

House of Commons

Standing Committee on Aboriginal Affairs and Northern Development

Motion adopted March 25, 2010:

That the Standing Committee on Aboriginal Affairs and Northern Development undertake a study on the inequitable funding levels provided for child welfare services for First Nations children living on reserve as compared to child welfare services provided to children off reserve, including a review of the Auditor General's report which noted inequalities in funding levels and a review of the ongoing hearings taking place on this matter before the Canadian Human Rights Tribunal; furthermore, that the Committee call the Minister of Indian and Northern Affairs to be present for at least two hours to answer questions from the Committee, as well as hear from expert witnesses from different orders of government, child and family service providers and Aboriginal leaders and experts, and that the study be reported to the House.

.....

Chambres des communes

Comité permanent des affaires autochtones et du développement du Grand Nord

Motion adoptée le 25 mars 2010:

Que le Comité permanent des affaires autochtones et du développement du Grand Nord entreprenne une étude sur les niveaux de financement inéquitables des services d'aide sociale à l'enfance pour les enfants des Premières Nations vivant dans les réserves par rapport aux services d'aide sociale à l'enfance offerts aux enfants hors réserve, notamment un examen du rapport de la vérificatrice générale qui a noté les inégalités de financement et une révision des audiences en cours ayant lieu à ce sujet devant le Tribunal canadien des droits de la personne; en outre, que le Comité demande au ministre des Affaires indiennes et du Nord d'être présent pendant au moins deux heures afin de répondre aux questions du Comité, que le Comité entende des témoins experts de divers pouvoirs publics, des prestataires de services à la famille et à l'enfance, et des dirigeants et experts autochtones, et que l'étude soit rapportée à la Chambre.

Notes for an address by

The Honourable John Duncan, PC, MP
Minister of Indian Affairs and Northern Development and
Federal Interlocutor for Métis and Non-status Indians

to the

House of Commons Standing Committee on
Aboriginal Affairs and Northern Development

regarding

First Nations Child and Family Services

House of Commons

Ottawa, Ontario

November 24, 2010

Check against delivery

Mr. Chairman, it is a pleasure to appear before the Committee as Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians. And I appreciate this opportunity to assist the Committee as it considers issues related to First Nations child and family services on reserve.

As you can see, I am joined today by a team of officials from Indian and Northern Affairs Canada. We will do our best to answer the questions that the Committee has, but first I would like to begin with a few remarks.

Child welfare is one of the most complex areas of public policy, given that decisions around the care and protection of children have lasting effects on children, their families and communities.

All children are protected by provincial child welfare legislation as child and family services are matters of provincial jurisdiction. Provincial governments delegate to service providers both on and off reserve and are responsible for ensuring that they comply with provincial legislation and standards.

In the past 20 years, the number of First Nations Child and Family services agencies has grown considerably. Today, 106 of these agencies deliver programs under agreements with provincial child-welfare authorities. The amount of funding provided by INAC through its First Nations Child and Family Services Program has also increased dramatically: from \$193 million 14 years ago to \$550 million last year.

Le bien-être des enfants des Premières nations est une question très importante pour ce gouvernement et nous considérons que les partenariats tripartites constituent le meilleur moyen de travailler ensemble afin d'améliorer les résultats pour les enfants et les familles des Premières nations dans les réserves. Il y a de plus en plus de preuves qu'une approche axée sur la prévention des services à l'enfance et aux familles est plus efficace que les modèles antérieurs axés sur la protection. Les études ont démontré qu'une intervention précoce aide à garder les familles ensemble et donne de meilleurs résultats pour les enfants et les familles.

Il y a trois ans, AINC a élaboré un cadre tripartite avec la province et les Premières nations de l'Alberta pour mettre en œuvre une approche axée sur la prévention connue comme le modèle d'intervention de l'Alberta. Il se concentre sur une intervention proactive, soit sur la prestation des services appropriés avant que les problèmes s'accroissent et deviennent une question de protection de l'enfance.

The preliminary results of this approach have been positive and encouraging. In the past three years, for instance, the number of Alberta First Nations children in care on reserve has dropped; permanent placements are on the rise; and placements in institutional facilities are decreasing. These significant results are attributed to a delivery system that is also facilitating greater use of more appropriate types of placements for children, including kinship care and post-adoption subsidies.

Since establishing this first tripartite framework in Alberta, partners in Manitoba, Quebec, PEI, Saskatchewan and Nova Scotia have also collaborated to conclude tripartite frameworks on First Nations Child and Family Services. This means that the new prevention funding model is now being implemented in First Nation communities in six provinces and is reaching 69 percent of First Nations' children who live on reserve.

Each framework now provides for specific prevention-based funding for First Nations agencies to deliver prevention-based services on reserve. In the last four federal budgets, our Government has committed more than \$450 million in additional funding to implement these Enhanced Prevention Focused Approaches. When fully implemented, this funding will provide over \$100 million annually in additional funding for the new approach under the six framework agreements.

Thank you. My colleagues and I will do our best now to answer your questions.

PUBLIC ACCOUNTS COMMITTEE

The Public Accounts Committee has recommended that INAC conduct a comparison of funding levels for child welfare between the provinces and the Federal Government. Why has this not been done?

Key Messages

- **Comparing child welfare service delivery across Canada is extremely complex. Provinces deliver services in a variety of ways to meet their specific legislative requirements.**
- **Thus, the role of service providers varies greatly between provinces due to diverse legislation, program structure, delivery mechanisms and program variations reflective of cultural appropriateness.**
- **Comparative information has been provided to the Public Accounts Committee to the extent that information is publically available.**

Background

- On March 24, 2009, the Public Accounts Committee released a report following the department's appearance in February 2009 on the FNCFS Program. The Government tabled its response on August 19, 2009.
- The Report made seven recommendations which built on the recommendations in the May 2008 Auditor General's report. Overall, the Report was highly critical of the department's management of the FNCFS Program. The recommendations focused on how the department funds, measures and collects information and on whether the FNCFS Program is comparable with provincial funding of child welfare.
- On March 11, 2010, the Department provided the Committee with an update that included details of the salary components incorporated into the new funding models for the five jurisdictions that had transitioned to the new approach at the time (Alberta, Saskatchewan, Nova Scotia, PEI, and Quebec).
- We also outlined that at the tripartite tables, INAC, the Provinces, and First Nations discussed the three fundamental cost drivers for establishing agency staffing structures for operations and service delivery. Those are: salary and related costs (e.g. employee benefits); staff ratios (e.g. supervisors to social workers); and caseload ratios.
- A third letter was sent in October 2010 which included the department's progress to date on research related to provincial comparability and that further consultations with provinces would need to occur. On November 15, 2010, the department received a letter from the current Chair expressing the Committee's dissatisfaction with the lack of detail contained in the department's last update. A response from the Minister is requested by December 10, 2010.

Sector Policy Contact: Barbara D'Amico/613-996-2628

FIRST NATIONS CHILD AND FAMILY SERVICES – ENHANCED PREVENTION FOCUSED APPROACH

What progress is the Department making in supporting the transition to the enhanced prevention model?

Key Messages

- **In 2007, in order to improve outcomes for First Nations children and their families and to keep in step with a number of provinces shifting their own approaches to child and family services towards a greater emphasis on prevention, Indian and Northern Affairs Canada (INAC) started to roll out its new Enhanced Prevention Focused Approach on a province-by-province basis.**
- **The first tripartite framework was with Alberta and Alberta First Nations in 2007. INAC has now reached tripartite frameworks in 6 provinces (including Alberta, Nova Scotia, Saskatchewan, Quebec, PEI and Manitoba). Collectively, this means that the Enhanced Prevention model covers roughly 68% of First Nations children who live on reserve.**
- **Under the six Tripartite Frameworks, more than \$100 million per year in additional funding will be dedicated to implementing the new approach.**

Sector Policy Contact: Vini Dhillon, ESDPP/SPPB, 613-995-9075

FIRST NATIONS CHILD AND FAMILY SERVICES – ENHANCED PREVENTION APPROACH

Why is INAC implementing an Enhanced Prevention Focused Approach?

Key Messages

- **Early Results in Alberta are showing a reduction in the number of children in care out of the parental home and a change in case loads from higher cost placement options to lower cost options, an increase in families accessing prevention programming and a rise in permanent placements.**
- **Provinces were noting similar benefits off reserve and were changing their child welfare programs to more prevention-based approaches.**
- **Thus, we believe the Enhanced Prevention Focused Approach will result in better outcomes for children and families.**

Sector Policy Contact: Vini Dhillon, ESDPP/SPPB, 613-995-9075

**FIRST NATIONS CHILD AND FAMILY SERVICES – POSITIVE RESULTS
WITH THE ENHANCED PREVENTION FOCUSED APPROACH**

**Has INAC seen any positive results since the implementation of the
Enhanced Prevention Focused Approach?**

Key Messages

- **Over the past three years, the number of Alberta First Nations children in care on reserve has dropped, permanent placements are on the rise and placements in institutional facilities are decreasing.**
- **These positive results are attributed to increased use of prevention measures and more appropriate types of placements for children, such as kinship care and post-adoption subsidies.**
- **The early results from Alberta are therefore quite promising which bodes well for the implementation of enhanced prevention in other jurisdictions.**

Sector Policy Contact: Vini Dhillon, ESDPP/SPPB, 613-995-9075

FIRST NATIONS CHILD AND FAMILY SERVICES – CHILDREN IN CARE

What is INAC doing about the estimated 27,000 Aboriginal children in care?

Key Messages

- While it has been reported that there are 27,000 Aboriginal children in care out of the parental home. INAC funding supports the 8,682 First Nation status children ordinarily resident on reserve that are in care. The remaining children in care are supported by funding from provincial and territorial governments.
- Our Government has increased funding for First Nations Child and Family Services dramatically over the past 14 years, from \$193 million in 1996-1997 to \$523 million in funding in 2008-2009 to implement the new approach.
- My department is working with willing First Nations and provincial partners so they can transition the First Nation Child and Family Services program to an Enhanced Prevention-Focused Approach.

Sector Policy Contact: Vini Dhillon, ESDPP/SPPB, 613-995-9075

FIRST NATIONS CHILD AND FAMILY SERVICES – JORDAN'S PRINCIPLE

How are First Nations involved in implementing Jordan's Principle?

Key Messages

- **The Government of Canada is working with provinces, service providers and First Nations to implement Jordan's Principle. We are taking action with Health Canada to make sure that First Nations children ordinarily resident on reserve with multiple disabilities who require multiple service provides receive the services they need.**
- **In keeping with Jordan's Principle, care of a child with multiple disabilities will continue even if there is a dispute between governments, concerning responsibility, and payment of service.**
- **As work unfolds with each province, First Nations are engaged in discussions related to the implementation of Jordan's Principle in the respective province.**

Background

- **The federal government reached agreements with the province of Manitoba in September 2008 and the province of Saskatchewan and the Federation of Saskatchewan Indian Nations in September 2009. We developed a joint process with the Province of British Columbia and are engaging First Nations to develop a work plan. We are engaged with the Province of New Brunswick and New Brunswick First Nations to develop a process to implement Jordan's Principle.**

Sector Policy Contact: Vini Dhillon, ESDPP/SPPB, 613-995-9075

Fact Sheet – Child and Family Services

- INAC provides funding support to 106 First Nations agencies in the 10 provinces. Where there are no First Nations agencies, the First Nations receive services from the province or the Yukon Territory.
- 163,637 children are supported through the Child and Family Services Program.
- In 2009-2010, INAC provided funding to support 8,682 children in care, out of the parental home.
- In 2009-2010, there were 5.3% of on-reserve First Nations children in care versus 0.9% off-reserve.
- Two decades ago, there were very few federally funded First Nations Child and Family Services agencies and very limited child welfare services were provided on reserve. So, while the existing regime has its challenges, it is important to recognize that far more services are being provided today to help address the needs of First Nations children.
- INAC has increased funding dramatically over the past 13 years from \$193 million in 1996-1997 to \$550 million in 2009-2010 and a forecasted \$580 million in 2010-2011, which will equate to a funding increase of 200%.
- On April 27, 2007, INAC embarked on an Enhanced Prevention Focused Approach starting in the Province of Alberta.
- INAC has provided \$98.1 million over five years to implement this new approach in Alberta beginning in 2007-2008. In July 2008, tripartite frameworks were reached between the Government of Canada and the provinces of Nova Scotia and Saskatchewan and First Nations in those provinces to implement the Enhanced Prevention Focused Approach. INAC invested an additional \$10.2 million over five years in Nova Scotia and \$104.8 million over five years in Saskatchewan for First Nations agencies serving children on reserve. Canada's Economic Action Plan (2009) announced a further \$20 million over two years to implement the Enhanced Prevention Focused Approach in Quebec (\$59.9 million over five years) and Prince Edward Island (\$1.7 million over five years). Canada's Economic Action Plan also provided funding for the development of a national data base system.
- In July 2010, a tripartite framework was reached between INAC and the Province of Manitoba and Manitoba First Nations that will see \$177 million over five years to implement the new Enhanced Prevention Focused Approach to Child and Family Services in Manitoba. The addition of Manitoba means that the enhanced prevention model now reaches about 68 % of First Nations

children who live on reserve. INAC is currently working with other provinces to implement this new approach incrementally across the rest of the country.

- When fully implemented in these six provinces, the Government of Canada will have invested an additional \$100 million annually to achieve better results for children and families living on-reserve.
- INAC FNCFS Program does not fund services in Northwest Territories and Nunavut, as funding is included in Territorial Transfers. Similarly First Nations with self-government agreements receive funding through their self-government agreements.



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

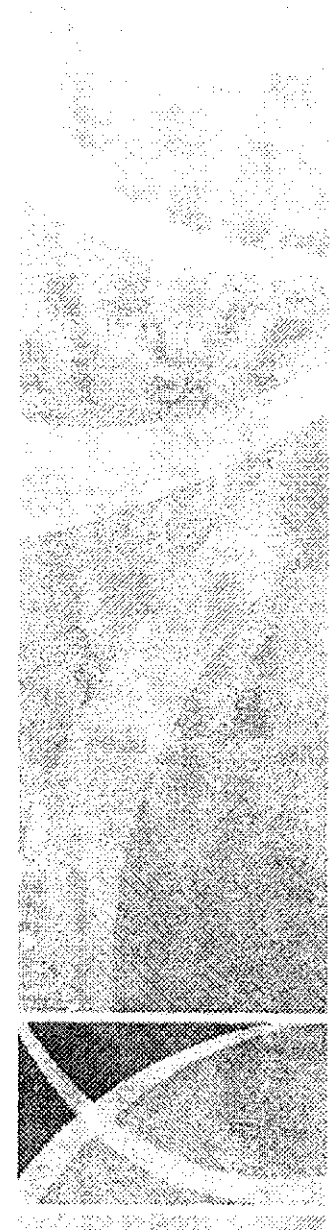
**Better Outcomes for First Nations
Children: INAC's Role as a Funder in
First Nations Child and Family Services
Updated: July 2010**





Roles

- INAC's role is to fund or reimburse First Nations service providers and provinces for administrative and protection services (operating costs) and for the direct costs of placing children in temporary or permanent care of foster parents (maintenance costs).
- INAC does not deliver child and family services.
- All children are protected by provincial child welfare legislation. Child and family services are matters of provincial jurisdiction.
- Over the past twenty years, provincial child welfare authorities have delegated program delivery on reserve to a growing number of First Nations Child and Family Services agencies – currently there are 106.





Over The Last Decade Federal Funding has Doubled

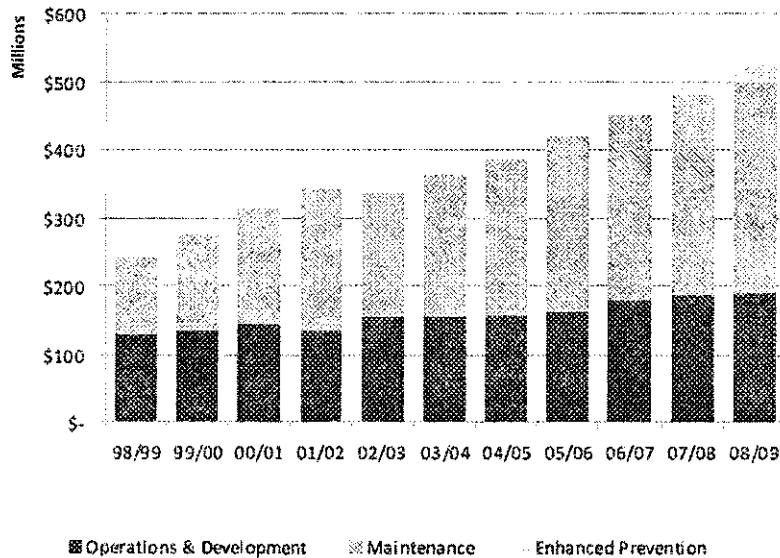
Twenty years ago, INAC funded 34 child welfare service providers on reserve.

However in the past twelve years alone, INAC has steadily increased funding to the provinces, Yukon and to more than 100 First Nations Child and Family Service agencies who are responsible under provincial or territorial law for the design and delivery of child protection services within their jurisdiction.

INAC funding to these service providers has more than doubled over the past decade, from \$238 million in 1998-99 to approximately \$523 million in 2008-09.

Funding in Nunavut and in the Northwest Territories is provided by the Department of Finance through transfer agreements with the territorial governments.

INAC funding for First Nation Child and Family Services over time
(Millions of dollars)





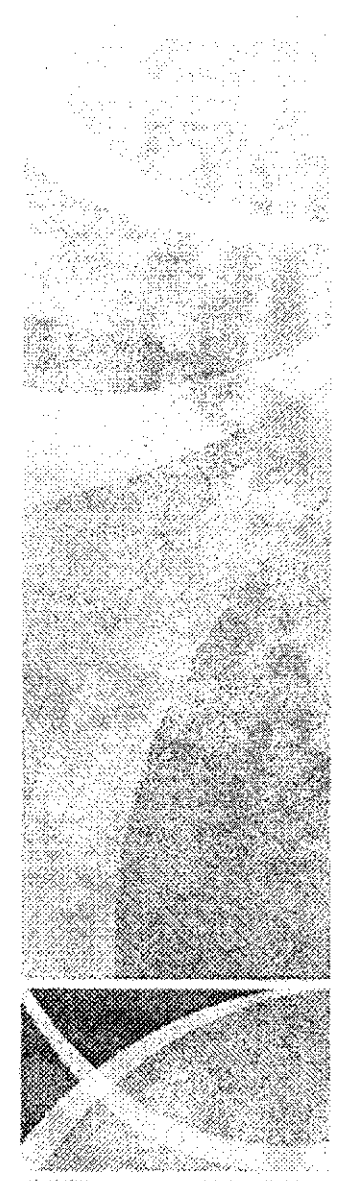
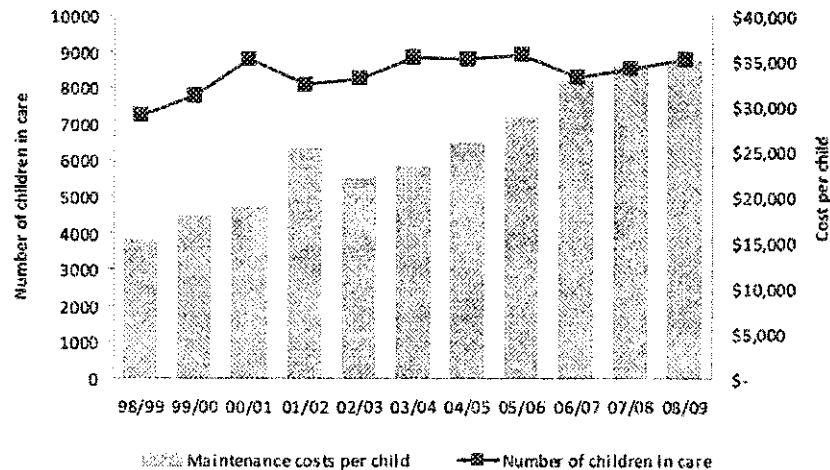
Increased Funding was Not Leading to Better Outcomes

Despite a near doubling of the funding, the number of First Nations children in care had remained relatively stable over the last decade.

The reason for the growth in funding was that maintenance costs per child had more than doubled since 1998-99.

The increase in costs has been driven by: increases in the rates charged by the provinces; an increase in costs for, and the number of, special needs children in care; and greater reliance by agencies on institutional care.

Comparison of number of First Nations children in care and maintenance costs per child over time





The New Enhanced Prevention Focused Approach

Provinces began to shift to a greater emphasis on enhanced prevention in their own approaches to child and family services.

In 2007, the federal government took action to help First Nations Child and Family Services Agencies improve outcomes. This included working with provinces to ensure best practices in prevention based services were brought to reserves, and broadening the tool kit of culturally appropriate services such as kinship care.

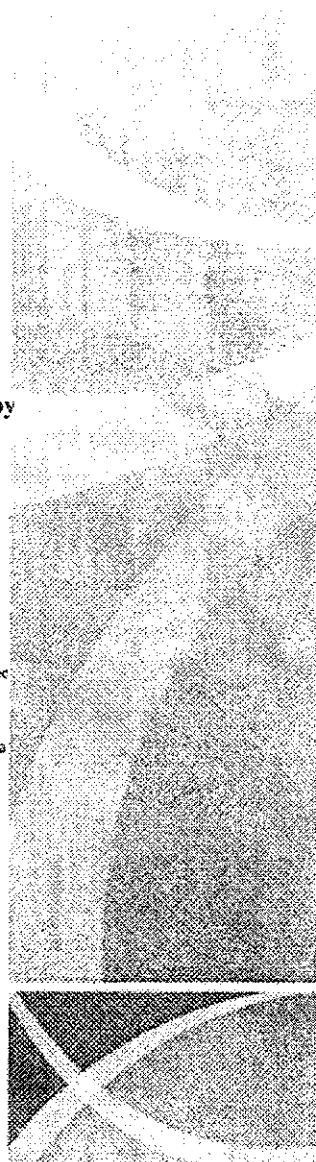
INAC's funding can now be used for kinship care, post-adoption subsidies and supports to better ensure permanent placements for children.

In 2007, INAC also started to roll out its new Enhanced Prevention Focused Approach on a province-by-province basis.

The first framework was with Alberta and Alberta First Nations. By September 2009, this program was underway in five provinces, providing funds to child protection authorities in PEI, Quebec, Nova Scotia, Saskatchewan and Alberta.

New investments announced in July 2010 will further extend this new approach in the province of Manitoba, extending the enhanced prevention model to reach more than two-thirds of First Nations' children who live on reserve.

Percentage of First Nations on-reserve population covered by New Enhanced Prevention Focused Approach





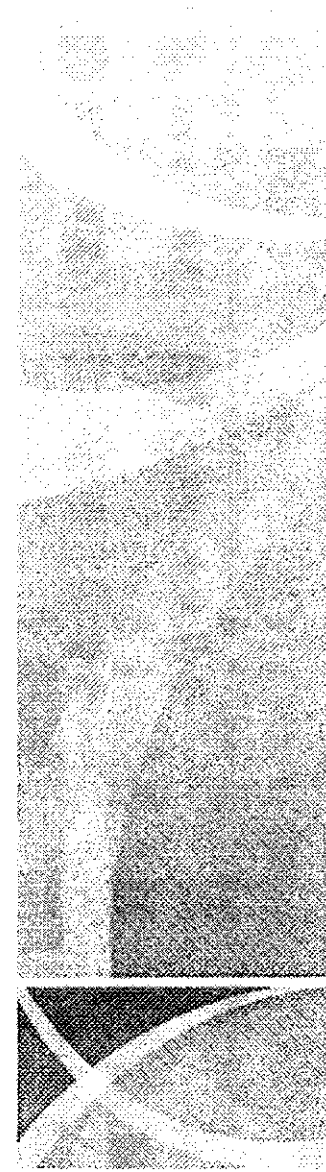
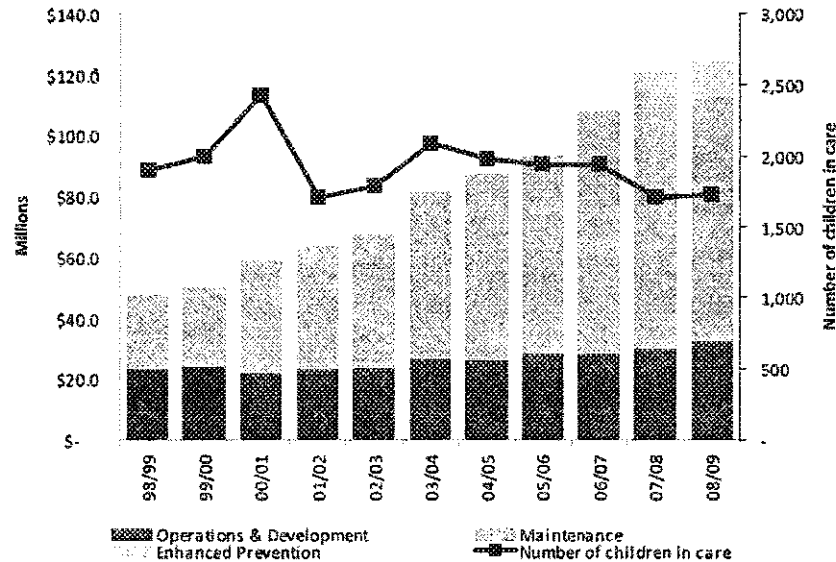
The Alberta Experience

On April 27, 2007, INAC announced the first tripartite accountability framework that allowed Canada to provide Alberta with an investment of \$98.1 million over a five year period.

The "take up" was immediate. After the first year, all First Nations Child and Family Services agencies in Alberta had opted in.

Early indications from the province are there is a decrease in caseloads; an increase in families accessing family enhancement programming; and a rise in permanent placements of children.

INAC funding for First Nation Child and Family Services in Alberta
(Millions of dollars)





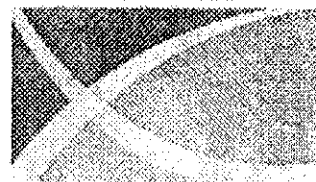
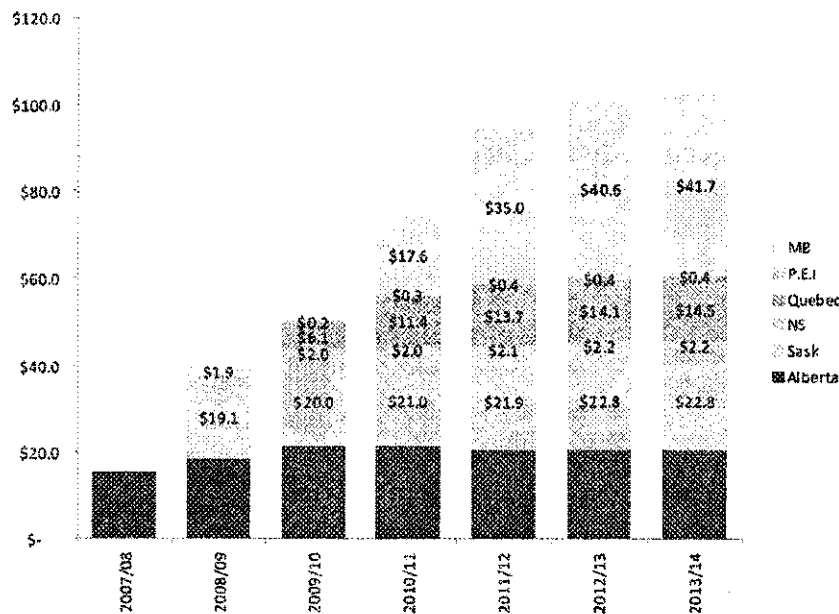
National Roll-out: Expanding the Enhanced Prevention Focused Approach

INAC continues to discuss implementation of the new approach with willing provincial and First Nations partners.

Under the six current frameworks (including Manitoba), more than \$100 million per year will be dedicated to the new approach by 2012/13.

The goal is to have all provinces on board for the Enhanced Prevention Focused Approach by 2013.

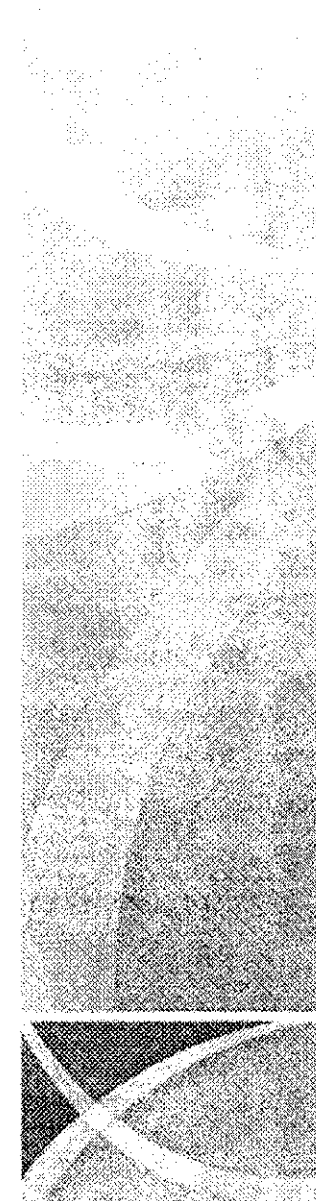
Current and planned INAC funding under New Enhanced Prevention Focused Approach





Summary

- First Nations Child and Family Service Agencies operate under provincial jurisdiction. INAC is not a service provider - it is a funder.
- Experiences of the previous decade had demonstrated that increased expenditures did not equate to improved outcomes for First Nations children and their families. In Child and Family Services, more spending may just reflect more children in care and a passive approach to delivery services.
- In 2007, INAC began to implement a new approach to funding Child and Family Services. This new enhanced approach provides a wider set of tools for Child and Family Services agencies, strong governance and better accountability at Child and Family Services Agencies.
- The Government of Canada has made investments in three successive Budgets to help First Nations Child and Family Service Agencies and provinces achieve this shift.





Chronology

March 2007

Budget 2007 included funding for investments in a new approach to First Nations Child and Family Services. Budget 2007 also provided all families with over \$17 billion in direct support through federal programs such as: the Universal Child Care Benefit, the Child Tax Credit, the Canada Child Tax Benefit, the Child Disability Benefit, maternity and parental benefits, and the Child Care Expense Deduction.

April 2007

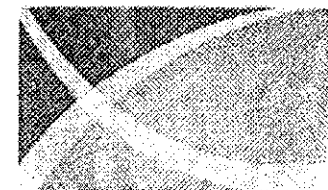
INAC announced the first investment of \$98.1 million over five years, to implement a Tripartite Accountability Framework on a new Enhanced Prevention Focused Approach to Child and Family Services with Alberta and First Nations in that province.

February 2008

Budget 2008 provided an additional \$10 million over five years for Nova Scotia and \$105 million over five years for Saskatchewan to move to the new Enhanced Prevention Focused approach.

July 2008

Funding and related Tripartite Accountability Frameworks are announced for Nova Scotia and Saskatchewan and respective First Nations in those provinces.





Chronology (continued)

January 2009

Canada's Economic Action Plan included additional investments of \$60 million over five years in Quebec and \$1.7 million over five years in PEI to continue to move forward with implementing the new approach.

August 2009

Funding and related Tripartite Accountability Frameworks with Quebec and PEI were announced, expanding the new Enhanced Prevention Focused Approach to Child and Family Services to a total of five provinces, covering almost half (46%) of all First Nations children in Canada.

March 2010

Budget 2010 included a commitment of \$53 million over two years to continue to make further progress on implementing a Prevention Focused Approach to Child and Family Services.

July 2010

A Tripartite Child and Family Services Framework is announced that will see \$177 million over five years to implement the new Enhanced Prevention Focused Approach to Child and Family Services in Manitoba. The addition of Manitoba means that the enhanced prevention model now reaches about 68 per cent of First Nations' children who live on reserve.



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

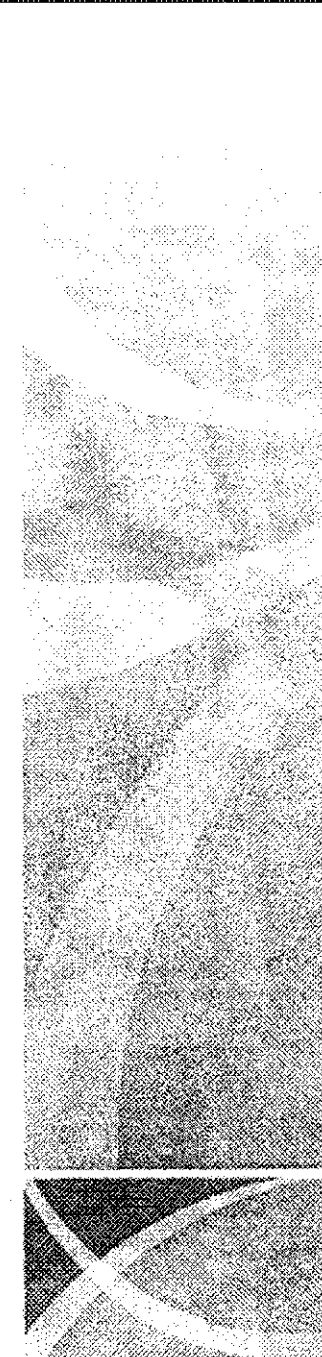
**De meilleurs résultats pour les enfants
des Premières nations : Le rôle d'AINC
en tant que bailleur de fonds pour les
Services à l'enfance et à la famille des
Premières nations**

Mis à jour : juillet 2010



Rôles

- Le rôle d'AINC est de financer les provinces et les fournisseurs de services des Premières nations ou de leur rembourser les coûts liés aux services d'administration et de protection (coûts de fonctionnement) et les coûts directs associés au placement des enfants en garde permanente ou temporaire dans des familles d'accueil (coûts d'entretien).
- AINC n'est pas responsable de la prestation des services à l'enfance et à la famille.
- Tous les enfants sont protégés par les lois provinciales sur la protection de l'enfance. Les services à l'enfance et à la famille sont de compétence provinciale.
- Au cours des 20 dernières années, les autorités provinciales responsables des services à l'enfance dans les réserves ont délégué la prestation des programmes à un nombre croissant d'agences de prestation des services à l'enfance et à la famille des Premières nations. On compte actuellement 106 agences.





Le financement fédéral a doublé au cours de la dernière décennie

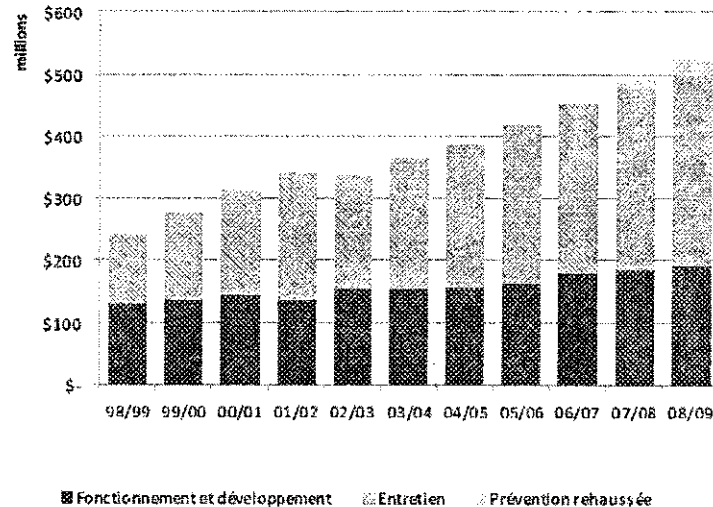
Il y a 20 ans, AINC finançait 34 fournisseurs de services à l'enfance dans les réserves.

Mais au cours des 12 dernières années seulement, AINC a régulièrement augmenté les fonds versés aux provinces, au Yukon et à plus de 100 agences de prestation des services à l'enfance et à la famille des Premières nations chargés de concevoir et de fournir les services de protection de l'enfance dans leur territoire en vertu des lois provinciales ou territoriales.

AINC a plus que doublé les fonds versés à ces fournisseurs de services au cours de la dernière décennie : d'environ 238 millions de dollars en 1998-1999, ils sont passés à environ 523 millions en 2008-2009.

Dans le cas du Nunavut et des Territoires du Nord-Ouest, les fonds sont versés par le ministère des Finances au moyen d'accords de transfert conclus avec les gouvernements territoriaux.

Fonds versés par AINC pour les services à l'enfance et à la famille des Premières nations au fil du temps (en millions de dollars)





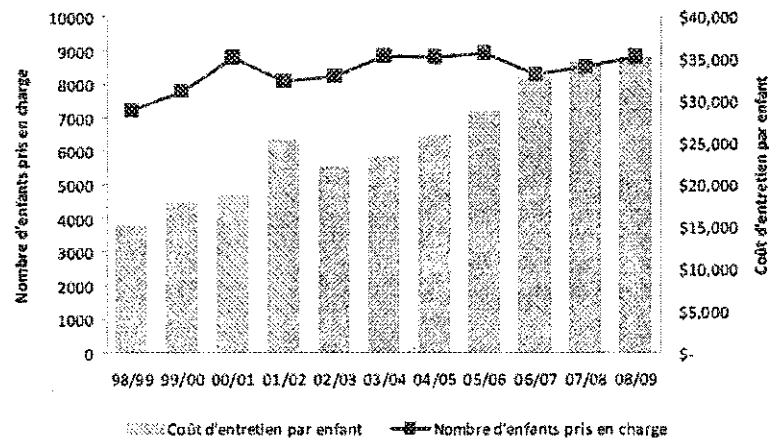
L'augmentation des fonds n'a pas donné de meilleurs résultats

Malgré que les fonds aient presque doublé, le nombre d'enfants des Premières nations pris en charge est demeuré relativement stable au cours de la dernière décennie.

L'augmentation du financement est dû au fait que le coût d'entretien moyen par enfant a plus que doublé depuis 1998-1999.

La hausse des coûts a été causée par des augmentations des taux facturés par les provinces, une hausse du nombre d'enfants présentant des besoins particuliers et du coût de ces services ainsi qu'une plus grande utilisation des soins en établissement par les agences.

Comparaison entre le nombre d'enfants des Premières nations pris en charge et des coûts d'entretien par enfant au fil du temps





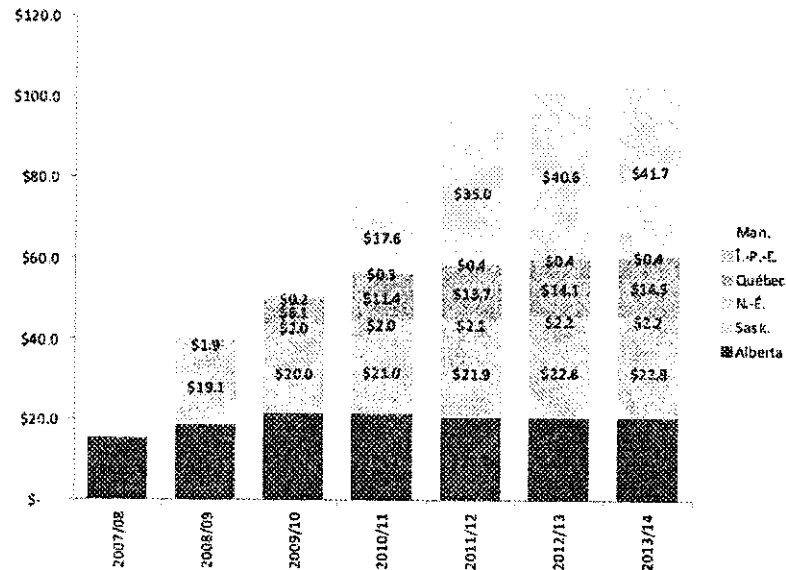
Déploiement national : Développement de l'approche rehaussée axée sur la prévention

AINC continue de discuter de la mise en œuvre de la nouvelle approche avec des partenaires provinciaux et des Premières nations intéressés.

Concernant les six cadres de travail actuels (incluant Manitoba), plus de 100 millions de dollars seront consacrés par année à la nouvelle approche d'ici 2012-2013.

Le but est de faire en sorte que toutes les provinces aient adopté l'approche rehaussée axée sur la prévention d'ici 2013.

Fonds actuels et prévus d'AINC dans le cadre de la nouvelle approche améliorée axée sur la prévention





Résumé

- Les agences de prestation des services à l'enfance et à la famille des Premières nations relèvent des provinces. AINC n'est pas un fournisseur de services; il est un bailleur de fonds.
- L'expérience acquise au cours des dix dernières années montre qu'une augmentation des dépenses n'entraîne pas nécessairement une amélioration des résultats pour les enfants et les familles des Premières nations. Dans le contexte des services à l'enfance et à la famille, plus d'argent peut signifier qu'un plus grand nombre d'enfants sont pris en charge et refléter une approche passive de la prestation des services.
- En 2007, AINC a commencé à mettre en œuvre une nouvelle approche en matière de financement des services à l'enfance et à la famille. Cette approche rehaussée apporte un plus large éventail d'outils pour les agences de prestation des services à l'enfance et à la famille ainsi qu'une gouvernance solide et une meilleure responsabilisation chez ces agences.
- Le gouvernement du Canada a consenti des investissements dans trois budgets successifs pour aider les agences de prestation des services à l'enfance et à la famille des Premières nations et les provinces à effectuer cette réorientation.





Chronologie

Mars 2007

Le budget de 2007 présentait des investissements pour une nouvelle approche des services à l'enfance et à la famille des Premières nations. Le budget de 2007 a aussi alloué plus de 17 milliards de dollars à toutes les familles en soutien direct par l'entremise de programmes fédéraux comme la Prestation universelle pour la garde d'enfants, le Crédit d'impôt pour enfants, la Prestation fiscale canadienne pour enfants, la Prestation pour enfants handicapés, la prestation de maternité et la prestation parentale ainsi que la déduction pour frais de garde d'enfants.

Avril 2007

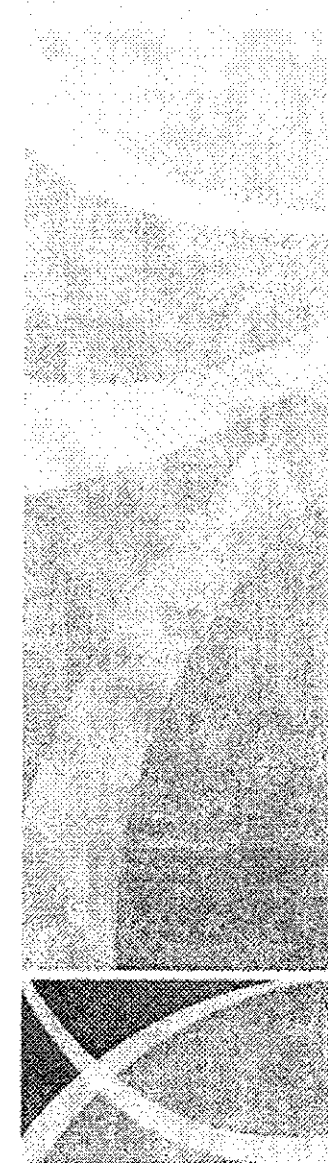
AINC annonçait le premier investissement de 98,1 million de dollars sur cinq ans pour la mise en œuvre du cadre de responsabilité tripartite relatif à une nouvelle approche rehaussée axée sur la prévention pour les services à l'enfance et à la famille, établi avec l'Alberta et les Premières nations de la province.

Février 2008

Le budget de 2008 prévoyait une somme additionnelle de 10 millions de dollars sur cinq ans pour la Nouvelle-Écosse et de 105 millions de dollars sur cinq ans pour la Saskatchewan en vue de l'adoption de la nouvelle approche rehaussée axée sur la prévention.

Juillet 2008

Des ressources financières et des cadres de responsabilité tripartites sont annoncés pour la Nouvelle-Écosse et la Saskatchewan et les Premières nations de ces provinces.





Chronologie (suite)

Janvier 2009

Le Plan d'action économique du Canada a prévu des fonds additionnels de 60 millions sur cinq ans pour le Québec et de 1,7 million sur cinq ans pour l'Î.-P.-É. en vue de poursuivre la mise en œuvre de la nouvelle approche.

Août 2009

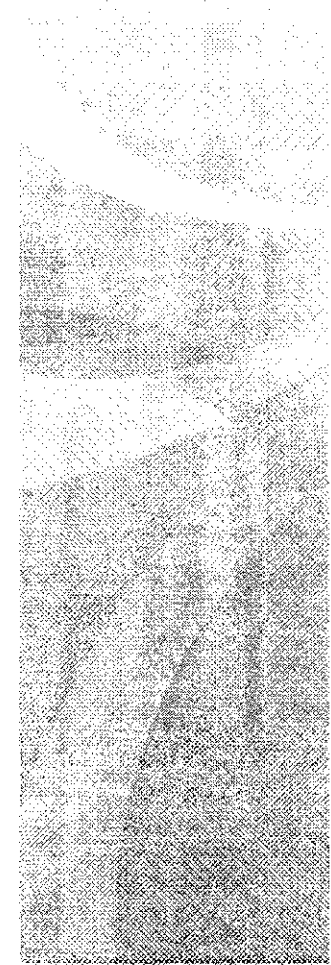
Des ressources financières et des cadres de responsabilité tripartites sont annoncés pour le Québec et l'Î.-P.-É. L'approche rehaussée axée sur la prévention pour les services à l'enfance et à la famille se trouve étendue à cinq provinces au total et couvre presque la moitié (46 %) de tous les enfants des Premières nations au Canada.

Mars 2010

Le budget de 2010 comprenait un engagement de 53 millions de dollars sur deux ans pour assurer de nouveaux progrès dans la mise en œuvre de l'approche rehaussée axée sur la prévention pour les services à l'enfance et à la famille.

Juillet 2010

Le cadre de travail tripartite pour les services à l'enfance et à la famille a été annoncé. Une somme de 177 millions de dollars sera accordée sur cinq ans pour mettre en œuvre la nouvelle approche rehaussée axée sur la prévention pour les services à l'enfance et à la famille au Manitoba. Avec l'adoption de cette approche dans cette province, le modèle rehaussé axé sur la prévention rejoint environ 68 % des enfants des Premières nations vivant dans les réserves.



Standing Committee on Aboriginal Affairs and Northern Development

Membership

CHAIR

Bruce Stanton (CPC)

VICE-CHAIRS

Todd Russell (Indian Affairs Critic, LIB)

Jean Crowder (INAC Critic, NDP)

MEMBERS

Shelly Glover (Parliamentary Secretary, CPC) Larry Bagnell (Northern Affairs Critic, LIB)

Rob Clarke (CPC)

Marc Lemay (INAC Critic, BQ)

Earl Dreeshen (CPC)

Yvon Lévesque (BQ)

LaVar Payne (CPC)

Anita Neville (LIB)

John Weston (CPC)

Clerk of the Committee

Graeme Truelove

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Bruce Stanton

CHAIR

Conservative Party (Simcoe North, Ontario)



Bruce Stanton was born in Orillia, Ontario, in 1957. He was elected to the House of Commons for the first time in January 2006 and was re-elected in October 2008.

Prior to his election as a Member of Parliament, Mr. Stanton was the President of Bayview-Wildwood Resorts Limited and The Cottages at Port Stanton on Sparrow Lake.

Mr. Stanton first became a member of the Standing Committee on Aboriginal Affairs and Northern Development at the beginning of the second session of the 40th Parliament. He was first elected Chair of the Standing Committee on Aboriginal Affairs and Northern Development in February 2009 and re-elected in October 2009. Mr. Stanton was previously a member of the Liaison Committee, the Standing Committee on the Status of Women, the Subcommittee on Oil Gas and other Energy Prices and the Standing Committee on Industry, Science and Technology from 2007-2008. From 2006-2007, Mr. Stanton was also a member of the Standing Committee on Access to Information, Privacy and Ethics, the Standing Committee on the Status of Women and the Standing Joint Committee on the Library of Parliament.

There are two First Nations in Mr. Stanton's riding: Beausoleil and Chippewas of Mnjikaning.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Jean Crowder

VICE-CHAIR

New Democratic Party (Nanaimo-Cowichan, British
Columbia)

New Democratic Party Indian Affairs, Aboriginal Affairs,
and Métis and Non-Status Indian Critic



Jean Crowder was born in Montréal, Québec, in 1952. She was elected to the House of Commons for the first time in June 2004 and re-elected in January 2006 and October 2008.

Prior to her election as a Member of Parliament, Ms. Crowder worked in the areas of community development and college education.

Ms. Crowder first became a member and Vice-Chair of the Standing Committee on Aboriginal Affairs and Northern Development in the first session of the 39th Parliament 2007-2008; and was first elected Second Vice-Chair in February 2009 and re-elected in October 2009. She was also Deputy Whip for the New Democratic Party from 2006-2007. In the first session of the 38th Parliament 2004-2005, Ms. Crowder was Vice-Chair of the Standing Committee on the Status of Women and a member of the Standing Committee on Health.

Ms. Crowder has been the New Democratic critic for Aboriginal Affairs and Indian Affairs since 2006, and for Métis and Non-Status Indians since 2008. Prior to that she was the Critic for Health (2005-2006), Forestry (2004-2005), Community Economic Development (2004-2006), Natural Resources (2004-2006), Status of Women (2004-2006), and Assistant Critic of West Coast Fisheries (2006-2007).

There are 12 First Nations in Ms. Crowder's riding: Cambell River, Chemainus, Cowichan, Cowichan Lake, Ditidaht, Halalt, Lyackson, Malahat, Pacheedaht, Pauquachin, Penelakut, and Snuneymuxw.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Todd Russell

VICE-CHAIR

Liberal Party (Labrador, Newfoundland and Labrador)

Liberal Party Aboriginal Affairs Critic



Todd Russell was born in William's Harbour, Newfoundland and Labrador, in 1966. He was first elected to the House of Commons in a by-election in May 2005 and was re-elected in January 2006 and October 2008. He was chair of the Atlantic Liberal Caucus from 2006 to 2008.

He is of Inuit-Métis ancestry.

In 1992, Mr. Russell was elected to the board of the Labrador Metis Association, now the Labrador Metis Nation. From 1994 to 2005 he served as President of the Labrador Metis Nation. He previously worked on an oil tanker and as an Outreach Counsellor with the Atlantic Groundfish Strategy.

Mr. Russell first became a member of the Standing Committee on Aboriginal Affairs and Northern Development in the first session of the 39th Parliament. In the 39th Parliament he was also a member of the Standing Committee on Natural Resources during the first session and the Standing Committee on Veterans Affairs in the second session. From 2004 to 2005, he was previously a member of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities. Mr. Russell was first elected Vice-Chair of the Standing Committee on Aboriginal Affairs and Northern Development in February 2009 and re-elected in October 2009.

Mr. Russell has been the Aboriginal Affairs Critic since November 2008. Prior to that he was the Aboriginal Affairs Assistant Critic 2006-2007.

Approximately 38 per cent of Labrador residents identify themselves as Aboriginal. But less than eight per cent list a native language as their mother tongue, primarily either Montagnais-Naskapi or Inuktitut. For almost 90 per cent, the mother tongue is English.

There are two First Nations in Mr. Russell's riding: Mushuau Innu (Natuashish) and Sheshatshiu.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Shelly Glover

Conservative Party (Saint Boniface, Manitoba)

Parliamentary Secretary to the Minister of Indian Affairs
and Northern Development

Shelly Glover was born in Saskatoon, Saskatchewan, in 1967. She was first elected to the House of Commons in October 2008.

She is of Métis ancestry.



Prior to becoming a Member of Parliament, Shelly Glover served as a police officer with the Winnipeg Police Service, during which time she was the first female and bilingual spokesperson appointed by her department. She has also been active with a number of non-profit organizations including: Big Sisters, Pregnancy Distress, Habitat for Humanity Women Build, the Business and Professional Women's Association, the University Women's Club of Winnipeg, the International Association of Women Policy, the Francophone Chamber of Commerce, and the Manitoba Métis Federation. She is also an advocate for victims of crime, women and children.

Ms. Glover was appointed Parliamentary Secretary to the Minister of Indian Affairs and Northern Development in August 2010, and this will be her first time as a member of the Standing Committee on Aboriginal Affairs and Northern Development. She was Parliamentary Secretary for Official Languages (2008-2010) and previously a member of the Standing Committees on Official Languages; Public Safety and National Security; and Canadian Heritage, and the Legislative Committee on Bill C-31 [An Act to amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make a consequential amendment to another Act].

The riding of Saint Boniface is an urban area in Winnipeg, 16 percent of residents report French as their mother tongue, and the population is largely multicultural.

There are no First Nations in Ms. Glover's riding.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

LaVar Payne

Conservative Party (Medicine Hat, Alberta)

LaVar Payne was born in Lethbridge, Alberta, in 1945. He was elected to the House of Commons for the first time in October 2008.

Prior to his election as a Member of Parliament, LaVar Payne served as special assistant to former Member of Parliament, Monte Solberg. He was also owner and manager of a human resources consulting company and former human resources manager at Methanex, a large international petro-chemical company.



Mr. Payne first became a member of the Standing Committee on Aboriginal Affairs and Northern Development at the beginning of the second session of the 40th Parliament. He is also a member of the Standing Committee on National Defence.

The riding of Medicine Hat is in Alberta's southeast corner, bordered on the south by the U.S. and on the east by Saskatchewan. The Red Deer River forms most of the northern boundary. Agriculture accounts for a major part of the local economy, along with a significant natural gas sector.

There are no First Nations or reserves in Mr. Payne's riding.

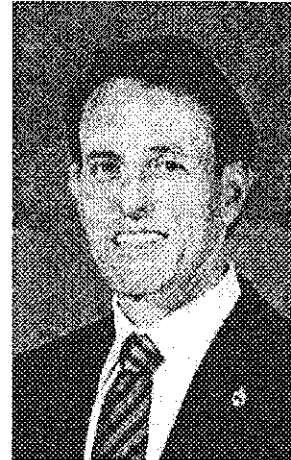
Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

John Weston

Conservative Party (West Vancouver—Sunshine Coast—
Sea to Sky Country, British Columbia)

John Weston was elected to the House of Commons for the first time in October 2008.

Prior to his election as a Member of Parliament, Mr. Weston worked as a lawyer. His writings on constitutional issues have been published in newspapers across the country.



Mr. Weston is a member of the Standing Committee on Aboriginal Affairs and Northern Development, the Standing Committee on Fisheries and Oceans, the Standing Committee Official Languages, and on the Standing Joint Committee on the Library of Parliament. He previously served on the Standing Committee on Public Accounts.

There are 4 First Nations in Mr. Weston's riding: Klahoose, Sechelt, Sliammon and Squamish.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Rob Clarke

Conservative Party (Desnethé-Missinipi-Churchill River,
Saskatchewan)



Rob Clarke was born in Kitimat, British Columbia, in 1967. He was elected to the House of Commons for the first time in March 2008 in a by-election and was re-elected in October 2008.

Mr. Clarke is a member of the Muskeg Lake First Nation.

Prior to his election as a Member of Parliament, Mr. Clarke was a Royal Canadian Mounted Police officer and had many postings in First Nations throughout Saskatchewan.

Mr. Clarke first became a member of the Standing Committee on Aboriginal Affairs and Northern Development in the second session of the 39th Parliament. He is also a member of the Standing Joint Committee on the Library of Parliament.

There are 27 First Nations in Mr. Clarke's riding: Ahtahkakoop Cree Nation, Big River, Big Island Lake, Birch Narrows, Black Lake, Buffalo River Dene, Canoe Lake, Clearwater River Dene, Cumberland House Cree, English River, Flying Dust, Fond du Lac Denesuline, Hatchet Lake, Island Lake, Lac La Ronge Indian Band, Makwa Sahgaiehcan, Mistawasis Band, Montreal Lake Cree, Pelican Lake, Peter Ballantyne Cree, Red Earth, Shoal Lake Band of the Cree, Sturgeon Lake, Waterhen Lake and Witchehan Lake.

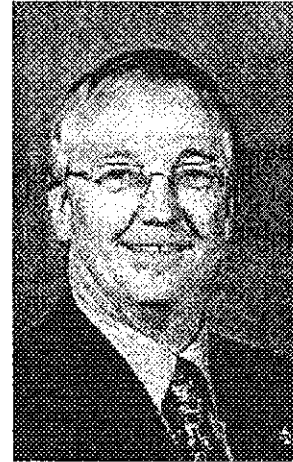
Standing Committee on Aboriginal Affairs and Northern Development Member Profile

Earl Dreeshen

Conservative Party (Red Deer, Alberta)

Earl Dreeshen was born in Red Deer, Alberta, in 1953. He was elected to the House of Commons for the first time in October 2008.

Prior to his election as a Member of Parliament, Mr. Dreeshen was a teacher for 34 years and he owns and operates a family farm. He has served on the Elnora Hospital Board and the Eltrohills Health Advisory committee, working toward improved health care standards. He has also served as a board member for the Red Deer Electoral District Association for five years.



Mr. Dreeshen first became a member of the Standing Committee on Aboriginal Affairs and Northern Development in September 2009, and is also a member of the Standing Committee on Public Accounts. He was previously a member of the Standing Committee on Access to Information, Privacy and Ethics, and the Standing Joint Committee on Scrutiny of Regulations.

There are no First Nations or reserves in Mr. Dreeshen's riding.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Anita Neville

Liberal Party (Winnipeg South Centre, Manitoba)

The Honourable Anita Neville was born in Winnipeg, Manitoba, in 1942. She was elected to the House of Commons for the first time in November 2000, and re-elected in 2004, 2006 and 2008.

Prior to her election as a Member of Parliament, Ms. Neville was an economic development consultant, and a public servant.



Ms. Neville first became a member (and Vice-Chair) of the Standing Committee on Aboriginal Affairs and Northern Development in the second session of the 37th Parliament (2002-2003) and continued as a member in the first and second sessions of the 39th Parliament, from 2006-2008. She was the Chair of the Standing Committee on the Status of Women from 2004-2005, and is currently a member. She was previously a member of the Standing Committees on National Defence; Justice, Human Rights, Public Safety and Emergency Preparedness; Environment and Sustainable Development; Government Operations and Estimates; Citizenship and Immigration; Human Resources Development and the Status of People with Disabilities. She was also a member of the Legislative Committees on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes, Bill C-17, Public Safety Act and Bill C-55, Public Safety Act, 2002.

Ms. Neville has been the Liberal critic for the Status of Women since January 2009, and previously held the positions of critic of the Treasury Board (2008-2009); Western Economic Diversification (2008-2009); and Indian Affairs (2006-2008), as well as Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for the Status of Women with special emphasis on status of women (2005-2006).

There are no First Nations or reserves in Ms. Neville's riding.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Larry Bagnell

Liberal Party (Yukon, Yukon)

Liberal Party Sovereignty Issues and Northern
Development Critic



The Honourable Larry Bagnell was born in Toronto, Ontario, in 1949. He was elected to the House of Commons in November 2000, and re-elected in 2004, 2006 and 2008.

Prior to his election as a Member of Parliament, Mr. Bagnell was Director for the Yukon at Industry Canada.

Mr. Bagnell first became a member of the Standing Committee on Aboriginal Affairs and Northern Development in the 37th Parliament and returned as a member to the Committee in the first session of the 39th Parliament. From December 2003 until July 2004, Mr. Bagnell was the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development with special emphasis on Northern Economic Development. From 2004 to 2006 he was Parliamentary Secretary to the Minister of Natural Resources. In 2007, Mr. Bagnell sat on the Legislative Committee for Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other acts. In 2006-2007, he was also a member of the Legislative Committee for Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences). Prior to 2007, Mr. Bagnell was previously a member of the Standing Committees on Justice and Human Rights; Fisheries and Oceans; National Defence and Veterans Affairs; Transport, Industry, Science and Technology and Government Operations and Transport.

Mr. Bagnell has been Northern Affairs/Development Critic since 2006 and Sovereignty Critic since January 2009.

Approximately 20 per cent of the population of Mr. Bagnell's riding is aboriginal.

There are 14 First Nations in Mr. Bagnell's riding: Carcross/Tagish, Little Salmon/Carmacks, Champagne and Aishihik, Tr'ondëk Hwëch'in, Kluane, Kwanlin Dun, Liard River, NaCho Nyak Dun, Ross River, Selkirk, Ta'an Kwach'an, White River, Teslin Tlingit, and Vuntut Gwitchin.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Marc Lemay

Bloc Québécois (Abitibi—Témiscamingue, Quebec)

Bloc Québécois Aboriginal Affairs Critic

Marc Lemay was born in Amos, Quebec, in 1951. He was first elected to the House of Commons in June 2004 and re-elected in January 2006 and October 2008.

Before becoming a Member of Parliament, Mr. Lemay practiced as a lawyer.



Mr. Lemay first became a member of the Standing Committee on Aboriginal Affairs and Northern Development in the first session of the 39th Parliament and is the Aboriginal Affairs critic for the Bloc Québécois. Mr. Lemay is also a member of the Standing Committee on Justice and Human Rights. During the 39th Parliament, Mr. Lemay was a member of the Legislative Committee on Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), and the Legislative Committee on Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences). During the 38th Parliament, he was a member of the Legislative Committee on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes (*Civil Marriage Act*), the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, the Standing Committee on Canadian Heritage and the Standing Joint Committee on Regulations.

Mr. Lemay has been the Bloc Québécois' Indian Affairs and Northern Development Critic since 2006. Prior to that, he was the Sport Critic.

There are five First Nations in Mr. Lemay's riding: Abitibiwinni, Eagle Village First Nation-Kipawa, Long Point, Timiskaming and Wolf Lake.

Standing Committee on Aboriginal Affairs and Northern Development
Member Profile

Yvon Lévesque

Bloc Québécois (Abitibi-James Bay-Nunavik-Eeyou,
Quebec)

Bloc Québécois Associate Aboriginal Affairs Critic

Yvon Lévesque was born in Lac-au-Saumon, Quebec, in 1940. He was first elected to the House of Commons in June 2004 and re-elected in January 2006 and October 2008.



Before becoming a Member of Parliament, Mr. Lévesque was a labour relations consultant.

Mr. Lévesque first became a member of the Standing Committee on Aboriginal Affairs and Northern Development since the first session of the 39th Parliament and member of the Standing Committee on Fisheries and Oceans since the second session of the 39th Parliament. During the 39th Parliament, he was a member of the Legislative Committee on Bill C- 20, An Act to provide for consultations with electors on their preferences for appointments to the Senate.

Mr. Lévesque has been the Bloc Québécois' Assistant Aboriginal Affairs Critic since 2006. Prior to that he was the Assistant Critic of Regional Development 2004-2006.

His riding covers all of northern Quebec and the Aboriginal population is over 26 per cent, the sixth-highest in Canada. Inuit, Cree-Naskapi and James Bay Cree reside in various communities within this riding. This riding also includes the James Bay hydro project.

There are 11 First Nations in Mr. Lévesque's riding: Anicinape of Kitcisakik, Anishinabe of Lac-Simon, Cree Nation of Mistissini, Cree Nation of Chisasibi, Eastmain, Cree Nation of Nemaska, Cree Nation of Wemindi, Ouje-Bougoumou Eenuch, Waswanipi, Cree of Waskaganish and Whapmagoostui.

TO BE INSERTED BY
MINISTER'S OFFICE

Additional Questions and Answers

Standing Committee on Aboriginal Affairs and Northern Development

First Nations Child and Family Services
(November 24, 2010)

DIRECTIVE 20-1

How does INAC fund FNCFS?

A. The program operates under three funding models while it proceeds with its reform:

- 1) Directive 20-1, Chapter 5 which has been in place since early 1990's;
- 2) Enhanced Prevention Focused Approach (EPFA); and
- 3) 1965 Welfare Agreement (Ontario).

Directive 20-1 Chapter 5 provides funding in two streams: through a formula for operations which funds agency day-to-day costs including protection and limited prevention activities; and, by reimbursing eligible maintenance expenditures, based on actual costs associated with placing a child in a foster home, group home, or institution based on provincial rates. In the late 1980's First Nation communities were generally underserved by provinces and children in care rates on reserve were at roughly 4% nationally. It was understood that with the creation of FNCFS agencies resident in the communities that additional children would be identified and research proposed that a 6% children in care rate be used in the development of the benchmark formula as it pertains to protection services.

The Enhanced Prevention Focused Approach (EPFA) is being rolled-out province-by-province with six provinces already transitioning to or implementing the new approach (Alberta, Saskatchewan, Nova Scotia, Quebec, PEI and Manitoba). These provinces fall under the new funding model developed in each jurisdiction based upon discussion among First Nations, the provinces and INAC that takes into account the respective provincial program salaries and caseloads to determine provincial comparability within the FNCFS program authorities. The funding model includes three funding streams that include a standard amount for core operations that will not change with the percentage of children in care; prevention funding; and maintenance funding based on actual costs from the previous year, thus based upon the actual percentage of children in

care. Recipients will have the flexibility to move the targeted monies between the three streams.

A unique situation exists in Ontario: pursuant to the 1965 Welfare Agreement between Ontario and INAC, INAC reimburses the Province for the cost of child welfare services provided to First Nations people ordinarily resident on reserve according to a cost-sharing formula. Currently, INAC pays approximately 93% of the cost. Ontario pays the difference, or approximately 7% of the cost, to make up 100%.

INAC acknowledges the need for prevention services for all jurisdictions. However, moving to the Enhanced Prevention Focused Approach is a matter of keeping step with provinces as they shift their own regimes to emphasize prevention. So far, six provinces are transitioning to or implementing EPFA, and INAC continues to work with remaining ready and willing jurisdictions to transition to this new approach. The objective is that all remaining jurisdictions will be ready for transition by 2013.

EARLY RESULTS – Enhanced Prevention Focused Approach

Alberta:

- In 2007, INAC announced the first Tripartite Accountability Framework in Alberta
- Investment of \$98.1 million over a five year period
- Overall, in Alberta, there are now more culturally-appropriate placements, more permanency supports for children, increased use by families of prevention programming, and increased use of less costly placements.

Institutional care

<u>2007-2008</u>	<u>2009-2010</u>
329	68

- Substantial reduction, demonstrating an increased use of more culturally and less institutional placements of children unable to be in the care of their parents.

Kinship care

<u>2007-2008</u>	<u>2009-2010</u>
0	375

- Dramatic increase, demonstrating support for an increased sense of family in the form of culturally-appropriate placements.

Post adoptive subsidies

<u>2007-2008</u>	<u>2009-2010</u>
0	130

- Substantial increase, demonstrating an increased support to families providing permanency placements.

Saskatchewan:

- In 2008, INAC announced the Tripartite Accountability Framework in Saskatchewan
- Investment of \$105 million over a five year period
- Overall, in Saskatchewan, there are more culturally appropriate placements.

Kinship care

<u>2007-2008</u>	<u>2009-2010</u>
407	492

- Substantial increase, demonstrating support for an increased sense of family in the form of culturally-appropriate placements.

NOTE: Both jurisdictions have shown decreases overall of children in care, however as those numbers are not indicators of program success, they have not been included.

JORDAN'S PRINCIPLE KEY MESSAGES

General (the story)

- **The Government of Canada is concerned about the health and welfare of all First Nations children and continues to work with First Nations and provincial/territorial partners to obtain better outcomes for children and their families.**

- **The Government of Canada is implementing Jordan's Principle with provinces and First Nations to ensure that jurisdictional disputes do not disrupt or delay services to a First Nations child with multiple disabilities. Federal and provincial contacts and processes are in place across the country to address cases as they arise.**

-

- **All provinces have been contacted and some have indicated they have sufficient processes in place to address jurisdictional disputes.**

-

- **We have reached agreements with the province of Manitoba in September 2008 and the province of Saskatchewan and the Federation of Saskatchewan Indian Nations in September 2009. We are also working with provincial officials and First Nations in British Columbia, Alberta and Nova Scotia to develop a process to implement Jordan's Principle.**

Key Audiences: Regions, First Nations, Provinces, Other Government Departments and Service Providers

- **The federal response to Jordan's Principle is focused on federal and provincial jurisdictional disputes over existing health and social services to First Nations children ordinarily resident on reserve with multiple disabilities.**
- **The federal response aims to ensure the most vulnerable children, those with multiple disabilities requiring multiple service providers - children like Jordan – take priority. However, the Government of Canada is prepared to review all cases that are brought to our attention.**
- **It is expected case management will occur first at the local level to assist First Nation families and service providers navigate and access available services/benefits.**
- **When a case is brought to the attention of a focal point, a case conferencing approach will be used involving government officials and service providers to avoid disruption of services.**
- **Focal points help navigate cases within the existing range of health and social services based on the normative standards of care provided to children off reserve in similar geographic locations.**
- **To-date, no cases involving a federal/provincial jurisdictional dispute have been brought to the attention of the Government of Canada.**
- **Case conferencing has occurred around a number of Jordan's Principle-related cases. Due to privacy and confidentiality concerns, the Government of Canada cannot share details on these individual cases nor their resolution.**
- **Implementing the federal response to Jordan's Principle has served to build and strengthen partnerships with provinces and First Nations.**



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Canada

[INAC](#) > [About INAC](#) > [Media Room](#) > [2007 News Releases](#) >

CANADA'S NEW GOVERNMENT, TREATY 6, TREATY 7 AND TREATY 8 FIRST NATIONS AND ALBERTA EMBARK ON NEW APPROACH TO CHILD WELFARE ON RESERVE

2-2874

Calgary, Alberta (April 27, 2007) - A partnership with Canada's New Government, the Province of Alberta and Alberta's First Nations was announced today that will see significant improvements in child and family services for First Nations in Alberta.

The partnership, based on the Alberta Response Model and Alberta's Child, Youth and Family Enhancement Act, was announced by the Honourable Jim Prentice, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, the Honourable Janis Tarchuk, Minister of Alberta Children's Services and representatives of Alberta's three Treaty areas: Spokesperson Chief Eddy Makokis on behalf of the Confederacy of Treaty 6 First Nations; Spokesperson Chief Charles Weasel Head of the Treaty 7 First Nations Chiefs Association; and Grand Chief Arthur Noskey of Treaty 8 First Nations of Alberta.

The Alberta Response Model, recognized as an innovative approach to child welfare, has proven that early intervention, prevention and permanent placement provide concrete results.

Since the introduction of the Alberta Response Model and the Child, Youth and Family Enhancement Act, child intervention caseloads have decreased by 22 per cent. In First Nations Child and Family Service agencies without early intervention and prevention services, caseloads have increased by four per cent over the same period.

"I am encouraged that through this partnership we are addressing the critical child and family services issues facing First Nations children on reserves in Alberta," said Minister Prentice. "We want all children in need to be placed in safe and nurturing homes, and this new approach to child welfare in First Nation communities will provide families living on reserve with better access to community resources to help them before a crisis occurs."

Canada's New Government will immediately provide \$15.3 million for the first year of implementation in Alberta.

"This is a historic step forward and will fundamentally change the way child welfare services are delivered on reserve," said Minister Tarchuk. "Working together, all three parties have built on the proven success of the Alberta Response Model and our provincial Child, Youth and Family Enhancement Act."

The First Nations of Treaty 6, Treaty 7 and Treaty 8 acknowledge that a new arrangement is long overdue. The family enhancement approach fits within the Treaty 6, 7 and 8 tradition of taking care of their own children. It provides First Nations agencies with new resources needed to identify a family's need before the situation requires a child to be removed from the family home. First Nations hold that the family is a core traditional unit and First Nations children will continue the legacy of their people.

"I congratulate Alberta First Nations for their work in creating a better approach to child welfare that focuses on prevention and collaboration," said National Chief, Phil Fontaine. "Today's announcement shows Minister Prentice has recognized the urgency of closing the gap in funding

received by First Nations Child Welfare Agencies compared to provincial child welfare agencies. This needs to be implemented in all regions. The Assembly of First Nations is prepared to work jointly to achieve this goal."

Provincial ministers have indicated that they are supportive of the partnership with Alberta and expressed interest in a similar approach.

The Honourable Judy Strectch, Nova Scotia's Minister of Community Services, Minister responsible for the Disabled Persons Commission Act, said: "I support improving First Nations Child and Family Services and am very interested in continuing the discussions currently underway with our Mi'kmaq and federal partners in strengthening prevention services for children and families in Nova Scotia."

For more information, please contact:

Minister's Office

Deirdra McCracken
Press Secretary
Office of the Honourable Jim Prentice
(819) 997-0002

Media Relations

Indian and Northern Affairs Canada
(819) 953-1160

Communications

Alberta Children's Services
Lisa Nisbet
(780) 427-4801 (office)
(780) 686-6455 (cell)

Treaty 7 First Nations Chiefs Association

Chief Charles Weasel Head
(403) 315-4711

Treaty 8 First Nations of Alberta

Grand Chief Arthur Noskey
(780) 649-4053

Confederacy of Treaty 6 First Nations

Chief Eddy Makokis
(780) 689-8791

[Backgrounder - INAC, Alberta and First Nations Join Forces to Improve Child Welfare Services for First Nations Children](#)

Date Modified:2008-10-16



[INAC](#) > [About INAC](#) > [Media Room](#) > [2008 News Releases](#) >

CANADA, SASKATCHEWAN AND FIRST NATIONS IN SASKATCHEWAN SIGN HISTORIC CHILD WELFARE FRAMEWORK

2-3072

REGINA, SASKATCHEWAN (JULY 22, 2008) – The Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, together with the Honourable Donna Harpauer, Saskatchewan Minister of Social Services and Vice Chief Guy Lonechild, Federation of Saskatchewan Indian Nations today announced an historic framework for First Nations child and family services in Saskatchewan.

"The agreement we are signing today is an example of our government's commitment to work with stakeholders to build healthier, stronger First Nations communities," said Minister Strahl. "This new approach will help to ensure First Nations families in Saskatchewan receive the support and services they need before they reach crisis."

The Government of Canada has invested \$104.8 million in new funding to the Saskatchewan child and family services framework over five years. This investment provides First Nations agencies with new resources that identify a family's need before a child is removed from the family home.

"Together with our federal and First Nations partners, we share a commitment to ensuring Saskatchewan children grow up happy and healthy in a safe, nurturing environment," said Minister Harpauer. "This investment will allow us to support families at-risk by providing services and tools to help them to care for their children."

"Now with the announcement of prevention funding the First Nations Child and Family Service Agencies can start to work towards a truly positive change," said Vice Chief Lonechild. "And will finally be able to look at other answers beside apprehension services to support children and families."

This framework with the province and First Nations in Saskatchewan is an effective model for other provinces and First Nations agencies that may wish to discuss similar arrangements for an enhanced prevention-focused approach.

It shares the vision of the Alberta Response Mode. The tripartite agreement signed in Alberta last year ensures First Nations families receive appropriate child and family services in a timely manner.

[Backgrounder - First Nations Child and Family Services \(National\)](#)

For further information please contact:

Minister's Office

Josée Bellemare
Press Secretary
Office of the Honourable Chuck Strahl
(819) 997-0002

Province of Saskatchewan

Debbie Clark
Communications
Saskatchewan Social Services
Regina, SK
(306) 787-8689



[INAC](#) > [About INAC](#) > [Media Room](#) > [2008 News Releases](#) >

CANADA, NOVA SCOTIA AND FIRST NATIONS IN NOVA SCOTIA SIGN HISTORIC CHILD WELFARE FRAMEWORK

2-3071

HALIFAX, NOVA SCOTIA (July 22, 2008) – Gerald Keddy, Member of Parliament for South Shore – St. Margaret's, on behalf of the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, together with the Honourable Judy Streach, Nova Scotia Minister of Community Services, the Honourable Michael Baker, Nova Scotia Minister of Aboriginal Affairs and Chief Lawrence Paul, President, Mi'kmaw Family and Children's Services of Nova Scotia, today announced an historic framework for First Nations child and family services in Nova Scotia.

"We are pleased to move forward with our Nova Scotia and First Nations partners, who share the Government of Canada's commitment to implement concrete changes in child and family services on reserves," said Mr. Keddy.

"This new framework will help ensure families receive appropriate child and family services in a timely manner."

The Government of Canada has invested \$10.2 million in new funding to the Nova Scotia child and family services framework, which will be distributed over five years to the Mi'kmaw Family and Children's Services of Nova Scotia. This investment will provide First Nations agencies with new resources that identify a family's need before a child is removed from the family home.

"We have no greater responsibility than to ensure our children grow up in safe and healthy communities," said Minister Streach. "We are pleased to be working with the federal government and our First Nations communities to ensure that all our children and families have access to the programs and services they need to remain healthy and together."

"Today's announcement demonstrates the positive and growing working relationship we have been developing in Nova Scotia," said Minister Baker. "Mi'kmaq children represent the future of First Nation communities in Nova Scotia -- and today's announcement demonstrates our combined commitment to improving conditions for First Nations children and youth -- both provincially and nationally."

"I am very pleased with the Government of Canada's approval of this framework for the Mi'kmaw Family and Children's Services of Nova Scotia," said Chief Lawrence Paul. "The multi-year funding included with this framework will support the Nova Scotia child and family services framework and provide the appropriate working environment for staff to ensure First Nations children on reserve have access to culturally appropriate prevention and protection services that are integral to ensuring their well being."

This framework with the province and First Nations in Nova Scotia is an effective model for other provinces and First Nations agencies that may wish to discuss similar arrangements for an enhanced prevention-focused approach. It shares the vision of the Alberta Response Model. The tripartite agreement signed in Alberta last year helps to ensure First Nations families receive the support and services they need before they reach crisis.

[Backgrounder - First Nations Child and Family Services \(National\)](#)

For further information please contact:

Minister's Office

Josée Bellemare
Press Secretary
Office of the Honourable Chuck Strahl
(819) 997-0002

Province of Nova Scotia

Jacqueline Van Amburg, APR
Communications Advisor
Office of Aboriginal Affairs
Halifax, NS
(902) 424-4339

Media Relations

Indian and Northern Affairs Canada
819-953-1160

Lucas Wide

Communications Advisor
Department of Community
Services
Halifax, NS
(902) 424-4449

**Mi'kmaw Family and Children's Services of
Nova Scotia**

Chief Lawrence Paul
President
(902) 897-9199

Date Modified:2008-10-30



[INAC](#) > [News Room](#) > [News Releases](#) >

Economic Action Plan - Canada, Quebec and First Nations in Quebec Reach an Historic Child Welfare Framework

2-3248

Kahnawake, Quebec (August 25, 2009) - Representatives from the Government of Canada, the Government of Quebec and the Assembly of First Nations of Quebec and Labrador today announced a historic framework for First Nations child and family services in Quebec.

The event was attended by the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Pierre Corbeil, Minister responsible of Aboriginal Affairs and Lise Thériault, Minister responsible of Social Services for the Government of Québec and Gilbert Dominique, Chief of the Mashteuiatsh community on behalf of Ghislain Picard, Chief of the Assembly of the First Nations of Quebec and Labrador.

"Today's announcement demonstrates the positive and growing working relationship we have with Quebec," said Minister Strahl. "Children represent the future of First Nation communities in Quebec – and today's announcement demonstrates our shared commitment to improving conditions for First Nations children and youth. Alberta, Nova Scotia and Saskatchewan also have tripartite agreements with the Government of Canada and we are proud to now sign a fourth historic agreement with Quebec".

The Framework with Quebec and First Nations in Quebec will provide \$59.8 million over five years to implement an Enhanced Prevention-Focused Approach to First Nations Child and Family Services (FNCFSS) on reserves in Quebec.

"At the Mashteuiatsh socioeconomic forum, the Government of Quebec committed to work towards improving living conditions for Quebec First Nations. Today, thanks to the cooperation of the federal government and a remarkable collaboration among all of the partners, we are proud to observe that the commitment towards strengthening services to the family and children within the communities will become reality," said Ministers Thériault and Corbeil.

The announcement of the tripartite framework in this province, following tripartite frameworks with Alberta, Saskatchewan and Nova Scotia, means that the new prevention model is now being implemented in First Nations communities in four provinces, covering nearly half of the First Nations children in Canada.

"This investment is very much appreciated by the First Nations of Quebec, and we want to thank the AFNQL the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC), INAC and the Quebec health and social services ministry (MSSSQ) for all of their hard work over the past several months in this file, which is of the utmost importance for our children. The needs are desperate, and everything needs to be implemented quickly because we have been waiting for this money for a very long time. We hope that we can now actively re-engage in discussions with the government of Quebec in order to secure an extension to the deadline to implement the life-long projects. Thanks to both levels of government. This is a good start," said Gilbert Dominique, Chief of the Mashteuiatsh community, representing the Assembly of First Nations of Quebec and Labrador (AFNQL).

In 2007, INAC renovated its approach to Child and Family Services by introducing an Enhanced Prevention-Focused Approach that will ensure that more First Nations children and parents get the help they need to prevent the types of crises that lead to intervention and family breakdown.

"Today's announcement demonstrates that fact that First Nations are participating in Canada's Economic Action plan," said Minister Strahl. Under [Canada's Economic Action Plan](#) \$20 million over two years was provided to implement concrete changes in Child and Family Services on reserves across Canada.

Date Modified:2010-08-06

Backgrounder - First Nations Child and Family Services (Quebec)

For more information, please contact:

Office of the Honourable Chuck Strahl Media Relations

Press Secretary
819-997-0002

Indian and Northern Affairs Canada
819-953-1160

Office of the Minister responsible for Aboriginal Affairs (Quebec) Office of the Minister for Social Services (Quebec)

Hélène Sauvageau
Press Secretary
(418) 646-9131

Harold Fortin
Press Secretary
418 266-7181

Assembly of the First Nations of Quebec and Labrador

Alain Garon
Communications Officer
(418) 956-5720



[INAC](#) > [News Room](#) > [News Releases](#) >

Economic Action Plan - Canada, PEI and Mi'kmaq Confederacy of Prince Edward Island Reach Child Welfare Framework

2-3249

SUMMERSIDE, PEI (August 26, 2009) - Representatives of the Government of Canada, the province of Prince Edward Island and the Mi'kmaq Confederacy of Prince Edward Island (MCPEI), today announced a historic framework for First Nations Child and Family Services in Prince Edward Island.

The event was attended by the Honourable Gail Shea, Minister of Fisheries and Oceans and Member of Parliament for Egmont, on behalf of the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, together with the Honourable Doug Currie, Minister of Social Services and Seniors for Prince Edward Island and Chief Brian Francis of the Abegweit First Nation and Co-Chair off the Mi'kmaq Confederacy of Prince Edward Island (MCPEI).

"Today's announcement demonstrates the positive and growing working relationship we have with PEI," said Minister Shea. "Children represent the future of First Nations communities in PEI -- and today's announcement demonstrates our shared commitment to improving conditions for First Nations children and youth. With this announcement, half the provinces have now reached historic tripartite frameworks for Child and Family Services with our government."

The Framework with PEI and First Nations in PEI will provide \$1.7 million over five years to implement an Enhanced Prevention-Focused Approach to First Nations Child and Family Services (FNCFS) on reserves in PEI.

"This agreement represents our commitment to work together to protect children and support families in a more culturally-appropriate way, with a greater focus on prevention," said Minister Currie. "By better coordinating the child and family services that are available on-reserve, First Nations families will receive ongoing support before they reach a crisis."

The announcement of the tripartite framework in this province, following tripartite frameworks in Alberta, Saskatchewan, Nova Scotia, and yesterday in Quebec, means that the new prevention model is now being implemented in First Nations communities in five provinces, covering nearly half of First Nations children.

"Over the past two years, the staff of MCPEI PRIDE Program through Director Marilyn Lefrank worked tirelessly to help develop a program to provide support and outreach services to families and children in our communities," said Chief Brian Francis. "Today's announcement is the culmination of those efforts. Securing a long term funding framework will allow us to continue to foster strong, healthy children and families."

In 2007, INAC renovated its approach to Child and Family Services by introducing an Enhanced Prevention-Focused Approach that will ensure that more First Nations children and parents get the help they need to prevent the types of crises that lead to intervention and family breakdown.

Indian and Northern Affairs Canada provides funds for the implementation of the New Enhanced Prevention-Focused Approach to First Nations Child and Family Services.

"Today's announcement demonstrates the fact that First Nations are participating in Canada's Economic Action Plan," said Minister Strahl. Under [Canada's Economic Action Plan](#) \$20 million over two years was provided to implement concrete changes in Child and Family Services on reserves.

[Backgrounder - First Nations Child and Family Services](#)

For more information, please contact:

Minister's Office

Press Secretary
Office of the Honourable Chuck Strahl
819-997-0002

Media Relations

Indian and Northern Affairs Canada
819-953-1160

PEI Communications

Stefanie Arduini
Prince Edward Island Department of Social Services and
Seniors
902-620-3409

**Mi'kmaq Confederacy of Prince Edward Island
(MCPEI)**

Dennis King
Director of Communications
(902) 888-5967

Date Modified:2010-08-06



[INAC](#) > [About INAC](#) > [Media Room](#) > [News Releases - 2010](#)

Canada, Manitoba and Assembly of Manitoba Chiefs Reach Agreement on Child Welfare Framework

Ref. #2-3390

WINNIPEG, MANITOBA (July 19, 2010) – Representatives of the Government of Canada, the province of Manitoba and the Assembly of Manitoba Chiefs (AMC), today announced a historic framework for First Nations Child and Family Services in Manitoba.

Funding for the Enhanced Prevention-Focused Approach will help more First Nations children and parents get the help they need to prevent the types of crises that lead to intervention and family breakdown.

The announcement was made by Shelly Glover, Member of Parliament for Saint Boniface and Parliamentary Secretary for Official Languages, on behalf of the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, along with the Honourable Gord Mackintosh, Minister of Family Services and Consumer Affairs, together with Grand Chief Ron Evans, of the Assembly of Manitoba Chiefs.

"Today's announcement acts on our positive and growing working relationship we have with Manitoba," said Mrs. Glover. "Children represent the future of First Nations communities in Manitoba – and today's announcement demonstrates our shared commitment to improving conditions for First Nations children and youth. With this announcement, six provinces will have reached historic tripartite frameworks for Child and Family Services with our government."

The Framework with Manitoba and First Nations in Manitoba will provide over \$177 million over 5 years to implement an Enhanced Prevention-Focused Approach to First Nations Child and Family Services (FNCFS) on reserves in Manitoba.

"This Framework caps years of hard work by the province and First Nations chiefs to correct historic imbalances and provide similar services across the province, regardless of where children live," Minister Mackintosh said. "Just as importantly, it will allow us to provide services and support for families under stress and in many cases prevent the need to take children into care."

"This new funding model and Enhancement Framework will assist in decreasing the number of children in care and support families to stay together," said Grand Chief Ron Evans. "It will also assist agencies so they will have the resources available to support children and families they work with in our communities. Prevention is critical to positive change for our people."

By moving forward in this province, INAC will be well on its way to completing the reform of Child and Family Services by ensuring roughly 68% of on reserve children have access to enhanced prevention services.

First Nation Child and Family Service Agencies in Manitoba, in collaboration with INAC and the Province, will develop individual business plans that outline goals, outcomes and expectations and will be required to provide annual reports on these to access the new funding. Agencies will be required to ensure that results are obtained, measured and reported under this new regime.

This new funding will be conditional upon Agencies meeting accountability requirements, in order to ensure that the funds will be used for their intended purpose and will serve the best interests of children and families.

INAC continues to discuss implementation of the new funding approach with willing provincial and First Nations partners. Since the launch of the new approach in 2007, frameworks have been reached with partners in Alberta, Saskatchewan, Nova Scotia, Quebec, PEI and Manitoba.

Under the six Tripartite Frameworks, more than \$100 million per year in additional funding will be dedicated to the new approach by 2012/13. The goal is to have all provinces on board for the Enhanced Prevention-Focused Approach by 2013.

Better Outcomes for First Nations Children: INAC's Role as a Funder in First Nations Child and Family Services

For more information, please contact:

Minister's Office

Office of the Honourable Chuck Strahl
Press Secretary
819-997-0002

Media Relations

Indian and Northern Affairs Canada
819-953-1160

Province of Manitoba

Glen Cassie
Communications Services Manitoba
204-945-0750

Assembly of Manitoba Chiefs

Doug Thomas, Director of Corporate
Communications
Phone: 204-957-8451

Date Modified: 2010-07-19

APPEARANCE BEFORE THE STANDING COMMITTEE ON
ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT
First Nations Child and Family Services
November 24, 2010

TABLE OF CONTENTS

1. MOTION OF THE STANDING COMMITTEE ON ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT (March 25, 2010)
2. MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT'S OPENING REMARKS
3. KEY ISSUES
 - a. Alberta
 - b. British Columbia
 - c. Enhanced Prevention Focused Approach
 - d. Jordan's Principle
 - e. Human Rights Complaint and Other Legal Issues
 - f. Manitoba
 - g. New Brunswick
 - h. Public Accounts Committee
 - i. Provincial Comparability in Funding
 - j. Quebec
 - k. United Declarations on the Rights of Indigenous Peoples
 - l. Yukon
4. POSITIVE QUESTIONS AND ANSWERS
5. FACT SHEET – FNCFS PROGRAM and DECK – Better Outcomes for First Nations Children : INAC's Role as a Funder in First Nations Child and Family Services Updated: July 2010 (English and French)
6. MEMBERS OF THE STANDING COMMITTEE ON ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT and BIOGRAPHIES
7. QUESTION PERIOD NOTE
8. APTN DOCUMENTARY SERIES ON CHILD WELFARE AND RELATED LITIGATION

ADM Materials

9. ADDITIONAL QUESTIONS & ANSWERS

- a. Directive 20-1
- b. British Columbia Actuals
- c. Remaining Jurisdictions for Enhanced Prevention Focused Approach
- d. Ontario
- e. Saskatchewan
- f. Newfoundland/Labrador
- g. Gas Sniffing
- h. Master Questions & Answers document

10. PROVINCIAL STATISTICS

11. UPDATE ON OAG ACTION PLAN (March 2010)

12. AFFIDAVIT OF ODETTE JOHNSTON

13. EARLY RESULTS OF ENHANCED PREVENTION FOCUSED APPROACH - FACT SHEET

14. MEDIA LINES AND FIRST NATIONS CHILD AND FAMILY SERVICES ANNOUNCEMENTS

- a. British Columbia Jurisdiction
- b. British Columbia Report
- c. Alberta Report
- d. Alberta Announcement
- e. Saskatchewan and Nova Scotia Announcement
- f. Quebec and Prince Edward Island Announcement
- g. Manitoba Announcement

15. JORDAN'S PRINCIPLE – Key Message Communications Plan

ENHANCED PREVENTION APPROACH

Why is INAC still using Directive 20-1 in some jurisdictions when the Department has transitioned to enhanced prevention?"

Key Messages

- **Directive 20-1 no longer applies in the six provinces that have transitioned to the Enhanced Prevention Focused Approach.**
- **In Ontario, prevention activities are already underway in some First Nation communities and are funded through the 1965 Welfare Agreement.**
- **Discussions are underway in British Columbia and New Brunswick, on the Enhanced Prevention Focused Approach.**
- **INAC will continue to work with remaining jurisdictions to transition their funding from Directive 20-1 to this new approach with the goal to have all jurisdictions on board by 2013.**

Background

- The FNCFS Program operates under three funding models while it proceeds with its reform:
 - 1) Directive 20-1, Chapter 5 which has been in place since early 1990's;
 - 2) Enhanced Prevention Focused Approach (EPFA); and,
 - 3) 1965 Welfare Agreement (Ontario).
- Directive 20-1 Chapter 5 provides funding in two streams: through a formula for operations which funds agency day-to-day costs including protection and limited prevention activities; and, by reimbursing eligible maintenance expenditures, based on actual costs associated with placing a child in a foster home, group home, or institution based on provincial rates.
- The Enhanced Prevention Focused Approach (EPFA) is rolling out province-by-province with six provinces already transitioning to or implementing the new approach (Alberta, Saskatchewan, Nova Scotia, Quebec, PEI and Manitoba).
- Under the EPFA, 20-1 funding is replaced with a new funding model that provides three streams of funding (operations, prevention and maintenance) that permits First Nations Child and Family Service agencies to move funds from one stream to another in order to address particular needs and circumstances facing individual communities.
- A unique situation exists in Ontario: pursuant to the 1965 Welfare Agreement between Ontario and INAC, INAC reimburses the Province for the cost of child welfare services provided to First Nations children ordinarily resident on

reserve according to a cost-sharing formula. Currently, INAC pays approximately 93% of the cost. Ontario pays the difference, or approximately 7% of the cost, to make up 100%.

- Directive 20-1 continues to be the funding model in the remaining jurisdictions (Newfoundland/Labrador; New Brunswick; British Columbia and the Yukon).

Sector Policy Contact: Marielle Bérubé/613-996-6950

**UNITED NATIONS DECLARATION ON THE RIGHTS OF ABORIGINAL
PEOPLES**

What impact will Canada's recent signing of the United Nations Declaration on the Rights of Aboriginal Peoples have on INAC's Child and Family Service program?

Key Messages

- **The Government of Canada endorsed the *UN Declaration on the Rights of Indigenous Peoples* to further strengthen its relationship with First Nation, Inuit and Métis peoples and to demonstrate its ongoing commitment to the promotion and protection of the rights of Indigenous peoples, at home and abroad.**
- **Our Government is already working in partnership with Aboriginal peoples on many of the issues addressed in the Declaration. We are taking concrete actions on education, economic development, housing, child and family services, access to safe drinking water, and the extension of human rights protection and matrimonial real property protection to First Nations on reserve.**
- **Our statement of support for the Declaration explains our specific concerns with some of its provisions. We believe that this document can be interpreted within the context of our own legal framework and the Canadian Constitution.**
- **Canada will continue to demonstrate leadership by advancing the cause of Indigenous rights around the world and creating opportunities for a better future for Aboriginal peoples in Canada, as we are doing with the move to enhanced prevention with the First Nations Child and Family Services Program.**

If pressed on Canada's concerns with the UN DRIP:

- **Together with willing partners we will continue to do what is necessary to ensure that the rights of Aboriginal peoples are recognized, promoted and respected – both here at home and internationally.**
- **Although the declaration is a non-legally binding document that does not reflect customary international law nor change Canadian laws, our endorsement gives us the opportunity to reiterate our commitment to continue working in partnership with Aboriginal peoples.**

BACKGROUND

On November 12, 2010, Canada issued a Statement of Support, endorsing the United Nations Declaration on the Rights of Indigenous Peoples. This endorsement offers an opportunity to strengthen relations with Aboriginal peoples in Canada, and to support our on-going work on Indigenous issues internationally.

The Declaration describes individual and collective rights of Indigenous peoples, taking into account their specific cultural, social and economic circumstances. The Declaration also encourages harmonious, cooperative relationships between States and Indigenous peoples, based on the principles of equality, partnership, good faith and mutual respect. Canada strongly supports these principles and believes that they are consistent with the government's approach to working with Aboriginal peoples.

The government's endorsement of the Declaration builds on numerous other government initiatives for Aboriginal peoples including education, economic development, housing, child and family services, safe drinking water, and the extension of human rights protection to First Nations on reserve.

Sector Policy Contact: Maureen Collins, ESDPP/SPPB, 613-996-2450

November 24, 2010

APTN DOCUMENTARY SERIES ON CHILD WELFARE AND RELATED LITIGATION

APTN recently aired a four-part documentary series on child welfare. The documentary highlights a number of past and ongoing problems with the system, including the "60's scoop" phenomenon and the over-representation of Aboriginal children in care in Alberta, and points to child welfare devolution as a potential way forward. What are your thoughts on this?

Key Messages

- *(On the 60's scoop/Brown and Commanda):* In 1965, the Government of Canada entered into an agreement with the province of Ontario to provide funding to Ontario's child welfare regime with the view of ensuring that Indian children living on reserve would have access to the same full range of provincial welfare programs available to all others in the province.
- *(On the 60's scoop/Brown and Commanda):* The child and welfare regime that the federal government funded was formulated by the province of Ontario and carried out by provincial child care workers according to applicable standards of the time. All of the placement and adoption decisions were approved by judges of the provincial or superior court.
- *(On the issue of over-representation):* I'm aware of the unfortunate reality that Aboriginal people on and off reserve continue to be over-represented in the child welfare system. This is a very complex matter, and one that requires support from various partners to address, including provinces. Although the solutions are not easy to come by, I am convinced that the new approach to funding child welfare on reserve that my Department is implementing can go a long way to effectively dealing with this issue as it pertains to First Nations children living on reserve. The Enhanced Prevention Focused Approach to providing First Nations Child and Family Services focuses on proactive intervention, that is, delivering appropriate services before problems escalate and become a matter for child protection.
- *(On the issue of devolution):* My Department is committed to continue working with First Nations and provincial partners to address matters related to First Nations Child and Family Services. Provinces have jurisdiction over child welfare and family support services on- and off-reserve, and we look forward to hearing more about any discussions about devolution that may occur between provinces and First Nations. For INAC, discussions on jurisdiction comes under the self-government

policy and mandate.

Background

- The APTN began airing a four-part series on November 16, 2010 entitled "Perspectives on Child Welfare Devolution".
- The first segment, which aired on November 16, 2010 was about the "60's Scoop" and included interviews with people who had personal experience with this issue, as well as discussions about the cyclical nature of abuse and apprehension and the Brown & Commanda Class Action Litigation. The emphasis throughout this piece was the residential schools' objective "to kill the Indian in the child".
- The second segment, which aired on November 17, 2010, focused on Alberta. The Province was criticized for "removing up to 4,000 children a year, most (of whom) are Aboriginal, and while it may be doing a good job of taking kids, it is not so good at caring for them once in foster care". The report claimed that half of the children in care are Aboriginal, and that there is proof that child welfare agencies are not checking placement homes or monitoring them after the children are put in care. This piece also examined several difficult issues, including children who have died in care, children beaten while in foster care and crippled for life as a result, and painful family separations.
- While the focus of the third segment is unknown, the fourth segment, which will air on November 19, 2010, is slated to be a special hour-long segment on the devolution of child welfare.

Brown and Commanda Class Action Litigation:

- The two Plaintiffs in the Brown & Commanda litigation claim to represent a class of approximately 16,000 Aboriginal persons in Ontario who were removed from their communities as children between 1965 and 1984 under Provincial child welfare legislation, and that through Canada's funding of child welfare services, the class was systematically denied the opportunity to preserve their Aboriginal identity.
- The Plaintiffs allege negligence and breach of fiduciary duty on the part of Canada that led to the loss of their aboriginal identity through being placed in non-aboriginal foster care and adoptive homes.
- A case management conference has been scheduled for January 4, 2011 to determine if an amended version of the plaintiffs' claim meets conditions set by the court for certification.

Sector Policy Contact: Pauline Cormier

BRITISH COLUMBIA ACTUALS

Why is INAC changing the way it funds First Nation Child and Family Service agencies in British Columbia effective April 1, 2011?

- A. The British Columbia Region has been working with the FNCFS agencies and the Province to revise their funding of FNCFS to be more compliant with the authorities of the program.

This includes reviewing how maintenance costs are supported and moving to a reimbursement of actual costs for maintenance as is the case with other jurisdictions in the country.

INAC is working on a plan to ensure an orderly transition to this funding approach that also minimizes any impacts to the support provided to First Nation children and families in British Columbia.

May 2008 Report of the Auditor General of Canada to the House of Commons
Chapter 4 First Nations Child and Family Services Program
Indian and Northern Affairs Canada

Paragraph 4.81 which addresses the Cost for children in care in BC.

"...We found that INAC pays First Nations agencies in BC a pre-determined amount per day of care and makes no attempt to relate this amount to the actual expenses incurred for these children. We also found that the actual costs of First Nations children placed in care in some First Nations agencies are lower than the amount provided by INAC. Further INAC does not review the agencies' expenses to ensure that they are allowable under the program. In our view, these practices are not consistent with the Treasury Board authority."

Paragraph 4.82

"Recommendation. Indian and Northern Affairs Canada should carry out the on-site compliance reviews required under the First Nations Child and Family Services Program. It should also ensure that the British Columbia region complies with Treasury Board authority.

The Department's response...Indian and Northern Affairs Canada will be working with regional offices, British Columbia in particular, to ensure compliance with program authorities..."

NEWFOUNDLAND/LABRADOR

How does First Nations Child and Family Services work in Newfoundland/Labrador?

Key Messages

- We fund the Province of Newfoundland/Labrador for Child and Family Services to both Innu First Nations. We also fund Miawpukek First Nation directly, who in turn purchases Child and Family Services from the province.
- We are in the early days of discussing Child and Family Services program devolution, including the transition to an enhanced prevention focused approach, with the two Innu First Nations and the Province of Newfoundland/Labrador.

Background

- In addition to eligible maintenance expenditures, funding of non-eligible maintenance items, such as prevention and educational supports, is included in the funding agreement with the Province under maintenance. Prior to March 31, 2010, these non-eligible maintenance items were funded under the Labrador Innu Comprehensive Healing Strategy (LICHS). INAC's funding for the Labrador Innu is now in its A-base and is comparable to any other First Nation community of similar size and circumstance.
- The Child, Youth and Family Services Committee of the Tripartite Main Table has commenced a services mapping exercise to identify all programming provided by NL within the Child, Youth and Family Services envelope to make a comparison to what is available through INAC programming and authorities. This is to identify whether gaps exist, and if so to explore how they might be addressed consistent with INAC authorities in the event of program devolution.

DRAFT

OAG RECOMMENDATIONS UPDATE SEPTEMBER 30, 2010

Chapter 4 - First Nations Child and Family Services (FNCFS) Program

RECOMMENDATION	UPDATE	PROPOSED LEVEL
<p>4.26 - Indian and Northern Affairs Canada, in cooperation with provinces and First Nations agencies, should: * define what is meant by services that are reasonably comparable, * define its expectations for culturally appropriate services and standards, and implement this definition and these expectations into the program. (4.17-4.25)</p>	<p>A principle on "culturally appropriate services" has been articulated as part of the government's response to the recommendations of the Public Accounts Committee in August 2009.</p> <p>The tripartite frameworks in Alberta, Saskatchewan, Nova Scotia, Quebec, Prince Edward Island and Manitoba clearly describe expectations on culturally appropriate services as well as reasonable comparability to provincial services. Frameworks and business plans being developed continue to include culturally appropriate services.</p> <p>The principle will be included in the revised and updated National FNCFS Manual which is currently under development.</p>	<p>4 – Substantial Implementation</p>
<p>4.32 Indian and Northern Affairs Canada should ensure that it has up-to-date agreements with the provinces and with First Nations agencies in place. As a minimum, these agreements should consistently define who is responsible for providing the child welfare services required under provincial legislation, and what services will be provided. (4.27-4.31)</p>	<p>Alberta, Saskatchewan, Nova Scotia, Quebec, Prince Edward Island, and Manitoba are now parties to tripartite accountability frameworks. A longstanding tripartite agreement, detailing the roles and responsibilities of the parties, has been updated and signed in Nova Scotia. This covers more than half the number of First Nation children on reserve for whom these services are provided.</p> <p>FNCFS agencies which are not yet delivering the Enhanced Prevention Focused Approach are required to submit Work Plans to their respective Regions for fiscal year funding in 2011/12.</p> <p>Action is being taken on a revised MOU to establish reimbursement for services in BC with a target date for completion of April 1, 2011. An MOU is being developed with the Province of Manitoba on FNCFS with a target signing date of December 31, 2010. Work continues with the Province of New Brunswick following the release of the Bernard Richard report.</p> <p>The National Reporting Guide has been updated for fiscal year 2010-2011 to provide greater clarity and support enhanced</p>	<p>4 – Substantial Implementation</p>

DRAFT

<p>4.37 When negotiating agreements with each province, Indian and Northern Affairs Canada should, in consultation with First Nations, seek assurance that provincial legislation is being met. INAC should also analyze the information obtained and follow-up when necessary. (4.33–4.36)</p>	<p>accountability. A review of Data Collection Instruments was conducted in September 2010, to streamline the CFS reporting requirements.</p> <p>INAC is working with provinces on a province-by-province basis to ensure First Nation CFS programs meet provincial legislation, including special efforts in Manitoba.</p> <p>An additional \$446,500, was provided to strengthen compliance activities, including reference to meeting provincial legislation, in 5 regions in 2009-2010. In 2010-2011, an additional \$1,034,375, was provided to increase strengthened compliance coverage to seven (7) regions.</p> <p>An updated CFS Compliance Directive is in the approvals stage and the accompanying processes are nearing completion. This work is being done in conjunction with the development of the overarching Social Management Control Framework currently under development.</p> <p>Upon completion of the compliance activities, regions have reported on their progress as per the approved work plans. In communities where there are issues being identified through the compliance reviews, INAC Regions take action to ensure issues are addressed; for instance, BC (Gitksan), delegation was revoked by the province.</p> <p>Funding has been provided on a three-year cycle to enable the FNCFS agencies to self-evaluate, including meeting provincial legislation and INAC's funding agreements. The Self-Evaluation Manual for Recipients is currently undergoing revisions and should be completed by Summer 2011.</p>	<p>5 – Full Implementation</p>
<p>4.67 Indian and Northern Affairs Canada in consultation with First Nations and Provinces should ensure that its new funding formula and approach to funding First Nations Agencies are directly linked with Provincial Legislation and Standards, reflect the current range of child welfare services and take in account the varying populations and needs of First Nations communities for which it funds on –reserve child welfare services.</p> <p>4.82 Indian and Northern</p>	<p>Budget 2010 identified an additional \$53 million over two years to continue progress in implementing the Enhanced Prevention Focused Approach. As a result, in addition to the six (6) jurisdictions implementing or starting to implement the new approach, this will increase the number of First Nations on-reserve for whom these services are targeted from 50% to approximately 65%.</p> <p>INAC, Provincial governments and First Nations have tripartite frameworks to implement the new EPFA to FNCFS in six (6) provinces. Federal funds provided to implement this new approach are based on discussions with the parties to identify, for example, costs of running the agencies, of prevention services and meeting provincial standards.</p> <p>Compliance reviews have been completed in all provinces transitioned to the Enhanced Prevention Focused Approach. In</p>	<p>4 – Substantial Implementation</p>

DRAFT

Implementation		
<p>3 Preparations for Implementation</p>	<p>2009-2010, a total of 42 compliance reviews were completed nationally, including both transitioned and un-transitioned jurisdictions.</p> <p>An additional \$446,500 was provided to strengthen compliance activity in 5 regions in 2009-2010. Enhanced compliance activities were undertaken in seven (7) provinces/territories: Newfoundland/Labrador, New Brunswick, Quebec, Manitoba, British Columbia and Yukon. In 2010-2011, an additional \$1,034,375 was provided to increase strengthened compliance coverage to seven (7) regions.</p> <p>INAC is developing a management control framework using best practices from all regions, including a revised and updated CFS Program Manual and a national Compliance Directive and process. It is anticipated that the new Directive and process will be implemented in 2011-2012.</p> <p>Action is being taken on a revised MOU to establish reimbursement for services in BC with a target date for completion of April 1, 2011.</p> <p>In fiscal year 2007-08, INAC developed a Results-Based Management and Accountability Framework for CFS that included a performance indicator matrix. This is now being utilized as the basis for the development of a Performance Measurement Strategy as per the Government of Canada Policy on Evaluation and the Transfer Payment Policy.</p> <p>In parallel, INAC is developing a national FNCFS information management system to improve data collection and reporting of outcomes, as well as to support evaluation and strengthen accountability. The first planning stage of this undertaking, the Preliminary Project Approval, was completed in summer 2010. Work has begun on the detailed planning stage, the Effective Project Approval.</p> <p>In support of these exercises, INAC has been developing performance indicators, informed by the National Child Welfare Outcomes Indicator Matrix (NOM). Development of indicators is not a unilateral exercise and INAC met most recently with First Nation representatives in July 2009 to discuss indicator development, as well as in October 2009 along with national, regional, provincial, academic and First Nation representation, to discuss the NOM. This work is currently being completed in conjunction with the development of the overarching Social Performance Measurement Framework documents, completion of which is anticipated for December 2010.</p>	<p>Affairs Canada should carry out the on-site compliance reviews required under the First Nations Child and Family Services Program. It should also ensure that its British Columbia region complies with Treasury Board authority. (4.75-4.81)</p> <p>4.91 Indian and Northern Affairs Canada should define the information it needs to manage the program and account for its results, with a particular emphasis on results and outcomes. In cooperation with First Nations and provinces, INAC should develop performance indicators, define the information required, collect the information, and ensure its quality. (4.83-4.90)</p>

The Canadian Human Rights Act

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
AND ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

THE ATTORNEY GENERAL OF CANADA
(representing the Minister of Indian and Northern Affairs)

Respondent

- and -

CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA

Interested Parties

AFFIDAVIT OF ODETTE JOHNSTON

I, ODETTE JOHNSTON, of the City of Ottawa, in the Province of Ontario,
MAKE OATH AND SAY:

1. I am the Director of the Social Program Reform Directorate of the Department of Indian Affairs and Northern Development ("Indian Affairs"), and as such have personal knowledge of the matters to which I herein depose, except where such matters are stated to be based on information and belief, in which case I believe them to be verily true.

2. I have been employed by the Government of Canada since 1982. I started working with Indian Affairs' Child and Family Services Program in 2006, and I am currently the Director of the Social Program Reform Directorate.

I. OVERVIEW

3. Child welfare is an area of provincial jurisdiction. The Government of Canada as a matter of policy has decided to fund the delivery of child welfare for Indian children and families ordinarily resident on reserve. As a result, Indian Affairs is authorized to provide funding to the provincially mandated providers of child welfare services who provide these services to Indian children ordinarily resident on reserves in the province. This funding is provided to the provinces, the Yukon Government, provincially mandated First Nations Child and Family Services Agencies, Bands and Tribal Councils (collectively the "Recipient" or "Recipients").

4. Indian Affairs also provides funding to the Yukon Government for the provision of child welfare services to all Indian children and families ordinarily resident in the Yukon Territory.

5. The provinces fund and deliver child welfare services for all other residents of the province, including status and non-status Indians, the Métis and Inuit, save and except for the Indian children ordinarily resident on reserve mentioned above. The Yukon Government funds and delivers child welfare services for all non-First Nations people within the Territory.

6. Child welfare services in the Northwest Territories and Nunavut are provided by or through the territorial governments with funding from their own budgets. The federal government provides annual unallocated transfer payments to the governments of the Northwest Territories and Nunavut which make up a portion of their annual budgets, and those governments decide how and where to spend funds. Therefore, the Northwest Territories and Nunavut do not receive funding from Indian Affairs' First Nations' Child and Family Services Funding Program.

7. In 1990, Indian Affairs received authority to create a national funding program for child welfare services called the First Nations Child and Family Services Program (“FNCFS Funding Program”). Where it applies, the FNCFS Funding Program includes funding formula Directive 20-1, Chapter 5 (“Directive 20-1”), and commencing in 2007, the newer Enhanced Prevention-Focused Approach, both of which define how federal government funding is to be provided to provincially mandated providers of child welfare services for the delivery of child welfare services on reserve. Further information about Directive 20-1 and the Enhanced Prevention-Focused Approach is set out below.

II. CHILD WELFARE SERVICES FUNDING CURRENTLY PROVIDED BY INDIAN AFFAIRS UNDER THE FNCFS FUNDING PROGRAM

8. Indian Affairs does not deliver child welfare services on or off reserve in Canada. Indian Affairs does provide funding for child welfare services on reserve in the provinces, and for child welfare services provided to First Nations people residing in the Yukon.

9. The funding provided under Indian Affairs’ FNCFS Funding Program has grown from 193 Million Dollars (\$193,000,000) in 1996-1997, to approximately 523 Million Dollars (\$523,000,000) in 2008-2009, or, in other words, a near tripling of the amount funded.

10. Funding is provided to Recipients, be it the provinces, Yukon Government, or provincially-delegated First Nations Child and Family Services Agencies, Bands or Tribal Councils, through one of the following:

- (i) Directive 20-1;
- (ii) Enhanced Prevention-Focused Approach; or
- (iii) In Ontario, pursuant to the 1965 Welfare Agreement (which is outlined below).

In addition, Indian Affairs has other arrangements or agreements directly with some jurisdictions which specify how the Province or Yukon will be funded, as discussed in more detail below.

A. Funding under Directive 20-1

11. Indian Affairs' Directive 20-1, which came into effect on April 1, 1991, is currently the funding mechanism used in British Columbia, Manitoba, Newfoundland, New Brunswick and the Yukon Territory. Two First Nations Child and Family Services Agencies in Saskatchewan are also funded under Directive 20-1.

12. Pursuant to Directive 20-1, the Recipient receives two categories of funding. The first is an annual fixed amount of funding for "Operations", which includes administration (e.g. staff salaries, rent and insurance), prevention programs (including least disruptive measures) and protection casework. The amount of funding provided to a Recipient for Operations is formula-driven, based on an amount per First Nations child on reserve under the age of 19, plus an amount per band, plus an amount based on remoteness, where applicable.

13. The second category of funding provided to a Recipient under Directive 20-1 is funding for "Maintenance" costs, which is a reimbursement of the Recipient's actual costs of maintaining children in out of home placements (e.g. foster homes, group homes, or institutions). By definition therefore, the Maintenance portion of the funding is not a fixed amount, and will depend on the number of children in care and the cost of that care.

14. There is an alternative funding approach available under Directive 20-1 (Flexible Funding Option for Maintenance) in which Maintenance funding is fixed, freeing up any surplus money to be moved to Operations. Prior to the introduction of the Enhanced Prevention-Focused Approach, seven First Nations Service Providers had elected to operate using this alternative funding model. With the introduction of the Enhanced Prevention-Focused Approach, only one First Nations Service Provider continues to operate under this alternative funding model.

15. The funding provided under Directive 20-1 is as follows:

- a) In Newfoundland and Labrador, the provincial government provides all child and family services directly to three First Nations in the province. Indian Affairs has one funding arrangement with Newfoundland and Labrador for services they provide to the Innu First Nations. Indian Affairs has a funding agreement with the Miawpukek First Nation, which in turn has an agreement with Newfoundland and Labrador for the provision of protection services.
- b) In New Brunswick, Indian Affairs provides funding for child and family services to 11 First Nations Service Providers for 14 First Nations' on reserve communities. The First Nations Service Providers deliver all Child and Family Services on reserve for these 14 First Nations. Indian Affairs provides funding to the province for the provision of child and family services for one particular First Nation; the province in turn flows the funding to a Band-run child and family services program.
- c) In Manitoba, Indian Affairs funds 14 First Nations Service Providers to provide Child and Family Services on reserve. Indian Affairs has no child and family services agreement with the province of Manitoba as the First Nations Service Providers deliver all Child and Family Services on reserve.
- d) In British Columbia, Indian Affairs reimburses the province for its delivery of Child and Family Services on reserve pursuant to the terms of a Memorandum of Understanding. Maintenance rates are calculated based upon a provincial average daily per diem for care type, plus an administrative charge based upon provincial overhead costs, divided by total annual care days. With respect to First Nations Service Providers delivering Child and Family Services on reserve in British Columbia, Indian Affairs provides funding under the Directive. In practice, the 21 First Nations Service Providers in British Columbia receive funding based on the Directive for Operations, but are funded for maintenance according to a blended average provincial rate.
- e) In the Yukon, Indian Affairs funds the Yukon Government to deliver child and family services to all First Nations persons ordinarily resident in the Yukon.

B. Funding under the Enhanced Prevention-Focused Approach

16. The Enhanced Prevention-Focused Approach, an enhanced and alternative funding approach to Directive 20-1, was first approved in 2007 for implementation in Alberta. This approach was developed as a result of consultations between Indian Affairs and

child welfare experts from the Alberta First Nations community and the Province of Alberta.

17. To receive funding under the Enhanced Prevention-Focused Approach, the First Nations Service Provider must commit to a multi-year Business Plan with strategies and performance measures set by the First Nations Service Providers themselves. The Business Plan must be supported by the province and be in accordance with Indian Affairs' financial accountability requirements.

18. Since its implementation in Alberta in 2007, four other provinces, Saskatchewan, Nova Scotia, Québec and Prince Edward Island, have also agreed to transition from Directive 20-1 to the Enhanced Prevention-Focused Approach. The Enhanced Prevention-Focused Approach has been implemented in Saskatchewan and Nova Scotia in 2008, and in Quebec and Prince Edward Island in 2009. Indian Affairs is continuing to initiate discussions with the remaining jurisdictions, where those jurisdictions are ready and willing to enter into discussions, about moving to funding under the Enhanced Prevention-Focused Approach.

19. The Enhanced Prevention-Focused Approach is currently the funding mechanism used in Alberta, Saskatchewan, Nova Scotia, Québec and Prince Edward Island, and it is anticipated that the Enhanced Prevention-Focused Approach will be adopted in all of the provinces by 2013. Two First Nations Child and Family Service Agencies in Saskatchewan continue to be funded under Directive 20-1. The other fifteen First Nations Child and Family Service Agencies in Saskatchewan have elected to receive funding under the Enhanced Prevention-Focused Approach.

20. Recipients of funding under the Enhanced Prevention-Focused Approach receive three categories of funding: Operations, Maintenance, and Prevention. In the Enhanced Prevention-Focused Approach, funding for prevention measures is provided separately from the Operations funding.

21. Under the Enhanced Prevention-Focused Approach, Indian Affairs has committed to provide the following increased funding, over and above the amount previously provided under Directive 20-1. Funding is spread over a five-year period:

<u>Province</u>	<u>5-year period commencing:</u>	<u>Increased Funding Over 5 Years</u>
Alberta	2007-2008	\$98.1 million
Saskatchewan	2008-2009	\$105 million
Nova Scotia	2008-2009	\$10 million
Québec	2009-2010	\$59.8 million
PEI	2009-2010	<u>\$1.7 million</u>
TOTAL:		\$274.6 million

22. In addition to the funding provided by Indian Affairs through the FNCFS Funding Program, there is significant other federal funding by Indian Affairs, Health Canada, Human Resources and Skills Development Canada, Canada Revenue Agency and other departments for programs and benefits for families and children on reserve, including:

- a. Family Violence Prevention Program (Indian Affairs);
- b. National Child Benefit Reinvestment Program (Indian Affairs);
- c. Income Assistance (Indian Affairs);
- d. Assisted Living (Indian Affairs);
- e. Aboriginal Head Start On-Reserve (Health Canada);
- f. Non-Insured Health Benefits Program (Health Canada);
- g. Fetal Alcohol Spectrum Disorder (Health Canada);
- h. Mental Child Health (Health Canada);
- i. National Native Alcohol and Drug Abuse Program (Treatment Centres) (Health Canada);
- j. National Aboriginal Youth Suicide Prevention Program (Health Canada);
- k. First Nations and Inuit Child Care Initiative (Human Resources and Skills Development Canada);
- l. Aboriginal Human Resources Strategy (Human Resources and Skills Development Canada); and
- m. Children's Special Allowance (Canada Revenue Agency).

C. The Funding of Child Welfare Services in Ontario

23. Indian Affairs' funding for the provision of child welfare services to Indian children and families ordinarily resident on reserve in Ontario is provided under the terms of a federal-provincial agreement, and therefore warrants separate discussion.

24. In 1966, Canada and Ontario entered into a *Memorandum of Agreement Respecting Welfare Programs for Indians*. Under this federal-provincial agreement, known as the "1965 Indian Welfare Agreement", Canada agreed to directly reimburse Ontario for a share of provincial costs for several programs delivered to Indians pursuant to provincial legislation. With amendments to its schedules, the 1965 Agreement is still in effect.

25. In Ontario, child welfare services on reserve are provided by non-profit organizations approved by the Province as Children's Aid Societies or Indian or native child and family service authorities (collectively, "Societies"). Societies are funded by the Province to provide child welfare services to all families and children ordinarily resident in Ontario. The provincial funding is provided pursuant to a provincial funding framework.

26. Pursuant to the 1965 Welfare Agreement, Indian Affairs reimburses the Province for the cost of child welfare services provided to First Nations people ordinarily resident on reserve according to a cost-sharing formula. Currently, Indian Affairs pays approximately 93% of the costs. Ontario pays the difference, or approximately 7% of the costs, to make up 100%.

27. I make this Affidavit in support of the Respondent's motion on the jurisdiction of the Tribunal to hear this Complaint.

SWORN BEFORE ME at the)
City of Ottawa, in the Province)
of Ontario this ___ day of)
December, 2009.) _____
ODETTE JOHNSTON

A Commissioner for taking Affidavits within Ontario

JORDAN'S PRINCIPLE

What is the Government of Canada doing to implement Jordan's Principle?

Key Messages

- I want to assure the Committee that the Government of Canada has embraced the motion and is making sure that the care of a First Nations child with multiple disabilities will continue in the event of a jurisdictional dispute.
- While the federal response to Jordan's Principle is focused on jurisdictional disputes over services to First Nation children with multiple disabilities, the federal government is prepared to review and, where possible, address all cases that are brought to our attention.
- All provinces have been contacted and some have indicated they have sufficient processes in place to address jurisdictional disputes.
- The Government of Canada has reached agreements with the province of Manitoba in September 2008 and the province of Saskatchewan and the Federation of Saskatchewan Indian Nations in September 2009. We are also working with provincial officials and First Nations in British Columbia, Alberta and New Brunswick to implement Jordan's Principle.

Background

- Jordan was a First Nations boy with a rare neuromuscular disorder for whom the Province of Manitoba and the federal government could not agree on who was financially responsible for his care. On December 12, 2007, a Private Member's Motion (M-296) to support Jordan's Principle received unanimous support in the House of Commons.
- "Jordan's Principle" is a child-first approach that ensures continuity of care for a First Nations child with multiple disabilities during a jurisdictional dispute. Health Canada (HC) and Indian and Northern Affairs Canada (INAC) have collaboratively developed a federal response to Jordan's Principle and are reviewing all cases as they arise to ensure there is no disruption to services.
- The federal response includes guiding principles providing a framework for the implementation of Jordan's Principle focussing on:
 - Cases involving a jurisdictional dispute between a provincial and federal government.
 - First Nations children living on reserve (or ordinarily resident on reserve) who

have been assessed by health and social service professionals and have been found to have multiple disabilities requiring services from multiple providers.

- Continuity of care: care for the child will continue even if there is a dispute about responsibility. The current service provider that is caring for the child will continue to pay for necessary services until there is a resolution.
- Services to the child are comparable to the standard of care set by the province – a child living on reserve (or ordinarily resident on reserve) should receive the same level of care as a child with similar needs living off reserve in similar geographic locations.
- In their letter of May 2008, the Ministers of Indian Affairs and Northern Development and of Health invited provinces to collaborate in implementing Jordan's Principle. To date, the following provinces have responded and/or are engaged in discussion:
 - Manitoba and Canada agreed on terms of reference in September 2008 and are still working on a common understanding of the essential elements for successful implementation of Jordan's Principle.
 - In September 2009, Canada, the Government of Saskatchewan and the Federation of Saskatchewan Indian Nations (FSIN) reached an interim agreement on Jordan's Principle and are now drafting terms of reference and a workplan for the way forward.
 - The Province of British Columbia and Canada developed a joint process document which commits the two parties to developing a dispute resolution mechanism. On September 16, 2010, the mechanism was discussed with First Nations representatives. Provincial and federal approval of the document is underway, as are plans to present it to the First Nation leadership of British Columbia.
 - The Province of New Brunswick, First Nations Chiefs of New Brunswick, Health Canada and INAC are developing a joint statement on the implementation of Jordan's Principle in New Brunswick, which outlines an agreed upon case conferencing / dispute resolution approach.
 - On January 26, 2010, the Alberta Treaty Chiefs wrote to INAC with their resolution on Jordan's Principle, and requested an interim process be in place by March 31, 2010, and that discussions include First Nation representatives. Exploratory discussions with the Province of Alberta began at the end of May 2010. The province has mandated an interdepartmental committee, chaired by the Ministry of Children and Youth, to work with the federal government and First Nations to adopt a child-first principle and develop a dispute resolution process.
 - In September 2009, Health Canada and INAC met with the Province of Ontario which advised it does not see the need for a formal dispute resolution process. Pending Ontario's identification of a lead provincial department, the Regional Directors General of Health Canada and INAC will meet with the Chiefs of Ontario and the province to discuss Jordan's Principle.
 - Quebec indicated its existing tripartite case conferencing process already supports Jordan's Principle. As a result, the province does not see a need to

engage in further discussions.

- At a meeting in June 2009, Newfoundland indicated further formal discussions may not be necessary and that officials would confirm their approach in a letter to INAC and Health Canada.
- On February 18, 2010, INAC and Health Canada met with Nova Scotia provincial officials. Nova Scotia's Office of Aboriginal Affairs will coordinate internal discussions with each department and communicate next steps for implementation to Canada.
- On February 19, 2010, INAC and Health Canada met with Prince Edward Island officials. PEI's Health and Wellness department will coordinate an overall provincial response letter to Canada identifying provincial focal points to support Jordan's Principle implementation.
- Canada maintains a watching brief on activities in the Yukon.
- Effective April 20, 2009, NIHB Program agreed to provide eligible benefits to eligible First Nations children receiving INAC-funded child welfare (protection services). This was communicated to INAC/Health Canada Regional offices, as well as to First Nation Child and Family Service Agencies. This direction demonstrates the federal government is responding to the child-first policy, the central point of Jordan's Principle, and is addressing jurisdictional disputes at the federal government level. In addition, it will ensure that there is consistency in the management, communication and delivery of services to First Nations children.

Sector Policy Contact: Lili Zwart/HQ/ESDPP/613-995-9013

JORDAN'S PRINCIPLE

Summary Box: Federal/Provincial Engagement on Jordan's Principle

Provinces with Agreements	Provinces that wish to reach agreements	Provinces not interested in a formal process
<p>Manitoba (2008) – Bilateral agreement to implement Jordan's Principle. Work is ongoing.</p>	<p>British Columbia - Draft bilateral Joint Process for the Implementation of JP has been shared with First Nations; bilateral and tripartite discussions are ongoing.</p>	<p>Quebec, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island have indicated they have sufficient processes in place to address cases/ jurisdictional disputes.</p>
<p>Saskatchewan (2009) – Tripartite agreement on an Interim Implementation Plan. Work is ongoing.</p>	<p>Alberta – Province has expressed interest in establishing a dispute resolution process for JP implementation and working with First Nations.</p>	
	<p>While Ontario does not see a need for a formal dispute resolution mechanism, they would like to work with Canada and First Nations to support JP implementation.</p>	
	<p>New Brunswick - Developing a tripartite joint statement which outlines an agreed upon case conferencing / dispute resolution approach.</p>	
<p>Canada maintains a watching brief on activities in the Yukon.</p>		

Sector Policy Contact: Lili Zwart/HQ/ESDPP/613-995-9013

BRITISH COLUMBIA CHILD WELFARE LEGISLATION

Recently, the Province of British Columbia announced that they want First Nations to have their own child welfare legislation. How does that impact what INAC is doing in terms of moving towards an enhanced prevention approach?

Key Messages

- Provinces have jurisdiction over child welfare and family support services on- and off-reserve. In British Columbia, the Ministry of Child and Family Development delegates certain responsibilities to 22 First Nations Child and Family Services agencies.
- I understand that recently, British Columbia Child and Family Development Minister Mary Polak stated that the provincial government is looking at ways to enable First Nations to develop child and family services systems based on traditional practices, including through separate legislation. As you can appreciate, this will take some time to do.
- In the meantime, I am advised that Child and Family Development Deputy Minister Lesley Du Toit and British Columbia First Nations have expressed their interest in moving forward with Enhanced Prevention Focused Approach, while discussions between the province and First Nations relating to jurisdiction proceed over the next several years.

Background

- Since 2009-2010, the British Columbia Ministry of Child and Family Development (MCFD) has funded 15 Aboriginal groups to explore governance models for Child and Family Services as an alternative to the delegated model currently supported under provincial legislation. At various times, MCFD Deputy Minister Lesley du Toit has publicly stated that the provincial government will entertain legislative changes to accommodate these models. She reaffirmed this statement at a recent meeting with Aboriginal Child and Family Services organizations on October 20 to 21, 2010.
- On October 27, 2010, MCFD Minister Mary Polak reiterated Ms. du Toit's statement in a provincially-based political blog, *Public Eye Online*. Minister Polak stated that the provincial government is looking at ways to enable First Nations to develop child and family services systems based on traditional practices, including through separate legislation.

14(a)

•

•

Sector Policy Contact: Annie Landry, ESDPP, SPPB, (613) 996-8404

ALBERTA REVIEW REPORT

Alberta recently completed a review of their child intervention system which addresses issues relevant to all Aboriginal children in the province. What impact will this have on the Alberta FNCFS program?

Key Messages

- **Of the four recommendations in the report, the one that involves INAC directly concerns the establishment of an ongoing formal tripartite process to discuss child welfare issues on reserve.**
- **I met with Minister Yvonne Fritz in November when we discussed this recommendation, and we agreed to work on a tripartite Memorandum of Understanding (MOU) that will provide further support to First Nations Child and Family Service Agencies in delivering culturally appropriate prevention and protection services for First Nations children living on reserve through discussions on such issues as capacity building and support for information management systems.**
- **Work on this will assist in improving outcomes for First Nations children on reserve in Alberta.**

Background

- In July 2009, Children and Youth Services announced a review panel, led by two child intervention specialists, to look at Alberta's child intervention system to identify existing strengths, bring forward leading practices, and suggest ways the system may be strengthened to support the Province's most vulnerable and at-risk children, youth and families.
- Over the course of a year, the panel met with key individuals and groups; invited a range of stakeholders and experts to make presentations to a symposium held in March 2010; and reviewed 1,800 responses from Albertans to an online survey.
- In Alberta, INAC funds 18 Delegated First Nations Agencies (DFNA) to deliver services to families living on reserve as per the Child, Youth and Family Enhancement Act. While the DFNAs participated in the compilation of this review, the figure that 64 percent of Aboriginal children make up the child intervention caseload is comprised of those living both on and off reserve.
- In June, 2010, the final report of the Alberta Child Intervention Review Panel, Closing the Gap Between Vision and Reality, was presented to the provincial

Minister of Alberta Children and Youth Services. The report and the Government of Alberta's response were publicly released on Friday, October 15, 2010.

- In particular, four recommendations relating to services for Aboriginal Albertans were made in the panel's final report: 1) establishing a senior executive position at the Assistant Deputy Minister level in the province; 2) establishing ongoing formal tripartite process; 3) enhancing capacity for aboriginal-led agencies; and 4) establishing an off-reserve aboriginal service delivery stream. The province has accepted the first three recommendations.

-

14(a)

-

21(1)(c)

Sector Policy Contact: Annie Landry, SPPB, (613) 996-8404

HUMAN RIGHTS COMPLAINT AND OTHER LEGAL ISSUES

Why does the federal government continue to use a "legal loophole" to try to have the Complaint before the Canadian Human Rights Tribunal thrown out, rather than defend its case on the merits?

Key Messages

- I believe that the *Canadian Human Rights Act* is an important tool in dealing with human rights complaints, but I do not believe that the allegations fit within the bounds of the *Canadian Human Rights Act*. The Government has therefore requested that the Canadian Human Rights Tribunal dismiss the Complaint.
- Our legal position on the Complaint does not prevent us from moving forward with willing partners and taking concrete actions that result in important progress with respect to Child and Family Services. The six tripartite agreements on the Enhanced Prevention Focused Approach are beginning to show positive results and we are working toward having all jurisdictions on board by 2013.
- Child welfare services on reserve continue to be a priority for the Government and I believe that the best way to address the complex issues surrounding First Nations Child and Family Services is through collaboration and cooperation.

Background

- In February 2007, a complaint was lodged with the Canadian Human Rights Commission (the Commission) by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada (the Complainants).
- The Complainants allege that Indian and Northern Affairs Canada underfunds on-reserve First Nations Child and Family Services as compared to the provinces, resulting in systemic and ongoing discrimination on the basis of race, national or ethnic origin under the *Canadian Human Rights Act* (CHRA).
- On October 14, 2008, the Commission gave notice that it had referred the Complaint to the Canadian Human Rights Tribunal for a hearing.

The Canadian Human Rights Tribunal:

The Tribunal considered a number of motions on September 14, 2009,

including a motion for the Chiefs of Ontario to be added as co-Complainant, and a motion for Amnesty International Canada to be added as an Interested Party.

The Tribunal granted the Chiefs of Ontario Interested Party status, limiting their participation to the 1965 Welfare Agreement and the circumstances of child and family services in Ontario. Amnesty International Canada was also granted Interested Party status. They were instructed by the Tribunal to focus their submissions on the issue of how the Tribunal should interpret ss. 3 and 5 of the *Canadian Human Rights Act* in light of Canada's international obligations.

On December 21, 2009, Canada filed a motion before the Tribunal to have the Complaint struck out on jurisdictional grounds.

This motion was heard on June 2-3, 2010, and the Tribunal has not yet issued its decision.

Judicial Review:

On November 13, 2008, Canada filed an application for judicial review by the Federal Court of Canada of the Commission's decision to deal with the Complaint.

The Complainants brought a motion to strike Canada's application for judicial review, which was argued before a prothonotary of the Federal Court on September 11, 2009. On November 24, 2009, the prothonotary dismissed the motion to strike but stayed the judicial review pending the outcome of the Complaint by the Canadian Human Rights Tribunal. All parties (Canada, the AFN and the FNCFCS) appealed that decision to a judge of the Federal Court.

In a judgment dated March 30, 2010, the Court dismissed both appeals. Neither party appealed that decision further.

KPMG Report:

- INAC contracted KPMG to prepare an expert report regarding Child and Family Services in Canada as part of Canada's defence of the AFN & First Nations Child and Family Caring Society complaint currently before the Canadian Human Rights Tribunal.
- One of the goals of the report is to obtain a clearer picture of the various levels of provincial, Yukon and federal funding of child and family services.
- KPMG was unable to obtain the necessary information from provinces and Yukon to provide as complete an analysis as had been desired. The report highlights the complexities and resulting difficulties in comparing federal and provincial funding levels.
-

If asked to produce or answer questions about the KPMG Report, the Minister and/or other INAC officials should adopt the following approach in responding:

Key Message:

- The report in question was produced in the context of an ongoing case before the Canadian Human Rights Tribunal. Any requests for disclosure of the report will be considered and followed-up on appropriately and according to all relevant legislation.

Background:

- The report was produced and submitted to the Canadian Human Rights Tribunal regarding the complaint before it. Normally, someone who is not a party to the complaint would not be entitled to receive a copy of the report unless the Tribunal permitted such disclosure. Although the report is not currently available publicly, there is an outstanding ATIP request to which the government intends to respond according to the relevant legislation.
- KPMG has asserted they have rights regarding disclosure of the contents of their report outside of the complaint.

- The Government's general position is that Departments (in this case INAC) is not to provide information or materials to committees if that information or documentation is covered by such things as solicitor-client privilege, cabinet confidences, etc.

23

Sector Policy Contact: Pauline Cormier/613-996-6762

MANITOBA FIRST NATIONS CHILD AND FAMILY SERVICES

Will recent concerns regarding financial management and political support impact effective implementation of enhanced prevention for FNCFS in Manitoba?

Key Messages

- **I am aware of the financial management concerns that have been raised in the three financial reviews of First Nations Child and Family Services agencies conducted by the Northern and Southern Child and Family Services Authorities in Manitoba. The Authorities oversee the delivery of child and family services and are funded by the Province of Manitoba.**
- **The Government of Canada is working closely with First Nations Child and Family Services Authorities and the Province of Manitoba to ensure due diligence takes place with respect to funding, corrective actions are taken and children and families continue to receive services.**
- **We are working with First Nations and the Province to implement the Enhanced Prevention Focused Approach in Manitoba. This approach includes increased accountability measures such as the requirement for First Nations Child and Family Services recipients to submit five-year business plans, submit quarterly reporting on results, and participate in quarterly tripartite meetings to monitor implementation and assess progress. These measures will strengthen financial management of the First Nations Child and Family Services Program.**

Background

•

13(1)(c)

14

14(a)

•

- A recently completed financial review of the Peguis Child and Family Services Agency's expenditures concluded that, in general, adequate financial management and controls were in place as set out in the funding agreements for the period under review. This review is scheduled to be released by the Southern Authority November 17, 2010.
- INAC has been working with the Province of Manitoba and First Nations on a move to enhanced prevention since the winter of 2007. This funding model includes a cost-shared executive core management piece based on the recognition that the agencies are serving both on- and off- reserve First Nations clients at a caseload ratio of 40% on-reserve and 60% off-reserve. There is also an harmonized funding model for prevention / least disruptive measures that allows for a wider range of services.
- The announcement made on July 19, 2010 provided additional funding of \$177 million over 5 years and ongoing to First Nations Child and Family Services agencies on reserve to implement this model. Federal funding will continue to flow directly to First Nations Child and Family Services agencies.

14

•

•

19(1)

•

Child welfare is an area of provincial responsibility and Manitoba Northern and Southern Aboriginal Authorities fall under provincial jurisdiction. INAC will continue to monitor the situation while working with provincial counterparts.

14

•

Sector Policy Contact: Annie Landry, SPPB, (613) 996-8404

NEW BRUNSWICK REVIEW REPORT

What progress has INAC made in implementing the recommendations from New Brunswick's report on the state of Child and Family Services on reserve in that province?

Key Messages

- I commend the Province of New Brunswick for undertaking this review and my Department has been working with both the Province and First Nations to assess how best to proceed on both Child and Family Services and Jordan's Principle-related issues.
- Departmental officials met with Provincial and New Brunswick First Nations representatives in late October 2010 to discuss developing an aggregated model for First Nations child and family services delivery as recommended in the provincial report.
- The Province, First Nations, Health Canada and INAC are also developing a joint statement on the implementation of Jordan's Principle in New Brunswick, which outlines an agreed upon case conferencing / dispute resolution approach.

Background

- Key recommendations from the report by New Brunswick child and youth advocate Bernard Richard, Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick, released in February 2010¹ include:
 - 1) An agreement between Canada, New Brunswick and First Nations before September 1, 2010, on implementing Jordan's Principle. New Brunswick unanimously passed a motion in their legislature on April 16, 2010, supporting a tripartite approach to Jordan's Principle and Child Welfare. Following the release of the report, New Brunswick's Attorney General and Minister of Social Development publically stated that the province may seek a decision from the Court of Appeal of New Brunswick to clarify constitutional obligations regarding funding issues associated with social, health and education services for First Nations children.
 - 2) Aggregation of service delivery, by reducing the number of First Nation agencies from eleven to three and establishing a single First Nations Child and Family Services Office from which certain financial, administrative and

¹ New Brunswick appointed child and youth advocate Bernard Richard to conduct this comprehensive review – in response to the outcomes of an earlier review that was done following the death of a First Nation child in care in 2005.

specialized child and family services would be offered.

14 3)

21(1)(c) *

Sector Policy Contact: Maureen Collins, ESDPP/SPPB, 613-996-2450

PROVINCIAL COMPARABILITY IN FUNDING

Given the findings of the Office of the Auditor General, the Standing Committee on Public Accounts, and the numerous reports relied on by the Complainants in the Human Rights Complaint brought forward by the Assembly of First Nations and the First Nations Child and Family Caring Society, does the federal government believe that the funding it provides for First Nations Child and Family Services is comparable to provincial funding?

Key Messages

- **The objective of the enhanced prevention approach is to equip agencies with the resources they need to provide comparable services to those provided off reserve.**
- **As we move to the new enhanced prevention focused approach, an agreed-upon costing model is developed in each jurisdiction based upon discussions between First Nations, the province and the Department. Costing models are tailored to each jurisdiction and are a key element in the transition to the new approach and to ensuring comparable funding.**
- **The implementation of the enhanced prevention approach in six provinces has resulted in the provision of an additional \$100 million per year.**

Background

- **In the past fourteen years, INAC has steadily increased on reserve child and family services funding to the provinces, Yukon and to the 106 First Nations Child and Family Service agencies who are responsible under provincial or territorial law for the design and delivery of child protection services within their jurisdiction.**
- **INAC funding to these service providers has more than doubled from \$193 million in 1996-97 to approximately \$550 million in 2009-10.**
- **In order to improve outcomes for on reserve First Nations children and their families and to keep in step with a number of provinces shifting their own approaches to a greater emphasis on prevention, INAC introduced a new approach to funding First Nations Child and Family Services, the Enhanced Prevention Focused Approach.**

Connection to AFN & First Nations Child and Family Caring Society complaint before the Canadian Human Rights Tribunal:

- INAC contracted KPMG to prepare an expert report regarding Child and Family Services in Canada as part of Canada's defence of the AFN & First Nations Child and Family Caring Society complaint currently before the Canadian Human Rights Tribunal.
- One of the goals of the report is to obtain a clearer picture of the various levels of provincial, Yukon and federal funding of child and family services.

14(a)

23

If asked to produce or answer questions about the KPMG Report, the Minister and/or other INAC officials should adopt the following approach in responding:

Key Message:

- The report in question was produced in the context of an ongoing case before the Canadian Human Rights Tribunal. Any requests for disclosure of the report will be considered and followed-up on appropriately and according to all relevant legislation.

Background:

- The report was produced and submitted to the Canadian Human Rights Tribunal regarding the complaint before it. Normally, someone who is not a party to the complaint would not be entitled to receive a copy of the report unless the Tribunal permitted such disclosure. Although the report is not currently available publicly, there is an outstanding ATIP request to which the government intends to respond according to the relevant legislation.
- KPMG has asserted they have rights regarding disclosure of the contents of their report outside of the complaint.
- The Government's general position is that Departments (in this case INAC) is not to provide information or materials to committees if that information or

documentation is covered by such things as solicitor-client privilege, cabinet confidences, etc.

Connection to Standing Committee on Public Accounts:

- On March 24, 2009, the Public Accounts Committee released a report following the department's appearance in February 2009 on the FNCFS Program. The Government tabled its response on August 19, 2009.
- The Report made seven recommendations which built on the recommendations in the May 2008 Auditor General's report. Overall, the Report was highly critical of the department's management of the FNCFS Program. The recommendations focused on how the department funds, measures and collects information and on whether the FNCFS Program is comparable with provincial funding of child welfare.
- On March 11, 2010, the Department provided the Committee with an update that included details of the salary components incorporated into the new funding models for the five jurisdictions that had transitioned to the new approach at the time (Alberta, Saskatchewan, Nova Scotia, PEI, and Quebec).
- We also outlined that at the tripartite tables, INAC, the Provinces, and First Nations discussed the three fundamental cost drivers for establishing agency staffing structures for operations and service delivery. Those are: salary and related costs (e.g. employee benefits); staff ratios (e.g. supervisors to social workers); and caseload ratios.
- A third letter was sent in October 2010 which included the department's progress to date on research related to provincial comparability and that further consultations with provinces would need to occur. On November 15, 2010, the department received a letter from the current Chair expressing the Committee's dissatisfaction with the lack of detail contained in the department's last update. A response from the Minister is requested by December 10, 2010.

Sector Policy Contact: Maureen Collins – SPPD/ESDPP – 613-996-2450

November 24, 2010

Yukon First Nations Child and Family Services (FNCFS)

What is INAC doing on FNCFS in the Yukon, and specifically in respect to the Carcross/Tagish First Nation request to draw down jurisdiction for FNCFS Self-Government Legislation?

Key Messages

- **Child and Family Services in the Yukon is the responsibility of the Government of Yukon. There are no First Nations Child and Family Services Agencies in the Yukon.**
- **Canada encourages all levels of government – provincial, territorial and First Nation -- to work together to find ways of to improve the health and welfare of children.**
- **Canada is committed to working with all partners to strengthen the implementation of self-government agreements. The implementation of these agreements is a shared responsibility.**

Background

- **INAC provides funding to the Government of Yukon for Status Children in Care. There is a contribution agreement in place to cover these costs.**
- **The Yukon Government's *Child and Family Services Act* is territorial legislation. Any questions regarding this legislation are best addressed by the Yukon Government.**
- **Carcross/Tagish First Nation's self-government agreement provides them with law-making authority for child welfare. At this time INAC does not support the stand-alone model that the First Nation wishes to pursue.**
- **The self-government agreements contemplate mechanisms for cooperation and coordination, promotion of efficiencies and economies of scale or joint delivery that will support working together in partnership that has not been fully explored to date.**

**Sector Policy Contact: Maureen Collins, ESDPP/SPPB, 613-996-2450
Lisa Hutton, (867) 393-7920**

QUESTIONS AND ANSWERS
Child Family Programming in the Yukon

1. Who is responsible for child welfare in the Yukon?

The Government of Yukon (GY) has been assigned legislative responsibility for child welfare by the *Yukon Act* (Canada), federal legislation establishing the powers of the Yukon Legislative Assembly and the territorial government. The responsibility for child welfare extends to all citizens of the Yukon, including individuals who are registered under the *Indian Act* (Canada).

2. How does the Government of Yukon deliver child welfare programming?

Presently, child welfare is administered in accordance with the *Child Act* (Yukon). Successor legislation, the Child and Family Services Bill, was passed by the Yukon Legislative Assembly on March 22, 2008, following a lengthy consultation period, involving various stakeholders. (The consultation process began on April 1, 2004 and ended in December 2007.)

The new Act came into force on April 30, 2010. The prior intervening period has been used by GY to develop regulations, complete preparations for the implementation of the legislation, and develop legislation respecting a child advocate.

3. Were Yukon First Nations (YFNs) involved in consultations?

14

4. What role do YFN governments play in the delivery of child welfare?

Presently, YFN governments do not deliver child welfare to their citizens. YFN self-government agreements do, however, provide YFNs with law-making authority in respect of child welfare. Hypothetically, a YFN government could enact child welfare legislation, and displace territorial legislation either partially or in its entirety depending on the scope of the YFN law. This is the case with the Carcross/Tagish First Nation who have developed a Family Act but have yet to enact it.

5. What is preventing a YFN from enacting child welfare legislation and administering a YFN operated child welfare agency?

While a YFN could enact legislation, it presently does not have the financial capacity to deliver child welfare. To address this situation, YFN self-government agreements establish a negotiated process allowing YFNs to assume responsibility for federal or territorial programs and services falling within YFN law-making authority. This process is initiated annually when YFNs submit notice letters to the Minister of Indian Affairs and Northern Development and the Premier of the Yukon indicating the federal or territorial programs for which YFNs seek to assume responsibility.

6. Are YFNs seeking to assume responsibility for child welfare from the Government of Yukon?

Only two self-governing Yukon First Nations are actively working on Child and Family Services matters: Ta'an Kwäch'än Council is participating bilaterally in discussions with the Government of Yukon on a possible delegated service delivery model and the Carcross/Tagish First Nation have resumed bilateral discussions with the Government of Yukon as per section 13.5 – Laws of General Application of their Self-Government Agreement. Canada is an observer to both bilateral processes.

7. What is the status of negotiations?

14

14(a)

improving the situation of First Nations children.

KEY MESSAGES

- The Yukon Government's *Child and Family Services Act* is territorial legislation. Any questions regarding this legislation are best addressed by the Yukon Government.
- Canada encourages all levels of government – provincial, territorial and First Nation -- to work together to find ways of to improve the health and welfare of children.
- Canada is committed to working with all partners to strengthen the implementation of self-government agreements. The implementation of these agreements is a shared responsibility.

REMAINING JURISDICTIONS FOR ENHANCED PREVENTION FOCUSED APPROACH

What jurisdictions have not yet moved to an enhanced prevention approach and why not? Will you be seeking funds in the next budget to add them?

A.

ONTARIO

How does First Nations Child and Family Services work in Ontario?

Key Messages

- Under the '65 Welfare Agreement, we reimburse the Province for a portion of provincial expenditures on CFS services for on-reserve Status Indians. We don't fund agencies directly in Ontario and Directive 20-1 does not apply.
- The Province funds child protection services through 53 Children's Aid Societies serving broad geographic areas, including five Native Children's Aid Societies who operate in geographic areas serving primarily First Nations.
- Prevention services are also funded through provincial service agreements with individual First Nations, six prevention-focused Native Agencies, and the five Native Children's Aid Societies.

Background

- INAC reimburses the Province for a portion of provincial expenditures on CFS services for on-reserve Status Indians. The reimbursement rate is approximately 93%, as set out in the federal-provincial Administrative Process Arrangement - Ministry of Community and Social Services" ('65 Welfare Agreement). INAC does not fund agencies directly in Ontario and Directive 20-1 does not apply.
- The Province funds protection services through 53 Children's Aid Societies serving broad geographic areas, including five native Children's Aid Societies. Prevention services are also funded through service agreements with: individual First Nations, six prevention-mandated native agencies and the five native Children's Aid Societies.
- INAC currently funds \$17M of a \$18M Native Prevention Initiative that supports prevention services in First Nations in Ontario.

14(a)

If pressed on recent comments made by the Union of Ontario Chiefs and by others that qualify the placement of First Nations children in foster homes outside their communities as "genocide":

- **Indian and Northern Affairs Canada does not deliver child and family services.**
- **Child welfare is an area of provincial jurisdiction. INAC funds Delegated First Nations Agencies (DFNA) to deliver services to families in accordance with provincial legislation and standards.**
- **The safety of all children is a priority for this Government.**
- **By focusing on prevention activities, child and family services providers are able to deliver appropriate services before problems escalate and become a matter for child protection.**
- **It is unfortunate when children must be removed from their homes under any circumstance, but such action is taken only in accordance with provincial legislation.**

For Immediate Release

Forcible foster care 'genocide': UN Declaration

UOI OFFICES (November 24, 2010) – Anishinabek have the right to keep their children in their own communities, including those who require foster care.

“Other governments must put a stop to the harm that has been caused to thousands of our kids – first in residential schools, then in foster homes,” said Deputy grand Chief Glen Hare. “They have to give us the resources our communities need to look after our own children; their welfare is more important than providing jobs for outside agencies.”

“And now that Canada has finally endorsed the United Nations Declaration on the Rights of Indigenous Peoples,” he added, “it needs to understand that forcibly removing children from one group of peoples to another is considered genocide by the standards of international law.”

Hare noted that a Human Rights complaint has been filed against Canada for its funding of First Nations child welfare agencies across the country at an average of 22 per cent less than the budgets of provincial agencies like Children's Aid Societies.

The Anishinabek Nation established the Union of Ontario Indians as its secretariat in 1949. The UOI is a political advocate for 40 member communities across Ontario, representing approximately 55,000 people. The Union of Ontario Indians is the oldest political organization in Ontario and can trace its roots back to the Confederacy of Three Fires, which existed long before European contact.

SASKATCHEWAN

The Province of Saskatchewan has been reviewing their child welfare system. What impact will this have on the Saskatchewan FNCFS program?

Key Messages

- We have not been directly involved in this child welfare review, however I understand that First Nations have been consulted, and we are supportive of Saskatchewan's approach to reviewing their systems and strengthening their support to vulnerable children, youth and families.
- We are committed to working in partnership with the Province of Saskatchewan and Saskatchewan First Nations to strengthen relationships and improve collaboration in order to achieve better outcomes.
- Both the Saskatchewan First Nations and the Saskatchewan Ministry of Social Services are valuable partners in the continued implementation of the enhanced prevention focused approach. We are committed to fostering relationships that promote better outcomes for children and their families living on reserve.

Background

- On November 9, 2009, the Government of Saskatchewan announced that a comprehensive review of child welfare would be undertaken in the province. This landmark review was to go well beyond an examination of the relevant provincial legislation and is expected to include all aspects of child welfare in Saskatchewan, including fostering, adoption, child protection, the prevention of child abuse and neglect, and the root causes of child maltreatment.

•

14

- INAC will analyze the recommendations of the Report once it is released and the impacts that these may have on the First Nations Child and Family Services agencies funded by the department.

**INDIAN AND NORTHERN AFFAIRS CANADA
RESPONSE TO MEDIA**

(Not for external distribution - for use by spokespersons)

ISSUE

The Chief of the Mushuau Innu community of Natuashish has stated that gasoline-sniffing is once again becoming a problem in his community. Media will want to know what the Government of Canada is doing to address this situation and what progress has the federal government made to improve the well-being of some Innu living in the Innu community of Natuashish in Labrador.

POSITIONING STATEMENT:

The Government of Canada will continue to work with the Innu leadership and the Province of Newfoundland and Labrador to find long-lasting strategies to maintain health and stability for the Innu people of Labrador.

KEY MESSAGES

- INAC is concerned about reports of increased solvent abuse in Natuashish and supports' the efforts of the Mushuau Innu working with Health Canada to treat and prevent addictions.
- We understand the community is taking steps to address this problem and that an action committee/task team, comprised of community and government officials, met on November 18, 2010 to discuss an action plan.

If pressed on the progress made in the community of Natuashish:

- Significant progress has been made to improve the living conditions for Innu in Natuashish and Sheshatshiu with programs and services in place to support children and families and to promote community resilience and well-being.
- The community of Natuashish has received investments in new infrastructure such as roads, housing, water and wastewater lines, a wharf and landing strip, nursing/police/fire stations, and a state of the art kindergarten to grade 12 school.

BACKGROUND

On September 28, 2010, the issue of gas-sniffing by approximately 45 youth between the ages of 5 -16, was raised to Health Canada by three Natuashish women |

19(1) A community response involving Child Youth and Family Services was ongoing.

At a November 3, 2010 Main Table Meeting in St. John's, Chief Tshakapesh raised the issue officially as a "crisis" involving 60 youth. The scope was further explained on November 18 and 19, 2010, in Goose Bay as involving up to 70 youth and 22 adults.

The Labrador Innu Comprehensive Healing Strategy (2001-2010) made considerable progress addressing social and mental health issues in the Innu communities, however, the communities continue to struggle with drug and substance abuse. INAC provides funding to the Province of NL to provide Child Youth and Family Services programming to the Innu. INAC and Health Canada cost-shared construction, and continue to provide annual operating support of a safe house at Natuashish, where gas-sniffers can seek help. An action committee/task team comprised of government and community representatives has been put in place to collaborate with community workers and parents to find a resolution to the problem.

Health Canada is the lead department on this matter.

The community has taken steps to address this problem and the Chief has mobilised his staff and advisors. An action committee/task team meeting took place in Goose Bay on November 18 and 19, 2010 that included officials from the community, Health Canada and Province of NL. INAC understands that these meetings produced a multi-phased approach/action plan, involving some immediate and longer term steps that will build upon ongoing healing work in the community.

Innu leaders will be in Ottawa on November 23, 2010, meeting with the Premier of Newfoundland and INAC Minister on a land claims agreement. The Chief of Natuashish may ask Minister for assistance in securing a meeting with the Minister of Health Canada on the gas-sniffing issue. The Chief is seeking additional federal support for a treatment program, above and beyond current enhanced funding.

Since 2001, Health Canada has provided \$5.5M in annual funding to support healing programs in the area of mental health and addictions; maternal and child health; and community capacity building. Continued funding of \$5.5 M/year for 2010-2013 was recently approved, with the possibility of additional funds for 2013-2015 if certain conditions are met. HC has indicated that this funding renewal has not yet been communicated to the communities and that confirming on-going funding may help address the current situation by providing the community with some resources to support their proposed action plan.

An existing prohibition on alcohol in the community of Natuashish was subject to a community vote on March 26, 2010. With over 300 votes cast, the community voted to retain the prohibition.

DESIGNATED SPOKESPERSONS:

Media Relations (or Regional Office)	Indian and Northern Affairs Canada
<u>PRIMARY HQ CONTACT</u> Media Inquiries Line Media Relations (819) 953-1160	<u>PRIMARY SPOKESPERSON</u> Dougal MacDonald Associate Regional Director General - INAC Atlantic (902) 661-6241
<u>REGIONAL CONTACT</u> Debra Ackles Adams - Manager, Communications – INAC Atlantic (902) 661-6372	<u>TECHNICAL BACKGROUND</u> Greg Martin, Government Relations – INAC Atlantic – (902) 661-6321

*PREPARED BY: Debra Ackles Adams; Manager, Communications, Atlantic Region
(902) 661-6371- November 22, 2010 - CIDM# 368159v2
Consulted: Steven Joudry, Director of Integrated Management, Labrador Innu*

REVIEWED AND APPROVED BY:
Greg Martin, GR – INAC Atlantic
Harold Hines – Dir. GR – INAC Atlantic
Dougal MacDonald, ARDG –Atlantic Region

HQ APPROVALS:
Sylvie Mercier – Director, Client Services
Gina Wilson – SADM, Regional Ops
Christine Cram – SADM, ESDPP
Maryse Pesant – DG, Communications
DMO
MO

Questions and Answers

Standing Committee on Aboriginal Affairs and Northern Development

First Nations Child and Family Services (November 24, 2010)

First Nations Child and Family Services General

Q1. What is the First Nations Child and Family Services Program and what are its objectives?

- A. The objective of the First Nations Child and Family Services (FNCFS) Program is to ensure the safety and well-being of First Nations children ordinarily resident on reserve by supporting culturally appropriate prevention and protection services for First Nations children and families, in accordance with the legislation and standards of the province or territory of residence.

INAC's FNCFS Program funds child and family services agencies designed, managed and controlled by First Nations and delegated by provincial authority. In areas where FNCFS agencies do not exist, INAC funds services provided by provincial or territorial organizations or departments.

INAC is in the process of implementing an Enhanced Prevention Focused Approach on a province-by-province basis with ready and willing partners. This new approach will provide First Nations Child and Family Services (FNCFS) agencies with improved capacity to provide services to on-reserve First Nation children on a proactive basis. INAC has made progress in this area through tripartite frameworks in Alberta, Nova Scotia, Saskatchewan, Quebec, Prince Edward Island and Manitoba.

Q.2 How much funding does INAC provide for the FNCFS Program?

- A. The Program funds 106 agencies (and provinces and the Yukon Territory where there are no agencies) to deliver culturally appropriate child and family services on reserve in accordance with provincial/Yukon Territory legislation and standards. INAC does not fund Child and Family Services in the Northwest Territories and Nunavut; these territorial governments receive their Child and Family Services budget through a separate territorial transfer payment.

Funding has more than doubled over the past 14 years, from \$193 million in 1996-1997 to approximately \$550 million in 2009-2010. Funding is projected at \$580 million in 2010-2011. In Budget 2005, incremental funding was provided for the FNCFS program in the amount of \$125 million over 5 years. Funding for the new Enhanced Prevention Focused Approach was provided through Budget 2006, with incremental funding provided for Alberta in the amount of \$98.1 million over 5 years; Budget 2008 provided incremental funding for Nova Scotia and Saskatchewan in the amount of \$115 million over 5 years; Budget 2009 provided \$20 million over 2 years allowing for additional incremental investments for the reform of the FNCFS program in Quebec and PEI and Budget 2010 provided \$177 million over 5 years for implementation of the Enhanced Prevention Focused Approach in Manitoba.

Our current commitment increases to a total of \$100M annually (that is, \$100M annually in addition to \$550M) when fully implemented for enhanced prevention in the 6 jurisdictions, and the Department is not finished yet. It is estimated that all remaining jurisdictions will be transitioned by 2013.

Q.3 How many First Nation on reserve children are in care?

A. The FNCFS Program serves an on-reserve population of roughly 163,637 children in 573 First Nations communities and as of March 31, 2010, there were 8,682 (5.3%) children in care out of the parental home (in foster homes, group homes, or institutional placements) versus 0.92% of children in care out of the parental home off reserve.

Q.4 Why are First Nations children (6 times) more likely than non-aboriginal children to be placed in care?

A. As the Auditor General's report noted, numerous studies have linked the difficulties faced by many Aboriginal families to historical experiences and poor socio-economic conditions. The Report of the Royal Commission on Aboriginal Peoples in 1996 linked the residential school system to the disruption of Aboriginal families. Data from the 2003 *Canadian Incidence Study of Reported Child Abuse and Neglect* link poverty and inadequate housing on many reserves to the higher substantiated incidence of child abuse and neglect occurring on-reserves compared to off reserve.

FNCFS Enhanced Prevention Focused Approach

Q.5 The Department is making progress in supporting the transition to the enhanced prevention model. But isn't it taking a long time to fix the problem?

A. Two decades ago, there were far fewer federally funded First Nations Child and Family Service agencies and very limited child welfare services provided on-reserve.

While the existing regime has its challenges, it is important to recognize that far more services are being provided today to help address the needs of First Nations children on-reserve and the amount of funding has grown over the last 14 years from \$193M to \$550M.

The challenge is that child welfare is a complex system that does not lend itself to simple solutions. The bottom line is that the Department is working diligently to ensure that children are safe; have access to the services they need; and achieve the best possible outcomes regarding their well-being. And we cannot do this alone -INAC is working with provinces and First Nations communities to identify and address their needs within the confines of our program authorities.

INAC is committed to transitioning the FNCFS Program to an Enhanced Prevention Focused Approach, province-by-province, that is systematic, consistent, and ensures that community-level needs are met with culturally appropriate services based on provincial comparability.

Q.6 Why is INAC approaching the transition of Child and Family Services Program incrementally? Why don't you just introduce a one-size fits all model?

A. The FNCFS Program operates within provincial jurisdiction and therefore requires close partnership with the provinces, and the First Nations, both in the developmental and implementation stages of the transition to enhanced-prevention services. INAC is therefore moving forward incrementally with ready and willing partners.

Q.7 How many Frameworks does INAC expect to complete in the next few years?

A. Six Frameworks are now completed (AB, SK, NS, QC, PEI and MB).

Q.8 What are the challenges INAC faces in managing its Child and Family Services Program?

- A. The First Nations Child and Family Services Program operates under the legislation and standards of the provinces and the Yukon Territorial government. The legislation and standards vary by jurisdiction and are subject to change at differing times. The challenge is to maintain provincial comparability within the First Nations Child and Family Services program authorities, given the variance in provincial and territorial legislation and standards.

Q.9 Why is INAC implementing this Enhanced Prevention Focused Approach?

- A. INAC recognized that the costs and numbers of children in care were rising dramatically and leading to less optimal outcomes for First Nations children and families on reserve. Provinces were faced with similar problems and began to refocus their child welfare programs to more prevention-based approaches. As well, preliminary but promising studies were showing that prevention activities could lead to more positive outcomes for children and provide some economic benefits.

Q.10 Has INAC seen any positive results since the implementation of the Enhanced Prevention Focused Approach?

- A. The Department has recently obtained preliminary data from Alberta which became the first province to enter into a partnership with INAC and Alberta First Nations to implement the Enhanced Prevention Focused Approach.

(In April 2007, INAC announced the first investment of \$98.1 million over five years, to implement a Tripartite Accountability Framework on a new Enhanced Prevention Focused Approach to Child and Family Services with Alberta and First Nations in that province)

Over the past three years, the number of Alberta First Nations children in care on reserve has dropped, permanent placements are on the rise and placements in institutional facilities are decreasing. These positive results are attributed to increased use of prevention measures and more appropriate types of placements for children, such as kinship care and post-adoption subsidies. The early results from Alberta are therefore quite promising which bodes well for the implementation of enhanced prevention in other jurisdictions.

OAG and PAC related

Q. 11 How has INAC ensured that its approach to funding First Nations agencies takes into account the concerns raised by the OAG and PAC?

A. INAC is confident that the Enhanced Prevention Focused Approach model provides sufficient funding to provide the range of child welfare services needed to meet the provincial standards and legislation. Various evaluation mechanisms will be used to measure the efficacy of this approach.

Q.12 What progress has been made to date in addressing the findings of the OAG audit and meeting the commitments made by INAC in its response to the Auditor General's recommendations?

A. The Department developed a Management Response Action Plan that outlines the progress (last updated March 31, 2010). The activities to date include:

- Completed the update of the program authorities in 2007 which included a broader and more culturally appropriate range of placement options with the addition of Kinship Care and Post Adoption Subsidies and Supports where authorized under provincial legislation and standards;
- Worked closely with provinces to ensure that Agencies meet provincial legislation;
- Updated the First Nations National Reporting Guide, to require business plans for those Agencies entering into the new prevention model;
- Articulated a guiding principle concerning culturally appropriate services;
- Revised program reporting requirements and drafted performance indicators for discussion with partners; and held a preliminary meeting with First Nations partners to discuss program's performance indicators;
- INAC regions conducted 27 compliance reviews in fiscal year 2008/09. Additional resources have been approved to undertake extensive compliance reviews of the FNCFS programs in 2009-2010 in five regions, with the goal of ensuring that the current funding is being spent within the Department's authorities and therefore in such a manner as to achieve the most positive outcomes.

- Is in the Project Definition Phase of developing a national data management system that would increase our capacity to monitor program costs and outcomes; and
- Continue to work collaboratively with Health Canada to implement Jordan's Principle. Furthermore, we have worked with Health Canada to resolve the payment of Non Insured Health Benefits for First Nations children in care on reserve.

Q.13 Why has INAC shifted its position and decided to define the meaning of "culturally appropriate services"?

- A.** INAC has not developed a specific definition on "culturally appropriate services", because it would be inappropriate for the Department to do so as a definition would depend on the interpretation of various First Nations based upon their specific and unique community circumstances, traditions and needs. Under the Enhanced Prevention Focused Approach, specific culturally appropriate services are included in each Tripartite Accountability Framework document and each business plan that forms the basis of the new approach in the transitioned region.

However, given ongoing concerns from both the AG and the Public Accounts Committee, a general principle on culturally appropriate services has been articulated to alleviate further criticism while not infringing upon First Nations interpretation. It is as follows:

While respecting the provincial governments' constitutional mandate to provide child and family services, the Government of Canada provides funding, as a matter of social policy, to support the delivery of culturally appropriate child welfare services among First Nation communities that acknowledge and respect the values, beliefs and unique cultural circumstances of the communities being served. As such, culturally appropriate services encourage activities such as kinship care options where a child is placed with an extended family member so that cultural identity and traditions may be maintained.

Q.14 Has INAC estimated the full cost of delivering the First Nations Child and Family Services Program? If so, what is it?

- A.** INAC has consistently assessed full costs of policy requirements as it has transitioned the First Nations Child and Family Services Program to the Enhanced Prevention Focused Approach. The Department continues to work with ready and willing partners to complete the transition to the new

approach. The cost requirements are determined as INAC moves forward on a province-by province basis.

Since Budget 2006, the Government of Canada has consistently been investing additional funding into the FNCFS Program. We have reached tripartite frameworks in:

Manitoba (in 2010: \$177.1 million over 5 years and ongoing);
Quebec (in 2009: \$59.8 million over 5 years and ongoing);
PEI (in 2009: \$1.7 million over 2 years and ongoing);
Saskatchewan (in 2008: \$104.8 million over five years and ongoing)
Nova Scotia (in 2008: \$10.2 million over five years and ongoing, and);
Alberta (in 2007: \$98.1 million over five years and ongoing)

Collectively, this means that the new prevention funding model is now being implemented in First Nations communities in six provinces and is reaching 68% of First Nations children who live on reserves in Canada. INAC is working toward having all jurisdictions on board for the Enhanced Prevention Focused Approach by 2013.

Q.15 Will additional funding be required for First Nations child and welfare services in other provinces?

A. As discussions continue with willing partners in the outstanding jurisdictions, INAC will have a clearer idea of what resources will be necessary to complete the transition.

Q.16 What is INAC doing about ensuring that they have proper agreements in place for funding FNCFS services provided directly by the respective province in a region where there is no FNCFS agency or program?

A. INAC officials are working with the respective provinces to ensure that the proper agreements are in place.

Q.17 What is INAC doing to ensure First Nations Child and Family Services agencies on reserve comply with provincial legislation and standards and financial accountability?

A. INAC has initiated discussions with its partners – provinces/territories and First Nations Agencies – to clarify accountabilities for monitoring, measuring and reporting on the outputs, outcomes and costs of Child and Family Services activities; as well as support First Nations Agencies' adherence to provincial/territorial standards.

INAC's Child and Family Services funding agreements all contain conditions pertaining to the recipient's ability to meet provincial legislative standards, and the Department's financial accountability requirements.

Q.18 What actions does INAC take when it is informed that the requirements of provincial legislation are not being met?

A. The provinces have legislative authority for child welfare which includes the delegation to FNCFS Agencies. The province is responsible for ensuring First Nations recipients meet provincial legislation and standards. As per INAC's authorities, funding to agencies is only provided once confirmation of provincial delegation is received. Should an agency lose their delegation, INAC would terminate funding and make appropriate arrangements to ensure services continue to be provided.

Q.19 To what extent do the new frameworks take into account the varying circumstances in First Nations communities?

A. The new framework model involves a Business Plan that is developed and reviewed through by the tripartite process and reflects the specific needs of the respective First Nations communities. As well, inherent in this model is the ability to move funding between the three streams (Operations, Prevention, and Protection) to better address community needs in a timely and effective manner.

Q.20 In your Action Plan in response to the Office of the Auditor General's report, there is a recommendation on coordination, as follows:

"In order to develop a coordinated approach to the provision of federally funded child welfare services, INAC should ensure that its program rules facilitate coordination; and, in cooperation with First Nations, work with the Treasury Board of Canada Secretariat and other federal departments that fund programs for First Nations children to facilitate access to their programs."

How is INAC addressing this recommendation?

A. Under the Enhanced Prevention Focused Approach, INAC ensures that FNCFS recipients have resources to develop and implement a more coordinated approach to the provision of federally funded child welfare services. Agencies are required to indicate in their five year Business Plan how they will work with other services providers (e.g. Home and

Community Care, Native Alcohol and Drug Abuse Program, Special Education) to provide better outcomes for children and families.

As well, we have worked collaboratively with Health Canada to implement Jordan's Principle. The Government of Canada has agreed with four provinces on a way forward, discussions are underway with Ontario, and engagements with the remainder provinces will occur over the next few months. As part of the federal approach, Health Canada has agreed to revise their directive on Non-Insured Health Benefits to cover the costs of eligible benefits for First Nations ordinarily resident on reserve who are in care out of the parental home.

FNCFS Reasonable Provincial Comparability

Q.21 Is it possible to compare FNCFS Program to provincial child welfare systems?

A. First Nation Child and Family Services is a complex matter with many variables at play, including different administrative regimes with varying services and systems of service delivery, as well as differences in definitions, financial reporting and data quality. Some of the challenges associated with comparing funding for child and family services across multiple jurisdictions include variation in the type, quantity and sometimes quality of information available from provinces and from INAC. Another difficulty is properly accounting for services that are included in CFS in certain jurisdictions, but that from a federal perspective, are funded through other INAC funding sources or through other federal government departments.

Q.22 Does INAC believe that First Nations Child and Family Services agencies are currently funded at a similar level to provincial agencies?

A. Yes. As jurisdictions transition to the new Enhanced Prevention Focused Approach, a costing model is developed in each jurisdiction based upon discussion between First Nations, the provinces and INAC. This costing model is particular to each jurisdiction and takes into account the respective provincial program salaries and caseload ratios to determine provincial comparability within FNCFS Program authorities. The costing model is a key element in the transition to the new approach and to ensuring provincial comparable funding.

Q.23 Why is it difficult to compare FNCFS Program and its funding models with provincial child welfare services and funding?

- A. There are multiple complexities, challenges and resulting difficulties which arise in attempting to compare federal and provincial funding levels. The many challenges associated with performing a robust comparison of funding levels with varying child and family services regimes across Canada are results of differing provincial child welfare legislation.

While INAC knows how much it spends per province, there is limited breakdown by category of expenditures, making it difficult to do a comparison of federal/provincial expenditures.

Q.24 I understand that INAC has commissioned a report by KPMG on the issue of provincial comparability in the context of a Human Rights Complaint filed against the federal government by the AFN and the First Nation Child and Family Caring Society. What information does this report contain?

- A. The report in question was produced in the context of an ongoing case before the Canadian Human Rights Tribunal. Any requests for disclosure of the report will be considered and followed-up on appropriately and according to all relevant legislation.

Funding For FNCFS

Q.25 Why is the funding model based on 6% of the child population and not on the actual number of children in care (needs based)?

- A. FNCFS agencies require a base and stable amount that does not fluctuate from year-to-year to be able to operate. The 6% funding formula was mutually agreed upon by First Nations, the provinces and INAC, and is based on the percentage of children on reserve in care in out-of-home placements which equates to approximately 5.3%. This formula ensures that FNCFS agencies with a very low number of children in care still obtain sufficient funding to operate.

It's important to note that the 6% average number of children in care calculation is one of many factors (e.g. caseload ratios, supervisor and support staff ratios, and provincial salaries) used only to model operations funding which includes the number of protection workers. This is then translated into a portion of the operations funding that agency receives. This base amount ensures that FNCFS agencies with a very low number

of children in care still obtain sufficient funding to operate. Also, having a set base amount ensures stability for agencies and provides a disincentive to increase the number of children taken out of the parental home for the purposes of obtaining more funding. Prevention activities are being funded under the Enhanced Prevention Focused Approach, which in turn are intended to reduce the number of children in care by providing services that improve family cohesion.

Under this model, FNCFS agencies have the flexibility to shift funds from one stream to another to meet community needs. The funding provides all FNCFS providers under the new approach with the necessary resources to offer all types of child and family services, including the communities that have more than 6% of children in care.

Q.26 Is INAC underfunding FNCFS by 22% compared to provincial systems, as indicated in the 2000 report of the FNCFS Joint Policy Review?

- A. The report states that the average expenditures per capita per child in care of INAC's funded systems are 22% lower than the average of provincial systems. However the 1999 calculations used in the report are skewed due to the following considerations:
- The analysis was limited to INAC's direct program expenditures for FNCFS and did not include other departmental financial expenditures in support of FNCFS such as Band Employee Benefits or other federal investments under the Children's Special Allowance Act for children in care out of the parental home.
 - Only seven provinces were included in the calculations resulting in an incomplete national average. Also, Ontario was included in the analysis even though Ontario was not in the overall review as it is funded through the 1965 Agreement and not the FNCFS national funding formula (Directive 20-1 Chapter 5) which was the focus of the review.
 - It is unclear to what extent the reported provincial expenditures are directly comparable to INAC direct program expenditures. Provincial expenditures may include departmental overhead or other children's programming such as day care, young offenders, or mental health which are not included in the INAC expenditures or mandate.
 - In a paragraph below the 22% reference on page 94 of the National Policy Review, the authors acknowledge that "in summary, it is virtually impossible to make any accurate comparison of the level of funding due to the: very different systems of service delivery; very different

scales of economy; vastly different social and economic conditions; differing historical and cultural value bases; and the absence of reliable data."

Therefore, it was agreed that INAC would address the review's recommendations, but without taking into account this 22% reference as it was not considered to be accurate. INAC is conducting a funding comparison on a province-by-province basis as it moves the program to the new Enhanced Prevention Focused Approach.

Q.27 How do the incremental amounts for Child and Family Services for Alberta, Saskatchewan, Nova Scotia, Quebec, Prince Edward Island and Manitoba compare to the needs as identified in the Wen:de report?

A. The Wen:de report presented a model that was to be used by all First Nations agencies across the country and did not take into consideration many of the important characteristics of a provincially comparable model. For example, the new models currently being developed incorporate cost drivers such as provincial salary rates; case-load ratios or service standards that are necessary to meeting provincial legislative requirements. The variances in provincial legislation must be taken into account when developing funding models. This is why a one-size-fits-all approach was not deemed satisfactory to meet the individual First Nations needs across jurisdictions.

The Wen:de report did however, provide useful information on a number of related considerations, including information technology, adjustments for remoteness, and revising aspects of the operations formula to minimize the impact of minor population changes on funding levels for small agencies.

The new Enhanced Prevention Focused Approach involves tripartite partnerships that result in the development of tripartite accountability frameworks that support agency business planning, as well as costing models that include cost drivers specifically identified by the practitioners providing the services.

Q.28 Why is INAC not modifying Directive 20-1 immediately to provide prevention funding to all jurisdictions?

A. INAC acknowledges the need for prevention services for all jurisdictions. However, moving to the Enhanced Prevention Focused Approach is a matter of keeping step with provinces as they shift their own regimes to emphasize prevention. So far, six provinces are transitioning to or

implementing EPFA, and INAC continues to work with remaining ready and willing jurisdictions to transition to this new approach. The objective is that all remaining jurisdictions will be ready for transition by 2013.

Q.29 How does INAC determine whether the funding provided for child welfare services on reserve achieves positive outcomes for children?

- A. INAC is in the process of completing a robust Performance Measurement Strategy that will support appropriate data collection that emphasizes results and outcomes. All jurisdictions transitioned or transitioning to the Enhanced Prevention Focused Approach are using business plans and annual reports to plan for, and report on outcomes. Non-transitioned jurisdictions are using work plans for the same purpose.

Additional resources have been approved to undertake extensive compliance reviews of the FNCFS programs in 2009-2010 in five regions, with the goal of ensuring that the current funding is being spent within the Department's authorities and therefore in such a manner as to achieve the most positive outcomes.

In addition to the steps already taken, Canada's Economic Action Plan identified funding for an integrated Information Management System for the FNCFS Program. The information that will be generated by this system will ensure that INAC can efficiently collect relevant and accurate data pertaining to performance outcomes.

FNCFS Information Management System

Q.30 What type of Information Management System is being developed for the FNCFS Program?

- A. The FNCFS Information Management System (IMS) is a new approach to data management that focuses on capturing and reporting on program results, while maintaining essential program management information. The FNCFS IMS will be designed to: simplify reporting; improve work processes; and reduce the administrative work-burden. The FNCFS IMS will provide timely reports on the results of the investments of the FNCFS Program and give First Nations and FNCFS agencies information to identify where change is needed in the delivery of FNCFS programs.

Q.31 How will the IMS support the reform of the FNCFS Program?

- A. The reform requires an information management system that will support INAC in moving from a passive financial review role to one of more active involvement in oversight and accountability for results. The FNCFS IMS

will also address OAG and Public Accounts Committee criticisms of program management and the need for better information management

Q.32 What investments have been made into the FNCFS IMS and when will the system be implemented?

- A. Canada's Economic Action Plan provided \$8 million over five years and \$1 million ongoing for an automated system for the FNCFS Program. The system will be implemented in three phases, with the first release planned for March 2013, the second release planned for March 2014 and the final implementation planned for August 2014.

Province/Territory Specific

Q.33 What is INAC doing to implement the recommendations of the New Brunswick report, *Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick*

- A. In April 2009, the Province of New Brunswick appointed Mr. Bernard Richard, the Child and Youth Advocate and Ombudsman for the Province of New Brunswick, to report and make recommendations on the state of provincial First Nations Child and Family Services (FNCFS). The Report, *Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick* was tabled on February 24, 2010.

The final report contains 93 recommendations, targeted at various departments, and ranging in breadth from child and family services, culture and language, recreation, housing and education. Mr. Richard recommends sweeping changes to the child welfare system on First Nations, reducing the number of agencies to three from the current 11. Mr. Richard also calls for the establishment of a single First Nations Child and Family Services Office that would provide financial and administrative functions to the three agencies.

INAC is committed to working in partnership with the Province of New Brunswick and First Nations stakeholders to achieve better outcomes for First Nations children and families.

Q.34 What does INAC think of the recently released report from British Columbia, *Growing Up in B.C.*?

- A. On October 18, 2010, the Province of British Columbia's Representative for Children and Youth and the Provincial Health Officer released the Report *Growing Up in B.C* which examined six important aspects of child

well-being – health, learning, safety, behaviour, family economic wellbeing and family, peer and community connections. The Report highlights the over-representation of Aboriginal children and youth in the British Columbia child in care population but does not, however, specifically distinguish between Aboriginal people living on and off reserve. According to the Report, Aboriginal children and youth are six times more likely to be admitted into care than non-Aboriginal children and youth in the Province of British Columbia.

14(a)

These initiatives are just at the beginning stages and the province indicated their support for continuing with the move to enhanced prevention. INAC will therefore continue to work with the province and First Nations on developing an appropriate model and business case for First Nations children on reserve in the Province of British Columbia.

Q.35 What is INAC doing to address the recommendations of the Province of Alberta's report: *Closing the Gap Between Vision and Reality: Strengthening Accountability, Adaptability and Continuous Improvement in Alberta's Child Intervention System.*

A. On October 15, 2010, the Province of Alberta released the report: *Closing the Gap Between Vision and Reality: Strengthening Accountability, Adaptability and Continuous Improvement in Alberta's Child Intervention System.* Of the 14 recommendations made by the panel of specialists, four dealt specifically with Aboriginal Albertans, three of which were accepted by the province. The Report does not specifically distinguish between Aboriginal people living on and off reserve.

The Government of Canada is working with ready and willing partners to build healthier, stronger First Nations families. A vital component to this is improving the lives of First Nations children. In April 2007, INAC announced \$98.1 million over five years to implement the Enhanced Prevention Focused Approach to child and family services on reserve in Alberta. After the first year, all First Nations Child and Family Services agencies in the province had opted into the enhanced prevention model.

INAC's First Nations Child and Family Services program supports culturally appropriate prevention and protection services to create a more secure and stable family environment for First Nations children living on reserve. INAC is committed to working in partnership with the Province of Alberta to strengthen relationships, improve collaboration to achieve better outcomes for First Nations children and families.

Q.36 How does the Department support child and family services for the Labrador Innu First Nations?

- A. INAC's overall annual funding of \$15 million, under the time-limited Labrador Innu Comprehensive Healing Strategy, ended March 31, 2010. INAC now funds the Labrador Innu (via the province) using the same funding methodology, monitoring and evaluating of basic programs and services for all First Nations on-reserve. While the programs being funded are not new, permanent funding replaces that provided under the strategy, allowing for better planning and implementation of changes to address new priorities.

Annual funding for the Labrador Innu for child and family services amounts to \$5.6M.

Q.37 How does FNCFS funding work in the Territories?

- A. Yukon and INAC have entered into an agreement over funding of Status and non-Status Indians. INAC funds Status Indians and the Yukon funds non-Status Indians.

For the purposes of delivering social development services, "reserve" is as defined in the Indian Act but excludes lands designated for commercial leasing purposes, includes the Yukon territory, and includes Indian communities on crown land or recognized settlements. For the purpose of providing Child and Family Services, all Indian Residents of the Yukon are considered to be ordinarily resident on reserve.

In the Northwest Territories and Nunavut, there are provisions for child and family services in the territorial formula financing agreements, and are therefore not eligible recipients under this transfer payment authority. Funding for Child and Family Services in the Yukon follows Directive 20-1, a child population based formula with all funding being provided to the Yukon Territorial Government who is the service provider (as there are no agencies).

Canadian Human Rights Complaint

Q.38 The Assembly of First Nations and the First Nations Child and Family Caring Society of Canada filed a Human Rights complaint against the Department in February 2007 regarding First Nations Child and Family services. What is the complaint about?

- A. In February 2007, a complaint was lodged with the Canadian Human Rights Commission (the Commission) by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada (the Complainants). The Complainants allege that Indian and Northern Affairs Canada underfunds on-reserve First Nations Child and Family Services as compared to the provinces, resulting in systemic and ongoing discrimination on the basis of race, national or ethnic origin under the *Canadian Human Rights Act* (CHRA).

Q.39 What is the history of the proceedings?

- A. On October 14, 2008, the Commission gave notice that it had referred the Complaint to the Canadian Human Rights Tribunal for a hearing.

The Canadian Human Rights Tribunal:

The Tribunal considered a number of motions on September 14, 2009, including a motion for the Chiefs of Ontario to be added as co-Complainant, and a motion for Amnesty International Canada to be added as an Interested Party.

The Tribunal granted the Chiefs of Ontario Interested Party status, limiting their participation to the 1965 Welfare Agreement and the circumstances of child and family services in Ontario.

Amnesty International Canada was also granted Interested Party status. They were instructed by the Tribunal to focus their submissions on the issue of how the Tribunal should interpret ss. 3 and 5 of the *Canadian Human Rights Act* in light of Canada's international obligations.

On December 21, 2009, Canada filed a motion before the Tribunal to have the Complaint struck out on jurisdictional grounds.

This motion was heard on June 2-3, 2010, and the Tribunal has not yet issued its decision.

Judicial Review:

On November 13, 2008, Canada filed an application for judicial review by the Federal Court of Canada of the Commission's decision to deal with the Complaint.

The Complainants' Motion to Strike Canada's application for judicial review was heard before the Federal Court on September 11, 2009. On November 24, 2009, the Federal Court stayed the judicial review pending the outcome of the Complaint by the Canadian Human Rights Tribunal. All parties (Canada, the AFN and the FNCFCS) have appealed the Federal Court's decision.

Q.40 What is the status of the Human Rights complaint?

- A. On December 21, 2009, Canada filed a motion before the Tribunal to have the Complaint struck out on jurisdictional grounds.

This motion was heard on June 2-3, 2010, and the Tribunal has not yet issued its decision.

Child welfare services on reserve continue to be a priority for this government and we believe that the best way to address the complex issues surrounding First Nations Child and Family Services is through collaboration.

Our legal position does not prevent us from moving forward with willing partners and taking concrete actions that result in important progress with respect to Child and Family Services. The six tripartite agreements on the Enhanced Prevention Focused Approach are beginning to show positive results and we are working toward having all jurisdictions on board by 2013.

Q.41

A.

23

Q.42 Why has the KPMG Report not been released?

A. The report in question was produced in the context of an ongoing case before the Canadian Human Rights Tribunal. Any requests for disclosure of the report will be considered and followed-up on appropriately and according to all relevant legislation.

Jordan's Principle

Q.43 What is the federal response to Jordan's Principle?

A. The Government of Canada is working with provinces, service providers and First Nations to make sure the care of a First Nations child with multiple disabilities will continue even if there is a dispute between federal and provincial governments concerning responsibility and payment of service.

Health Canada and Indian and Northern Affairs Canada have collaboratively developed a federal response to Jordan's Principle which is guided by the following principles:

Cases involving a jurisdictional dispute between a provincial and federal government.

First Nations children, ordinarily resident on reserve, who are assessed as having multiple disabilities, requiring services from multiple service providers.

Care for the child will continue even if there is a dispute about responsibility.

Services are comparable provincial standards – the same level of care is provided to a child with similar needs, living off reserve in similar geographic locations.

Q.44 What is the Government doing to Implement Jordan's Principle?

- A. The Government of Canada has formally engaged all provinces, and has reached agreements in two provinces, Manitoba and Saskatchewan. We reached agreements with the province of Manitoba in September 2008, and the province of Saskatchewan and the Federation of Saskatchewan Indian Nations in September 2009.

We developed a joint process with the Province of British Columbia and federal and provincial officials are now engaging First Nations to develop a work plan.

Federal, provincial and First Nations representatives are developing a joint statement on the implementation of Jordan's Principle in the Province of New Brunswick.

14(a)

The remaining provinces have indicated they have sufficient processes already in place to respond to, and address, jurisdictional disputes.

With key federal and provincial contacts established across the country, the Government of Canada is prepared to review and, where possible, address cases as they relate to children with multiple disabilities to ensure continuity of care.

Q.45 How are First Nations involved in implementing Jordan's Principle?

- A. Health Canada and Indian and Northern Affairs Canada are working closely with some First Nations communities, using a case by case approach to address disputes. This involves the federal and provincial governments, social and health services experts and First Nations communities. This approach is currently taking place in communities to address service needs of children with multiple disabilities who require multiple service providers and to ensure continuity of care.

A joint Ministerial letter has also been sent to the National Chief of the Assembly of First Nations to share the federal government's commitment

of honouring Jordan's Principle and the recommended approach to implement it.

As work unfolds with each province, First Nations will be engaged in discussions related to the implementation of Jordan's Principle in the respective province.

Q.46 Have INAC and Health Canada addressed the issue of providing Non-Insured Health Benefits (NIHB) to children in INAC-funded care?

- A. Effective April 20, 2009, NIHB Program agreed to provide eligible benefits to eligible First Nations children receiving INAC-funded child welfare (protection services). This was communicated to INAC/Health Canada regional offices, as well as to First Nation Child and Family Service Agencies.

This direction demonstrates the federal government is responding to the child-first policy, the central point of Jordan's Principle, and is addressing jurisdictional disputes at the federal government level. In addition, it will ensure that there is consistency in the management, communication and delivery of services to First Nations children.

CIDM: 3327542

of honouring Jordan's Principle and the recommended approach to implement it.

As work unfolds with each province, First Nations will be engaged in discussions related to the implementation of Jordan's Principle in the respective province.

Q.46 Have INAC and Health Canada addressed the issue of providing Non-Insured Health Benefits (NIHB) to children in INAC-funded care?

- A. Effective April 20, 2009, NIHB Program agreed to provide eligible benefits to eligible First Nations children receiving INAC-funded child welfare (protection services). This was communicated to INAC/Health Canada regional offices, as well as to First Nation Child and Family Service Agencies.

This direction demonstrates the federal government is responding to the child-first policy, the central point of Jordan's Principle, and is addressing jurisdictional disputes at the federal government level. In addition, it will ensure that there is consistency in the management, communication and delivery of services to First Nations children.

CIDM: 3591525

	Children in Care March 31, 2008	Children in Care March 31, 2009	Children in Care March 31, 2010
Atlantic	541	537	537
Quebec	691	714	685
Ontario	1427	1,458	1502
Manitoba	2176	2,403	2,517
Saskatchewan	1166	1,114	1207
Alberta	1709	1,722	1480
British Columbia	711	726	659
Yukon	111	114	95
	8532	8,788	8,682

Newfoundland	126	135	143
PEI	6	6	6
Nova Scotia	197	216	198
New Brunswick	212	180	190
Total	541	537	537

**FIRST NATIONS CHILD AND FAMILY SERVICES
PAYMENTS TO PROVINCES/TERRITORIES
FOR
CHILDREN IN CARE**

14

	Yes/ No	Arrangement Type	Operations	Maintenance	Other	Total Payments	# of Children 08 – 09: - FN child population - FN CIC - FN CIC reimbursed to Province	# of Children 09 – 10: - FN child population - FN CIC - FN CIC reimbursed to Province	Monitoring Process
AB	Yes		Yes 2008/09: \$4,606,112 2009/10: \$5,502,490	Yes 2008/09: \$6,552,681 2009/10: \$6,728,475	Administration (included in Ops.)	2008-09: \$11,158,793. 2009-10: \$12,230,965.	28,607 1,722 196	28,541 1,480 147	
BC	Yes		2008/09: \$10,600,000. 2009/10: \$10,800,000.	2008/09: \$12,600,000. 2009/10: \$13,000,000.	Operations and Maintenance are formula-based and include many items outside INAC authorities.	2008-09: \$27,742,041. 2009-10: \$26,667,269.	18,813 726 297	18,646 659 306 21(1)(c)	
MB	No		n/a	n/a	n/a		n/a	n/a	

NF	Yes		Yes 2008/09: \$970,415. 2009/10:	Yes 2008/09: \$8,636,532. 2009/10:	Health, educational, and ops items billed thru maintenance	2008-09: \$9,606,947. 2009-10: \$8,000,000.	979 135 135	996 143 143	
----	-----	--	---	---	--	--	-------------------	-------------------	--

21(1)(c)

		\$970,415.	\$7,029,585.				
NS	No	n/a	n/a	n/a		n/a	n/a
ON	Yes	Yes 08-09: \$54,331,600 09-10: \$58,299,700	Yes 08-09: \$48,412,500 09-10: \$54,330,500	Enhanced prevention, included in Operations funding.	2008-09: \$102,744,10. 2009-10: \$112,630,200	28,808 1,458 1,458	29,013 1,502 1,502
PEI	Yes	no	Yes 08/09 - \$740,924.62 09/10 - \$534,945.12	no	2008-09: \$740,924.62 2009-10: \$534,945.12	219 6 6	217 6 7
QC	Yes	Yes 2008-09: \$3,251.00 2009-10: \$3,284.40	Yes 2008-09: \$7,833.81 2009-10: \$10,889.58	no	2008-09: \$11,084.81 2009-10: \$14,173.98	12,242 714 220	12,227 685 227
SK	Yes	No	Yes 2008-09: \$1,040,842. 2009-10: \$453,030.	Administration Fee 2008-09: \$693,536. 2009-10: \$312,512. Special needs 2008-09: \$149,641. 2009-10: \$72,265,	2008-09: \$1,884,019. 2009-10: \$837,808.	28,689 1,114 30	28,743 1,207 31
YK	Yes	Yes 2008-09: \$2,109,499. 2009-10: \$2,102,300.	Yes 2008-09: \$6,111,243. 2009-10: \$6,292,480.	Maintenance includes educational items, legal costs, daycare and psych assessments.	2008-09: \$8,220,742. 2009-10: \$8,394,780	2,185 114 114	2,136 95 95

**INDIAN AND NORTHERN AFFAIRS CANADA
RESPONSE TO MEDIA**

(not for external distribution - for use by spokespersons)

ISSUE:

On October 20 to 21, 2010, the British Columbia Ministry of Child and Family Development (MCFD) hosted a meeting with Aboriginal Child and Family Services organizations. During the meeting, Ms. Lesley du Toit, Deputy Minister, of the provincial Ministry reaffirmed her willingness to consider First Nations jurisdiction over Child and Family Services as an alternative to delegated authority.

POSITIONING STATEMENT:

INAC is committed to working in partnership with the Province of British Columbia and First Nations organizations to improve child welfare services for First Nations children in the Province of British Columbia.

KEY MESSAGES

- **Provinces have jurisdiction over child welfare and family support services on- and off-reserve. In British Columbia, the Ministry of Child and Family Development delegates certain responsibilities to 22 First Nations Child and Family Services agencies.**
- **Changes in jurisdiction require a change in provincial legislation and negotiated self-government agreements.**
- **Indian and Northern Affairs Canada recognizes the importance of culturally-based support for First Nations living on reserve and will continue to provide funding to delegated First Nations Child and Family Service agencies in the Province of British Columbia.**

If pressed on implementation of the Enhanced Prevention Focused Approach:

- **We have reached tripartite frameworks in the Province of Manitoba, in addition to those already established with the provinces of Alberta, Saskatchewan, and Nova Scotia, Quebec and PEI. Collectively, this means that the new prevention funding model is now being implemented within First Nations communities in six provinces and is reaching 68% of First Nations children who live on reserves in Canada.**

If pressed on how this transfer of jurisdiction might affect the implementation of CFS Enhanced Prevention Focused Approach in BC:

- **Discussion of jurisdiction comes under the self-government policy and mandates.**
- **INAC will continue to work with stakeholders and First Nations leadership groups to support the future implementation of the Enhanced Prevention Focused Approach in British Columbia Region.**

Background

Since 2009-2010, the British Columbia Ministry of Child and Family Development (MCFD) has funded 15 Aboriginal groups to explore governance models for Child and Family Services as an alternative to the delegated model currently supported under provincial legislation. At various times, MCFD Deputy Minister Lesley du Toit has publicly stated that the provincial government will entertain legislative changes to accommodate these models. She reaffirmed this statement at a recent meeting with Aboriginal Child and Family Services organizations on October 20 to 21, 2010.

On October 27, 2010, MCFD Minister Mary Polak reiterated Ms. du Toit's statement in a provincially based political blog, *Public Eye Online*. Minister Polak stated that the provincial government is looking at ways to enable First Nations to develop child and family services systems based on traditional practices, including through separate legislation.

14

14(a)

DESIGNATED SPOKESPERSONS :

Media Relations (or Regional Office)	Indian and Northern Affairs Canada
<u>PRIMARY HQ CONTACT</u> Media Inquiries Line Media Relations (819) 953-1160	<u>PRIMARY SPOKESPERSON</u> Valerie Barrett, Manager BC Region Communications (604) 775 - 7520
	<u>Technical Help: Child and Family Services Program</u> Mary Quinn, DG, Social Policy and Programs (613) 994 - 5711

PREPARED BY: Amanda Costa, Communications Officer, 604-775-0813

DATE: November 2, 2010

Received at HQ on November 5, 2010 @ 4:30

APPROVALS

REGION:

Acting RDG, BC region

HQ:

Angela Matchim, A/team Manager /ESDPP/RO

Mary Quinn, DG Social Programs and Policy

Christine Cram, ADM, ESDPPRO

Maryse Pesant, DG Communications

Michael Wernick, Deputy Minister

Michelle Yao, Minister's Office

**INDIAN AND NORTHERN AFFAIRS CANADA
RESPONSE TO MEDIA
(not for external distribution - for use by spokespersons)**

ISSUE:

An October 18, 2010, BC Government issued a report, Growing Up in B.C., which includes data indicating that Aboriginal children in BC do not fare as well as other children in the province.

POSITIONING STATEMENT:

Indian and Northern Affairs Canada continues to work closely with the Province of BC, First Nations and Aboriginal organizations to improve outcomes for Aboriginal Children and Youth in British Columbia.

KEY MESSAGE:

- Indian and Northern Affairs Canada continues to provide financial support to First Nations living on-reserve to deliver services that improve overall outcomes for children and their families across the country. In addition, other government departments such as Health Canada have a number of funding programs that assist in improving the health and well-being of Aboriginal communities.

If pressed on Child and Family Services in BC

- INAC is working with our First Nation partners and the Province to advance a proposed Enhanced Prevention Focused Approach Tripartite Accountability Framework and Services Funding Model, which could lead to increased flexibility for service providers to implement prevention programs and protection services.

If pressed on progress on implementing Jordan's Principle in BC

- The department is collaborating with the Province and First Nations to address cases as they arise and is working to develop a more formal child-first approach and implementation plan.

BACKGROUND:

The *Globe and Mail* featured a brief report on October 18, 2010 about the report saying that report urges a "new path" for Native youth and overall improvements to the state of the province's children.

On October 18, 2010, the BC Representative for Children and Youth (RCYBC), Mary Ellen Turpel-Lafond, and Provincial Health Officer, Dr. Perry Kendall, released the report, Growing Up in B.C. The report used 30 indicators of well-being to evaluate how B.C. kids are doing in six domains: health, learning, safety, family, the economic well-being of their family, family-peer community connections and behaviour. Three areas of focus were children who are Aboriginal, in government care and/or live in poverty.

Worrisome trends relating to Aboriginal Children and Youth in BC include:

- Aboriginal children and youth encounter significant disadvantage and face more health risks,
- Children of Status Indian mothers are twice as likely to be prenatally exposed to some type of substance use compared to other children,
- Aboriginal children and children in care are less likely to experience success in school,
- Aboriginal youth are less likely to feel safe in school and report they are more likely to be bullied, teased or picked on.

It should be noted that the assessments in this report are based on statistics of all Aboriginal children in the province of British Columbia, while INAC is only responsible for First Nations children ordinarily resident on reserve (estimated 2007/08 population of 18,000)

Growing Up in B.C. was released as part of the RCYBC sponsored Champions for Children and Youth Summit held in Vancouver on October 18 & 19, 2010. The two-day event focuses ways to support improved outcomes for B.C.'s children and youth.

DESIGNATED SPOKESPERSONS:

Media Relations (or Regional Office)	Indian and Northern Affairs Canada
PRIMARY Regional CONTACT	PRIMARY SPOKESPERSON
Amanda Costa, Communications Officer, Strategic Planning & Communications (604) 775-8013	Kathy Hankin, A/Director, Funding Services Programs and Partnerships 604-775-7519

Approved by

George Arcand, BC RDG
Shirley Ann Off, A/Director, Client Services
Chirstine Cram, ADM, ESDPP
Maryse Pesant, DG, Communications
Michael Wernick, DM
Michelle Yao, MO

**INDIAN AND NORTHERN AFFAIRS CANADA
RESPONSE TO MEDIA
(not for external distribution - for use by spokespersons)**

ISSUE

On October 15, 2010, the Province of Alberta released the report, Closing the Gap Between Vision and Reality: Strengthening Accountability, Adaptability and Continuous Improvement in Alberta's Child Intervention System. Of the 14 recommendations made by the panel of specialists, four dealt specifically with Aboriginal Albertans, three of which were accepted by the province.

POSITIONING MESSAGE

The Government of Canada is working with ready and willing partners to build healthier, stronger First Nations families. A vital component to this is improving the lives of First Nations children.

KEY MESSAGES

- In April 2007, INAC announced \$98.1 million over five years to implement the Enhanced Prevention Focused Approach to child and family services on reserve in Alberta. After the first year, all First Nations Child and Family Services agencies in the province had opted into the enhanced prevention model.
- INAC is committed to working in partnership with the Province of Alberta to strengthen relationships and improve collaboration in order to achieve better outcomes for First Nations children and families.
- INAC's First Nations Child and Family Services program supports culturally appropriate prevention and protection services to create a more secure and stable family environment for First Nations children living on reserve.
- INAC is committed to working in partnership with the Province of Alberta to strengthen relationships, improve collaboration to achieve better outcomes for First Nations children and families.

If pressed on jurisdiction over Child and Family Services:

- Child welfare is an area of provincial jurisdiction. INAC funds 18 Delegated First Nations Agencies (DFNA) to deliver services to families in accordance with provincial legislation and standards.

BACKGROUND

A review of Alberta's child intervention system by a panel of specialists was called in July 2009 to determine whether the supports provided to at-risk children and families by Children and Youth Services are keeping pace with leading practice and the impacts of population growth, demographic shifts and societal changes.

Over the course of a year, the panel met with key individuals and groups, invited a range of stakeholders and experts to make presentations to a symposium held in March 2010, and reviewed 1,800 responses from Albertans to an online survey.

In Alberta, INAC funds 18 Delegated First Nations Agencies (DFNA) to deliver services to families living on reserve as per the Child, Youth and Family Enhancement Act. While the DFNAs participated in the compilation of this review, the figure that 64 percent of Aboriginal children make up the child intervention caseload is comprised of those living on and off reserve. It is therefore not known at this time to what extent the recommendations will impact how intervention services will be delivered to on-reserve children and families.

The panel's 14 recommendations are set out in four themes: services for Aboriginal Albertans, quality assurance, capacity to implement change, and governance.

In terms of Services for Aboriginal Albertans, the Panel recommends changes that will give Aboriginals more responsibility and authority over child intervention services so that these services are more adaptable to their needs. The panel had four recommendations specific to Aboriginals:

1. Establish a senior executive position at the Assistant Deputy Minister level tasked with enhancing the capacity and cultural competency of the child intervention system to serve Aboriginal children and families. PROVINCE ACCEPTED
2. Establish an ongoing, formal, tripartite process to collaboratively address inequity for First Nations people in the child intervention system. PROVINCE ACCEPTED
3. Enhance capacity for Aboriginal-led agencies to provide services for Aboriginal people in off-reserve communities. As capacity is built over time, enable Aboriginal-led agencies to provide a greater range of child intervention services to Aboriginal children and families off-reserve. PROVINCE ACCEPTED

14

14(a)

21(1)(c)

Read the news release

Report of the Child Intervention Review Panel

Government of Alberta Response document

DESIGNATED SPOKESPERSONS

Media Relations (or Regional Office)	Indian and Northern Affairs Canada
PRIMARY HQ CONTACT	PRIMARY SPOKESPERSON
Media Inquiries Line	Glenn Luff, Director, Communications
Media Relations	INAC Alberta
(819) 953-1160	(780) 495-6638

Prepared by: Chantal Patenaude, INAC Alberta Communications 780-495-2840

Approved by:
 Alberta Region
 Glenn Luff, Director, INAC Alberta Communications
 Jim Sisson, A/RDG, INAC Alberta Region

HQ APPROVALS:
 (Angela Matchim) A/Team Manager
 (Shirley Ann Off) A/Director, Client Services,
 (Mary Quinn) DG Social Programs and Policy
 (Christine Cram) Assistant Deputy Minister
 (Maryse Pesant) DG Communications
 (Michael Wernick) Deputy Minister
 (Michelle Yao) Minister's Office