, 2023 to September 1, 2023 correspondence with J.M. is attached as **Exhibit "14B"** to my affidavit.

66. On July 18, 2023 ISC denied the request for the accessible modular home and J.M. appealed that decision. On August 11, 2023, J.M. received a denial letter dated August 10, 2023 that indicated that the denial was upheld on appeal. A true copy of ISC's August 10, 2023 denial letter is attached as **Exhibit "14C"** to my affidavit.

67. On August 30, 2023, J.M. received an email from ISC indicating that the request for housing adaptations was approved on appeal. A true copy of J.M.'s August 30, 2023

correspondence with me regarding the housing adaptations approval is attached as **Exhibit “14D”** to my affidavit. J.M. indicated to me that she viewed the housing adaptation as a “bandaid fix” that would only meet her son’s immediate needs but not his future needs as he grows. A true copy of J.M.’s August 30, 2023 correspondence to me is attached as **Exhibit “14E”** to my affidavit. Wanting to ensure her son has the opportunity to thrive and due to the fact that the two requests cost essentially the same, on September 11, 2023, J.M. submitted an application for judicial review of the denial on appeal for the accessible modular home (Federal Court File No. T-1889-23). The proceeding was initially in abeyance; however, the abeyance was lifted on December 18, 2023.

National Call Centre and Other Contact Mechanisms

Overview

68. In my position at the Caring Society, I consistently hear complaints from families and service coordinators who are unable to reach Jordan’s Principle staff at ISC, whether by way of the National Call Centre, regional contact centres, or regional emails.

69. In general, families and service coordinators reach out to the Caring Society as a last resort with concerns regarding determination delays, reimbursement delays, and more, after being unable to reach anyone at ISC.

A.E.’s Case

70. On December 29, 2023, A.E. copied the Caring Society on a request for an update on an application for clothing, food, and furniture supports for her son that she had made on September 5, 2023. Her son is 8 years old. A true copy of an email thread among the Caring Society, ISC, and A.E. from December 29, 2023 to January 2, 2024 is attached as **Exhibit “15”** to my affidavit.

71. On January 2, 2024, I raised with senior ISC officials that A.E. had tried to contact ISC 31 times via phone and 10 times via email between October 5, 2023 and December 29, 2023 to no avail. A.E. confirmed with me that she tried contacting the Alberta Region and the National Call Centre. She emailed the Caring Society after not hearing back from ISC by way of an update on the request or a determination. After the Caring Society raised these concerns with ISC, ISC confirmed that they would reach out to A.E. A copy of my follow-up email to ISC is found in Exhibit 15 to my affidavit.

72. That A.E. was unable to reach anyone over the phone over such a lengthy period was of serious concern to me. In particular, I was also concerned that A.E. was unable to reach anyone during the 11 attempts she made between December 23, 2023 and December 29, 2023, as I had been copied on an email from Julien Castonguay, Director General with ISC, to Dr. Blackstock in which Mr. Castonguay had advised that the National and Regional Contact lines would ensure sufficient staffing levels over the holidays. A true copy of Mr. Castonguay's December 18, 2023 email is attached as Exhibit 21 to the affidavit of Dr. Blackstock.

Backlogs

Overview

73. I became aware that the British Columbia Region had a backlog of 2000 requests in queue at the August 8, 2023 JPOC meeting. Rhoda Hallgren, a British Columbia First Nations representative on JPOC, raised it as a concern. Dr. Blackstock requested that ISC report back to JPOC and the Caring Society and asked what ISC was doing to monitor backlogs. A true copy of an email thread between myself and R. Hallgren, the Director of Community Health at Carrier Sekani Family Services, on August 10, 2023 is attached as **Exhibit "16"** to my affidavit.

74. On August 10, 2023, I followed up with Ms. Hallgren after the JPOC meeting to confirm the backlog. She confirmed that, as of July 28, 2023, British Columbia Region had 1,000 requests in queue and 2,000+ requests unopened in the region inbox waiting for review. Ms. Hallgren indicated that ISC pointed to the backlog being due to staff shortage and an increase in applications. A copy of my exchanges with the British Columbia First Nations representative is found in Exhibit 16 to my affidavit. A true copy of the Jordan's Principle Operations Committee Draft Record of Decision dated September 19, 2023 is found in **Exhibit "17"** to my affidavit and it mentions steps ISC had been taking to address the backlog in British Columbia Region.

75. The Caring Society has been flagging to ISC since 2018 that there will continue to be a large volume of Jordan's Principle requests due to ongoing barriers, underfunding, and discrimination found in other federal services that fail to meet the needs of First Nations children. A copy of the Caring Society's December 2018 Jordan's Principle Concerns Document is found in Exhibit 4 to my affidavit.

76. The Caring Society indicated that there was a clear backlog of invoices and reimbursements in Ontario, British Columbia, Alberta, and Atlantic regions in the June 2020 Concerns Document. The Caring Society also set out in the June 2020 Concerns Document that the Alberta region was reporting a wait time of approximately two months for processing invoices and reimbursements. A true copy of the Caring Society's June 2020 Jordan's Principle Concerns Document is attached as **Exhibit "18"** to my affidavit.

77. In the April 2021 Concerns Document, the Caring Society indicated that the Ontario region reported an "accumulation of requests" in February 2021. A copy of the April 2021 iteration of the Caring Society's Jordan's Principle Concerns Document is found in Exhibit 5 to my affidavit.

78. Furthermore, based on ISC's Jordan's Principle Compliance Reports, I understand there to be significant regional variance in determination timelines. For example, Table 2 of the September 2023 Compliance Report provides the cumulative regional compliance from April 1 to September 30, 2023. In Quebec, 82% of non-urgent individual requests were determined within the 48-hour timeline whereas, in Manitoba, 16% of non-urgent individual requests were determined within the 48-hour timeline. A true copy of ISC's Jordan's Principle September 2023 Compliance Report dated October 13, 2023 is attached as **Exhibit "19"** to my affidavit.

79. At the September 19, 2023 JPOC meeting, ISC reported that they had approved overtime to focus on reducing the reported British Columbia backlog. A copy of that Jordan's Principle Operations Committee Draft Record of Decision is found in Exhibit 17 to my affidavit.

80. The Caring Society has additional information about the status of backlogged Jordan's Principle requests in other regions in the country that it cannot share due to having received that information in settlement privileged documents.

B.W.K.'s Case

81. On December 27, 2023, Caring Society was copied on an email from B.W.K., a father who had submitted an urgent request for rent, groceries, diapers, and winter clothing supports for his children on December 20, 2023, to the Alberta Region. His children are just 11 months and 3 years old. B.W.K. was seeking an update on the determination. In its response email, the Alberta Region indicated that they are "experiencing a backlog due to an increase in requests received." A true

copy of the email thread between B.W.K. and ISC in December 2023 is attached as **Exhibit “20A”** to my affidavit.

82. On December 27, 2023 at 5:55 PM Ms. King raised this urgent request and asked that ISC advise the Caring Society when the requests are determined. In a further email to ISC on December 28, 2023, Dr. Blackstock asked ISC if they are ceasing the practice of advising persons seeking urgent requests that they are subject to the backlog in the region and if people will be able to access a focal point without delay. ISC responded that the department continues to prioritize urgent requests and support families in being able to advise if the status of their request has changed. Dr. Blackstock then asked if this meant that requestors with urgent cases will no longer receive a message about the backlog and will be able to contact someone immediately. A true copy of the email thread between the Caring Society and ISC from December 27-28, 2023 is attached as **Exhibit “20B”** to my affidavit.

83. In my experience, families continue to experience delays in receiving determinations in urgent requests and also have difficulties in getting a hold of ISC staff to indicate a change in urgency.

R.S.’ Case

84. On December 28, 2023, R.S. copied the Caring Society on an email regarding a delayed reimbursement stemming from November 7 and 8, 2023. I raised this with ISC on December 29, 2023 and pointed out that the Ontario Region indicated in an email to R.S. on both December 15 and December 27, 2023 that it was experiencing an extremely high volume of requests and is in a backlogged status. I asked ISC to report back on the backlog in the Ontario Region and other regions, and what ISC is doing to ensure there are remedies in place. I have yet to hear back from ISC in this respect. A true copy of an email thread among the Caring Society, ISC, and R.S. is attached as **Exhibit “21”** to my affidavit.

Funding and Reimbursement Delays

Overview

85. Families, service coordinators, and service providers continue to notify the Caring Society that funding and reimbursement delays and barriers are creating significant stress for families,

particularly those living in situations of hardship, and in some cases, placing children at increased risk of harm, disruption of services or removal by child welfare.

86. I understand that ISC has committed to a 15-business day service standard for reimbursement and funding. Despite the Caring Society raising reimbursement concerns from families regularly, timelines continue to be a systemic issue. It is also in my experience that the 15-business day service standard may not meet the urgent needs of children.

R.S.'s Case

87. As mentioned above, on December 28, 2023, R.S. copied the Caring Society on an email regarding a delayed reimbursement from November 7 and 8, 2023.

88. I raised this in an email to ISC on December 29, 2023 at 12:37 PM indicating that R.S. had taken out a loan to be able to purchase the approved items and then seek reimbursement. R.S. indicated to me that she now must pay back the loan, putting her in a very precarious financial position as single parent, particularly over the holidays. ISC indicated on December 29, 2023 at 3:43 PM that the region's payment officer was notified and would confirm the payment timeline. I followed up on January 2, 2024 for an update and on January 4, 2023, ISC confirmed that an ISC regional representative had processed the reimbursement and that it would be processed in 3-5 business days. A copy of the email thread among the Caring Society, ISC, and R.S. is found in Exhibit 21 to my affidavit.

B.W.K.'s Case

89. As mentioned above, on December 27, 2023, the Caring Society was copied on an email from Alberta Region to B.W.K., a father who had submitted an urgent request for his children on December 20, 2023.

90. On December 27, 2023 at 5:55 PM, Ms. King raised this urgent request and asked that ISC advise the Caring Society when the requests are determined. On December 28, 2023 at 8:10 AM, ISC indicated that the regional team determined the urgent items at 3:37 PM on December 27, 2023. A copy of these emails can be found in Exhibit 20B to my affidavit.

91. On December 28, 2023, B.W.K. received a partial approval from ISC for his urgent request. However, at 1:11 PM, B.W.K. advised ISC and copied me on an email indicating that the ISC

service standard of 7-15 business days for reimbursement and funding is not aligned with the urgent needs of his children who face risk of homelessness and food insecurity. On December 28, 2023 at 2:28 PM, I asked ISC to reach out to B.W.K. with a plan to ensure funding is received in a manner consistent with the needs of the children and a date by which B.W.K. can expect the reimbursement. A true copy of my email exchanges with ISC is attached as **Exhibit “20C”** to my affidavit.

92. On December 29, 2023, I followed up with ISC about this matter. Ms. Gutierrez advised that gift cards were being sent to him via Purolator for his approved urgent items. On January 2, 2024, I informed Ms. Gutierrez that a date by which he could receive his funding had not been relayed to B.W.K. I then followed up with ISC again on January 5, 2024 and flagged, among other things, that some of his outstanding requests had become more urgent over time. A copy of my exchanges with ISC is found in Exhibit 20C to my affidavit.

A.M.’s Case

93. Service providers continue to notify the Caring Society that reimbursement delays are significantly impacting their ability to provide necessary services to children. In some cases, service providers are not able to provide services to children funded through Jordan’s Principle due to reimbursement delays and inconsistent timelines.

94. On April 24, 2023, I received an email from Alana MacIntyre, a speech language pathologist and owner of Spark Rehabilitation, to ISC regarding delayed reimbursements. Ms. MacIntyre alerted ISC that due to continued delays in reimbursements, her company may have to stop providing services to 150 children who were approved to receive supports through Jordan’s Principle. On April 25, 2023, ISC confirmed that payments were made earlier in April and additional payments were coming. A true copy of the email thread among the Caring Society, ISC, and A.M. is attached as **Exhibit “22A”** to my affidavit.

95. On April 27, 2023, I was copied on an email containing an attached letter to Dr. Gideon. In that letter, Ms. MacIntyre wrote that “Almost all other businesses in my area have discontinued servicing clients funded through Jordan’s Principle, as they are unable to keep their business afloat without payment. I have tried not to discontinue services, for if I do, there will be no one left to service these children with significant support needs”. I emailed Ms. Wilson-Clark on May 16,

2023 to raise concerns set out in Ms. MacIntyre's letter. A true copy of Ms. MacIntyre's email to Dr. Gideon and my email to Ms. Wilson-Clark is attached as **Exhibit "22B"** to my affidavit. A true copy of the letter Ms. MacIntyre sent to Dr. Gideon is attached as **Exhibit "22C"** to my affidavit.

96. On May 5, 2023, I was copied on an email from Ms. MacIntyre to MP Charlie Angus' office in which she states that her company is experiencing significant delays in reimbursement and that more and more service providers in the area are choosing not to provide services to children funded through Jordan's Principle because of reimbursement delays. A true copy of the email from Ms. MacIntyre to MP Charlie Angus' office is attached as **Exhibit "22D"** to my affidavit.

97. On July 11, 2023, I was copied on an email from Ms. MacIntyre's company and spoke to Ms. MacIntyre who confirmed that there was approximately \$600K in outstanding reimbursements from ISC. Ms. MacIntyre indicated that she had been raising this with ISC since at least April 2023. I raised these concerns with Ms. Wilson-Clark and Ms. Gutierrez on July 12, 2023. On July 13, 2023, Ms. Gutierrez responded to indicate an update had been provided to Spark Rehab as to when they can expect the outstanding reimbursement. A true copy of my email to ISC on July 12, 2023 is attached as **Exhibit "22E"** to my affidavit.

L.M.'s Case

98. On December 7, 2023, the Caring Society received an email from L.M. regarding a reimbursement for a request that was placed in October 2022 and approved in January 2023.

99. L.M. indicated that ISC had confirmed that they would file the submitted receipts, totaling over \$3000, as urgent but had not heard anything back since October 10, 2023. L.M. indicated that as a single mom, she was really struggling with the upcoming holiday season. Ms. Rasmussen emailed these concerns to ISC on December 7, 2023, asking ISC to process the reimbursement and provide the Caring Society information as to why there was such a significant delay and what steps ISC was taking to improve. Ms. Rasmussen followed up with ISC on December 18, 2023 with me copied on the email. ISC responded on December 18, 2023 indicating that the reimbursement was processed on December 8, 2023 and should have been received by L.M. by December 15, 2023.

The Caring Society later confirmed that the funds were received. A true copy of the email thread between the Caring Society and Ms. Wilson-Clark is attached as **Exhibit “23”** to my affidavit.

Y.Y.’s Case

100. On November 16, 2023, I received an email from Y.Y (the same individual involved in X.X.’s case, noted above). and spoke to her on the phone regarding trying to access supports for her daughter who has expressed suicidal ideation on and off since Spring 2022. Her daughter is 15 years old. There is a safety plan to ensure her wellbeing and a component of that is ensuring that Y.Y.’s daughter has access to a cell phone. She had placed a request to Jordan’s Principle which was approved and subsequently submitted for payment on October 23, 2023. A true copy of an email thread among the Caring Society, ISC, and Y.Y. from November 1-17, 2023 is found in Exhibit 11B to my affidavit.

101. There has been a back and forth between Y.Y., ISC, and a service coordinator, with Y.Y. often left in limbo with a lack clarity in terms of who is responsible for funding approved supports, like Y.Y.’s daughter’s cell phone. On November 4, 2023, Y.Y. informed ISC that she was told by the service coordinator that the agency would not pay utilities ongoing, such as her daughter’s cellphone bill, which had been approved.

102. Y.Y.indicated that due to nonpayment, the cellphone is not allowing calls to be made. On November 6, 2023, a Regional Coordinator with ISC, indicated that ISC will maintain the file with ISC and will have a case management meeting in the future. On November 7 and twice on November 9, 2023, Y.Y. followed up about her daughter’s cellphone bill to ensure the payment was made.

103. On November 16, 2023 at 2:49 PM, I emailed Ms. Wilson-Clark with these concerns and asked that ISC immediately issue payment for the approved cellphone supports. I also raised concerns about Y.Y. being left in limbo between ISC and the service coordinating agency. At 4:25 PM, Ms. Wilson-Clark indicated that ISC had come up with a solution to ensure the cellphone payment was made.

Quality Control and Accountability

104. The Caring Society remains concerned about ISC's ongoing and systemic interpretation and application of Jordan's Principle, which could have serious and detrimental impacts on First Nations children. The Caring Society has been flagging many of these issues for over half a decade as seen, for example, in the Caring Society Concerns Document. Since 2017, I have continued to see the same issues and concerns crop up, sometimes from the same family.

105. My team and I often propose solutions or ask ISC what steps they are putting in place to prevent the reoccurrence of the same concerns and issues. Many remedies have been suggested to ISC as early as the August 2018 Concerns Document, which then ballooned into a 45-page Concerns Document by April 2021.

L.S.' Case

106. On September 25, 2023, I was copied on an email from L.S. to the parliamentary assistant for Carol Hughes, Member of Parliament for Algoma—Manitoulin—Kapusksasing (in Ontario) regarding the difficulties she was encountering accessing Jordan's Principle for her child. Her child is 3 years old. A true copy of the email thread among L.S., ISC, and the Caring Society is attached as **Exhibit "24"** to my affidavit.

107. In the email, L.S. indicated that she had placed a request to Jordan's Principle on April 5, 2023 for educational tools and other supports to help with her child's speech goals after being diagnosed with a severe speech delay. When L.S. phoned the Ontario Regional office for an update, she was informed by a ISC staff member that there were staff shortages, that there were backlogs in applications, and that it would likely take several months to assign a worker to this request. L.S. informed the staff member that she was concerned her child would age out of the requested products given the significant delay, and the staff member offered to assign the request as time sensitive. Forty-eight hours later, L.S. was informed that the request was being sent to the National Review Committee but was not provided further details. A copy of L.S.' email is found in Exhibit 24 to my affidavit.

108. In her letter, L.S. expressed concerns with the lack of information and transparency regarding this process. L.S. indicated that she felt that Jordan's Principle is falling short on many fronts and needs a procedural overhaul and a transparent and accountable process. L.S. also asked

why Jordan's Principle is unable to meet their processing timeframes and what is being done to address this by the federal government. A copy of L.S.' email is found in Exhibit 24 to my affidavit.

109. On October 4, 2023, I raised L.S.'s concerns with Ms. Wilson-Clark and asked ISC to make a determination on the request, as well as respond to L.S.'s questions. Ms. Wilson-Clark responded on October 10, 2023 indicating that the request was approved on October 6, 2023 and questions the Caring Society raised would be addressed through the negotiation table. A copy of this exchange is found in Exhibit 24 to my affidavit.

110. On January 8, 2024, L.S. contacted the Caring Society regarding two delayed requests submitted on November 22 and 27, 2023 for a speech assistive device and an assessment. L.S. told me that she had tried calling the Ontario regional office on January 2, 2024 but was not able to speak with anyone nor leave a message. She was forwarded to the National Call Centre callback option but as of January 8, 2024, had yet to receive a callback. She phoned to speak with the Ontario regional office again on January 8, 2024 and ISC indicated that they were processing time sensitive requests from November and are backlogged to July for approvals. A copy of my email to Ms. Wilson-Clark and Ms. Gutierrez is found in Exhibit 24 to my affidavit.

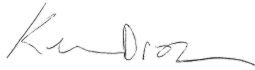
111. L.S. told me that these delays are having negative impacts on her child as communication is becoming increasingly difficult, leading to frustration. As well, the delay in the assessment means delays in putting together supports and accommodations with the school for the upcoming school year in 2024. I raised this in an email to Ms. Wilson-Clark on January 8, 2024, as well concerns that L.S. is experiencing the same difficulties she had raised concerns about in September 2023. A copy of my email to Ms. Wilson-Clark and Ms. Gutierrez is found in Exhibit 24 to my affidavit.

Conclusion

112. I recognize that many families who have contacted me have told me how positive and life changing Jordan's Principle is and how grateful they are that it exists to ensure that their children can access the culturally relevant supports they need. I agree that Jordan's Principle must continue and affirm this affidavit because I agree with families when I say we know Canada can ensure all First Nations children receive and benefit from the rights recognized through the Tribunal's orders on Jordan's Principle.

113. I want to also acknowledge the First Nations families, youth, service coordinators, service providers and communities who work so hard to ensure that Jordan River Anderson’s sacred legacy is fully honoured.

AFFIRMED BEFORE ME over video)
teleconference on this 12th day of)
January 2024, in accordance with)
O. Reg. 431/20, *Administering Oath or*)
Declaration Remotely. The Commissioner)
was in Ottawa, Ontario and the affiant was)
in Ottawa, Ontario)



_____)
Commissioner for taking affidavits)
Kevin Steven Gerard Droz)
LSO #82678N)



_____)
BRITTANY MATHEWS