

**Re: First Nations Child and Family Caring Society of Canada and  
Assembly of First Nations et al v Attorney General of Canada**

**Tribunal File No.: T-  
1340/7008**

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**Service/Filing date:** April 8, 2024  
**Time:** 4:27 PM (CDT)

Dear Registry,

Further to our email below, Canada agrees with the AFN that all parties to these proceedings should be afforded an opportunity to respond to the issues raised in both the motion filed by the Caring Society and Canada's cross motion. This includes having the necessary ability to both consider and prepare any written responses. This ensures that the administrative law principle of procedural fairness is met and that the Tribunal has all the necessary information it requires to make an informed decision, including all parties' individual perspectives. From Canada's viewpoint, it is important that the Tribunal's decision also be one that is focused on solutions that further Jordan's Principle, with a view to ensuring that there are no unintended impacts on the positive work being done by any of the parties including the Caring Society, AFN, COO, NAN and Canada.

Canada can also confirm that it is currently working in intensive negotiations in an effort to conclude a settlement agreement on long-term reform of the First Nations Child and Family Services Program. These negotiations were ongoing last week while the cross examinations on the affidavits of Dr. Valerie Gideon and Candice St-Aubin were taking place, and are continuing to take place on a weekly basis.

The settlement agreement on long-term reform represents a significant undertaking for all parties involved in this process. For example, in order for Canada to be able to prepare for and attend the cross examinations last week without adversely impacting the long-term reform negotiations, a newly constituted litigation team was required so that this important work could also continue to take place.

We also recognize the Caring Society's perspective that the issues raised in its motion should be addressed at the earliest opportunity.

Irrespective of how the Tribunal decides, Indigenous Services Canada (ISC) continues to provide First Nations children with products, services and supports


that they require, and will continue to make every effort to ensure that urgent requests are addressed in as timely and responsive a manner as possible. ISC also continues to take steps to address the existing backlog and will continue to do so.

We believe that the foregoing represent important considerations for the Tribunal's consideration.

Sincerely,

**Dayna Anderson**  
(she/her/elle)

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