

**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**

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**AFFIDAVIT OF CINDY BLACKSTOCK**

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

1. I am a member of the Gitksan First Nation, a professor at McGill University’s School of Social Work, and the Executive Director 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.

2. I have been the Executive Director of the Caring Society since 2002 and have worked in the field of child and family services for nearly 35 years.

3. I obtained a doctorate in social work from the University of Toronto in 2009. I received a Master of Jurisprudence in children’s law and policy from Loyola University Chicago in 2016. I also hold a Master degree in management from McGill University and a Bachelors of Arts in Psychology from the University of British Columbia.

4. I have received Honourary Doctorates from Blue Quills First Nations University, the University of Western Ontario, the University of Saskatchewan, Waterloo University, Thompson Rivers University, the University of Northern British Columbia, Mount St. Vincent University, the University of Winnipeg, Ryerson University, Osgoode Hall Law School, St John’s College, University of Manitoba, University of Toronto, Memorial University, the University of Ottawa, Dalhousie University, University of Victoria, McMaster University, Trent University, the University of Lethbridge and Laurentian University.

5. I am an officer of the Order of Canada. In 2017, I received Amnesty International’s Ambassador of Conscience Award and the Law Society of Upper Canada’s Human Rights Award, and was awarded the Janusz Korczak Medal for Children’s Rights Advocacy. In 2018, I was the inaugural recipient of the Children’s Aid Foundation of Canada’s Lynn Factor Stand Up for Kids National Award. In 2019, I was also awarded the Canadian Public Health Association’s National Public Health Hero Award and in 2020 I received the National Indian Child Welfare Association (U.S.A.) Champion for Native Children Award.

***Availability of attestations to confirm expenses for retroactive reimbursement***

6. The current Indigenous Services Canada (“ISC”) Standard Operating Procedures for Jordan’s Principle (“SOPs”) provide that where a requestor is seeking retroactive reimbursement, either for requests denied between April 1, 2007 and November 1, 2017 or new requests after July 5, 2016, a requestor is able to confirm the expense by signing an attestation where no proof of payment, such as receipts or visa statements, is available.

7. A true copy of the portion of the current SOPs dealing with “Re-review and Reimbursement of Past Requests” is attached to my affidavit as **Exhibit “A”**.

8. A true copy of ISC’s Lost Receipt Declaration Form, which is annexed to the SOPs, is attached to my affidavit as **Exhibit “B”**.

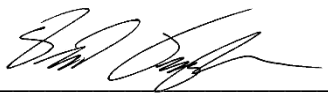
***Jordan River Anderson’s Memorial Stone***

9. I have visited Jordan River Anderson’s grave in Norway House First Nation on several occasions and I was honoured to attend Jordan’s memorial which included a memorial stone unveiling service. Etched in Jordan River Anderson’s memorial stone at the cemetery at Norway House Cree Nation are the phrases “Jordan River Anderson... founder of Jordan’s Principle” and “A sad loss for Norway House who never had the chance to know him.”

***Need to affirm this affidavit via video teleconference***

10. In light of the continuing public health crisis caused by COVID-19, both the Caring Society and Conway Baxter Wilson LLP/s.r.l. have been conducting business remotely since March 16, 2020. Both Mr. Taylor and I are working from home at this time. As such, we were unable to meet in person to affirm this affidavit. We met using Cisco Webex to commission the affidavit, and both affixed our electronic signatures.

**AFFIRMED BEFORE ME** over video )  
teleconference 30th day of April, )  
2020. The affiant, Cindy Blackstock, )  
and the commissioner, David Taylor, )  
were both located in Ottawa, Ontario )  
)  
)  
)  
)  
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)

  
\_\_\_\_\_  
Commissioner for taking affidavits

David P. Taylor (LSO# 63508Q)

  
\_\_\_\_\_  
**CINDY BLACKSTOCK**

This is **Exhibit "A"**  
to the affidavit of  
Cindy Blackstock  
Affirmed before me  
by video teleconference this  
30th day of April, 2020



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A Commissioner for Taking Affidavits

David P. Taylor  
LSO 63508Q

# STANDARD OPERATING PROCEDURES

## JORDAN'S PRINCIPLE

*INDIGENOUS SERVICES CANADA*

*Implemented October 29, 2019*

*Revised: December 20, 2019*



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- requests submitted before the child reached Age of Majority, but determined after the child reaches the Age of Majority.

Requests for youth above the Age of Majority will be considered on a case-by-case basis by the ADM. Urgent cases for individuals above the Age of Majority should be communicated directly with the ADM according to the instructions in [Chapter 6](#).

TABLE 2. AGE OF MAJORITY BY PROVINCE, INDICATING CUT-OFF FOR REGIONAL APPROVAL

Province	Age of Majority	Cut-off for Regional approval
Alberta	18 years	Date of the child's 18 <sup>th</sup> birthday
British Columbia	19 years	Date of the child's 19 <sup>th</sup> birthday
Manitoba	18 years	Date of the child's 18 <sup>th</sup> birthday
New Brunswick	19 years	Date of the child's 19 <sup>th</sup> birthday
Newfoundland and Labrador	19 years	Date of the child's 19 <sup>th</sup> birthday
Northwest Territories	19 years	Date of the child's 19 <sup>th</sup> birthday
Nova Scotia	19 years	Date of the child's 19 <sup>th</sup> birthday
Nunavut	19 years	Date of the child's 19 <sup>th</sup> birthday
Ontario	18 years	Date of the child's 18 <sup>th</sup> birthday
Prince Edward Island	18 years	Date of the child's 18 <sup>th</sup> birthday
Quebec	18 years	Date of the child's 18 <sup>th</sup> birthday
Saskatchewan	18 years	Date of the child's 18 <sup>th</sup> birthday
Yukon Territory	19 years	Date of the child's 19 <sup>th</sup> birthday

## 4.2 RE-REVIEW AND REIMBURSEMENTS OF PAST REQUESTS

### 4.2.1 RE-REVIEW OF PREVIOUSLY DENIED CASES FROM APRIL 1, 2007 TO NOVEMBER 1, 2017

*ORDER, May 26, 2017 Ruling: Canada shall review previous requests for funding that were denied, whether made pursuant to Jordan's Principle or otherwise, dating from **April 1st, 2009**, to ensure compliance with the above principles. Canada shall complete this review by **November 1st, 2017**.*

At the time of the Ruling, the FNIHB Senior Assistant Deputy Minister directed that this review date back to **April 1, 2007** to align with the House of Commons motion.

1. **At Intake:** Determine if the past denied request occurred between April 1, 2007 to November 1, 2017 (see footnote)
  - a. If YES, continue to #2
  - b. If NO, the request is NOT applicable to this order; evaluate and determine the request using the standard procedure for incoming requests
2. **Evaluate** the request to determine if the request was:
  - a. for a child under the Age of Majority in the province/territory in which they resided
  - b. not funded by another program – federal, provincial, territorial government
  - c. paid by the requestor or his/her family/guardian and there is proof of payment (e.g. receipts, visa statements)

- i. If no proof is submitted, the requestor must sign the Lost Receipt Attestation Form found in [Section 4.9 Reference](#)
  - d. within the Normative Standard of Care or considered under the lens of substantive equality, culturally appropriate service provision, and/or to safeguard the best interests of the child
- 3. **Determine** if the request is eligible under Jordan’s Principle following the SOP
  - a. If you recommend a denial, the request must be escalated to HQ for determination
  - b. If you approve, using the SOP payment section, a reimbursement on actual out-of-pocket expenses can be issued
- 4. **Data collection and reporting**
  - a. Identify the request in your weekly data submissions to HQ by placing REV at the beginning of the unique client case number
    - At the time of compliance reporting to the CHRT, HQ will use the database to identify these requests using the REV unique client case number. This tracking process will replace the existing call out to regions for submission of these requests.

**Important Note:**

The review includes past denied requests that occurred between April 1, 2007 and November 1, 2017. While the CHRT did not identify the end date, Canada continues to comply with this Order and is using the CHRT’s compliance date of November 1, 2017.

#### 4.2.2 RETROACTIVE REIMBURSEMENT OF PAST EXPENDITURES

Concurrent to the policy for the re-review of previously denied cases (April 1, 2007 to November 1, 2017), Canada will consider and process new requests for retroactive reimbursements of out-of-pocket expenditures dating back to:

- July 5, 2016 for **First Nations children**; and
- June 19, 2018 for **Inuit children or Indigenous children ordinarily living on reserve**<sup>5</sup>

Follow the procedures described in [Chapter 5](#) of this SOP when processing retroactive requests for previous expenditures, with the addition of these instructions:

- **Proof of payment** (e.g., receipts, official tax receipt, visa statements) must be provided by requester that demonstrates requested item was paid for within the specified inclusion dates of this policy.
- If **no proof** is submitted, the requestor must sign the Lost Receipt Attestation form in [Section 4.9 Reference](#).





#### Data collection and reporting requests for reimbursements

Identify reimbursements by including the word “reimbursement” next to the name of the requested item in the “Product and Services” Column in your weekly data submissions to National Office or adding the word in the comments section.

### 4.3 SERVICE STANDARDS FOR COMMUNICATION

<sup>5</sup> In June 2018, ISC was granted policy authority for coverage of non-status Indigenous children ordinarily resident on reserve, within Jordan’s Principle, as well as for Inuit children on an interim basis under the Inuit Child First Initiative.

#### 4.9 REFERENCE

Denial Re-Review Public Outreach Call-out	 Denial Re-Review Public Outreach Call-o
Confirmation of Residency template (Ordinarily Resident on Reserve)	 ConfirmationOROR.p df
Confirmation of Citizenship of Self-Governing First Nation	 Confirmation of Citizenship of a Self-C
Lost Receipt Attestation Form	 Lost Receipt Declaration.pdf
Privacy	
Legislation	<a href="#">Privacy Act</a>
TBS Policies and Publications	<a href="#">Policy on Privacy Protection</a> <a href="#">Directive on Privacy Practices</a> <a href="#">Directive on Privacy Impact Assessment</a> <a href="#">Directive on Social Insurance Number</a> <a href="#">Guidelines for Privacy Breaches</a> <a href="#">Privacy Breach Management Toolkit</a> <a href="#">Guidance Document: Taking Privacy into Account Before Making Contracting Decisions</a> <a href="#">Guidance on Preparing Information-Sharing Agreements Involving Personal Information</a>

This is **Exhibit "B"**  
to the affidavit of  
Cindy Blackstock  
Affirmed before me  
by video teleconference this  
30th day of April, 2020



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A Commissioner for Taking Affidavits

David P. Taylor  
LSO 63508Q

# Lost Receipt Declaration Form

Please complete all sections and Appendix A.

This declaration is used when the original receipt(s) has been lost or destroyed and a duplicate(s) cannot be obtained.

Name of Vendor: \_\_\_\_\_

Name of Purchaser: \_\_\_\_\_

Total dollar value of lost receipt(s): \_\_\_\_\_

I, \_\_\_\_\_ do hereby declare and certify that all reasonable attempts were made to obtain the receipt(s) for the total amount listed above for the approved expenditures under the Jordan's Principle program.

Signature of Purchaser: \_\_\_\_\_ Date: \_\_\_\_\_

Case Overview Number: \_\_\_\_\_

Name of Approving Manager: \_\_\_\_\_

Signature of Approving Manager: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix A - Lost Receipt Declaration Form List of lost receipts

Case Overview Number: \_\_\_\_\_

Date of purchase	Amount (\$)	Description of item or service

Total Amount \$ \_\_\_\_\_



## Appendix A - Lost Receipt Declaration Form List of lost receipts

Case Overview Number: \_\_\_\_\_

Date of purchase	Amount (\$)	Description of item or service

Total Amount \$ \_\_\_\_\_